

**BUILDING/PROPERTY MAINTENANCE BOARD OF APPEALS  
MEETING HELD IN THE COMMUNITY DEVELOPMENT CONFERENCE ROOM,  
TUESDAY, FEBRUARY 9, 2021 AT 4:00 P.M.**

**PRESENT**

Chris Vitale  
Dennis DeWulf  
Mark Moffitt  
Christopher Rayes  
Shantelle Hubbard, Recorder

**ABSENT**

**ALSO, PRESENT**

Annemarie Switchulis, petitioner, 22588 Ardmore  
Carlo Romita, contractor,  
Shawn Lily, 22913 Ardmore  
Mike Skinner, 23012 Ardmore Park,  
Kristy Ciuchna, 23026 Ardmore Park  
Jen McKelvey, 22582 Ardmore  
Joshua Sands, Broadco Property Restoration, petitioner, 22305 O'Connor  
Joe Regal, property manager, 22305 O'Connor

DeWulf called the meeting to order at 4:02 p.m. (ZOOM)

**Case No. PBBA210002: Request to use a material other than brick on a new construction at 22588 Ardmore Park. (Ordinance 22.012, Sec. 25-12)**

Annemarie Switchulis, 22588 Ardmore Park, she would like to request a variance for Premium siding and stone on the new construction at this address. She mentioned that her contractor Carlo Romita will be able to answer questions regarding the materials. The materials on the new construction is consistent with the new homes already existing on Ardmore Park. DeWulf asked the petitioner as to what type of materials will they be using.

Carlo Romita, general contractor, stated that they will be using Old Caster products. It will be a full stone. The stone will be 3 ½' deep. It comes in various sizes from 7" to 14 ½". It will need a brick ledge. It is a lick and stick product with mortar behind it. It will be grouted or not grouted with that product. Depending upon the grade, they can have it up from 2' to 6'. The front facade that is around the garage will be stoned as well. There are three windows in the front of the garage that will have stone around it. DeWulf stated that the contractor mentioned two products he would like to know where he will be putting the lick and stick. Mr. Romita responded that the lick and stick will be at the bottom of the home all the way around. He can use a full stone or a split face. The options will be what the city will approve for them. He is running a brick ledge all the way around the home.

Moffitt asked about the siding material. It is a Certainteed vinyl either 7" or 8" and it will be .048 thick and it will have full backer to it. It will be horizontal and vertical.

**Audience Participation:** Shawn Lily, 22913 Ardmore, stated that when people request these types of deviations from the ordinance, he would hope they would take a lot of people into account that are affected by the deviation of the ordinance. He lives across the street of where the home will be built. He is a longtime resident. He participated in the Zoning Board meeting where a lot of the comments from the residents were never taken into account. They have a nice community and a nice street. They enjoy the beautiful view of the lake. On the street there are two homes. There is one house that is a big foot that is down by the park which was built many years ago. There was a lot of litigation. Big foot is described as being a large home. He is surprised there isn't an ordinance in St. Clair Shores to define where people can have these big foot homes. These are huge homes being built on small properties. There have been many people that have expressed their views to the boards which they look to the board to help protect. They have been ignored. They have homes that do not match the rest of the neighborhood and now this home will not match the neighborhood. These types of homes are off of Jefferson which they have direct view of the lake. They are not protecting the interest of the residents of Ardmore.

DeWulf stated that he understands his concern it is a large home. The petition today is only for the materials that will be used. This board has no jurisdiction as to where a large home can be built. The petition is for a variance from the brick ordinance.

Shawn Lilly stated what he has heard from the contractor they are looking for multiple options in terms of brick and siding being horizontal or vertical. He heard from the Zoning board that there are multiple plans floating around with different configurations. It seems unclear and they have had experiences of multiple plans depending on the situation. They were self-motivated by the distributing different plans. They were not given proper notification.

Mr. Rayes stated that the notification is based on the ordinance requirement. For the Zoning board meeting the notifications are sent to homes within 500 feet. And he believes that for this board it would be the adjacent neighbors to the property. DeWulf asked if this is a ZBA issue. Rayes stated that they had a three-hour meeting discussing the variances for this house. As to the results there were some variances removed by the petitioner, some approved and one tabled to the next meeting. DeWulf asked if the ZBA said it was ok for a house to go where it is and as large as it is. Rayes stated that they had nothing to do with the size. The major issue was the garage projection in front of the house.

