

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

***** MINUTES *****

REGULAR MEETING – MONDAY MARCH 23, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, March 23, 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:

Loren Yaros, Chairman
Dan Durham, Vice-Chairman
Don Walker, PC Rep to ZBA
Lucy Koscierzynski, Secretary

ZBA MEMBER ABSENT:

Mike Flood, BOT Rep to ZBA

CONSULTANT PRESENT:

David Goodloe, Building Official
Tammy Girling, Planning & Zoning Director

OTHERS PRESENT:

Jacob Petrycia	Bryan Campbell
John Wiegand	Mat Dunaskiss
Patrick Raye	Ryan Doski
Zachary Petrycia	Mike Riddle
Debra Walton	

1. OPEN MEETING

Board Chairman Yaros called the meeting to order at 7:10 pm.

2. ROLL CALL

As noted

3. MINUTES

A. 2-10-2020, ZBA Regular Meeting Minutes

Moved by Secretary Koscierzynski, seconded by Vice-Chairman Durham, to **approve** the minutes as presented.

Roll call vote was as follows: Yaros, yes; Durham, yes; Walker, yes; Koscierzynski, yes

Motion carried (Flood absent)

B. 2-24-2020, ZBA Regular Meeting Minutes

Moved by Secretary Koscierzynski, seconded by Chairman Yaros, to **approve** the minutes as presented.

Roll call vote was as follows: Durham, yes; Walker yes; Koscierzynski, yes; Yaros, yes

Motion carried (Flood absent)

4. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

5. ZBA BUSINESS

A. AB-2020-06, John Wiegand, 4454 Maybee Rd., 09-30-100-007 (postponed from 2/24/2020)

Chairman Yaros read the petitioner's request as follows:

The petitioner is requesting one (1) variance from Zoning Ordinance 78:
Article XXVII, Section 27.02 – Lot size over 2.5 acres

- 1) A 664-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build an attached 1,364-sq. ft. garage in addition to an existing 1,120-sq. ft. detached garage and an 80-sq. ft. shed.

Chairman Yaros said that he looked at the petitioner's file information and the building plans. He noticed on the overhead county picture of the property that there are quite a few cars around. He asked the petitioner if there was a business being run out of there?

Mr. John Weigand, 4454 Maybee Rd. replied; no there isn't.

Chairman Yaros stated that the addition will be built over the top of an existing concrete pad that is about the same size that is already existing. Then they will be using the existing one-car garage for an addition to the house for living space. Is this correct? Mr. Weigand replied no. He stated that the existing garage is going to become a family room addition. They understood from the permit that the Township has an ordinance that not more a three (3) car garage is allowed. They are still looking to add the same square footage, but the existing garage goes away, and that will bring back only the three (3) car garage. They will be stepping up into the existing garage to become the new family room and will be stepping up into that from the new garage.

Secretary Koscierynski asked the petitioner where they have the attached garage, is that going to be the addition? She noticed behind that there was a detached three-car garage? Mr. Weigand replied there are an existing outbuilding and an existing shed. The existing attached garage becomes a family room and the new garage then takes up the space encased by the stakes that they could see. They put cones over the top of them so the snow would not make them disappear.

Secretary Koscierynski asked what their Practical Difficulty was? Mr. Weigand replied that they have a child that has a physical difficulty that puts her in a bad situation when it is cold outside. She is becoming of the age where she will be getting her driver's license. They are trying to prepare for the future, where she can go out to the garage and get into her vehicle without exposing herself to cold weather. Also, the family has grown, and the situation of the original house with the original shed is prohibitive of what they have been able to do to make the house everything that they would like it to be for their family.

Board Member Walker said that he was at the last postponed meeting. He asked if Mr. Wiegand had spoken with the Building Department about this? Mr. Weigand replied that he has not. He only had phone conversations and became aware of the requirement of three (3) car maximum.

