

**SPECIAL MEETING
BUILDING/PROPERTY MAINTENANCE BOARD OF APPEALS
MEETING HELD IN THE COMMUNITY DEVELOPMENT CONFERENCE ROOM,
TUESDAY, JUNE 30, 2021 AT 4:00 P.M.**

PRESENT

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

ABSENT

ALSO, PRESENT

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

DeWulf stated to the audience that the case being presented tonight was heard back on the previous meeting. We are not here to discuss the footprint of the proposed home or the site requirements. We are only here to discuss the exterior materials proposed for the use on that house.

DeWulf stated that the last time we met we saw samples of the brick they want to use. We have a statement from the petitioner. Statement reads as *“Based on the architectural design they would like to put calcium silicate brick used in full bed masonry construction for both interior and exterior application, as well as hardy board instead of vinyl. This would confirm with some of the newer builds on the street. Straying from these materials would jeopardize the integrity of the coastal architectural design.”*

DeWulf stated that everyone saw the samples last time. His opinion it is a very good brick that they proposing to use. He would like to encourage our petitioners to be prudent when it is time to vote. We prefer not to get involved with vinyl siding. They are willing to use hardy board siding which is a cement fiber wood look material. It is more durable than wood and vinyl.

**CASE NO. PBBA210005: REQUEST TO USE HARDY BOARD AND CALCIUM SILICATE BRICK FOR A NEW CONSTRUCTION AT 22588 ARDMORE. (Ordinance 22.012, Sec.25-12)
(Tabled from June 8, 2021)**

Rayes asked if the petitioner would like to say before we move to the next phase. Petitioner responded “no”.

The board received two petitions from the members of the neighborhood and the subsiding recreation of the record.

Audience Participation: Mr. Beaver, 23017 Ardmore, concerning the brick it is basically a

sand line brick it is not a clay kilned brick it is porous, no integrity, no durability and it is used in a lot of commercial uses. It is low cost. It is not even a brick. He respects DeWulf opinions.

DeWulf stated that it is high compression material much more than clay brick. It is a very good product.

Gerald Warnack, 22530 Ardmore Park, he is confused that the board would support this product. The ordinance requires brick construction where 2/3 or more of the homes on the block are at least 50% brick. Brick is defined as a molded rectangular block of 4" clay baked until hard and used in construction stack on each other and secured with mortar. He would hope that the board enforce these ordinances that have been inaccurate. In requesting a variance, the individuals must show some form of hardship. He wants to know the hardship is and whether or not the hardship is self-imposed.

DeWulf and Mr. Warnack disagree with each other about what a brick is. He agrees that there is no hardship. Mr. Warnack stated that the ordinance states a hardship is required.

DeWulf asked Rayes if a hardship is required.

Rayes stated not in this ordinance and the pack that was distributed they quoted the Zoning Board of Appeals section which is a different board. We are building property maintenance board but not the Zoning Board of Appeals. And a lot of the language in this packet quotes Zoning Board of Appeals which applies hardship differently than it does for this board. There is no definition for this board that we must find a hardship. There is a whole different standard for the Zoning Board of Appeals. This is the Zoning Board of Appeals not this board. There is some arguing going on because people are mixing and matching different parts of the ordinance to make their argument.

Vitale stated that we have as a practice we have often used hardship.

Rayes stated "no" we don't have the definition that they are referring to as the Zoning Board of Appeals as a requirement for this board.

Rayes stated that they are not using hardship as a deciding factor.

Liz Joseph, 22600 Ardmore, she lives two doors away from the proposed home with the brick. She moved on the street which has a lot of old homes but it is a nice street. And we are here because we want to keep a nice street. that is why they believe that the city council approved the ordinance back a year ago. The residents of Ardmore put a petition together and they did the best they could in researching the ordinance. This is signed by 20 people. The 20 people live in close proximity of the home. The street is 80 houses long. The two homes that already exist that is 2 ½ percent so if we open the door to more homes like this then the ordinance has failed. If this is such an important hardship for a variance request, she would think that the petitioners should be here.

DeWulf stated that there is a representative for the Switchulis.