Shawn Lilly stated that the City of Birmingham ran into the same issue where their streets were being destroyed by some of the neighbors building big foot homes. They had to put in effect some litigation to prevent further big homes being erected. They don't recognize the damage these things of this nature do. The façade and size not matching the neighborhoods. It is so destructive.

Mike Skinner, 23012 Ardmore Park, stated that the new home at 22588 Ardmore is being built in an existing neighborhood where vast amount of the homes are brick or brick veneer. They moved in 1999 they replaced a home with a new structure and they followed all of the codes and neighborhood association rules and regulations. One of the reasons was to maintain the look of the neighborhood. He wants the minutes to note that his wife Sandra Skinner also resides at 23012 Ardmore Park. She brought up the brick veneer ordinance during the Zoning

Board meeting and no one responded or commented on this issue during the meeting. She was directed to discuss this issue with Shantelle at City hall. Was anyone aware of the meeting at that time? Why was it not communicated to Sandra or anyone during the February 4th Zoning Board meeting?

Sandra Skinner was not informed about this meeting. She was informed by a neighbor who pulled up the agenda which was posted on the website on January 28<sup>th</sup>. The communication on these types of meetings is critical for the performance and to assure all people that are impacted or participate are informed. Why was she not informed of that meeting? She said no one answered her question. She was told to go to City hall and talk to Shantelle. Did anyone at the ZBA meeting on the Feb. 4<sup>th</sup> know of the meeting. Mr. Rayes stated that he knew of a meeting but did not know for sure when that is. This is why he said to contact Shantelle for the correct information. Sandra Skinner asked Mr. Rayes as to how many feet away from this address will people be informed. Mr. Rayes stated that he will look it up. She said that she sent Mr. Rayes an email for him to read before the board makes a vote.

Liz is with the DeBates household she lives close to this house. She is disappointed about the city's way of handling this. The way they found out about this meeting is that they went online and did research. She thinks the city is being sneaky about this, she is not sure if that was their intention but everyone needs to be informed. This is something very serious.

Kristy Ciuchna, 23026 Ardmore Park, she stated that Sandra Skinner sent an email regarding exterior only. Her understanding is that this meeting is for the exterior only correct? DeWulf stated "yes". Was this board privy to the email that Sandra Skinner sent. Mr. Rayes stated that he is waiting to read the email to the board. She said that it is a very lengthy description of the approvals from the St. Clair Shores board and approved variance of exteriors on the street. She saw a few people drive down the street she was hoping that they were on the board today or in this meeting to see what is contiguous and what is standing out. This does not conform to this street. The problem that she has with this meeting is that it does not only affect the two abutting neighbors. It affects the entire street. This is an association that is involved with 82 households. This is approved conformity this is what makes their street awesome. The variance and approvals just in the last year are not conducive to their street. There is a continuity of materials on this street. There has to be an equilibrium. The builder said it is a mixture of stone and siding. What is the stone and what is the siding? They don't know what they are proposing. How are they going to approve something if they don't see the materials at hand? She thinks St. Clair Shores owes it to their street to at least show us what the materials are.

DeWulf stated that the stone material is what they are trying to figure out.

Kristy Cicuhna, 23026 Ardmore Park, stated that when they approved culture stone at the house next to the Lily's house, they approve stone that is non-residential material. It is an eyesore for their street. They do not want another one of those. It is embarrassing. She would like to decide how will this look in terms for the whole street in a continuous street association. They need more information before they can decide as a group

**Correspondence:** Email read by Mr. Rayes from Sandra Skinner from Feb. 8<sup>th</sup>.

*“Objection to granting variance to Ordinance 22.012 section 25.12 requested at 22588 Ardmore Park.*

*I. More than (2/3) of the homes on Ardmore Park Drive are at least fifty-percent (50%) brick on all sides.*

*II. Homes should reflect the family nature or traditions set forth on the Saint Clair Shores Master plan. Great majority are BRICK bungalows, ranches, and colonials which are nearer in size to the traditional neighborhoods found in the interior of the city.*

*III. Infill housing should not detract from nature of Ardmore Park Drive - see attached which stands out as an eyesore surrounded by brick homes. Visitors often comment about the “castle” and make comments about a moat due to the stone facing in the midst of a myriad of brick homes.*

*IV. Two-story structures having all sides of the building with a full brick veneer finished to a minimum height of the floor joist of the second floor can be aesthetically and architectural pleasing. The use of accent materials (e.g., wood, stone, siding) not to exceed thirty-percent (30%) of each façade would be agreeable and appealing.*

*V. Builder appeared not to be aware of zoning codes and ordinance in his last appearance at a zoning meeting when he asked the ZAB questions about codes that were different than Rochester Hills - which implies there is not an attempt to comply during the design process. Reference notes from Case No. 08-2021 heard by Zoning Board of Appeals on 2/4/2021.*

*VI. Notification of this appeal may not have been posted in a timely manner for neighborhood comment/participation - please verify. If so, it should be tabled until proper notification can be had. By Sandra Skinner at 23012 Ardmore Park Drive.”*

Jen McKelvey, 22582 Ardmore, she did not receive a notice of this meeting. She was alerted by the neighbor. She felt that they were ignored at the last meeting.