Board Member Walker stated he thought that he and the Building Department were going to work something out? That was the last that he remembers of his appearance last time. They apparently were not able to do that; is that correct? Mr. Weigand answered this is a new application, to put in the garage. Anything prior to that he was not aware of. He is John's father and John was there. He was not aware of any other issues and thought that they were clear with the Building Department.

Chairman Yaros noted that he has no problem with this request because it is an addition to the house. They have plenty of property and it is screened from the front of the house. Even if it was in the back-part he didn't think it would matter.

Moved by Secretary Koscierzynski, seconded by Chairman Yaros, that in the matter of ZBA case #AB-2020-06, John Wiegand, 4454 Maybee Rd., 09-30-100-007, the petitioners request for one (1) variance from Zoning Ordinance No. 78, Article XXVII, Section 27.02 – Lot size over 2.5 acres 1) a 664-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build an attached 1,364-sq. ft. garage, in addition to an existing 1,120-sq. ft. detached garage, and an 80-sq. ft. shed, 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: the family has grown and has a child with medical issues and needs to get to her car; they have 2.5 acres, the neighbors in the neighborhood are spaced far apart; 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: the house is on 2.5 acres, having enough room on the property is not an issue, and doesn't pose a problem to anyone; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zone or district based on the following facts: there is a person in the home with a medical issue, the family is growing and needs more space; granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to other improvements in such zone or district in which the property is located based on the following findings: it does not show a problem for fire and public safety to get in and out of there, and there is plenty of room on that property for the addition.

Discussion on the motion:

Chairman Yaros said that he would support that if she added that currently there is only a one (1) car garage so this addition will allow for the other cars to be parked in the garage.

Secretary Koscierzynski agreed.

Roll call vote was as follows: Koscierzynski, yes; Walker, yes; Durham, yes; Yaros, yes.

Motion Carried 4-0 (Flood absent)

B. AB-2020-07, Ryan Doski, 965 Pine Tree Road West, 09-10-203-001

Chairman Yaros read the petitioner's request as follows:

The petitioner is requested three (3) variances Zoning Ordinance No. 78:

Article VI, Section 6.04 Zoned R-3:

- 1.) A 21-ft. rear yard setback variance from the required 35-ft. to add a second story addition 14-ft. from the rear property line.

Article XXVII, Section 27.03(C)

- 2.) A 32-ft. rear yard setback variance from the required 32-ft. (with projection allowance), to erect a second story balcony/terrace 0-ft. from the rear property line.

Article XXVII, Section 27.17 (B) Wetland Setbacks

- 3.) A 9.2-ft. wetland setback variance from the required 25-ft. to erect a second story balcony/terrace 15.8-ft. from a wetland.

Chairman Yaros stated that the legal department has looked at this. The question they have is whether or not the property was owned by them or not? The recommendation is that the property owner

seeking a variance is to resolve the ownership issues related to the discrepancy in the county maps prior to any requests being granted. If the applicant can show he owns fee title based on a valid survey, or a circuit court judgment it would then be appropriate for the ZBA to consider for a variance.

Planning & Zoning Director Girling stated that when they calculated the variances, it was from his property line which is the platted, and does not involve any of the accreted land. If he wanted to include that into his calculation, he would have to prove it. But in order to have this go through faster, the setbacks were calculated from the platted land, not the accreted land.

Chairman Yaros said so this is up to Mr. Doski as to what he wants to do at this point. Correct?

Planning & Zoning Director Girling replied no. When Mr. Doski submitted his application, he submitted it calculating his setbacks from the property line, which he has the right to. He voluntarily decided he wouldn't look at that all the way to the water, he can do that later. If he can get the variances as advertised it is just to his property line, with the Board taking into account that there is additional land, that he has not determined yet. But he has not calculated the setbacks from that line, but what they concretely know is his land.

Chairman Yaros said so what they are looking at right now is a 20-ft. rear yard setback variance from the 35-ft. A 30-ft. variance from the 32-ft., and a 9.2-ft. variance from the 25-ft. That is a lot of variances for a setback.

