



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, NOVEMBER 28, 2022**

The Meeting was called to order at 7:30 p.m.

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

**ABSENT:**

**OTHERS PRESENT:** City Attorney Vanerian, Planning Commission Liaison Wolfson

Members attending in person and via zoom from Walled Lake, Michigan.

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**ZBA 11-01-22 APPROVAL OF THE JULY 25, 2022 ZONING BOARD OF  
APPEALS MEETING MINUTES**

Motion by Rundell, seconded O'Rourke: CARRIED: To approve the July 25, 2022 Zoning Board of Appeals meeting minutes.

**COMMUNICATION:**

1. Memorandum regarding ordinance amendment C-364-22 to amend Chapter 51, "Zoning", Article 23.00 "Zoning Board of Appeals"

City Attorney Vanerian explained this amendment addresses vacancies on the board due to three unexcused absences and covers provisions for the adoption of Roberts Rules of Order as procedural rules for the Zoning Board of Appeals.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

1. Nomination and appointment of Vice Chair for the Zoning Board of Appeals

Chairman Easter explained a new Vice Chairman is required and he nominated board member Richard Gunther.

Board Member Gunther accepted the nomination.

**ZBA 11-02-22                    NOMINATION AND APPOINTMENT OF RICHARD GUNTHER  
AS VICE CHAIR FOR THE ZONING BOARD OF APPEALS**

Motion by Easter, seconded Arnold: CARRIED: To nominate and appoint Richard Gunther as Vice Chair for the Zoning Board of Appeals.

2.     Case:           2022-07  
       Applicant:    Cynthia Easter  
       Location:     903 E. Walled Lake Dr.,  
                      Parcel ID# 17-35-353-001  
       Request:      Non-use Variance

Chairman Easter explained he and his spouse are the applicants for ZBA case 2022-07 and he will recused himself from the discussions and input on ZBA case 2022-07. Mrs. Easter was the spokesperson.

This matter relates to the above-referenced property. Applicant proposes installing a generator on the northwest side of the applicant's principal dwelling adjacent to Welfare Blvd. which would require a front yard locational variance from the following section of the Zoning Ordinance:

- Section 51-21.10(a)(3) requires mechanical units in residential districts to be located in the rear yard except that on a showing of practical difficulty mechanical units may be located in a side yard. Applicant proposes installing a generator on the northwest side of the applicant's home in the side front yard adjacent to Welfare Blvd. which requires a locational variance from the rear/side yard placement requirement applicable to residential lots.

Open Public Hearing 7:34 p.m.

Applicant Cynthia Easter explained a whole-house generator is needed as there are quite a few power outages, especially in the winter months. Mrs. Easter explained she has had several different companies come out, and the proposed location is the safest location. Mrs. Easter explained they are a corner lot which creates two front lots. Mrs. Easter said she does have quite a bit of landscaping in the area and the unit will be shielded. Mrs. Easter explained the back side has restraints and safety issues because the unit requires to be so many feet from doors and windows for required venting. Mrs. Easter said the other side of her home there is a parking slab. Mrs. Easter said the safest spot is the requested variance location.

Board member O'Rourke said a whole house generator has intermittent use and there is not as much noise. Board member O'Rourke said as long as the landscaping is going to be maintained as it is presented today, he is in agreement. Board member O'Rourke said corner lots do present a challenge.

Close Public Hearing 7:40 p.m.

**ZBA 11-03-22                    MOTION TO APPROVE RESOLUTION 2022-02 A RESOLUTION**

**OF THE ZONING BOARD OF APPEALS OF THE CITY OF  
WALLED LAKE GRANTING THE APPLICANT'S REQUEST  
FOR A VARIANCE FROM SECTION 51-21.10(A)(3) OF THE  
ZONING ORDINANCE TO PLACE A GENERATOR IN  
APPLICANT'S SIDE FRONT YARD ADJACENT TO WELFARE  
BLVD. FOR THE REASON THAT APPLICANT  
DEMONSTRATED A PRACTICAL DIFFICULTY**

Motion by O'Rourke, seconded by Gunther, CARRIED: To approve resolution 2022-02 a resolution of the Zoning Board of Appeals of the City of Walled Lake granting the applicant's request for a variance from Section 51-21.10(a)(3) of the zoning ordinance to place a generator in applicant's side front yard adjacent to Welfare Blvd. for the reason that applicant demonstrated a practical difficulty.

Discussion

City Attorney Vanerian explained the proposed resolution calls for a minimum setback of feet from Welfare Blvd. and a number of feet from the side of the house facing E. Walled Lake Drive and screened from public view as required by section 51-21.10(a)(3) of the city's zoning ordinance.

The board further discussed the distance from Welfare Blvd. and E. Walled Lake Drive.

Mrs. Easter explained the section of setback to Welfare is 19 feet and it is 18 feet E. Walled Lake Drive.

Roll Call Vote

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

Chairman Easter began chairing the meeting again.

3. Public Hearing

Case:	2022-08
Applicant:	Luke Wright
Location:	915 E. Walled Lake Dr., Parcel ID# 17-35-353-006
Request:	Non-use Variance

This matter relates to the above-referenced property. Applicant proposes building a 19 ft. 7-inch x 32 ft. addition to an existing non-conforming detached accessory structure in the rear yard of applicant's above residential property set back 4.1 ft. from the rear lot line and with a combined

7.1ft. setback from the side lot lines which would require a dimensional variance from the following sections of the Zoning Ordinance:

- Section 51-17.02(m) limits total impervious surface lot coverage to not more than 35% of the total lot area. Applicant proposes constructing an addition to the existing non-conforming detached accessory structure with total impervious surface coverage of 41.27% of the lot area which requires a variance increase of 6.27% above the 35% impervious surface maximum.
- Section 51-17.02(n) requires a combined side yard set back total of not less than 12.5 ft., with the least side being not less than 3.5 ft., for lots less than 65 ft. in width. Applicant proposes constructing an addition to the existing non-conforming detached accessory structure with a combined 7.1ft. setback from the side lot lines which requires a 5.4 ft. set back variance from the minimum required 12.5 ft. combined total.
- Sec. 51-21.10(c)(2) c. 1. requires a minimum 7 ft. setback from the rear lot line. Applicant proposes constructing an addition to the existing non-conforming detached accessory structure set back 4.1 ft. from the rear lot line which requires 2.9 ft. set back variance from the minimum required 7 ft. set back from the rear lot line.

Public Hearing Open 7:46 p.m.

Applicant Luke Wright explained he purchased his home with the amount of cement already existing. Mr. Wright explained he will be removing the apron in the front so he can reduce the amount of concrete and get closer to the 35% impervious surface.

Chairman Easter asked the board if they had any questions. Chairman Easter explained it is a garage addition. Chairman Easter asked City Attorney Vanerian if a garage is a homestead structure.

City Attorney explained this case is different in that the request to expand an existing non-conforming structure the zoning ordinance as a general rule discourages expanding on non-conforming uses. City Attorney Vanerian explained there is a section in the zoning ordinance that allows the expansion of single-family homesteads versus the traditional variance need of meeting the five criteria. City Attorney Vanerian explained if the board interprets that this expansion is an expansion to the homestead structure then the criteria are a little different. City Attorney Vanerian explained the board needs to decide if the proposal is in keeping with the zoning ordinances and if the homeowner resides in the home as their main domicile.

Mr. Wright said yes, this is his primary home and he just moved in six months ago.

City Attorney Vanerian explained the board has the authority to exercise interpretative powers if the board determines the detached accessory structure is a homestead structure. City Attorney Vanerian explained if the board determines the proposal is a homestead structure, then the board needs to decide if the proposed structure keeps in alignment with the zoning ordinance.

Board member Rundell asked if the proposed attachment was to an existing attached garage, would it fall under the homestead rule automatically?

Vice Chairman Gunther asked if an attached garage is a homestead structure.

City Attorney Vanerian explained the section of the ordinance refers to a homestead structure. City Attorney Vanerian explained a principal structure, is a principal dwelling whereas an accessory structure is a garage or shed. City Attorney Vanerian explained that because there is no existing definition of homestead structure the Zoning Board is provided interpretative powers.

Board member Arnold asked if the west side meets the setback requirements.

The applicant's architect, Glenn explained the proposal is designed to fit a vehicle, the structure sits slightly further west of the concrete in order to be large enough to house a vehicle.

Board member Arnold asked if the side yard setback of the proposed addition is adhering to the zoning ordinance.

Applicant Wright explained, the neighbor to the north is three (3) feet from the property line. Applicant Wright explained he will be removing the concrete in this area and returning it back to grass.

The applicant's architect, Glenn explained the addition is towards the west of the existing garage, it is not further into the three (3) foot, and it does not encroach into the five (5) foot yard setback. Drawing AS101 outlines existing paving and existing paving in the front. Glenn explained the driveway is long and the paving was there when Mr. Wright bought the home.

Board member Rundell clarified there will not be any driveway to the new structure.

Applicant Wright said yes, even though that is not his wish but to become closer to the 35% impervious surface he will be keeping it gravel.

The applicant's architect Glenn explained the new structure is not designed for everyday use, in order to accommodate the lot coverage, this structure will be accessed by the grass only.

Board member O'Rourke asked if the existing plat of cement will house the new garage. Will it sit exactly on the cement and the only addition will be the back of the garage.

Vice Chairman Gunther asked if the board interprets this proposal as a homestead instead of a detached accessory building, should it be five (5) feet instead of three (3) feet for the setback?

City Attorney Vanerian said if the ZBA board finds and determines the accessory structure as a homestead, does the proposed enlargement keep as near as reasonably feasible with the provisions of the zoning ordinances. City Attorney Vanerian explained that based on the circumstances of this case, is what the applicant proposing in keeping near and reasonably feasible with the required setbacks.

Applicant Wright explained he spoke with his neighbors, he has spent \$5,000 on a civil engineer to research the water drainage, and the goal is to remove the water from going onto his neighbor's property.

Vice Chairman Gunther said the proposed garage is 19 feet in width, you can get anything in there.

