



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, MARCH 26, 2018**

The Meeting was called to order at 7:31 p.m.

**ROLL CALL:** Easter, Gunther, Hecht, O'Rourke, Rundell

**ABSENT:**

**OTHERS PRESENT:** City Attorney Vanerian, Building Official Wright, Recording Secretary Joyce, Mayor Ackley

**REQUESTS FOR AGENDA CHANGES:**

Chairman Easter requested Approval of the Minutes and Elections of Officers at the end of the meeting tonight.

**COMMUNICATION:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**1. Public Hearing**

Open Public Hearing 7:32p.m.

Case: 2018-02  
Applicant: Peter & Lori Woods  
Location: 155 Osprey Street  
Walled Lake, MI 48390  
Request: Non-Use Variance

This matter relates to the property located at 155 Osprey Street. The applicant is requesting a variance of Article 21 Section 21.10 A (3) from the Walled Lake Zoning Ordinance for mechanical units to be located on the side of the principal dwelling versus the rear of the principal dwelling.

Lori Woods owner of 155 Osprey is requesting a variance as they would like to place their mechanical units on the side of their property instead of the rear. They have three mechanical units that need to be considered. They are proposing putting their air conditioner on the north side of the property. This is central to where their furnace rooms. They also have a wine

compressor and a generator. They would like to put these two units on the south side of the property. They feel the air conditioning unit will operate more efficiently on the south side of the property. To put it at the rear of the property forces the mechanical room to be at the back of the property and will result in uneven heating and cooling.

As far as the other two mechanical units, they felt it would be better to split the units up for the neighbors view point. The wine compressor needs to be close wine cellar. They feel it would look better to have them on the side of the home rather than on the lake side. They feel the neighbors would be less bothered by the mechanical units on the side rather than the lake front.

Ms. Wood stated that their neighbors have their mechanical units on the side of their homes.

Chairman Easter stated that the neighbors have their mechanical units on the side of their homes, but they have landscaped around the units which helps buffer the noise of the units. Ms. Woods stated that they are open to screening and landscaping to minimize any nuisance.

The Commission stated that lakefront homes technically have two front yards. They also felt this ordinance needed to be revisited.

Commissioner Rundell asked if the units could be moved back around the corner of the garage. This would hide it front the front and hide some of the noise that could be coming forward. Ms. Woods stated that their plans call for storage under the garage and this is their only access point to the underground storage area. Also, the furnace is on other side of the house.

**ZBA 03-01-18            MOTION TO APPROVE VARIANCE REQUEST AS SUBMITTED  
FOR CASE 2018-02 WITH THE ADDITON OF SCREENING FOR  
ALL THREE UNITS WITH VEGETATION AND/OR SOUND  
CONTROL.**

Motion by Hecht, seconded O'Rourke, CARRIED UNANIMOUSLY: To approve ZBA Case 2018-02, 155 Osprey or three mechanical units to be located on the side of the home with the addition of vegetation and/or noise screening.

**ROLL CALL VOTE:**

Yes: (5)            Easter, Gunther, Hecht, Rundell, O'Rourke  
No: (0)  
Absent: (0)  
Abstain: (0)

(5-0) MOTION CARRIED

The Board recommend that the ordinance pertaining to mechanical units be addressed. City Attorney Vanerian stated this would go before Planning Commission with a Public Hearing and then would go to City Council for final approval. Attorney Vanerian will draw up the necessary paperwork to bring to the Planning Commission.

*Close Public Hearing 7:45 p.m.*

## **2. Public Hearing**

Open Public Hearing 7:46 p.m.

Case: 2018-03  
Applicant: Pontiac Trail Business Center  
Location: 861 No. Pontiac Tr.  
Walled Lake, MI 48390  
Request: Renewal to Non-Use Variance

This matter relates to property located at 861 N. Pontiac Trail. The applicant is requesting a renewal variance from Article 17 of the Walled Lake Zoning Ordinance to allow the reduction of the required front yard setback from 15 feet to 7 feet, 6 inches.

Jim Maher is asking the Zoning Board to extend the variance that they approved last year for the project at 861 North Pontiac Trail. They have been working to get their architectural, engineering and municipal approvals together. All of their plans are now approved, and they are ready to break ground. The variance that they were granted last year has expired due to the length of time it has taken to get all of their plans approved. He is asking for an extension on the variance that was granted them last year.

Mr. Maher stated that nothing has changed on their drawings. They did go back to the Planning Commission last month and were approved an extension. With the Zoning Board's approval, they will be turning in building permits next week.

Mr. Maher said they hey have been given approval by the City Engineer – Boss Engineering. They have made sure all of the requirements that the City requested have been met.

Building Official Jim Wright thought there was still an easement issue with the neighbors. Mr. Maher stated that this has been resolved. They have altered the retention pond so that it would not have to go off site.

Ken Kolke of 179 Spring Park stated that according to the minutes of May 18, 2015, Mr. Maher was approved for a zoning variance. He is wondering how many times this will be allowed to happen. He feels that Mr. Maher's business requires an industrial zoning. This property is C-2. Mr. Kolke gave several reasons why he feels the residents on Spring Park are being infringed upon by local businesses due to noise, night time activity and their lighting conditions on their properties. Mr. Kolke feels the property north of Fawn Lake up to Eagle Pond need to be rezoned.