Mr. Ryan Doski, 965 Pine Tree Road West, said he was caught by surprise that his lot line, was not directly at the water's edge. There is a legal issue that doesn't involve this, that he is going to look into in the future. As far as this variance is concerned, basically, what their family has run across is they have two (2) young children and they are considering more children but any kind of decision like that, the house needs to have another bedroom added to it, in order to accomplish this, and that is all part of this variance package.

Secretary Koscierzynski wanted more clarification of what was going on with these variances?

Chairman Yaros said the question is if he owns the property out to the lake. Right now, those variances are measured from the actual property line. To look at the drawing, it is quite a difference from what the lake property is there. If that was resolved, there probably wouldn't be a whole lot of issues right now. But they don't know what the resolution will be.

Planning & Zoning Director Girling stated that she did extensive research on this and there is not an answer. The Township is not saying that it is not his, but they can't conclusively come up with it. Looking at the property and the land beyond it there is a small piece of land and then a lake. Setbacks are there for life safety and preservation of rights. With what they are asking for, she would ask the ZBA to entertain, that even though it is a large setback, would there ever be anything on the other side that would cause a problem?

Secretary Koscierzynski asked if it would be in the petitioner's best interest and the Township if they wait to see what the outcome of the property lines are?

Planning & Zoning Director Girling replied that is their judgment call; but what would they accomplish with that? Looking at the property and beyond the property line, there is some land that at one point was water and is now land, that is attached to the lake bottom. Would that amount of land that has come out beyond his property line, be enough for someone to build a structure that he would then be sitting on top of their structure? When they are doing their setbacks, they have a deck that can be 10-ft. from a

rear property line, further from a wetland, but 10 ft. from a rear property line. If he is at 0-ft. instead of 10-ft. is there anything that is going to be on the other side of the property line, that his deck sitting at 0-ft., is going to be intrusive to?

Chairman Yaros questioned if they knew the dimensions from the request to the waterline? Do they know what the dimensions are?

Mr. Brian Campbell replied that it was 29.8-ft. from the house to the water, if he was to own all of the land.

Board Member Walker asked if his Practical Difficulty, is that he wants a larger family?

Mr. Doski replied yes. They intend to have more children and believe that it would be difficult to do so in the house as-is. The addition is adding more space, adding another bedroom is their plan.

Board Member Walker asked what the sq. ft. of the house is currently? Mr. Campbell replied it is 2,900-sq. ft., and it does not have a basement.

Board Member Walker asked how many sq. ft. will this addition add to the square footage? Mr. Campbell replied 544-sq. ft.

Board Member Walker asked how long he had lived there? Mr. Doski replied since October 2018.

Board Member Walker said that he is asking these questions because these are very large variances and he is looking for something to hang his hat on, in order to vote his way.

Chairman Yaros asked if the proposed house will be 29.8-ft. from the waterline and the first variance request was that they needed a variance from the required 35-ft. so they would need around 5-ft 2-inches instead of the 21-ft. rear if, in fact, he does own the property? Mr. Doski answered yes. He noted that whatever happens here tonight he is still going to pursue this legally because they intend to make this their forever home. But this is obviously an issue that they need to pursue, for the purposes of resale.

Chairman Yaros said that the second request for a variance was a 32-ft. rear yard setback variance from the required 32-ft. with the projection allowance, to erect a second story balcony/terrace 0-ft. from the property line. If the waterline was the property line what would be the variance required? Mr. Campbell replied it would be a 15.8-ft. less of a variance.

Chairman Yaros noted that it would be 32 minus 15.8 would be the request for the second one if they were looking to the water.

Chairman Yaros said the next request a wetland setback 9.2-ft. setback from the required 25-ft. That hasn't changed because that is still going to the water anyway.

Chairman Yaros noted that even though it says a 21-ft. rear yard setback variance that is to the property line traditionally, but to the actual waterline it would only be a 2.2-ft. request. The second one would be 15.2-ft. variance request to the water if it comes out that he does own the property. He didn't see anyone building on that piece of property, because it was attached to his property. Then the third request would remain the same as a 9.2 wetland setback variance.

