CHARTER TOWNSHIP OF ORION
ZONING BOARD OF APPEALS AGENDA
MONDAY, SEPTEMBER 28, 2020 - 7:00 PM
ORION COMMUNITY CENTER
1335 JOSLYN ROAD
LAKE ORION, MI 48360

NOTE: Due to ongoing health concerns arising out of COVID-19 and the possible extension of the Governor’s Executive Order 2020-129 or issuance of new Order(s), the Township may need to hold the public meeting via a video conference using GoToMeeting - Access code 914-793-997 or VIA TELEPHONE 1-(872) 240-3412 Access Code 914-793-997.

1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 9-14-2020, ZBA Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2020-23, Michael Chisholm, 4025 Waldon, 09-30-200-001
      The petitioner is requesting 3 variances from Zoning Ordinance #78
      
      Article XXVII, Section 27.02 - Lot size over 2.5 acres
      1. A 4,520-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings to build a 5,920-sq. ft. pole barn.
      2. A 4,881-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor area of all Accessory Buildings to build a 5,920-sq. ft. pole barn in addition to an existing 861-sq. ft. attached garage.
      
      Article XXVII, Section 27.02(A)(5)
      3. A 3-ft. variance above the 17-ft. mid-point measurement of the principal structure to build a pole barn that measures 20-ft to its mid-point.

   B. AB-2020-24, Justin Brantley, 2191 Pondview Ct., 09-04-126-022
      The petitioner is requesting 3 variances from Zoning Ordinance #78
      
      Article V, Section 5.04, Zoned SE
      1. A 18-ft. side yard setback variance from the required 20-ft to build a detached garage 2-ft. from the property line (west)

      Article XXVII, Section 27.02 - Lot size 1 to 2.5 acres
      2. A 942-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 1,222-sq. ft. above ground pool with above ground decks.
      3. A 1,106-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 720- sq. ft. detached garage in addition to an existing 664-sq. ft. attached garage and a 1,222-sq. ft. above ground pool with above ground decks.

   C. AB-2020-25, Steve Schneider, 957 Pine Tree W., 09-10-202-005
      The petitioner is requesting 6 variances from Zoning Ordinance #78

      Article VI, Section 6.04, Zoned R-3
      1. A 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Road W.
2. A 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lake side).

3. A 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%.

**Article XXVII, Section 27.03 (C)(3)(b)**
4. A 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line.

**Article XXVII, Section 27.02(A)(4)**
5. A 10-ft. rear yard setback variance from the required 10-ft. for an inground pool to be 0-ft. from the rear property line.

**Article XXVII, Section 27.17 (B)**
6. A 2-ft. wetland setback variance from the required 25-ft for an inground pool to be 23-ft from a wetland.

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D. **AB-2020-26, Valley City Sign/Tommy’s Car Wash Signage, 851 Brown Road (09-33-351-020), 861 Brown Road (09-33-351-021) & 871 Brown Road (09-33-376-010)**

The petitioner is requesting 4 variances from Sign Ordinance #153

**Section 7, Non-Residential Wall & Ground Signs - Zoned BIZ**
1. A variance to allow 1 additional wall sign to install a total of 2 wall signs.

2. A 1-sq. ft. size variance above the allowed 50-sq. ft. to erect a 51-sq. ft. ground sign.

3. A 8.90% EMC size variance above the allowed 30% of sign area to allow for a 38.9% EMC sign area.

4. A 12-ft. road right-of-way setback variance from the required 30-ft to erect a ground sign 18-ft. from the road right-of-way.

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6. **PUBLIC COMMENTS**
7. **COMMUNICATIONS**
   A. Date Certain Memo
8. **COMMITTEE REPORTS**
9. **MEMBER COMMENTS**
10. **ADJOURNMENT**

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, September 14, 2020, at 7:00 pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

*Please note this meeting was done virtually via a “Go to Meeting” #914-793-997*

ZBA MEMBERS PRESENT:
Dan Durham, Vice-Chairman
Don Walker, PC Rep to ZBA
Lucy Koscierzynski, Secretary
Mary Painter, Alternate Board Member
Mike Flood, BOT Rep to ZBA

ZBA MEMBER ABSENT:
Loren Yaros, Chairman

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Lewis Baker
Douglas Featherston
Shaun Lewis
Jake Mozal

1. OPEN MEETING
Acting Chairman Durham called the meeting to order at 7:00 pm.

2. ROLL CALL
As noted

3. MINUTES
A. 8-10-2020, ZBA Regular Meeting Minutes
Moved by Secretary Koscierzynski, seconded by Acting Chairman Durham, to approve the minutes as presented. Motion Carried

4. AGENDA REVIEW AND APPROVAL
There were no changes to the agenda.

5. ZBA BUSINESS
A. AB-2020-22, Shaun Lewis, 1398 Goldeneye, 09-25-401-026, Rehearing
Acting Chairman Durham read the petitioner’s request as follows:

The petitioner has requested a re-hearing of AB-2020-12 with new evidence. The variance request was for three (3) dimensional variances from Zoning ordinance No. 78 (see Public Hearing notice published in the Lake Orion Review on July 8, 2020). The new evidence provided is as follows:

- A similar situation was approved in 2018 for 3379 Mallard Lane
- Correspondence from petitioner’s neighbors endorsing the request
- Correspondence from HOA President endorsing the request
Mr. Shaun Lewis, the applicant, was present via the GoToMeeting program.

Acting Chairman Durham asked the applicant why he was back?

Mr. Lewis said that what they were trying to do was build an outdoor living space with a deck and a covered portion to the deck to create a lanai area. Most of the houses in their area already either have a full sunroom, cover deck, or patio. They are trying to conform to the area. Something like what other properties have done, similar to what the neighbor behind them had done. (He noted that the neighbor was actually on the GoToMeeting). They were excited to do something similar to what they had done. They were disappointed to hear that it was allowed for the neighbor, but not for them. They were hoping that they could bring that up as new evidence to show that they share the same common area, and they don’t have any homes behind them. They would not be impeding any neighbors to the left or right of them.

Acting Chairman Durham stated that in the information that they brought forward as new evidence, the fact that someone else has it is not something that he tends to lean heavily on because that presupposes that the conditions are exactly the same, and very often they are not. It is a good thing to bring up and maybe the rest of the Board will fall in with it, but it is not something that has swayed his vote.

Secretary Koscierzynski read into the record that the Fire Department has no concerns about this.

Acting Chairman Durham asked Building Official Goodloe if all the extensive correspondences needed to be read into the record? Building Official Goodloe replied no, but noted that he should read the names into the record and whether they are in support or against it. Trustee Flood noted that their addresses should be read in also.

Alternate Board Member Painter said that she had also read the notification from the Fire Department, and it said “no comment”, it did not say no concerns. She added that when she first got on the board, and when they talked about coming back, actually with new evidence, correspondence from neighbors and other people, just because other people have had it done, it has nothing really to be concerned with what was happening. Set facts concession were already given in a Consent Judgement.

Board Member Walker asked if the person they granted the variance for in 2018, was on the GoToMeeting? Mr. Jake Mozal replied yes.

Board Member Walker said that he read all the documents from the variance in 2018, one of the reasons that one of the Board Members gave was that their house had a door on the top level that led to nowhere; is that correct? Mr. Mozal replied that is correct. Mr. Mozal added that it led to a project of elevation that either it could be a deck or a sunroom, and they decided to build a sunroom. Board Member Walker asked Mr. Mozal how high was that door off of the ground? Mr. Mozal replied 9-10-ft.

Board Member Walker questioned Mr. Lewis if he had such a door in his home as well? Mr. Lewis replied yes, they do. Board Member Walker asked if it was 9 or 10-ft.? Mr. Lewis said theirs was very similar and thought it was 7-8-ft. above.

Acting Chairman Durham thought that Alternate Board Member Painter was not able to complete her comment. Alternate Board Member Painter said that the last statement she made was that the setback concessions were already given in the Consent Judgement.

Trustee Flood stated that he reviewed all the documents, he watched the prior meeting on ONTV. He felt the problem was that people were having trouble with the roof. He asked what happens if they
wanted to put a sun-room on with a roof and 3 or 4 walls? Acting Chairman Durham noted that the roof did seem to be a big part of the sinking point last time.

Acting Chairman Durham asked if there were any public comments? Building Official Goodloe replied that he did not see anything in the chat bubble or the email.

Acting Chairman Durham read into the record the following correspondences: 1406 Goldeneye Anthony and Jennifer Catalina, who are in favor; 1414 Goldeneye Stephanie and Leo Sacco were in favor; 3379 Mallard Lane Jake and Crystal Mozal were in favor; Andres Mituta HOA Board President was in favor; 1390 Goldeneye Lane Bret & Lisa Smith were also in favor.

Building Official Goodloe stated that the petitioner had no idea that the setback would affect his property. When they look at it, it doesn’t even allow for a deck, if they did the numbers. He thought splitting these two apart into two separate motions may be an option. Acting Chairman Durham stated that they have new evidence; will the motion be directed that they will either succeed with everything he wants or succeed with less?

Board Member Walker said he reviewed the documents from Mr. Mozal and the documents that the Lewis’s sent last time and he did agree with the Board Member Painter in that he didn’t think that the information they brought qualified as new information. In the previous meeting, he remembered saying distinctly that he was concerned because if you give one variance for one of these, how can you deny everyone. But at the same time, each one of these variances is looked at individually, not collectively. He didn’t believe that the Mozal’s or the Lewis’s had done anything wrong. They didn’t know that those restrictions were there, the builder knew. They built those houses so close to the wetlands. He asked if the Lewis’s would compromise some of their requests, maybe shrink it down? Mr. Lewis replied regarding the size of the roof structure itself, they could move that in probably about 4-inches to still be within the area that they were trying to build. Otherwise, it didn’t allow for the structure that they are trying to achieve.

Board Member Walker stated that the didn’t know how the board were all going to vote, but he was trying to do is to put them in a good position to get something out of this for all of their efforts.

Mrs. Lindsey Lewis asked why having the partial roof is such a big deal? She didn’t understand why it was in question. Acting Chairman Durham stated that he didn’t see it as an issue either.

Secretary Koscierny commented that she understood that they take each individual case separately. However, in this situation, these people have a house with a door, and they have little kids they can’t use at all. She wouldn’t even open the door in fear of falling. She stated that a lot of people in the neighborhood have these decks and the doors are high up and they can’t use them. Having kids and a dog, that door would have to stay locked because it is no use to them. She would like to see them have this deck because she didn’t think it was fair that they have a door that they can’t use.

Alternate Board Member Painter stated that it all goes back to the people that set up and worked on the Consent Judgment. These things were agreed upon, and she felt bad that she was saying this but the problem is that they have builders that go in and they don’t care, they just want to do is sell houses. Then it is dumped in their lap because they have to come in and clean it up because they built the house so that stuff couldn’t get added in. Building Official Goodloe agreed with Alternate Board Member Painter and noted that he was going to start looking at that when they do their plan reviews because the homes are sitting right on the setback. Alternate Board Member Painter said it was not their fault it was the builders. It was because they were allowed to build these houses like this.

Alternate Board Member Painter asked the petitioner what the builder told them when they questioned about putting something in the rear? Mr. Lewis replied that he was upset about the whole situation.
They didn’t realize what all would be involved. They told them that they would need to get approval to build a deck, and they understood that but didn’t realize the extent of the restrictions on them, they only had 4-inches. They had their door wall screwed shut for two years on their dream home. They haven’t been able to go out the back and was looking forward to doing something there. He knew that there might be a concern and setting a precedent by them going beyond the lot line. He noted that most of the neighbors around them already have something like that. He added that they back up to a common area. They don’t have any other neighbors behind them directly. He felt they were a unique situation and didn’t think it would necessarily apply to someone else trying to do the same thing. Their house is right on the lot line and it creates a practical difficulty for them to enjoy the same things that the neighbors behind them or to the left have. They just want to build something that conforms with the look of the neighborhood and what they have.

Acting Chairman Durham said he felt bad that they were not told by their builder what they could do and what they couldn’t do. He hated to see the resident held responsible for something the builder should have told them.

Trustee Flood said that they have a lot of problems with these commons area, in certain subdivisions that have been built. When they go to prove some practical difficulty, one of the biggest things that he looks at is if it is self-created by the applicant. The evidence shows clearly that this was not the applicant’s self-creation, this was done by the developer.

Acting Chairman Durham asked Building Official Goodloe if there was any public comment? Building Official Goodloe answered he didn’t see any comments yet.

Board Member Walker asked Building Official Goodloe if caller #2 had anything to add. They did not.

Mrs. Lewis said that the partial roof, they had in mind down the road, thought that they may screen it off, which makes a difference, with it being a roof structure. That was part of their vision and dream for their outdoor living space.

Moved by Secretary Koscierzynski, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-22, Shaun Lewis, 1398 Goldeneye, 09-25-401-026, Re-Hearing, I would move that the petitioner’s request as presented in ZBA case #AB-2020-12 for the following: a 4-ft. rear yard setback variance from the required 20-ft. to build a deck 16-ft. from the rear property line; a 15-ft. rear yard setback variance from the required 35-ft. to build a roof over a portion of a deck 20-ft. from the rear property line; a 3.43% variance above the Maximum Lot Coverage allowed of 25% for a Maximum Lot Coverage of 28.43%; based on the following new evidence: a similar situation was approved in 2018 for 3379 Mallard Lane; correspondence from petitioner’s neighbors endorsing the request; correspondence from HOA President endorsing the request, be granted because the petitioner has demonstrated that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty, due to unique circumstances of the property not related to general conditions in the area of the property: the lot line, and the house was built that way, it was built by the developer; the following are exception or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone: the door is so high up off the ground that they can’t use that space; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts: that there are several homes in that area that have the same thing; the granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings: it conforms with the look of the neighborhood; further, based on the following finds of facts, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties; unreasonably increase the congestion in public streets; increase the danger of fire or endanger the public safety; unreasonably diminish or
impair established property values within the surrounding area or in any respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Secretary Koscierzynski amended the motion, Trustee Flood re-supported to include that the Fire Marshal had responded with having no concern with this case; the Practical Difficulty was not self-created by the applicant.

**Roll call vote was as follows:** Walker, yes; Flood, yes; Painter, no; Koscierzynski, yes; Durham, yes. **Motion Carried 4-1**

**B. AB-2020-20, Douglas Featherston, 2500 Flintridge, 09-29-429-021**

Acting Chairman Durham read the petitioner’s request as follows:

The petitioner is requesting 1 variance from Zoning Ordinance #78

Article XXVII, Section 27.02(A)(5) – Zoned R-2

1. A 2.3-ft. variance above the 11.2-ft. mid-point measurement of the principal structure, to build a detached garage that measures 13.5-ft. to its mid-point.

Acting Chairman Durham asked if the petitioner was present. He asked for the petitioner to let the Board know why the detached garage needed to be higher?

Mr. Douglas Featherston the applicant, was present via the GoToMeeting program.

Mr. Featherston replied that he needed the garage to be higher because he needed a 10-ft. door in order to get his camper into the garage.

Acting Chairman Durham noted how deep it would be placed on the lot. He asked if that was the best spot for it? Mr. Featherston replied yes because they would still have room to utilize their backyard.

Secretary Koscierzynski commented that on Mr. Featherston’s street she noticed that a lot of the neighbors have the same thing that Mr. Featherstone is asking for.

Trustee Flood said that Mr. Featherston has no garage whatsoever, correct? Mr. Featherston replied correct.

Trustee Flood stated that he liked how they were going to put the detached garage back further. He added that those houses were built back during the Korean War for the returning veterans and are a low-profile house. He didn’t think that a couple of feet was going to make that detrimental at all back there.

Board Member Walker agreed with Trustee Flood.

Alternate Board Member Painter said she didn’t think that the addition was going to create any problems.

Acting Chairman Durham asked Building Official Goodloe if there were any public comments. Building Official Goodloe stated that he didn’t see any.

Moved by Alternate Board Member Painter, seconded by Trustee Flood, that in the matter of ZBA case AB-2020-20, Douglas Featherston, 2500 Flintridge 09-29-429-021, the petitioner is requesting 1 variance from Zoning Ordinance No. 78: Article XXVII, Section 27.02(A)(5) – Zoned R-2; a 2.3-ft.
variance above the 11.2-ft. mid-point measurement of the principal structure, to build a detached garage that measures 13.5-ft. to its mid-point, be granted because the petitioner did demonstrate that the following standards or variances have been met in this case and they set forth facts which show that in this case, the petitioner does show the following Practical Difficulty due to the unique characteristics of the property and not related to general conditions in the area of the property: his home height is only 13.5-ft. adding 2.3-ft. is not much; plus he needs that in order to park his camper to go through the door of the garage; the following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district: he does meet all the setbacks, Maximum Floor Area, and lot coverage, and he needs the height in order to put his vehicle in the garage; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts: he needs to park his vehicle and camper in the garage; the granting of the variance or the modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which property is located based on the following findings: there are other garages in the area that are higher than the homes; further, based on the following findings of facts, the granting of this variance would not impair an adequate supply of light and air to the adjacent properties: the garage will be to the far back of the property; it will not increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety due to: the location of the garage; it will not unreasonably diminish or impact established property values within the surrounding area due to: the garage will add to the property value because everything will be parked in the garage; or in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the township.

Roll call vote was as follows: Durham yes; Walker, yes; Flood, yes; Kosciierzynski, yes; Painter, yes. Motion carried 5-0

C. AB-2020-21, Northern Sign/Ashley Home Store Sign, 4936 Baldwin, 09-32-351-024
Acting Chairman Durham read the petitioner’s request for 2 variances from Zoning Ordinance No. 78: Section 7 Non-Residential Zoned Areas Wall Signs Zoned GB.:  

1) A variance to allow 1 additional wall sign to a business with an existing wall sign for a total of 2 wall signs.  

2) A 242.38-sq. ft. variance above the allowed 200-sq. ft. maximum for 2 wall signs totaling 442.38-sq. ft.  

Acting Chairman Durham asked if the applicant was present?

Mr. Louis Baker with Northern sign was present via the GoToMeeting program.

Acting Chairman Durham asked if this was corporate? They see so many companies that come in and corporate demands that they have a sign in particular areas, and then they are asked to deal with these. He asked if he knew if this was a corporate issue? Mr. Baker replied that he didn’t know. He assumed it was a corporate store, but he didn’t know. They didn’t really deal with that portion of it.

Acting Chairman Durham asked if was his opinion that the sign will be seen from I-75? Mr. Baker replied that what he saw it driving down I-75 so he believed so. Acting Chairman Durham stated that he drove it after he went to the site and he said that if he was looking for it maybe he would catch a glimpse of it, but with those trees there he didn’t see it. Mr. Baker said that he didn’t pull off to the side of the road to look.

Mr. Baker stated that he knew this was important for advertising for their store.
Board Member Walker stated that he thought that it was a very large variance. He said when he went over there, he was surprised that there was a store called Ashley. He wasn’t sure that the signage was the issue or not? He asked if there were two signs in the front, on the building? Mr. Baker replied just one in the front, there are two signs total.

Board Member Painter said she agreed with Board Member Walker. She stated that she was surprised that she couldn’t see the sign through the trees either. When she went down I-75 and she had a hard time finding the building through there. She didn’t think that the variance justified what they want to do. Mr. Baker said that he knew that both the signs were premade for them, so he didn’t know how the process went about, that they ended up with both the signs. Board Member Painter asked if they were going to have a sign out front? Mr. Lewis said he didn’t know if it was proposed, designed, and if they trying to match what they do at other stores, or if it was designed specifically for this location? He said he got the impression that this extra sign was put specifically to help them advertise off of I-75, but didn’t know that for sure. Board Member Painter said that people driving down I-75 were probably going 90MPH by the time they hit that area. Mr. Lewis said he didn’t think that anyone would catch it off of I-75 either. He said he was sure that they have no control over those trees.

Acting Chairman Durham said that the applicant did make a statement somewhere in the information that part of what they wanted the sign to do is also give them visibility to people that were going over to the old Joe’s Crab Shack building. He added that if they were to follow that drive it would lead them straight to the south, where the empty restaurant is. If they were to follow the road, in order to get to it, they would drive right to kitty-corner to the face of that building. They are not going to get to the building they are talking about without reading what is on the front of the building they have now. It doesn’t do anything for him, and he doesn’t see it.

Trustee Flood said that the location would be Long Horn Restaurant is what is in there which is occupied. He added as far a signage size goes, that whole length of that building is not supposed to have signage on it because it is restricted to our ordinance and it has one sign on the front-facing Baldwin. As far as the size goes, and as far as the building, it would have to be hundreds of feet long, to him it was not too big of a sign. He questioned if it is going to really serve the purpose with the restriction of the trees, and will they be able to see it from Baldwin? He knew that when they came over the hill, it is difficult to see anything back in there.

Acting Chairman Durham said that in the information it says that they are trying to get Auburn Hills sign put on their big road sign out on I-75. Do they feel that they may succeed there? Mr. Baker replied he didn’t know it hasn’t come up. They are not working on it, so he was questioning that if that was going anywhere. Nothing has been brought across his desk yet. Acting Chairman Durham said that it didn’t matter either way.

Acting Chairman Durham asked Building Official Goodloe if there were any public comments? Building Official Goodloe replied no.

Acting Chairman Durham asked if the applicant had anything else to add? Mr. Baker replied no.

Moved by Board Member Walker, seconded by Alternate Board Member Painter, in the matter of ZBA case #AB-2020-21, Northern Sign/Ashley Homes Store Sign, 4936 Baldwin, 09-32-351-024, I would move that the petitioner’s request for two variances from Sign Ordinance 153; section 7 Non-Residential Zoned Area Walls Signs Zoned GB: a variance to allow 1 additional wall sign to a business with an existing wall sign for a total of 2 wall signs; a 242.38-sq. ft. variance above the allowed 200-sq. ft. maximum for 2 wall signs totaling 442.38-sq. ft. be denied because the petitioner did not demonstrate that the following standards for the variances have been met in this case and that they set forth facts which show that in this case: the petitioner does not show Practical Difficulty due to any uniqueness of the property and it is not related to the general conditions in the property area; there
were not exceptional or extraordinary circumstances or conditions applicable to this property that do not
generally apply to other properties in the same district or zone: this is an end building in the mall, and
they just want another sign and wasn’t sure if it would do them any good in the first place; the variance
is not necessary for the preservation and enjoyment of a substantial property right possessed by other
property in the same zone or vicinity; the granting of the variance or modification will be detrimental to
the public health or material injurious to the property in such zone or district; it will not impair supply of
light; it will not unreasonably increase congestion: because no one will be able to see the sign; for the
above reasons he asked that the petitioner’s request be denied.

Roll call vote was as follows: Flood, yes; Walker, yes; Painter, yes; Durham, yes; Kosciierzynski, yes
Motion carried 5-0

6. PUBLIC COMMENTS
None

7. COMMUNICATIONS
Memo from Planning & Zoning Coordinator Harrison dated August 27, 2020, Dates which cases can be
postponed to

8. COMMITTEE REPORTS
None

9. MEMBERS’ COMMENTS
Trustee Flood said that the Township Board is now having their meetings at the Orion Center. He
thought there was no reason they couldn’t get back together in person for the ZBA.

Acting Chairman Durham, Board Member Walker, and Board Member Kosciierzynski all agreed with
Trustee Flood.

10. ADJOURNMENT
Moved by Board Member Walker, seconded by Alternate Board Member Painter to adjourn the meeting
at 8:00 pm.

Respectfully submitted,

Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

Zoning Board of Appeals Approval
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: September 18, 2020
SUBJECT: Staff Report for AB-2020-23, Michael Chisholm, 4025 Waldon

The applicant is seeking variances for maximum floor area of all detached accessory buildings and for maximum floor area of all accessory buildings.

I calculated the maximum floor area of proposed pole barn as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main floor (80’ x 45’)</td>
<td>3,600-sq. ft.*</td>
</tr>
<tr>
<td>Light storage above main floor</td>
<td>1,200-sq. ft.</td>
</tr>
<tr>
<td>Eaves/overhang (14’ x 80’)</td>
<td>1,120-sq. ft.</td>
</tr>
</tbody>
</table>

**Total** = 5,920-sq. ft.

I calculated the size of the attached garage** as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main floor</td>
<td>557-sq. ft.</td>
</tr>
<tr>
<td>Storage area above floor area</td>
<td>304-sq. ft.</td>
</tr>
</tbody>
</table>

**Total** = 861-sq. ft.

In addition, because the pole barn is less than 150-ft. away from the house and is taller, the applicant needs a variance for height.

*Applicant has clarified the size as 80’ x 45’ as noted on the plans from Church Lumber.

** The garage is considered “attached” because it is connected to the house with a breezeway.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 18, 2020

RE: AB-2020-23, Michael Chisholm, 4025 Waldon

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-23, Michael Chisholm, 4025 Waldon, 09-30-200-001

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1. A 4,520-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 5,920-sq. ft. pole barn.

2. A 4,881-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 5,920- sq. ft. pole barn in addition to an existing 861-sq. ft. attached garage.

Article XXVII, Section 27.02(A)(5)

3. A 3-ft variance above the 17-ft. mid-point measurement of the principal structure, to build a pole barn that measures 20-ft. to its mid-point.

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

2. Unreasonably increase the congestion in public streets due to:

3. Increase the danger of fire or endanger the public safety due to:

4. Unreasonably diminish or impair established property values within the surrounding area due to:

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-23, Michael Chisholm, 4025 Waldon, 09-30-200-001

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1. A 4,520-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 5,920-sq. ft. pole barn.

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Article XXVII, Section 27.02(A)(5)

3. A 3-ft variance above the 17-ft. mid-point measurement of the principal structure, to build a pole barn that measures 20-ft. to its mid-point.

Please be specific how the petitioner does not meet this criteria

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:
4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:

2. Unreasonably increase the congestion in public streets due to:

3. Increase the danger of fire or endanger the public safety due to:

4. Unreasonably diminish or impair established property values within the surrounding area due to:

5. Or, In any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Zoning Board of Appeals

Application for Appeal - Single Family Residential

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT
Name: Michael Chisholm
Address: 4025 Waldon City/State/Zip: Lake Orion, MI 48360
Phone: Cell: 248-933-9335 Fax: 
Email: mchisholm@att.net

PROPERTY OWNER(S)
Name(s): same as above
Address: 
City/State/Zip: 
Phone: Cell: Fax: 
Email: 

CONTACT PERSON FOR THIS REQUEST
Name: Michael Chisholm Phone: 248-933-9335 Email: mchisholm@att.net

SUBJECT PROPERTY
Address: 4025 Waldon Sidewell Number: 09-30-200-001
Total Acreage: 5 Length of Ownership by Current Property Owner: 12 Years, _____ Months

Does the owner have control over any properties adjoining this site? no

Zoning Ordinance
Allowance/Requirement Deviation requested
Case #: 

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request.  **Pull barn**

---

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area.  **Storage, motorhome, pontoon, fishing boat, trailer, etc.**

---

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township:  **Set back on lot will not hinder any view or fire trucks.**

---

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible:  **Consistent with location of existing barns.**

---

5. Describe how the alleged practical difficulty has not been self-created.  **To eliminate assets from the weather.**

---

6. The topography of said land makes the setbacks impossible to meet because:  **The set backs are met.**

---

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome.  **The ordinance does not allow the size needed to store all assets.**
Case #: ________________

8. Have there been any previous appeals involving this property? If so, when?  [ ] Yes [ ] No

9. Is this request the result of a Notice of Ordinance Violation?  [ ] Yes [ ] No

I/We, the undersigned, do hereby request action by the ZBA on the variance or specified matter above, in accordance with Sections 30.06, 30.07, 30.08, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application), I hereby grant the Zoning Board of Appeals members permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant:
(must be original ink signature)  __________________________  Date: 8.25.20

Print Name:  Michael Chisholm

Signature of Property Owner:
(must be original ink signature)  __________________________  Date: 8.25.20

Print Name:  Michael Chisholm

If applicable:
I the property owner, hereby give permission to __________________________ to represent me at the meeting.

OFFICE USE ONLY

Zoning Classification of property: __________________________  Adjacent Zoning:  N.  S.  E.  W.

Total Square Footage of Principal Structure: __________________________  Total Square Footage of Accessory Structure(s): __________________________

Description of variance(s):
__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________

Date Filed: __________________________  Fee Paid: __________________________  Receipt Number: __________________________
Article II  
Construction of Language & Definitions

Section 2.00 – Construction of Language

For the purpose of this Ordinance certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

B. The phrase "single ownership" shall include ownership by a person, firm, association, organization, partnership, trust, company, corporation or other individual legal entity.

C. The present tense includes the future tense. The singular number includes the plural, and the plural number includes the singular.

D. The word "shall" is always mandatory. The word "may" is permissive.

E. The phrases "used for" and "occupied for" shall include the phrases "intended for", "designed for", "maintained for", or "arranged for".

F. Words and terms not herein defined shall have the meaning customarily assigned to them.

Section 2.01 – Definitions

Accessory Building: A detached or attached building or structure, the use of which is clearly incidental to that of the main building(s) or to the use of the land. Children's play equipment shall not be considered an accessory building, nor a habitable second floor bedroom or office. (amended 02.17.04)

A. Detached Accessory Building: A building or structure that is incidental to, does not share a common wall with, or is not connected to the main building(s) by an enclosed breezeway. Such buildings include, but are not limited to, pole barns, garages, in-ground swimming pools and above-ground pools with a surrounding deck structure.

B. Attached Accessory Building: A non-habitable building or structure that is incidental to, shares a common wall with, or is connected to the main building(s) by an enclosed breezeway. Such buildings include, but are not limited to, garages, storage rooms and workshops.

Accessory Use: An accessory use is a use which is clearly incidental to, customarily found in connection with, and is located on the same zoning lot as the principal use to which it is related.

Access Road, Marginal: See Marginal Access Road.

Adult Day-Care Facility: (added 08.06.07)

A. Adult Family Day-Care Home: A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

B. Adult Group Day-Care Home: A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner’s living or sleeping area where windows and/or doors would be exposed to the nuisance.

It is the intent of these provisions to place the responsibility of abating or controlling nuisances on the owner of the lot where the nuisances are produced, rather than on the adjoining neighbors.

7. Accessory buildings or structures are not to be used for commercial operations other than home occupations, as defined in Article II, Section 2.01.

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11.28.85):

<table>
<thead>
<tr>
<th>LOT SIZE</th>
<th>MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS</th>
<th>MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS</th>
<th>TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1/2 acre</td>
<td>750 sq. ft.</td>
<td>75% of the principal structure</td>
<td>1,150 sq. ft.</td>
</tr>
<tr>
<td>1/2 to 1 acre</td>
<td>900 sq. ft.</td>
<td></td>
<td>1,300 sq. ft.</td>
</tr>
<tr>
<td>1 to 2.5 acres</td>
<td>1,000 sq. ft.</td>
<td></td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td>Over 2.5 acres</td>
<td>1,400 sq. ft.</td>
<td></td>
<td>1,900 sq. ft.</td>
</tr>
</tbody>
</table>

* Includes the combined floor area of each story of the structure.

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11.28.85. 06.15.15):

a. On single-family residential lots, a variance may be sought to permit increased accessory building, structure or use, provided all of the following conditions are met:

i. The accessory building or structure is aesthetically compatible with, and constructed of the same color as the principal residential building or structure.

ii. The accessory building or structure, as well as the principal residential building or structure, can be accommodated on the parcel and together cover no more than twenty percent (20%) of the lot area in the Suburban Farms (SF), Suburban Estates (SE), or Suburban Ranch (SR) Zoning Districts or twenty-five percent (25%) of the lot area in the Residential 1, 2, or 3 (R-1, R-2, R-3) Zoning Districts.

iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. (amended 07.16.18)

iv. The accessory building or structure is used for the indoor storage of items that are permitted to be stored in a rear or side yard, but that could be unsightly if such were done.

