

**BUILDING/PROPERTY MAINTENANCE BOARD OF APPEALS
MEETING HELD IN THE COMMUNITY DEVELOPMENT CONFERENCE ROOM,
TUESDAY, AUGUST 10, 2021 AT 4:00 P.M.**

PRESENT

Chris Vitale
Dennis DeWulf
Matt Coppler, City Manager
Shantelle Hubbard, Recorder

ABSENT

Christopher Rayes, Excused
Mark Moffitt, Excused
Gerard Skowronski

ALSO, PRESENT

Ralph Lundstedt, 22105 Statler, petitioner
Jeff & Mihaela Mazzenga, 22651 Manor, petitioners
Billy Howe, 22601 Chapoton, petitioner
Nick, Mando Construction, 33930 Jefferson, petitioner
Liz Joseph, 22600 Ardmore, resident
Sandra Skinner, 23012 Ardmore, resident

DeWulf called the meeting to order at 4:17 p.m.

DeWulf stated to the petitioner that they will need three votes in favor of his request to be approved or he can table it until the next meeting where they may have a full board present. He wishes to proceed with the three board members.

Case No. PBBA210004: Request to use another material other than brick for a ground level deck at 22105 Statler. (Ordinance 22.012, Sec. 25-12) (Tabled from June 8, 2021)

Mr. Lundstedt, 22105 Statler, he wants to do is build a patio out of plastic pallets which will sit on top of the ground. They won't crack, break or shift and they won't rot like wood. The whole set up is 100% recyclable. He will be putting sand underneath.

Mr. Coppler asked is it flushed or above. The petitioner stated that it would be above. It will be on a sand floor.

He will be providing the proper base. He thought that he did not have to put anything underneath because of it sitting on legs and they may shift.

In the drawings they mentioned spiking. He will drill a clearance hole on each side of the pallet and put four spikes in each one and bolt them together.

Petitioner showing the board members how they will look.

He will be using 3/8" galvanized bolts with torque washers, lock washers and nuts . He will be putting wire cloth underneath to keep wildlife from burrowing underneath it. He will be putting some edging around to block it and he will spike this into the ground. He will be going to the height of 2" .

The decorativeness overtook the functionality.

Vitale made a motion, supported by DeWulf, to approve the request to the use of unconventional materials for a ground level deck at 22105 Statler.

AYES: All

NAYES: None

ABSENT: Moffitt, Rayes

MOTION: Passed

DeWulf stated to the petitioners that they will need three votes in favor of his request to be approved or they can table it until the next meeting where they may have a full board present. They wish to proceed with the three board members.

**Case No. PBBA210004: Request to use a material other than brick at 22651 Manor.
(Ordinance 22.012, Sec. 25-12)**

Jeff & Mihaela Mazzenga are present. Mr. Mazzenga stated that we designed this with an architect. Their house is brick right now. There are a lot of changes. The brick already needs a ton of work. This house was built in 1952. Mrs. Mazzenga stated they have been working on this for three years. With the amount of rework that they would need to do and being able to find and match and collaboration with John with Stucky Vitale they determined that it wasn't feasible to do it that way. If it wasn't our brick anymore which would have kind of kept the original state of the house. Sustainability is also very important to them. This isn't plastic. She has a sample of material. Shou Sugi Ban is a natural burnt wood material that is sustainable.

DeWulf asked why they are here. The neighborhood is at 21% non-brick. If it was 33% or more, they would not be here.

DeWulf stated that he saw six houses on the whole street that are not brick. Vitale stated that it is 600 feet.

DeWulf stated he likes the style of the house to him it resembles a beach front house. He likes the material that they are proposing. They wanted to use CMU which is not allowed. They would like to use

limestone which might be acceptable. And the height of it they typically would like them to the top of the first floor with brick. He would like to see it go a little higher than what they have proposed. Right now, it is at 2 feet. Visual pediment on the house.

Mrs. Mazzenga stated she understands that there on two brick homes on either side of them and then there is two full non-brick all the way to the bottom that are within two hundred feet from them. She thought that this meeting is not what the board is proposing. DeWulf stated that it is. She was told by Ms. Koto that they were here to request the material because of the percentage in the neighborhood. She said that their building plans have not been approved so they figured that the discussion of brick or other material they need on the bottom would come later. This is the approval of the 33% of the neighborhood. There are homes that have more siding than what they are proposing.

Vitale stated that he thinks it is a good idea to do brick just kind of the weather conditions. They had the house painted before and the painted brick is worse. They will be painting brick over and over.

DeWulf stated that he does not have a problem with the material his issue is the two feet high band. They cannot use concrete masonry.

Vitale stated that they are going to use limestone. CMU is a concrete block which they are using a polished face a ground face concrete block. They would have a put a sealer on it every couple year and it is hollow. Commercial buildings use CMU a lot not residential.

