

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, AUGUST 15, 2011, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 8:08 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Bryant, Granger, Howle, Ketels, McConaghy, Sucher
Absent: None

Also Present: City Administrator Fincham
City Attorney Don Berschback
City Attorney Chip Berschback
City Clerk Hathaway

THE MEETING WAS THEREUPON OPENED AT 8:09 P.M. FOR A ZONING BOARD OF APPEAL HEARING UNDER THE PROVISIONS OF CHAPTER 50, SECTION 50-181 OF THE 2007 CITY CODE TO HEAR THE APPEAL OF DARLENE MUNROE FOR BOHN TRUST/BLACKSTAR, 25081 S. MAGDALENA, HARRISON TWP., MICHIGAN 48045, WHO IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR 29807 MACK AVENUE, GROSSE POINTE WOODS, AND REQUEST A USE INTERPRETATION. THE PERMIT WAS DENIED DUE TO NONCOMPLIANCE WITH SECTION 50-149(B) OF THE 2007 CITY CODE. THE PETITIONER IS THEREFORE REQUESTING AN INTERPRETATION OF SECTION 50-370(7) PERMITTED USES AS A MISCELLANEOUS BUSINESS ESTABLISHMENT. A VARIANCE IS THEREFORE REQUIRED.

Motion by Granger, seconded by Bryant, that, for purposes of the Zoning Board of Appeal hearing, the following items be received and placed on file:

1. Letter 07/25/11 – D. Munroe, Trustee
2. Application to the Zoning Board of Appeals 07/25/11
3. Business License Application 07/19/11
4. Letter 07/08/11 – R. Andary
5. Proposal: Proposed Use of 19807 Mack Avenue
6. New Business: Building Department Zoning Determination 07/19/11
7. Letter 08/10/11 w/attachment – City Attorney
8. Memo 08/09/11 - Building Official
9. Memo 07/29/11 – Director of Public Services
10. Letter 08/01/11 – S. Rabaut
11. Affidavits of Legal Publication (2) 07/28/11
12. Affidavit of Property Owners Notified 07/27/11
13. Aerial View 07/28/11

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher

No: None
Absent: None

City Attorney Chip Berschback provided an overview.

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. The following individuals were heard:

Darlene Munroe, Trust
25081 S. Magdalena
Harrison Twp.

Tom Robinson
Blackstar Construction Inc.
34070 Jefferson
St. Clair Shores

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. The following individuals were heard:

George Koueiter
Koueiter Jewelers
19 Mack

Mike O'Brien
Pointes Glass
19807 Mack

Motion by Granger, seconded by Howle, that the public hearing BE CLOSED at 8:23 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Ketels, regarding Zoning Board of Appeal: Use Interpretation, Darlene Munroe for Bohn Trust/Blackstar, 19807 Mack, that the Zoning Board of Appeals

Deny based upon interpretation that this is not a permitted use. Sec. ____ the intent of the subsection . . .

- 1.
- 2.
- 3.

Mc/Bry Substitute motion

Delay until GT be available and provide Mr. Robinson an opportunity to test the equipment in the presence of GT w/respect to the decipal levels and Mr. Koueiter.

Substitute Motion failed by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Primary motion to deny
Passed

Gr/Ket
Immediately cert

Allow based upon interpretation this is a permitted use.

Motion by, seconded by, that tonight's meeting minutes be immediately certified.

Motion carried by the following vote:

Yes:	Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No:	None
Absent:	None

Motion by Bry, seconded by Ket, to adjourn tonight's meeting at 9:12 p.m. PASSED
UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk