



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
MONDAY, FEBRUARY 24, 2020**

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

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

ABSENT: Easter

OTHERS PRESENT: Consultant Building Official Wright, City Attorney Vanerian,
Recording Secretary Stuart

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**ZBA 02-01-20 APPROVAL OF THE JANUARY 27, 2020 ZONING BOARD OF
APPEALS MEETING MINUTES**

Motion by O'Rourke, seconded Gunther: CARRIED: To approve the January 27, 2020
Zoning Board of Appeals meeting minutes.

COMMUNICATION:

Recording secretary Stuart said there was a letter received from Michael Schwandt and Heidi
Howard owners of 479 Winwood Circle in objection of variance for Case 2019-08. Vice
Chairman Hecht requested letter to be read into record.

*Michael Schwandt and Heidi Howard
479 Winwood Circle*

Subject: February 24, 2020 Notice of Public Hearing, Case 2019-08

Dear Jennifer A. Stuart

*Upon receipt and review of the general mailing for the City of Walled Lake,
Notice of Public Hearing set for February 24, 2020 by my wife and I, this letter
serves as our written "objection" on the Request for variance for Case 2019-08
by Michelle Soho for proposal of a 6-foot privacy fence around the property
owner.*

It is our position that a 6-foot high privacy fence will detract from the aesthetics of surrounding areas, detract from the value of our property, and will result in long term concerns regarding the potential lack of maintenance to the exterior side of the fencing leading to an undesirable look to the public. Additionally, we feel the fence will make the entrance to the subdivision less appealing.

We will not be able to attend the meeting because we'll be out of town. Please ensure our "objection" regarding the request for a variance is heard.

Sincerely,

Michael Schwandt and Heidi Howard

UNFINISHED BUSINESS:

1. Case: 2019-08
Applicant: Michelle Soho
Location: 408 Witherall
Request: Non-Use Variances

This matter relates to property located at 408 Witherall. The applicant is seeking variance of Article 21 Section 21.13 (2) Fence and Wall Requirements. This property is located in R-1B district. Applicant is proposing a 6-foot privacy fence around the property perimeter. Fences located between the front of the house and the rear of the house shall not exceed 4.5 feet: fences located at the rear of the house shall not exceed 6 feet in height.

Vice Chairman Hecht explained the objection letter is for the 6-foot fence and what the applicant is now requesting 4.5 foot along the front yard.

Board Member Gunther said the rear still requires a variance. Board Member Rundell explained the north and west lot lines.

Building Official Wright explained he had provided a diagram for the board showing what the ordinance allows and what is considered the front, side and rear of the home since it sits in a unique position on the lot.

Vice Chairman Hecht explained what would suffice would be a motion for a 6-foot variance for the western border of the property.

City Attorney Vanerian explained the applicant is also proposing a 6-foot fence and gate between the house and garage, this should be included in variance request as well.

The board discussed the fence and changes made to the proposal in certain areas to meet ordinance requirements and what areas are considered a non-use variance.

Vice Chairman Hecht explained it is an odd shaped lot, a 6-foot western border fence variance along with the entry gate between garage and home seem to be what is needed.

Audience Participation

Applicant Soho explained she changed her plan and submitted a proposal with the section of the front fence facing the road, her front yard to be 4.5 feet instead of 6 feet to address what Winwood Association requested.

Board Member Rundell explained the motion must be specific to the certain areas of what is 4.5 feet and what will be 6 feet.

Carol Zalek, 527 Winwood Circle – asked for clarification on where the 4.5-foot fence is starting and ending.

Board Member O'Rourke explained the 6-foot fence is the 115 feet of fence along the western side of the lot.

Applicant Soho explained the opposition was opposed to the 54-foot section facing Nicolet at the front of her home being 6 foot and she changed that to 4.5 feet.

Neal Wolfson, 565 Winwood Court – said he is a member of the Planning Commission and explained the Planning Commission is working with the City Planner on the fence ordinance for amendments. He asked if this variance request could be delayed until the Planning Commission made their recommendation for amendments to Council. He asked if this variance is operating under the current ordinance and approving something that is non-conforming to the original ordinance.

