1. **OPEN MEETING**  
2. **ROLL CALL**  
3. **MINUTES**  
   A. [1-25-2021, ZBA Regular Meeting Minutes](#)  
4. **AGENDA REVIEW AND APPROVAL**  
   A. **Memo from Lynn Harrison, Planning & Zoning Coordinator**  
5. **ZBA BUSINESS**  
   A. **AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell,09-27-301-018 & 019**  
      The petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned SE  
      Article XXVII, Section 27.02 – Lot size over 2.5 acres  
      1. A 1,525-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area  
         of all Detached Accessory Buildings, to build a 2,925-sq. ft. Detached Accessory  
         Building.  
      2. A 1,925-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area  
         of all Accessory Buildings to build a 2,925-sq. ft. Detached Accessory Building in  
         addition to a 900-sq. ft. attached garage, for a Total Maximum Floor Area of all  
         Accessory Buildings of 3,825-sq. ft.  
6. **PUBLIC COMMENTS**  
7. **COMMUNICATIONS**  
   A. **Date Certain Memo**  
   B. **Memo Regarding March 8, 2021 ZBA Meeting**  
8. **COMMITTEE REPORTS**  
9. **MEMBER COMMENTS**  
10. **ADJOURNMENT**
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, January 25, 2021, 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 (Board Member Location):
Dan Durham, Chairman (Lake Orion)
Don Walker, PC Rep to ZBA (Orion Township)
Mike Flood, BOT Rep to ZBA (Orion Township)
Tony Cook, Board Member
Derek Brackon, Board Member (Orion Township)

ZBA MEMBER ABSENT:
None

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Levi Bendixen

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

2. ROLL CALL
As noted

3. ELECTION OF OFFICERS
(Item moved under Public Comments 7a)

4. MINUTES
A. 12-14-2020, ZBA Regular Meeting Minutes
Moved by Trustee Flood, seconded by Board Member Walker, to approve the minutes as presented.
Motion Carried

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

6. ZBA BUSINESS
A. AB-2020-41, Levi Bendixen, 4614 Jamm Rd. 09-33-401-006
Chairman Durham read the petitioner’s request as follows:

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).
Mr. Levi Bendixen, the applicant, was present via the GoToMeeting program.

Chairman Durham stated that the applicant was not currently living on the property, correct? Mr. Bendixen replied correct. Chairman Durham asked if he had ever lived there? Mr. Bendixen replied no. Mr. Bendixen stated that the original foundation was leaking water and so they put in drain tile and gravel all around the house. He said that there was also radon present and they will be putting in a sump pump with the drain tile to take care of the radon.

Chairman Durham asked if he was to look at his house from the front of the road, he is looking to build on the back right corner of the house? Mr. Bendixen replied correct. Mr. Bendixen added that they are looking to build on to the back right corner and up a story, so it would be a two-story house. Chairman Durham asked if he wanted to use the same footprint? Mr. Bendixen replied yes, the second story would be the same footprint, plus the addition on the back right of the house. Chairman Durham said he wouldn’t be any closer to the neighbor? Mr. Bendixen replied correct, they wouldn’t be any closer to them. Chairman Durham asked if he had done the calculations about the weight of the second story? Mr. Bendixen replied yes, they had an engineer out, and he looked at the soil, and they approved their initial blueprint, but was waiting on this variance before they have a final blueprint drawn up. Chairman Durham stated that he saw copies of an email that went back and forth between him and his neighbor, to the north. He stated that the neighbor didn’t have any issues with what he was doing. Mr. Bendixen said that he knew he was late to the game on this, he kind of dropped the ball. He felt weird going to the neighbor to ask something, but he went there and asked if they would sign a letter. They had already said they would but said he should have gotten this to the Board a lot sooner. Mr. Bendixen read the letter, and it stated that the neighbor had no issues with the request, and the neighbor offered to sign the letter. Mr. Bendixen showed the letter on GoToMeeting of the signature of the neighbor.

Chairman Durham stated that Mr. Bendixen’s home is what they call a pre-existing non-conformity. He added that by the rules they are not supposed to enlarge a non-conformity. He asked if his desire to add on is why he was there? Mr. Bendixen replied right.

Board Member Walker asked when he purchased the home? Mr. Bendixen replied back in October. Board Member Walker asked what his intent was when he purchased the home? Mr. Bendixen replied to move in with his family. Their intent from the beginning was to build a second story on the house. He had his brother-in-law come out and look it over, he is a builder. He didn’t realize until December that it needed a variance to do that.

