

Zoning Board of Appeals
Monday, January 25, 2021 7:00 PM Eastern

VIRTUAL MEETING via GoToMeeting.com
Meeting Code # 914-793-997
Call In Number: 1-872-240-3412

1. **OPEN MEETING**
2. **ROLL CALL**
3. **ELECTION OF OFFICERS**
4. **MINUTES**
 - A. **12-14-2020, ZBA Regular Meeting Minutes**
5. **AGENDA REVIEW AND APPROVAL**
6. **ZBA BUSINESS**
 - A. **AB-2020-41, Levi Bendixen, 4614 Jamm Rd., 09-33-401-006**

The petitioner is requesting 1 variance from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

 1. A 3-ft side yard setback variance from the required 10-ft. to build a home addition 7-ft. from the side property line (north).
 - B. **Discussion on Smithsonian Hedge Article**
 - C. **2020 Annual Report**
7. **PUBLIC COMMENTS**
8. **COMMUNICATIONS**
 - A. **Date Certain Memo**
 - B. **Memo From Planning & Zoning Coordinator Regarding ZBA Appointments**
 - C. **Memo Regarding February 8, 2021 ZBA Meeting**
9. **COMMITTEE REPORTS**
10. **MEMBER COMMENTS**
11. **ADJOURNMENT**



Charter Township of Orion

Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: January 13, 2021

RE: Election of Officers

Per the Township ZBA By-Laws, Article IV, Section A.: "The ZBA shall have a Chairperson, Vice Chairperson and Secretary".

Attached are the approved minutes from the January 13, 2020 meeting were the officers were appointed for 2020. You can use this to help formulate the motion language for the 2021 Election of Officers.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
******* MINUTES *******
REGULAR MEETING – MONDAY JANUARY 13, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, January 13, 2020, at 7:00 pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Dan Durham, Vice-Chairman
Mike Flood, BOT Rep to ZBA
Lucy Koscierzynski, Board Member

ZBA MEMBER ABSENT:

Loren Yaros, Chairman
Don Walker, PC Rep to ZBA

CONSULTANT PRESENT:

David Goodloe, Building Official

OTHERS PRESENT:

Michael Devlin
Debra Walton

David McCarius

1. OPEN MEETING

Vice-Chairman Durham called the meeting to order at 7:00 pm.

2. ROLL CALL

As noted

3. ZBA ELECTION OF OFFICERS

Moved by Vice-Chairman Durham, seconded by Secretary Koscierzynski, to nominate and re-elect Loren Yaros for the Chairman position for 2020, nominations were closed and a unanimous ballot was cast. **Motion carried unanimously.**

Moved by Secretary Koscierzynski, seconded by Trustee Flood, to nominate and re-elect Dan Durham for the Vice-Chairman position for 2020, the nominations were closed and a unanimous ballot was cast. **Motion carried unanimously.**

Moved by Vice-Chairman Durham, seconded by Trustee Flood, to nominate and re-elect Lucy Koscierzynski for the Secretary position for 2020, the nominations were closed and a unanimous ballot was cast. **Motion carried unanimously.**

4. MINUTES

Trustee Flood noted that the counts were incorrect on case AB-2019-49, Anton Rozhanskiy.

Moved by Secretary Koscierzynski, seconded by Trustee Flood, to approve the 12-09-2019, Regular Meeting minutes as amended. **Motion Carried**

5. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

Vice-Chairman Durham noted there were only 3 members out of the 5-member board present tonight however that does constitute a quorum. He explained that for a motion to pass it will have to be

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

***** MINUTES *****

REGULAR MEETING – MONDAY DECEMBER 14, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, December 14, 2020, at 7:00 pm at the Orion Township Community Center, 1335 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, Chairman
Don Walker, PC Rep to ZBA
Mike Flood, BOT Rep to ZBA
Tony Cook, Board Member
Lucy Koscierzynski, Vice-Chairperson

ZBA MEMBER ABSENT:

None

CONSULTANT PRESENT:

David Goodloe, Building Official

OTHERS PRESENT:

Mark Rossi
Brian Liekweg
Kristine Pawlowski
Douglas DeGhetto
Gillermo Francis

1. OPEN MEETING

Vice-Chairperson Koscierzynski called the meeting to order at 7:00 pm.

2. ROLL CALL

As noted

3. MINUTES

A. 11-09-2020, ZBA Regular Meeting Minutes

Moved by Board Member Walker, seconded by Trustee Flood, 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-2020-37, Mark Rossi, 2650 Wareing, 09-20-376-002

Vice-Chairperson Koscierzynski read the petitioner's request as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

- 1) A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

- 2) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north.
- 3) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.

Mr. Mark Rossi, the applicant, was present via the GoToMeeting program.

Mr. Rossi stated that he has lived in his home with his wife and kids since 1987. He said when he moved here Waldon Road was still gravel on the other side of Joslyn Rd., and there were no street lights. He noted that the only thing on Waldon Rd. down where Great Lakes is now was a McDonald's and a gas station on the other side. He said things have changed a lot and at warp speed in the last five years, especially the last year and a half. He noted they are now in a situation where their quality of life is not just impacted, it has really been destroyed. He added that he spoke to Chris Barnett not long ago and gave him a copy of a letter that he wrote, and that the Board Members had it in their packet as well. He said he outlined all of their issues and felt it was extreme. He said anyone that has lived in this area a long time, is familiar with what Baldwin Rd. was and what it was now. He said anyone that lives along it can tell you, you can't even hold a conversation in your backyard. He said it has gotten worse with the roundabout.

Mr. Rossi stated that the variance request is not asking for anything except for an extra two feet on the fence that they have already been approved for by the Keating Home Owners' Association (KHA). He noted that the Board Members had a copy of that approval as well. He said they also approved them for a 4-ft. fence, and also for a 6-ft. fence if they were to approve the variance. He noted that they were not asking to put it anywhere other than where their property line is and that was delineated by the remains of a split rail fence.

Mr. Rossi said that when he went in and handed the letter to Chris Barnett and they talked for about 10 minutes, he was very supportive of what they were trying to do. He brought them down and introduced them to both Lynn Harrison, Planning & Zoning Coordinator and Tammy Girling, Planning & Zoning Director. He stated that he has been working with Lynn Harrison on getting this together.

Mr. Rossi said that one of the reasons he went first was because he was had the longest tenure. He said the other co-applicants are more impacted by kids, except for when his grandkids come over. He said that this request is in no way detrimental as he read it, to anything that the County would like to do. It is not detrimental to any public health, safety, welfare, or other properties or improvements in the Township. He stated in fact, it actually could make it better, not necessarily those five people, but he had a feeling, they are going to have a lot of people requesting it. He said that there are some houses in their sub that they want a fence up for, where they are very detrimental to the appearance of their Township and people driving on Baldwin and Waldon Roads. He thought that it would be very good for them, and also it will not be bad for the rest of the community. He said that the 6-ft. variance is needed to mitigate the continued exponential growth, noise, visibility, security, and quality of life problems in their backyards, due to the explosion of traffic on Baldwin Rd., further impacted by the recent roundabout that was installed that obviously, they don't have any control over that, they just get the reaction of the increased traffic noise, security, visibility, that is happening. He said on the noise side, it is constant trucks, loud music, motorcycles, and then the last couple of years, ambulances that go down their road 5 to 10 times a day because it is the main cut-through for where they park when they are waiting for calls. He said regarding the visibility, they now have cars and trucks visible from their decks constantly, both stopped and moving, because of the roundabouts and the impact of traffic that will stop down at Clarkston and Baldwin Rd. and they can see them and constantly do look at what they are doing all the time. He added that in the last several years, a walking/bike path that has been

added, there are always people looking in at them, their dog goes crazy, even now, still after having it that way for a while.

Mr. Rossi noted that the third item is security. With all of the increased traffic on both the road and the path, they are compromised by all of those with bad intent. He noted that Kristin's house because of the Baldwin Rd., and the access in and out of the area that house was broken into, several years ago.

Mr. Rossi said that their quality of life, all of the above reasons affect their quality of life, simply enjoying their back yard, without people staring at them, interruptions their conversations, they have to stop constantly. Grandkids playing, they have to watch what is happening. Their dog in the backyard, they put up a fabric type fence to keep their dog, and kids in. When they didn't have it there, there was constantly, the kids and dogs wanting to get through that to be on the other side. The traffic pattern there now doesn't lend itself to that.

Mr. Rossi asked if any of the Board Members would like to live that way? He didn't think so. He said that the growth was beyond the control, but helping them deal with it was not, that is in all of their control the Board Member and them if they agree with them. He felt it was more than reasonable, they were not asking for any financial help to deal with this, even though they didn't choose these Baldwin Rd. changes, especially the last year. He wanted approval to make it livable again and asked them to grant them this variance.

Vice-Chairperson Koscierynski said that the Keatington Home Owners' Association letter stated that they are accepting the proposal with the exceptions, as noted, that the height is restricted to 48 inches per Township ordinance approved at 6-ft. if Township approves the variance. The letter was from Alex Jablonowski dated November 5, 2020, Keating Home Owners' Association Chairperson.

Vice-Chairperson Koscierynski said she had a conversation with Lynn Harrison, Planning & Zoning Coordinator because she was concerned about the variances. She understood why they need the fences but was concerned that eventually, that whole side was going to want a fence. She said Mrs. Harrison explained to her, that has nothing to do with what was going on there, and they must make these decisions case by case. She wondered how this was going to pan out over then next year. She said she drove down their street a few times because she wanted to get a feel for the traffic and the noise that goes on around there. She understood home is home and they need to protect it.

Chairman Durham said when he went through his information, it appeared to him that they were believing their conditions were much worse, now that the road has been repaired or rebuilt than they were before. He went down through their area and looked at the overheads from the County and the safety path hasn't moved, the width of the road hasn't moved. He said driving that road constantly, he was not sure that it takes as much traffic as it did before they starting fooling with it.

Mr. Rossi said that the road width hasn't changed in years since they put the turning lane in on Baldwin where it turns into Eaton Gate right behind his house. He said the issue is not the width of the road it is the volume of traffic. They can no longer make a left-hand turn, unless they wait for a long time, almost at all times of the day. Combine that with what has happened with the roundabouts, and the traffic backs up all the way to the curve often between 5:00 and 6:30 p.m. because of the number of people waiting to get through the Baldwin, Clarkston light. Their concern with their quality of life is huge. If they say that their traffic hasn't been increased, you will hear from each one of them, that is simply not true. He said it is to the point where it is backed up many times a day, and the noise level of the trucks coming through that roundabout, is huge. He said for him, he is not raising kids now, but they do like to enjoy a glass of wine in the back yard, and that is very tough to do now. He said that their quality of life has been impacted for a long time, and their security has, as well. It is much busier there than it ever has been. Before they bought their house, he parked out back on Baldwin Rd. to see what the traffic patterns were and the only time there was any traffic is when the GM plant let out for shifts. I was

cognizant of the fact of what might happen as far as some growth, but he was not ready for Baldwin Rd. with all the growth, and all the changes along that stretch with the building of the mall's etcetera. It is been exponential growth in the last 15 to 20 years. Traffic has increased hugely back there in the last several years.

Chairman Durham said that he passes through there normally not at peak time, and freely admitted that. He said that he spent the afternoon going through traffic reports and studies from the County. He stated that he is not saying he is not being truthful, but the County traffic reports, don't show it, they show it coming but they don't show it yet.

Chairman Durham added that he is not a fan of the compound look that you get when you get several 6-ft. fences in a row. He asked if there were any particular type of fence that they were thinking of? Mr. Rossi said it is not what they are thinking of it is what they are allowed by Keatington Homeowners' Association. They have to have a shadow box fence because there is one already approved in their subdivision, so it will be a uniform look. It is not going to be something that is going to be changing from household to household. Mr. Rossi said he was a very honest, honorable man. He was not telling them things just to get this through. He said in the last two years, with what's happening, it is not variable to hold a barbecue in his backyard, and to talk to people. He said he wished they could have done was have them come and sit in the backyard so they could experience what it is like. Or be sitting there, 5-10 times a day when they have the ambulances going back and forth down their property lines on Baldwin. He felt that it was something that has gotten worse and thought that it would continue as they use it as an artery to get to where they are going. That is why it is important that they have a fence for silence because it baffles the noise, and it makes it hit it and go up, so at least the impact would be less than what they have to experience every day, 5-10 times minimum a day.

Board Member Walker said that he moved here in 1988. He stated that they all wish that they could go back to when they moved here. He said what happens with growth is that they get more people, they need more facilities, more roads, and unfortunately, they get tons more traffic. He didn't doubt that they have more traffic on Baldwin than they did in 1987. He said he lives very close to M24, and when he moved in it was a two-lane highway and thought it was wonderful, now he hates it, but he has to deal with it. He asked how far he lived from the northernmost roundabout? Mr. Rossi said that the northernmost roundabout is at Baldwin and Walden Rd. which is the first main street south of his house. When they cross through the roundabout and go approximately 200-ft. and then turn on Walmsley Circle to go to his house. He said he agreed with what he said about growth, that is part of their reality, and they are never going to get away from them. Part of change and growth is dealing with the circumstances that are put in front of them to help them have a decent quality of life. This request is to mitigate the noise that accompanies that growth in a very minimal way that is not obtrusive at all, and that is to try and shelter his and their neighbor's property from that so they can enjoy their house and have a decent quality of life.

Board Member Walker said about a month or two months ago he saw an article in a magazine about countries in Europe that don't allow fences. He said that fences are a big deal around here. The Township has a Master Plan that they are going to develop for next year and one of those items on the agenda for the Master Plan is to deal with this fencing question because some people love fences, and some people hate fences. As Board Members, they are concerned about everybody in the Township. They try to make decisions based on what they think is best for everybody. They are not paid officials they are not elected officials they are "you folks". He added that he has been on the Board, off and on, for 15-20 years, every person he had ever been with on the Board cares, nobody has got an ax to grind, nobody is in the pocket of the Township, or in the pocket of the petitioners. They try to recognize the trust they place and act accordingly. He said in the article in Scotland, Ireland, and England, they don't allow fences, they have hedges. He said when he saw it, it was like a vision to him about their fencing problem because these hedges are thick, animals don't get through it, the sound doesn't come through it. He thought it might solve these kinds of problems, either now or in the future. Mr. Rossi

said that will solve it, possibly: when he is long gone and dead. But that won't help them for the next 10 or so years. He said the fence is behind the tree line so the visibility of it is not going to be obtrusive at all because it will be behind a lot of the vegetation that is there on their property. So, what it is really meant for is a barrier for them to mitigate that noise and visual sight problems, so they are not creating something that is going to be an eyesore out there, they are creating something that hopefully will allow them to block it out without it being very visible from that side because if they drive by that area, they would see that there are trees and all kinds of various vegetation. They all left it there to try and help, but it doesn't help that much, especially in the fall and winter. He challenged the article on how well it was going to stop sound in their backyards, but it possibly could help the visibility a little bit. He stated that they need relief now, because of what is happening here. They were trying to get understanding and empathy on how they were looking at this if they were to put themselves in their position.

