



CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
(ELECTRONIC MEETING PLATFORM)
MONDAY, MAY 24, 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 5-1-21 APPROVAL OF THE APRIL 26, 2021 ZONING BOARD OF APPEALS MEETING MINUTES

Motion by Gunther, seconded Rundell: CARRIED: To approve the April 26, 2021 Zoning Board of Appeals meeting minutes.

COMMUNICATION:

Recording Secretary Stuart said letter was received regarding case 2021-06, 227 Osprey.

Chairman Easter asked for letter to be read into the record.

May 24, 2021

To Whom It May Concern,

This letter is a direct response to the variance requested by 227 Osprey (case number 2021-06). I officially would like to oppose 227 Osprey receiving the required variance to increase their impervious surface to 39.7%.

My reasoning is he has expressed this plan to myself and several neighbors that he will use this new concrete in the future to build a covered porch while changing the roofline of his home. If he changes the roofline of his home it will directly affect me by reducing my view of Walled Lake. Which in return will reduce my market value of my home since it will no longer be considered a lakeview home. Lakeview homes sell at a higher rate than comparable homes with no lakeview. 227 Osprey already has a detached garage larger

than the home itself and majority of the property is already either cement, patio pavers, or rock.

Enclosing we are a society of rules all of which we must follow. When one rule is bent or mended to make a resident happy a snowball effect will start. If variance is given then why even have the rules in the first place. Please consider opposing this variance to increase their impervious surface to 39.7% when this property is already maxed.

Thank you,

Darrin Holmes

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Case: 2021-05
 Applicant: Jonathan Boboige
 Location: 222. S. Pontiac Trail
 Request: Non-use Variance

This matter relates to property located at the above referenced location. Applicant proposes to construct roof over front porch. Except as expressly provided by this article, the minimum front setback in single family districts shall be based on the established residential building pattern (ERBP), or the minimum setback specified in the schedule of regulations (section 51-17.01), whichever is less. The ERBP setback shall be equal to the average of the front setbacks of the immediately adjacent dwelling on each side of the subject parcel on the same side of the road and in the same zoning district as the subject parcel.

Applicant Mr. Boboige explained he is looking to curb appeal but also help with the sun damage to his home, especially on his wood floors. Mr. Boboige said he does not wish to keep the curtains closed every day all day and explained an enclosed porch would help with the weather elements.

Chairman Easter clarified that the existing porch is not going to be modified to extend forward the posts are present and the design is to create a covered porch with existing posts.

Building Official Wright confirmed.

Board Member Gunther asked which home is the subject home in the google map pictures provided in the packet.

Board Member Rundell said it is the one in the middle, gray and white in the picture, the front corner of the white farmhouse meets the same frontage as the applicant.

Chairman Easter explained the home next to the applicant's home is twenty feet rearward. Chairman Easter said further down Pontiac Trail, south direction, all homes are more forward

even compared to the applicant's seven-foot porch. Mr. Easter said the homes further south start encroaching and these three houses in the google map pictures are the most setback. Chairman Easter said it is an interesting mix with porches to the south that exceed the applicant's proposal. Chairman Easter said he looked at it and as far as view, he asked what views are being cancelled. Chairman Easter said it was the first floor only modification as he understood using existing five-foot posts to create a front cover over the porch.

Applicant Boboige explained he is looking to extend the roof line 3 ft 5 inches to the existing porch. Mr. Boboige explained the porch is already there and he wants to extend the porch line making it look nice, designing with barn wood.

Board Member Gunther asked when the original porch was put on.

Applicant Boboige said it was there when he moved in, and he has been in the home five years.

Chairman Easter said it was prior resident to Mr. Tomkow, who had done renovations 7 to 10 years ago.

Board Member Rundell asked if the porch came before the board back then, if they did not before then, how it was placed within the setback.

Chairman Easter said no not in his time on the board and the board cannot speak for prior work done.

Board Member Gunther explained the board worked hard to create the established residential building pattern (ERBP) requirement.

Chairman Easter agreed and explained this is an existing structure already in the ERBP. Chairman Easter said this is a unique case, it is not part of the ERBP it is already 4 feet or so with the pillars in the setback.

Board Member O'Rourke asked if it was only the first floor that is being modified.

Chairman Easter explained the farmhouse on the north side next door does not have any second story windows.

Board Member Rundell explained you would not even notice the covered porch is there.

The board discussed existing soffits, soffit sizes and fascia board.

Applicant Boboige explained the soffit size is standard.

Chairman Easter explained the 7.1 feet is from the fascia board not the soffit. He said the roof line is not 4 ft, even if considered just a porch there is language about front porch setbacks and encroachments in the zoning ordinance.