Board Member Rundell explained the applicant is already financially committed to this fence.

Vice Chairman Hecht explained this is the third time the applicant has been before the board for the fence.

**ZBA 02-02-20 MOTION TO APPROVE OF THE NON-USE VARIANCE
REQUEST FOR CASE 2019-08 FOR A 6 FOOT FENCE ON THE
WEST 115-FOOT-LONG EXTENSION AND THE 6 FOOT FENCE
BETWEEN HOUSE AND GARAGE FOR PRIVACY OF THE LOT,
AND ITS NON-CONFORMING SIZE, SHAPE AND POSITION
OF HOME ON THE PROPERTY**

Motion by Gunther, seconded by O'Rourke, CARRIED: To approve the non-use variance request for case 2019-08 for a 6 foot fence on the west 115-foot-long extension and the 6 foot fence between the house and garage for a privacy of the lot, and its non-conforming size, shape and position of home on the property.

Roll Call Vote

Ayes (5)	Gunther, Hecht, Rundell, O'Rourke, Arnold
Nays (0)	
Absent (1)	Easter
Abstention (0)	

Board Member Ackley recused herself as there was a full board already in attendance to provide a quorum.

NEW BUSINESS:

1. Public Hearing

Open Public Hearing 7:48 p.m.

Public Hearing

Case:	2020-01
Applicant:	Michael Petryczkowycz
Location:	566 E Walled Lake Drive
Request:	Non-Use Variance

Applicant proposes complete renovation of structure located at 566 E. Walled Lake. Currently this structure is a preexisting nonconforming structure with a side yard setback on the west of 0.6' and on the east 18'11". Front yard setback currently is at the minimum 2.2".

Section 18.03 Nonconforming Structures of the Walled Lake Zoning Ordinance item (a) states no such structure shall be enlarged or altered in a way which would increase their nonconformity. With altering the second floor from a bungalow type structure to a colonial style structure this increases the nonconformity by having more exterior wall space and roof structure in the required side and front yard setbacks. A dimensional variance is required.

Vice Chairman Hecht asked if the prior variance request needed to be addressed prior to moving forward with this request.

City Attorney Vanerian explained the other pending case is not on agenda tonight, the board does not have to resolve that prior to hearing this case. City Attorney Vanerian explained it appears the applicant is increasing the square footage on the neighboring lot.

Building Official Wright explained when the applicant presented his building permit with plans, the existing house was going to have renovations to first floor and expanding second floor above. It appears now there is an addition of a living room and there needs to be clarification.

Board Member Rundell said the plans do not show the existing configuration at all. It would be helpful to know how much of the of an increase there would be.

Building Official Wright explained the applicant is increasing home in the side yard setback and encroaches on the setbacks. The second floor is going to enlarge the bungalow type structure to bring walls up to square it out. However, now there is a living room addition on side that is not part of the original house.

Applicant Michael Petryczkowycz explained the exact house is 21 x 29, existing first floor is staying the same. Mr. Petryczkowycz reviewed the plans with Mr. Wright. It was determined the plans submitted to the board by the applicant were not the correct plans.

ZBA 02-03-20 MOTION TO TABLE CASE 2020-01 TO THE NEXT MEETING SO APPLICANT CAN SUBMIT CORRECT PLANS TO THE BOARD

Motion by Gunther, seconded by Rundell, CARRIED: To table case 2020-01 to the next meeting so applicant can submit correct plans to the board.

Roll Call Vote

Ayes (5)	Hecht, Rundell, O'Rourke, Arnold, Gunther
Nays (0)	
Absent (1)	Easter
Abstention (0)	

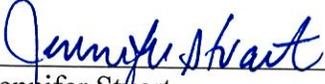
Board Member Ackley recused herself as there was a full board already in attendance to provide a quorum.

Board Member Ackley recommended the board host an election of officers at the next meeting and board agreed.

ADJOURNMENT

ZBA 02-04-20 MOTION TO ADJOURN

Motion by Gunther seconded by O'Rourke, CARRIED, to adjourn the meeting at 8:15 p.m.



Jennifer Stuart
Recording Secretary
approved 5-18-20

Kyle Hecht
Vice Chairman