



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, FEBRUARY 25, 2019**

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

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

**ABSENT:** Easter, O'Rourke

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

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**ZBA 2-01-18 APPROVAL OF THE DECEMBER 17, 2018, ZONING BOARD OF APPEALS MEETING MINUTES**

Motion by Rundell, seconded Ackley, **CARRIED UNANIMOUSLY:** To approve the December 25, 2018 Zoning Board of Appeals meeting minutes.

**COMMUNICATION:** None

**UNFINISHED BUSINESS:**

**1. Public Hearing**

*Open Public Hearing 7:31 p.m.*

Case: 2018-06  
Applicant: Sean Ammori  
Location: 1010 E. West Maple Rd  
Walled Lake, MI 48390  
Request: Non-Use Variance

This matter relates to property located at 1010 E. West Maple Road. This case was tabled in November 2018 and now the applicant is requesting a new variance from Article 20.08e nonresidential district signs of the Walled Lake Zoning Ordinance to allow:

- Wall signage for each tenant at a rate of three (3) sq. ft one (1) foot of building frontage where two (2) sq. ft per one (1) foot of building frontage, not to exceed 90 sq. ft is allowed.
- Number of signs allowed. The applicant is seeking multiple signage on three sides where one sign per frontage for corner lots is allowed.

City Attorney Vanerian explained that there is not a full ZBA board tonight and the applicant can ask to present its case to the full board if the applicant chooses. Mr. Ammori said he was fine having the board that is present hear the case tonight.

Mr. Ammori said the building has been remodeled for multi-tenant use. He said there are multiple entrances and exits. Mr. Ammori is asking for tenant signage per proposed tenant building and is asking for a multi panel sign as well.

Commission Gunther asked about the sight line and would it be over the top.

Vice Chairman Hecht talked about a monument sign and the applicant came back with what was discussed at the last meeting. The multi panel sign will be on the building above the tree line. Is it going to be illuminated?

Mr. Ammori said yes the multi-panel sign as well as the individual signs will be illuminated.

Commissioner Rundell asked what the maximum square footage that is allowed?

Building Official Wright explained the maximum square footage allowed for the entire site 96 square footage. They are exceeding that as well as amount of sign they can have but the ordinance does allow a sign for each tenant in the building. The applicant's entrances are on the sides of the building. They are allowed a sign for each tenant, but the entry ways are not on the main thoroughfare. The one sign that be in the front of the building would be in compliance. He explained the additional signage the applicant is asking for would be the variance. He explained the 164 square feet would comply with the ordinance for the one sign. The sign for each tenant is allowed but it would exceed the maximum total signage amount on the building.

Commissioner Rundell asked the building is not considered a corner lot.

Commissioner Ackley asked what is the total amount allowed for the signs?

Building Official Wright corrected his prior statement the building is considered a corner lot. He explained what needs to be considered is that Easter Seals already has a sign that exists and goes towards the maximum signage that is allowed per building. He explained the zoning ordinance for signs. He explained One (1) wall sign shall be permitted per street frontage on each parcel. However, in the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated to all tenants.

Commissioner Rundell asked the applicant is the size, 3x75 for the individual tenant spots necessary per tenant space?

Mr. Ammori said no. He said he can downsize the signs to 2 and a half by 18 square feet. He said he does not have a tenant in mind or ready to move into the building yet.

Commissioner Rundell explained that he would rather see uniformity.

Commissioner Ackley said each unit is only 24 feet wide.

Commissioner Gunther asked what the total frontage is in the front, 400 or 500?

Mr. Ammori said he did not know but it is a lot. He said he could fit in the building four tenants at maximum.

Vice Chairman Hecht said the applicant is asking for a variance of the square footage of the signs. He explained the importance of having visibility from each roadway but not the size that is being requested from applicant. Mr. Hecht said at the last meeting instead of the monument sign the one sign would be in replace of the monument by listing the tenants on one sign.

