

City of Walled Lake
Zoning Board of Appeals
May 18, 2015
7:30 p.m.

As Chairperson Tracy Soltis has resigned due to her move out of the City and Vice-Chairperson Reuben Cheney was not in attendance; Board Member Linda Ackley offered to conduct the meeting tonight. Board Member Ackley called the Zoning Board of Appeals to order at 7:32 p.m.

ROLL CALL:

Present: Ackley, Seit, DeCourcy, Gunther
Absent: Cheney, Swett, Stephan
Others Present: Attorney Vahan Vanerian, Finance Director Colleen Coogan

There is a quorum but not a full board. Applicant Jim Maher stated he would like to proceed with the meeting.

REQUEST FOR AGENDA CHANGES:

It was suggested to move election of officers after hearing Case 2015-01.

COMMUNICATIONS:

The Board has received a copy of a letter from Mehdi Amini Moghadam who is the owner of 925, 929, and 933 North Pontiac Trail. He is opposing the proposed building construction as he feels it will obstruct the view to his tenants building.

APPROVAL OF MINUTES: May 19, 2014

ZBA 05-01-15: MOTION TO APPROVE MAY 19, 2014 MINUTES

Motion to approve the May 19, 2014, minutes.

DeCourcy moved, Seit supported

VOTE:

UNANIMOUSLY CARRIED

NEW BUSINESS

- 1. Case #: 2015-01**
Applicant: Pontiac Trail Business Center
Location: 861 N. Pontiac Tr.
Walled Lake, MI 48390
Request: Non-Use Variance

This matter relates to property located at 861 N. Pontiac Trail. The applicant is requesting a variance from Article 17 of the Walled Lake Zoning Ordinance to allow the reduction of the required front yard setback from 15 feet to 0 feet.

Board Member Ackley stated that in the past, before a case goes before ZBA a site plan is approved and it is recommend by the Planning Commission that the applicant come before the Zoning Board of Appeals for approval on a variance. Attorney Vanarian stated that this is correct and the reason is that the Planning Commission could change the plans, the need for variance could change, and or other variances could be needed. He said typically the Planning Commission would approve with subject to the condition of the Zoning Board approval on variance requests.

Attorney Vanarian's recommendation was to move forward with the case, hear the public comments, and table the case to the next meeting until it has gone before the Planning Commission. He said at the next meeting the Board can follow the Planning Commission's recommendations and take action on requested variances.

Board Member Gunther asked if the property is in the downtown overlay district. He said it is zoned C-2 and it appears to be within the downtown overlay district.

Jim Maher, owner of the Pontiac Trial Business Center, stated that he would like to build a new 10,000 square foot building next to his current building on Pontiac Trail. He said they are an emergency response business that deals with catastrophe situations, most of their calls are during the night and weekends. He would like to build a building that would be like a fire-station ready building with vehicles inside and ready to respond to situations.

He said the building will consist of five vehicle bays; 7000 square feet of shop space, indoor storage and a business office setting. They would like to be under one roof. The challenge is the irregular shape lot of the property.

He said they would like zero lot line settings both on Spring Park as well as Pontiac Trail. Mr. Maher gave examples of several other businesses in the area that have zero lot line setbacks. These include Casey's Pub and the buildings to the East, the old Farmers Insurance Office, Erin Industries, and 925, 929, 933 North Pontiac Trail.

The Board asked about the existing building and Mr. Maher stated they wish to leave it in place. They also asked about the driveway in and out off of Spring Park and the traffic congestion. Mr. Maher again stated that most of their business calls are during late night hours or on the weekend and there shouldn't be any traffic concerns. The Pontiac Trail driveway will remain as is. It will be a one way flow of traffic. There could possibly be up to ten trucks leaving the building at one time. They have never had a traffic issue.

On behalf of Board Member Ray Swett, Board Member Ackley asked about the storage sheds. Mr. Maher stated that the sheds would be gone.

The Board asked about the proximity to the corner and the view to the corner coming off of Spring Park and Fawn Lake Drive. Mr. Maher is going to have a traffic engineer looking into this and a professional report will be done.

