

**CHARTER TOWNSHIP OF ORION  
ZONING BOARD OF APPEALS AGENDA  
MONDAY, APRIL 26, 2021 - 7:00 PM  
ORION COMMUNITY CENTER  
1335 JOSLYN ROAD  
LAKE ORION, MI 48360**

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**1. OPEN MEETING**

**2. ROLL CALL**

**3. MINUTES**

A. 4-12-2021 ZBA Regular Meeting Minutes

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**4. AGENDA REVIEW AND APPROVAL**

**5. ZBA BUSINESS**

A. **AB-99-02-2021, Dan's Excavating Inc.; 2985 Judah Rd. (parcel #09-32-400-056); and unaddressed land that is that portion of lot 11 of Mt. Judah Farms south of 2985 Judah Rd. excluding the portion of lot 11 of Mt. Judah Farms that is part of Breckenridge Orion Condominium (parcel #09-32-400-096); and unaddressed land that is one (1) parcel west of 2985 Judah Rd. (parcel #09-32-400-095); and 3011 Judah Rd. (parcel #09-32-400-063)**

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The petitioner is requesting renewal of an Ordinance No. 99 permit for sand and gravel mining, earth excavation, and/or filling and earth balancing with the hours of operation from 7:00am to 7:00pm

B. **AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022 (postponed from 3/22/2021 Meeting)**

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The petitioner is requesting 3 variances from Zoning Ordinance #78  
Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 20-ft. to build a pole barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.

3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

C. **AB-2021-10, Gary McHalpine, 2710 Wareing Dr., 09-20-376-010 (postponed from 4/12/2021 Meeting)**

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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 Rd.

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.

D. **AB-2021-11, Dave McCaffrey, 252 Shady Oaks, 09-10-209-001**

101

The petitioner is requesting 6 variances from Zoning Ordinance #78  
Article VI, Section 6.04, Zoned R-3

1. A 2.6-ft. side yard setback variance from the required 7-ft. to build a home addition 4.4-ft. from the side property line (east).

2. A 1-ft. rear yard setback variance from the required 35-ft. to build a home addition 34-ft. from the rear property line.

3. A 2.6-ft. side yard setback variance from the required 7-ft. to add a future deck 4.4-ft from the side property line (east).



4. A 12.74% lot coverage variance above the allowed 25% for a total lot coverage of 37.74%  
Article XXVII, Section 27.03
5. A 5.5-ft. shoreline setback from the required 20-ft. to add a future deck 14.5-ft. from the shoreline (to the west).  
Article XXII, Section 27.17
6. An 8.9-ft. wetland setback variance from the required 25-ft. to build a home addition 16.1-ft. from a wetland (to the west).

**E. AB-2021-12, Meijer Inc., 1025 S. Lapeer Rd., 09-14-226-008 & 09-14-112-001**

126

The petitioner is seeking 6 variances from Zoning Ordinance #78 – Zoned GB

Article XIV, Section 14.02 (A)(1)

1. A 37-ft. setback variance from the required 100-ft. for a drive-thru pharmacy use to be 63-ft. from a residential property line.
  2. A 50-ft. setback variance from the required 50-ft. for a circulation lane for a drive-thru pharmacy to be 0-ft from a residential property line.  
Article XIV, Section 14.04
  3. A 11.17-ft. height variance above the allowed 25-ft. Maximum Height of all Structures for a building to be 36.17-ft. tall.  
Article XXVII, Section 27.16(B)(1)(a)(i)
  4. A variance from this ordinance section to allow the east façade (323-ft.) and the south façade (211-ft.) to be greater than 100-ft. without a recess or projection.  
Article XXVII, Section 27.16(C)
  5. A 23% variance above the allowed 60% of off-street parking area located between the front façade and an abutting street for a total of 83%.
  6. An 18-ft. setback variance above the minimum required 50-ft. for truck docks to be 32-ft. from a residential property.
- The petitioner is also seeking 3 variances from Sign Ordinance 153 – Zoned Non-Residential; GB
7. A 30-ft setback variance from the required 30-ft. for a ground sign to be 0-ft. from the road right-of-way.
  8. A 100.21-sq. ft size variance above the allowed 200-sq.ft. for a wall sign to be 300.21-sq. ft.
  9. A variance for 5 wall signs above the allowed 1 wall sign for a total of 6 wall signs.
  10. A 239.44-sq. ft. size variance above the allowed 200-sq. ft. for a total square footage of all wall signs to be 439.44-sq. ft.