Building Official Wright explained a porch is allowed to encroach 10 feet into allowed setback. Building Official Wright explained the applicant's home is already encroaching, it is preexisting non-conforming, and applicant is increasing his nonconformity which needs a variance.

Chairman Easter said this home is preexisting non-conforming, applicant is extending the roof line onto existing porch posts on the first floor.

Board Member Rundell said the roof line ends slightly behind the masonry posts that are there now.

Chairman Easter explained the side elevation, the bottom part of the posts already exist within the existing porch. He said the applicant is not coming out any further than existing porch.

Board Member O'Rourke asked if there was any communication received from either neighbor on each side.

Applicant Boboige said his neighbors, to the south Mr. Martin Yono and Mr. Frank Christopher to the north reached out and both were positive.

Chairman Easter asked if the board had any further comment. Chairman Easter explained he cannot make the motion, but he stated he is not opposed to this project.

AUDIENCE PARTICIPATION: None

**ZBA 5-2-21 MOTION TO APPROVE ZBA CASE 2021-05 A NON- USE
VARIANCE REQUEST TO EXTEND FIRST FLOOR ROOF LINE
NO FURTHER THAN EXISTING POST AS PRESENTED IN THIS
DOCUMENT, AS THE ELEVATIONS SHOW NOT TO EXTEND
PAST ANY EXISTING STRUCTURE**

Motion by O'Rourke, seconded Rundell: CARRIED: To approve ZBA case 2021-05 a non-use variance request to extend first floor roof line no further than existing post as presented in this document as the elevations show not to extend past any existing structure.

Board Member Gunther said he is recusing himself due to potential litigation against the applicant.

City Attorney Vanerian explained to Board Member Gunther if he wished to recuse himself that needed to be done prior to the case opening. City Attorney Vanerian explained recusing oneself needs to be done at the very beginning when case is called, and that person should not be

participating in that case at all. Attorney Vanerian said it must be done at beginning of the case and state why and you cannot speak or participate in any discussion regarding the case.

Chairman Easter asked if Member Gunther could abstain.

City Attorney Vanerian said Mr. Gunther indicated potential litigation and potential financial interest in the matter may exist and agreed Board Member Gunther could abstain.

Building Official Wright asked for clarification of the motion, that the roofline is not to pass any of the existing structure, typically contractors place a decorative soffit that may go beyond the existing structure. Building Official Wright asked if this pertains to this applicant and the required plan review, does the motion consider the decorative soffit.

Chairman Easter explained as presented in the side elevation, it shows the edge of the roof comes down square with the front of porch.

Building Official Wright said applicants like to have decorative soffits noting the side elevation in the drawing. Building Official Wright explained this would extend the roof line and asked for clarification from the board if this is to be accounted for in his plan review as part of the board's approval.

Chairman Easter explained a drip edge is required.

Roll Call Vote

Ayes (4)	Rundell, O'Rourke, Arnold, Easter
Nays (0)	
Absent (0)	
Abstain (1)	Gunther

2.	Case:	2021-06
	Applicant:	Ron Kwasniewicz, Jr.
	Location:	227 Osprey
	Request:	Non-use Variance

This matter relates to property at above referenced location. Applicant proposes increasing impervious surface to 39.7%. Applicant exceeds Article 51-17.02(M) Impervious surface in single-family districts. A maximum of 35% of the parcel shall be covered by impervious surfaces in the R-1A and R-1B districts.

Applicant Kwasniewicz said he has been in home for 29 years and raised their family in Walled Lake. Mr. Kwasniewicz said they want to make their home a forever home for them and make provisions for the future as they age. Mr. Kwasniewicz said they want to create a safer area and it will improve the aesthetics without increasing the footprint. Mr. Kwasniewicz said the home is

1200 sq foot. Mr. Kwasniewicz said the variance is to change the roof line to create a covered entrance which will help with winter and rainy days.

Board Member Rundell asked if a deck is considered impervious.

Building Official Wright explained a deck itself is pervious material however the applicant is proposing to add concrete which is increasing the impervious surface.

Applicant Kwasniewicz explained the proposal is taking a portion of the pervious deck away and replacing with cement and a roof to create a covered entrance. Mr. Kwasniewicz said the deck will be smaller but there is an increase to the concrete, and all of this will be under the covered porch.

Board Member O'Rourke clarified the door is not moving, but the 4% of impervious is coming from the 7 to 8 feet of new concrete in place of the removed deck area.

Chairman Easter explained because applicant has to add support posts which also has cement, this adds into the impervious surface totals in addition to the concrete by the door where the deck is going to be cut back that totals the 39.7% Chairman Easter explained applicant was granted previously for 38%, this plan asks for an additional 1.4% which equals the 39.7%, 4.7% over ordinance allowable of 35%.