Trustee Flood said he was born and raised here in the Township. He asked if they would be replacing the existing split rail fence, that was originally put in there when the subdivision was developed back in the 1960s? Mr. Rossi said that the fence has disintegrated but it was still laying there. Trustee Flood asked if that was where they were going to put it? Mr. Rossi replied yes, right on the lot line, right where that fence is. Trustee Flood said that his concern was he didn't want to get any closer to the safety path. His first concern, when he first saw this, was that it was going to be a stockade fence running, east and west, through every house there. After he went through the packet, he saw that the setback is for the side yard, so they can connect the fences at Baldwin Rd. and not have a 20-ft. gap there.

Mr. Rossi said that split rail when it was all done back when this was developed in the 1960s that was the only thing between the road and the house. Now that all the trees have grown up, obviously, that is set back closer to their properties now. That is why he was saying it is essentially hidden, they don't want to take any trees out of there. They want to be able to keep those as a barrier and also visually a barrier to those on the road as well. He felt bad for younger families with kids because it is difficult to play with their kids in the backyard. It is difficult to keep their pets in there. Anytime anyone goes past on the bike path, or the cars with any noise at all, both kids and animals go crazy there. He said they had a neighbor that almost lost their kid, their kid went through the fence, and the police were almost called because of it how easy it is to get through there and the inability of stopping them from then going on the road if they don't grab them. This has become a very busy thoroughfare, that Baldwin Road exchange there.

Trustee Flood asked if he went further south along Wareing all the way down to Walmsley Circle and canvas those neighbors too? Mr. Rossi replied no; what they did was because they had a group of people right at the entranceway into Eaton Gate, that gave them a few houses so that it didn't look like patchwork. They were thinking about how the appearance of this would be, the five of them are doing it for their own interest, and if others have an interest, they can do it. Trustee Flood said that the reason he brought that up was that he could see that if this was approved, that they may want to continue that all the way down, that is their option, they can come before the Board. Mr. Rossi said that he spoke with a gentleman that is down on Walmsley and Baldwin and he doesn't have an interest because he has far too much area to cover with one. Mr. Rossi said that they are estimating the cost to be anywhere from \$3,500 to \$6,500 to get the fences in there. Trustee Flood appreciated that they went to the Homeowners' Association. That is one thing he looks for is that they follow the proper procedures. He noted if it was a shadow box, which is double on each side, good on both sides and they don't have to worry about the facing. Mr. Rossi replied right; he thought it would also help with the noise better. Trustee Flood said he noticed that if they go over to Joslyn Rd. and Scripps on the Lake, next to Canterbury Village you will see where they have a stockade fence all along there. What he didn't like about it was they kept the bad side out towards the road and they replaced that fence a couple of years ago. He added that this being an older established subdivision, he thought that if that was being built today, they would probably want something like that to block off Baldwin Rd. Mr. Rossi agreed; he said if they look at the Keatington sub the ones that are compromised the most is their stretch because if

you look on Waldon they are farther offset into the neighborhood. He thought that there was 20 yards minimum between the walking path on Waldon and Joslyn to the street, where they have nowhere near that. He just wants to have a decent quality of life in ways to help mitigate the problems that come with that progress and thought it was reasonable.

Chairman Durham asked if there were anyone from the public that wanted to speak? Building Official Goodloe replied that there was nothing.

Board Member Cook said that he walked along Baldwin Rd. coming into the sub and he came in off of Waldon Rd. and he did see some kids playing in the neighborhood. He said that the walk was noisy. He noted that the one thing he did notice while he was walking was the lack of evergreen trees. There were a lot of deciduous trees but nobody has any evergreens. That goes back to what Board Member Walker said in terms of hedges. When they talk about plant material being there, one of the reasons that they don't get any noise baffling currently is because of the height, and then also the fact they have deciduous trees that lose their leaves this time of the year. He knew that they said those first five houses, and other than one person, one of the houses, they all are asking for pretty much the same thing in terms of variances. He questioned why they stopped? He wanted to know why, just the first five, because it, kind of takes care of that end of the sub. You have one gentleman who doesn't want to do it, but yet you have other folks all the way down to Waldon that they have not canvassed. Mr. Mark Rossi replied regarding the deciduous versus conifers. His neighbor on Eaton Gate, and Baldwin they just moved in there, Kristine. Her house, his house, DeGhetto's house, the house next to him and the next house down, about 10 years, he personally put 19, Blue Spruces, back there and his neighbor did the same. They had a wall of Blue Spruce from Eaton Gate down four houses. Kristine, his next-door neighbor, the people she just bought from, they also added, when they moved in two years ago, another 19 arborvitae in the back of their yard. The problem is, in our area of Michigan, conifers are dying like crazy. He said he has lost three in the front yard and he is about to lose his largest white pine. They are all dying back and that is another problem that he has in the back of his yard, is the 19 Blue Spruces he planted many have died, but they all have needle die off, and they can see right through them. His neighbors are the same way. They have tried the conifer route it is not supported here because of the changing environment for those trees. He added as far as canvassing his neighbors, by them hanging together, doing yard work and things like that, what they do is what they do, if they want to do it, they can. They know that also, they only have 5 spots in each one of these meetings, so even if they did go to see them and every request is on its own merit, what would that have done for anyone? Probably hurt them, to be quite honest from what he was hearing. The five of them did it because they were all like-minded on it and they see each other. What will happen in the future, down the road, he didn't know. Board Member Cook said that is one of the things that they have to be concerned about as a Zoning Board of Appeals. Granted, it would have been nice if they would have done that in terms of canvassing the neighbors, but he did go to the homeowner's association. Is there someone in that association that could handle that canvassing? Mr. Rossi thought it would be the other way around. He questioned canvas them to see if they wanted to join into this? Board Member Cook replied, correct. Mr. Rossi replied that had nothing to do with them. Board Member Cook questioned if there was someone that they could talk to, whether it is you or one of the other people here tonight, that might be able to say to their HOA President, could they can get someone to go talk to these guys? Mr. Rossi said to what end? Board Member Cook said to see about joining in this to get this fence up. Mr. Rossi asked to what end? Board Member Cook said uniformity. Mr. Rossi replied that this is all driven by individual homeowners. Everyone has to do everything on their own. Board Member Cook said the fence has to be the same, correct? Mr. Rossi said that they can put in a four-foot fence without any approvals from them right now. Board Member Cook said he knew that it had to be a shadow box fence, also, right? Mr. Rossi said it had to be a shadow box. If others have an interest in pursuing this, that is up to them. That is not to him, he didn't want to go out and try and canvas. Board Member Cook said what he is saying is that he realized that it is not his responsibility, which is why he asked if he had canvased, those folks. He added that they do have an organization, the homeowners' association that it is their responsibility. Mr. Rossi replied that he didn't think they

viewed it that way. He thought that they would view it as if someone wants to apply for a fence to the Homeowner's Association. These are not paid positions at the Homeowner's Association they are there responding to requests by the homeowners. Board Member Cook said he wanted to be clear that whether their Homeowner's Association approved it or not, their approval or denial has no bearing on what they do here as a (ZBA) Zoning Board of Appeals. He added that this is an opportunity where you say it is not your concern, but it is our concern as a Board of the Township because it is a visual impact upon that particular area. He added that if they are all going to go out and they are going to have this bid, then again, you're potentially going to get a better price if you are going in as a group, as opposed to individually. Mr. Rossi replied that this has been an ordeal to even get this far. He knew that he viewed it differently. He said to try to mount something where they have themselves going out and canvassing everyone that is on the border of their street, and it wouldn't just be Baldwin Rd. at that point. Then they are talking Baldwin, Waldon, and Joslyn. They are addressing it for their immediate area, because, in their research, they saw that each applicant is on its own standing. That is why they proceeded through this and filed for this. What they are trying to do is solve this problem for their families and them, and their property. Their thought process was that it would be beneficial if they had five houses that would do this together. He stated that he was right, they are going to try and get an economy of scale of trying, if approved, to try and get this fence put in. If they don't get economies of scale, he will do it himself. What they don't want to do is put in four-ft. high fences that would bounce a little bit of stuff, but not the visual side of it, and not much more of the sound. They want to have this done. One of the people that are on Walmsley Circle and Baldwin owns two lots, 200-ft. that he would have to fence, and he is not going to do it. He didn't know what will happen on that end. If they were to do 4-ft. fences, there would be gaps. He didn't think that is what any of them would want. He thought that five of them could get a contiguous line, it seemed reasonable to him for those of them that have tried to pursue how they could help eliminate these problems.

Chairman Durham stated that arborvitaes come in all heights. He has a wall of 15-ft. down his driveway and he can't even walk through them. He didn't know the cost wise what that would be, compared to what they are looking at. He thought they would be happy if they went that way. Mr. Rossi said the cost side on the arborvitaes would be prohibited for them. He said that the 19 arborvitaes that Kristine put in, are dead. They have been there for a year and a half. So that is not what they would like to do.

Board Member Cook said that he made a point of saying that you would have to canvass the entire neighborhood. He stated that he started his question by asking if he had spoken to the neighbor's going down to Waldon, those that face Baldwin down to Waldon, south of his home. The face he is concerned about is the Baldwin side of Keatington's neighborhood. He thought that a discussion could be had with their Homeowner's Association, to talk to those neighbors. Mr. Rossi said they had no interest in doing that. He has been there for 30-years, they have talked about fences in the past, and they simply respond, they don't proactively try to do anything. He said the cool part about this fence for them is that it is set back between the outside maples, chestnuts, and walnut trees that are there, and also the other vegetation that is growing, so it would not be very visible from the street on their houses. He can right now go in and put 4-ft. fences in, what they are really talking about is trying to get a 2-ft. variance that allows them to take care of the problem. Board Member Cook stated that he had said their neighbors have no interest. You have been there for 30-years, Baldwin Rd. improvements were recently made within the last 24 months. Mr. Brian Liekweg thought that he was saying that the HOA Board doesn't have an interest in doing the fencing canvassing. Mr. Rossi replied yes. Mr. Douglas DeGhetto stated that even if they canvas all the neighbors, and they all said yes, they would like to have this fence unless it was a tax on their house, there is no way to guarantee that someone would back out and then there would be a gap there. They have five people that are all on board for doing it and to have it done properly and it will look good. There is no way they could if they came in with somebody else, said yes, they want to do it, there is no way to guarantee that they are actually going to do it when it comes down to putting out the money. Board Member Cook said that there was a secondary piece of it that he had a concern about, which they started this discussion with is having multiple people come back at different times to do something that they all might be able to do at one

time as a neighborhood. Mr. Rossi said they are talking about a lot of new homeowner in there, the costs may be prohibitive to them. He understood what he was saying, he just didn't know how applicable it is to the five of them trying to get this done. What if they put these in and they've put a 4-ft. fence in, or you have a 6-ft. in a 4-ft. in, and then another 6-ft. This way, they have some continuity that hopefully will be a plan if they do decide to let others do this, that would be the intent of this. Board Member Cook said it is to ask them or to canvas them at this point. Again, what does that hurt? Mr. Rossi said it hurts time and being able to do it in this very tough time. They have five now. When they have applied for this, some of the things that he was told was that precedence doesn't matter, everything is on its own merit case by case, the decision is made for each addressee. That is what he was told and why they proceeded, as they have done. So, they are trying to get this done for their own quality of life because it is compromised right now. He understood what he was saying, but he didn't have the means to do that. He said the HOA wouldn't do it, they don't care, they are responding to the resident's requests from the Keatington Homeowners not to do something in mass, that is not what they do. Vice-Chairperson Koscierzynski commented about all of the canvassing. She said that nobody has mentioned that they are in the middle of a pandemic, so knocking on people's doors is not an option right now.

Chairman Durham asked in the event that they are successful tonight, when do they plan on beginning construction? Mr. Rossi said they hadn't talked that far, but thought it would be in the spring. He didn't think that they would get reasonable people to come out, do to this as things are freezing up.

Mr. Douglas DeGhetto said he has been in Lake Orion since 1993, and he will second all the things that Mr. Rossi has said as far as the noise increased as the traffic has. When they moved there, there was not a safety path. He added that people walking down the safety path have a habit of just looking in their house from the safety path. He didn't know if it was human nature but thought it was disturbing when you are sitting in your living room, and people are staring at you. They had a kid walk straight out onto Baldwin Rd., which was a police incident that happened there. The noise is very irritating, you can't sit in your living room with the sliding door open and have a conversation. If you are going to listen to TV, it has got to be at some extreme volume. He said it has definitely gotten louder over the years, and thought this fence would really help, and didn't think it would look bad having five in a row, he thought it would look nice. He added that in the future, it may be more people want to do it, maybe they require that they have five more in a row, or some continuity, to have a nice, solid continuing line joining theirs or starting from the other end coming this way. He said their fence would be from the corner downwards, and felt it would look nice, and it would help their quality of life.