Applicant Wright said he spoke with his neighbors, and he had a signed letter from neighbors.

Vice Chairman Gunther asked to have a letter added to the record.

The applicant's architect Glenn explained Nowak and Fraus engineering firm was engaged to analyze and redirect the water, so it does not engage the neighbor. There will be swales, etc.

Board member O'Rourke asked where the water is going to be diverted.

Applicant Wright explained the gutters will be reversed and redesigned and turned in the direction of the driveway only, more permeable areas will be created and he is doing all he can do.

Board member Rundell said page SP2 of the site plan shows removal and replace existing concrete.

The applicant's architect Glenn said that will be updated, to reduce as shown on sheet AS101. The civil engineering drawings will need to be updated.

Public Hearing Closed 8:14 p.m.

**ZBA 11-04-22            MOTION TO INTERPRET THIS PROPOSED STRUCTURE AS A  
HOMESTEAD STRUCTURE TO THE HOME VERSUS A  
DETACHED ACCESSORY STRUCTURE**

Motion by Gunther, seconded by Easter: CARRIED: To interpret this proposed structure as a homestead structure to the home versus a detached accessory structure.

Discussion

City Attorney Vanerian explained the board is reviewing and exercising its interpretative powers by deciding if the detached single accessory structure constitutes a "homestead structure" under Section 51-18.03(4).

Board member O'Rourke asked if there will then be a precedent set.

City Attorney Vanerian explained, each case will still have to come before the board, and the test the board applies to these cases will be different. City Attorney Vanerian explained this interpretive power does not apply if the property is not owner-occupied as the primary residence.

#### Roll Call Vote

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

Applicant Wright explained he has classic cars he would like to store in the garage and anything less than 19 inches would not accommodate two cars.

The applicant's architect Glenn said any narrowing of the 19 inches makes the usable space less usable.

Board member Arnold said he appreciates the 42 feet wide garage space; 42 feet is very wide considering the width of the lot.

Board Member Rundell said the zoning ordinance provides setbacks and the lots have two different side yard measurements but require a total of 15 feet between the two: the least side being 5 feet and the other one 10 feet in these zoning areas.

City Attorney Vanerian explained because of the lot width being less than 65 feet, the zoning ordinance permits the total combined side yard to be 12.5 feet with the least side being 3.5 feet.

Chairman Easter explained applicant cannot do anything on the opposite side, it is 7.1 feet versus 8.8 feet essentially. Chairman Easter said the applicant will never get to 12.5 feet it is either going to be 7.1 feet or 8.8 feet and asked the board what they wish to see.

Recording secretary Stuart read the letter into the record.

*November 28, 2022*

*To: Walled Lake Zoning Board,*

*I have read and understand the below and have no issues and support my neighbor and his building of an addition on his garage.*

*Kristin Roubie      917 E Walled Lake Drive  
Carole McPhee      913 E Walled Lake Drive*

City Attorney Vanerian explained the board has a draft resolution, 2022-03 before them as a resolution with the board's motion to grant variance requests or resolution motion to deny variance requests. City Attorney Vanerian explained if the board wished to approve but reduce

the width the board can make the approval conditional upon a combined total side yard or setback not less than 8.8 feet.

Board member Rundell said the applicant has to maintain the five (5) foot setback.

Board member O'Rourke asked if the applicant considered a car lift to house two cars.

Applicant Wright asked Board member O'Rourke if he meant stacking the cars within the lift. Mr. Wright explained the wall width changes the pitch, but the reason it is the height it is, is to have the clearance to raise a car inside. Mr. Wright said if he stacked the cars he is worried about oil leaking on the car below.

The discussion was further held on roof pitch options to accommodate a two-car lift.

Board member Rundell explained the owner has to make some concessions and maybe only work on one car at a time.

Applicant Wright asked what width the board wish to see.

**ZBA 11-05-22 MOTION TO APPROVE RESOLUTION 2022-03 A RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE CITY OF WALLED LAKE GRANTING ZONING APPROVAL UNDER SECTION 51-18.03(4) OF THE ZONING ORDINANCE TO CONSTRUCT A 17.5 FOOT X 32 FOOT ADDITION TO AN EXISTING NON-CONFIRMING SINGLE-FAMILY ACCESSORY STRUCTURE NOT TO EXCEED 17.5 FEET IN WIDTH**

Motion by Rundell, seconded by Arnold, CARRIED: To approve resolution 2022-03 a resolution of the Zoning Board of Appeals of the City of Walled Lake granting zoning approval under Section 51-18.03(4) of the zoning ordinance to construct a 17.5 foot x 32 foot addition to an existing non-conforming single-family accessory structure not to exceed 17.5 feet in width.

Roll Call Vote

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



**ADJOURNMENT**

**ZBA 11-06-22**

**MOTION TO ADJOURN**

Motion by Rundell seconded by Gunther, CARRIED, to adjourn the meeting at 9:35 p.m.

*Jennifer Stuart*

Jennifer Stuart  
Recording Secretary

Jason Easter  
Chairman

*approved 1/30/23*