Commissioner Ackley suggested the applicant either have the one sign with the list of all the retail signs or choose to have individual signs above each tenant unit. She said doubling up on the signage is too much. She said the pylon sign can only be 90 square feet so instead of doing that the applicant is asking for 164 square total square footage. She said the applicant proposal has already gone over by 76 square feet.

Building Official Wright explained the ordinance allows only 90 square feet on each side of the building that faces a main street. He said the applicant is proposing signs on the North, East and West side of the building.

Commissioner Rundell suggested 6x15 would be able to get everything in there. Then you have your 90 square feet.

Commissioner Gunther said the Board agreed at the last meeting that a pylon sign would not fit, and the trees would obstruct the view and in the right of way of the parking lot. He said in lieu of the pylons signs on the overhead would fit better.

Building Official Wright said for the entire site the sign ordinance allows for 135 square feet. He said how you accomplish that would be up to how the applicant applied for it. He explained if one side takes up 90 square feet then there is only 45 square feet left to put on the other side of the building.

Commissioner Ackley asked how much square footage does the Easter Seals sign take up?

Building Official Wright said he does not know the exact size of Easter Seals separate sign.

Chairman Hecht said the next topic to discuss is the size of each tenant unit sign.

Commissioner Rundell and Ackley said 2x15 is plenty for the tenant sides per each unit.

Commissioner Ackley said we have to count the East Seals sign.

Mr. Ammori said he can agree to that suggestion.

City Attorney Vanerian said the approval of this variance would be conditional upon the existing Easter Seals sign not exceeding a certain dimension. He said you would not be doing anything with the Easter Seals sign. He explained making these variances conditional upon Easter Seals not exceeding a certain dimension.

Mr. Ammori said he does not know the dimensions of the Easter Seals sign.

*Audience Participation: None*

*Close Public Hearing: 8:21 p.m.*

Discussion:

**ZBA 2-02-18                    MOTION TO TABLE ZBA CASE 2018-06 UNTIL THE  
MEASUREMENT OF THE EASTER SEALS SIGN IS PROVIDED  
AND SHOWING THE 2X15 SIGNS FOR EACH TENANT UNIT  
AND PROVIDING THE TOTAL SQUARE FOOTAGE VARIANCE  
OF THE ENTIRE SITE WITH ALL SIGNS REMAINING  
UNIFORM.**

Motion by Gunther, seconded Rundell, CARRIED UNANIMOUSLY: To table ZBA case 2018-06 until the measurement of the Easter Seals sign is provided and showing the 2x15 signs for each tenant unit and providing the total square footage variance of the entire site with all signs remaining uniform.

**NEW BUSINESS:**

**1. Public Hearing**

*Open Public Hearing: 8:22 p.m.*

Case:                    2019-01  
Applicant:            Kevin Tenaglia & Sharon Solomon  
Location:              138 Welfare Blvd.  
                              Walled Lake, MI 48390  
Request:                Non-Use Variance

This matter relates to property located at 138 Welfare Boulevard zoned R1-B. The front yard setback requirement is 30'; currently this structure front yard setback is 28.5' from Welfare, thus it is a pre-existing non-conforming structure. The applicant is requesting a variance from Article 17 setback of the Walled Lake Zoning Ordinance to allow:

- For an additional 21. 4x6' front covered porch which would increase the nonconformity making the structure only 22' from the property line.

City Attorney said it is up to the applicant to have the case heard by the entire board.

Mr. Mark Ambrose said he represents John Dash from 142 Welfare and Mr. Dash asked to have the ZBA case be heard from the entire board.

City Attorney Vanerian explained it is at the applicant's request to have the case be heard by the whole board.

Ms. Solomon said she would like to proceed with having her case heard before the board tonight. She said her house is already non-conforming. She brought pictures of other homes in the neighborhood.

Vice Chairman Hecht verified the applicant is asking for an additional 6-feet total for the variance for a covered front porch.