Moved by Vice-Chairperson Koscierzynski, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-37, Mark Rossi, 2650 Wareing, 09-20-376-002, I move that the petitioner's request for 3 variances from Zoning Ordinance #78 – Zoned R-2: Article XXVII, Section 27.02 (A)(4) & Article XXVII, Section 27.05 (H)(2): **1)** a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road; **2)** a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north; **3)** a 10-ft. yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south, that the petitioner be **granted** conditioned upon the setback variances from the side property line to the north and south of the said property is for a 6-ft. fence that went along Baldwin Rd. only as the petitioner did demonstrate that the following standards for the variances have been met in this case in that they set forth fact which show that: the petitioner does show a Practical Difficulty due to unique circumstances of the property: is the noise on Baldwin Rd., safety issues, and the quality of life; 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: there is not any other way other than the trees and the arborvitaes and trees are not reliable, they could die at any time, and it is needed for them to be able to enjoy their home; 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: there are no fences in that neighborhood at all, there is no other way for

them to do this; the granting of the variance or modification will not be materially detrimental to the public's 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: there is a lot of noise coming from Baldwin Rd. and it is not safe for kids or animals; further, based on the following findings of facts, the granting of this variance would not: impair an adequate supply of light or air to adjacent properties: because the adjacent properties, five in a row want this fence; it will not unreasonably increase the congestion in public streets: it is not applicable here; it will not increase the danger of fire or endanger the public safety: the Fire Marshal didn't have any problem with this; it will not unreasonably diminish or impair established property values within the surrounding area.

Amended by Vice-Chairperson Kosciuszynski, re-supported by Trustee Flood, to include that the intent of granting these variances is to strictly put that fence along Baldwin Rd, not in-between the property of the houses.

Roll call vote was as follows: Walker, no; Flood, yes; Cook, no; Durham, yes; Kosciuszynski, yes.
Motion Carried 3-2

B. AB-2020-36, Kristine Pawlowski, 2636 Wareing, 09-20-376-001

Acting Chairman Durham read the petitioner's as follows:

The petitioner is requesting 4 variances from Zoning Ordinance #78 – Zone R-2

Article XXVII, Section 27.03 (G)

- 1) A 30-ft. variance from the 30-ft. corner clearance requirement to erect a 6-ft. privacy fence within the corner clearance triangular area of the property (northwest corner).

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05 (H)(2)

- 2) A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Eaton Gate.
- 3) A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.
- 4) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.

Chairman Durham stated that your number one variance is requesting a 30-ft. variance that does state that it cuts into the clear corner, triangular area of the property. Will that affect the sightline on any street? Ms. Kristine Pawlowski stated that she believed that Eaton Gate is a boulevard and because it is a boulevard it doesn't affect sight at that corner. Mr. Rossi said that Eaton Gate has ingress and egress on two different sides of the boulevard. There is no visual affected because the part they are talking about is the ingress turning into the sub, so there is no sightline that is affected by anything turning in. There is no way that there is anything that is restricted by a car entering their sub and those that are leaving are on the north of the boulevard and as they leave, they don't see that area at all.

Trustee Flood said maybe they might need to get an answer from Building Official Goodloe. If that section is granted this fence is going to stop along Baldwin, it is not going to go east down Eaton Gate is that correct? Building Official Goodloe said it depended on how the motion was made. The last motion specifically addressed that issue. Mr. Rossi said if they look at Kristine's property, on the property that borders Eaton Gate, where that offset is where the triangle comes, there is a 6-ft. fence

that is there, that would meet up with that. It is at least 20-ft. further down from Baldwin. That fence was approved by the Township back in 1987. There is no publication in the records on it because he has the Building Inspectors name. At that time, he came out and gave them a verbal OK, and then gave the verbal OK to KHA Commission to allow her to do it. They just replaced that about three years before Kristine moved in, and got approval to do it. The Township doesn't have records on it. Trustee Flood asked if that was Dale Anderson? Mr. Rossi replied yes it was. That caused a big problem for a while in the sub, for those people that wanted it as well, but because of the KHA restrictions, they were not allowed to. Because of that security issue he mentioned before, his house has been broken into he was allowed to do that. So, what Kristen would like to do now is to connect with that.

Chairman Durham said that they were all probably trying to decide what is different about this one than the last one. He added that it didn't appear that there was that much. Trustee Flood said for him it was that corner at Eaton Gate and Baldwin. Mr. Rossi said they were all cookie cutters except for that corner.

Trustee Flood wanted to clarify again on that corner. If that fence was to end at Baldwin Rd. right now, and not connect to the other fence, would there be a gap in between there? Mr. Rossi replied yeah, there would be a gap between the fence that would be put on, Baldwin and her side fence unless they allow her to go across and connect them. Trustee Flood noted that would be the difference in the motion. Mr. Rossi said that is the only difference. Trustee Flood said there are two ways to do it.

Mr. Rossi asked if you vote on Kristine's, do they have to vote for the entirety of it? Chairman Durham replied that the applicant can decide to amend the request to a lesser degree. They can entertain a smaller variance request they cannot go bigger. Mr. Rossi said he would hate to see hers get shut down because of a side fence, which is a difference between hers and mine. Mr. Rossi told Kristine that she might want to pursue asking the Board if there is a way that she should just stop at the line where the fence would go back to the property line and leave it there and not connect? Is that what the problem would be? Chairman Durham said the applicant has the option of going forward with what she requested or going forward with something lesser, or it would have to be until January, withdrawing her request. Just taking it back and giving it some more thought and bring it back at a later time. Ms. Pawlowski replied that she would like to connect to it somehow. She said she has children and pets, so it would help her to have that connected whether it's connected at like a 90-degree angle or at an angle of some sort but would like to have it connected.

Chairman Durham asked if Building Official Goodloe was concerned with sightline issues with the first request that she made here, the 30-ft. variance from the corner clearance requirement? Building Official Goodloe replied that he had no concerns with that whatsoever. He didn't think it would be a safety issue at all.

Moved by Vice-Chairperson Koscierzynski, seconded by Trustee Flood, that in the matter of ZBA case #AB-2020-36, Kristin Pawlowski, 2636 Wareing, 09-20-376-001, I move that the petitioner's request for: 4 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.03(G); **1**) a 30-ft. variance from the required 30-ft. corner clearance requirement to erect a 6-ft. privacy fence within the corner clearance triangular area of the property (northwest corner); Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) **2**) a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0 -ft. from the property line along Eaton Gate; **3**) a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road; **4**) a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0 -ft. from the side property line to the south be **granted** conditioned upon the setback variance, is from the side property lines to the north and south of said property for a 6-ft. fence that runs along Baldwin Rd. only; the petitioner did demonstrate that the following standards for variances have been met in this case which shows that in this case, the petitioner does show the following Practical Difficulty: the back of the house is facing Baldwin Rd. along a very busy street, and she has kids and pets; the following

are exceptional and extraordinary circumstances or conditions that are applicable to the property involved that do not apply generally to other properties in the same district or zone as indicated that do not apply generally to other properties in the same district or zone: the houses do not have any fences along that street; 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: they need it for safety, so their kids and dogs can't run onto Baldwin Rd.; 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 district or zone in which the property is located based on the following findings: there is very little space between the back of the house and Baldwin Rd. and the safety path; 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; would not unreasonably increase the congestion in public streets; it would not increase the danger of fire or endanger the public safety: they have letters from the Fire Department saying this is OK; it will not unreasonably diminish or impair established property values within the surrounding area.

Discussion on the Motion:

Building Official Goodloe noted that the motion does not allow that side fence to be connected. He asked if Vice-Chairperson Koscierzynski would allow them to connect to the existing piece?

Trustee Flood asked how much of a gap would be there? Mr. Rossi guessed that the gap would be somewhere around 20-25-ft.

Vice-Chairperson Koscierzynski said she wanted to leave the motion as stated.

Mr. Rossi said when this was being worked on, he worked on it with Planning & Zoning Coordinator Harrison and her intent on this was to include everything that was possible for Kristine that was the triangulation trying to connect to that other fence on Eaton Gate. That is why she wanted to have a variance that would allow the triangulation that they have to bypass, to connect to that fence.

Building Official Goodloe said to Vice-Chairperson Koscierzynski that she can withdraw the motion and they can ask for another one if you would like.

Board Member Cook stated that if they look at the way it is submitted to them, number two on the submission would cover exactly that, the fence along Eaton Gate.

Vice-Chairperson Koscierzynski said she was going to leave the motion the way it is.

Trustee Flood questioned variance number two and being allowed to do that.

Chairman Durham asked Building Official Goodloe and apologized for being redundant, that is what he asked him earlier about if he saw a safety issue, correct? Building Official Goodloe replied yes. Chairman Durham said his answer was you did not. Building Official Goodloe replied he did not.

Roll call vote was as follows: Walker, no; Flood, yes; Koscierzynski, yes; Cook, no; Durham, yes.
Motion Carried 3-2

C. AB-2020-38, Douglas DeGhetto, 2668 Wareing, 09-20-376-003

Chairman Durham read the petitioner's as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

- 1) A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.
- 2) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north.
- 3) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.

Mr. Douglas DeGhetto stated that he wanted to put a six-foot fence where the existing old split rail fence is at. Chairman Durham said it will just be along Baldwin Rd. Mr. DeGhetto replied yes.

Board Member Cook asked if he was the third house on the chain? Mr. DeGhetto replied correct. Board Member Cook asked if Mr. Rossi was the second? Mr. DeGhetto replied correct. Board Member Cook stated that Kristine was the first.

Moved by Commissioner Flood, seconded by Vice-Chairperson Koscierzynski, in the matter of ZBA case #AB-2020-38, Douglas DeGhetto, 2668 Wareing, 09-20-376-003, I move that the petitioner's request for 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) **1)** a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road; **2)** A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north **3)** a 10-ft. side yard setback variance from the required 10-ft to erect a 6-ft. privacy fence 0-ft. from the side property line to the south be **granted** conditioned upon the setback variances from the side property lines to the north and south of the said property is for the 6-ft. fence that runs along Baldwin Rd. only as 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: it is in the Baldwin Rd. expansion and the amount of traffic; and the connection of all the safety paths from Brown Rd. up to Indianwood roundabout; this is not due to the property owners doing, it is a unique situation with Baldwin Rd. being redone; 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: this is an older established subdivision and the applicants have tried putting in evergreens and have not been successful; they are replacing the existing split-rail fence that was originally put on the property when the subdivision was developed; 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 findings of fact: this is a similar case to other zoning properties that have faced the same difficulties with privacy along their yards; 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: the Keatington Home Owners Association has no problem with this fence being put in if the Township Zoning Board of Appeals approves it; 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 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 is on record of not having any concerns with this; it would not unreasonably diminish or impair established property values within the surrounding area.

Roll call vote was as follows: Durham, yes; Koscierzynski, yes; Cook, no; Walker, no; Flood, yes.
Motion Carried 3-2

D. AB-2020-39, Brian Liekweg, 2674 Wareing, 09-20-376-004

Chairman Durham read the petitioner's as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

- 1) A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.
- 2) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north.
- 3) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.

Mr. Brian Liekweg stated that there was no difference in variances from Mr. DeGhetto or Mr. Rossi's property as well, he is the 4th house in the chain. He stated that he has two small children and one on the way, and will have 3 kids under the age of 4. He has one that doesn't like to listen, the 3-year-old. He said that the road is very busy and if they take their eye off them for a second, they are gone.

Chairman Durham asked if they will be building the fence only along Baldwin Rd.? Mr. Liekweg replied yes.

Moved by Vice-Chairperson Koscierzynski, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-39, Brian Liekweg, 2674 Wareing, 09-20-376-004, I move that the petitioner's request for 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) **1)** a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road; **2)** A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north **3)** a 10-ft. side yard setback variance from the required 10-ft to erect a 6-ft. privacy fence 0-ft. from the side property line to the south 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: be granted conditioned upon the setback variances from the side property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Rd. only as the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show: the petitioner does show the following Practical Difficulty: the unique circumstances of this property is that the back faces Baldwin Rd. there isn't a lot of space between the yard and where Baldwin and the safety path is; the following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally apply to other properties in the same district or zone: the properties in there have no fences, and due to the construction of all the roundabouts and safety paths in the area, and they have two kids and one on the way that he has to keep safe; the variance is necessary for the preservation and enjoyment of a substantial property rights possessed by other property in the same zone or vicinity base on the following facts: he has children that he has to keep safe, there is a small space in his yard between the end of the house and Baldwin Rd.; 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; it will not impair an adequate supply of light and air to adjacent properties; 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 doesn't have a problem with this; it will not unreasonably diminish or impair established

property values within the surrounding area; it will not, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township. The Homeowner Association does not have a problem with the fence.

Roll call vote was as follows: Cook, no; Flood, yes; Koscierzynski, yes; Walker, no; Durham, yes.
Motion Carried 3-2

E. AB-2020-40, Nick Beadles, 2680 Wareing, 09-20-376-005

Chairman Durham read the petitioner's as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

- 1) A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.
- 2) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north.
- 3) A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.

Chairman Durham asked how his situation was different from the others?

Mr. Nick Beadles stated he has a child and one on way. His concern is for safety. He used to live on a main road, and is the least tenured KHA member, he has lived there for a year and a half. He lived on the main road and hated it with a passion, with the road noise, etc. It was in the front of his home not the back at his home in Waterford. He will be there for a very long time and this is needed for him and his family for them to relax in the back yard, the health and well being as well as the safety of his kids. He added that it is a very busy road. The worst-case scenario is that someone snatches up his kid, he would never be able to live with himself. Jumping a 4-ft. fence or any kind of fence, or no fence at all is really his concern.

Chairman Durham stated that he could have voted no if it had been anything but a shadow-box fence.

Moved by Trustee Flood, seconded by Vice-Chairperson Koscierzynski, in the matter of ZBA case #AB-2020-40, Nick Beadles, 2680 Wareing, 09-20-376-005, I move that the petitioner's request for 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) **1)** a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road; **2)** A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north **3)** a 10-ft. side yard setback variance from the required 10-ft to erect a 6-ft. privacy fence 0-ft. from the side property line to the south be **granted** conditioned upon the setback variances from the side property lines to the north and south for said property for the 6-ft. fence that runs along Baldwin Rd. only, the intent and purpose is to not run the fence going east and west on the property line. The intended purpose is to connect all the fences along the variances that have been so far granted tonight of the five variances; the petitioner does show the following Practical Difficulty: with the Baldwin Rd. expansion which runs right along behind their property, and their backyard is considered a front yard, and the safety path which also runs that connection; his unique circumstance is having small children and to provide safe and comfort for the privacy to his yard where his children play; 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: this is an older established subdivision

and they are replacing an existing split-rail fence; 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 findings of fact: the privacy fence will allow for the reduction of noise and the security of his children on his property; 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: the intent is to have this along Baldwin Rd. only and not to go east and west, the Home Owners Association has approved their request pending approval of the Township Zoning Board of Appeals, and also the installation of a 6-ft. shadow box fence; 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 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 concerns with this request, or unreasonably diminish or impair established property values within the surrounding area.

