The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, November 9, 2020, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

**ZBA MEMBERS PRESENT:**
Dan Durham, Vice-Chairman  
Don Walker, PC Rep to ZBA  
Mike Flood, BOT Rep to ZBA  
Tony Cook, Board Member

**ZBA MEMBER ABSENT:**
Lucy Koscierzynski, Secretary

**CONSULTANT PRESENT:**
David Goodloe, Building Official

**OTHERS PRESENT:**
Debra Goodall  
Jeff Parrish  
John (Ioan) Codrean  
Sarah Parrish

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

2. **ROLL CALL**
As noted

3. **MINUTES**
A. 10-26-2020, ZBA Regular Meeting Minutes  
Board Member Cook noted that the minutes needed to be amended to show the intent or the purpose of the discussion on pages 2, 5, 6 & 10.

Moved by Board Member Walker, seconded by Chairman Durham, to approve the minutes as amended.  
**Motion Carried**

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

5. **ZBA BUSINESS**
   
A. **AB-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034**  
Chairman Durham read the petitioner’s request as follows:

The petitioner is requesting 1 variance from Zoning Ordinance #78 – Zoned R-3

Article VI, Section 6.04, Zoned R-3
1) A 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0-ft. from the front property line along Summit Blvd.

Ms. Debra Goodall, 605 Birmingham, the applicant presented.

Chairman Durham noted that there was only four Board Member present and that all petitioners would need 3 votes to get their variance request passed.

Chairman Durham asked if the petitioner was going to put the carport at the end of the driveway on the cement? Ms. Goodall replied correct. Chairman Durham asked how she would be anchoring it? Ms. Goodall said that she was having people come out to give her a bid to do it now. She said she assumed they would either go through the cement or right outside of the cement dig down and have something there to support it.

Chairman Durham said that he read she had lived there 19-years. Ms. Goodall replied yes. Chairman Durham questioned why now instead of 15-years ago. Ms. Goodall said she didn’t have the money back then.

Chairman Durham said that the road Summit Blvd. didn’t really exist in a practical way. Ms. Goodall agreed. Ms. Goodall said she was surprised when she found out that it was a road. She stated that ever since she has lived there it has looked like woods but had heard back in the 1920’s it was a road. She added that it was plotted as a road and didn’t think it would ever be a road. Board Member Walker said that when he was at the property he kept asking where is the road. He added that there was nothing there that looked like a road.

Trustee Flood thought what was unique to him because it was considered a corner lot and there was no road, technically there existing but on a plot somewhere from the 1900’s it shows a road being there. Chairman Durham noted that the applicant then gets tagged with having two front yards. Trustee Flood thought the Practical Difficulty was because there technically is not a road there but at one time there was.

Ms. Goodall said she received letters from her neighbors saying that they had no problem with it. Ms. Goodall gave the letters to Chairman Durham.

Board Member Cook said that in light of the fact that they have that piece of property there, he questioned if they have made any efforts to locate an owner and asked if that was part of her plan at any point to try to see if they might be able to secure that piece of property? Ms. Goodall replied yes, she said that she had called Mr. Port, he was an attorney and he told her that it was actually a private road and was much more difficult to obtain that than if it was public. She said that with a public road it is an easier process to go through but it being that it is a private road it would be very difficult.

Board Member Cook stated in terms of the property because there is a slope there, he asked if they had considered the water management and how that would be addressed? Ms. Goodall replied that more dirt and if they need to put rocks or something up, she would. She stated that she has ivy growing in there to keep it up right now and for 19-years there was nothing there so if she needed to put more dirt or rocks to keep it there for the structure, she would definitely do that.

Board Member Cook asked why not a garage? Ms. Goodall said she didn’t think she would do a garage because she liked the openness of looking out into the water and just wanted something to cover the car.
Chairman Durham read into the record the letters received by neighbors. Mr. & Mrs. Charles Greiwe at 642 Highville Dr. had no objection to the variance. Mr. Todd Arnott at 600 Birmingham had no objection to the variance.

Trustee Flood said the way they have the carport staked out there will not be any impediment on a line of sight and will be well back off of Birmingham.

Board Member Walker asked if they were to grant this request would they be ok if they put the condition that if there was a need to adjust the water level, they would do that down the road if necessary? Ms. Goodall replied yes.