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
Article V  
Single Family Residential - SF, SE & SR

Section 5.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.94, 02.07.03, 07.16.18)

Please see the Matrix Chart in Section 5.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th></th>
<th>SF</th>
<th>SE</th>
<th>SR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>2.5 acres or 108,900 sq. ft. of gross area</td>
<td>1.5 acres or 65,340 sq. ft. of gross area</td>
<td>30,000 sq. ft. or gross area</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>165 ft.</td>
<td>165 ft.</td>
<td>120 ft.</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard*</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Each Side Yard**</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/Unit</td>
<td>1,200 sq. ft.</td>
<td>1,200 sq. ft.</td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td></td>
<td>20% - all structures</td>
<td></td>
</tr>
<tr>
<td>Total Maximum Floor Area</td>
<td></td>
<td>See Section 27.02, A, 8</td>
<td></td>
</tr>
<tr>
<td>of All Accessory Buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>Habitable structure - 2 stories, up to 30 feet. Any existing structures higher than this maximum shall remain conforming to Zoning Ordinance requirements in reference to height.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.

** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

Section 5.05 – Sign Regulation (amended 10.08.98. 02.21.06)

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

Section 5.06 – Tree Preservation Regulations (amended 08.03.00)

The tree removal permit requirements apply to developments in this District, according to the terms of Section 27.12.

Section 5.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
AB-2020-23  4025 Waldon
5.004 Acres  217,974.24
20% = 43,594.85

Sf

Sidewalk Setback (east) 20' - OK
Front yard setback - OK
Rear yard setback - OK

House 1,846
Deck 254
Deck 347
Garage 557 + 360 = ^Above Floor Area
Proposed Pole Barn 5,920

9,228 total coverage OK

Maximum Floor Area

Attached Garage 861

Pole Barn 3600 + detached floor area
1200 + second floor storage
1120 = eaves
6781 = total max floor area
Lynn Harrison

From: Jeff Williams
Sent: Friday, September 18, 2020 8:40 AM
To: Lynn Harrison
Subject: RE: ZBA Case Review

The Fire Department has reviewed the proposed documentation and has no concerns in regards to accessibility.

Thanks

Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Wednesday, September 16, 2020 1:35 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Case Review

Jeff, attached are 3 cases for a future ZBA meeting. If you can look them over when you get a chance. Again, we are just looking for fire department accessibility in case there were a fire. A response to this email would be fine.

Thanks,

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Jeff, attached are 3 cases for a future ZBA meeting. If you can look them over when you get a chance. Again, we are just looking for fire department accessibility in case there were a fire. A response to this email would be fine.

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2525 Joslyn Road, Lake Orion, MI 48360
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W: www.oriontownship.org
<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRUSS GABLE MINERALS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall Grit</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Treaded 2 x 12 x 16</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td><strong>CONCRETE,COOKIES</strong></td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>16 in Diam. x 4 in Tie @ 5000 psi</td>
<td>47820</td>
<td></td>
</tr>
<tr>
<td><strong>MASTER MATERIALS LIST</strong></td>
<td></td>
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</tr>
<tr>
<td>11 TRUSS CARPET INTERIOR EAVE, PORCH/LAN. TO</td>
<td></td>
<td></td>
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<tr>
<td>1778UL LVL 1 7/16 x 118</td>
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<tr>
<td><strong>TRUSS CARPET INTERIOR MAIN BUILDING</strong></td>
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<td>1778UL LVL 1 7/16 x 118</td>
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<td><strong>TRUSS CARPET EXTERIOR MAIN BUILDING</strong></td>
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<tr>
<td>Construction Grade 2 x 4 x 16</td>
<td>2</td>
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<td>Construction Grade 2 x 4 x 20</td>
<td>4</td>
<td>8</td>
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<tr>
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<td>Construction Grade 2 x 4 x 8</td>
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<tr>
<td><strong>TRUSS GABLE MINERALS</strong></td>
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<tr>
<td>Description</td>
<td>Price</td>
<td>Total Price</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------</td>
<td>-------------</td>
</tr>
<tr>
<td>Door Jamb</td>
<td>$261200</td>
<td>1</td>
</tr>
<tr>
<td>each stock</td>
<td>$241600</td>
<td>76</td>
</tr>
<tr>
<td>truss block</td>
<td>$241600</td>
<td>10</td>
</tr>
<tr>
<td>lateral bracing</td>
<td>$241600</td>
<td>50</td>
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<tr>
<td>truss seat</td>
<td>$1284.00</td>
<td>21</td>
</tr>
<tr>
<td>mono truss, eaves, porch, eav.</td>
<td>$314.00</td>
<td>41</td>
</tr>
<tr>
<td>truss</td>
<td>$4573.92</td>
<td></td>
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<tr>
<td>total LVL 175 x 11.8</td>
<td>$432.00</td>
<td></td>
</tr>
</tbody>
</table>

*Note: 10.6 in. Tell 12 in. Overhang 42 in. O.C.  Standard heel.*

*Note: 10.5 in. Tell 12 in. Overhang 42 in. O.C.  Standard heel.*
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>48.50</td>
<td>Steel Roof Accessories&lt;br&gt;Steel drip edge on eaves only</td>
<td>$</td>
</tr>
<tr>
<td>72.00</td>
<td>Steel roof accessories&lt;br&gt;Brown Gutter Trim 10 ft. in drained used as steel drip edge</td>
<td>$</td>
</tr>
<tr>
<td>160.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;Brown Gutter Trim</td>
<td>$</td>
</tr>
<tr>
<td>190.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Base Crown 10 ft. 6 in.</td>
<td>$</td>
</tr>
<tr>
<td>200.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner 16 ft. 6 in.</td>
<td>$</td>
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<tr>
<td>250.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner 10 ft. 6 in.</td>
<td>$</td>
</tr>
<tr>
<td>66.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Base Crown</td>
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<td>22.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
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<td>30.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
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<tr>
<td>30.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
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<tr>
<td>60.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
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<tr>
<td>120.00</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
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<tr>
<td>13.50</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
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<td>13.50</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
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</tr>
<tr>
<td>13.50</td>
<td>Steel Classic Rib Steel Panel&lt;br&gt;Brown&lt;br&gt;White Vinyl Outside Corner</td>
<td>$</td>
</tr>
</tbody>
</table>

**Price @**

**TOTAL PRICE**

**DESCRIPTION**

**SKU**

**QTY**

**Our Logo**

**Here**

**Master Materials List**
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR CONSTRUCTION OF NEW POLE BARN

Owner: Byron J. Mee

Address: 3998 Waldon Rd., Lake Orion, MI 48360

Signature: Dienne L. Mee

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property

☑ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR
CONSTRUCTION OF NEW POLE BARN

Owner:  Víctor Rendon

Address:  4005 Waldon

Signature:  [Signature]

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property

☐ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR
CONSTRUCTION OF NEW POLE BARN

Owner: Scott Hagen

Address: 3851 Waldon Rd Lake Orion

Signature: [Signature]

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property

☒ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR CONSTRUCTION OF NEW POLE BARN

Owner: [Signature]

Address: [Address]

Signature: [Signature]

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property

☐ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR CONSTRUCTION OF NEW POLE BARN

Owner: Danny Schram

Address: 39741 Walden Rd

Signature: [Signature]

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property.

☑️ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR CONSTRUCTION OF NEW POLE BARN

Owner: R.W. Dillenbeck Jr

Address: 4024 Waldon Rd

Signature: [Signature]

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property

☑ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR
CONSTRUCTION OF NEW POLE BARN

Owner: LAWRENCE D Foss

Address: 4040 Waldon Rd

Signature:

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located
at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn
on our property

☒ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR CONSTRUCTION OF NEW POLE BARN

Owner: Kathlene Kurilla

Address: 4041 Waldon Rd, LK, Orion, MI 48360

Signature: Kathlene Kurilla

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property.

☒ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR CONSTRUCTION OF NEW POLE BARN

Owner: Anna Whitlow

Address: 4065 Waldon Rd.
         Lk Orion, MI 48360

Signature: Anna M. Whitlow

We, Mr. Michael Chisholm and Ms. Cindy Mee, legal owners of property located at 4025 Waldon Road, Lake Orion, MI 48360 are requesting to build a pole barn on our property.

☐ I HAVE NO OBJECTION TO GRANTORS TO BUILD A POLE BARN

☐ I OBJECT TO THIS REQUEST FOR THE BUILD OF A POLE BARN
4025 Waldon Rd.
Accessory Building for Private Residence

Zoned: SF - Suburban Farm
Parcel I.D. #: 09-30-200-001
Lot Area: 217,800 Sq. Ft. (5.0 Acres)
Minimum Width: n/a
Minimum Lot Area: n/a
Maximum Building Height: 35' / 2.5 Stories

Maximum Lot Coverage: 20%
Setbacks: F - 40' / S -20' / R - 40'
Density: n/a
Minimum Floor Area: n/a

Proposed:
59' x 80' Accessory Building
4,720 Sq. Ft.
28' to Mid-Rise

$100
$50
### Variance Calculations

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of a Detached Accessory Structures</th>
<th>1,400 sq. ft.</th>
<th>1,400 sq. ft.</th>
<th>1,400 sq. ft.</th>
<th>1,400 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Pole Barn</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main floor = 3,600-sq. ft.</td>
<td>5,920-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light storage above = 1,200-sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eaves/Overhang = 1,120-sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>4,520-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>1,900 sq. ft.</th>
<th>1,900 sq. ft.</th>
<th>1,900 sq. ft.</th>
<th>1,900 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>861</td>
<td>861</td>
<td>861</td>
<td>861</td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td>5,920</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>4,881-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 18, 2020

SUBJECT: Staff Report for AB-2020-24, Justin Brantley, 2191 Pondview Ct., 09-04-126-022

I calculated the maximum floor area of all detached accessory structures as follows:

- Proposed detached garage = 720-sq. ft.*
- Above ground pool w/above ground deck = 1,222-sq. ft.**

Total = 1,942-sq. ft.

* At the time of application, the applicant was unsure of what size detached garage he was going to build. Option 1 was 576-sq. ft. and Option 2 was 720-sq. ft. – I used the larger of the two for this request.

** Above ground pools with above ground decks are considered an accessory structure. Note: they also count towards lot coverage however the lot coverage in this case is ok and no variance is needed for that.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 18, 2020

RE: AB-2020-24, Justin Brantley, 2191 Pondview Ct.