Chairman Yaros added what they are doing here today is they would have to okay a 21-ft. rear yard setback variance from the required 35-ft. and a 32-ft. rear yard variance from the 32-ft. and then a 9.2-

ft. wetland setback variance. That is what the request is and that is what they will have to vote on. Even though in reality the line is much farther back to the water and the request is less if he does own the property. If they can't settle that then they will have to postpone it until they find out if he owns the property or not.

Vice-Chairman Durham asked if he has given the up the right of the ownership of the property for the purposes for the variances tonight. That is why the numbers are so high? Does he want to basically get started on his build?

Planning & Zoning Director Girling replied yes.

Chairman Yaros asked if there was anyone else to speak to this matter? There was not. Planning & Zoning Director Girling noted that there were no emails.

Vice-Chairman Durham asked if Mr. Doski thought that the height of the addition, up on top of the garage would block the view of anyone else, as far as the lake goes? Mr. Doski replied he did not. The neighbors across the street are the only ones that any kind of view might change but they are also are on a lake and they have a view of the lake off the back of their property. He didn't think the view would affect anybody. Most of his neighbors are aware of what they are doing and haven't spoken any ill-will against it.

Moved by Vice-Chairman Durham, seconded by Chairman Yaros, that in the matter of ZBA case AB-2020-07, Ryan Doski, 965 Pine Tree Road West, 09-10-203-001, I would move that the petitioner's request for three (3) variances from Zoning Ordinance 78, Article VI, Section 6:04 R-3: 1) a 21-ft. rear yard setback variance from the required 35-ft. to add a second story addition 14-ft. from the rear property line; Article XXVII, Section 27.03(C) 2) a 32-ft. rear yard setback variance from the required 32-ft. (with projection allowance), to erect a second story balcony/terrace 0-ft. from the rear property line; Article XXVII, Section 27.17(B) Wetland Setback 3) a 9.2 -ft. wetland setback variance from the required 25-ft. to erect a second story balcony/terrace 15.8-ft. from a wetland be **granted** because while the variances are large in size if there are some changes in delineated ownership of the property, and legal ownership they may have not been this large; the petitioner does show the following Practical Difficulty: he would like to enlarge his home, he has stated that it will be his forever home; the neighbors have no issues with this; it would bring the petitioners property more in line with the other properties in the area; the following are exceptional or extraordinary circumstances: the lots in that area are strangely shaped and were platted, a long time ago, and they involve conditions that do not apply generally to other properties in the same district; the variance would be helpful for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zone or vicinity base on the fact: the lot is small, and he has a nice size home there now but he would like to enlarge it as his family enlarges and bring it in line with other properties in the area; 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: it will make the house fall into line with other houses; the granting of this variance would not: impair an adequate supply of light and air to adjacent property; it will not unreasonably increase the congestion in the public streets; there will be no Fire Department issues; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the Township.

Roll call vote was as follows: Durham, yes; Koscierzynski, yes; Walker, no; Yaros, yes.

Motion Carried 3-1 (Flood absent)

AB-2020-08, Patrick Raye, Vacant Parcel on Cushing Street, 09-03-278-027

Chairman Yaros read the petitioner's request as follows:

The petitioner has requested eight (8) variances from Zoning Ordinance No. 78:

Article XXVII, Section 27.01(C)(1)(b), Lot Width 60 to 65 feet:

- 1) A 2.80-ft. side yard setback variance from the required 8-ft. to build a house 5.20-ft. from the side property line (south).
- 2) A 2.63-ft. side yard setback variance from the required 8-ft. to build a house 5.37-ft. from the side property line (north).