Chairman Durham asked how long that has the driveway been cement? Ms. Goodall replied ever since she bought it, she didn’t know when it was put in. She brought the house in September 2001, and it was there even before that. Her neighbor told her it was done prior to the person she bought the house from. She thought at least 20-years.

Chairman Durham asked if she has had any water issues? Ms. Goodall replied no.

Moved by Board Member Cook, seconded by Board Member Walker, in the matter of ZBA case #AB-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034, I move that he petitioner’s request for 1 variance from Zoning Ordinance #78 – Zoned R-3: Article VI, Section 6.04, Zoned R-3: 1) a 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0-ft. from the front property line along Summit Blvd., be granted because the petitioner did demonstrate that the following standards of variance have been met in this case in that they set forth fact which show that: the petitioner does show a Practical Difficulty because of the plotting of a private road that was done at some point well before she had purchased the home and before the home was built and she has made attempts to contact or learn who might have owned that and at this point there is no contact and it was deemed a public road; 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: the property is situated where it has two front yards which is going to be the requirement to have that 30-ft. setback and because that second frontage is not truly a road that is something that is exceptional to this case; 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: she would like to erect a carport in order to make it easier to get out to her vehicles and to protect the vehicles in the winter months and also in the summer when the sun can be beaming down quite heavily; the granting of the variance or modification will not be materially detrimental to the publics welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the following fact: that she is contacting builders and will be getting the approval from the Building Department prior to constructing anything on this property; further, based on the following findings of fact, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties nor to her own; unreasonably increase the congestion in the area: due to the fact of where the carport is going to be built the sightlines will not be impacted in any way; it will not increase the danger of fire or endanger the public safety: the Fire Marshal has ok this; unreasonably diminish or impair established property values within the surrounding area: due to the fact that it will be an improvement on the property.

Amended by Board Member Cook, re-supported by Board Member Walker, to include that the petitioner’s willingness to make any adjustment in the height of that and to make sure there are not any water issues caused by this new carport.

Roll call vote was as follows:  Flood, yes; Cook, yes; Walker, yes; Durham, yes.  Motion Carried 4-0

B. AB-2020-34, Jeffrey Parrish, 1050 Seabury, 09-01-460-037
Acting Chairman Durham read the petitioner’s as follows:

The petitioner is requesting 1 variance from Zoning Ordinance #78 – Zone R-3

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(A)(4)

1) A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line.

Mr. Jeffrey & Mrs. Sarah Parrish, 1050 Seabury, the applicants presented.

Chairman Durham asked if it was a 6-ft. stockade fence? Mr. Parrish replied that he didn’t know what stockade meant? Chairman Durham described a stockade fence as being a fence with points on the top and the wood right together. Mr. Parrish replied yes, like the ones you buy at Home Depot.

Chairman Durham asked if they had 2x4’s on the back of them? Mr. Parrish replied yes. Chairman Durham asked why that instead of something else? Mr. Parrish replied that they have dogs and the less they see the less they will bark. Mrs. Parrish said that the back of the fence is already that material so they were looking to match that.

Board Member Cook asked if there was already a fence there now? Mrs. Parrish replied that there is a fence along the back property line but nowhere else. Board Member Cook said that when he was trying to get to their home, he asked if they were on the corner? Mr. Parrish replied that they were the last house on Detroit Blvd. it was the big yard. Mrs. Parrish stated that they have a bunch of lots, she added that there was a road next to their property but it was all grass. Mrs. Parrish said that you could not see the back fence-line from the front of the house where they want to put the straight line. Board Member Cook asked if it was their property that has a couple of sheds on it? Mr. Parrish replied that they have one shed in the back corner.

Trustee Flood said the neighbor to the rear of them, looking south, he said he didn’t see any fence in the back yard only way down in the corner. Mr. Parrish replied he said in front of the deck is where they have it, it starts right there, and then it goes down to the west. Trustee Flood said that the neighbor to the east they had their yard fenced in. Mrs. Parrish said that they didn’t want to add on to the fence they just want to meet it. She added that there is also a big hill in the back yard when they go past the deck and there is a tree there so it would be difficult to put a fence there.

