



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
(ELECTRONIC MEETING PLATFORM)
MONDAY, SEPTEMBER 28, 2020**

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

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

ABSENT: Arnold, Easter

OTHERS PRESENT: Consultant City Planner Jackson, City Attorney Vanerian,
Recording Secretary Stuart

REQUESTS FOR AGENDA CHANGES: None

City Attorney Vanerian explained he will have an updated on a recently filed litigation regarding 821 E. Walled Lake Drive.

APPROVAL OF MINUTES:

**ZBA 09-01-20 APPROVAL OF THE JULY 27, 2020 ZONING BOARD OF
APPEALS MEETING MINUTES**

Motion by Hecht, seconded Rundell: CARRIED: To approve the July 27, 2020 Zoning Board of Appeals meeting minutes.

COMMUNICATION:

City Attorney Vanerian at last meeting of July the board rendered an interpretation of front yard setback pursuant to a written request of area resident Ms. Kelly Tome. Attorney Vanerian said the request originated from a proposed improvement of an existing home on E. Walled Lake Drive, neighboring Ms. Tome's property. Attorney Vanerian explained the owner Mr. Ben Berry following the boards interpretation at the July meeting, filed a circuit court action challenging the Zoning Board of Appeals interpretation of the setbacks. Attorney Vanerian explained the appropriate response has been prepared and filed on behalf of the city. Attorney Vanerian explained the parties have been briefed; the circuit court will be holding a hearing this week Wednesday for a court order requiring the building official to issue the building permit for renovation to his property. Attorney Vanerian explained the building official recently denied plans based on the board's interpretations. Attorney Vanerian said the building official advised the property owner of the interpretation. City attorney Vanerian explained it is up to the judge a final order or ruling.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Case: 2020-06
Applicant: Allied Signs
Location: 1212 E. West Maple
Request: Non-use Variance

This matter relates to property located at the above referenced location. The applicant is requesting variance from Article 20.08(e)(1) one wall sign shall be permitted per street frontage. Applicant is proposing two wall signs, an "M" and a "McDonald's" wordmark on the west elevation.

Consultant City Planner Jackson explained the applicant is proposing additional sign on the west elevation. He said the applicant has identified the size of the sign, a 14 square foot logo the golden arches and adding with the sign approved on the front of the building it still does not exceed the maximum sign allotment.

Commissioner O'Rourke asked if there was anything that goes with the arches. He asked if the play place sign was part of this.

Consultant City Planner explained the other signs were not as they were approved during site plan with the Planning Commission.

Open Public Hearing 7:38 p.m.

Commissioner O'Rourke asked if there were any questions or comments from the board. There were none.

Applicant, Allied Signs explained the lot is very deep and viewing angles are difficult. He explained the additional signage will help with identification.

Close Public Hearing 7:42 p.m.

AUDIENCE PARTICIPATION:

None

**ZBA 9-1-20 MOTION TO APPROVE VARIANCE FOR ADDITIONAL
SIGNAGE FOR WEST ELEVATION**

Motion by Hecht, seconded by Gunther: CARRIED: To approve ZBA case 2020-06 variance request for 1212 E West Maple

Roll Call Vote

Ayes (4) Gunther, Hecht, Rundell, O'Rourke
Nays (0)
Absent (2) Arnold, Easter
Abstain (0)

DISCUSSION:

Commissioner Hecht asked when the city is sued does the city attorney represent the city or is there outside legal brought in.

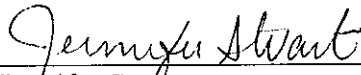
City Attorney Vanerian explained he will be representing the city. City Attorney Vanerian explained when there are monetary damages, the city's defense council, the MMRMA defends the city. He said it depends on the nature of the lawsuit and requested relief. Attorney Vanerian explained sometimes there are monetary damages, equitable damages and either one or both defend the city.

ADJOURNMENT

ZBA 09-02-20

MOTION TO ADJOURN

Motion by Rundell seconded by Hecht, CARRIED, to adjourn the meeting at 7:50 p.m.



Jennifer Stuart
Recording Secretary
approved 10/28/20

Dennis O'Rourke
Commission Member