Article VI, Section 6.04 – Zoned R-3:

- 3) A 9.36-ft. front yard setback variance from the required 30-ft. to build a house 20.64-ft. from the front property line (lakeside).
- 4) A 14.99-ft. rear yard setback variance from the required 35-ft. to build a house 20.01-ft. from the rear property line.
- 5) A 21.36-ft. front yard setback variance from the required 30-ft. to build a deck 8.64-ft. from the front property line (lakeside).
- 6) A 15.98% lot coverage variance above the allowed 25% for a total lot coverage of 40.98%.

Article XXVII, Section 27.17(B)

- 7) A 4.36-ft. wetland setback variance from the required 25-ft. to build a house 20.64-ft. from a wetland.

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

- 8) An 11.36-ft. water's edge setback variance from the required 20-ft. to build a deck 8.64-ft. from the water's edge.

Planning & Zoning Director Girling noted that the petitioner had amended his request so it is fine they advertiser for larger but he has reduced what he is asking for. He might want to address during his presentation how he has reduced some of those numbers.

Chairman Yaros asked the petitioner to give the Board that information.

Mr. Patrick Raye, 1231 Lacrosse Trail, Oxford, MI, the petitioner presented. He stated that he has been working with Mat Dunaskiss, Mike Riddle and Rison Construction. Determining the request that they needed, they took a look at lot one (1) approval that the Board passed some time back. Mike Riddle would have to speak to exactly when that was. The goal is uniformity, originally, they were slightly closer to the water and their concern was that the idea is to make sure that all of those on that cove are in line so that nobody is impeding to close or too far. The hardship is the lot side and the grade. This home is for himself, his wife and his four (4) kids. They have been searching on Lake Orion for a long time and have a lot of friends on Lake Orion, and just couldn't find anything that would work for them so a new build was their best option. The size changes were due to not wanting the house further ahead of the proposed house on lot #1. They scalded the house back and made the house envelop slightly smaller and gave more room on the two (2) side lot lines to accommodate what they would need for a proper watershed.

Chairman Yaros wanted to know what numbers had changed from the original request.

Mr. Raye replied that 1) originally was to build a house 5.20-ft. from the property line on the south side, it is now 5.32-ft. 2) the original north property line request was 5.37-ft. and they are now 5.59-ft. 3) was 20.64-ft. from the property line, it is now 18.04-ft. 4) rear yard setback variance from the 35-ft. was

20.01 from the rear property line it is now 26-ft. 5) The deck at 8.64-ft. is now 10.12-ft. He stated he didn't know what the lot coverage was or the wetland setbacks were.

Chairman Yaros said that he looked at the house next door, the way the rocks were, he wasn't sure they could get in between the buildings with emergency vehicles. He thought it was a lot of variances. He said it will almost totally be covering the lot. They are asking for a 4.36-ft. wetland setback variance to be 20-ft. from a wetland and to be 8.64-ft. from the water's edge. He has a problem with so many variances, on this lot.

Secretary Koscierzynski said that as far as first responders or firefighters getting to the property. The Fire Marshal reviewed the proposed documents and had no concerns.

Vice-Chairman Durham felt that he didn't think that anyone could carry any gear in between the homes.

Mr. Raye said that his home does not have a house either side of it. He thought that he was looking at the parcel next to lot number one (1).

Vice-Chairman Durham questioned when he sees this many variances on that small of a lot, it has a feel of an overbuild for the lot; is that something he considered?

Mr. Raye said if they took what they were allowed to build here they wouldn't have much of a home to build at all. He thought that no matter how big the house is or even if they build a home that is realistic for today's age and the values they see on Lake Orion and what people are looking for and what they are looking for, they would be looking at this many variances no matter what. The problem they have is the grade and the side yards. Without most of these, even if they adjusted the number one way or another there would be this quantity of these variances or at least close.

Vice-Chairman Durham noted that he was at the bottom of that lot looking up trying to figure how they would navigate from the back of that house to the front on the inside from that fall off.

Mr. Raye questioned what he meant on the inside, between the house?

Vice-Chairman Durham replied if you are living inside the house the lot falls off to such a degree the roadside of the house will be dramatically elevated from the lakeside.