The Board asked if there was any way the building could be brought back at all. Mr. Maher stated that they have condensed the building as much as possible in order to accommodate their vehicles. This is the

right fit for them. If pushed back they would lose a bay. There is one bay entrance at the back of the building to be used for loading and unloading.

Audience Comments

Doug Stepp, owner of the business at 929 No. Pontiac Trail, stated that he has concerns about the traffic getting on to Pontiac Trail if this building is built. He is glad to hear a traffic study is to be done. He is also concerned that the Maher new building would obstruct at least 50 percent of his building and will affect his business. He would probably have to move to a new location and or lay people off. He also feels it will lower property values.

Dale Uranis, property manager of 925, 929, & 933 No. Pontiac Trail said that he is speaking on behalf of the owner of the building. He has presented the letter from the owner of the building and as Doug Stepp just stated; he will have to move his business. He feels traffic is already a problem with no building on the corner. Parents pick up the children from the bus at this corner and with a building right at the sidewalk the view will be further obstructed. He feels if it was set back 15 feet it might help but it should not be set right at the property line.

The owner of 851 North Pontiac Trail stated that he owns the point that comes out to Pontiac Trail off of Fawn Lake Drive. He said that he would like a sign at Pontiac Trail if this building is built and a traffic light as this area is so dangerous. He knows there are numerous accidents on Pontiac Trail as he tows the vehicles off Pontiac Trail and into his yard.

Dennis Burks, 206 Spring Park, stated that his family has owned this property since 1957. He is concerned of the drainage and where the snow will be put. There are 6 – 7 houses that he feels will be under water all summer. He also indicated that the buildings that Mr. Maher said were at zero setbacks were all buildings that were built before the roads were widened. He feels Mr. Maher has a remodeling business.

Mr. Burk is concerned about the drainage issues. Several years ago a Mexican restaurant proposed a building at this site and they were denied due to drainage issues. Why would it be allowed for Mr. Maher? At the end of the street there is a swamp that is currently full. If there were more water added to street and area this would make the situation worse.

Tammy LoGiudice is concerned about the bus stop and kids on the street. She feels that if this building is built there will be no place for the parents to wait to pick up their kids from the bus stop. When there is cold weather they will not be able to park at the end of the street when it is cold as this will then be his driveway.

Karen Kolke, 179 Spring Park, commended Mr. Maher for cleaning up this piece of property. He has done a great job of cleaning it up since he purchased the property. Her concern is the 30 percent green area which is for absorption and drainage. She is concerned about the snow and drainage of all the water and melting snow. She is also concerned about gas lines. She was told this would be addressed at Planning Commission.

Karen Bishop, 234 Spring Park, said that all of the businesses that Mr. Maher said had zero lot line setbacks did not have a residential neighborhood behind them. They would be the only neighborhood with a residential area to the rear.

Karen Kolke asked if there was to be a wall between his business and the neighborhood. Mr. Maher said there has been discussion on this but nothing had been finalized. She also asked about parking in the back. There are offset parking spaces.

Raymond Brown, 249 Spring Park, said that his fellow neighbors have said everything that he wanted to say.

Mr. Maher had no further comments.

ZBA 05-02-15: MOTION TO TABLE CASE 2015-01

Motion to table ZBA Case 2015-01 until the Planning Commission has had a chance to review this proposal. Mr. Maher may be able to address some to the concerns of the neighborhood with the residents, mainly the bus stop and the rear screening issues.

Gunther moved, Seit supported;

ROLL CALL VOTE:

Yes:	Gunther, DeCourcy, Seit, Ackley
No:	None
Absent:	Cheney, Stephan, Swett

Commissioner Seit said that the Planning Commission will need to look at drainage issues in the area.

2. Election of Officers

It was felt that the election of officers should be tabled and it is determined if Chairman Reuben Cheney is to continue on with the Board. He has indicated that he may be resigning.

ZBA 05-03-15: MOTION TO TABLE

Motion to table the election of officers until the next meeting.

Seit moved, DeCourcy supported;

VOTE:

UNANIMOUSLY CARRIED

DISCUSSION

New members of the Board asked about Mr. Maher’s storage sheds. Board Member Ackley explained that he has been approved by the Board for these sheds for two years. He is in his second year with the sheds.

ADJOURNMENT: The meeting adjourned at 8:00 p.m.