



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
(ELECTRONIC MEETING PLATFORM)
MONDAY, MARCH 29, 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 3-1-21 APPROVAL OF THE JANUARY 25, 2021 ZONING BOARD OF APPEALS MEETING MINUTES

Motion by O'Rourke, seconded Easter: CARRIED: To approve the January 25, 2021 Zoning Board of Appeals meeting minutes.

COMMUNICATION: None

UNFINISHED BUSINESS:

1. Case: 2020-01
Applicant: Michael Petryczkowycz
Location: 566 E Walled Lake Drive
Request: Non-Use Variance

Applicant proposes complete renovation of structure located at 566 E. Walled Lake. Currently this structure is a preexisting nonconforming structure with a side yard setback on the west of 0.6' and on the east 18'11". Front yard setback currently is at the minimum 2.2".

Section 18.03 Nonconforming Structures of the Walled Lake Zoning Ordinance item (a) states no such structure shall be enlarged or altered in a way which would increase their nonconformity. With altering the second floor from a bungalow type structure to a colonial style structure this increases the nonconformity by having more exterior wall space and roof structure in the required side and front yard setbacks. A dimensional variance is required.

Chairman Easter explained applicant has been before board in prior meetings for lot coverage and impervious surface issues.

Applicant Mike Petryczkowycz explained he revised his plans to show a gutter system that will run underground. Mr. Petryczkowycz explained it is more than a drywell it will be a perforated pipe for roof coverage, a drywell will run underneath the slab into the backyard. Mr. Petryczkowycz explained he is going to be removing the slab eventually and placing pavers. Mr. Petryczkowycz explained the front area of the home, the slab will be gone, roof water addressed, overhang on southwest corner of home addressed as shown on plot he moved home six inches to address that.

Chairman Easter said he noted that change as well. Chairman Easter said applicant has not submitted these plans to the building department for review.

Building Official Wright explained the plan has not been before him yet, plans will need to be sealed with drywell and drainage system for engineer to review. Building Official Wright said the applicant is making an effort to make sure his drainage complies with ordinance; sealed drawings will be required.

Mr. Petryczkowycz said he agrees and will provide sealed plans.

Mr. Neal Wolfson, Planning Commission liaison asked if he could ask a few questions even though he is not a voting member.

City Attorney Vanerian said Mr. Wolfson is permitted to do so.

Mr. Wolfson asked about section 18.03 was this a change and not the intent to change ordinance to create a new ordinance.

Chairman Easter explained to Mr. Wolfson that the applicant had come before the board on different occasions for different variances. Chairman Easter explained the last items for the applicant to address as requested by the ZBA were making sure plans had fire rated wall and resolving the ground water issues. Chairman Easter explained the applicant has done this and plans will need to be reviewed by building and engineer.

Building Official Wright explained because of the closeness of this structure to the property line he will request a stake survey prior to construction and during construction to properly identify the project area.

Mr. Petryczkowycz said the stakes are already there.

Commission O'Rourke asked if the drywell was set back far enough from the lake.

Chairman Easter explained the drywell will be reviewed and approved by the city engineer.

ZBA 3-2-21

MOTION TO APPROVE ZBA CASE 2020-01 AND GRANT NON-USE VARIANCE AS REQUESTED DUE TO (1) HOME IS AN OLD BUNGALOW IN NEED OF REPAIR AND NEEDS SECOND FLOOR, (2) NEW HOMES BEING BUILT ON AND AROUND LAKE IMPROVES HOME VALUES, (3) USING A FOOTPRINT OF 1ST FLOOR TO ADD SECOND FLOOR ELEVATIONS OF HOUSE, (4) HOME ON THE WATER SIDE OF E. WALLED LAKE DRIVE HAVE SMALL LOTS, AND (5) HOUSE AND LOT EXISTING BUILT IN THE 1940'S. IN ADDITION TO CITY ENGINEER APPROVAL OF DRYWELL, STAKE SURVEY TO BE VISIBLE AND PRESENT PRIOR AND DURING CONSTRUCTION, AND PLANS MUST BE SEALED BY LICENSED PROFESSIONAL

Motion by Gunther, seconded Arnold: CARRIED: To approve ZBA case 2020-01 and grant non-use variance as requested due to (1) home is an old Bungalow in need of repair and needs second floor, (2) new homes being built on and around lake improves home values, (3) using a footprint of 1st floor to add second floor elevations of house, (4) home on the water side of e. Walled lake drive have small lots, and (5) house and lot existing built in the 1940's. In addition to city engineer approval of drywell, stake survey to be visible and present prior and during construction, and plans must be sealed by licensed professional.

Roll Call Vote

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

Building Official Wright said he wanted to make sure the board and applicant understand this approval is for the variance but not approval for building and code compliance.

NEW BUSINESS:

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, Ms. Jennifer Glover requested to table their agenda item until a later meeting explaining Sunoco has changed their imaging and there is a possibility they may not need variance. She explained after they can reengineer the site with signage and new imaging they may not need variance.

ZBA 3-3-21 MOTION TO TABLE ZBA CASE 2021-01 DUE TO APPLICANT'S CLIENT CHANGING THEIR IMAGING AND THEY MAY NOT NEED VARIANCE

Motion by Gunther, seconded O'Rourke: CARRIED: To table ZBA case 2021-01 due to applicant's client changing their imaging and they may not need variance.

Roll Call Vote

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

DISCUSSION:

City Attorney Vanerian explained there was a court ruling on a home on E. Walled Lake Drive. Mr. Ben Berry was applicant and he applied for a variance. City Attorney Vanerian explained a neighboring property owner requested the board provide an interpretation of the front yard setback ordinance. City Attorney Vanerian explained the ZBA provided the requested interpretation. City Attorney Vanerian explained Mr. Berry filed with the circuit court of appeal, the circuit court reversed the ZBA's interpretation and held that the applicant did not need a front yard setback variance in accordance with the ordinances. City Attorney Vanerian explained while pending the court's decision, the city did amend the ordinance to change the language so

that the front of homes could not be built without variance. City Attorney Vanerian explained after the city's ordinance amendment, Mr. Berry filed a motion regarding the newly amended ordinance stating it did not apply to his project because he had already filed his building permit application prior to the amendment. City Attorney Vanerian explained the circuit court held that the original ruling would apply to this case and Mr. Berry would be eligible to apply for building permit without front yard variance.

Building Official Wright said a permit has been issued for construction of home.

ADJOURNMENT

ZBA 3-4-21 MOTION TO ADJOURN

Motion by Gunther seconded by O'Rourke, CARRIED, to adjourn the meeting at 7:58 p.m.



Jennifer Stuart
Recording Secretary

approved 4/20/21

Jason Easter
Chairman