Chairman Durham asked if there were going to fence the entire backyard? Mr. Parrish replied no, just a piece of it. Mrs. Parrish said they want it to go from the back of the deck straight to where the fence is approximately 34-ft. wide and then from the back corner of the front part of the house past the trees to the fence like an “L” shape. Mrs. Parrish said there was an addition and they just want to meet the addition not the front of the house.

Trustee Flood asked if they would be putting in gates? Mr. Parrish replied yes, there will be a gate over by the deck.

Trustee Flood noted that their Practical Difficulty was a child and dogs and trying to keep them in the yard. Mrs. Parrish said that they have a Dalmatian that is very loud and they wanted to put up a privacy fence because the less she sees the quieter she will be.

Trustee Flood asked if they are successful, will they be putting the good side on the outside of the fence? Mrs. Parrish replied yes. Trustee Flood if they will be putting the posts on the inside of their property? Mrs. Parrish replied yes.
Chairman Durham read a letter from Steve Babcock at 997 Ferguson St. His letter stated that he was concerned because he lived directly behind the petitioner. He currently has a 6-ft high privacy fence that sits six inches off of his property line. If his neighbor is allowed to put up a new fence on his property line the amount of space between their fences will be 6-inches. He added that his fence is over 10 years old and will eventually need repairs and would be hard with 6-inches. He asked if they could leave 2-3-ft. between fences so that he can get between them and make needed repairs.

Chairman Durham asked if they had a problem with stopping six inches short of the back fence? Mr. & Mrs. Parrish said she didn’t see that being a problem. Mrs. Parrish asked it would just be a 6-inch gap? Chairman Durham replied yes. Mr. Parrish said the dogs wouldn’t be able to get out.

Chairman Durham asked if they were to put the fence up, will the neighbor allow them to tie to the fence? Mrs. Parrish said she was not aware that the neighbor put their fence 6-inches off of the property line. Chairman Durham noted the relief the neighbor would like to have would torpedo what it is they would like to have and would be something that the Board would need to take into consideration.

Trustee Flood said that he contacting Planning & Zoning after reading the letter from the neighbor and asked if they got a variance for their fence and they had no record of it. He thought they have an applicant that is coming here to do the right thing and for them to give up 2-3-ft. of their property for someone else that possibly didn’t follow the rules. Board Member Walker asked if it was possible that they put the fence up so long ago there was no ordinance? Trustee Flood noted that the neighbor said it was 10-years old. He added that neighbors need to work with neighbors to resolve issues.

Chairman Durham said the one thing that concerned him was the neighbor having to repair his fence. He could see this starting off well but going sideways down the road, the neighbor can’t repair anything with 6-inches, they would have to allow the neighbor access to their property. Mr. Parrish said that he thought it would work out for both of them because they could split the cost of the new fence because they would be using it too. Commissioner Walker said the problem is the neighbor is not here to agree to this.

Trustee Flood said that they had every right to ask for this variance.

Mrs. Parrish noted that the biggest thing was it was for their dogs and because they can’t run around the yard. They understood that if they need to have a conversation with the neighbor they will and will comply with whatever needs to be done. Board Member Walker asked if they had the dog before they bought the house? Mrs. Parrish said yes but they inherited the house.

Trustee Flood said he noticed in that neighborhood that there was a lot of privacy fences.

Board Member Cook stated that he knew that they were willing to go back and talk to the neighbor. He asked if splitting the cost of the fence meant that they were going to be removing the existing fence? Mr. Parrish replied no; when the neighbor said that they would need to repair the fence that is when they would split the cost because they would both be using it. He added that he would not do anything to the fence without the neighbor’s approval. Board Member Cook wanted clarity, he said there was a fence there and they want to put a fence in front of it on their property, but you will help with repairs of the neighbor’s fence? Mrs. Parrish replied that they don’t want to put a fence matching where the neighbor’s fence is, they just want to come along the side and line up to it, which is where they would need a variance. She added that from the neighbor’s letter, and the fence does look like it is 10-years old, she wouldn’t mind helping pay to fix that. Board Member Cook said that is what he was trying to understand why they would commit themselves to that cost because if they needed to repair it and they are allowing them onto their property to repair it. He didn’t understand why they were going to commit themselves to repair something that belongs to their neighbor if they are willing to give them access to fix it. Mr. Parrish replied just to be neighborly because essentially, they would be using it as part of their
fence too. He added that they will be living there for a long time and wanted to be neighborly and friendly with everybody. Mr. Parrish said that it will be saving them money leaving the fence there.