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-24, Justin Brantley, 2191 Pondview Ct., 09-04-126-022

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 18-ft. side yard setback variance from the required 20-ft to build a detached garage 2-ft. from the property line (west)

Article XXVII, Section 27.02 – Lot size 1 to 2.5 acres

2. A 942-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 1,222-sq. ft. above ground pool with above ground decks.

3. A 1,106-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 720- sq. ft. detached garage in addition to an existing 664-sq. ft. attached garage and a 1,222-sq. ft. above ground pool with above ground decks.

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:
4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

2. Unreasonably increase the congestion in public streets due to:

3. Increase the danger of fire or endanger the public safety due to:

4. Unreasonably diminish or impair established property values within the surrounding area due to:

5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-24, Justin Brantley, 2191 Pondview Ct., 09-04-126-022

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 18-ft. side yard setback variance from the required 20-ft to build a detached garage 2-ft. from the property line (west)

Article XXVII, Section 27.02 – Lot size 1 to 2.5 acres

2. A 942-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 1,222-sq. ft. above ground pool with above ground decks.

3. A 1,106-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 664-sq. ft. attached garage and a 1,222-sq. ft. above ground pool with above ground decks.

Please be specific how the petitioner does not meet this criteria be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:
4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:


Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:


2. Unreasonably increase the congestion in public streets due to:


3. Increase the danger of fire or endanger the public safety due to:


4. Unreasonably diminish or impair established property values within the surrounding area due to:


5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:


Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Single Family Residential

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT
Name: Justin Brantley
Address: 2191 PondView Court City/State/Zip: Lake Orion
Phone: 248-390-6124 Cell: Fax:
Email: Justin.Brantley@pontiacschools.org

PROPERTY OWNER(S)
Name(s): Justin Brantley
Address: 2191 PondView Court City/State/Zip: Lake Orion
Phone: 248-390-6124 Cell: Fax:
Email: Justin.Brantley@pontiacschools.org

CONTACT PERSON FOR THIS REQUEST
Name: Justin Brantley Phone: 248-390-6124 Email: Justin.Brantley@pontiacschools.org

SUBJECT PROPERTY
Address: 2191 PondView Court Sidewell Number: 09- 04-126-022
Total Acreage: 1.8 Length of Ownership by Current Property Owner: 1 Years, 1 Months

Does the owner have control over any properties adjoining this site? No
Zoning Ordinance
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. We would like to propose the location of additional detached garage located at the end of our current driveway. This prove to be a problem due to current setback and maximum structural exterior square footage allowed by the city. We would like a small reduction/extension in the variance tolerances.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. The request stems from the inability to locate the garage in the back of the property as there would be no access for vehicles given the location of the house, driveway, pool and property lines.

3. If the appeal is granted, please explain how the variance will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: When approved, the proposed garage will have a limited effect of the surrounding area and properties due to its location and small number of homes on our street. The affected parties would be my family and the neighbor to the west who has approved of the garage verbally.

4. Explain how the request is consistent with other properties in the immediate area, please site examples if possible: A number of the surrounding properties have similar structures to the proposed garage on lots adjacent to ours. Specially in lot PINs: 09-04-103-016, 09-04-126-016, 09-04-126-013, and 09-04-126-012.

5. Describe how the alleged practical difficulty has not been self-created. The location of the driveway and total exterior structural square feet were present at our purchase of the property in August of 2019.

6. The topography of said land makes the setbacks impossible to meet because: The location of the proposed garage is at the end of the existing driveway and there is no access or optional location for it to be placed. The current driveway is five to ten feet from the property line now and we are close to maximum exterior sq. ft. for the property.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. Strict compliance with the ordinance or tolerances for the proposed garage would not allow it to be constructed due to the current setback of the driveway (at 3 to 10 ft.) to the property line compared to the 20 needed and the total amount of exterior structure square feet allowed.
Case #: ________________________________

8. Have there been any previous appeals involving this property? If so, when? Not that I am aware of.

9. Is this request the result of a Notice of Ordinance Violation? □ Yes ☒ No

I/We, the undersigned, do hereby request action by the ZBA on the variance or specified matter above, in accordance with Sections 30.06, 30.07, 30.08, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application), I hereby grant the Zoning Board of Appeals members permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant: ___________________________ Date: August 26, 2020
Print Name: Justin Brantley

Signature of Property Owner: ___________________________ Date: August 26, 2020
Print Name: Justin Brantley

If applicable:
I the property owner, hereby give permission to ___________________________ to represent me at the meeting.

OFFICE USE ONLY

Zoning Classification of property: ___________________________ Adjacent Zoning: N. S. E. W.

Total Square Footage of Principal Structure: ___________________________ Total Square Footage of Accessory Structure(s): ___________________________

Description of variance(s):


Date Filed: ___________________________ Fee Paid: ___________________________ Receipt Number: ___________________________
6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

It is the intent of these provisions to place the responsibility of abating or controlling nuisances on the owner of the lot where the nuisances are produced, rather than on the adjoining neighbors.

7. Accessory buildings or structures are not to be used for commercial operations other than home occupations, as defined in Article II, Section 2.01.

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11.28.85):

| LOT SIZE          | MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS | MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS | TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Up to 1/2 acre</td>
<td>750 sq. ft.</td>
<td>75% of the principal structure</td>
<td>1,150 sq. ft.</td>
</tr>
<tr>
<td>1/2 to 1 acre</td>
<td>900 sq. ft.</td>
<td></td>
<td>1,300 sq. ft.</td>
</tr>
<tr>
<td>1 to 2.5 acres</td>
<td>1,000 sq. ft.</td>
<td></td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td>Over 2.5 acres</td>
<td>1,400 sq. ft.</td>
<td></td>
<td>1,900 sq. ft.</td>
</tr>
</tbody>
</table>

* Includes the combined floor area of each story of the structure.

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11.28.85. 06.15.15):

a. On single-family residential lots, a variance may be sought to permit increased accessory building, structure or use, provided all of the following conditions are met:

i. The accessory building or structure is aesthetically compatible with, and constructed of the same color as the principal residential building or structure.

ii. The accessory building or structure, as well as the principal residential building or structure, can be accommodated on the parcel and together cover no more than twenty percent (20%) of the lot area in the Suburban Farms (SF), Suburban Estates (SE), or Suburban Ranch (SR) Zoning Districts or twenty-five percent (25%) of the lot area in the Residential 1, 2, or 3 (R-1, R-2, R-3) Zoning Districts.

iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. (amended 07.16.18)

iv. The accessory building or structure is used for the indoor storage of items that are permitted to be stored in a rear or side yard, but that could be unsightly if such were done.

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
### Article V  
**Single Family Residential - SF, SE & SR**

#### Section 5.04 – Area and Bulk Requirements  
*amended 01.05.87, 02.17.94, 02.07.05, 07.16.18*

Please see the Matrix Chart in Section 5.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th></th>
<th><strong>SF</strong></th>
<th><strong>SE</strong></th>
<th><strong>SR</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>2.5 acres or 108,900 sq. ft.</td>
<td>1.5 acres or 65,340 sq. ft.</td>
<td>30,000 sq. ft. or gross area</td>
</tr>
<tr>
<td></td>
<td>of gross area</td>
<td>of gross area</td>
<td>of gross area</td>
</tr>
<tr>
<td><strong>Minimum Width of Lot</strong></td>
<td>165 ft.</td>
<td>165 ft.</td>
<td>120 ft.</td>
</tr>
<tr>
<td><strong>Minimum Lot Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard†</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Each Side Yard**</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td><strong>Minimum Floor Area/Unit</strong></td>
<td>1,200 sq. ft.</td>
<td>1,200 sq. ft.</td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td>20% - all structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Maximum Floor Area of All Accessory Buildings</strong></td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Height of Structures</strong></td>
<td>Habitable structure - 2 stories, up to 30 feet. Any existing structures higher than this maximum shall remain conforming to Zoning Ordinance requirements in reference to height.</td>
<td></td>
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</tbody>
</table>

* Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.

** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

#### Section 5.05 – Sign Regulation  
*amended 10.08.98, 02.21.06*

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

#### Section 5.06 – Tree Preservation Regulations  
*amended 08.03.00*

The tree removal permit requirements apply to developments in this District, according to the terms of Section 27.12.

#### Section 5.07 – Wetland Setbacks  
*added 09.17.07*

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
Ab-2020-24 Justin Brantley

1.797 acres 78,277.32
20% 15,655.46

Front setback needs to be 40' - OK
Side yard (east) needs to be 20' - OK
Side yard (west) needs to be 20' - needs variance
Rear yard setback needs to be 10' - OK

Lot coverage
House 159.5
Attached garage 664
Deck 306
Deck 243 135
Deck 108
Pool 1,222

Proposed detached garage 720?

9,750?
Accessory

Max floor area of all Detached Buildings 1942
Max floor area of all Accessory Bldgs. 2,606
Lynn Harrison

From: Jeff Williams
Sent: Friday, September 18, 2020 8:40 AM
To: Lynn Harrison
Subject: RE: ZBA Case Review

The Fire Department has reviewed the proposed documentation and has no concerns in regards to accessibility.

Thanks

Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Wednesday, September 16, 2020 1:35 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Case Review

Jeff, attached are 3 cases for a future ZBA meeting. If you can look them over when you get a chance. Again, we are just looking for fire department accessibility in case there were a fire. A response to this email would be fine.

Thanks,

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Jeff, attached are 3 cases for a future ZBA meeting. If you can look them over when you get a chance. Again, we are just looking for fire department accessibility in case there were a fire. A response to this email would be fine.

Thanks,

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
I am responding to the request of an 18 ft. variance, of the required 20 ft. from the property line, on the West side. I object to the garage being placed so close to my property line. My house sits on the west side of Justin’s, not far from the property line. We have approximately 2 acres each, which gives plenty of room to place it elsewhere on the property. I feel that a garage that close will devalue my property. In addition it will block most foliage on that side of my house from the morning sun, which is all the sun it gets. I also feel that it could be a potential hazard to my home in the event of a fire, given that there is only a little more than a driveway’s width between the proposed structure and my home. I am asking that the request be turned down. I can be reached either by phone, 248-408-8573, or by email, camenig@gmail.com.

Thank you,

Christine Menig
2239 Pondview Ct.
Lake Orion, MI 48362
## AB-2024, Justin Brantley, 2191 Pondview Ct.

### Variance Calculations

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of a Detached Accessory Structures</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prop. detached garage = 720-sq. ft. Above ground pool = 1,222-sq. ft.</td>
<td>1,942-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>942-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>664</td>
<td>664</td>
<td>664</td>
<td>664</td>
</tr>
<tr>
<td>Above ground pool</td>
<td>1,222</td>
<td>1,222</td>
<td>1,222</td>
<td>1,222</td>
</tr>
<tr>
<td>Prop. Detached garage</td>
<td>720</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>1,106-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Objection to the variance request:

AB-2020-24, Justin Brantley, 2191 Pondview Ct., 09-04-1216-022

1. I am only objecting to the Article V, Section 5.04, Zoned SE, 18-foot variance
   The building is proposed to be located 2 feet from the lot line between two houses.
   These houses are only separated by their driveways and a slope.