Mr. Mazzenga asked if it is used on commercial buildings. Why is it they can. DeWulf stated that it is what the ordinance states that they have to have brick. Brick is a clay product or it is a highly compressed stone material in a shape of a brick which they can use that product as a base.

Mr. Mazzenga stated that it is the look. Vitale asked if they are willing to do a masonry stone product.

DeWulf stated that they will let the two feet height go. He does not have a problem with the material that they have. They need something that is not CMU. They are looking for a substitute material for CMU. It can be a stone product or a solid brick product in keeping with the ordinance.

Vitale made a motion, supported by DeWulf, to approve the variance to allow Shou Sugi Ban siding as presented. Additionally, a stone or solid brick material shall be used at the base of the home as presented, not CMU or other concrete block material at 22651 Manor.

AYES: All

NAYES: None

ABSENT: Moffitt, Rayes

MOTION: Passed

DeWulf stated to the petitioner that they will need three votes in favor of his request to be approved or he can table it until the next meeting where they may have a full board present. He wishes to proceed with the three board members.

Case No. PBBA210008: Request to use vinyl siding in lieu of the brick requirement at 22601 Chapoton. (Ordinance 22.012, Sec. 25-12)

Billy C. Howe III, 22601 Chapoton, he handed out pictures to show what he is doing. The current breezeway had vinyl siding. The slab that it is on now is not level, all of the windows is not flushed, and when it rains the water comes in. He wants to knock down the front and back walls tear up the slab that is there and put in new footings and pour a new slab and build new walls. He intends to change the breezeway not the garage. He is looking to build it out of wood materials underneath the existing roof.

DeWulf asked why not brick. Petitioner stated that the brick is more than he can afford.

Vitale asked if he was using the existing windows? Petitioner stated "no" new windows. He wants to match the existing garage material. DeWulf stated that the garage looks slanted. Vitale stated to go corner to corner on the garage door opening to see if the measurements are equal. Vitale stated that sometimes it can be corrected with a turnbuckle at the back to pull it back to a square.

He might be able to match the vinyl siding he has such a small area to do maybe consider to just using an accent siding like scallop or a cedar shake accent.

Vitale made a motion, supported by DeWulf, to approve the variance to use vinyl siding in lieu of the brick requirement at 22601 Chapoton.

AYES: All

NAYES: None

ABSENT: Moffitt, Rayes

MOTION: Passed

DeWulf stated to the petitioner that they will need three votes in favor of his request to be approved or he can table it until the next meeting where they may have a full board present. He wishes to proceed with the three board members.

Case No. PBBA210009: Request to use another material in lieu of the brick requirement at 33930 Jefferson. (Ordinance 22.012, Sec. 25-12)

Nick from Mando Construction is here representing Fred and Linda Morley. He is the general contractor. They are going with an actual real stone mind from a quarry. He is showing the pictures to the board. The board and batten material are what they want to utilize as well. The board and batten material are a Masonite product and the batten on it are Azec. It is maintenance free.

He showed the board the full print of the project. Above the gable will be all stone. Going for the farm house type look.

DeWulf stated that what they are doing is beautiful. The stone that they are using is beautiful. He would prefer this than any brick material. The front entrance way it is true timber and above that will have metal roof. They will continue the materials around the back side.

DeWulf stated that they are having a problem with is above the stone line up to the top of the first floor which is the Masonite product.

The petitioner stated that they warranty their workmanship but he does not know what the warranty is on the material. The petitioner stated that Azec is plastic. He gave specifications. It is an actual Masonite. It is not a wood product.

Vitale made a motion, supported by DeWulf, to approve the variance to use stone at the bottom to the ledge line and Masonite material above that at 33930 Jefferson.

AYES: ALL

NAYES: NONE

ABSENT: MOFFITT, RAYES

MOTION: PASSED

AUDIENCE PARTICIPATION:

Liz Joseph, 22600 Ardmore and Sandra Skinner, 23012 Ardmore are present.

Liz Joseph stated that they were here at the June 30th special meeting on the behalf 22588 Ardmore brick veneer. Subsequent to the meeting the variance request was approved on June 30th. She sent an email to Mr. Vitale and Mr. Rayes asking for more information on what ordinance is followed for these appeals. It was noted Michigan building code 113. They would like this to be added into the Municode.

Is there a notification process? It is not in the Michigan building code 113. For example, many of the residents on Ardmore were not notified. Mr. Sam Gizzi was notified not her which they were within 300 feet. Is there notification process within 300 ft.? She stated that the Zoning Board of Appeals ordinance has the notification in writing. That is the one that they defaulted to because they were not aware of the Michigan Building Code 113. Should that be added to the library should the notification process be added.

Sandra Skinner stated that is not the first time that people were not notified.