Board Member Walker stated the fence that they build he couldn’t imagine in any way that fence impeding their neighbor from repairing his fence. He couldn’t see how that fence would be in the neighbor’s way. Mrs. Parrish said that they put the nicer side of the fence on their side because the neighbor built the fence.

Chairman Durham noted that the neighbor could work on his side of the fence if that is what he wanted to do. He added that prior to them moving in, the neighbor would have had to have used that side of the property anyway.

Trustee Flood asked Building Official Goodloe when they put these privacy fences in, do they come out and check when they put the posts in? Building Official Goodloe replied no; they only check to see what was specified in the motion, like the nice side out.

Chairman Durham asked that if they were successful with the variance, and their neighbor wanted to repair their fence, and he gets turned down for access to the fence, he would be very disappointed. Mrs. Parrish replied that they had no problem with the neighbor accessing either side of the fence.

Trustee Flood stated that the Fire Marshal had no concerns. He added that they did address that the gate has to go in there for access to the rear of the property. Mrs. Parrish replied yes; they are planning on putting the gate on the side where the deck is.

Moved by Board Member Walker, seconded by Trustee Flood, that in the matter of ZBA case #AB-2020-34, Jeffrey Parrish, 1050 Seabury, 09-01-460-037, I move that the petitioner’s request for: one variance from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.02(A)(4) and Article XXVII, Section 27.05(H)(2); 1) a 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line 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 the petitioner does show the following Practical Difficulty: this is due to the unique characteristics of this property, in addition, the petitioner inherited this property from his mother and these are not related to the general conditions in this area; there are exceptional and extraordinary circumstances or conditions as indicated that do not apply generally to other properties in the same district or zone: the petitioner is willing to work with the neighbor who sent the letter in with the concerns about the fence being 6-inches from his perhaps non-conforming fence that he has already, and the petitioner has explained to the board that this fence will not be erected parallel to the neighbors fence but perpendicular, and hopefully the petitioner will be able to tie on to neighbors fence, but will have to be an agreement by the neighbor; the granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone; it will not impair an inadequate supply of light or air to the adjacent property; it will not unreasonably increase the congestion in public streets: in that there will no traffic influence on this whatsoever; it will not increase the danger of fire or endanger the public safety: the Fire Department has indicated that they have no problem with this fence; 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 inhabitants of the Township.

Amended by Board Member Walker, re-supported by Trustee Flood to include that the good side of the fence will face out towards the neighbors and that a gate will be installed for emergency access.

Roll call vote was as follows: Durham, yes; Cook, yes; Flood, yes; Walker, yes. Motion Carried 4-0
C. AB-2020-35, John (loa)n Codrean, 3800 Waldon, 09-19-400-008
Chairman Durham read the petitioner’s as follows:

The petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned SF

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1) An 830-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,750-sq. ft. pole barn in addition to an existing 480-sq. ft. detached garage.

2) A 1,742-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 1,750-sq. ft. pole barn in addition to an existing 1,412-ft. attached garage and an existing 480-sq. ft. detached garage.

Mr. John Codrean 3800 Waldon Rd., the applicant presented.

Chairman Durham asked if the 480-sq. ft. building has been removed? Mr. Codrean replied yes.

Mr. Codrean said he wanted to build a barn 35x50 to store his boat, RV, and trailer that he wants to keep inside in the summer and wintertime.

Chairman Durham asked how far the property went back? Mr. Codrean replied he thought it was 17,000-ft. all the way down, almost 5-acres. Chairman Durham said that he went down what the neighbor’s driveway had to be all along the line there. Mr. Codrean stated that all the neighbors have the same size lots. He added that all his neighbors have been here for bigger barns on the left and right of him and he had no problem with them. Chairman Durham asked if the neighbor built their house way at the back of their property and yours is way in the front? Mr. Codrean replied the neighbor on the east side split his property in half so he has two houses on the property.

