



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
(ELECTRONIC MEETING PLATFORM)
MONDAY, APRIL 26, 2021**

The Meeting was called to order at 7:30 p.m.

ROLL CALL: Arnold, Easter, Gunther, O'Rourke, Rundell

ABSENT: None

OTHERS PRESENT: Consultant City Planner Ortega, Building Official Wright, City Attorney Vanerian, Recording Secretary Stuart

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

ZBA 4-1-21 APPROVAL OF THE MARCH 29, 2021 ZONING BOARD OF APPEALS MEETING MINUTES

Motion by Gunther, seconded O'Rourke: CARRIED: To approve the March 29, 2021 Zoning Board of Appeals meeting minutes.

COMMUNICATION:

Recording secretary Stuart explained there was correspondence received from someone regarding ZBA case for 813 E. Walled Lake Drive. Chairman Easter requested it be read into the record.

Recording secretary Stuart read into the record correspondence from resident.

To Jennifer Stuart

Please read this letter at tonight's meeting for the notice of public hearing for 813 E. Walled Lake Drive.

I'm writing to express my concern about how the resident at 813 E. Walled Lake Drive can ask for a variance when he already exceeds the legal limit amount of area he can build on.

The city made a mistake when they approved this house to be built in the first place because they didn't comprehend the set-back laws correctly (which is this person job) that have been in place for years. (The person that approved this home to be built did not do his/her job and should be

questioned for any other approved structures or maybe this person should be asked to resign). By allowing this mistake of approving this house to be built has caused a lot of concern for the residents that live nearby this house. These set-back guidelines that have been in law for over 50 years are there for a reason and also to protect the neighboring homes and community. This house should have never been approved to be built so close to the main road and blocking the neighbor's views.

If the City allows this parcel to cover 50% of the impervious surface, then they will be setting precedent to each homeowner that they can now build as much as they want on their property. I hope the city will not be allowing this to happen particularly on E. Walled Lake Drive.

Concerned Resident.

UNFINISHED BUSINESS:

1. Case: 2021-02
Applicant: Aver Sign Company
Location: 750 N Pontiac Trail
Request: Non-use Variance

This matter relates to property at the above referenced location. The site is an existing automobile service and gas station located on the southeast corner of W. West Maple Road and N. Pontiac Trail and is zoned C-2, General Commercial District. The applicant is proposing to install new canopy signage which would require one variance from the following section of the Zoning Ordinance.

Section 51-20.06(a)(1): A variance from the maximum allowed total area of all signs for any individual business.

Applicant Aver Signs, Jennifer Glover explained there is a new image, and it does reduce the total amount of signage.

Chairman Easter asked what the total new signage was.

Applicant Glover explained 141 square feet.

Chairman Easter asked if this was corporate driven. Chairman Easter explained there is proposal for one sign on building, two signs on canopy, signage on building advertising tires, batteries and names, etc and that plans to stay.

Board Member O'Rourke asked about illumination of signs and what is the measurement on the illumination for the total of building.

Applicant Glover explained she will reach out to the manufacturer of the sign; she does not have this information available this evening. She explained the signs are programmable, the gas station can program the time of day the sign is illuminated.

Chairman Easter explained the Sunoco emblems light up, the Sunoco Logo is five and half feet of fifty-eight feet and lighting for pumps are minimal.

Board Member O'Rourke explained he agreed that illumination did seem to be minimal.

Mr. Wolfson asked about page 16 of the packet referencing the pylon sign . Mr. Wolfson said the current pylon sign is rusty the new sign looks like it will be painted all blue and asked will the color be maintained.

Applicant Glover explained the pylon pole will be power washed and painted it will be up to owner to maintain it after it is done.

Mr. Wolfson asked if there is a requirement the board can place in the motion to ensure pylon pole is maintained and does not rust.

City Attorney Vanerian explained that it is not part of the variance request. Attorney Vanerian explained the applicant is required to comply with proper maintenance of signs as per the ordinance.

Chairman Easter said the ordinance officer can follow through with this if necessary as far as maintenance.