Roll call vote was as follows: Koscierzynski, yes; Cook, no; Walker, no; Flood, yes; Durham, yes.
Motion Carried 3-2

6. PUBLIC COMMENTS

None

7. COMMUNICATIONS

Memo from Planning & Zoning Coordinator Harrison dated December 2, 2020, Dates which cases can be postponed to.

Email from Peter Smith dated November 13, 2020.

8. COMMITTEE REPORTS

None

9. MEMBERS' COMMENTS

Chairman Durham apologized for being late to the meeting due to wi-fi problems. He has never seen a meeting like this having 5 cases right next to each other before. He thought this was the worst possible time for virtual to come back because it helps him to see faces.

Vice-Chairperson Koscierzynski congratulated Trustee Flood on another 4-years. She wished everyone a Merry Christmas and a Happy New Year.

Mr. Rossi asked what happens now, do they get something in the mail with approval? Chairman Durham suggested that he call Building Official Goodloe and ask for the next steps. Mr. Rossi thanked the Board.

Mr. Francis the 6th house on Wareing asked how he could get a variance? Chairman Durham replied that he should contact the Building Official.

Trustee Flood thanked Vice-Chairperson Koscierzynski for the kind words. He said he has been on the BOT for over 10-years. He thought it was an unusual night and thought it was commendable that the neighbors came together to work out a problem that they had. He commented regarding Ordinance #99, and only having one permit left on Judah Rd., Dans Excavating, that is coming down the road as a closeout. The problem is now, the state wants to take all the control of the gravel pits in the state. He wished everyone a Merry Christmas and a Happy New Year.



Charter Township of Orion

Planning Division

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: January 14, 2021

SUBJECT: Staff Report for AB-2020-41, Levi Bendixen, 4614 Jamm Road

The existing house is non-conforming and does not meet the required 10-ft. side yard setback to the north. A search of available records shows the house was moved to this location in 1958, prior to the current Zoning Ordinance.

The petitioner is seeking to add a first-floor and second story addition to the home, which will not extend any further than the current house towards the lot but will need the requested variance to comply with the Ordinance.

The petitioner is unsure if the existing house is 7 or 8 feet from the property line to the north so is therefore requesting the variance distance from the larger or the 7-feet.

Please consider when drafting your motion, if to approve, that approval be conditioned upon the addition not extending any further to the north than the existing house.

Please contact me if you have any questions.



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

MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: January 14, 2021

RE: AB-2020-41, Levi Bendixen, 4614 Jamm 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. Also, if more information is needed, a motion to **postpone** would be in order.

The variance language listed was 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.

**** Please consider when drafting your motion, if to approve, that approval be conditioned upon the addition not extending any further to the north than the existing house. ****

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-2020-41, Levi Bendixen, 4614 Jamm Rd., 09-33-401-006**, I move that the petitioner's request for:

1 variance from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 3-ft side yard setback variance from the required 10-ft. to build a home addition 7-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 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-2020-41, Levi Bendixen, 4614 Jamm Road, 09-33-401-006**, I move that the petitioner's request for:

1 variance from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 3-ft side yard setback variance from the required 10-ft. to build a home addition 7-ft. from the side property line (north).

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:

1. The petitioner did not demonstrate Practical Difficulty because:

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

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

RECEIVED
 DEC 11 2020
 Orion Township
 Planning & Zoning

Case # AB-20-41
 Meeting Date: 1/25/2021

**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: Levi Bendixen
 Address: 4614 Jamm Rd. City/State/Zip: Orion Township, MI 48359
 Phone: 248 840 6961 Cell: _____ Fax: _____
 Email: levibendixen@gmail.com

PROPERTY OWNER(S)

Name (s): Levi Bendixen
 Address: 4614 Jamm Rd City/State/Zip: Orion Township MI 48359
 Phone: 248 840 6961 Cell: _____ Fax: _____
 Email: _____

CONTACT PERSON FOR THIS REQUEST

Name: Levi Bendixen Phone: 248 840 6961 Email: levibendixen@gmail.com

SUBJECT PROPERTY

Address: 4614 Jamm Rd. Sidwell Number: ^{R-3} 09-33-401-006
 Total Acreage: 1.91 Length of Ownership by Current Property Owner: _____ Years, 3 Months

Does the owner have control over any properties adjoining this site? No
 Zoning Ordinance Allowance/Requirement 10' from side Deviation requested 7' from side

Case #: _____

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. I want to build a second story on the current house and a 12' addition on the back of the house.

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 house is currently situated 7 or 8 feet from the side property line. I would like to use the current foundation.

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 neighbors next to me have a double^{sided} lot. they are fine with an addition and can provide a letter.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: It looks like nearly every house around me is closer than 10' from their property line. Two houses the south has built a second story on their house.

5. Describe how the alleged practical difficulty has not been self-created. It's the original house.

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. If I built a second story 10' from the property line, I would have to build another foundation in the current basement. I would prefer to use the existing house's footprint.

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: *Levi Bendixen* Date: 12-11-20
(must be original ink signature)

Print Name: Levi Bendixen

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

Print Name: _____

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: _____

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. ** 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.</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.

Lynn Harrison

From: Jeff Williams
Sent: Tuesday, January 12, 2021 7:14 AM
To: Lynn Harrison
Subject: RE: ZBA Case

Th Fire Department has reviewed has no concerns



Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Office: 248.391.0304 ext. 2004 Cell: 248.978.5143
Fax: 248.309.6993

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Monday, January 11, 2021 11:54 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Case

Jeff, when you get a chance, will you please look over the attached case.

Thanks,



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

4614 Jamm



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Floodplains
- 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.

OAKLAND COUNTY
 Economic Development & Community Affairs
David Coulter
 Oakland County Executive

Date Created: 12/3/2020

 NORTH
 1 inch = 50 feet

AB-2020-41 4614 Jamm Rd. 09-33-401-006

1.407 acres = $61,288.92 \div 25\% = 15,322.23$

Main Floor Addition 264^{sq}

House 1,024^{sq}

Porch 16^{sq}

Detached garage 400^{sq}

Shed 80^{sq}

1,784^{sq}

Lot coverage OK

North

Side yard setback_n = 7' Needs to be 10' 3' variance

Front yard OK

Rear yard OK

Side yard setback South OK

Height 29' - OK

RECEIVED

DEC 11 2020

Orion Township
Planning & Zoning

Please note:

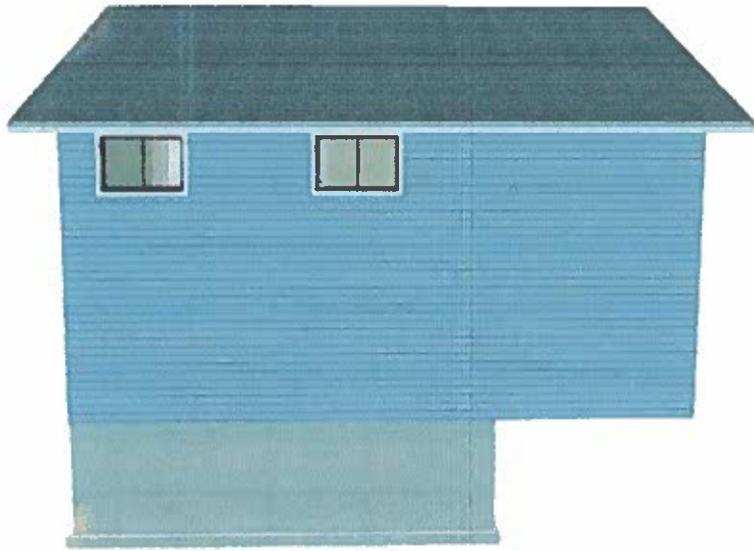
The fence beside my house is 7' from the house, 7.5' at the back. The satellite image shows the fence is slightly inside my property. My house might be as much as 8-9' from the property line.

Sorry, I'm on a very tight budget and haven't hired a surveyor.

You'll notice in the picture most of the other homes are close to their property lines

Thanks!

Levi



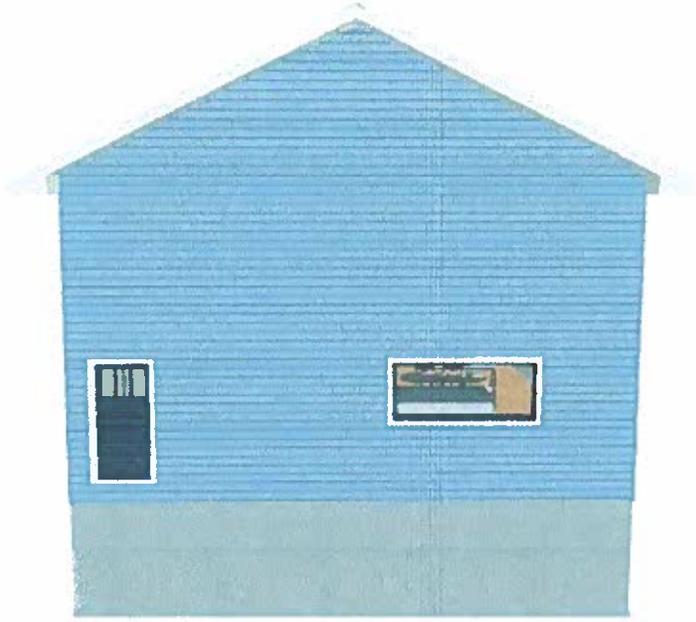
North
Side



back
west



South
driveway side



East
Front



Charter Township of Orion

Planning & Zoning Department

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: January 14, 2021

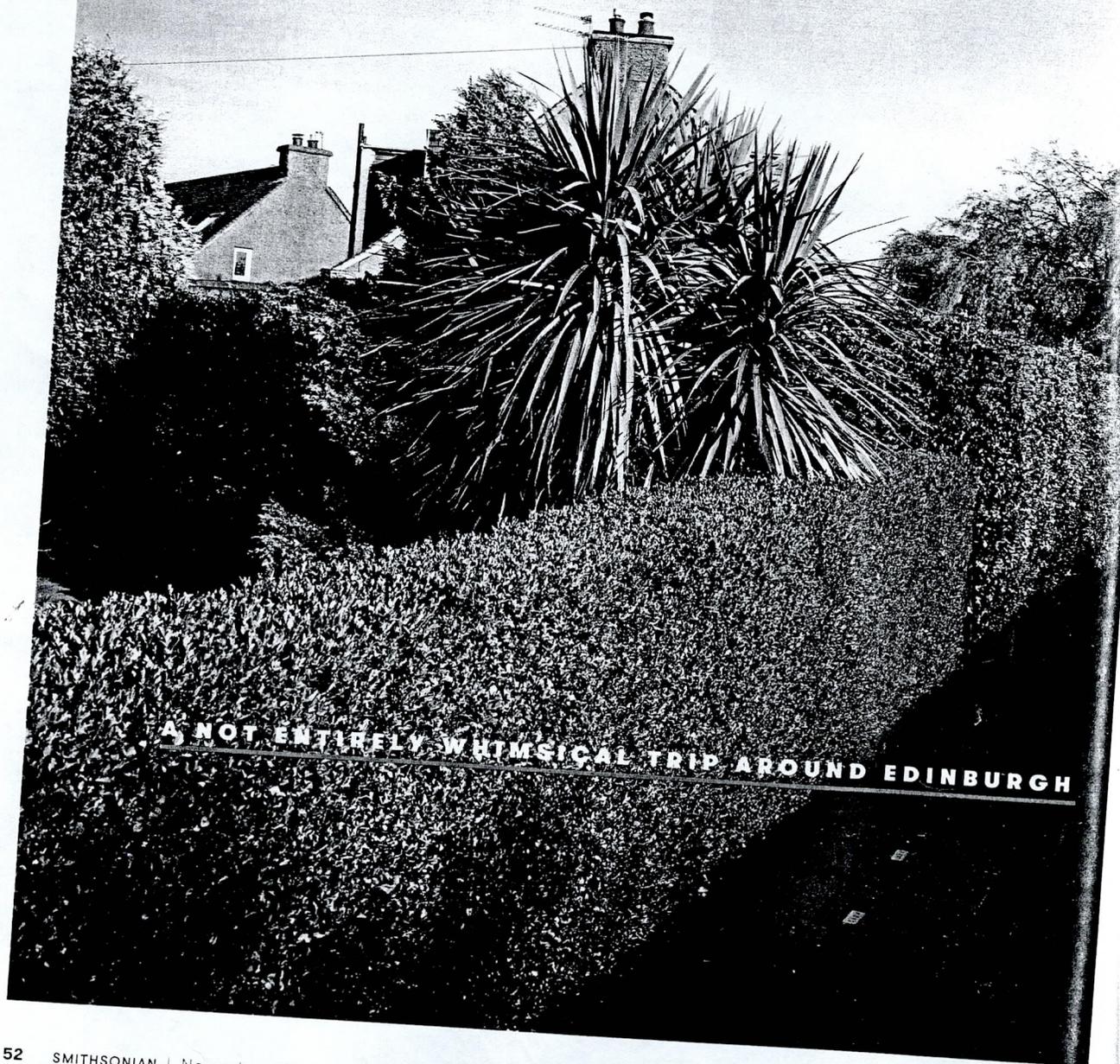
RE: Hedge Article Discussion

Following is an article of interest regarding planting hedges for privacy rather than installing 6-foot or decorative fences.

As you know, a majority of our ZBA cases are related to residents asking to deviate from the Zoning Ordinance to add a 6-foot fence along their property line – adhering to the Zoning Ordinance setbacks sometimes limits the remaining space the resident has to use for backyard or side yard purposes.

Please discuss, it may be something you ask a petitioner to consider.

Scotland



A NOT ENTIRELY WHIMSICAL TRIP AROUND EDINBURGH

and Yards

PHOTOGRAPHS BY
KIERAN DODDS

TEXT BY
PETER ROSS

ILLUSTRATIONS BY
IRIS GOTTLIEB



TO GRAPPLE WITH A DEFINING FEATURE OF THE BRITISH LANDSCAPE



WELCOME TO HEDGELAND. The streets of suburban Britain are edged with merry green. Boxy bushes of privet, beech, holly, yew and other plant species act as boundaries around gardens, demarcating property lines and separating our domestic and public lives. Town planners call them “woody linear features,” but they are so much more than that. They are a charmed circle drawn around family and self. What the white picket fence is to America, the hedge is to Britain, a cozy symbol of conservatism. The distinctive sound of a British summer, apart from the melancholy hiss of rain, is the insistent growl of the motorized hedge trimmer, the staccato rasp of hand shears. Hearken to those blades; every snip is a snipe: “Mine. Not yours. Keep out.”