Kristy Ciuchna, 23026 Ardmore, considering the fact the adjoining neighbor were not even privy to the materials being requested for the variance could we see what the proposed materials are. So, they can see if it is conducive to the esthetics of their street. Where are the actual materials that are being considered.

A resident stated that what he heard from the contractor was very undefined in regards to what they are for the facade. Horizontal versus vertical siding. Before the board would vote on this they would request something a little more definitive. It sounds like they are looking for an open approval. Many of the residents have seen in the past where the things were loosely approved and they would take advantage of it. People have already mentioned that they have two homes one looks like a bank and the other one looks like a mortuary from the back. It doesn't match the rest of the neighborhood. It distracts from the neighborhood as well as the property value of the home. He is hoping that the board will take a lot of this in consideration.

DeWulf asked Mr. Rayes if he can ask the petitioner to submit samples of materials to be proposed so people can come in and see the materials and a full-size set of plans. He can understand their concerns. He suggests to table this. They are under obligation to consider the ordinance as to what is required. If we did not have such a large turnout, we may have seen it differently. There are legitimate concerns here and he is familiar with Ardmore Park with it being a brick street. And believes that we should seriously consider the brick then they have in past petitions where they allowed stone to be used. They have not very often allowed vinyl

siding to be used. They prefer a little more substantial than the vinyl. He would like to table so the neighbors can see the plans and the actual materials that they proposed.

Ms. Switchulis stated that they were prepared to have the materials but with the zoom she was told to have the specifications of the materials being used. They are doing vertical and horizontal. They have submitted multiple size plans to the city.

Mr. Romita, contractor, will have the materials at City Hall so the residents can see them. Mr. Romita told Mr. Rayes that the changes have been made on the plans including the height so he will have the plans there by Friday. The materials are not cheap they are up to date and very technology savvy.

DeWulf asked Mr. Romita if he can be prepared to discuss or consider other materials besides vinyl siding. He said that they have approved hardy board hardy plank siding this is more substantial siding it is more stable in our environment. And fire resistance, mold resistance and bug resistance. They have been opposed to vinyl siding. Mr. Romita stated that he can get that done. And to make sure the neighbors can see what they are proposing. DeWulf stated that this can be tabled.

Mr. Rayes stated that he would like the plans to be accurate. When they are available, he will advise the board members and homeowner to come down and take a look at them. Mr. Romita asked Mr. Rayes if he wants him to have the exterior of the home already changed to another product and then sent to him. He said the plans with the correct height and an exterior layout so we can get all of the answers at one time so we are on the same page. Mr. Romita stated that the plans that were revised were turned into the city. Mr. Rayes stated that he needs one set of plans with the revisions. He will have the plans by Friday.

Vitale stated to the residents on the street that the other two homes that they are referred to that he voted no on those homes on multiple occasions. Vitale asked Mr. Rayes did this home get the variance for the projected garage. Mr. Rayes stated "yes". Vitale is prepared to vote no on this right now. He does not think there is a place here for vinyl siding or a place here for lick and stick stone. He will vote no on tabling this. If they are going to build a house like this on this street they can afford to come up to the level of materials. He is not going to hold the builder that is building entry level homes to a higher standard that he is going to hold to this house here.

DeWulf asked Mr. Rayes if there are revisions. They are revising the height so they don't have to go to ZBA. The interior has nothing to do with us.

Mike Skinner stated that last year after the owners purchased this property and after the plans were drawn up there was a new ordinance that was passed that brick veneer was required in an area where two-thirds of the block had brick. Why does the city pass the ordinances if they are not going to follow them? Why is there a discussion if the city passes an ordinance and then ignore it or make other decisions?

DeWulf stated that there is always a variance process and they are here for only exterior materials and if the materials being proposed acceptable or not acceptable. We are asking to table this so we as the commissioners can look close at it so they can make a final decision. They do have a variance process that everyone is entitled to.