Trustee Flood said that he noticed in their packet from the Planning & Zoning Department it said that the house back in 1958 was moved onto its current location and that was before the current ordinance on the setbacks. He noticed on the gentlemen’s sketch, and looking at it out there, is that the current house is already not compliant with today’s existing ordinance. The Practical Difficulty is that he wants to square the house up in the northwest corner before he puts the addition on, he believed it was a 22x12 foot addition and felt it was within the same line as the current house, and would not be any closer to the setback that is currently there.

Board Member Brackon asked the applicant if the variance was not granted would they still build the second-story onto the house? Mr. Bendixen answered he didn’t know. He said it would be pretty tough. He thought they might be able to build another concrete wall in the basement to be like a new foundation. He added that it definitely would make things a lot easier to keep the current foundation, and it would make him and his wife feel better about spending a couple of months working on the current foundation. He didn’t know if that answered the question. He said they might look at another way to build a second story, and move it over, have the second wall of the second story come with 10-ft. of the line, but didn’t know how they would do that.
Chairman Durham asked Building Official Goodloe if the applicant is not successful with getting the variance, can they build on top of the house? Building Official Goodloe replied that they could build the second story they would just have to adhere to the setbacks.

Board Member Cook questioned the south side of the property closest to the chimney by the driveway, he noticed that they dug down a little further. He asked if they were planning on putting in an egress there? Mr. Bendixen replied no. That was all for the waterproofing in the basement. He added that he has been doing the work himself, renting the excavator, and ran out of time before the frost set in.

Board Member Cook stated that he was asked this question earlier about the width of the addition on the back, the additional of 12-ft. He asked if the holes there are for the footings that they have out there? He added that they go out about 16-ft. so he was trying to make sure that he understood. Mr. Bendixen said that the holes were was from when they had the septic inspector out and the Oakland County Health inspector out and they were trying to see where the septic field was. Those holes were kind of exploratory. He added that the addition would just be filling in that corner. The house is an “L” shaped now and they just want to fill in that corner. Board Member Cook asked if he would build the second story on top of that entire piece? Mr. Bendixen replied right. Board Member Cook asked what his plans were for the existing garage because now they would have maybe 2-ft. between there? Mr. Bendixen replied that the distance between the house and the garage would remain the same. Board Member Cook asked if the existing addition that is on the house, would not move at all, you are not adding 12-ft. on the back of that? Mr. Bendixen no, the original house with a little addition off the back. They would keep that footprint on that side by the garage, they would just extend it over so that the backline of that would follow over to the north. Board Member Cook asked if he had talked to his neighbor about the limb from the maple tree that is directly over the garage and would be over their addition also? Mr. Bendixen replied no, he said he didn’t notice that. Board Member Cook thought that he may want to address that if he was approved. He said it went right over the garage if they are standing on the driveway looking down.

Board Member Walker asked if they heard back from the Fire Marshal? Chairman Durham replied that they have a notice in the packet that he had no issues.

Board Member Walker asked what the “emergency vehicle road only” posted on his street? He was afraid that he was going to get a ticket driving down that road. Mr. Bendixen stated that there has been a fair amount of traffic through there. Mr. Bendixen understood that it was supposed to be a dead-end street, but people take that emergency route often. Trustee Flood said it was just lacking the emergency gate.

Mr. Bendixen stated that he wanted to mention, that from what he could see from the zoning maps, most of the houses on the street are closer than 10-ft. from the lot lines. He didn’t know if looking at the houses in the area made a difference, but it seemed like most of them were pretty close to the lot lines. Chairman Durham said that they hear that quite often but they don’t know what the rules were who was enforcing the rules then. He added that was then and this is now, and they have to go with what they have to work with today.

Moved by Board Member Walker, seconded by Trustee Flood, that 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 that the petitioner does show a Practical Difficulty in this matter: the home was moved there 1958, and even thought they are going to
apply the present zoning requirements, these kinds of things were unknown in 1958; 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: they intend to build an addition including a second story on the house; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners: in that they have their homes situated presently as they see fit; the granting of the variance or modification will not be materially be detrimental to the public health or materially injurious to the property or to improvements in such zone or district in which the property is located: the petitioner has informed them that the only neighbor that has contacted him about it does not object to this; further, the granting of this variance would not: impair an adequate supply of light or air to the adjacent property; it would not unreasonably increase the congestion in the public streets; it would not increase any fire danger or endanger any public safety: because the fire marshal indicated that he didn’t have a problem with this; it would not diminish or impair established property values within the surrounding areas: it may increase property values if the house looked different and was more sturdy; it would not in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants; he asked the petitioner to be sure that this addition and the second story pursuant to the request from the Planning & Zoning Coordinator that it would not extend any farther to the north, in the existing hole.