On a recent morning, I took a walk through the northern suburbs of Edinburgh. The ancient castle and bristling swoosh of a skyline that make Scotland’s capital so romantic could not be seen from here, for I had entered the realm of the hedge. They are so mundane, hedges, as to be almost invisible. Yet allow eyes and mind to refocus, and banality yields to fascination. One begins to suspect that hedges are psychological portraits of those who live behind them. A hedge left wild and overgrown suggests a certain lassitude, especially when growing right next to one pruned with geometric rectitude.

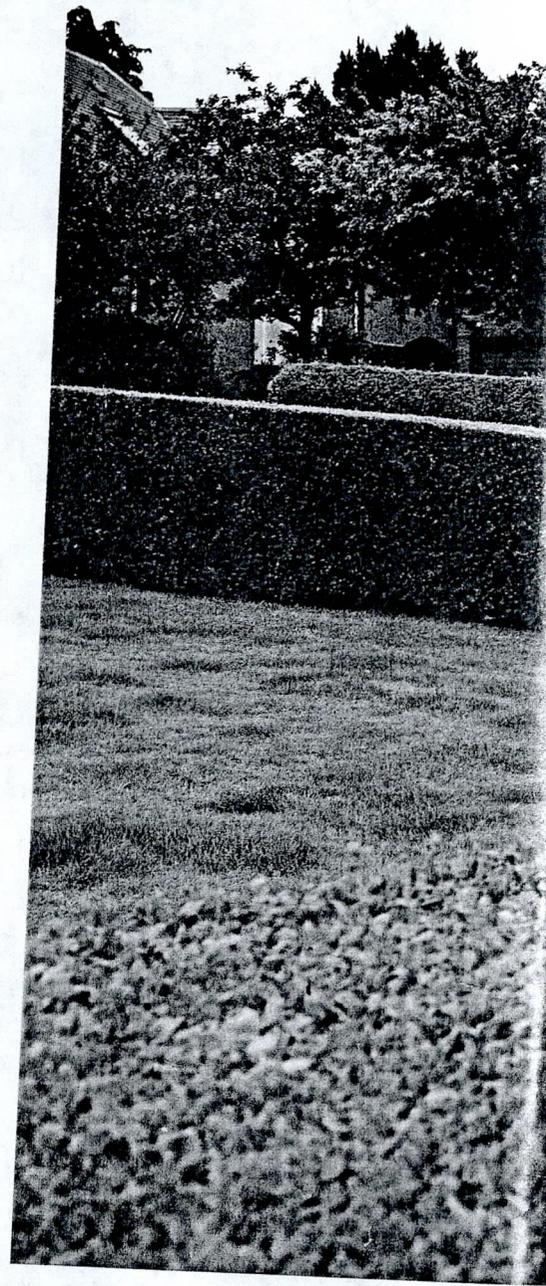
Outside the home of J.K. Rowling, a towering barrier of leylandii screens the 17th-century manor house from the road; little more than its chimneys and central tower are visible through the green parapet. *Cupressocyparis leylandii* is the Voldemort of hedges, a sunlight-blocker loathed by many unfortunates whose gardens fall in its shadow; it grows three feet or more per year. Those with a need for privacy, however, regard leylandii as the next best thing to an invisibility cloak.



On a handsome terrace a few miles east, an ordinary privet has been transformed into an ocean liner, complete with cresting wave. It is around eight feet tall from seabed to twin funnels, and nearly as long from bow to stern. It has grown, during the past 39 years, around three feet in every direction. This is the work of Edwyn Newman, 73, a retired electronics engineer. He has been clipping that ship into shape since he was a youngish man and

his son and daughter were small. “My great-great-great-grandfather was one of five brothers, all of whom were master mariners,” he tells me, “and my mother was a Wren [a member of the Women’s Royal Naval Service] during the war, so there’s bit of sea in the blood,” he laughs. “But mainly I just thought it would be fun.”

The Great British Hedge is thought to have its origins in the Bronze Age, and perhaps even in the earlier Neolithic period. Hedges were then used to manage cattle, keeping them separate from crops. An archaeological excavation in Cambridgeshire has revealed a sprig of blackthorn, believed to be a hedge remnant, dating from around 2000 B.C. Management of hedges for agriculture continued under various invading cultures: first the Romans,



then the Saxons. The Old English word *haga*, meaning hedge, is found in legal documents pertaining to land ownership. Hedges of sufficient thickness and thorniness may even have been used as military defenses.

Privet is mentioned by Pliny the Elder in his *Natural History*. Pliny writes that Gaius Matius, a friend of Ju-

BYLINES Kieran Dodds began focusing on hedges as barriers during Scotland’s Covid-19 lockdown. Peter Ross’s new book is *A Tomb With a View: The Stories and Glories of Britain’s Graveyards*.

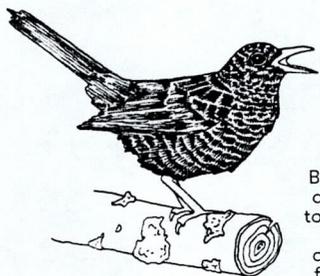


lius and Augustus Caesar, invented the art of clipping hedges for ornamental rather than strictly pragmatic purposes; Matius also translated *The Iliad* into Latin, thus doing a favor to both Homer and homeowners.

Hedges tend toward anonymity. Unlike trees—those divas forever celebrated for their lofty nobility and sentinel grace—hedges produce few stars. Which is not to say there are none. The so-called Phoenix Hedge, in the Bristol suburb of Henleaze, is 295 feet long and made up of several species including ash,

CULTIVATED

There are an estimated 435,000 miles of hedgerows across Great Britain—a distance equivalent to circling the earth more than 17 times.

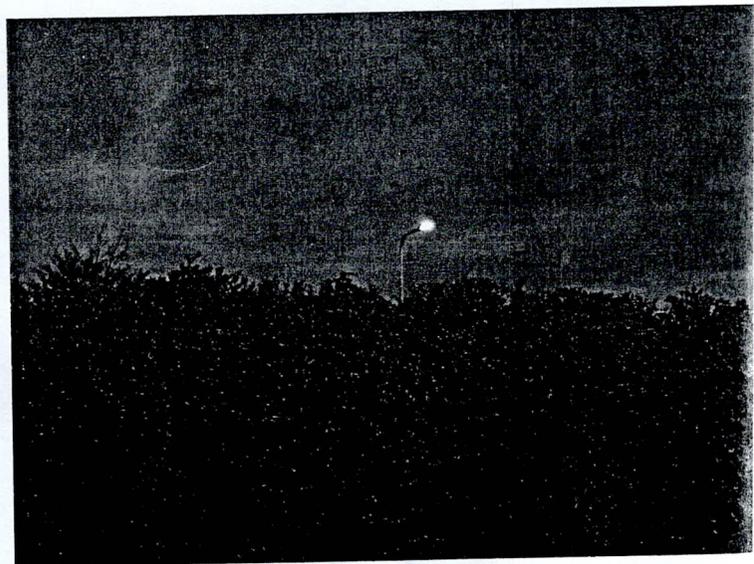
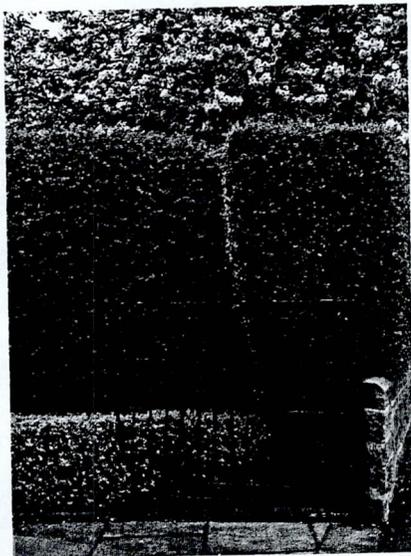
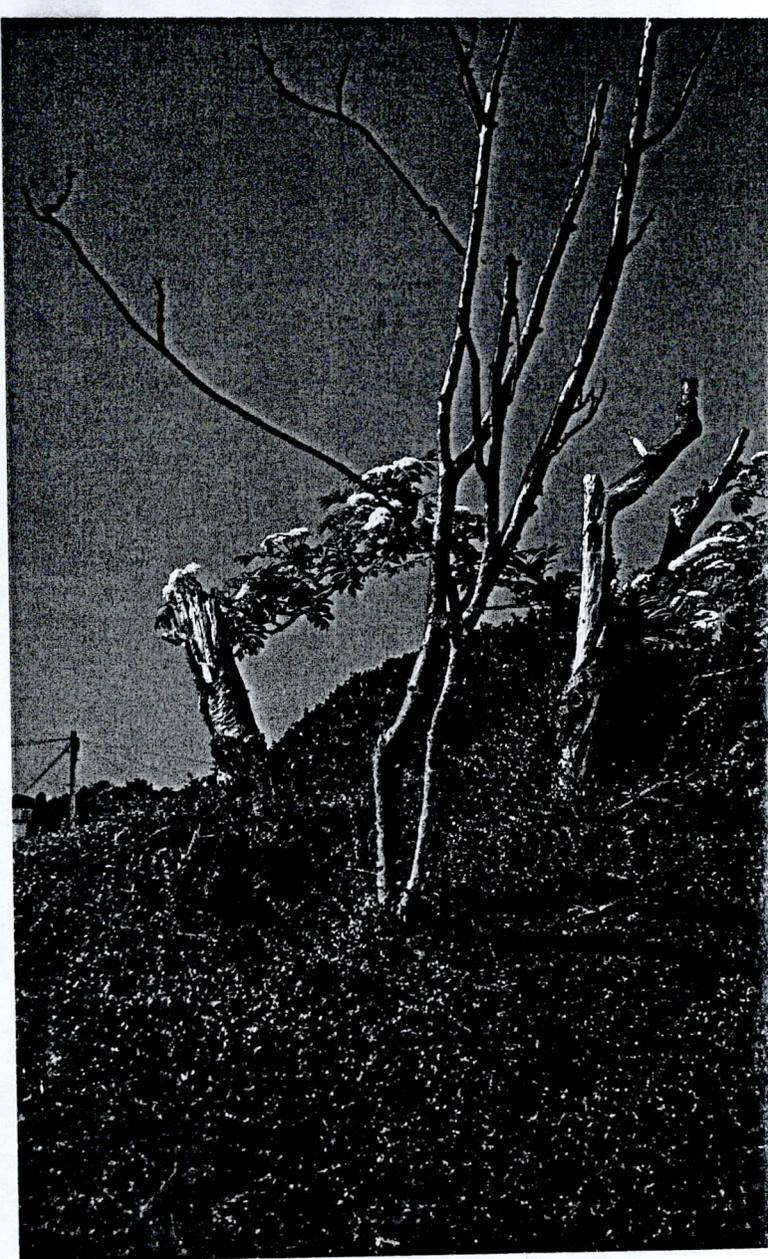


**Common
Blackbird**

Turdus merula

Britain's top hedge-dwelling bird tends to behave differently depending on its origins. Descended from city-dwellers, it's cautious about new objects but quick to find a mate.

Rural parentage makes for a bird that's open-minded and needs more space. Contrary to the name, females are dark brown.





BORDER WAR

During the Midland Revolt of 1607, thousands of people, known as "levellers," pulled down hedges and fences in protest of the enclosure of previously public land.

GREEN SCREEN

Hedgerows could play a role in **reducing the rate of climate change**. A mile of new hedgerow can store up to 2,800 pounds of carbon dioxide a year for as long as 20 years.





elm and dog rose. Around 800 years old, it is a survivor. Age in hedges is, however, a slippery concept. They yearn to stretch up and become mature trees, but pruning keeps them forever young. "A hedge is in a state of suspended animation," says Chris Crowder, head gardener at Levens Hall, a grand manor in Cumbria in the north of England. "The individual plants may be ancient and gnarled, but because they have never been allowed to grow into a tree, they never reach old age."

No one, surely, understands hedges more intimately than Crowder. The grounds of Levens Hall are ornamented by the world's oldest topiary, first clipped into phantasmagorical shapes—peacocks and chess pieces, lollipops and lions—in 1694. Crowder is responsible for maintaining about 100 pieces of topiary as well as a double beech hedge ten or so feet tall, much the same width, and around half a kilometer long. He is only the tenth head gardener in all these centuries, and lives in the house built for the first, looking out at the foliage that is his inheritance and Sisyphean task. He has had the job for 34 years. It is not clear who is the master, he or the hedges, but Crowder has come to appreciate the long months of pruning as an almost Zen experience. "What people don't appreciate enough is the simple pleasure of taking time and care to handcraft something," he says. "The concentration is very therapeutic."

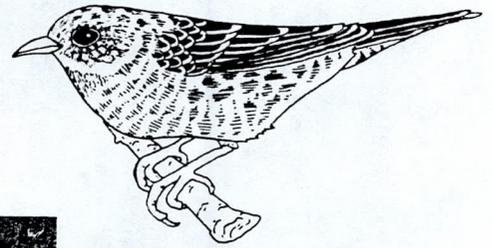
The British urban hedge as we know it first flourished between the wars. Suburban semidetached houses needed *something* between and around gardens to mark property. Enter the hedge. Enter, too, almost immediately, the association between hedges and conformity. In George Orwell's novel *Coming Up for Air*, George "Fatty" Bowling looks out one sour morning over a poky back lawn enclosed by privet and feels trapped. In the *Harry Potter* books, the beastly Dursleys live on Privet Drive, their address shorthand for the small-mindedness of suburbia.

