



Charter Township of Orion  
Planning & Zoning Department  
2525 Joslyn Rd., Lake Orion MI 48360  
P: 248-391-0304 ext. 5001; F: 248-391-1454

RECEIVED  
MAR 20 2020  
Orion Township  
Planning & Zoning

Case # AB-2020-09

Meeting Date: 4/27/2020

## 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: DINO SERRAIOCCO  
Address: 16706 ZACHARY DR City/State/Zip: MACOMB MI 48042  
Phone: 586-770-6565 Cell: 586-770-6565 Fax: N/A  
Email: infodino8180@gmail.com

### PROPERTY OWNER(S)

Name (s): DINO SERRAIOCCO  
Address: 16706 ZACHARY DR City/State/Zip: MACOMB MI 48042  
Phone: 586-770-6565 Cell: 586-770-6565 Fax: N/A  
Email: infodino8180@gmail.com

### CONTACT PERSON FOR THIS REQUEST

Name: DINO SERRAIOCCO Phone: 586-770-6565 Email: infodino8180@gmail.com

### SUBJECT PROPERTY

Address: VACANT KING CIRCLE Sidwell Number: 09-10278019  
Total Acreage: .137 Length of Ownership by Current Property Owner: 7 Years, 4 Months  
Does the owner have control over any properties adjoining this site? NO  
Zoning Ordinance Allowance/Requirement R3 Deviation requested \_\_\_\_\_

Case #: \_\_\_\_\_

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. VARIANCE FOR THE FOLLOWING:

- ① WITH OF LOT FROM 50' TO 40' ② SIDE YARD SET BACK FROM 10' TO 6' EACH  
③ LOT COVERAGE SIZE FROM 25% TO 35%

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. MOST LOTS ON KING CIRCLE ARE 40' LOTS

MAJORITY OF NEWER CONSTRUCTIONS HAVE ASKED FOR VARIANCES

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: BUILDING NEW CONSTRUCTION WILL

ADD VALUE TO ALL THE HOMES IN THE AREA, ADD TAX BASE AND  
CLEAN UP A VACANT PROPERTY

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

MOST LOTS ON KING CIRCLE HAVE 40' FRONTAGE. PLEASE SEE  
ATTACHED SITE PLANS OF IMMEDIATE NEIGHBORS.

5. Describe how the alleged practical difficulty has not been self-created. THE LOT WAS ALREADY  
PLAZED AND WHEN I PURCHASED IT ALMOST 8 YEARS AGO

WAS TOLD BY BUILDING AND ZONING IT COULD BE BUILT ON WITH VARIANCES

6. The topography of said land makes the setbacks impossible to meet because: THE LOT WIDTH IS SMALL

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. IF THE CURRENT GUIDELINES ARE FOLLOWED,

A MUCH SMALLER HOME MUST BE BUILT. THIS WOULD NOT MAKE  
ECONOMIC SENSE WITH ALL THE OTHER NEW CONSTRUCTIONS AROUND  
THE LAKE. VALUE OF LAND IS VERY EXPENSIVE ON THE  
LAKE AND A HOME HAS TO MEET THE VALUE OF THE  
LAND TO MAKE SENSE.

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:

(must be original ink signature)

Dino Serraiocco

Date: 03-20-2020

Print Name:

DINO SERRAIOCCO

Signature of Property Owner:

(must be original ink signature)

Dino Serraiocco

Date: 03-20-2020

Print Name:

DINO SERRAIOCCO

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): \_\_\_\_\_

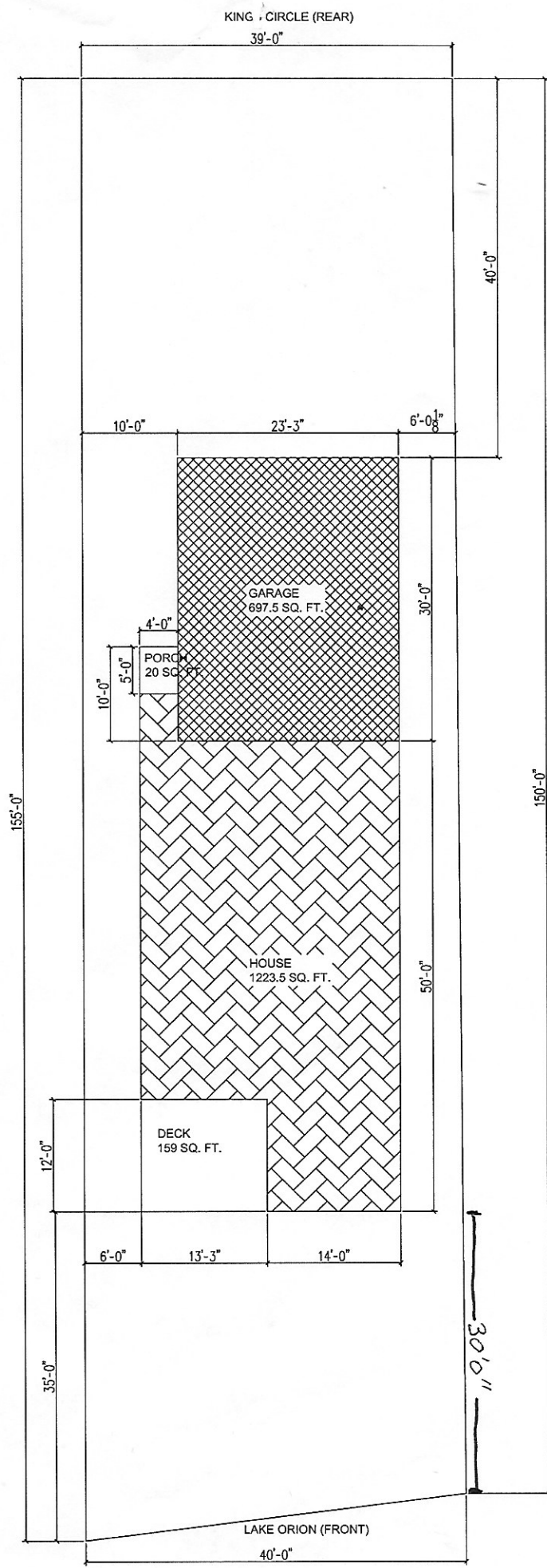
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Filed: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_



RECEIVED  
MAR 20 2020  
Orion Township  
Planning & Zoning



0910278019

RECEIVED

MAR 20 2020



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.



David Coulter  
Oakland County Executive

Date Created: 3/10/2020



AB-20-09

09-10-278-019 Vacant Parcel R-3  
.137 Acres 25% = 1,491.93 coverage

Declaring lake side as front

Needs variance for lot size under 50' wide

Rear yard - OK Garage to be 40' from property line

Side yards - 4' variances to be 6' from property lines

Front yard House - OK will be 30'

Water's edge House - OK will be 30'

Front yard Deck - OK will be 30'

~~Front~~ Water's Edge Deck - OK will be 30'

House = 1223.5

Garage = 697.5

Porch = 20

Deck = 159

2,100<sup>#</sup>

~~Stairs do not protrude past deck~~  
= 35.19% Lot coverage

10.19% variance

## 27.01 Nonconformities

- i. Nonconforming structures, other than buildings, such as signs, billboards, fences and other structures;
  - ii. Buildings not in conformance with dimensional requirements such as lot area, yards, lot coverage, and height;
  - iii. Buildings not in conformance with parking, loading, and/or landscaping requirements;
  - iv. All other nonconformities arising from failure to meet any of the requirements imposed by this Ordinance.
3. Nonconforming Site or Lot. A nonconforming site or lot is a site or lot or portion thereof existing on the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.
  4. Administrative Nonconformity. An administrative nonconformity is any building, structure or use which was in existence at the time of adoption of this Ordinance and which is required by this Ordinance to have special administrative approval such as special land use approval, cluster housing development approval, or Zoning Board of Appeals approval.

## C. Nonconforming Lots.

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or an amendment thereto:

1. Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:
  - a. The lot is at least fifty (50) feet in width.
  - b. Side yard setbacks as set forth in the following chart are complied with:

Lot Width	Each Side Yard Setback
50 to 54 feet	6 feet
55 to 59 feet	7 feet
60 to 65 feet	8 feet
66 to 69 feet	9 feet
70 feet	10 feet

- c. The lot is in conformance with all other applicable yard and lot requirements.
2. Variance to Yard Requirements. If the use of a nonconforming lot requires a variation of the front or rear setback or front or rear yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals under the terms of this Ordinance.
3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance,