Discussion on the motion:

Board Member Brackon questioned if that went all the way up and not just at the base? Board Member Walker replied correct.

Roll call vote was as follows: Flood, yes; Durham, yes; Brackon, yes; Cook, yes; Walker, yes. Motion Carried 5-0

B. DISCUSSION ON HEDGES ARTICLE

Discussion only.

Board Member Walker stated that he saw the article in the November 2020 Smithsonian Magazine. He added that in the United Kingdom, Scotland, Wales, Ireland, and England, they don’t allow fences or very rarely allow fences to be built. They see lots of requests in the Township for bigger fences than the current ordinance allows. He thought that fencing was going to be on the Master Plan agenda. The hedges are an alternative defense to fences. The hedges can be so high and there would be no limit. The density of the shrubs, many of them children can’t get through. He was going to get it on the Master Plan agenda so they can discuss it.

Trustee Flood felt the fences were getting out of control. People keep coming back over and over again maybe there is something they need to look at in the ordinance.

Chairman Durham stated that a lot of people want a 6-ft. fence because they have a problem with the neighbor, instead of working it out with the neighbor. He was not in favor of them and he doesn’t like the compound look.

Board Member Cook said that based upon some of the complaints about them saying that the bushes don’t grow well, they grow too slow, he thought it would be interesting if the Township were to investigate, maybe buying some seedlings and planting them either at the back of the dog park or some section and that they would be available to the residents. If the Township could get them small and then sell them at 6-ft. for the cost of a seedling.
C. 2020 ANNUAL REPORT
Moved by Trustee Flood, seconded by Chairman Durham, to receive and file the 2020 ZBA Annual Report and to forward a copy to the Township Board.

Roll call vote was as follows: Cook, yes; Brackon, yes; Flood, yes; Walker, yes; Durham, yes. Motion Carried 5-0

7. PUBLIC COMMENTS
None

7A. ELECTION OF OFFICERS
Moved by Trustee Flood, seconded by Chairman Durham, to nominate Derek Brackon for the Secretary position for 2021, the nominations were closed and a unanimous ballot was cast. Motion carried unanimously.

Moved by Board Member Cook, seconded by Board Member Walker, to nominate and re-elect Dan Durham for the Chairman position for 2021, nominations were closed and a unanimous ballot was cast. Motion carried unanimously.

Moved by Board Member Cook, seconded by Board Member Walker, to nominate Tony Cook for the Vice-Chairman position for 2021, nominations were closed and a unanimous ballot was cast. Motion carried unanimously.

8. COMMUNICATIONS
Memo from Planning & Zoning Coordinator Harrison dated January 14, 2021, Dates which cases can be postponed. Information only.

Memo from Planning & Zoning Coordinator Harrison dated January 14, 2021, regarding ZBA Appointments.

Memo from Planning & Zoning Coordinator Harrison dated January 14, 2021, regarding possibly canceling the February 8, 2021, ZBA meeting due to a lack of agenda items.

Moved by Trustee Flood, seconded by Chairman Durham, to cancel the February 8, 2021, ZBA meeting due to a lack of agenda items. Motion Carried.

9. COMMITTEE REPORTS
None

10. MEMBERS’ COMMENTS
Chairman Durham said he hoped that the virtual meetings end soon and welcomed Secretary Brackon.

Trustee Flood welcomed Secretary Brackon and the new alternate Board Member Kerby. He thanked Lucy Koscierzynski for her dedication for the years that she served on the ZBA.

11. ADJOURNMENT
Moved by Trustee Flood, seconded by Chairman Durham to adjourn the meeting at 7:40 pm. Motion Carried.
Respectfully submitted,

Debra Walton  
Planning & Zoning Coordinator  
Charter Township of Orion  

Zoning Board of Appeals Approval
TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: February 16, 2021

RE: Agenda Review and Approval

During Planning Commission meetings, one of the members usually makes a motion to approve the agenda as presented or as amended if something was amended or moved.