In London, during this strangest of years, hedges came to reflect the national mood. In Herne Hill, where the Victorian polymath John Ruskin had, as a child, admired a garden hedge of gooseberry and currant bushes, the letters "BLM," for Black Lives Matter, were sheared into a privet. In Walthamstow, birthplace of the 19th-century textile designer William Morris, who once created a topiary dragon from a yew in his garden, another privet became a public statement: Hannah Auerbach George, a weaver in her 20s, took up her trimmer and cut "NHS," for the National Health Service, Britain's system of free universal health care, into the hedge in front of her



BUSHWHACKED

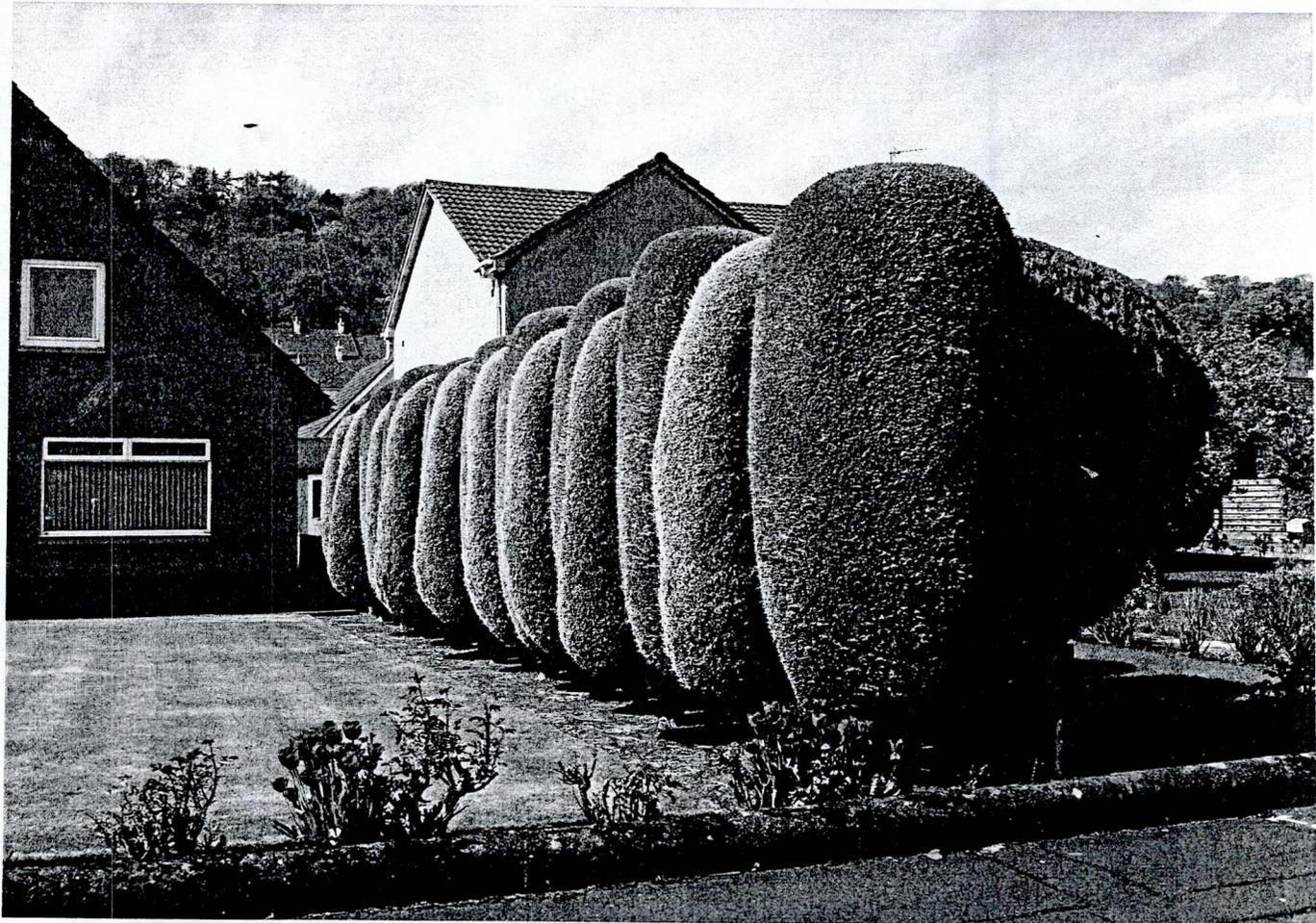
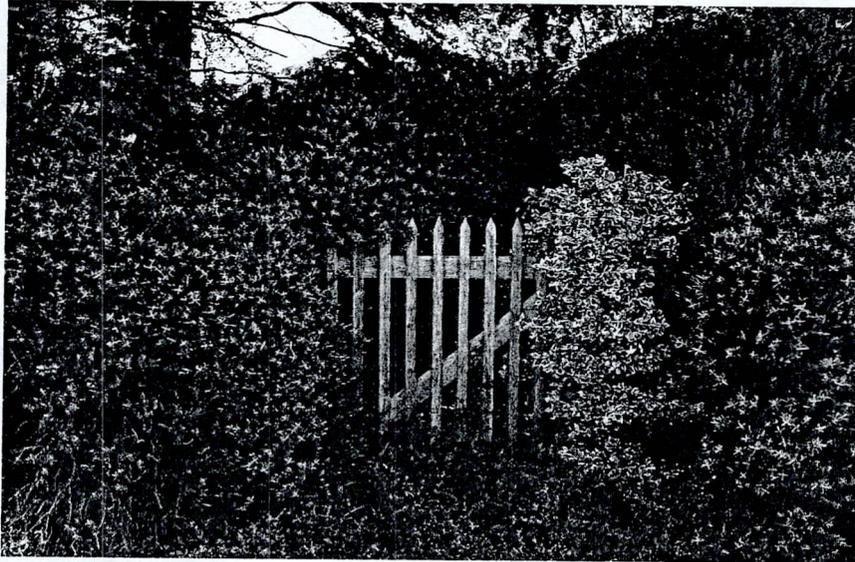
In England, a law passed in 1567 decreed that any person found breaking a hedge would "be put in the stocks for two hours at the least."



Hedge Accentor

Prunella modularis

Also known as a dunnock, the second-most encountered bird in British hedges arouses curiosity because of its unusual mating arrangements, sometimes involving multiple partners or even multiple groupings of partners.



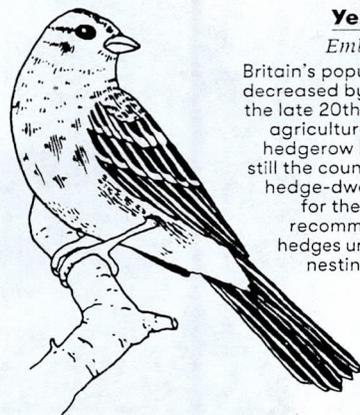
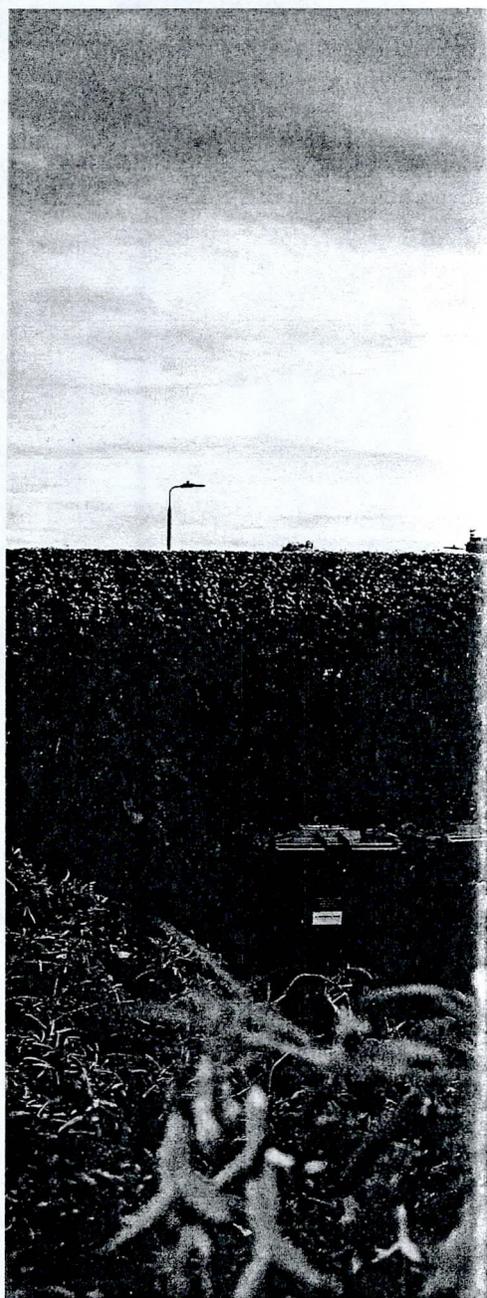
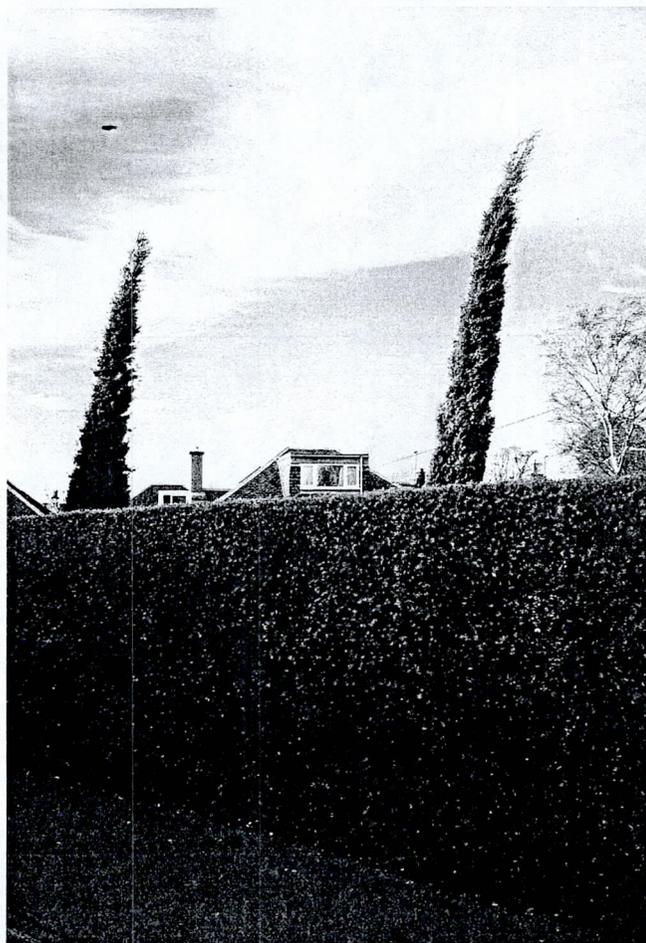
DEEP ROOTS

More than three-quarters of the 33,000 miles of hedges in England's Devon county are thought to be of medieval origin.

house—an expression of solidarity with those on the front line of the battle with the coronavirus.

Yet hedges do not always bring people together. This past summer, at my home in Glasgow, I noticed that my neighbor's gardener was cutting the hedge that separates our properties. I had trimmed this only the week before, employing my signature rough-and-ready style. Now the gardener was making it so flat that one could play billiards on top. I sallied forth and questioned his technique. He questioned mine. This was a debate with deep roots. My approach—nature finessed by human artistry—goes back to Lancelot "Capability" Brown, the landscape architect of the mid-18th century. My neighbor's gardener, favoring a greater formalism, allied himself with André Le Nôtre, the genius of Versailles. He defended this position, not in French, but in vigorous Scots: "You're aff yer heid! Crazy! Sick!"

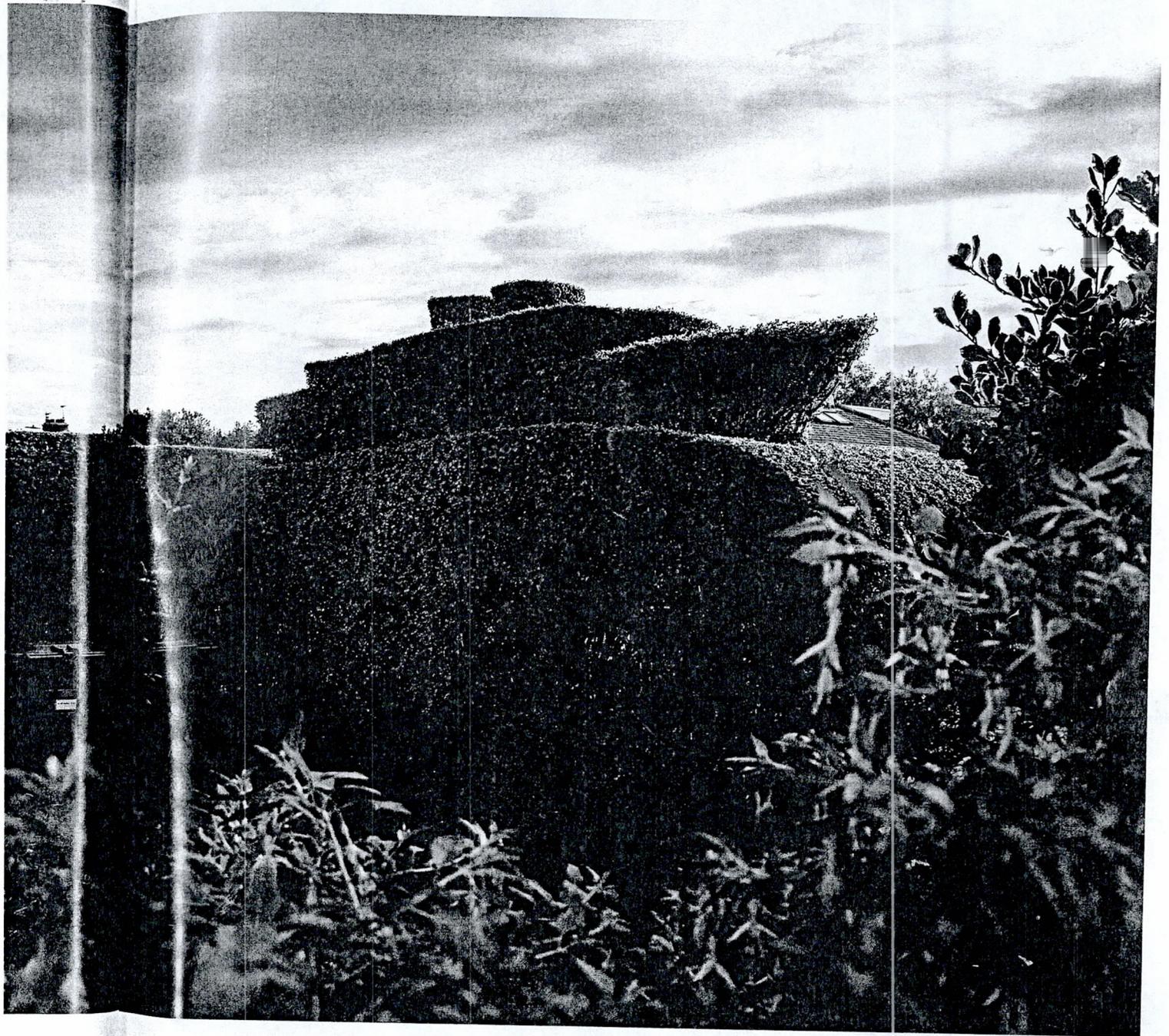
This was unpleasant, but such conflicts can escalate. In 2003, an argument over a hedge led a man to shoot his neighbor and



Yellowhammer

Emberiza citrinella

Britain's population of yellowhammers decreased by more than 50 percent in the late 20th century, in part because agriculture has gobbled up rural hedgerow habitats. But the bird is still the country's third-most common hedge-dweller. The Royal Society for the Protection of Birds recommends waiting to trim hedges until September to avoid nesting yellowhammers.



ner

ella

blowhammers
50 percent in
part because
ed up rural
t the bird is
most common
yal Society
of Birds
g to trim
er to avoid
nners.

then take his own life. Two years later, a man in his 70s was found guilty of urinating, under cover of night, on his neighbor's leylandii—a long-term campaign to kill the hedge that earned him a tabloid nickname, the Midnight Piddler.

