



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
MONDAY, AUGUST 28, 2017**

The Meeting was called to order at 7:37 p.m.

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

ABSENT:

OTHERS PRESENT: City Attorney Vanerian, Building Official Wright, Recording Secretary Joyce

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

ZBA 08-01-17 APPROVAL OF THE JULY 31, 2017, ZONING BOARD OF APPEALS MEETING MINUTES

Motion by Hecht, seconded Rundell, CARRIED UNANIMOUSLY: To approve the July 31, 2017, Zoning Board of Appeals meeting minutes.

COMMUNICATION:

Diana Mahacek of 515 East Walled Lake Drive had a comment regarding the wall at 415 East Walled Lake Drive. Her comment has been included in the packet.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Public Hearing

Open Public Hearing 7:40 p.m.

1. Case # 2017-02
Applicant: Mital Amin
Location: 415 E. Walled Lake
Walled Lake, MI 48390
Request: Non-Use Variance

This matter relates to property located at 415 E. Walled Lake Drive. The applicant is requesting a variance from Article 21, Section 21.28, Item F and Article 17 from the Walled Lake Zoning Ordinance to allow for construction of a new single-family home.

Mital Amin stated that when they started this project to design and build a single-family home they had the intent of building and designing it so there would not be a need for any variances. Ms. Amin said it was brought to their attention when they met with City officials and City Engineers that the topography has a certain hardship that is pre-existing. Ms. Amin said there is a big drop from North side to South side of the lot and because of the drop, this is the hardship.

Mark Mahajan, structural architect for the project stated that there is a 13-foot drop from Market Street to East Walled Lake Drive and Witherall Street slopes. Mr. Mahajan said the house sits parallel to Witherall Street but to make the drainage work they have to keep the driveway sloping a bit from Market Street and have the water flow away from the house. Mr. Mahajan said they cannot lower the grade in this location. Mr. Mahajan said on the backside, the existing grade is so low that they have made the home a walkout. The existing house elevation was about 52.6 feet and they are proposing the garage elevation at about the same elevation. Mr. Mahajan said they are not proposing any grade changes to the Market Street side of the project. Mr. Mahajan stated because the house is to be a couple of feet above garage, due to the floor system of the house they have proposed a finished floor of the house at 54 feet. The grade matches with the Witherall Street requirements but as the grade goes down the existing grade goes the same way.

Mr. Mahajan explained that the wall will be taken down and replaced with a gentle slope with landscaping. Mr. Mahajan said this proposed home sits a bit higher than the property to the southeast, therefore, this is the only requirement that they have not met and why they are requesting this variance.

Chairman Jason Easter asked about the height of the home. Mr. Easter said in the packet, it states that the overall height is at 38' 11 ³/₄" in height overall.

Jim Wright, Building Official for the City of Walled Lake, stated that they recently amended the ordinance regarding residential structures to help with drainage situations that have occurred with new building projects. Mr. Wright said the ordinance was amended to address finished floor heights. Mr. Wright said the first/finished floor must be contiguous with the neighbor's property. Mr. Wright said in the ordinance, there was also an amendment that took in average roof height as opposed to maximum roof height at 30 feet. Mr. Wright explained now we have an average roof height measured to the mid-point of the roof all around the property. Mr. Wright explained in this case the average roof height equals 28.7 feet when all points of the house are taken in. Mr. Wright said with this project, the ordinance states that it must be contiguous with the neighboring houses. Mr. Wright said due to the topography of this home, there is a house to the east and houses on the other side of Walled Lake Drive that sit lower so there is no way of making this contiguous.

Chairman Jason Easter stated that the issue at hand is the 5.57 feet of grade change as the water runs to the East and South of this property. Mr. Wright stated that they are working with the applicant's engineer and the City engineer. Mr. Wright said they have gone through several

reviews and the ordinance requires that the drainage cannot negatively affect the neighbors. Mr. Wright said the City engineer is satisfied with the latest revisions they have proposed with water runoff and drainage control and swales are being created and slopes adjusted to control the water on the property as wells as curbs are being put in. Mr. Wright said they have been very cooperative with making changes.

ZBA Member O'Rourke asked about Witherall Street sitting much higher and water running down to East Walled Lake Drive. Mr. O'Rourke said he was concerned about pooling and flooding during the rainy seasons. Mr. Wright stated that the City Engineer is satisfied with what they are proposing with the water issues.

Mr. Mahajan stated that along East Walled Lake there is a swale coming along Witherall Street and it goes to the southwest corner of the property. Mr. Mahajan said there is a pipe there that takes the water into the City's storm system. Mr. Mahajan said the drainage pattern has not changed, along the east side of the property, there is a drainage swale existing which continues and comes parallel to the Walled Lake and runs into this pipe, again drainage patterns and swales have not changed.

Mr. Mahajan said as they get close to Walled Lake Drive they have made no changes to the grade elevation. Mr. Mahajan said even with the displacement of land with the house, the water will be contained and put into the City's drainage system. Mr. Mahajan stated that the roof will have drain spouts that will drain onto the grass and shrubs and into the Southwest corner to the drainage pipe. Mr. Mahajan feels there will be more water flow than there currently is but it doesn't significantly impact the drainage.

ZBA Member Rundell asked about the catch basin in the southwest corner. Mr. Mahajan stated that along with the City Engineer's request they have eliminated this catch basin.

Mr. Wright stated that since this meeting was asked to take place there have been on-going revisions made to the engineering. Mr. Wright explained they are pulling back the amount of fill that they were going to bring in to give more of an area for natural absorption of the water so they do not run into a mechanical system to try to absorb the water and overflow the City's storm system based on the calculations they gave.

Mr. Wright said they have to be able to control the additional water that is created by the structure and with the calculations they have provided, to the City Engineer, and the systems that they are working under to control that additional water seem to work.

Chairman Jason Easter stated that it appears that the applicant's engineer has done his job and the City's engineer is satisfied with what is going on. Mr. Wright stated that he and the City Engineer will monitor this project very closely throughout the building process.

Close Public Hearing 7:57 p.m.

DISCUSSION:

Casey Ambrose, 440 East Walled Lake Drive, welcomed Mital Amin to the neighborhood and likes the proposed project. Mr. Ambrose said the applicants are addressing all the issues that he has been concerned with and hopes she will enjoy the lake like the rest of the neighbors.

**ZBA 08-02-17 MOTION TO APPROVE THE VARIANCE AS REQUESTED
IN THE APPLICATION FOR SITE DRAINAGE AND ROOF
HEIGHT.**

Motion by Rundell, seconded by O'Rourke, CARRIED UNANIMOUSLY: To approve the variance as requested in the application for site drainage and roof height.

AUDIENCE PARTICIPATION:

The Board reviewed the signage of other churches in the community; none of which has LED signage within residential areas. Mr. Stephens said the sign is controlled with a software program and it could even be turned off.

Mr. Stephens stated that the brightness of the sign is adjustable and the brightness can be turned down at night. Mr. Stephens explained the sign doesn't have to be at full power. Mr. Stephens said he tried to keep the LED display of the sign with in the 15% of the overall sign size. Mr. Stephens said the timing between messages are also programable to meet the requirement of the sign ordinance to timing.

ZBA 08-03-17 ADJOURNMENT

Motion by Gunther, seconded by Hecht, CARRIED UNANIMOUSLY: To adjourn the meeting at 7:59 p.m.

Janell Joyce
Recording Secretary

Jason Easter
Chairman