**6. PUBLIC COMMENTS**

**7. COMMUNICATIONS**

- A. Date Certain Memo
- B. MAP Virtual Zoning Board of Appeals Workshop

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**8. COMMITTEE REPORTS**

**9. MEMBER COMMENTS**

**10. ADJOURNMENT**

*In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.*



# CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

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

### REGULAR MEETING – MONDAY APRIL 12, 2021 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, April 12, 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	Derek Brackon, Secretary
Don Walker, PC Rep to ZBA	Mike Flood, BOT Rep to ZBA
Tony Cook, Vice-Chairman	

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

None

#### **CONSULTANT PRESENT:**

David Goodloe, Building Official

#### **OTHERS PRESENT:**

Ron Peshl	Chuck DePalma
Robert Sprague	Ken Houck
Francis-Luna Guillermo	John Van Steenis
Nevin Hubbard	Michael Lossing
John Wyatt	Robert Cavanagh
Stacey Alexander	Bob Alexander
Brenda Hauxwell	Tim Hauxwell

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

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

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

As noted

#### **3. MINUTES**

A. 3-22-2021, ZBA Regular Meeting Minutes

Moved by Board Member Walker, seconded by Vice-Chairman Cook, to approve the minutes as presented. **Motion Carried**

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

Moved by Trustee Flood, seconded by Chairman Durham, to approve the agenda as presented.  
**Motion Carried**

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

##### **A. AB-2021-04, Charles DePalma, 2698 Wareing Dr., 09-20-376-008**

Chairman Durham 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 Rd.
- 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 stated that as they know, living in the area, they have had a bunch of these come in. Each one of them is to be looked at by them on its own merit. Because neighbors were successful, there is no guarantee that anybody else will be. They also have to look at the Practical Difficulty, what is it that requires them to get what they want so they can enjoy their property.

Mr. Charles DePalma, 2698 Wareing Dr, the applicant presented.

Mr. DePalma stated that they are looking to erect a 6-ft. privacy fence as the traffic on Baldwin Road, as well as, since the time that they have moved in the recreation path has moved out into the back. They no longer enjoy the privacy or the quiet they did when they moved in almost 20-years ago. He said that the traffic has gotten noisy and they were looking to abate some of that noise while restoring some of the privacy so they can enjoy their back yard, as they had in the past. He noted that this was a continuation of what was done by homes that are on Eaton Gate and heading south of Eaton Gate, on Baldwin the five homes. They are looking to maintain the exact material and composition of the fence so that it gives it a nice uniform look to the neighborhood, as well as, the community, and that will afford them that privacy that they had when they first moved in.

Chairman Durham stated that he had looked through some traffic studies, and they don't reflect that there is an increase in traffic yet. There will be because more people will be moving out here, so eventually, there will be more traffic. He asked with people slowing down when approaching the roundabout, does he notice traffic noise? Mr. DePalma replied a lot more traffic noise because people tend to accelerate very quickly coming out of the roundabout at all hours. He added that what didn't occur now that there is no longer that traffic stop, at Waldon Rd., now there is no longer that stop, and as traffic has starting to increase since the pandemic has lessened, they get cars backed up and stopped to their house, which is about in the middle block of Eaton Gate. He said that five years ago they cleared out some extra unsightly trees to make their yard look better and all of a sudden, they had people wandering off the trail to ask to use the bathroom. They have had foot traffic, as well as, regular traffic and undue burden put on them, that they would like to have that privacy back.

Chairman Durham stated that he was glad that he had mentioned the traffic waiting to go into town backing up past their house because it makes him think that sometimes at peak hour's he might be 10<sup>th</sup> in line to get into the roundabout to go around.

Trustee Flood stated that it said in his packet that the applicant has lived here for 17 years. He thought that he had seen a lot of change in this community. Mr. DePalma replied yes, he has. Trustee Flood said that Baldwin Road is not a two-lane road like it used to be, withal the development and widening. He stated that he sat on Wareing, and he went back where that other fence stopped, on a weekday and also on a weekend. He said when they exit that roundabout going north, they kick it in the rear-end. He also noticed standing behind that fence, that stops a lot of sound from the road. He went back to the open area and he didn't know how many decibels it was. Mr. DePalma replied that it is very noticeable. He added that he didn't notice it when they first moved in but since the roundabouts have gone in, they have noticed an increase in decibels and traffic going much faster.



Trustee Flood said that he knew for a fact that all the new development both commercial and residential south and north of here, a lot of traffic going north is passenger traffic, they are going up to Oxford, Lapeer, Metamora, and then they stack up at Clarkston Rd. Mr. De Palma replied yes, he said that it backs up to his house on Wareing from Clarkston Rd. at busy times.

