



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
MONDAY, JANUARY 27, 2020**

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

ROLL CALL: Arnold, Gunther, Hecht, Rundell

ABSENT: Easter, O'Rourke,

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

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**ZBA 1-1-20 APPROVAL OF THE NOVEMBER 25, 2019, ZONING BOARD OF
APPEALS MEETING MINUTES**

Motion by Gunther, seconded Hecht, CARRIED: To approve the November 25, 2019
Zoning Board of Appeals meeting minutes.

Roll Call Vote

Ayes (2)	Gunther, Hecht
Nays (0)	
Absent (3)	Easter, O'Rourke
Abstention (2)	Ackley, Arnold

COMMUNICATION: None

UNFINISHED BUSINESS:

1. Public Hearing

Case:	2019-05
Applicant:	Michael Petryczkowycz
Location:	566 E. Walled Lake Drive
Request:	Non-Use Variances

This matter relates to property located at 566 E. Walled Lake Drive zoned R-1B. Impervious surface exceeds allowable square footage of 35% total sq. footage of lot. Lot is 3,124 sq. feet

which would allow 1,093 sq. feet of impervious surface. The proposed is 1,789 sq. feet and per Section 17.02 (m) allows only 35% impervious surface of lot coverage. Section 17.02 (n) requires a side yard total of 12.5 feet, with the least side being 3.5 feet. Applicant requests a variance from Section 17.02 (n) to maintain a 3-foot-wide concrete walk in the existing 3-foot-wide side yard adjacent to the existing detached garage. This lot was a preexisting non-conforming lot. Section 18.02 (a) allows for direct replacement or repair but not to increase nonconformity which was done.

Vice Chairman Hecht reviewed the variance request and explained the case came before the board at the July 29, 2019 meeting and motion was to table until a survey was obtained.

Open Public Hearing 7:34 p.m.

Board Member Ackley explained she was on the original Zoning Board of Appeals board when the garage for property was granted a variance to be built, there were stipulations placed that both sides of garage had to remain gravel because of the water runoff from Walled Lake Drive. The prior board required this because if it were all paved as was done by current owner, all water and such would erode into the lake. Member Ackley opined now with all the cement there is nowhere for water to run off except the lake and that is her concern. Member Ackley said she understands that cement is better than gravel, but the sides of the garage are completely covered with cement all the way around the garage and prohibit water drainage.

Vice Chairman Hecht explained the applicant had stated they needed the cement for wheelchair access.

Vice Chairman Hecht explained the applicant had indicated he was told by the City, if a survey was needed, he would have been contacted by the building department and he said the department did not call him requesting a survey. The survey was requested by the Zoning Board of Appeals at the July meeting.

Applicant, Michael Petryczkowycz – said there is 2.6 feet, water drainage coming from Walled Lake Drive towards the lake has not increased it is the same amount. Mr. Petryczkowycz explained the concrete was existing behind the garage, he did not add that. Applicant said the concrete makes his property usable for such a small piece of land and makes the appearance look better. Applicant explained he has plans to come before the ZBA next month for the renovations to this home. Applicant said he has minimal concrete compared to his neighbors up and down the street. Applicant said the lot next to him is 30 foot with nothing but grass and same for neighbor on other side both are non-buildable lots.

Board Member Rundell asked how wide the concrete pads, paths and driveway were before.

Board Member Ackley said it was gravel all around the house.

Board discussed what was gravel before new cement was poured.

Board Member Rundell explained the ordinance states you can replace what is existing as long as you don't make it larger; the driveway and sidewalk were not cement before.

Board Member Ackley explained every community is different with requirements for cement and the applicant placed the cement without checking the city ordinances and requirements first.

Mr. Petryczkowycz explained he has a small piece of property and he was trying to improve it.

Vice Chairman Hecht said he agrees but explained he is hesitant, because the applicant did not apply for permits ahead of time and is now seeking approval for something already done.

Mr. Petryczkowycz explained he did not go wild; he placed enough cement to make his property look nice and usable.

Board Member Gunther asked how much cement was added, what was the percentage of lot coverage and cement prior to adding new cement.

Discussion was held regarding percentage of lot coverage compared to existing and new.

Board Member Gunther explained the work was done without applying for permits for approval.

Board Member Ackley explained Walled Lake Drive is elevated compared to the property there is water runoff from the road that has no place to go with all the new cement.

Board Member Gunther suggested plantings to possibly help with water and drainage protection.

Vice Chairman Hecht asked if applicant intends on keeping the garage when building and renovating the existing home.

Board Member Ackley explained the concrete on either side of the garage does not allow for drainage.