Vincenzo Pizzo, 22411 Ardmore, he did not see this petition until yesterday. He did not see the materials from the last meeting. We cannot go back in time. There are two other houses that were built with hardy board, four feet of not brick peel and stick looking like stone veneer. That was allowed then why not now. Some of these residents want to fight against this house why not go against the other houses that were 3 or 4 years ago. If they got what they wanted to build why not this house. If he had to see the brick veneer or vinyl siding, he knows the city ordinance is brick based on the percentage of the street and vinyl siding the rest of the house or the back of the house. If they allow the variances then let it happen. There are people on the street that have vinyl siding on the second floor. He is fine with the siding. The street is complaining because it is a footprint issue so they wanted to stop everything else. In his opinion let them move forward and let them build their house. There is one more house being built on the street are we talking about that house too. Are the members on the street giving this other house issues with the variances? He votes for him too to let him do what he wants to do.

Sean Migliore, 22533 Ardmore, he agrees with Mr. Pizzo said about the stone and everything it is a new change. St. Clair Shores needs to adjust to these new houses being built. There are 1950 homes most are ranches on this street. There are houses that belong in Warren, Shelby Township and Sterling Heights. These new houses have a new look for St. Clair Shores especially on the water. He is in support of this variance.

Karen Meldrum, 23017 Ardmore, they are one of the houses that have the stone on the bottom. They did petition the boards that allowed us. They compromised the entire based of the front of the house is all stone. The original design was the four feet but they agreed to put stone on the entire base of the house to maintain that portion of the requirements.

Bob Hendrix, 23000 Ardmore, many case studies about the material. There are a lot of problems. There is historical analysis of the construction.

Variances granted to neighboring properties should not justify a variance.

Liz Joseph, 22600 Ardmore, since only the nearby restriction. They live further down the street. Her interest is the whole street.

Larry Beaver, 23017 Ardmore, they are a team and they invest in the city. They respect the city and appreciate what they do. They have been at council meetings that lasted until 9:30. They pay their taxes all they want us to do is live up to the contract that they have with us and uphold the ordinance so they can secure their investment. Let's be a team.

Raymond Blashill, 22419 Ardmore, he recognized that there has to be a minimum standard in terms of materials, design and construction. He has lived there for 27 years and he has seen positive changes that have occur down this street and a variety of designs, elevations and materials. As long as the minimum requirements are met in terms of the standards that the city deals with and as long as the house is esthetically pleasing and complimentary to the rest of the neighborhood. This speaks highly of what has been done in terms of approving variances in the past. He looked at the drawings that he has seen in regards to this house and what they are trying to do in terms of satisfying those requirements but also in difference to the rest of the residents on the street. And he applauds the petitioners as what they are doing because esthetically, he believes that this is an enhancement on the street and not detrimental at all.

Frank Garnatz, 21526 Maple, he will be building here shortly on Ardmore. They updated the architectural features when they go to build a new house. They do not want a 1955 look. The city recognizes that and they changed the ordinance last year and they had 70/30 percent of accommodations for the materials. Mrs. Beaver mentioned that they compromised and they petition also but she did mention that they compromised on the front and they wanted the same look that they could not get. But now the ordinance states that they can go 70/30 percent. So, they don't have to do that. The city recognizing the trend of new builders of the buildings coming in here it just enhances the neighborhood. It is a beautiful street. He feels bad for the Switchulis that they had to be here 3 times trying to get this approved. He said that it is a beautiful house he was going to build a craftsman style home because he has owned this lot for 4 to 5 years but someone beat him to it and built one across the street. He didn't want to do it otherwise he would be here petitioning the board. It is all good he is not sure why they are fighting about it or complaining about it. Some people won't like it and some people will. People should worry about their own properties and not someone else's. He said that they are going to use quality materials with an A-1 builder so he does not see a problem.

DeWulf stated that it is a beautiful street however they have in the past given variances for design considerations where some of us felt that the brick up to the top joist is too much brick where a house would be better served as a different style opposed to all brick. These homes are better because of the variances that were granted. They didn't discourage the brick and they did a lot stone. There are some appearance issues that they don't support but they have the ability to negotiate sometimes with the petitioners to come up with a different solution to better the community. These two homes that we have pictures of are examples of that compromised attitude that the owners have and what we have. They did not approve every variance that comes before the board. They hardly use the word hardship but they have.

The petitioner does not have anything to add to this.

Vitale stated he wants to correct some historical inaccuracies. He was part of the subcommittee that redesigned the brick ordinance of 2020 that was something he initiated. The reason being that was not to say that they needed more modern building materials in St. Clair Shores. It was due to the fact that they had an all-brick ordinance and they were imposing that in neighborhoods that were all framed homes. As a result, they were getting lower quality homes in those neighborhoods. They relaxed that requirement. There has been a lot of times deliberating we did not want an all-brick street which they have spent multiple meetings about this. It has to be 600 ft from the subject property or two-thirds of the block to the end of the particular street. The idea was to observe brick areas. Because of a lot of the design of the homes was mid-century modern homes that has something to do with the materials and that we need different materials. If they go to some neighborhoods where they have half a million or a million-dollar homes there not built majority of hardy board. Some find a way to make it work with all brick. He just wanted to correct those two statements that were made he was part of that. He was part of determining the 70/30 split that was to allow an accent material. This home that is proposed is not using an accent material it is the majority of the home.