**Rayes made a motion, supported by DeWulf, to table the variance to use a material other than brick on a new construction until the next meeting.**

**AYES: RAYES, DEWULF, MOFFITT**

**NAYES: VITALE**

**ABSENT: NONE**

**MOTION: PASSED**

Mr. Romita asked how much time will the residents go to the city to view the materials. DeWulf stated that they will have about a week to 10 days. Mr. Rayes stated that they will have to reschedule the meeting anyways.

**Case No. PBBA210003: Request to use wood for decking and railings on a building at 22305 O'Connor. (*Ordinance 22.012, Sec. 25-12*)**

Joshua Sands, Broadco Property Restoration, and Joe Regal, the property manager, the board is not used to seeing these types of plans considering it is multi-family. They have plans to replace tubular square steel balcony on a multi-family residence. The plans call for the use of treated lumber as the structure. Right now, it is square steel with concrete slab as a walkway. They are going with wolmanized structure with trek composite decking and trek railings with aluminum spindles. It was denied because they are trying to use wood. The framing would be treated lumber.

Vitale questioned as to what if there was a fire. With all of the trek decking and it melts. What happens to the people on the second floor, they have to jump through the melted plastic? He would vote "no". He does not think this is legal.

Moffitt asked if we can get the opinion from the city. Rayes stated that he is in the agreement with Vitale. In his application he stated that it is a relatively recent acquisition and it is a financial burden. And it would be a safety hazard.

DeWulf stated that the building code will not allow this. This is a type 5 construction.

Joe Regal, Blue Star management, he is on the line. He is here for the Broadco Property. He stated that a board member said that this should have been considered when the unit was purchased. Everything passed in regards to that. The city came out and tagged the upper deck as being unsafe. Why was it not tagged before nothing has changed in regards to that? It is no different now than when the deck was up there when they purchased it. Vitale asked Rayes if this is the results of the rental inspection. Are there any photographs that show the issue?

Vitale wants to know what put it over the line for requiring the replacement.

Rayes stated that they received final notice for their inspection and this item was written up and it states "replace rusted metal balcony or have a structural engineer evaluate and outline the repairs." They did not condemn this entirety. They are leaving it to an engineer to determine if it needs to be repaired or replaced.

Vitale said that it seems like it is a rusted railing not the deck itself. There are no pictures on it. He would think that the concrete slab would be a lot more expensive than the railings.

Rayes stated either they did not respond if they had an engineer look at it or they made the determination to replace it. Josh of Broadco stated that the property management did have Innovated Design Consultants out to do a structural investigation of the balcony. They deemed it to be issues with the actual slab itself at the railings and edges. Blaming it on salt disperse over the slabs. There are cracks underneath. What it came down to is that the decking needs to be replaced.

Vitale asked how long since the last rental inspection. The Innovation Design Consultants inspection was dated April 2019. When did the rental inspector tag this? The last rental inspection was 7-24-19. Vitale stated that in March that same year the structural engineer said that it needed to be replaced. They applied for a permit in July 2019, which was 18 months ago.

Vitale stated that it looks like the engineer inspection was done before the city's rental inspection. Josh stated that the rental inspection was January 22, 2019 before the engineer's inspection.

Rayes asked when did they purchase the property? Joe stated that he would have to look that information up.

Vitale stated that it has been 18 months. He would like to have the fire department's input on this. Vitale stated the best thing to do is to table this.

Moffitt asked Mr. Rayes what would be acceptable for them to submit. Rayes stated they can probably do a steel grate. He is in an agreement with Vitale to table this so they can get the information.

Vitale stated that he would like the fire inspection to be done before coming back to the board.

**Vitale made a motion, supported by Moffitt, to table the variance to use wood for decking and railings on a building.**

**AYES: MOFFITT, VITALE, RAYES**

**NAYES: NONE**

**ABSENT: NONE**

**MOTION: PASSED**

**AUDIENCE PARTICIPATION: NONE**

**APPROVAL OF BUILDING/PROPERTY MAINTENANCE BOARD OF APPEALS MEETING MINUTES OF JANUARY 12, 2021.**

**Moffitt made a motion, supported by Vitale, to approve the minutes from January 12, 2021.**

**AYES: ALL**

**NAYES: NONE  
ABSENT: NONE  
MOTION: PASSED**

**ADJOURNMENT**

**Raves made a motion, supported by Moffitt, to adjourn at 5:16 p.m.**

**AYES: ALL  
NAYES: NONE  
ABSENT: NONE  
MOTION: PASSED**