



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, FEBRUARY 27, 2023**

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

**ROLL CALL:** Arnold, Easter, Rundell

**ABSENT:** Gunther

**OTHERS PRESENT:** City Attorney Vanerian, Planning Commission Liaison Wolfson, City Planner Ortega, Building Official Wright, HR Director/Deputy City Clerk Gross, Assistant City Manager Jaquays

Members attending via Zoom from Walled Lake, Michigan.

**ZBA 02-01-23 EXCUSE BOARD MEMBER GUNTHER**

Motion by Rundell, seconded Arnold: To excuse Board Member Gunther

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**ZBA 02-02-23 APPROVAL OF THE JANUARY 30, 2023 ZONING BOARD OF APPEALS MEETING MINUTES**

Motion by Rundell, seconded Arnold: To approve the January 30, 2023 Zoning Board of Appeals meeting minutes.

**COMMUNICATION:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

1. Case: 2023-02  
Applicant: Maple Plaza Shopping Center II  
Location: 1124-1186 E. Walled Lake Dr., Parcel ID#: 17-34-277-042 and 17-34-412-014  
Request: Non-use Variance

This matter relates to the above referenced property. Applicant proposes site improvements to establish a fast-food drive-thru restaurant in an existing freestanding building that would require variances from the following sections of the Zoning Ordinance:

- Section 51-21.29(i)(19) b. requires the restaurant building to be set back a minimum 35 ft. from the front setback measurement line. Applicant proposes using an existing building set back 4.7 ft. from the front setback measurement line which requires a 30.3 ft. variance from the 35 ft. set back requirement for drive thru restaurants.
- Section 51-21.29(i)(19) d. requires a 250 ft. separation distance from another drive-thru restaurant unless separated by a major road. Applicant proposes establishing a drive thru restaurant located 92.1 ft. from an existing drive thru restaurant located on a neighboring adjacent lot which requires a 157.9 ft. variance from the 250 ft. separation requirement.
- Section 51-21.29(i)(19) h. requires a ten ft. landscape setback from all side and rear yards. Applicant proposes establishing a drive thru restaurant with no landscape setback along the side yards which requires a variance from the required 10 ft. landscape setback.
- Section 51-21.29(i)(19) i. requires no more than one (1) ingress/egress per street frontage for a drive-thru restaurant. Applicant proposes establishing a drive-thru restaurant with two (2) ingress/egress drives along E. West Maple which requires a variance from the single ingress/egress drive limitation.

City Planner Ortega informed the board that the applicant presented their site plan and special land use application before the Planning Commission. Mr. Ortega said the applicant received special land use approval in January and site plan approval in February, both approvals contingent on the applicant receiving any required ZBA approvals. Mr. Ortega stated the variances that the applicant is requesting variances from. Mr. Ortega noted that there is an existing structure on site. Mr. Ortega advised the board of the five different criteria for consideration. Mr. Ortega described the potential situations if the applicant were to comply to the zoning ordinances and how that would impact the property. Mr. Ortega advised the board that they could grant lesser variances. Mr. Ortega highlighted that any lesser variances would not allow the site to be redeveloped. Mr. Ortega said there are practical difficulties that are present for the site for the board to consider when discussing the requested variances.

Mr. Heffernan with Stonefield Engineering presented the case on behalf of Nick Sandiha. Mr. Heffernan said Savy Sliders is proposing a drive-through restaurant and gave a brief description of their business operations. Mr. Heffernan described the design intent renderings and the proposed exterior improvements to the existing building. Mr. Heffernan described the existing conditions of the building and the variances they are requesting.

Board Member Rundell asked the City Attorney if the board should address each variance separately or in one motion?

City Attorney Vanerian recommended the board address each variance separately.

Building Official Wright provided history on the building. Mr. Wright said a complete set of sealed drawings will be required. Mr. Wright recommended the board approve the requested variances with a condition that a grease-trap system be installed for this project.

City Attorney Vanerian advised that can be a condition of approval.

Mr. Heffernan noted that he would like to consult with the City Engineer on what is permissible for an internal grease-trap.

Building Official Wright said an internal system in place would be appropriate and will be reviewed by the City Engineer.

Chairman Easter asked if restriping would be included in the project?