Attorney Vanerian stated that it sounds like this area was originally zoned C-1 and in 2005 changed to C-2. It is zoned C-2 until it is rezoned. The fact that the business that had it rezoned did not move forward with the business adventure doesn't bring the zoning back to its original zoning.

Chairman Easter asked about them being able to get equipment to the backside of the property. Mr. Maher stated they have widened this area as an additional safety purpose. They have also changed the parking to comply with it. Chairman Easter stated that Mr. Maher has changed everything that the City, Planning Commission, and the County have asked for. This is just an extension of the variance previously granted.

Building Official Wright stated that the Planning Commission approved the extension for six months from the date of February 13, 2018. Attorney Vanerian said it could run concurrent with the Planning Commission dates.

Building Official Wright said that improvements have to be started within the six-month time frame. He has to pull the permits and break ground. Mr. Maher said they are ready to move forward.

Mr. Kolke asked about the showroom being ADA. Mr. Maher stated it is ADA approved and they have the appropriate handicap accessibility. They meet the slopes and grades and door sizes. McKenna has also approved the sidewalks.

**ZBA 03-02-18            MOTION TO APPROVE THE SETBACK AS REQUESTED AND GRANT THE EXTENSION TO RUN CONCURRENT WITH THE PLANNING COMMISSION'S EXTENSION OF FEBRUARY 13, 2018. THIS IS FOR THE SAME REASONS AS THE ORIGINAL VARIANCE WAS GRANTED.**

Motion by Hecht, seconded O'Rourke, CARRIED UNANIMOUSLY: To approve ZBA Case 2018-03, 861 North Pontiac Trail to allow the reduction of the required setback from 15 feet to 7feet, 6 inches. Variance is to run concurrent with the Planning Commission's Extension of February 13, 2018.

**ROLL CALL VOTE:**

Yes: (5)            Easter, Gunther, Hecht, Rundell, O'Rourke  
No: (0)  
Absent: (0)  
Abstain: (0)

(5-0) MOTION CARRIED

*Close Public Hearing 8:07 p.m.*

**AUDIENCE PARTICIPATION:**

Robert Rothstein of 164 Spring Park stated that he has some problems with the approvals that the City has given to Maher. He has issues with what they have done. They have cut down trees and not replaced them. They now hear trash trucks and traffic all the time. The trees buffered the noise and he now has lights shining in his windows all night long. Mr. Maher has cut down and not replanted anything. Mr. Rothstein feels they get approved for everything they ask for and the residents are not taken into consideration.

Mr. Rothstein feels Maher does a good job with their projects but when they take down trees; they should replace them and fix the issues that are damaged. Chairman Easter asked if there was a tree ordinance and Mr. Wright stated there was. New home construction is being held accountable.

Tammy LaGuidice, 221 Spring Park, is concerned about the water issues on Spring Park. When it rains her backyard is under water. She feels with the removal of the greenbelt her yard will have even more water in it. She feels with the new construction it will be even worse. The grade keeps changing and the water keeps coming down.

Ms. LaGuidice also has issues with the bus stop at Pontiac Trail and Spring Park. She is wondering where the children will stand as they wait for the bus. ZBA Commissioner Ackley stated that the original plan was closer to Pontiac Trail and it was agreed with the residents so that is why it was set back as far as it was. Mr. Maher has agreed to put a bench on site for the children to sit on. She will personally remind him of this.

Mr. Wright stated that one of the complexities of the site was the drainage. The City will be watching very closely and addressing drainage issues. He has to control the drainage on his property and any additional drainage that is created from impervious surfaces.

Ms. LaGuidice was also concerned about the Maher trucks using their street as a turn around area.

**APPROVAL OF MINUTES:**

**ZBA 03-03-18            APPROVAL OF THE FEBRUARY 26, 2018, ZONING BOARD OF APPEALS MEETING MINUTES AS SUBMITTED**

Motion by Rundell, seconded O'Rourke, CARRIED UNANIMOUSLY: To approve the February 26, 2018, Zoning Board of Appeals meeting minutes as submitted.

**ROLL CALL VOTE:**

Yes: (4)            Easter, Hecht, Rundell, O'Rourke  
No: (0)  
Absent: (0)  
Abstain: (1)    Gunther

(4-0) MOTION CARRIED

**ELECTION OF OFFICERS:**

**ZBA 03-04-18            MOTION TO ELECT JASON EASTER AS CHAIRMAN AND KYLE HECHT VICE-CHAIRMAN OF THE ZONING BOARD OF APPEALS**

Motion by O'Rourke, seconded Rundell, CARRIED UNANIMOUSLY: To approve the Election of Jason Easter as Chairman and Kyle Hecht as Vice-Chairman of the Zoning Board of Appeals.

(5-0) MOTION CARRIED

## ADJOURNMENT

### ZBA 03-05-18 MOTION TO ADJOURN

Motion by Rundell, seconded by O'Rourke, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:32 p.m.

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Janell Joyce  
Recording Secretary

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Jason Easter  
Chairman