AUDIENCE PARTICIPATION: None

**ZBA 4-2-21 MOTION TO APPROVE ZBA CASE 2021-02 VARIANCE
REQUEST TO INSTALL NEW CANOPY SIGNAGE WHICH
REQUIRES VARIANCE FROM SECTION 51-20.06(A)(1) A
VARIANCE FROM THE MAXIMUM ALLOWED TOTAL AREA
OF ALL SIGNS FOR ANY INDIVIDUAL BUSINESS**

Motion by O'Rourke, seconded Arnold: CARRIED: To approve ZBA case 2021-02 variance request to install new canopy signage which requires variance from Section 51-20.06(a)(1) a variance from the maximum allowed total area of all signs for any individual business.

Roll Call Vote

Ayes (5) Gunther, Rundell, O'Rourke, Arnold, Easter
Nays (0)
Absent (0)
Abstain (0)

NEW BUSINESS:

1. Case 2021-03
Applicant: Dennis Kaiser
Location 813 E. Walled Lake Drive
Request: Non-use Variance

This matter relates to property at above referenced location. Applicant proposes increasing impervious surface to 50.03%. Applicant exceeds Article 51-17.02(M) Impervious Surface in a single-family district. A maximum of 35% of the parcel shall be covered by impervious surfaces in the R-1A and R-1B districts.

Chairman Easter requested letter of support from Mr. Csordas to be read into the record.

Recording Secretary Stuart read into the record.

813 E. Walled Lake Dr – Paved Driveway Letter of Support

*Brian Csordas
To: Dennis Kaiser*

To Whom It May Concern:

Please accept this letter as my full support of and for Dennis Kaiser to install a paved driveway surface at 813 E. Walled Lak Dr.

The paved driveway will provide both aesthetic and functional improvements that will only add to the value of our homes and more importantly the continued beautification of our lakefront neighborhood.

The aesthetic improvement is obvious and necessary for Dennis to complete his build-out of his new home.

From a functional standpoint, Dennis' current driveway is already creating accelerate wear-and-tear to my driveway. This is mainly due to cars crossing over between my paved driveway and Dennis' driveway, which in many areas does not meet the same driveway "height".

This "current state" will eventually lead to unnecessary capital investments that I will have to make to ensure a structurally sound and aesthetically appealing driveway.

Please feel free to contact me directly with any questions or concerns that you may have with this note of support.

Thanks.

Applicant Mr. Kaiser said the house was built without any variances and it was within the standards given. Mr. Kaiser explained he even moved the house 10 feet back the day digging

began because there was push back from the neighbors. Mr. Kaiser explained his builder Mr. Charlie Whitelaw moved the home back 10 feet. Mr. Kaiser said if he went any further back it would have put him in need of a rear yard variance. Mr. Kaiser explained his backyard has a retention area, the property drains well, and his neighbor supports the driveway.

Chairman Easter asked if the applicant worked with an engineer in designing the home and driveway.

Applicant Mr. Kaiser said yes, months before the home was built and through the site completion.

Chairman Easter asked about the slope, does the driveway slope towards the drain field backyard.

Applicant Mr. Kaiser explained the water goes midway and to either direction, there is a four-inch pipe used to direct drainage to the back if it fills in the backyard it goes to the front towards the lake.

Chairman Easter said he sees in the drawing provided the pitch arrows on front and back and on sides.

Building Official Wright said this home was reviewed by ordinance with the Established Residential Building Pattern (ERP), this house was reviewed under the old interpretation and applicant did move the home back 10-feet even though it was not required. Building Official Wright explained several engineering reviews were done on this project, it was under tight constraints. Building Official Wright explained his concerns are with the hard surface driveway instead of gravel, how will drainage be affected. Building Official Wright explained engineering approval will have to be issued prior to permit issuance.

Chairman Easter said he agrees, there is an engineered field in the back and the home to the south of the applicant is approaching 50% impervious surface as well. Chairman Easter said he would like to see the drainage taken care of. Chairman Easter said he does not want applicant's neighbor under any issues if this gravel driveway stays.

Board Member Arnold asked if the impervious surface and hard surface driveway were considered in the original plan review.