Mr. Heffernan said yes, the application includes the proposal to re-stripe the immediate areas around the restaurant; traffic flow areas, pedestrian walk areas, and directional signage.

Planning Commissioner Liaison Wolfson asked about the ingress/egress and if both entrances/exits off of Maple Road will continue to be used for ingress/egress?

City Attorney said it is his understanding, that both access drives off of Maple will continue to be used and open for ingress/egress into the plaza and Savy Sliders.

Building Official Wright asked if signage has been addressed?

Mr. Heffernan said all signage will be reused. Mr. Heffernan said the proposed building signage will be like past tenants. Mr. Heffernan said any proposed signage will meet all zoning ordinance requirements.

City Attorney Vanerian advised that a sign permit will need to be submitted for any proposed signage. If any variances are required, that can be completed when the applicant submits a sign permit.

Open Public Hearing 8:00 p.m.

Closed Public Hearing 8:01 p.m.

**ZBA 02-03-23 MOTION TO ADOPT RESOLUTION 2023-03 A RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE CITY OF WALLED LAKE GRANTING APPLICANT'S REQUEST FOR A VARIANCE FROM THE THIRTY-FIVE FT. (35') FRONT SETBACK REQUIREMENT UNDER SECTION 51-21.29(i)(19) b. OF THE ZONING ORDINANCE FOR THE REASON THAT APPLICANT DEMONSTRATED A PRACTICAL DIFFICULTY**

Motion by Rundell, seconded by Arnold, CARRIED: To adopt resolution 2023-03 a resolution of the Zoning Board of Appeals of the City of Walled Lake granting applicant's request for a variance from the thirty-five ft. (35') front setback requirement under section 51-21.29(i)(19) b. of the zoning ordinance for the reason that applicant demonstrated a practical difficulty

Roll Call Vote

Ayes (3) Easter, Arnold, Rundell  
Nays (0)  
Absent (1) Gunther  
Abstain (0)

**ZBA 02-04-23 MOTION TO ADOPT RESOLUTION 2023-04 A RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE CITY OF WALLED LAKE GRANTING APPLICANT'S REQUEST FOR A VARIANCE FROM SECTION 51-21.29(i)(19) d. OF THE ZONING ORDINANCE REQUIRING A TWO HUNDRED FIFTY FT. (250') SEPARATION DISTANCE FROM ANOTHER DRIVE THRU RESTAURANT FOR THE REASON THAT APPLICANT DEMONSTRATED A PRACTICAL DIFFICULTY CONDITIONAL UPON THE APPLICANT INSTALLING AN INTERNAL GREASE-TRAP SYSTEM**

Motion by Arnold, seconded by Easter, CARRIED: To approve resolution 2023-04 a resolution of the Zoning Board of Appeals of the City of Walled Lake granting applicant's request for a variance from section 51-21.29(i)(19) d. of the zoning ordinance requiring a two hundred fifty ft. (250') separation distance from another drive thru restaurant for the reason that applicant demonstrated a practical difficulty conditional upon the applicant installing an internal grease-trap system

Roll Call Vote

Ayes (3) Easter, Arnold, Rundell  
Nays (0)  
Absent (1) Gunther  
Abstain (0)

**ZBA 02-05-23 MOTION TO ADOPT RESOLUTION 2023-05 A RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE CITY OF WALLED LAKE GRANTING APPLICANT'S REQUEST FOR A VARIANCE FROM SECTION 51- 21.29(I)(19) H. REQUIRING A TEN FT. LANDSCAPE SETBACK FROM ALL SIDE AND REAR YARDS FOR THE REASON THAT APPLICANT DEMONSTRATED A PRACTICAL DIFFICULTY**

Motion by Rundell, seconded by Easter, CARRIED: To adopt resolution 2023-05 a resolution of the Zoning Board of Appeals of the City of Walled Lake granting applicant's request for a variance from section 51- 21.29(i)(19) h. requiring a ten ft. landscape setback from all side and rear yards for the reason that applicant demonstrated a practical difficulty

Roll Call Vote

Ayes (3)      Rundell, Easter, Arnold  
Nays (0)  
Absent (1)     Gunther  
Abstain (0)