Mr. Raye said that is correct; if you look up the street all three (3) houses are built in that fashion. Especially the one that is existing there. They have to put a little retainment on the sides, it will be an interesting basement but that is what they are dealing with on that piece of land. Most of the homes on that side of the street have that challenge.

Vice-Chairman Durham asked because there are no houses there now, can the petitioner pick what is the front yard and what is the back yard?

Planning & Zoning Director Girling replied that is correct.

Vice-Chairman Durham thought that the front yard had to boarder on a street.

Planning & Zoning Director Girling said that there are certain parts of the ordinance says that the street side is the front, but not when it comes to calculating the setbacks. They can choose the lake as the front, or the road as the front and that can affect the setbacks.

Chairman Yaros asked if the original setback from the road was going to be 20.64-ft. and now they are proposing 18-ft. 20.64-ft. was small to start with, he looked at the houses down the street with similar

setbacks they are right out to the road with their trucks and cars, most are larger than that. Can they keep the 20.64-ft.?

Mr. Raye replied absolutely; no problem at all.

Chairman Yaros asked what was the square footage of the house proposed?

Mr. Mike Riddle, Rison Construction 15299 Pine Ridge Dr., Holly, MI. Mike replied that is 2,700-sq. ft. total.

Chairman Yaros asked if he got the 20-ft. back from the road would that change the square footage at all?

Mr. Raye replied yes; they are trying to have an attached garage because a detached garage would be impossible. What he could do is move some things around and make some compromises.

Chairman Yaros thought that 2,700-sq. ft. is not an overly huge building on the lake. That is within reason. His issues were solved except for the deck being that close to the water's edge.

Secretary Koscierzynski said that she thought that there was a house on Heights Rd. where it was about the same distance as this was going to be. She thought that Heights Rd. one was even closer than this.

Secretary Koscierzynski asked what the practical difficulty was?

Mr. Raye replied looking at the lot, there is grade issues, setbacks issues, the size of the lot issues. They originally wanted to be in a 3,200-sq. ft. home, because they have four (4) children, and they already made conceptions to get to this point. He would not want to go any smaller so that is his practical difficulty.

Chairman Yaros asked what the lot coverage would be? They need to get the coverage on record after the changes that were made.

Planning & Zoning Director Girling replied that with what they had done, they moved around the home so the setbacks changed. She thought the lot coverage would change slightly but it was already calculated and if all of the other variances are granted then granting the extreme, and she said extreme because they always advertise for the largest. If he is saying in order to meet that 20-ft. that he has to decrease the house slightly then they are giving a little bit more on lot coverage that he actually needs but he is bound by the setbacks if they are going to grant them.

Chairman Yaros asked on #4 it states that a 14.99-ft. rear yard setback variance from the required 35-ft. to build a house 20-ft. now he is proposing 26-ft., that is going to change the coverage considerably. He thought they needed to have an exact number here.

Planning & Zoning Director Girling asked if he found the email that Lynn had sent that had stricken and put in the setback that the petitioner is now asking for?

Chairman Yaros replied no.

Board Member Walker said that he received the email about 4 pm and he did a rough mathematical sketch and seemed to him that it was almost even after the deletions and additions and if you put it all together, the square footage seemed to be the same.

Mr. Raye said that his lot coverage would decrease because he is taking 6-ft. off the back and adding 2-ft. on the front approximately. He felt he would be reducing the amount of coverage.

Chairman Yaros thought the same, and would not be over the coverage.

Mr. Raye felt he would be in the mid to high 30's.

Chairman Yaros asked if they should have that calculated before they vote?

Planning & Zoning Director Girling replied that if all the other variances are being granted, and he is held on where he can have each distance to each property line, and if they are comfortable with granting the lot coverage as he asked versus the actual calculation. He can't get any closer to any of the property lines than what the variances are granting.

Chairman Yaros said that if in fact, he changes the #3 request to the 20.64 from the front property line which stays then at the request of 9.36-ft. front yard setback variance. He didn't have a problem with this because it is a 2,700-sq. ft. home.