**Section 6.04 – Area and Bulk Requirements** *(amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)*

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

	R-1	R-2	R-3
Minimum Lot Area	14,000 sq. ft.	10,800 sq. ft.*	8,400 sq. ft.*
Minimum Width of Lot	100 ft.	80 ft.	70 ft.
Minimum Lot Setbacks (in feet)			
Front Yard**	40 ft.	35 ft.	30 ft.
Each Side Yard***	10 ft.	10 ft.	10 ft.
Rear Yard	35 ft.	35 ft.	35 ft.
Minimum Floor Area/Unit	1,320 sq. ft.	1,080 sq. ft.	960 sq. ft.
Maximum Lot Coverage	25%		
Total Maximum Floor Area of All Accessory Buildings	See Section 27.02, A, 8		
Height of Structures	30 ft.	30 ft.	30 ft.
<p>*In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided.</p> <p>** 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.</p> <p>*** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.</p>			

**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.



**Re: Variance Request**

Dino Serraiocco <infodino8180@gmail.com>

Wed 3/25/2020 4:08 PM

To: Lynn Harrison <lharrison@oriontownship.org>

6 feet also

So it would be 6' from each neighbor  
30' from the lake which is my front  
40' from King Circle which is the rear.

Thank you again

Dino Serraiocco

Broker

Discover Real Estate

8187 Rhode Ste E

Shelby Twp., MI 48317

586.770.6565

On Mar 25, 2020, at 3:11 PM, Lynn Harrison <lharrison@oriontownship.org> wrote:

Thank you, how far will the house be from the property line that borders 736 King Circle?

**Lynn Harrison**

Coordinator | Planning & Zoning

2525 Joslyn Road | Lake Orion, MI 48360

O: 248.391.0304, ext. 5001

[www.lharrison@oriontownship.org](http://www.lharrison@oriontownship.org)

<pastedImagebase640.png>

---

**From:** Dino Serraiocco <infodino8180@gmail.com>

**Sent:** Wednesday, March 25, 2020 3:06 PM

**To:** Lynn Harrison <lharrison@oriontownship.org>

**Subject:** Re: Variance Request

Thank you. Please see below

Dino Serraiocco

Broker

Discover Real Estate

8187 Rhode Ste E

Shelby Twp., MI 48317

586.770.6565

On Mar 25, 2020, at 3:01 PM, Lynn Harrison <lharrison@oriontownship.org> wrote:

Hi Dino, got your message. For now, I think the best way to communicate is via email.

Couple questions and clarifications:

The garage will be 40-ft from the rear (King Circle) property line?

Correct

How far will the house be from each side property line at its closest point? It appears it will be 6-ft away from the property line that borders 728 King Circle if I am looking at the plans correctly.

Correct

The house will be 30' from the front property line (the lake side) and from the water's edge? It appears on the plans that the deck will be the same? If there are stairs coming off the deck and they extend out past the deck indicated on the plans, I need the distance from the end of the steps to the property line.

Correct. No stairs from second level

That's all I can see for now. If I have any other questions, I will let you know.

Remember, given the current situation, I am not sure if the ZBA meeting you are shooting for, April 27th, will be held or not. I will keep you updated

Please keep me posted . If the April 27th meeting not held or via conference call, place me on the May meeting .

Thank you

Thanks,

<pastedImagebase640.png>

**Lynn Harrison**

Coordinator | Planning & Zoning

2525 Joslyn Road | Lake Orion, MI 48360

AB-2020-09 building new home at 09-10-278-019 ( hearing 4-27-2020 )

Bernie Biringer <bbiringer@sbcglobal.net>

Thu 4/9/2020 1:19 PM

To: Orion Township Zoning Board of Appeals <zba@oriontownship.org>

Welcome to our new neighbor building their home at 732 King Circle.

Request that preventative measures be taken to insure damage to the asphalt road does not occur during construction. Prior new construction had multiple double tractor trailer flatbeds dropping off very heavy multi-ton earth moving gigantic vehicles. Some actually had steel military type track treads causing damage to the road. When these flatbeds would unload these massive pieces of equipment drivers would open up ramps and slam them into the soft asphalt causing damage. Please get vehicle weight limit approval from Road Comm. of Oakland County (RCOC) for each load of earth moving equipment, cement trucks, or building components being delivered until construction is 100% complete.

Be respectful to your neighbors by eliminating any potential damage to the paved road of King Circle. It took a group of neighbors about 20 years and multiple attempts to obtain approval from RCOC to have King Circle paved. Plus each neighbor had to pay a substantial amount of their

hard earned money for the pavement (about \$5,000 per lot). Road paving completed in 2011.

Also, please keep construction area and road clean and picked up daily. Conduct construction from 8am to 6pm. And if a porta-john is needed, please keep it maintained and out of sight from road.

Thank you for the attention to detail in keeping King Circle in the condition it is as of April 10, 2020.

Regards, Bernie Biringer  
744 King Circle  
Lake Orion, Mi.