Building Official Wright said this was reviewed, applicant provided the gravel driveway to address the impervious surface.

Board Member Arnold explained plans were originally approved with gravel driveway to address the impervious surface requirement for new home construction and it is disingenuous for applicant to be coming before board now for a variance.

Chairman Easter said this gravel driveway is causing applicant's direct neighbor a hardship and if this can be addressed and applicant works with engineer and building to address drainage then he is ok with this proposal.

Board Member Arnold said he struggles with this because he feels this was the plan all along. Board Member Arnold asked why applicant did gravel when all along intentions were to place hard surface. Board Member Arnold asked if brick pavers were an option.

Building Official Wright explained there are other materials available such as pervious asphalt and pervious pavers and with the advancement of these materials also comes higher costs. Building Official Wright said he is sympathetic to neighbor who abuts the gravel driveway, the gravel driveway was approved to meet impervious surface requirements.

Board Member O'Rourke said he agrees with Building Official Wright if a concrete or asphalt driveway is placed, where does the drainage go. Board Member O'Rourke said when looking at the proposal which is over 50% impervious surface, the pictures provided show a connection between the two driveways.

Applicant Mr. Kaiser said his neighbor's driveway pitches to Mr. Kaiser's catch basin in the rear of his property.

Board Member Gunther asked if the catch basin was requested to be installed by the city or to manage the water.

Applicant Mr. Kaiser said it was not part of his original design, but city consultant Boss Engineering required it.

Board Member Rundell said he reviewed drawing and judging the indicators on the concrete drawing, the water is draining between the two houses. Member Rundell said it is between the neighbor with the original concrete driveway, and the applicant gravel driveway a drain to the line. He said the plan shows the pavement in front of the garage is indicated to drain away from the garage to the back yard into the catch basins.

Board Member Gunther asked Building Official Wright what the impervious surface coverage on parcel ending 003 and 005 were compared to the request on 004.

Building Official Wright said he does not have this information right now. Building Official Wright explained previous to him, engineering was not as involved with residential work as it is now. Building Official Wright said in the engineering review of June 26, 2019, the applicants new home construction plan was denied. Building Official Wright explained Boss Engineering had a full storm water management leaching basin requested. Building Official Wright explained the second engineering review was denied and then the third review was approved three months later. Building Official Wright explained the applicant did solve by placing a gravel drive this was the solution and all part of the system to address the impervious surface requirements when the home was built. Building Official Wright said engineering is needed to work through water drainage on this site if gravel driveway is going to be replaced.

Chairman Easter said he agreed.

Board Member Rundell said it appears the adjacent properties have the same if not more impervious surface than the applicant's proposed driveway.

Board Member Gunther said he agrees the water needs to be addressed. Board Member Gunther asked Building Official Wright that in the future, the board needs to have impervious surface information on neighboring properties.

Building Official Wright said he appreciates the request of Member Gunther but there is an ordinance in place, and it needs to be followed. Building Official Wright said he cannot exceed the ordinance.

Board Member Gunther said if an explanation were provided of what exists of surrounding homes when it comes to impervious surface requests the board would have a better understanding.

Building Official Wright said he understands the boards concerns, the problem with that is to find out what the impervious surface is on either side of an applicant, there is an additional cost for engineering.

Board Member Rundell said it does say a lot that neighbor supports the hard surface driveway installation.

Board Member Gunther said it looks terrible to have a gravel driveway, if we can engineer to handle the water properly then move forward.

Chairman Easter said having the stipulation of working with engineering to get the water addressed, the board can make a motion and move forward to approve with contingencies.

Board Member Rundell said it is possible the applicant can pitch water to a drywell.

Chairman Easter said he agrees, and the engineers need to review, applicant will have to agree to work with city engineer.

Board Member Gunther said Mr. Kaiser obviously knew a hard surface driveway would eventually be going in but looking at the size home placed, it is little disingenuous on Mr. Kaiser's part to be coming before the board now.

Building Official Wright said this home has been up for couple of years now, because engineering has worked extensively with applicant there has not been any complaints of drainage.

