



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, NOVEMBER 27, 2017**

The Meeting was called to order at 7:35 p.m.

**ROLL CALL:** Easter, Rundell, O'Rourke, Hecht

**ABSENT:** Gunther

**OTHERS PRESENT:** City Attorney Vanerian, Building Official Jim Wright, Colleen Coogan, Director of Finance, Recording Secretary Joyce

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

Attorney Vanerian stated that in the motion it states that there are currently five signs at the church and this will not change. There are provisions in the zoning ordinance that provide for temporary signs for special events.

**ZBA 11-01-17            MOTION TO AMEND MOTION ZBA 10-02-17 TO REFLECT THE CHANGE TO THE MOTION THAT WAS MADE AT THE LAST MEETING TO APPROVE VARIANCE TO ALLOW NOT MORE THAN FIVE PERMANENT SIGNS AT THIS PROPERTY**

Motion by Hecht, seconded Rundell, CARRIED UNANIMOUSLY: To amend Motion ZBA 10-02-17

**ZBA 11-02-17            MOTION TO APPROVE THE MINUTES OF THE OCTOBER 30, 2017, ZONING BOARD OF APPEALS MEETING AS AMENDED.**

Motion by Rundell, seconded Hecht, CARRIED UNANIMOUSLY: To approve the October 30, 2017, Zoning Board of Appeals meeting minutes with amendment to Motion ZBA 10-02-17.

**COMMUNICATION:** None

## UNFINISHED BUSINESS:

### 1. Public Hearing

Open Public Hearing 7:40 p.m.

1. Case # 2017-03  
Applicant: Daniel Cleminte  
Location: 1370 Leon  
Walled Lake, MI 48390  
Request: Non-Use Variance

This matter relates to property located at 1370 Leon. The applicant is requesting a variance from Article 21 Section 21.10 A (3) of the Walled Lake Zoning Ordinance for mechanical units to be located on the side of the principal dwelling versus the rear of the principal dwelling.

Chairman Easter stated that this case was tabled for review of building documents that were turned in at the City. The building plans were turned in without the mechanicals. Financial Director, Colleen Coogan stated that they were turned in with a deferred submittal. Jim Wright said he did not have the opportunity to review the submittal prior to the review of the submittal. This was a unique situation; the permit got issued and the mechanicals were installed. Mr. Wright found out after the fact where the location was.

Colleen Coogan stated that plan was submitted and called out that the mechanicals were left out. They could submit the mechanicals later; this would allow them to start construction. Administratively there should have been some way to prevent the permit from being issued. The permit was issued. Administrative processes have now been changed due to this.

**ZBA 11-03-17      MOTION TO APPROVE THE VARIANCE REQUEST FOR 1370  
LEON BASED ON THE MISHAP ON THE CITY'S PART THAT  
SHOULD HAVE BEEN CAPTURED AND THE EXTENUATING  
CIRCUMSTANCES TO THIS CASE.**

Motion by O'Rourke, seconded Hecht, CARRIED UNANIMOUSLY: To approve ZBA Case 2017-03, 1370 Leon.

## NEW BUSINESS:

1. Case # 2017-04  
Applicant: Jamie & Michelle Arnold  
Location: 541 E. Walled Lake Drive  
Walled Lake, MI 48390  
Request: Non-Use Variance

This matter relates to property located at 541 E. Walled Lake Drive. The applicant is requesting a variance from Article 21 Section 21.10 A (3) of the Walled Lake Zoning Ordinance for mechanical units to be located on the side of the principal dwelling versus the rear of the principal dwelling.

Michelle Arnold stated that she and her husband Jamie are building a house at 541 East Walled Lake Drive. They are moving with construction of their home and have found that the perfect location for their mechanicals is on the rear side of the house rather than at the rear of the house. This would line up with the mechanical room in the basement of the home. She stated that from the front of the home you would not be able to see the mechanicals as they would be behind the wrap around porch. Also, their nearest neighbor is more than 100 feet away, so they would not be able to see nor hear the mechanicals.

Colleen Coogan stated that these plans were also with a deferred submittal. She stated homeowners that have been allowed deferred submittals, have been contacted by the City, and asked to decide and come to the Zoning Board if so desired. Their builders should be looking at our ordinance; and in the future, there will not be any deferred submittals.

Jim Wright stated that in this case, the mechanicals have not yet been installed.

Chairman Easter stated that aesthetically with the layout of their house and the placement of the mechanicals it does what we want them to do by hiding them and keeping them out of view. It is out of sight and to the rear of the house.

Jim Wright stated that this ordinance is written under the nuisance ordinance. It is because of the noise that is created by this equipment when on the side of a noise and a neighbor having to hear the equipment running.

Chairman Easter stated that he sees that the applicant is meeting three of the five criteria for the variance request. From the front of the road set, the house is not parallel to the road. That corner intersects the rear of the house. So, if placed to the right or the left of that corner and drew a straight line to form a T, they would fall in the rear of the house as facing the road. He feels it meets the rear of the house.

**ZBA 11-04-17**

**MOTION TO APPROVE THE VARIANCE REQUEST FOR CASE 2017-04 AT 541 EAST WALLED LAKE DRIVE TO MOVE THE UTILITY EQUIPMENT TO THE LOCATION INDICATED ON THE DIAGRAM. THIS VARIANCE IS BASED ON THE FACT THAT THREE OF THE FIVE PRACTICAL DIFFICULTIES EXIST. AND BASED ON THE ROAD FRONTAGE TO EAST WALLED LAKE DRIVE THE MECHANICAL UNITS WERE PLACED AT THE NORTHWEST PORTION OF THE REAR OF THE HOUSE.**

Motion by Hecht, seconded O'Rourke, CARRIED UNANIMOUSLY: To approve ZBA Case 2017-04, 541 East Walled Lake Drive to move utilities to side to the home.

**AUDIENCE PARTICIPATION:**

*Close Public Hearing 8:58 p.m.*

**DISCUSSION**

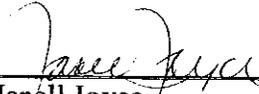
Commissioner O'Rourke asked what the protocol is going to be, so we don't have this situation arise again. Building Official Wright stated that part of the initial plan review will require them to all mechanicals indicated. There will no longer be deferred submittals. There will be no building permits issued unless everything is completed. This was an effort to try and get the homeowner started with their construction. They will have to make their decision at the initial submittal of the plans.

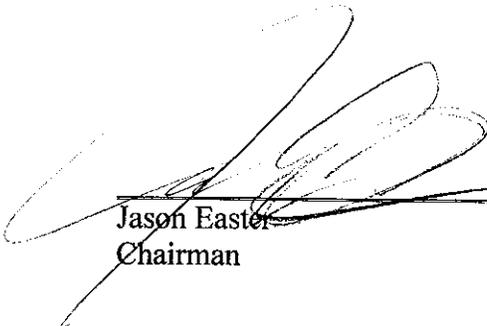
There is a complete list of everything that is needed that is given to each applicant that does residential and commercial construction.

**ADJOURNMENT**

**ZBA 11-05-17**

Motion by Rundell, seconded by O'Rourke, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:02 p.m.

  
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Janell Joyce  
Recording Secretary

  
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Jason Easter  
Chairman