I suggest the ZBA be consistent and also make a motion for agenda item #4 Agenda Review and Approval whether to approve as presented or as amended. An “All in favor” or “those opposed” would be all that is required. No need for a roll call vote.

Thanks,

[Signature]

Lynn Harrison
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: February 16, 2021

SUBJECT: Staff Report for AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell

The applicant is representing the homeowner of the subject property. The homeowner has purchased lots 09-27-301-018 which is 3.092 acres and 09-27-301-019 which is 12.027 acres and plans on building a residential home with an attached garage and a detached accessory structure. The aerial photo provided shows an existing house on parcel 09-27-301-018 (or parcel “B” on the plans), that house was demolished in 2019.

Please note that the plans indicate a 60’ x 45’ sq. foot detached structure and the application indicates it to be approximately 65’ x 45’ sq. ft.; I used the larger of the two for the variance calculations.

Prior to finalizing the plans for the house and attached garage, the applicant has requested to seek variances for a larger than allowed detached accessory structure. Depending on that approval, approval with modifications, or a denial – the applicant will then determine what size house and attached garage to build.

The applicant has indicated that the exact size and layout of the house is yet to be determined however the attached garage would not exceed what is represented on the plans date stamped received January 8, 2021. The applicant is seeking variances for square footage of a detached accessory structure only and has stated that they will meet all other Zoning Ordinance #78 requirements.

If the Board makes a determination to approve modified variances, please use the square footage calculation sheet to calculate the modified sizes and make sure those modified numbers are used for the motion.

The Board can also make a motion to postpone or to deny.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: February 16, 2021
RE: AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell

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.

** If the variances are modified, use the modified numbers in the motion. **

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-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 019, I move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned SE
Article XXVII, Section 27.02 – Lot size over 2.5 acres


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-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 019. I move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned SE

Article XXVII, Section 27.02 – Lot size over 2.5 acres


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 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: Anton Rozhanskiy
Address: 5909 Chestnut Hill Dr City/State/Zip: Clarkston, MI 48346
Phone: (248) 933-1757 Cell: (248) 933-1757 Fax: 
Email: olaxinc@gmail.com

PROPERTY OWNER(S)
Name (s):
Address: 4166 Sherstone Place A City/State/Zip: 
Phone: 
Cell: 870-706-1881 Fax: 
Email: Aaron1881@hotmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Anton Rozhanskiy Phone: (248)933-1757 Email: olaxinc@gmail.com

SUBJECT PROPERTY
Address: 1500 W silver Bell
Sidewell Number: 09- 27301018
Total Acreage: 3.12 Length of Ownership by Current Property Owner: 55 Years, 4 Months
Does the owner have control over any properties adjoining this site? Yes, 09- 27301019, 12.03 acres
Zoning Ordinance Allowance/Requirement: Residential Deviation requested
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Owner has 2 adjacent properties totaling 15.12 acres. Would like to build approx. 45 x 65 detached out building.

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. One side of the property is rail road tracks, another side is industrial building and only 1 house near by.

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: Property is fully enclosed with great cover. Building will only not have any impact on any one but property owner.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: there is only one property/neighbor near by.

5. Describe how the alleged practical difficulty has not been self-created. Owner purchased a large property with hope to have large spacious area for their recreational vehicle as well as few collectable.

6. The topography of said land makes the setbacks impossible to meet because: setbacks are not an issue.

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. Ordinance states for 2.5+ acres. In this case, Owner is planning on building a home with attached 3 car garage. Which leaves them with small outhouse in order to comply with 1900 sqft total.
Case #: 

8. Have there been any previous appeals involving this property? If so, when? NA

9. Is this request the result of a Notice of Ordinance Violation? ☐ Yes ☑ No

I/We, the undersigned, do hereby request action by the ZBA on the variance or specified matter above, in accordance with Sections 30.06, 30.07, 30.08, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application), I hereby grant the Zoning Board of Appeals members permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant:  
(must be original ink signature) 

Print Name: Anton Rozhanskiy

Date: 1/15/21

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

Print Name: Maria Rosée

Date: 1/15/21

If applicable: I the property owner, hereby give permission to Anton Rozhanskiy (underline) 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: 

Page 3 of 3

Version 5/10/18
6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner’s living or sleeping area where windows and/or doors would be exposed to the nuisance.