The neighborhood hedge dispute is a British newspaper staple. The hedge, in British culture, has a fragile dignity; it is always at risk of being considered a joke. Which is unfair. Hedges, explains Tijana Blanusca, of the Royal Horticultural Society, “are an undervalued form of urban green infrastructure.” Her research has found that garden hedges provide an effective filter between our homes and traffic pollution, and they

mitigate flooding, reduce noise and act as wildlife corridors.

Hedges are also an admirably versatile metaphor. In Brexit Britain, they are a barrier. In Covid Britain, they are a frontier: this far but no farther. Most of all, in a Britain battered by recent economic and political storms, they are a much-needed hug. Other nations love their hedges, too, of course, but only in Britain do they seem so bound up with national identity. The hedge speaks to the romantic idea of the country as a green and pleasant land, but its cheerful dullness undercuts this notion before we get too carried away. Our souls are in those hedges and those hedges are in our souls. ♦



Charter Township of Orion

Planning & Zoning Department

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 29, 2020

RE: 2020 Annual Report

Please review the report and if you have any questions or concerns, please give me a call.

Action would be:

To receive and file and to forward a copy to the Township Board.



**CHARTER TOWNSHIP OF ORION
ZONING BOARD OF APPEALS
2020 ANNUAL REPORT**

In 2020 the Zoning Board of Appeals held 14 regular meetings with a total of 40 cases. Of those 40 cases: 32 pertained to Zoning Ordinance No. 78, 1 to Ordinance 99 Earth Balancing & Excavating, and 7 to Sign Ordinance No. 153.

The 32 Zoning Ordinance No. 78 cases resulted in the following number of requests:

- 24 Building Structure Setback Variances
- 3 Maximum Floor Area of Detached Accessory Building Variances
- 5 Maximum Floor Area of All Accessory Buildings Variances
- 6 Maximum Lot Coverage Variances
- 29 Porch (1), Deck (6), and 6- ft. Fences (22) Setback Variances
- 2 Building Height Variances
- 5 Wetland setback Variances
- 0 Temporary Use Permits for Fireworks
- 5 Miscellaneous (4-lot width variances & 1 corner clearance variance)

The 1 Ordinance 99 Earth Balancing and Excavation cases resulted in the following:

- 1 Permit renewals (Dan's Excavating)

The 7 Sign Ordinance 153 cases resulted in the following number variance requests:

- | | | | |
|---|--------------------------------------|---|------------------------------------|
| 2 | Ground Sign Square Footage Variances | 1 | Additional ground sign |
| 5 | Number of Wall Signs Variances | 3 | Billboard from existing billboards |
| 1 | Right-of-Way Setbacks Variances | 1 | Billboard from residential |
| 2 | Wall Sign Square Footage Variances | 1 | Side yard setback |
| 1 | EMC size | | |

Zoning Board of Appeals Members

Loren Yaros, Chairman
Dan Durham, Vice-Chairman

Mike Flood, Board Rep.

Don Walker, PC Rep.

Lucy Koscierzynski, Board Member

Alternate: Anthony Cook

Alternate: Mary Painter

Term Expiration

12/31/2022 (resigned in September 2021)

12/31/2023

11/20/2024

12/31/2023

12/31/2021

12/31/2022

12/31/2020 (resigned in the fall of 2020)

Township Consultants:

Township Engineers:

Township Attorney:

Township Planner:

Mark Landis, Project Manager of Orchard, Hiltz & McCliment, Inc.

Dan Kelly, P.C. and Brittany Kimball Ellis of The Kelly Firm

Rodney Arroyo, AICP, and Eric Fazzini, CNU-A of Giffels Webster

Township Staff:

Building Official:

Planning & Zoning Director:

Coordinator, Planning & Zoning:

Clerk, Planning & Zoning:

Clerk, Planning & Zoning Part-Time:

David Goodloe

Tammy Girling

Lynn Harrison

Deb Walton

Courtney Keisman



**CHARTER TOWNSHIP OF ORION
ZONING BOARD OF APPEALS
2020 ANNUAL REPORT**

Zoning Ordinance No. 78 Variance Requests

SETBACK VARIANCES				
ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-01	Michael Devlin	805 Pine Tree Road West	09-10-208-021	01/13/2020 Granted: 1) A 5.67-ft. side yard setback variance (south) from the required 10-ft. side yard setback for a deck to be built 4.33-ft. from the side a lot line (south); 2) a 2-ft. side yard setback variance (north) from the required 10-ft. side yard setback for a deck to be built 8-ft. from the side lot line (north).
AB-2020-03	Christopher Williams	348 Gan Eden	09-02-226-006	02/10/2020 Granted: A 7-ft. side yard setback variance from the required 10-ft. side yard setback for a shed to be built 3-ft. from the side property line (east).
AB-2020-07	Ryan Doski	965 Pine Tree West	09-10-203-001	03/23/2020 Granted: 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; 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.
AB-2020-08	Patrick Raye	Vacant Parcel on Cushing St.	09-03-278-207	03/23/2020 Granted: 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); 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 .05-ft. wetland setback variance from the required 25-ft. to build a house 24.95-ft. from a wetland.
AB-2020-09	Dina Serraiocco	Vacant Parcel on King Circle	09-10-278-019	04/27/2020 Granted: 1) A 4-ft. side yard setback variance from the required 10-ft. to build a house 6-ft. from the side property line (east); 2) a 4-ft. side yard setback variance from the required 10-ft. to build a house 6-ft. from the side property line (west).

SETBACK VARIANCES

ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-11	Joseph & Annalise Costantino	490 N. Conklin	09-01-277-023	06/22/2020 Granted: 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).
AB-2020-12	Shaun & Lindsey Lewis	1398 Goldeneye	09-25-401-026	06/27/2020 Denied: a 15-ft. rear yard setback variance from the required 35-ft. to build a roof over a portion of deck 20-ft. from the rear property line.
AB-2020-16	Matthew Menghini	1145 Arbrook	09-10-127-005	08/10/2020 Granted: A 1.5-ft. side yard setback variance from the required 10-ft. to build an attached garage 8.5-ft. from the property line (northwest).
AB-2020-22	Shaun Lewis (Re-Hearing)	1398 Goldeneye	09-25-401-026	09/14/2020 Granted: 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.
AB-2020-25	Steve Schneider	957 Pine Tree W.	09-10-202-005	9/28/2020 Granted: 1) A 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Rd.; 2) a 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lakeside); 3) a 10-ft. rear yard setback from the required 10-ft. for an inground pool to be built 0-ft. from the rear property line; 4) a 2-ft. wetland setback variance from the required 25-ft. for an inground pool to be 23-ft. from a wetland.
AB-2020-28	Michael Daisley	925 W. Greenshield	09-22-401-001	10/12/2020 Granted: A 25-ft. wetland setback variance from the required 25-ft. for a detached pole barn addition to be 0-ft. from a wetland.
AB-2020-32	Peter Smith	500 N. Conklin	09-01-277-004	10/26/2020 Granted: a 6-ft. side yard setback variance from the required 10-ft. to rebuild a house 4-ft. from the side property line (north); a 5.33-ft. side yard setback variance from the required 10-ft. to rebuild a house 4.67-ft. from the side property line (south).
AB-2020-33	Debra Goodall	605 Birmingham	09-11-312-034	11/9/2020 Granted: 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.

MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDING VARIANCES

ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-23	Michael Chisholm	4025 Waldon Rd.	09-30-200-001	09/28/2020 Granted a 2,200-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor area of all Detached Accessory Buildings, to build a 3,600 sq. ft. pole barn.
AB-2020-28	Michael Daisley	925 W. Greenshield	09-22-401-001	10/12/2020 Granted: a 1,000-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of All Detached Accessory Buildings to add an 800-sq. ft. addition to an existing 1,600-sq. ft pole barn.
AB-2020-35	John (Ioan) Codrean	3800 Waldon	09-19-400-008	11/9/2020 Granted: 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.

MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS VARIANCES

ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-06	John Wiegand	4454 Maybee Rd.	09-30-100-007	02/24/2020 Postponed: A 664-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Building, to build an attached, 364-sq. ft. garage in addition to an existing 1,120-sq. ft. detached garage and an 80-sq. ft. shed. 3/23/2020 Granted: 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.
AB-2020-23	Michael Chisholm	4025 Waldon	09-30-200-001	09/28/2020 Granted: A 2,561-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 3,600-sq. ft. pole bar in addition to an existing 861 sq. ft. attached garage.
AB-2020-28	Michael Daisley	925 W. Greenshield	09-22-401-001	10/12/2020 Granted: a 1,028-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Building, to add an 800-sq. ft. addition to an existing 1,600-sq. ft. pole barn and a 528-sq. ft. attached garage.
AB-2020-29	Thomas Denton	322 N. Baldwin Rd.	09-06-100-052	10/26/20 Granted a 280-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 1,350-sq. ft. pole barn in addition to an 830-sq. ft attached garage.
AB-2020-35	John (Ioan) Codrean	3800 Waldon	09-19-400-008	11/9/2020 Granted 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.

MAXIMUM LOT COVERAGE VARIANCES				
ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-01	Michael Devlin	805 Pine Tree Road West	09-10-208-021	01/13/2020 Granted: A 6% lot coverage variance above the allowed 25% lot coverage for a total lot coverage of 31%.
AB-2020-08	Patrick Raye	Vacant Parcel on Cushing Street	09-03-278-207	03/23/2020 Granted: A 15.98% lot coverage variance above the allowed 25% for a total lot coverage of 40.98%.
AB-2020-09	Dino Serraiocco	Vacant Parcel on King Circle	09-10-278-019	04/27/2020 Granted: A 10.19% lot coverage variance above the allowed 25% for a total lot coverage of 35.19%.
AB-2020-12	Shaun & Lindsey Lewis	1398 Goldeneye	09-25-401-026	07/27/2020 Denied: A 3.43% variance above the Maximum Lot Coverage allowed of 25% for a Maximum Lot Coverage of 28.43%.
AB-2020-22	Shaun & Lindsey Lewis (Re-Hearing)	1398 Goldeneye	09-25-401-026	07/27/2020 Granted: A 3.43% variance above the Maximum Lot Coverage allowed of 25% for a Maximum Lot Coverage of 28.43%.
AB-2020-25	Steve Schneider	957 Pine Tree W.	09-10-202-005	09/29/2020 Granted: A 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%

PORCH, DECK & FENCE SETBACK VARIANCES				
ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-08	Patrick Raye	Vacant Parcel on Cushing St.	09-03-278-207	03/23/2020 Granted: 1) 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); 2) 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.
AB-2020-04	Christopher Kelly	344 Heights	09-11-326-009	02/10/2020 Granted: A 7-ft. side yard setback variance from the required 10-ft. side yard setback for a freestanding deck to be built 3-ft. from the side property line (southwest).
AB-2020-07	Ryan Doski	965 Pine Tree West	09-10-203-001	3/23/2020 Granted: 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.
AB-2020-12	Shaun & Lindsey Lewis	1398 Goldeneye	09-25-401-026	06/27/2020 Denied: a 4-ft. rear yard setback variance from the required 20-ft. to build a deck 16-ft. from the rear property line.

PORCH, DECK & FENCE SETBACK VARIANCES

ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-17	Paul Klimek	733 Mariday St.	09-01-378-048	8/10/2020 Granted: 1) an 8-ft. side yard setback variance (east) from the required 8-ft. to erect a 6-ft. chain-link privacy fence 0-ft. from the side property line (east) 2) an 8-ft. side yard setback variance (west) from the required 8-ft. to erect a chain-link 6-ft. privacy fence 0-ft. from the side property line (west) 3) a 10-ft. rear yard setback variance from the required 10-ft. to erect a chain-link 6-ft privacy fence 0-ft. from the rear property line.
AB-2020-22	Shaun Lewis (Re-Hearing)	1398 Goldeneye	09-25-401-026	09/14/2020 Granted: a 4-ft. rear yard setback variance from the required 20-ft. to build a deck 16-ft. from the rear property line.
AB-2020-25	Steve Schneider	957 Pine Tree W.	09-10-202-005	09/28/2020 Granted: A 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line.
AB-2020-27	Jeffrey VanHouzen	805 Alan Dr.	09-11-379-059	10/12/2020 Granted: 1) a 10-ft. rear yard setback variance (east) from the required 10-ft. to erect a 6-ft. privacy fence right 0-ft. from the property line (east); 2) a 10-ft. side yard setback variance (south) from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the property line to the (south); 3) an 11-ft. front yard setback variance from the required 30-ft. (Buckhorn Dr.) to erect a 6-ft. privacy fence 19-ft. from the front property line (Buckhorn Dr.).
AB-2020-34	Jeffrey Parrish	1050 Seabury	09-01-460-037	11/9/2020 Granted, 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.
AB-2020-36	Kristin Pawlowski	2636 Wareing	09-20-376-001	12/14/2020 Granted: 1) a 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Eaton Gate; 2) a 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road; 3) A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.
AB-2020-37	Mark Rossi	2650 Wareing	09-20-376-002	12/14/2020 Granted: 1) a 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road; 2) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north; 3) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.