Board Member Arnold said where language is that states when building a new home they must have a concrete, paver, or asphalt driveway.

Applicant Mr. Kaiser said they did a French drain, removed layers of clay to do so, and stone was placed in back with two 4-inch drainpipes taking water to where it needs to be distributed. Mr. Kaiser said it is a well-built system. Mr. Kaiser said he does not have a problem with gravel driveway, but it is affecting his neighbor's driveway.

AUDIENCE PARTICIPATION: None

ZBA 4-2-21 MOTION TO APPROVE ZBA CASE 2021-03 A VARIANCE FROM ARTICLE 51-17.02(M) IMPERVIOUS SURFACE TO ALLOW 50.03% IMPERVIOUS SURFACE COVERAGE WHICH EXCEEDS 35% IMPERVIOUS SURFACE PER ORDINANCE BASED ON THE FACT THE NEIGHBOR IS REQUESTING TO BE ALLOWED AND ALSO REQUIREMENT OF ENGINEERING APPROVAL ON THE HARD SURFACE DRIVEWAY TO HANDLE THE WATER FLOW BEFORE AND AFTER THE HARD SURFACE DRIVEWAY IS PLACED

Motion by Rundell, seconded Gunther: CARRIED: To approve ZBA case 2021-03 a variance from Article 51-17.02(M) Impervious Surface to allow 50.03% impervious surface coverage which exceeds the 35% impervious surface per ordinance based on the fact the neighbor is requesting to be allowed and also requirement of engineering approval on the hard surface driveway to handle the water flow before and after the hard surface driveway is placed.

Roll Call Vote

Ayes (5) Rundell, O'Rourke, Arnold, Gunther, Easter
Nays (0)
Absent (0)
Abstain (0)

2. Case 2021-04
Applicant: Michael Murphy
Location: 252 Rosebud
Request: Non-use Variance

This matter relates to property at above referenced location. Per the ordinance an accessory structure is not permitted on a lot unless there is a principal use already lawfully established on the same lot. The applicant is requesting variance from Article 21.00 General Provisions, accessory buildings, structures, and uses as an accessory structure from the Walled Lake Zoning Ordinance for placement of a 3ft decorative fence on waterfront lot.

Applicant Mr. Murphy explained his biggest concern is safety of family, he is expecting a child. Mr. Murphy said his biggest fear is if the child tries to cross Pontiac Trail from the waterfront lot. Mr. Murphy said this corner is extremely dangerous, currently there are police placing signs

for speed control in this area. Mr. Murphy said he has had to physically stop traffic to help his father cross the road. Mr. Murphy said he is an engineer himself, a car going at 30 MPH within this distance, the reaction time and stopping distance of that car would be like trying to stop a truck with a trailer attached. Mr. Murphy said there would be no time to stop they would hit anything in the way including his lot. Mr. Murphy said he researched the lots before he purchased. Mr. Murphy said what he did not realize is within the ordinance is the caveat of having a home on the lot to be considered a primary principal use. Mr. Murphy said this was a misunderstanding when he first purchased the lot.

Board Member Rundell said was there not a case not that long ago that came before the board for a fence on the waterfront lot.

Chairman Easter asked City Planner Ortega in the spirit or the ordinance, would this fence not be beautification of Walled Lake.

City Planner Ortega said the Planning Commission has been discussing this, to allow fences they are deliberating and discussing aesthetic impact of such fences if the boards were to allow higher than 3-foot fences. Planner Ortega said a 3-foot fence views are not so visually blocked. Planner Ortega said it is not so much an accessory structure issue. Planner Ortega explained these smaller decorative fences are more of a demarcation and security for children. Planner Ortega said the type of fence, materials, and width of pickets, eventually of every lot along the lake will have one. Planner Ortega suggested where the picket placement was not over 50% capacity.

Board Member Rundell said it confuses him that a fence is considered a structure.

Planner Ortega said anything affixed to the ground, requiring a footing for proper installation is a structure.

Board Member Rundell asked if this is something that can fall into the fence ordinance.

Planner Ortega said this is the intent, and when the Planning Commission is reviewing it will be discussed along with materials, placement, and order.

