

**City of Keego Harbor
Zoning Board of Appeals
Virtual Meeting Minutes
Wednesday October 27, 2021**

CALL TO ORDER

Chairman Balutowicz called the meeting to order at 6:00pm.

ROLL CALL

Chairman Scott Balutowicz, Keego Harbor, Oakland County, Michigan
Board Member Nick Michael, Keego Harbor, Oakland County, Michigan
Board Member Marilyn Svaluto, Keego Harbor, Oakland County, Michigan
Board Member Phil Trzos, Keego Harbor, Oakland County, Michigan
Alternate Board Member Judy Powers, Keego Harbor, Oakland County, Michigan

Motion by Chairman Balutowicz, support by Board Member Trzos to excuse Board Member Streng.
Roll call: Balutowicz yes, Michael yes, Svaluto yes, Trzos yes. Motion carried

Motion by Board Member Svaluto, support by Chairman Balutowicz to seat Alternate Board Member Powers as a Member for the October 27, 2021 virtual meeting.
Roll call: Balutowicz yes, Michael yes, Svaluto yes, Trzos yes, Powers yes. Motion carried

APPROVAL OF THE AGENDA

Motion by Member Svaluto, support by Chairman Balutowicz to approve the agenda as presented.
Roll call: Balutowicz yes, Michael yes, Svaluto yes, Trzos yes, Powers yes. Motion carried

APPROVAL OF MEETING MINUTES

Motion by Member Svaluto, support by Member Trzos to approve the November 24, 2020, Virtual Meeting Minutes as presented.

Roll call: Balutowicz yes, Michael yes, Svaluto yes, Trzos yes, Powers yes. Motion carried

Motion by Member Svaluto, support by Chairman Balutowicz to approve the February 24, 2021, Virtual Meeting Minutes as presented.

Roll call: Balutowicz yes, Michael yes, Svaluto yes, Trzos yes, Powers yes. Motion carried

PUBLIC COMMENT: No public comment

NEW BUSINESS

Zoning Interpretation Request, Section 2.00, Definitions, Landscaping, and replacement of retaining wall. The City of Keego Harbor Zoning Board of Appeals will hold a public virtual hearing, see ZOOM information below, to exercise their power of interpretation per section 17.03(b) of the Keego Harbor Zoning Ordinance at 6:00 PM on Wednesday, October 27, 2021. The request is for the Zoning Board of Appeals to review the current definition of landscaping provided in Section 2.00 of the Keego Harbor Zoning Ordinance, make a determination on how this definition applies to permeable paver systems, and review retaining wall installation. An example of this is demonstrated on the petitioner's property located at 1862 Cass Lake Front. The applicant requests the following:

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|-------------------|---|
| REQUEST: | INTERPRETATION OF SECTION 2.00, LANDSCAPING, THE TREATMENT OF THE GROUND SURFACE WITH LIVE MATERIALS SUCH AS, BUT NOT LIMITED TO, GRASS, GROUND COVER, TREES, SHRUBS, VINES AND OTHER GROWING HORTICULTURAL MATERIAL. IN ADDITION, THE COMBINATION OR DESIGN MAY INCLUDE OTHER DECORATIVE SURFACING SUCH AS WOOD CHIPS, CRUSHED STONE, OR MULCH MATERIALS NOT TO EXCEED TWENTY (20%) PERCENT OF THE TOTAL FOR ANY LANDSCAPE AREA. STRUCTURAL FEATURES SUCH AS FOUNTAINS, POOLS, STATUES, AND BENCHES SHALL ALSO BE CONSIDERED A PART OF LANDSCAPING BUT SUCH OBJECTS ALONE SHALL NOT MEET THE REQUIREMENTS OF LANDSCAPING. IN ADDITION, ARTIFICIAL PLANT MATERIALS SHALL NOT BE PERMITTED IN REQUIRED LANDSCAPE AREAS. THE PETITIONER WOULD LIKE THE ZBA TO REVIEW THE DEFINITION OF LANDSCAPING RELATIVE TO PERMEABLE PAVER SYSTEMS. FINALLY, THE PETITIONER IS REQUESTING TO AMEND A PREVIOUSLY APPROVED SITE PLAN TO ALLOW FOR A RETAINING WALL REPLACEMENT. |
| PARCEL NUMBER: | 18-02-276-020 |
| PROPERTY ADDRESS: | 1862 CASS LAKE FRONT STREET |
| LOCATION: | PROPERTY IS LOCATED ON THE WEST SIDE OF CASS LAKE FRONT STREET, BETWEEN MOSS STREET AND GLENBROKE STREET. CASS LAKE IS TO THE WEST AND THE PROPERTY IS A WATERFRONT PROPERTY. |
| APPLICANT: | ANMAR SARAFI, OWNER |

Planner Smith indicated the ZBA discussed this topic with the applicant a few years ago and the pavers discussed then are not the pavers that have been installed today. Today the ZBA is only to interrupt the definition of landscaping. If an item is not included in the current ordinance, then it is not approved. The applicant is requesting the ZBA interrupt the definition of landscaping.