PORCH, DECK & FENCE SETBACK VARIANCES				
ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-38	Douglas DeGhetto	2668 Wareing	09-20-376-003	12/14/2020 Granted: 1) a 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road; 2) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north; 3) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.
AB-2020-39	Brian Liekweg	2674 Wareing	09-20-376-004	12/14/2020 Granted: 1) a 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road; 2) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north; 3) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.
AB-2020-40	Nick Beadles	2680 Wareing	09-20-376-005	12/14/2020 Granted: 1) a 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road; 2) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north; 3) a 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.

HEIGHT VARIANCES				
ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-20	Douglas Featherston	2500 Flintridge	09-29-429-021	9/14/2020 Granted: 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.
AB-2020-23	Michael Chisholm	4025 Waldon	09-30-200-001	09/28/2020 Granted: 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.

MISCELLANEOUS ITEMS				
ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-01	Michael Devlin	805 Pine Tree Road West	09-10-208-021	01/13/2020 Granted: A 22-ft. lot width variance from the required minimum 50-ft. lot width.
AB-2020-05	Christopher Kelly	344 Heights	09-11-326-009	2/10/2020 Granted: A 10-ft. lot width variance from the required minimum 50-ft. lot width.
AB-2020-09	Dino Serraiocco	Vacant Parcel on King Circle	09-10-278-019	4/27/2020 Granted: A 10-ft. lot width variance from the required minimum 50-ft. lot width.
AB-2020-32	Peter Smith	500 N. Conklin	09-01-277-004	10/26/2020 Granted: a 20-ft. lot width variance from the required minimum 50-ft. lot width.
AB-2020-36	Kristin Pawlowski	2636 Wareing	09-20-376-001	12/14/2020 Granted: a 30-ft variance from the 30-ft. corner clearance requirement to erect a 6-ft. privacy fence within the corner clearance triangular area of the property (northwest corner).

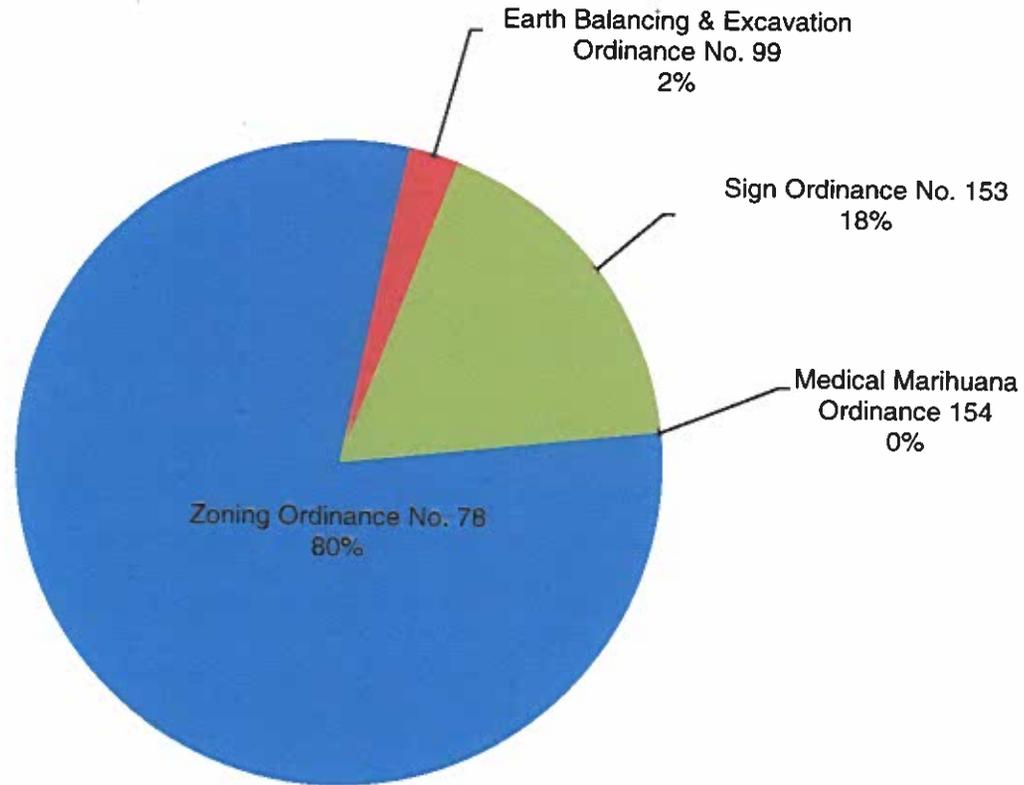
Earth Balancing and Excavation Ordinance No. 99

ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-99-02-2020	Dan's Excavating	2985 Judah Rd., portion of Lot 11 of Mt. Judah Farms, unaddressed land west of 2985 Judah, 3011 Judah Rd.	09-32-400-056 09-32-400-096 09-32-400-095 09-32-400-063	4/27/2020 Granted: renewal approval of the annual Ordinance No. 99 permit with conditions.

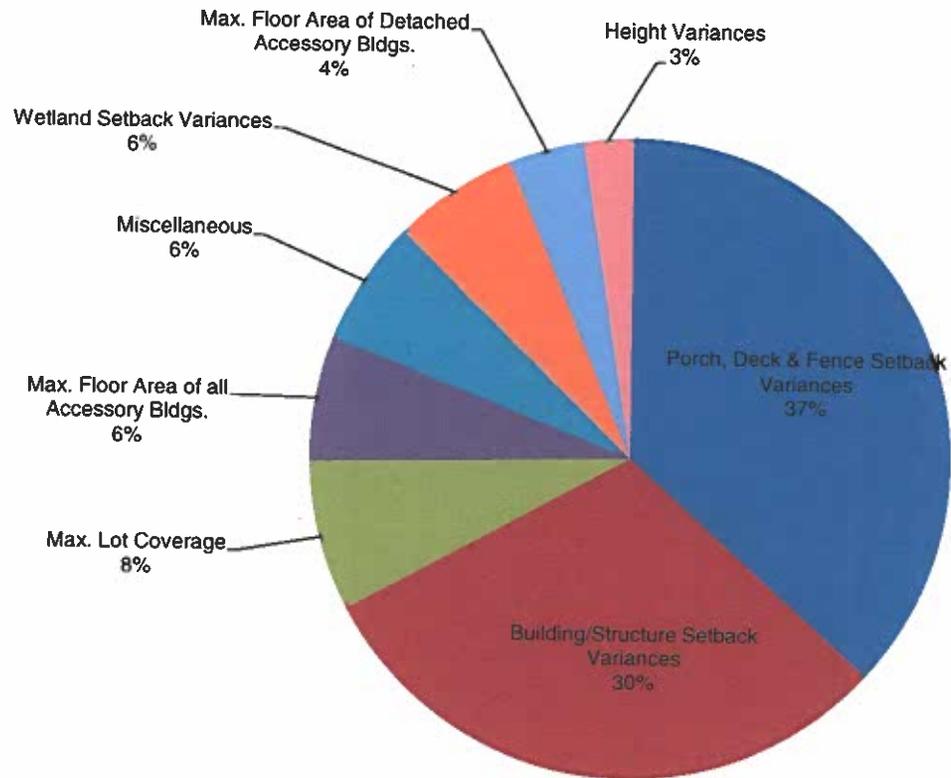
Sign Ordinance Variance Requests

ZBA #	Name of Petitioner	Address of Property	Sidwell	Results
AB-2020-02	Signs by Crannie	1240 S. Lapeer Rd.	09-14-201-026	01/13/2020 Granted: A variance to allow one additional wall sign to install a total of two wall signs.
AB-2020-04	Outdoor One Communications	Unaddressed parcel located in the nw corner of Silverbell Rd. & Lapeer Rd.	09-35-100-019	02/10/2020 Granted: 1) A 2,414-ft. distance variance from the required 2,640-ft. from an existing billboard (north of Aladdin Heating & Cooling) to be 226-ft. from an existing billboard; 2) a 1,040-ft. distance variance from the required 2,640-ft. from an existing billboard (south of Kay Industrial Dr., north of Northpointe Dr.) to be 1,600-ft. from an existing billboard; 3) A 404.4-ft. distance variance from the required 2,640-ft. from an existing billboard (Kensington) to be 2,235.6-ft. from an existing billboard; 4) a 312-ft. distance variance from the required 1,500-ft. from a residentially zoned area to be 1,188-ft. from the nearest residential property; 5) a 10-ft. side yard setback variance from the required 25-ft. side yard set-back to erect a billboard 15-ft. from the side property line.
AB-2020-10	Texas Road House Holdings, LLC	595 Brown Rd. 611 Brown Rd. Unaddressed Parcel west of 595 Brown Rd. 631 Brown Rd. Unaddressed Parcel east of 631 Brown Rd.	09-32-400-077 09-32-400-070 09-32-400-076 09-32-400-069 09-32-400-071	04/27/2020 Granted: 1) A variance to allow two additional wall signs to install a total of three wall signs with a total square footage of all walls signs of 201.32 sq. ft; 2) a 1.32-sq. ft. variance above the allowed 200-sq. ft. maximum to install three walls signs totaling 201.32.-sq. ft.
AB-2020-21	Northern Sign/Ashley Home Store	4936 Baldwin	09-32-351-024	09/14/2020 Denied: 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.
AB-2020-26	Valley City Sign/Tommy's Car Wash	851, 861, & 871 Brown Rd.	09-33-351-020 09-33-351-021 09-33-376-010	09/28/2020 Granted: 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.
AB-2020-30	Phillips Sign/G's Pizza	2775 S. Lapeer	09-23-402-024	10/26/2020 Granted: a variance to allow 1 additional wall sign for a total of 2 wall signs totaling 66.99-sq. ft.
AB-2020-31	Future Designs/Power Leasing Company	3700 Giddings	09-27-301-052	10/26/2020 Granted: 1) a variance to allow 1 additional ground sign for a total of 2 ground signs; 2) a 28.79-sq. ft. variance above the approved existing ground sign for 498-sq. ft. to allow 2 ground signs that total 526.79-sq. ft.

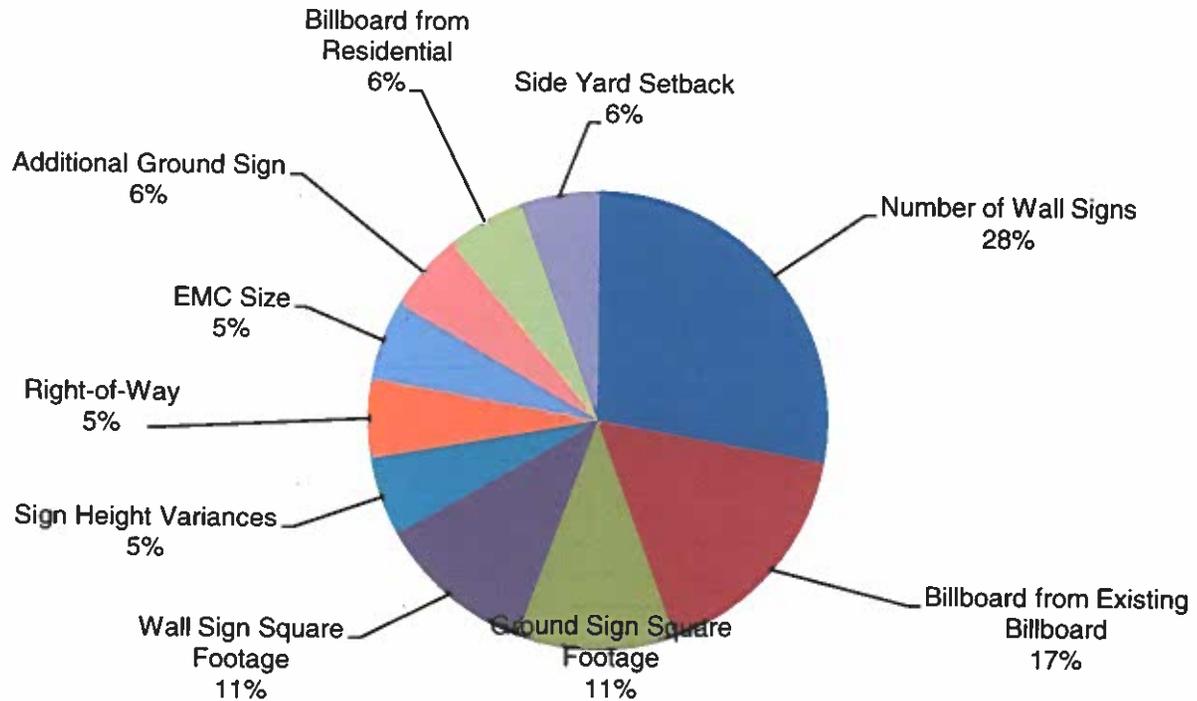
Percentage of Requests by Ordinance



Percentage of Zoning Ordinance Variance Requests



Percentage of Sign Ordinance 153 Variance Requests





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

INFORMATIONAL ONLY

TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: January 14, 2021
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.

February 8, 2021 (possible cancelation)
February 22, 2021
March 8, 2021
March 22, 2021



Charter Township of Orion

Planning & Zoning Department

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 29, 2020

RE: ZBA Appointments

At the December 21, 2020 Township Board meeting, the following Members were reappointed and two Alternates appointed:

Mike Flood -Township Board Representative; term ending 11/20/2024

Don Walker – Planning Commission Representative; term ending 12/31/2023

Dan Durham – ZBA Board Member; term ending 12/23/2023

Derek Brackon – Alternate ZBA Member; term ending 12/31/2023

Tony Kerby – Alternate ZBA Member; term ending 12/31/2023



Charter Township of Orion

Planning & Zoning Department

2525 Joslyn Rd., Lake Orion MI 48360

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TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: January 14, 2021

RE: February 8, 2021 Zoning Board of Appeals Meeting

There are no agenda items scheduled for the February 8, 2021 Zoning Board of Appeals meeting. The Zoning Board may want to consider cancelling the meeting with a motion.