Applicant Mr. Murphy said he did attach pictures of the proposed fence and has the fence materials on his garage because he did not know he needed variance. Mr. Murphy said it is a white picket vinyl maybe an inch and half wide with two inches between the pickets.

Chairman Easter said if there were plantings such as arborvitaes those would need to be maintained at the minimum height of the three-foot fence.

Planner Ortega said yes, a fence is a method of demarcating property and an area. Planner Ortega explained if the plantings grew to tall or to close together, it is not considered a structure within the ordinance, but the plantings do need to be reviewed.

Building Official Wright said the lake front lots all have parcels numbers and they do not have a legal use. This is what is being reviewed by the Planning Commission when they are reviewing the ordinance.

Chairman Easter asked if Mr. Murphy's proposed fence pickets will be further spaced apart than that of neighboring home at 136 S. Pontiac Trail.

Mr. Murphy said yes, there is an existing fence that is falling apart on one side and fence will be repaired there in that area.

Board Member Rundell asked if the board can ask the Planning Commission to review.

City Attorney Vanerian said the board can make the request but not as part of the boards motion.

Chairman Easter said that is more code enforcement.

AUDIENCE PARTICIPATION:

Josh and Allie David, 240 Rosebud – said his concern is up until Mr. Murphy moved in he and 252 Rosebud share a retaining wall. Mr. David said the retaining wall goes six feet onto Mr. Murphy's property, if the fence is placed how will it impact the retaining wall between the two properties.

Chairman Easter asked if lot lines were clear.

Mr. David said the lot is 20 feet wide.

Applicant Mr. Murphy said his lot is a separate lot, a deeded lot. Mr. Murphy said he does not plan to remove the shared retaining wall. When the retaining wall was built the previous owners allowed the wall to move over onto their property. Mr. Murphy said whether fence is up or not, it is not a retaining wall, it is bricks and he said he will not be taking them down.

Mr. David said if the retaining wall is taken down, he wants to make sure his property is not affected. He said a fence will run straight down the land and it will look amiss.

Mr. Murphy said the fence is not proposed past the retaining wall, he plans to follow the fence line on the right side of lot.

Chairman Easter said this discussion is something for a different day between Mr. Murphy and Mr. David, there will be no post in the retaining wall.

Applicant Mr. Murphy said yes, correct.

Chairman Easter said this conversation is beyond the scope of the ZBA board and the neighbors need to talk amongst themselves for this not among the board.

Building Official Wright said the ordinance allows the request for applicant to provide a stake survey for fenceposts and typically he would do this when issues exist between neighbors.

Mr. Murphy said the survey is already completed and was submitted with fence application.

Mr. Wolfson said he sees the red line for a 6ft fence in the rear yard.

Applicant Mr. Murphy said the fence in the rear yard is permitted, the fence variance is for the fence across the street, the waterfront lot. Mr. Murphy said he has had to make modifications to the fence around the home to not exceed 4.5 feet on the side yard to meet the ordinance.

Board Member O'Rourke said the board is looking only at the lakefront lot.

ZBA 4-3-21 MOTION TO APPROVE ZBA CASE 2021-04 AS PRESENTED IN APPLICATION TO GRANT A VARIANCE FROM ARTICLE 21.00 GENERAL PROVISIONS TO ALLOW AN ACCESSORY STRUCTURE, A THREE-FOOT DECORATIVE FENCE ON THE WATERFRONT LOT

Motion by Gunther, seconded O'Rourke: CARRIED: To approve ZBA case 2021-04 as presented in application to grant a variance from Article 21.00 General Provisions to allow an accessory structure, a three-foot decorative fence on the waterfront lot.

Roll Call Vote

Ayes (5) Rundell, O'Rourke, Arnold, Gunther, Easter
Nays (0)
Absent (0)
Abstain (0)

ADJOURNMENT

ZBA 4-4-21 MOTION TO ADJOURN

Motion by Gunther seconded by Rundell, CARRIED, to adjourn the meeting at 8:49 p.m.



Jennifer Stuart
Recording Secretary

Jason Easter
Chairman

approved 5/24/21