It is the intent of these provisions to place the responsibility of abating or controlling nuisances on the owner of the lot where the nuisances are produced, rather than on the adjoining neighbors.

7. Accessory buildings or structures are not to be used for commercial operations other than home occupations, as defined in Article II, Section 2.01.

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11/38/85):

<table>
<thead>
<tr>
<th>LOT SIZE</th>
<th>MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS</th>
<th>MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS</th>
<th>TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1/2 acre</td>
<td>750 sq. ft.</td>
<td></td>
<td>1,150 sq. ft.</td>
</tr>
<tr>
<td>1/2 to 1 acre</td>
<td>900 sq. ft.</td>
<td></td>
<td>1,300 sq. ft.</td>
</tr>
<tr>
<td>1 to 2.5 acres</td>
<td>1,000 sq. ft.</td>
<td></td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td>Over 2.5 acres</td>
<td>1,400 sq. ft.</td>
<td>75% of the principal structure</td>
<td>1,900 sq. ft.</td>
</tr>
</tbody>
</table>

* Includes the combined floor area of each story of the structure

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11/38/85 06/15/15):

a. On single-family residential lots, a variance may be sought to permit increased accessory building, structure or use, provided all of the following conditions are met:

i. The accessory building or structure is aesthetically compatible with, and constructed of the same color as the principal residential building or structure.

ii. The accessory building or structure, as well as the principal residential building or structure, can be accommodated on the parcel and together cover no more than twenty percent (20%) of the lot area in the Suburban Farms (SF), Suburban Estates (SE), or Suburban Ranch (SR) Zoning Districts or twenty-five percent (25%) of the lot area in the Residential 1, 2, or 3 (R-1, R-2, R-3) Zoning Districts.

iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. (amended 07/16/18)

iv. The accessory building or structure is used for the indoor storage of items that are permitted to be stored in a rear or side yard, but that could be unsightly if such were done.

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.

Revised 07/26/19

Charter Township of Orion Zoning Ordinance 78  Page 27 - 11
AB-2021-01; 1500 W. Silverbell
09-27-301-018 & 019

Approx Pole Barn
45x60 = 2,700 sq ft

Setbacks ok
Lot Coverage ok

Attached garage Approx 900 sq ft

Allowed detached
1,400 sq ft
Total Allowed
1,900
<table>
<thead>
<tr>
<th>Variance Calculations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allowed Sq. Ft. of All Detached Accessory Structures</strong></td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
</tr>
<tr>
<td><strong>Variance</strong></td>
</tr>
</tbody>
</table>

| **Allowed Max Sq. Ft. of All Accessory Structures** |
| Proposed Pole Barn | 2,925-sq. ft. |
| **Variance** | 1,925-sq. ft. |

| For a Total Maximum Floor Area of all Accessory Buildings |
| Proposed Attached Garage | 900-sq. ft. |
| Proposed Pole Barn | 2,925-sq. ft. |
| | 3,825-sq. ft. |
LAND DESCRIPTION:

Parcel "A"
Part of the Southeast 1/4 of Section 27, T44N, R10E, Ozena Township, Osceola County, Michigan, described as: Beginning at a point on the West section line located 375 ft 30' 0" N along the section line 800.0 feet from the West section corner; thence N 21° 30' 0" W 932.00 feet; thence N 89° 00' 0" E 193.50 feet; thence N 0° 00' 0" E 400.00 feet to the point of beginning. Contains 3.37 acres, more or less. Subject to assessment of record.

Parcel "B"
Part of the Southeast 1/4 of section 27, T44N, R10E, Ozena Township, Osceola County, Michigan, described as: Beginning at a point located 6,883.70' 0" N along the section line 2,150.0 feet and 3,183.71' 0" W along the line from the West 1/4 corner of said Section 27, thence 0° 00' 0" W 6,883.70' 0" N to the West 1/4 corner; thence N 22° 59' 0" E 2,150.0 feet to a point 500.0 feet, 100.0 feet, and 50.0 feet, respectively, from the West 1/4 corner; thence N 90° 00' 0" E 100.0 feet to the point of beginning. Contains 1.86 acres, more or less. Subject to assessment of record.

Surveying Michigan with pride

[Logos and contact information]
INFORMATIONAL ONLY

TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: February 10, 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.

March 8, 2021 (possibly cancelled)
March 22, 2021
April 12, 2021
TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Clerk

DATE: February 17, 2021

RE: March 8th Zoning Board of Appeals Meeting

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