



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, OCTOBER 29, 2018**

The Meeting was called to order at 7:32 p.m.

**ROLL CALL:** Easter, Gunther, Rundell, Hecht, Ackley

**ABSENT:**

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

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**ZBA 10-01-18 APPROVAL OF THE JULY 30, 2018 ZONING BOARD OF APPEALS MEETING MINUTES**

Motion by Rundell, seconded Gunther CARRIED UNANIMOUSLY: To approve the July 30, 2018, Zoning Board of Appeals meeting minutes.

**COMMUNICATION:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**1. Public Hearing**

Open Public Hearing 7:34 p.m.

Case: 2018-05  
Applicant: Spectrum Neon Company  
Location: 955 N. Pontiac Trail  
Walled Lake, MI 48390  
Request: Non-Use Variance

This matter relates to property located at 955 N. Pontiac Trail. The applicant is requesting a variance of Article 20 Section 20.08(f) 1 and Section 20.08(f) 4 from the Walled Lake Zoning Ordinance for signs. The sign permit is for a 34.25 square foot freestanding sign with proposed setback of less than 40 feet from the existing right-of-way. Under Section 20.08.(f)4 setback

from the right-of-way, freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than one (1) foot to the existing right-of-way line. The provided plot plan notes that the sign will be placed three feet from the edge of the sidewalk.

Robert Baker was in attendance on behalf of Enterprise Rental Car along with Mary Lee Longe of Spectrum/Beacon Sign. Mr. Baker stated that Enterprise has been a part of the community for twenty years. They moved into their current location at 955 North Pontiac Trail in 2007 and at that time requested a variance for a sign which was approved. Due to the economic times, Enterprise did not move forward with the sign. They are now seeking the variance for a sign.

Mr. Baker stated that the sign would add aesthetic value to the property and help citizens and customers recognize their location and be an added value to their business. They are looking to stay in this location for the foreseeable future, so they have decided to make this investment in the property and the building.

Commissioner Ackley asked if this was about the same size as the sign which was granted in 2008. The signage part is actually reduced a bit – shorter in height but a bit longer in width. The variance that was previously granted was for a non-LED light. The current request is for an LED lit light.

Chairman Easter asked it was panel and backlit or panel and front lit. Ms. Longe stated that it is backlit.

Jim Wright, City Building Official, stated that Their request is virtually the same request they had back in 2008. The current sign they are asking for just doesn't meet the requirements of the ordinance for the sign location.

Commissioner Hecht felt we should possibly put a deadline on the request if granted as Mr. Maher seems to let requests expire and then comes back asking for the same request. He doesn't to see him coming back again and again for the same request. Commissioner Ackley stated that this request was from Enterprise and not from Maher. If they want to come back at a future date and pay the fees again, they can do so.

Commissioner Ackley asked if the sign was going to be a white plex glass board with lettering, lit at night. Ms. Longe said it was. Chairman Easter asked about the time table of construction. Ms. Longe said as soon as the permit is granted they were looking at 8 to 10 weeks.

Commissioner Gunther stated that he would have liked McKenna report to report not only what is deviated from but had an analysis of the other surrounding properties have been granted. Mr. Wright stated that each property is considered individually, and we cannot provide information on other properties when making decisions on this particular case. Each variance is based on the hardship for each individual property. Mr. Gunther stated that as a Zoning Board we have an obligation to not restrict a property owner to do what we have allowed other people to do. Mr. Wright stated that this is a bad precedence to set; that is why we have the Zoning Board of Appeals. You don't want to give someone approval just because someone else has been approved. You need to look at each case individually based on their particular hardship is. The other Commissioners all agreed with Mr. Wright.

**ZBA 10-02-18**

**MOTION TO APPROVE ZBA CASE 2018-05 TO ALLOW A SIGN NOT TO EXCEED SIX-FEET (6 FT.) IN HEIGHT FROM THE GROUND, TO BE LED, ON THE SIGNAGE PART OF THE SIGN TO BE 6x8 FEET, TOTAL SIGN WIDTH NOT TO EXCEED TEN- FEET (10 FT.). THE SIGN IS TO BE ONE-FOOT (1 FT.) FROM THE RIGHT-OF-WAY. STRICT COMPLIANCE WITH THE ORDINANCE WOULD PUT A HARDSHIP ON THIS SITUATION BECAUSE OF THE NON-CONFORMING BUILDING. THE VARIANCE WILL ALLOW FOR A QUALITY SIGN TO ADVERTISE THE BUSINESSES OF THIS PROPERTY. A LESSER VARIANCE WOULD POSSIBLY ALLOW HIM TO USE THE PROPERTY BUT FEELS THE QUALITY THAT IS BEING REPRESENTED WILL ENHANCE THE PROPERTY. THE CIRCUMSTANCES ARE UNIQUE TO THIS PROPERTY BECAUSE OF THE NON-CONFORMING BUILDING BEING TWENTY FEET FROM THE RIGHT-OF-WAY DUE TO THE WIDENING OF PONTIAC TRAIL OVER THE YEARS. THIS IS NOT A SELF-CREATED HARDSHIP DUE TO THE NON-CONFORMING BUILDING.**

Motion by Hecht, seconded Ackley, CARRIED UNANIMOUSLY: To approve ZBA Case 2018-05, 955 North Pontiac Trail.

*Close Public Hearing 7:48 p.m.*

**AUDIENCE PARTICIPATION:** None

***OTHER BUSINESS:***

Commissioner Ackley informed the Commission that City Council has decided to go along with the Mayor's request to have the First Veterans Day Service. It will be held in front of City Hall on November 11, 2018, at 1:00 p.m.

**ADJOURNMENT**

**ZBA 10-03-18**

Motion by Rundell, seconded by Gunther, CARRIED UNANIMOUSLY: To adjourn the meeting at 7:49 p.m.

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Janell Joyce  
Recording Secretary

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Kyle Hecht  
Vice-Chairman