Mr. Petryczkowycz opined his lot is small and there is minimal concrete.

Board Member Gunther asked how the board works with applicant on drainage, he suggested at the back of deck possibly adding shrubs and trees to help.

Vice Chairman Hecht asked if applicant plans to do this again, do the work before approval and then come before the board for variance approval after the fact. He is concerned with setting a precedent.

Building Official Wright explained a drywell could be required and designed by an engineer. This is an option that could be looked at and may work better than just gravel along sides of garage.

Mr. Petryczkowycz said that would be too costly, he has already spent \$5,000 in concrete. He would rather rip out all the concrete and place gravel. The seawall has been approved by the DEQ and will be installed by the contractor.

Vice Chairman Hecht asked about peat gravel behind seawall for better siphoning of water from property to the lake.

Building Official Wright explained the seawall is designed to stop water from the lake to come onto property not to prohibit water coming from road through the property to the lake.

Board discussed drainage and the seawall.

Vice Chairman Hecht asked if the seawall is going in, why would applicant have to place another drywell.

Board Member Ackley opined the city engineer needs to review and the seawall needs to be installed within a defined timeframe.

Mr. Petryczkowycz explained the survey shows four and half feet of added concrete. Applicant opined there was always concrete behind the garage. Applicant explained the modifications to the home will change the gable roof layout, provide gutters, and direction for water discharge to the grass.

Board Member Gunther explained an option is to purchase a few feet of property on either side and that could provide more pervious space.

Building Official Wright explained it would be reviewed for more than a seawall. Mr. Wright said if the seawall is going to address drainage, the seawall would have to be reviewed for a dual purpose. There would be design criteria to help show the drainage.

Close Public Hearing 7:40 p.m.

ZBA 1-2-20 MOTION TO REFER TO CITY ENGINEER AS SUGGESTED TO SEE IF THERE IS AN OPTION AND THAT THE COST BE BORNE BY THE HOMEOWNER THE CITY ENGINEER TO REVIEW FOR DRAINAGE AND COME BACK TO NEXT MEETING

Motion by Ackley, seconded Gunther; CARRIED: motion to refer to city engineer as suggested to see if there is an option and that the cost be borne by the homeowner the city engineer to review for drainage and come back to next meeting.

Discussion

Vice Chairman Hecht explained the board has the option to vote on variance or post pone it.

Board Member Rundell said there is a motion on the table.

Board Member Gunther said the applicant can check with his contractor on the drainage in regards to seawall.

Mr. Petryczkowycz explained there is a lot of grass on both sides of his property. He said he has money and now to have to rip it up for 2 feet of concrete, he asked what the cost for city engineer services would be.

City Attorney Vanerian explained there is a motion on the table and may be better to post pone motion to review the seawall request. The design behind the seawall, so that it catches more drainage than normal.

Motion called to question by Board Member Ackley, seconded by Member Gunther.

Roll Call Vote

Ayes (4)	Gunther, Hecht, Rundell, Ackley
Nays (0)	
Absent (2)	Easter, O'Rourke
Abstention (1)	Arnold

Board Member Gunther asked City Attorney Vanerian about the request for review of the fence ordinance.

City Attorney explained he presented to Council at Tuesday's meeting and it was referred to the Planning Commission for review and study.

NEW BUSINESS: None

AUDIENCE PARTICIPATION:

Michelle Soho, 408 Witherall, explained she applied for a fence variance and case was tabled. Ms. Soho was told to come to the January 27th meeting with landscape plan to discuss. Ms. Soho explained she is ok with a 4.5-foot fence in one area and will provide required landscaping in other area to have a 6-foot fence.

Vice Chairman Hecht explained the applicant's request was tabled and requested to bring back a landscaping plan. Mr. Hecht explained if the Planning Commission determines to make changes, the applicant can wait for Planning Commission determination.

Board Member Ackley explained amendments do take a length of time.

Consultant Building Official Wright explained at the meeting Ms. Soho was at, requests were made by the board for the applicant to provide further information for review. The information requested needs to be submitted as a revised site plan and provided to the building department.

Mr. Wright explained the variance seems to have changed now with what Ms. Soho just explained. The applicant will need to reapply for a different variance. Mr. Wright explained to Ms. Soho to bring a revised set of plans, showing one side as 4.5 feet and landscaping with the 6 foot and new variance request can be published for hearing.

ADJOURNMENT

ZBA 1-3-20 MOTION TO ADJOURN

Motion by Gunther seconded by Ackley, CARRIED, to adjourn the meeting at 7:53 p.m.



Jennifer Stuart
Recording Secretary



Kyle Hecht
Vice-Chairman

*2/24/2020
approval*