   This would decrease the affected western house’s backyard view. It reminds me of the
   suburbs where I grew up. I would not want to buy the western neighbor’s house and deck
   with this restricted view. It gives a closed in feel.

   Also, there is also a question of the exact lot line location. The stakes may be currently
   positioned on the lot line, not the two feet from the lot line as stated. The telephone
   pole is on the neighbor’s lot and not on the lot line.

2. I have no objection and encourage granting the other two requests to a
   barn/shed/garage of any size being built elsewhere on the property. There is enough
   space. And I don’t object to it being close to the lot lines so long as it isn’t so close to
   the houses. Please allow them to build it in another spot.

Thank you,

Janet Roosa,

492 N. Newman Rd., Lk. Orion, MI 48362
The proposed building would be between the pole and the left house. The driveway is on the lot line.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: September 21, 2020
SUBJECT: Staff Report for AB-2020-25, Steve Schneider, 957 Pine Tree W, 09-10-202-005

It is the applicant’s intent to remove the existing home, attached garage, porches, and deck and to rebuild a new home, attached garage, covered porch, deck, and possible add an inground pool. The applicant has indicated that the footprints will be very similar.

Please note that the configuration of this property is unique. Pine Tree Road W goes through a portion of the property and that section of road cannot be used when calculating lot coverage – the actual parcel size is .311 acres or 10,608.36-sq. ft. minus the road, 2,938.80-sq. ft.; 25% then equals 2,652.09-sq. ft. Therefore, the lot coverage equates to 38.88% based on not being able to include the road right-of-way as part of their parcel.

The other unique thing to note is that the parcel line does not go all the way to the lake. The section of land between the applicant’s parcel and the lake has a parcel number and affects several properties along that area. Earlier this year, you saw a case involving the applicant’s neighbor, the one to the south, in which we sought legal opinion on this strip of land. It was determined that land cannot be built on by adjacent property owners at this time. Therefore, the applicant’s rear yard setback is from the property line and not from the water’s edge. Again, this equates to larger setback variances then if they could actually be measured from the water’s edge.

In figuring lot coverage calculation, an inground pool is part of lot coverage however it’s size is not calculated as part of Maximum Floor Area of all Detached Accessory Structures unless it has an above ground deck.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 21, 2020

RE: AB-2020-25, Steve Schneider, 957 Pine Tree W., 09-10-202-005

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-25, Steve Schneider, 257 Pine Tree W, 09-10-202-005

The petitioner is requesting 6 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Road W.

2. A 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lake side).

3. A 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%.

Article XXVII, Section 27.03 (C)(3)(b)

4. A 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line.

Article XXVII, Section 27.02(A)(4)

5. A 10-ft. rear yard setback variance from the required 10-ft. for an inground pool to be 0-ft. from the rear property line.

Article XXVII, Section 27.17 (B)

6. A 2-ft. wetland setback variance from the required 25-ft for an inground pool to be 23-ft from a wetland.

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:
3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

2. Unreasonably increase the congestion in public streets due to:

3. Increase the danger of fire or endanger the public safety due to:

4. Unreasonably diminish or impair established property values within the surrounding area due to:
5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2020-25, Steve Schneider, 957 Pine Tree W, 09-10-202-005

The petitioner is requesting 6 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Road W.
2. A 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lake side).
3. A 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%.

Article XXVII, Section 27.03 (C)(3)(b)

4. A 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line.

Article XXVII, Section 27.02(A)(4)

5. A 10-ft. rear yard setback variance from the required 10-ft. for an inground pool to be 0-ft. from the rear property line.

Article XXVII, Section 27.17 (B)

6. A 2-ft. wetland setback variance from the required 25-ft for an inground pool to be 23-ft from a wetland.

Please be specific how the petitioner does not meet this criteria

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:
3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:

2. Unreasonably increase the congestion in public streets due to:

3. Increase the danger of fire or endanger the public safety due to:

4. Unreasonably diminish or impair established property values within the surrounding area due to:
5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Single Family Residential

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT
Name: Steve Schneider
Address: 957 Pine Tree Road W City/State/Zip: Lake Orion, MI, 48362
Phone: 248.921.3350 Cell: 248.802.5969 Fax: 
Email: LakeOrionhouse@gmail.com

PROPERTY OWNER(S)
Name(s): Kerrie and Steve Schneider
Address: 957 Pine Tree Road W City/State/Zip: Lake Orion, MI 48362
Phone: 248.921.3350 Cell: 248.802.5969 Fax: 
Email: LakeOrionhouse@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Steve Schneider Phone: 248.921.3350 Email: LakeOrionhouse@gmail.com

SUBJECT PROPERTY
Address: 957 Pine Tree Road, Lake Orion, MI
Sidewell Number: 09-10-202-005
Total Acreage: 0.31
Length of Ownership by Current Property Owner: 0 Years, 1 Months

Does the owner have control over any properties adjoining this site? No
Zoning Ordinance Allowance/Requirement Deviation requested

Page 1 of 3
Version 3/10/18
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. We are requesting a variance for a zero foot to the accredited lot line. We are also requesting consideration for the 3,000 sq ft of accredited land to be used for total lot size determination.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. We have Accredited Land between our lot and the lake. Our proposed buildout would be within the allowable build area if we used the setback of 35' from the water and used the 94 sq ft of the Accredited Land for build.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. We are not interfering with any sight lines or building significantly larger than the current/existing buildings/home deck.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Our next door neighbor has recently requested a variance to enlarge and beautify his home. All of the homes in our neighborhood have this Accredited Land issue.

5. Describe how the alleged practical difficulty has not been self-created. The issue with the Accredited Land has existed since the neighborhood started 50 years ago.

6. The topography of said land makes the setbacks impossible to meet because: The Accredited Land engulfs our whole yard between the lake and the proposed build.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. The setbacks from the Accredited Land would force us to build an extremely small home. The Accredited Land also accounts for over 3,000 sq ft of property between our house and the lake that could be used toward our total % of allowable buildout.
Case #: __________________

8. Have there been any previous appeals involving this property? If so, when? No

9. Is this request the result of a Notice of Ordinance Violation? □ Yes  ☒ No

I/We, the undersigned, do hereby request action by the ZBA on the variance or specified matter above, in accordance with Sections 30.06, 30.07, 30.08, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application), I hereby grant the Zoning Board of Appeals members permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant:        Date: 8/26/2020
(must be original ink signature)

Print Name: Steve Schneider

Signature of Property Owner:  Date: 8/26/2020
(must be original ink signature)

Print Name: Steve Schneider

If applicable: I, the property owner, hereby give permission to __________________________ to represent me at the meeting.

OFFICE USE ONLY

Zoning Classification of property: __________________________  Adjacent Zoning: N.  S.  E.  W.

Total Square Footage of Principal Structure: __________________________  Total Square Footage of Accessory Structure(s): __________________________

Description of variance(s):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Date Filed: __________________________  Fee Paid: __________________________  Receipt Number: __________________________
Article VI  
Single Family Residential: R-1, R-2 & R-3

Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.84, 02.07.03, 07.16.18)

Please see the Matrix Chart in Section 6.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(in feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard**</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Each Side Yard***</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/Unit</td>
<td>1,320 sq. ft.</td>
<td>1,080 sq. ft.</td>
<td>960 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

* In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided.
** Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.
*** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

Section 6.05 – Sign Regulation (amended 10.08.98, 02.21.06)

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

Section 6.06 – Tree Preservation Regulations (amended 08.03.00)

The tree removal permit requirements apply to developments in these Districts, according to the terms of Section 27.12.

Section 6.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
Article XXVII

27.01 Nonconformities

construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofore existing building.

K. Administrative Nonconformities.

A structure or use which is administratively nonconforming shall remain nonconforming until special approval has been granted pursuant to application submitted to the proper authority. Where special approval has been granted, such a structure or use shall be deemed conforming. However, where special approval has been denied, such structure or use shall be considered nonconforming on the basis for which the application for special approval was denied.

L. Change in Tenancy or Ownership.

In the event there is a change in tenancy, ownership or management of an existing nonconforming use or structure, such nonconforming use or structure shall be allowed to continue pursuant to the terms of this Ordinance regarding such nonconformities.

M. Special Exceptions.

Any use for which a special exception is permitted, as provided in this Ordinance, shall not be deemed a nonconformity.

Section 27.02 – Buildings, Structures, and Uses

A. Accessory Buildings, Structures and Uses. (amended 02 17 04)

1. An accessory building, structure or use shall not be located on a parcel unless there is a principal building, structure, or use already located on the same parcel of land.

2. An accessory building or structure shall not be constructed prior to the commencement of construction of the principal building or structure or the establishment of the principal use.

3. A building, structure or use which is accessory to a single-family dwelling and attached to it shall, for the purposes of location and setbacks, be considered part of the principal building.

4. A building, structure or use which is accessory to a single-family dwelling and detached from it shall meet the same front and side yard setback requirements as the principal structure, as set forth in the applicable zoning district of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all detached accessory buildings. All accessory buildings and structures shall be included in the computation of total maximum area of all accessory buildings, and together with the principal building or structure shall not exceed the percentage of lot coverage requirements. (amended 07 16 18)

5. Detached accessory buildings or structures in non-residential districts shall conform to the height requirements for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. However, detached accessory buildings or structures in non-residential districts that exceed the height of the principal building or structure, as constructed, shall not be located in the front yard. (amended 07 16 18)

Detached accessory buildings or structures in residential districts shall not exceed the height of the principal building or structure as constructed. However, the height of a detached accessory building or structure may exceed the height of the principal building or structure, if said accessory building or structure is located at least one hundred fifty (150) feet distant and to the rear of the principal building or structure. In no case shall the height of a detached accessory building or structure exceed the maximum height requirement for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. (amended 07 16 18)
Article XXVII

Yard and Bulk Regulations

27.03 Yard and Bulk Regulations

The following projections shall be permitted when located in the required yards as specified:

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions.

2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.

3. In rear yards.
   a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard.
   b. Decks may be permitted to project into a required rear yard when the following conditions are met:
      (amended 06.15.87, 02.06.97)
      i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
      ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.
      iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
      iv. Setbacks for decks shall be measured from the leading edge of the deck surface.

4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

D. Required Yards - Existing Buildings.

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

E. Location of Required Open Space.

All yards and other open spaces allocated to a building or group of buildings shall be located on the same zoning lot as such building or group of buildings.