Trustee Flood stated that the property was 4.763 acres. He said he went out there and didn’t see the detached building and then noticed that it had been removed. Mr. Codrean said that he bought the house and invested a lot of money in the house because he liked the privacy. He said that they did the house in and out and he wants it to look nice and the value will go up.

Trustee Flood asked if he was using the barn for storage? Mr. Codrean replied yes.

Board Member Walker asked if he was going to run any kind of business out of the barn? Mr. Codrean replied no. He stated that he works for Chrysler.

Board Member Cook asked where the crushed concrete is and where the red stakes are is that where the new building is going to go? Mr. Codrean replied yeah, originally it was going to be 30x50 and they said they can only have 1,400-sq. ft. and he said he decided to go 35x50. Before it was 1,400-sq. ft. now it is 1,700-sq. ft. Board Member Cook asked what was staked out there is that the new footprint? Mr. Codrean replied yes, they are going to put crushed concrete out there too. Board Member Cook asked if he has already made that adjustment? Mr. Codrean replied yes. Board Member Cook asked how would they be accessing the barn? Mr. Codrean replied straight from the driveway. Board Member Cook asked if he was going to extend his driveway? Mr. Codrean replied he was going to be grass because it is just for storage.

Trustee Flood noted that he will be meeting all the setbacks because he has almost 5-acres, and met the criteria on the height of the building.
Chairman Durham asked if he was going to have cement and electricity? Mr. Codrean replied no, he is using crushed concrete not cement. Chairman Durham said what he means by cement is that he will be laying a cement pad down. Mr. Codrean replied no it will crushed-concrete.

Chairman Durham asked Building Official if they can build a building that large without a cement pad? Building Official replied yes if it is a pole barn.

Chairman Durham asked if he will be putting power in the pole barn? Mr. Codrean replied no. Chairman Durham said that if he does decide to do that down the road, he would need to contact Building Official Goodloe in the Building Department so that he knows what needs to be done.

Moved by Trustee Flood, seconded by Board Member Walker, in the matter of ZBA case #AB-2020-35, John (Ioan) Codrean, 3800 Waldon Rd., 09-19-400-008, I move that the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned SF, Article XXVII, Section 27.02 – Lot size over 2.5 acres; 1) A 350-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,750-sq. ft. pole barn; 2) a 1,262-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 1,750-sq. ft. pole barn in addition to an existing 1,412-sq. ft. attached garage 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 shows the following Practical Difficulty, due to the unique characteristics of the property and related to the general conditions in the area: the gentleman removed the 480-sq. ft. detached garage and is replacing it with the 1,750-sq. ft. pole barn and he is requesting to be able to store what was in the detached garage into the new facility in order to maintain his acreage; 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 gentleman has 4.763 acres of property and these lots in the area are long and narrow; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity: these are 5-acre lots that require equipment and they need to be kept undercover; 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 of fact: granting this variance will not be detrimental to the property values due to the size of the lots; further, based on the following findings of facts, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties: it meets all the setback and height requirements of the ordinance; 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 reviewed this and has no concerns; it would 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 inhabitants of the Township.

Roll call vote was as follows: Walker, yes; Flood, yes; Cook, yes; Durham, yes. Motion Carried 4-0

6. PUBLIC COMMENTS
None

7. COMMUNICATIONS

Informational Memo from Planning & Zoning Coordinator Harrison dated October 6, 2020, regarding the Joint meeting on 11/12/2020 6p-8p.

Memo from Planning & Zoning Coordinator Harrison dated October 29, 2020, Dates which cases can be postponed to.
Memo from Planning & Zoning Coordinator Harrison dated November 6, 2020, that November 23, 2020, ZBA meeting has been canceled.

8. COMMITTEE REPORTS
None

9. MEMBERS' COMMENTS
Trustee Flood wanted to give credit with regards to the election to the Township Clerks office and all the residents, including Board Member Walker, for an excellent job doing the poll work. He also congratulated all of the local people that ran for office.

Board Member Cook noted that there were a lot of requests for variances for properties over 2.5 acres and he thought that the ordinance needed to be amended.

Board Member Walker said that Vice-Chairman Koscierzynski also worked the election for 15-hours.

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Board Member Cook to adjourn the meeting at 7:58 pm.

Respectfully submitted,

[Signature]

Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

December 14, 2020

Zoning Board of Appeals Approval