

# CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

## \*\*\*\*\* MINUTES \*\*\*\*\*

### REGULAR MEETING – MONDAY JUNE 22, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, June 22, 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  
Mike Flood, BOT Rep to ZBA

#### **ZBA MEMBER ABSENT:**

None

#### **CONSULTANT PRESENT:**

David Goodloe, Building Official

#### **OTHERS PRESENT:**

Annalise Costantino

#### **1. OPEN MEETING**

Chairman Yaros called the meeting to order at 7:00 pm.

#### **2. ROLL CALL**

As noted

#### **3. MINUTES**

##### **A. 4-27-2020, ZBA Special Meeting Minutes**

Moved by Trustee Flood, seconded by Commissioner Walker, to **approve** the minutes as presented.

**Motion Carried**

##### **B. 4-27-2020, ZBA Regular Meeting Minutes**

Trustee Flood noted that the minutes need to be amended to change the word “should” to “shall” in the motion for AB-99-02-2020, Dan’s Excavating, Ordinance 99 permit renewal, under condition #5 page 17 – “...construction materials such as edge drain not associated with the grading operations ~~should~~ shall be removed from the site.”.

Moved by Secretary Koscierzynski, seconded by Trustee Flood, to **approve** the minutes as amended.

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

**Motion carried**

#### **4. AGENDA REVIEW AND APPROVAL**

There were no changes to the agenda.

#### **5. ZBA BUSINESS**

##### **A. AB-2020-11, Joseph & Annalise Costantino, 490 N. Conklin, 09-01-277-023**

Chairman Yaros read the petitioner’s request as follows:

The petitioner is requesting 2 variances from Zoning Ordinance No. 78:

Article VI, Section 6.04 – Zoned R-3 & Article XXVII, 27.01(C)(1)(b) – Non-Conforming Lot Setback

1. A 27-ft. front yard setback variance from the required 30-ft to build a shed 3-ft from the front property line (east/Fay Ct.)
2. A 2-ft. side yard setback variance from the required 8-ft to build a shed 6-ft from the side property line (north)

Annalise Costantino, the applicant, was present via the GoToMeeting program.

Chairman Yaros began by noting that the property has two frontages – Conklin Road along the front of the property and Fay Ct. along the back of the property. He also noted that when he visited the property, it was not flat - there was not a flat spot in the whole yard.

The petitioner replied, correct, except for where they want to put the shed.

Commissioner Walker asked, if granted, would there be a sight-line problem because the shed would be close to the road? Chairman Yaros verified that there shouldn't be, the shed would be in the back away from Conklin Road.

Vice-Chairman Durham clarified that the lot is only 60' x 100'. The petitioner responded, correct. He then asked if there was a garage? The petitioner said there is a single car garage that is part of the house which is about 1,073-sq. ft. total. Vice-Chairman Durham commented, that is why you need more storage. The petitioner replied, yes, and why they want to add the shed.

Secretary Koscierzynski asked if the house next door had been destroyed by a fire? The petitioner said no, it had been condemned and purchased by a new owner and is now up for sale.

Trustee Flood commented that Fay Ct. dead ends at the property line next door and wasn't sure what would be considered the corner. He said he also looks for possible sight-line issues with these requests but agreed there would not be one in this case. He noted that he felt the petitioner's practical difficulty was due to the fact that the lot was narrow and non-conforming, it was on a corner being held to two front yard setbacks, and there was a large tree in the yard. Being the lot coverage was ok and they were only wanting to put in a small shed – he had no problem with the request.

Secretary Koscierzynski commented that there were no written objections from any of the neighbors and therefore also had no problem with the request.

Chairman Yaros asked Building Official Goodloe if there were any comments in the “chat bubble” or if any emails were received? Building Official Goodloe responded, no.

Moved by Secretary Koscierzynski, seconded by Trustee Flood, that in the matter of ZBA case AB-2020-11, Joseph & Annalise Costantino, 490 N. Conklin, 09-01-277-023; the petitioner is requesting 2 variances from Zoning Ordinance No. 78: Article VI, Section 6.04 – Zoned R-3 & Article XXVII, 27.01(C)(1)(b) – Non-Conforming Lot Setback: 1) a 27-ft. front yard setback variance from the required 30-ft to build a shed 3-ft from the front property line (east/Fay Ct.), and 2) a 2-ft. side yard setback variance from the required 8-ft to build a shed 6-ft from the side property line (north), be **granted** because the petitioner did demonstrate that the following standards for variances have been met in this case: regarding Practical Difficulty - the lot is 60-ft wide and therefore non-conforming and the parcel is located between two different streets; 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 technically on the corner of two different streets and it is not flat, another

non-conformity; 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: the house is approximately 1,000- sq. ft. and the petitioner needs the shed for storage; granting the variance or modification will not be materially detrimental to 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: the house is small, they need space for storage and none of the neighbors were opposed; further, based on the following findings of facts, granting these variances would not impair an adequate supply of light or air to adjacent property; they would not unreasonably increase the congestion in public streets - the shed will be in the backyard; they will not increase the danger of fire or endanger public safety – there would be no issue with public safety with regards to this case; and they would not unreasonably diminish or impair established property values within the surrounding area - if anything, the shed would make the area look better; and, in any other respect, would not impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

**Roll call vote was as follows:** Walker, yes; Durham, yes; Koscierzynski, yes; Flood, yes; Yaros, yes.  
**Motion carried**

## **6. PUBLIC COMMENTS**

None

## **7. COMMUNICATIONS**

Memo from the Planning & Zoning Coordinator Regarding BoardBook Premier

Memo from the Planning & Zoning Coordinator Regarding New Meeting Location

Memo from the Planning & Zoning Coordinator Regarding the July 13<sup>th</sup> meeting.

Moved by Trustee Flood, seconded by Chairman Yaros, to cancel the Monday, July 13, 2020, ZBA meeting due to lack of agenda items. **Motion Carried**

## **8. COMMITTEE REPORTS**

None

## **9. MEMBERS' COMMENTS**

Commissioner Koscierzynski commented on the fact that the Township hadn't received any requests for firework sales.

Trustee Flood commented that the Planning & Zoning Director had done a great job cleaning up some of the language in Ordinance 78 in relation to the BIZ district and the Gingelville Overlay district giving more leeway to the Planning Commission on items that would otherwise be directed to the ZBA - changing language from shall to should; he added that the height restriction was kept 65-ft. height however anything above that would not need to go to the ZBA.

## **10. ADJOURNMENT**

Moved by Trustee Flood, seconded by Secretary Koscierzynski, to adjourn the meeting at 7:22pm.

Respectfully submitted,



Lynn Harrison  
Planning & Zoning Coordinator  
Charter Township of Orion

July 27, 2020  

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Zoning Board of Appeals Approval