F. Variances to Yard Regulations.

The Zoning Board of Appeals may modify yard regulations by granting a variance for individual cases where literal enforcement of the provisions of the Ordinance would not be reasonably possible or would result in unnecessary hardship. Examples where such variances from yard regulations would be appropriate include:

1. A planned development in a multiple-family district;

2. Cases where the applicability of the regulations on lots existing and of record at the time this Ordinance became effective cannot be determined;
Article XXVII

General Provisions

27.17 Wetland Setbacks

Section 27.17 – Wetland Setbacks (added 09.17.07)

A. It is the intent of this section to require a minimum setback from wetlands (or natural features), and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature or the surrounding area. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the zoning enabling act. It is further the purpose of this section to establish and preserve minimum setback from wetlands (or natural features) in order to recognize and make provision for the special relationship, interrelationship and interdependency between the natural feature and the setback area in terms of: spatial relationship, interdependency in terms of physical location, plant and animal species, over land and subsurface hydrology, water table, water quality, and erosion of sediment deposition.

It is further the purpose of this section to provide for protection, preservation, proper maintenance and use of areas surrounding wetlands (or natural features) in order to minimize disturbance to the area and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat. A setback shall be maintained in relation to all areas defined in this chapter, unless, and to the extent, it is determined to be in the public interest not to maintain such setback.

B. Setbacks. For all wetlands as defined in Article II of this ordinance and by Ordinance No. 107, setbacks for all structures, parking lots, streets or driveways shall be in accordance with the following regulations:

Required Setbacks

| All structures or buildings | 25 ft. |
| All decks                  | 10 ft. |
| Parking lots               | 25 ft. |
| Streets, roads, driveways  | 25 ft. |

C. Waivers. The Planning Commission has the discretion to decrease the above required setbacks upon demonstration of the appropriateness of a lower setback and compliance with one (1) or more of the following criteria:

1. Demonstrated habitat preservation.
2. Demonstrated water quality preservation.
3. Demonstrated storm water quality retention.
4. Existence of a legal lot of record.

For development projects adjacent to wetlands which are not reviewed by the Planning Commission, the Building Official shall have authority to issue setback waivers subject to the criteria as listed above. Appeal to the Zoning Board of Appeals, in accordance with Section 30.06, may also be sought.

Section 27.18 - Wind Energy Conversion Systems (added 02.01.10)

A. Intent – It is the intent of the Charter Township of Orion to promote the effective and efficient use of Wind Energy Conversion Systems (WESC) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee any wind rights or establish access to the wind.

B. Approval Required - Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the Charter Township of Orion unless approval for:

1. Private WECS: A permit has been obtained from the Building Department as an accessory use and subject to Section 27.02 and the height restrictions of Section 28.02. Only one (1) Private WECS shall be permitted per parcel, and the private WECS shall not be allowed within a front yard area.

2. Commercial WECS: A special land use has been obtained pursuant to Section 30.02 and this Section.
Ab 2020-25, Steve Schneider,
957 Pine Tree W
311 Acres or 13,547.16 ft²
Redevelopment (30' x 97.91') = 2,938.80 ft²
10,608.36 - 25% = 2,652.09 ft²

Side yard setbacks - ok
Front yard setback (road side) 26-ft. Needs variance
Rear yard setback (lake side):
  House - 14-ft. Needs variance
  Deck - 0-ft. Needs variance
  Inground pool - 0-ft. Needs variance
Wetland setback:
  House - ok
  Deck - ok
  Inground pool - 23-ft. Needs variance

Lot Coverage: House = 2,172 ft²
Attached Coverage = 830 ft²
Deck = 757 ft²
Porch = 112 ft²
Inground Pool = 254 ft²
4,125 ft²
Lot coverage variance needed
The Fire Department has reviewed the proposed documentation and has no concerns in regards to accessibility.

Thanks

Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Wednesday, September 16, 2020 1:35 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Case Review

Jeff, attached are 3 cases for a future ZBA meeting. If you can look them over when you get a chance. Again, we are just looking for fire department accessibility in case there were a fire. A response to this email would be fine.

Thanks,

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Lynn Harrison

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2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Variance Calculations

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of a Detached Accessory Structures</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prop. detached garage = 720-sq. ft. Above ground pool = 1,222-sq. ft.</td>
<td>1,942-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>942-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>664</td>
<td>664</td>
<td>664</td>
<td>664</td>
</tr>
<tr>
<td>Above ground pool</td>
<td>1,222</td>
<td>1,222</td>
<td>1,222</td>
<td>1,222</td>
</tr>
<tr>
<td>Prop. Detached garage</td>
<td>720</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>1,106-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Lynn Harrison

From: Kerrie & Steve Schneider <lakeorionhouse@gmail.com>
Sent: Wednesday, September 2, 2020 11:11 PM
To: Lynn Harrison
Subject: Re: Variance Language

Lynn,

I agree with the variance requests below. Thank you for your help!

Best regards,

Steve Schneider • Ford Motor Company and General Motors Key Account Manager • Quaker Houghton •
Cell: 484-802-0250 • Customer Service: 800-666-4684 • sschneider@houghtonintl.com • quakerhoughton.com

Quaker Houghton | 30150 Telegraph Rd | Suite 205 | Bingham Farms, MI 48025 | USA

On Sep 2, 2020, at 2:50 PM, Lynn Harrison <lharrison@oriontownship.org> wrote:
Attn: Zoning Board of Appeals, Charter Township of Orion

Re: AB-2020-25, Steve Schneider, 957 Pine Tree W., 09-10-202-005

This letter is to inform you that we are in full support of any and all variance requests made by Mr. Schneider for the above address. We are very pleased our new neighbors are updating their new home and we believe they will be an excellent addition to our community. They have been open and honest regarding their plans to build the perfect home for their family, and we strongly support their remodel. We do not foresee any issue with sight lines or any other hindrances to our adjacent lot. We are excited to welcome the Schneider family to our neighborhood, and pleased they chose our community to raise their family!

Warm regards,
Ryan Doski
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 21, 2020

SUBJECT: Staff Report for AB-2020-26, Valley City Sign/Tommy’s Car Wash Signage

The site plan for the car wash was approved and construction has commenced. The site consists of three parcels that are in the process of being combined.

In the packet is a detailed sign package in which the variance calculations were taken from and checked against Sign Ordinance #153 for compliance.

Note that directional signs such as the “CASHIER”, “ENTRANCE” and “APP” are exempt and not part of wall sign calculations as long as they do not exceed 2-sq. ft. in area.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 21, 2020

RE: AB-2020-26, Valley City Sign/Tommy’s Car Wash, Brown Road

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2020-26, Valley City Sign/Tommy’s Car Wash, 851 Brown Road (09-33-351-020), 861 Brown Road (09-33-351-021) & 871 Brown Road (09-33-376-010)

I would move that the petitioner’s request for:

Four (4) variances from Sign Ordinance #153

Section 7, Non-Residential Wall & Ground Signs - Zoned BIZ

1. A variance to allow 1 additional wall sign to install a total of 2 wall signs.
2. A 1-sq. ft. size variance above the allowed 50-sq. ft. to erect a 51-sq. ft. ground sign.
3. A 8.90% EMC size variance above the allowed 30% of sign area to allow for a 38.9% EMC sign area.
4. A 12-ft. road right-of-way setback variance from the required 30-ft to erect a ground sign 18-ft. from the road right-of-way.

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

2. Unreasonably increase the congestion in public streets due to:

3. Increase the danger of fire or endanger the public safety due to:

4. Unreasonably diminish or impair established property values within the surrounding area due to:

5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2020-26, Valley City Sign/Tommy's Car Wash, 851 Brown Road (09-33-351-020), 861 Brown Road (09-33-351-021) & 871 Brown Road (09-33-376-010)

I would move that the petitioner’s request for:

Four (4) variances from Sign Ordinance #153

Section 7, Non-Residential Wall & Ground Signs - Zoned BlZ

1. A variance to allow 1 additional wall sign to install a total of 2 wall signs.
2. A 1-sq. ft. size variance above the allowed 50-sq. ft. to erect a 51-sq. ft. ground sign.
3. A 8.90% EMC size variance above the allowed 30% of sign area to allow for a 38.9% EMC sign area.
4. A 12-ft. road right-of-way setback variance from the required 30-ft to erect a ground sign 18-ft. from the road right-of-way.

Please be specific how the petitioner does not meet this criteria

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:
4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:


Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:


2. Unreasonably increase the congestion in public streets due to:


3. Increase the danger of fire or endanger the public safety due to:


4. Unreasonably diminish or impair established property values within the surrounding area due to:


5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:


100
Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Commercial

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $500.00 for a commercial application.

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT
Name: Valley City Sign
Address: 5009 West River Dr  City/State/Zip: Comstock Park, MI 49321
Phone: (616) 785-5713  Cell:  Fax: (616) 784-8280
Email: skerr@valleycitysign.com

PROPERTY OWNER(S)
Name(s): Jeff Schmitz
Address: 155 Romeo St STE 300  City/State/Zip: Rochester, MI 48307
Phone: (248) 650-9850  Cell:  Fax: 
Email: jeff.schmitz@jscapitol.com

CONTACT PERSON FOR THIS REQUEST
Name: Stephen Kerr  Phone: (616) 785-5713  Email: skerr@valleycitysign.com

SUBJECT PROPERTY
Address: 861 Brown Rd  Sidwell Number(s): 09-33-351-021
Total Acreage: Approx 1.34  Length of Ownership by Current Property Owner: Years, Months
Does the owner have control over any properties adjoining this site? 
Ordinance Allowance/ Requirement
Deviation requested Please see attached
List additional ordinance requirements and deviations on a separate page

Case #: ____________________
COMMERCIAL VARIANCE

1. Describe the nature of the request. Variance for ground sign setback (18 ft), variance for ground sign size (51 sq ft), variance for EMC size (38.9% of ground sign area) and variance for second wall sign.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. The narrowness of the lot does not allow for the required 30 ft setback to be met. There is approximately 32 ft between the right-of-way and the driveway.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. The proposed signage will still maintain a substantial setback.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible:

The checkered to the west of this location has a ground sign with a setback approximately the same as the proposed variance, however, they also have more room to display a ground sign.

5. Describe how the alleged practical difficulty has not been self-created. The vehicle oriented service and length of the building in commission with the narrow nature of the building site make meeting the setback requirements impossible. There are approximately 32 feet of space available to place a ground sign.

6. The topography of said land makes the setbacks impossible to meet because:

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. Strict compliance with the ordinance would only allow for a sign 2 ft wide that would abut the curb of the driveway. By allowing only such a small sign with such a risky placement, strict compliance effectively disallows a ground sign at this site.
Case #: ____________________________

8. Have there been any previous appeals involving this property? If so, when? No

9. Is this request the result of a Notice of Ordinance Violation? □ Yes: □ No

I/we, the undersigned, do hereby request action by the ZBA on the variance or specified matter above, in accordance with Sections 30.06, 30.07, 30.08, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application), I hereby grant the Zoning Board of Appeals members permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant: ____________________________ Date: 8/24/2020

Print Name: Stephen Kerr

Property Owner:
If applicable: I the property owner, hereby give permission to Stephen Kerr or Jay Clark to represent me at the meeting.