Board Member O'Rourke said applicant is not expanding his footprint and the entrance door remains in the same position.

Board Member Rundell said nothing under roof is impervious, but the roof is increasing impervious surface.

Board Member O'Rourke said the biggest concern would be if expanding on existing footprint which the applicant is not, this is a minimal request for making this their lifelong home. Board Member O'Rourke said there is gravel and grass to address drainage.

Applicant Kwasniewicz explained he did not include in calculations because it is already concrete.

Board Member Rundell said the survey shows there is a red line on drawing that outlines a left elevation, south side. Board Member Rundell said where the new roof is going, the shed roof, but it does not go the entire way to front of the house itself, it goes just 28 feet. Board Member Rundell said the plan, the colored area is only showing the deck, it does not indicate where the roof is. Board Member Rundell said page 28 in the packet the roof is indicated in yellow on the house and if applicant is putting roof the entire length of the home, it is all impervious anyways, the plans need to show the entire roof line.

Board Member O'Rourke said page 28 shows what is existing currently, and page 29 is showing the roof with four columns, extending the roof line post to post.

Chairman Easter asked and clarified with Building Official Wright that when he reviewed the plans the only variance needed was for impervious surface.

Building Official Wright said yes.

AUDIENCE PARTICIPATION

Planning Commission Liaison Mr. Neal Wolfson asked what address wrote the letter in opposition of the case, what neighbor next to applicant.

Recording secretary Stuart said there was no address provided in correspondence.

Darrin Holmes, 228 Osprey – said his living room window points directly to applicant's driveway and he explained what was told to him for design it would greatly reduce his view of the lake through the gap of applicant oversized garage and home. Mr. Holmes opined he will lose up to 50% of his view of the lake. Mr. Holmes said concrete was placed in the last six months with this property, how many variances is one property allowed due to the garage already bigger than home in footprint, and applicant has already been granted variance for concrete. Mr. Holmes asked if tightly packed stone paver patio included in the impervious surface calculations. Mr. Holmes said with adding the pitch Mr. Kwasniewicz is planning for the roof of his home, it moves out six to eight feet to address the covered porch how high will his peak have to be. Mr. Holmes said the value of his home is at an all-time high and a lakeview home in demand and if this variance goes through, he will have to have his home reassessed for taxable value because he will be losing lakeview on his home. Mr. Holmes asked what the date of survey is provided by the applicant because he is sure it does not consider the cement just placed.

Chairman Easter explained applicant's lot is a larger roof structure, but the home is bigger than garage, the lot is wider than normal, the patio pavers are sanded in place they are pervious surface not impervious. Chairman Easter explained the lot across is empty .

Mr. Holmes asked about the ditch that was filled with concrete.

Board Member O'Rourke explained that area is in the city's road right of way.

Building Official Wright said the new concrete being discussed is in city right of way and suggested that be discussed with the city. Mr. Wright explained the height as shown on page 29, the height of home is not changing the pitch the overall height is not changing.

Board Member Rundell said if applicant placed a gable roof, there would be more view removed, the applicant is taking the last obtrusive roof pitch.

Planner Ortega explained other communities may have specific language for waterfront view shots however the city does not have any language in its ordinance that protects view shots.

Mr. Holmes said if there is no protection for waterfront views what is he to do.

City Planner Ortega explained there are building height restrictions but not relatable to waterfront views.

Mr. Holmes asked for a copy of the minutes to be emailed to him.

City Attorney Vanerian explained the minutes are available on the city's website. City Attorney Vanerian explained to audience and board members that public comment is not an open question and answer session argumentative session.

Mr. Wolfson explained the minutes are available on website.

ZBA 5-3-21 MOTION TO APPROVE ZBA CASE 2021-06 NON-USE VARIANCE AS PRESENTED AND OUTLINED IN ACCORDANCE WITH THE PLANS SUBMITTED OF HOME AND IMPERVIOUS SURFACE INCREASE ON EXISTING STRUCTURE OF 1.5%

Motion by O'Rourke seconded Arnold: CARRIED: To approve ZBA case 2021-06 non-use variance as presented and outlined on accordance with the plans submitted of home and impervious surface increase on existing structure of 1.5%.

Roll Call Vote

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

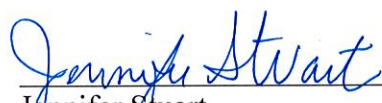
Applicant Kwasniewicz asked what the period is the variance is allowed for, because of covid, he has missed his opportunity with his builder.

Building Official Wright explained typically the variance is good for one year we start with a building permit application and required inspections and its one year from the start not from the completion.

ADJOURNMENT

ZBA 5-4-21 MOTION TO ADJOURN

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



Jennifer Stewart
Recording Secretary *approved 4/28/21*

Jason Easter
Chairman