Anmar Sarafa: Mr. Sarafa felt permeable pavers would allow drainage and parking issues for this property. Parking on pavers would not leave tire tracks in the lawn. Turfstone pavers have already been installed, it does look like a parking lot when first installed. Mr. Sarafa does feel that this is a landscape material, is in the spirit of the ordinance, he does not feel this violates the ordinance. Currently, the pavers cover most of the front yard.

Landscape Contractor Jason Brian: Mr. Brian indicated originally this property would have a drainage issue, this area to park on without the pavers when used for parking it would have tire ruts and yard would be a mess.

Public Comment:

David Emerling: Mr. Emerling said when Mr. Sarafa originally went before the ZBA, the pavers were a part of the plan, Mr. Sarafa removed this from the ZBA request. Mr. Emerling feels that anything that addresses parking, drainage, and erosion with all three of these things we should work together in allowing this.

Planner Smith indicated the definition of landscaping is the treatment of the ground surface with live materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other growing horticultural material. In addition, the combination or design may include other decorative surfacing such as wood chips, crushed stone, or mulch materials not to exceed twenty (20%) percent of the total for any landscape area. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but such objects alone shall not meet the requirements of landscaping. In addition, artificial plant materials shall not be permitted in required landscape areas.

Board Members discussed how to interrupt the definition. Permeable pavers do exceed the numbers as the ordinance stands currently. It does not meet the requirements now; the Planning Commission and City Council can discuss an ordinance change at an upcoming meeting.

Public Comment:

David Emerling: Mr. Emerling asked the process on how an ordinance gets updated.

Gino Santia: Mr. Santia indicated the Planning Commission spent months working to amend

Board Members asked what happens to the property. Planner Smith gave an explanation on what would happen depending on how the ZBA rules tonight. Permeable pavers need to in compliance with the current definition in the ordinance.

Motion by Member Trzos that this does not follow the spirit or intent of the landscaping ordinance as they exist in the city of Keego Harbor
Motion failed for lack of support

Motion by Board Member Svaluto; support by Member Michaels to approve the interpretation request, and determine that the permeable pavers systems as shown at this home meet the definition of landscaping as defined in section 2.0 of the Keego Harbor Ordinance, as the spirit and intent of the ordinance is observed but additionally to request that the City Council and the planning commission consider a review of the Keego Harbor Zoning Ordinance to allow for the use and instillation of permeable pavers in residential districts.

Roll call: Michael yes, Svaluto yes, Trzos no, Balutowicz no, Powers yes. Motion carried

Planner Smith indicated the previous retaining wall was part of the original ZBA approval this wall was to be repaired, it was taken down and replaced with this existing wall. City Attorney Tom Ryan wanted to bring this forward for everyone to be updated. An As built will need to be submitted to the City. The city engineer will need to review this new retaining wall for drainage, structural and grading compliance. Mr. Sarafa has submitted an updated site plan for this retaining wall to the city's engineers for review.

Motion by Chairman Balutowicz, support by Member Michael request the engineering department to review the as built plan and look for any discrepancies, then discuss with the applicant.

Roll call: Balutowicz yes, Michael yes, Svaluto yes, Trzos yes, Powers yes. Motion carried

Approved 11.30.21

Appointments of Officers:

Chairman and Vice Chairman: Article 4 section 1 of the ZBA bylaws, election of officers is to occur each year in March, this term would end of March 2022.

Chairman Balutowicz nominated Member Trzos as Chairman of the ZBA.
Member Trzos declined the nomination.

Member Svaluto nominated Member Balutowicz as Chairman of the ZBA.
Member Balutowicz declined the nomination.

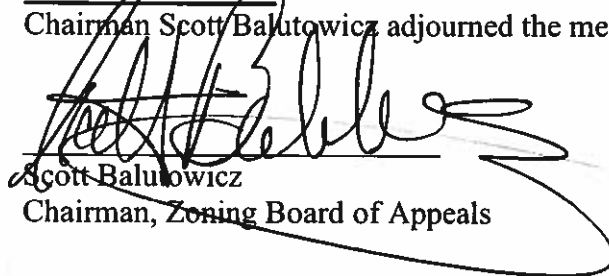
Motion by Svaluto, support by Michael to table this until the next meeting.

Roll call: Balutowicz yes, Michael yes, Svaluto yes, Trzos yes and Powers yes. Motion carried

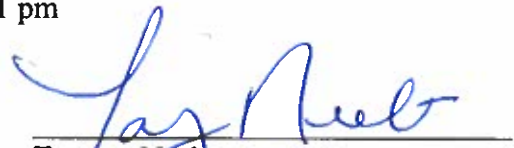
The November ZBA Meeting will be Tuesday, November 30, 2021.

ADJOURNMENT

Chairman Scott Balutowicz adjourned the meeting at 7:21 pm



Scott Balutowicz
Chairman, Zoning Board of Appeals



Tammy Neeb
Clerk, City of Keego Harbor