



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, JULY 29, 2019**

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

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

**ABSENT:** O'Rourke

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

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**ZBA 7-1-19 APPROVAL OF THE JUNE 24, 2019, ZONING BOARD OF  
APPEALS MEETING MINUTES**

Motion by Gunther, seconded Hecht, CARRIED: To approve the June 24, 2019 Zoning Board of Appeals meeting minutes.

Roll Call Vote

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

**ZBA 7-2-19 MOTION TO EXCUSE BOARD MEMBER O'ROURKE FROM  
TONIGHT'S MEETING**

Motion by Rundell, seconded by Hecht, CARRIED: To excuse Board Member O'Rourke from tonight's meeting.

Roll Call Vote

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

**COMMUNICATION:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**1. Public Hearing**

*Open Public Hearing 7:32 p.m.*

Case: 2019-04  
Applicant: Little Valley Homes – Bud Reed  
Location: 128 Leon  
Walled Lake, MI 48390  
Request: Non-Use Variance

This matter relates to property located at 128 Leon zoned R-1A. The applicant is requesting a non-use variance from Article 17, Schedule of Regulations the required front yard setback is 30' feet per Section 17.02 item(o) it must comply with the Established Residential Building Pattern (ERP). This home was constructed with the north east corner approaching 1.1 feet into the required front yard. The option ERPB would not be applicable as this home sits further than neighbor's house. As such the 30' front set back is applicable per Article 17.

Chairman Easter reviewed variance request and then introduced Mr. Bud Reed, Little Valley Homes.

Applicant, Mr. Bud Reed, Little Valley Homes said there was a error in measurement on one corner of the home which caused the home to be not in compliance with the setback requirements and they are requesting a variance.

Chairman Easter said he reviewed the site and explained the 1.1 foot is due to a bump out of a window.

Mr. Reed explained it was measured from the wrong side when original measurements were taken.

Consultant Building Official Wright explained the history of the project and the required as-built foundation certificate which is something to be provided before the house is done but this was not received until the home was almost completed. This is a modular home that came on trailers and placed on the foundation. It took some effort to get the as built foundation and once received it was noticed the 1.1-foot difference where it was encroaching in the front yard setback. As Mr. Reed explained it had to do with their measuring, the home is on an angle and it sits perpendicular to the property which caused the corner to stick out. Mr. Wright explained everything else is completed on the house, grade and drainage have been checked and approved.

Chairman Easter said the home is narrow, it would be difficult to correct. The home is a good-looking home. The difference is small the sight distance does not appear to be an issue.

Chairman Easter said the neighbor at 132 Leon was not present. It does not appear to encroach on anybody, he visited site and it does line up with the neighboring home which does meet the setback. He explained 132 Leon is further back but still has opportunity.

Board Member Gunther said unfortunately the new home does block a lot of that view.

*Close Public Hearing 7:38 p.m.*

**AUDIENCE PARTICIPATION:** None

**ZBA 7-3-19 MOTION TO APPROVE VARIANCE REQUEST OF 1.1 FEET INTO SETBACK DUE TO THE HARDSHIP OF MOVING THE HOUSE AND/OR REMODEL THE HOUSE TO REMOVE THE 1.1 FOOT DIFFERENCE BECAUSE IT DOES CARRY INTO THE SECOND STORY OF THE HOME, AND COSTS ASSOCIATED WITH IT**

Motion by Hecht, seconded by Gunther, CARRIED: To approve variance of 1.1 feet into setback due to the hardship of moving the house and/or remodel the house to remove the 1.1 difference because it does carry into the second story of the home, and costs associated with it.

Roll Call Vote

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

## 2. Public Hearing

*Open Public Hearing 7:39 p.m.*

Case: 2019-05  
Applicant: Michael Petryczkowycz  
Location: 566 E Walled Lake  
Walled Lake, MI 48390  
Request: Non-Use Variance

This matter relates to property located at 566 E. Walled Lake Drive which is zoned R-1B. Impervious surface exceeds allowable square footage of 35% total sq. footage of lot. Lot is 3124 sq. feet which would allow 1093 sq. feet of impervious surface and proposed is 1789 sq. feet. Section 17.02 (m) allows only 35% impervious surface of lot coverage. This lot was a

preexisting non-conforming lot. Section 18.02 (a) allows for direct replacement or repair but not to increase nonconformity which was done.

Applicant Mr. Michael Petryczkowycz said the lot is very small and he provided pictures of his lot and his neighbors lots. He said the lot is so tiny, 60 x 70 right on the water. The concrete is provided in pictures he gave to the board. He explained there is a drive through garage and usage on the other side of the driveway, but it is barely anything. He said he has very little coverage, the lot is so small. It is a non-conforming lot. He said in earlier times the home was allowed to be there but there is not enough lot there.

Board member Hecht clarified if applicant is asking for approval of driveway that was placed?

Mr. Petryczkowycz said there is a concrete driveway and concrete areas behind the garage.

Board Member Hecht said he understood the work was already done by the applicant and the applicant is now seeking approval after the fact.

Chairman Easter said the applicant also placed a sidewalk. Mr. Petryczkowycz said he did place a walkway to his front door.

Board Member Ackley asked if the applicant applied for a permit prior to doing the work because if that was done it would have been reviewed. Board Member Ackley explained the site had prior approval for a garage and gravel instead of cement in between home and garage for the drainage.

Mr. Petryczkowycz said he thought if he stayed on his property, he did not need a permit.

Board Member Ackley said she has problems with this project explaining there is no survey and opined personally she cannot vote on this tonight without a survey. Member Ackley said there should be an additional variance request if the board decides to allow the concrete to remain, there needs to be a variance for the concrete because it is within a foot of the lot line according to the ordinance and you cannot have concrete within 3 feet of the lot line.

**ZBA 7-4-19            MOTION TO TABLE TO NEXT MEETING TO GET SURVEY  
AND RE-ADVERTISE FOR ADDITIONAL VARIANCE**

Motion by Ackley seconded by Gunther, CARRIED: To table to next meeting to get survey and re-advertise for additional variance.

**Discussion**

Mr. Petryczkowycz said he has a good rapport with neighboring property owner, Keith Vargo, and he opined Mr. Vargo is good with everything that he has done with his property and also the placement of sod and cleaning up of Mr. Vargo's lot. Mr. Petryczkowycz said the concrete was placed as a walkway for people, as his best friend who is wheelchair bound to be able to get to his backyard, the gravel does not work.

Mr. Petryczkowycz said he did discuss with the building department and was told if a survey was needed then he would be contacted, and he said he was never contacted. He said at the time, there were no permits pulled, the building department wanted the variance application done immediately and that is what he did.

Board Member Gunther said a survey will be necessary if applicant wishes to build new home and the board is not making the applicant tear it out as of today. A survey is necessary.

Chairman Easter said with a survey the additional survey, the applicant can apply for the additional variance.

*Close Public Hearing 7:40 p.m.*

**AUDIENCE PARTICIPATION:** None

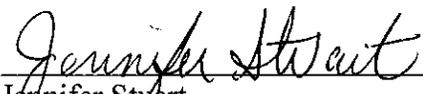
Roll Call Vote

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

**ADJOURNMENT**

**ZBA 7-5-19 MOTION TO ADJOURN**

Motion by Rundell seconded by Hecht, CARRIED, to adjourn the meeting at 7:53 p.m.

  
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Jennifer Stuart  
Recording Secretary

*Approved 9/30/19*

  
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Jason Easter  
Chairman