Moffitt stated this is the place to come for this ordinance it's been thought about and researched for 30 years since living in this city. They have talked about it. He does a lot of work for a lot of different neighborhoods seeing all of the different materials that are out there. This is one of the

biggest things is the innovation that is going on in the building industry of houses and the longevity of some of the material. This board can look at this material to find something that is going to last long and keep the values high in every area. In his opinion he likes to see different style of houses. There are other areas that are developing pretty quick that are just as old as us and improving and a lot of the improvements are materials that we are seeing today. This board can look at it and wish we have a couple more that are experience in the building industry and move that experience forward. His opinion this is the place to come, he knows that they got kind of confused with the ZBA and this board with some of the ordinances but he thinks that this is the perfect spot to look at materials out there. Years ago, they had to go with a hard material. The ordinance years ago was not based on brick it was just fix the house up and put anything but the quality was not there for the other houses. That it was a hard line of putting brick and knowing that there is going to be materials coming out so we do have a board looking at this. This board now especially over the last 4 to 5 years been running into situations that we have here today that we can look at different materials to see if it is going to last a long time. He thinks that it was the goal of it and we tried to tune it a little bit to make a little bit easier for people to re-adjust and normally they are and once in a while there is a different design that needs go in front of a board like this. His opinion is that this is a perfect spot for it for us to look at this material to make sure it lasts a long time to keep the quality of the neighborhoods. I don't think any of us would sit here and say I love to have that house or that house right next to me. Because this would add the value to the houses around them.

Rayes stated that this is at least the third house of this block. And some of the petitioners that spoke today were here about seven years ago and the opposite side of the issue. Now they are telling the board that the board's decision today would devalue the property the very thing that they asked for and got approved for. He thinks that the inconsistency is disconcerting to him are we complaining that they don't like the issue or that we don't like the people? And he would like more facts about things and not just we are for or against projects on the block. He has not heard anything that really causes concern about the decisions that the board has made in the past in terms of value or damaging the neighborhood per say. With that he thinks that we should just move forward how we have done in the past and base it on our best decision.

Vitale stated esthetics were a concern it wasn't about the durability when we discuss the revision of the ordinance. He will say that he does not understand why we draw an arbitrary line at three feet up which brick is appropriate which it is not. And for some reason that there this magical three-foot trailer skirting that we are doing on all of these new houses that we decided that it enough brick It is not that we don't want brick we don't want brick to the gables but we will create this style that really doesn't look like anything except a mobile home. And that is not a postal style that just a way not to have to put brick on. The other homes on the street he voted against those too. This is a repeated pattern that reminds me of casino gambling where the petitioner claims a hardship that he had to come here three times. No, he didn't. It's just he didn't like the answer he got the first couple times or he didn't like the number of people here involved so he keeps coming here until he gets the answer he wants. That is another reason why he will vote "no".

DeWulf stated that he does not dislike the brick material. He does not dislike the hardy plank siding material but he does think there is no hardship. the hiding the material He will vote for the white brick to go up to the top of the first floor as far as elevations are concerned. He believes that there should be a hardship when discussing the variance. He has gone against

that ruling in the past because he sees the benefit of the architectural character on a home, the architectural character on a building of any kind and it does not require brick to get that character of any kind.

Vitale stated that if DeWulf is willing to require masonry to the top of the first floor he is for that.

DeWulf stated that he just stated his opinion.

Audience Participation:

DeWulf made a motion, supported by Vitale, to require the brick treatment to go up to the top of the first floor and to acknowledge that the owner is planning to use hardy plank siding above that for a new construction at 22588 Ardmore.

**AYES: DEWULF, VITALE
NAYES: RAYES, MOFFITT
ABSENT: NONE
MOTION: FAILED**

Moffitt made a motion, supported by Rayes, request to use hardy board and calcium silicate brick for a new construction at 22588 Ardmore.

**AYES: MOFFITT, RAYES, DEWULF
NAYES: VITALE
ABSENT: NONE
MOTION: PASSED**

Audience Participation:

ADJOURNMENT

Rayes made a motion, supported by Moffitt, to adjourn at 4:38 p.m.

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