**ZBA 02-06-23      MOTION TO ADOPT RESOLUTION 2023-06 A RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE CITY OF WALLED LAKE GRANTING APPLICANT'S REQUEST FOR A VARIANCE FROM SECTION 51-21.29(i)(19) i. REQUIRING NO MORE THAN ONE (1) INGRESS/EGRESS PER STREET FRONTAGE FOR A DRIVETHRU RESTAURANT FOR THE REASON THAT APPLICANT DEMONSTRATED A PRACTICAL DIFFICULTY**

Motion by Rundell, seconded by Arnold, CARRIED: To adopt resolution 2023-06 a resolution of the Zoning Board of Appeals of the City of Walled Lake granting applicant's request for a variance from section 51-21.29(i)(19) i. requiring no more than one (1) ingress/egress per street frontage for a drivethru restaurant for the reason that applicant demonstrated a practical difficulty

Roll Call Vote

Ayes (3)      Rundell, Easter, Arnold  
Nays (0)  
Absent (1)     Gunther  
Abstain (0)

2.      Case:            2023-03  
         Applicant:   Steve Barrell  
         Location:     1405 Nolta Rd., Parcel ID# 17-26-404-013  
         Request:      Non-use Variance

This matter relates to the above-referenced property. Applicant proposes building a twenty-five ft. (25') x ten ft. (10") addition to the existing single-family dwelling located on the above-referenced property that would require variances from the following sections of the Zoning Ordinance:

- Section 51-21.10 C. 2. f. requires a distance of at least ten ft. (10') between a detached accessory structure and any other building located on the same lot. Applicant proposes building an addition to the principal single-family dwelling on Applicant's single-family lot that would be spaced 7.2 ft. (7.2') from the existing detached accessory garage structure located on the lot which requires a 2.8 ft. (2.8') variance from the required ten ft. (10') minimum spacing requirement between accessory structures and other buildings located on the same lot.
- Section 51-17-01 requires a thirty ft. (30') minimum front yard setback for single-family structures. Applicant proposes building an addition to the existing single-family dwelling located on Applicant's single-family property with a front yard setback of 21.3 ft. (21.3') from Payson

Rd. right of way which requires an 8.7 ft. (8.7') variance from the thirty ft. (30') front yard setback requirement for structures located in a single-family zoning district.

Mr. Barrell explained to the board he had hired a contractor to complete some work. Mr. Barrell said he provided the contractor with Article 17, Schedule of Regulations before he did the work. Mr. Barrell said the contractor did not comply with the Schedule of Regulations and did the work. Mr. Barrell said a foundation and frame are done for the proposed addition. Mr. Barrell described the variances he is requesting.

Board Member Rundell asked if the applicant can fire-proof the addition.

Building Official Wright said the code requires if it is less than 5 ft no fire protection is required. Mr. Wright said from a building code standpoint, that is not a requirement. Mr. Wright explained that he spoke with the property owner multiple times over the past year and that the project was started without permits. Mr. Wright said for this particular project, the insulation was not done up to code. Mr. Wright advised the board a demolition may be required to get this project going.

Chairman Easter clarified with Building Official Wright if a demo is needed due to the insulation not being correctly done.

Building Official Wright said to verify that the insulation was done correctly, a lot will need to be torn down. Mr. Wright said photos were provided however, it is not clear what was done.

City Attorney Vanerian said typically, variances are granted before construction commences. Mr. Vanerian said this is a different case as construction did commence before variances were requested. Mr. Vanerian said this structure may be non-compliant with the building code, and the building may need to be removed, it does not necessarily prevent the board from taking action if the intention is to rebuild the addition with the same dimensions in a code-compliant manner. City Attorney Vanerian suggested the board postpone to give the applicant more time to consider which direction he wants to go.

Open Public Hearing 7:54 p.m.

Close Public Hearing 7:55 p.m.

**ZBA 02-07-23 MOTION TO TABLE CASE 2023-03**

Motion by Rundell, seconded by Arnold, CARRIED: To table case 2023-0.

Roll Call Vote

Ayes (3)	Easter, Arnold, Rundell
Nays (0)	
Absent (0)	Gunther
Abstain (0)	

**ADJOURNMENT**

**ZBA 02-08-23**

**MOTION TO ADJOURN**

Motion by Rundell seconded by Arnold, CARRIED, to adjourn the meeting at 8:24 p.m.

  
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Jennifer Stuart  
Recording Secretary

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Jason Easter  
Chairman

*approved 3/27/23*