Signature of Property Owner: ____________________________ Date: 8/19/2020

Print Name: ____________________________

OFFICE USE ONLY

Zoning Classification of property: ____________________________ Adjacent Zoning: N. S. E. W.

Total Square Footage of Principal Structure: ________________ Total Square Footage of Accessory Structure(s): ________________

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date Filed: ____________________________ Fee Paid: ____________________________ Receipt Number: ____________________________
861 Brown Rd
Tommy’s Express Car Wash
Sign Variance Request

The property and franchise owner of Tommy’s Express Car Wash at this location is requesting that four variances relating to signage be granted for this site. Valley City Sign is submitting this application on his behalf. The following four variances are being requested:

1.) **18 ft Setback for Ground Sign.** The layout of the lot in conjunction with the proposed vehicle heavy use of the lot does not allow for the placement of adequate signage. There are 32 feet between the right-of-way and the driveway which carries traffic in and out of the car wash. In order to maintain a safe distance between the sign and vehicular traffic on site, the sign needs to be placed at least 2 feet in front of the curb. The standard monument sign that is used by Tommy’s Express Car Wash is 12 feet wide. This places the leading edge of the sign 18 feet from the right of way.

2.) **51 sq ft Ground Sign Area.** In regard to the size of the sign, an additional one sq ft is being requested. This request is necessitated by the design of the sign. There is 2.155 inches of space beneath the electronic message center portion of the sign. If this area were excluded from the sign, the sign area would be 48.445 sq ft. Additionally, the sign are as calculated by only the perimeter of the sign cabinet is 48.84 sq ft.

3.) **Electronic Message Center as 38.9% of the Ground Sign Area.** This variance is necessary in order to maintain consistency with the franchise sign package that is used by Tommy’s Express Car Wash nationwide. Diminishing the proportion diminishes the brand presence at the site.

4.) **One Additional Wall Sign Placed on the West Elevation.** An additional sign is necessary because the site will share a driveway with a proposed restaurant to the west. This proposed sign is needed in order to function in a manner similar to a secondary frontage wall sign.

<table>
<thead>
<tr>
<th>Summary of Variances Being Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nature of Request</strong></td>
</tr>
<tr>
<td>Setback of Ground Sign</td>
</tr>
<tr>
<td>Size of Ground Sign</td>
</tr>
<tr>
<td>Electronic Message Center Size</td>
</tr>
<tr>
<td>Number of Wall Signs</td>
</tr>
</tbody>
</table>

An Employee Owned Company
### Non-Residential Zoned Areas

**Ground Signs**

These requirements shall govern sign use, area, type, height, numbers, and setbacks. In addition to requirements elsewhere in this Ordinance, ground signs shall be subject to the standards of either Alternate A or Alternate B.

### Table

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>RFY</th>
<th>USE GROUPS A (Non-Residential), B, C, &amp; D</th>
<th>SP-1 &amp; SP-2</th>
<th>REC-1/REC-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signs</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
<td></td>
</tr>
<tr>
<td>Sign area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>GROUND Alternate A overall height up to 6 ft.</td>
<td>40 sq. ft. per side, maximum 80 sq. ft.</td>
<td>50 sq. ft. per side, maximum 100 sq. ft.</td>
<td>40 sq. ft. per side, maximum 80 sq. ft.</td>
<td>50 sq. ft. per side, maximum 100 sq. ft.</td>
<td>50 sq. ft. per side, maximum 100 sq. ft.</td>
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<td>50 sq. ft. per side, maximum 100 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>GROUND Alternate B overall height over 6 ft. up to 8 ft.</td>
<td>32 sq. ft. per side, maximum 64 sq. ft.</td>
<td>40 sq. ft. per side, maximum 80 sq. ft.</td>
<td>30 sq. ft. per side, maximum 60 sq. ft.</td>
<td>30 sq. ft. per side, maximum 60 sq. ft.</td>
<td>30 sq. ft. per side, maximum 60 sq. ft.</td>
<td>35 sq. ft. per side, maximum 70 sq. ft.</td>
<td>30 sq. ft. per side, maximum 40 sq. ft.</td>
<td>25 sq. ft. per side, maximum 50 sq. ft.</td>
<td>35 sq. ft. per side, maximum 70 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Setback shall be measured at existing ROW or at front of building</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td></td>
</tr>
<tr>
<td>Feet</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
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<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
<td></td>
</tr>
</tbody>
</table>

1. The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

2. Additional ground signs may be permitted for each zoning lot if the following conditions apply:
   a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   c. Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
   d. On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

3. The following additional ground signs may be permitted:
   a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
   b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.
EMC Ground Signs
Non-Residential Zoned Areas

To protect the health, safety, peace, and enjoyment of Township residents, EMC ground signs shall comply with all of the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance. Further an EMC ground sign shall also comply with the regulations governing sign use, are, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ - Use Groups A (Non-Residential), B, C, &amp; D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Signs</td>
<td>Only 1 unless located on a corner lot, see footnote 5a &amp; 5b only.</td>
</tr>
<tr>
<td>Height</td>
<td>The maximum height of an electronic message center shall conform to the height regulations for signs allowed in each zoning district.</td>
</tr>
<tr>
<td>Sign Area</td>
<td>The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.</td>
</tr>
<tr>
<td>Color</td>
<td>Multiple colors on a black background</td>
</tr>
<tr>
<td>Movement</td>
<td>Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.</td>
</tr>
<tr>
<td>Restrictions</td>
<td>See Section 15 - Construction Requirements</td>
</tr>
<tr>
<td>Brightness</td>
<td>Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25 mm or less.</td>
</tr>
<tr>
<td>Resolution</td>
<td>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township. The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</td>
</tr>
</tbody>
</table>

Additional ground signs may be permitted for each zoning lot if the following conditions apply:

a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.

b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
### Non-Residential Zoned Areas

#### Wall Signs

These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance.

**EMC signs are not permitted in wall signs.**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>BIZ Use Groups A (Non-Residential), B, C, &amp; D</th>
<th>SP-1/SP-2</th>
<th>REC-1/REC-2</th>
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<tbody>
<tr>
<td><strong>Number of signs</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>1 wall sign per establishment</td>
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<tr>
<td><strong>Sign Area</strong></td>
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<td>10% of the façade area on which the sign is to be placed, or 200 sq. ft. per establishment whichever is less.</td>
<td>40 sq. ft.</td>
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<td><strong>Footnotes</strong></td>
<td>4, 8</td>
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*Note Wall signs are not permitted in RFV*

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1 Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:

a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.

b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.

c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of “Sign Area” in Section 3. Also reference Article 27.05(e)(2)

8 Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.
All standard ground signs will not be permitted per city sign ordinance, so none were included in this sign package.
Front Side Elevation | Scale: 1/16" = 1'-0"
Entry End Elevation | Scale: 3/32" = 1'-0"
Load: 14.4%
Modules: 12 White WoW
Watts: 8.6 of 60.0
PS: 60 watt

**Mechanically fasten inside cabinet**

<table>
<thead>
<tr>
<th>WALL SIGN</th>
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<tbody>
<tr>
<td>ITEM</td>
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<tr>
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<tbody>
<tr>
<td>SIGN CODE:</td>
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<tr>
<td>SCALE:</td>
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<tr>
<td>DATE:</td>
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<tr>
<td>QUANTITY:</td>
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5006 West River Drive
Comstock Park, MI 49321
Ph 616.784.7711 | Fax 616.784.8280
www.valleycitysign.com

Valley City Sign

CUSTOMER INFO

**Tommy's Express Car Wash**

ACCOUNT

861 Brown Rd
ADDRESS

July 30, 2019
INITIAL PROPOSAL DATE

REVISIONS | INITIALS & DATE
---|---
1 | Added WS51-CW & M48-4-E IV/29/19
2 | Updated mon. sign to MS1-1-E IV/7/24/20
3 | Updated mon. sq. ft. calculation IV/8/07/20

REVISIONS CONT. | INITIALS & DATE
---|---
--- | ---
Load: 14.4%
Modules: 12 White WoW
Watts: 8.6 of 60.0
PS: 60 watt

WALL SIGN

ITEM | CABINET STRUCTURE
--- | ---
1 | 5" .080" BRAKEFORM CABINET
2 | BRAKE TOP/BOTTOM - WELD ENDS
3 | WEEP HOLES

ITEM | FACE
--- | ---
4 | 1" .080" BRAKEFORM FACE
5 | ALL 4 SIDES BRAKEFORM (NO WELDS)
6 | .30" CLEAR PLEX
7 | BLACK JEWELITE SCREW

PAINT COLORS
MAP BLK (GLOSS)

VINYL COLORS
MATTE BLACK SCOTCHCAL (#7725-22)
WHITE SCOTCHCAL (#3630-20)
DIFFUSER (#3635-70)

ELECTRICAL: 123v
6 | ELECTRICAL BOX (PART #EL-BOX-4SSLEK)
7 | MC CABLE
8 | ELECTRICAL BOX (PART #EL-BOX-4SSLEK)
9 | LOCKING PLATE (EL-SW-LOCKING PLATE)
10 | TOGGLE SWITCH (EL-SW-5W20)
11 | WHITE WOW LED (14)
12 | POWER SUPPLY: 1X 60W (ALLANSON)

ELECTRICAL BOX W/LOCKING SWITCH REQ.
BY ELECTRICIAN ON INTERIOR WALL

INSTALLATION

SIGN CODE: WS-P2402-C
SCALE: 1" = 1'
DATE: 7.30.19
QUANTITY: 1
Load: 14.4%
Modules: 12 White WoW
Watts: 8.6 of 60.0
PS: 60watt
INFORMATIONAL ONLY

TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 21, 2020

RE: Dates which cases can be postponed to

If the Zoning Board of Appeals makes a motion to postpone a case to an actual future meeting date (date certain), vs. requiring them to return within a certain number of days the Township does not have to re-advertise or re-mail notices to surrounding properties. By postponing a case to a “date certain”, the Township avoids incurring advertising costs and, in many cases, assists the applicant in returning in a timelier manner. The ZBA By-Laws state the postponement of a case shall not exceed sixty (60) days from the date the matter was first scheduled on a ZBA agenda.

Listed below are upcoming ZBA meetings. When a case needs to be postponed, if the applicant can commit to one of these dates, they should be used to postpone to a “date certain” within the motion, whenever possible. If a case is postponed to a “date certain” please be sure to keep all the information from your packet for that case until the future date.

October 12, 2020
October 26, 2020
November 9, 2020
November 23, 2020