Vitale stated that they normally deal with is brick porches we are not sending out letters to every person on the street telling them that someone is going to change from a wood deck to a brick porch or vice versus.

Some of the residents were not notified for the June 30th special meeting. Vitale stated that maybe it was a special meeting.

Liz Joseph stated looking at the home at 22588 Ardmore there is a 1500 sq. ft. home on one side and a 2500 sq. ft. home on the other side and here is this 4700 sq. ft. home with this brick going up in between them. This does impact the neighbors it impacts the value of their homes. It pretty much obsoletes them. Within that section code it mentions equal to or better than and the case of this brick it is a legal term equal to or better than is what this ordinance suggest. If they have known they could have argued this better or be better prepared. She asking that this Muni code library be updated to have the ordinance with the notification and a remedy. What is the remedy once they all come to this meeting, they are approved on this variance request is there a remedy afterwards like the Zoning Board has? When they are filling out the variance request it would help the city and the board if the form said "equal to or better than". She stated that it should say "what is your variance request is it equal to or better than". This goes beyond the brick veneer it goes for whatever else is handled here.

Liz Joseph stated that for the meeting minutes she could not find them on the website. This was all in the email that was sent to Mr. Rayes and Mr. Vitale. Mr. Vitale stated that the one thing that he was able to respond on is the meeting minutes. The meeting minutes are not published until they are approved. We have not even voted on the minutes from June 8th and June 30th Building/Property Maintenance Board meeting. They will be voted on them at this meeting. She said that she has tried to search for prior months. They are nowhere to be found on the website. Sandra Skinner stated that there is a place on the website that states minutes. They can download the agenda but not the minutes. Mr. Vitale asked Shantelle if they are posted on the website and she responded that they are not. But they are obtainable by FOIA. These issues are becoming more and more important.

Sandra Skinner stated that they are talking about principles and process going forward there is an opportunity and with an open meeting to the public just even the issue about the meeting minutes. Why are they not available on the website especially 2021? She can see a FOIA is practical. It would be more efficient if the minutes were on the website. This is an opportunity for improvement and cost reduction as well for the city. How would they go forward? Should they follow up in a month or so.

DeWulf stated that these are good points. Mr. Vitale stated that the mayor said that at the next city council meeting they will announce a sub-committee.

Sandra Skinner stated that if every single variance that came through here was the right kind of variance everyone would be approved. Notification and availability of the meeting minutes and the availability of what ordinance does this meeting follow. That visibility is one of the main things that they are asking here.

DeWulf stated that they will take everything into consideration and he understands that there are notification issues. He thought that we were notifying. As far as the variance process, he does not know

how much will change. They have a board that votes and makes their decisions on the facts of the matter what happens happens.

Liz Joseph that the standard is noted from Mr. Rayes that 113 says "equal to or better than". DeWulf stated that is an architectural term not a legal term.

Sandra Skinner stated to follow up on the public access to the meeting minutes. One thing that she can do is start a St. Clair Shores interested homeowner's website herself. After every Zoning Board of Appeals and Building/Property Maintenance Board of Appeals meeting she can do a FOIA and publicly post the minutes. What type of follow up do they think that they should have as far as making the minutes available to the public. Mr. Vitale stated that they are not going to decide that here. That is one of their concerns. Mr. Vitale stated if they are wondering how it got to be that way was probably because predating the idea of even having these electronically there was probably no one was interested.

Sandra Skinner said that since she started to get involved in what was happening, she learned about the developments and more about the city. Mr. Vitale stated that there was a time that the city council packets were not available now they are. Mr. Vitale stated that the meeting minutes are available in the city council packets. Sandra Skinner stated that there is a location on the website where the minutes can be available.

Sandra Skinner was asking Mr. Coppler a time frame of when the minutes will be available on the website. She will send an email to Mr. Coppler about the proposals of some of the opportunities that are on the website. Mr. Coppler stated that they have been working on getting all the minutes on the website. He would not give a timeframe as to when this will be done it could be in a week or it could be in 2022. Mr. Vitale mentioned that we do not have an IT Director right now so some of it falls back on that.

APPROVAL OF BUILDING/PROPERTY MAINTENANCE BOARD OF APPEALS MEETING MINUTES OF JUNE 8, 2021 and June 30, 2021.

Vitale made a motion, supported by DeWulf, to approve the minutes from June 8, 2021.

AYES: All
NAYES: None
ABSENT: Moffitt, Rayes
MOTION: Passed

Vitale made a motion, supported by DeWulf, to approve the minutes from June 30, 2021.

AYES: All
NAYES: None
ABSENT: Moffitt, Rayes

MOTION: Passed

ADJOURNMENT

Vitale made a motion, supported by DeWulf, to adjourn at 5:15 p.m.

AYES: All

NAYES: None

ABSENT: Moffitt, Rayes

MOTION: Passed

DRAFT