Ms. Solomon said she like to address the civic character of a front porch and for it to be usable it needs to be covered and wide enough for it is safe to walk on the porch if you are going to have chairs and table. She opined it improves the safety of the neighborhood with a covered porch. She said it will increase the property value. Ms. Solomon said other communities are pushing porches closer to the road to encourage community.

Chairman Hecht asked how it conforms to the other houses within the area and that the sight line of the other houses is not interfered with. When you build the porch, it has to be inspected to ensure it is built to the building code.

Commissioner Rundell asked what the setback is?

Building Official Wright said it is a 30-foot setback. He explained right now the house is pre-existing nonconforming and already encroaching in the setback. Mr. Wright said he denied the building permit because of the expansion of the porch. He said the house is being completely remodeled. He explained the reason he could not issue the building permit was because they included the front porch. Mr. Wright said this is more than just a front porch.

Commissioner Gunther asked what this does to the neighboring sight lines of the other homes?

Building Official Wright said he requested because part of the zoning ordinance allows us to conform to other setbacks in the area if we have the average setbacks of the adjacent properties. He said he requested this information from the builder but never received the information. He explained if the setback is continuous with the neighbors then the setback is allowed but again, he was not provided that information. He explained that he typically gets a survey of the distance between the neighbors.

Commissioner Ackley said that is one of the problems that some of the sight lines are going to be encroached on.

Ms. Solomon asked if she could move forward with the remodel of the house without the porch.

Building Official Wright said you have a pre-existing nonconforming structure and the applicant is not making the encroachment any worse. He explained by keeping the footprint the same the applicant could move forward with pulling building permits for the remodel.

*Audience Participation:*

John Dash – 142 Welfare – said he lives next to the applicant and said when you look down the street it assures everyone gets a view of the lake. He said the porch would take away his view of the lake. He said if one looks at it closely it is not really a porch. He has no problem with them improving the house and wants to make sure his view of the lake is not obstructed. He said now he barely gets a view of the lake from his front porch. He said he has no objection to them remodeling or fixing their home.

Mark Ambrose said on behalf on Mr. Dash he does object to the proposed variance. Mr. Mark Ambrose said Mr. Dash objects to the porch, and it would obstruct his lake view and enjoyment from his property. He said 138 Welfare is already non-conforming structure and by granting the variance would create a larger non-conforming structure, would diminish property values and it would lose the uniformity on the street.

*Close Public Hearing: 8:46 p.m.*

Discussion:

Chairman Hecht suggested if the applicant would be open to an open porch so not to obstruct any one's view of the lake.

Ms. Solomon said she would prefer a closed porch but is open to an open porch and would just need the architect's help to visualize it.

Chairman Hecht said let's keep an open mind until the next month and there may be a compromise for everyone. He said there are a few options here.

Commissioner Gunther said the ZBA Board can take the neighbors sight line into consideration.

Commissioner Rundell said Mr. Dash house has been working on his home for a long time and the home has never been finished. He said the home has been incomplete for a long time. He said it looks like the applicant is trying to make improvements to her house.

**ZBA 2-03-18                    MOTION TO TABLE ZBA CASE 2019-01 FOR 138 WELFARE  
FOR SETBACK VARIANCE FOR THE FRONT PORCH AND FOR  
THE APPLICANT TO COME BACK SHOWING THE SIGHT  
LINE FROM THE ADJACENT PROPERTIES**

Motion by Gunther, seconded Ackley, CARRIED UNANIMOUSLY: To table ZBA Case 2019-01 for 138 Welfare for setback variance for the front porch and for the applicant come back showing the sight line from the adjacent properties.

**ADJOURNMENT**

**ZBA 2-04-18 MOTION TO ADJOURN**

Motion by Ackley, seconded by Rundell, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:58 p.m.



Chelsea Pesta  
Recording Secretary



Kyle Hecht  
Vice Chairman