Moved by Vice-Chairman Durham, seconded by Chairman Yaros, that in the matter of ZBA case #AB-2020-08, Patrick Raye, Vacant Parcel on Cushing Street, 09-03-278-207, I would move that the petitioner's request for eight (8) variances from Zoning Ordinance No. 78: Article XXVII, Section 27.01(C)(1)(b), Lot Width 60 to 65 feet: 1) a 2.68-ft. side yard setback variance from the required 8-ft. to build a house 5.32-ft. from the side yard property line (south); 2) a 2.41-ft. side yard setback variance from the required 8-ft. to build a house 5.59-ft. from the side property line (north); Article VI, Section 6.04 – Zoned R-3: 3) a 9.36-ft. front yard setback variance from the required 30-ft. to build a house 20.64-ft. from the front property line (lakeside); 4) a 20.98-ft. rear yard setback variance from the required 35-ft. to build a house 26-ft. from the rear property line; 5) a 19.88-ft. front yard setback variance from the required 30-ft. to build a deck 10.12-ft. from the front property line (lakeside); 6) a 15.98% lot coverage variance above the allowed 25% for a total lot coverage of 40.98%; Article XXVII, Section 27.17(B): 7) a .05-ft. wetland setback variance from the required 25-ft. to build a house 24.95-ft. from a wetland; Article XXVII, Section 27.03(C)(3)(b): 8) a 9.88-ft. water's edge setback variance from the required 20-ft. to build a deck 10.12-ft. from the water's edge, be **granted** because the petitioner does show the following Practical Difficulty: they have a very odd shaped lot with a sever pitch from back to front, it borders on a lake, he is not building an oversized house, he is going through all these hoops to get a moderately sized house for himself and his four (4) children: the following are exceptional or extraordinary circumstances or conditions: it is the shape, size and the elevation; the variances are necessary for the preservation and enjoyment of a substantial property right: he has stated he wants to live on Lake Orion and has found a place to do it and we encourage people to invest in the community and that is what he is seeking to do; 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: he is going to be sitting in with housing around him and will have a lot on each side that will eventually have a house similar to the proposed house now; the granting of this variance would not impair an adequate supply of light and or anything else required by the people of this community; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety, the Fire Marshal has no issues; it will not unreasonably diminish or impair established property values: if anything it will increase the property values; it will not in any respect impar the public health, safety, comfort, or morals.

Discussion on the motion:

Planning & Zoning Director Girling questioned #4 and wanted to understand correctly. Originally, he was asking for 14.99-ft. rear yard setback variance and then he modified it to be a 16.96-ft. rear yard

setback variance and if those numbers are still the same then they are granting a number that is larger than what was advertised.

Chairman Yaros replied that it was his understanding that he was asking for 26-ft. from the rear property line is 9-ft.

Planning & Zoning Director Girling said then #4 would be a 9-ft. rear yard setback variance from the required 35-ft. to build a house 26-ft. from the rear property line.

Roll call vote was as follows: Walker, no; Durham, yes; Koscierynski, yes; Yaros, yes.

Motion Carried 3-1 (Flood absent)

6. PUBLIC COMMENTS

One heard

7. COMMUNICATIONS

Memo from Planning & Zoning Coordinator Lynn Harrison dated March 23, 2020, regarding date certain options.

Memo from Planning & Zoning Coordinator Lynn Harrison dated March 13, 2020, regarding the Michigan Zoning Enabling Act.

8. COMMITTEE REPORTS

None

9. MEMBERS' COMMENTS

None heard

10. ADJOURNMENT

Moved by Vice-Chairman Durham, seconded by, seconded by Secretary Koscierynski, to adjourn the meeting at 8:39 pm.

Roll call vote was as follows: Koscierynski, yes; Durham, yes; Walker, yes; Yaros, yes.

Motion Carried 4-1 (Flood absent)

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

April 27, 2020

Zoning Board of Appeals Approval