Chairman Durham said that he did notice in the information that if they make a motion to approve that they have to make sure that it includes that they are only allowing a variance for the 6-ft. fence along Baldwin Rd. property, and that it should be included in the motion. He thought that there were some concerns that corners would be cut.

Trustee Flood said that the Keatington Home Owners Association, the Architectural Control Committee stated that they didn't have any issues with this, as long as they abide by whatever the ZBA says.

Moved by Trustee Flood, seconded by Vice-Chairman Cook, that in the matter of ZBA case #AB-2021-04, Charles DePalma, 2698 Wareing Dr., 09-20-376-008, the petitioner is requesting 3 non-use variances from 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 Rd.; 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 property lines to the north and south of said property is strictly for the 6-ft. privacy fence that will run concurrent alongside Baldwin Rd. and the existing safety path only, the intent and purpose is not to put the fence in between the houses running east and west; because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty: a unique characteristics to this property is having two front yards, one fronting on Wareing Dr. and one fronting on Baldwin Rd., the widening of Baldwin Rd. and complete connection of the safety path system all the way starting from the south on I-75 the path runs north to Indianwood Rd.; 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: throughout the last several years Baldwin Rd. traffic volume the emitted road noise has increased due to the residential and commercial expansion both to the south and north of this older well established subdivision community; 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 facts: due to the above previously mentioned finding of fact the property owner can no longer enjoy the peace, tranquility, as well as, privacy and safety they once possessed; 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 facts: the Keatington Home Owners Association, the Architectural Control Committee review letter, date stamped received March 3, 2021, has formally accept proposal with the exceptions as noted: the ZBA approval of requested variances, the fence to be constructed with the same material and style, shadow-box as previously approved along Baldwin Rd. only; 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 property: on the contrary installation of this style fence will protect the property owner from vehicle headlights on Baldwin Rd. from spilling onto their property and privacy; it will not unreasonably increase the congestion on public streets; it will not increase the danger of fire or endanger the public safety; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety comfort, morals, or welfare of the inhabitants of the Township of Orion.

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



B. AB-2021-06, Francis-Luna Guillermo, 2686 Wareing Dr., 09-20-376-006

Chairman Durham 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 Rd.
- 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. Guillermo said that he has two kids one is four and the other is four months. He thought it was scary when people walking by and can see into his house, and felt it was scary because his kids are playing. He was looking for more safety than noise, but that would help a lot.

Chairman Durham asked if it was safe to say that he echoed what was said by the first applicant? Mr. Guillermo replied yes.

Trustee Flood asked if he was the gentleman that called into the last meeting? Mr. Guillermo replied yes, he is the 6<sup>th</sup> house.

Vice-Chairman Cook said they have been getting these, this is a group of 6, the previous time it was a group of 5. He asked if the Home Owners Association had spoken to them or was it that they just happen to live next to each other? He questioned how that it was being organized? For the sack of efficiency, they would have a valid thing that they are looking for. His concern was that they were going to have this one started, and then there is going to be patchwork as opposed to having a continuous fence. They know the style they want to erect but what will it look like? That is why he had some concerns about how this was being done.

Mr. Charles DePalma the former Architectural Chairman of Keatington Home Association for six years. He stated that at one point they did propose this to move forward but it did not go through because of cost considerations. They are doing it this way now and doing it in groups of 5 because they were told that the ZBA would only take 5-6 of them at a time. They are trying to do it in consecutive order with the same materials, same construction, and the same contractor as much as they can to keep it a uniform look. They are looking to maintain the value of their homes, and do it in that order. So, right now this is the next set of 5 homes plus one homeowner that lives a few doors down. There is a rental property in there that has not been addressed yet but the other neighbors down to the Wamsley entrance, will be coming in in the next group, and they are looking to maintain the same construction, materials, look, and functionality of the 6-ft. shadow-box. It is a very high-quality 5/8-inch plank. Again, they want to maintain their property values of the homes and the consistency. In their deed restrictions, not their by-laws it says a fence can be put up as long as it is the same construction, materials, and look from the previous fence in a continuous phase, 5-homes then the next 5-homes and so on.

Moved by Trustee Flood, seconded by Chairman Durham, that in the matter of ZBA case #AB-2021-06, Francis-Luna Guillermo, 2686 Waring Dr., 09-20-376-006, I move that the petitioner's request for: 3 non-use 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 Rd.; 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 on the property lines to the north and south said properties are strictly for the 6-ft. privacy fence the runs concurrent along side Baldwin Rd. and along the existing safety path only, not to go east and west between the houses; because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty a unique characteristic to this property is having two front yards one facing on Wareing Dr. and one facing Baldwin Rd., the widening of Baldwin Rd. and the complete connection of the safety path system all the way from south at I-75 north to Indianwood Rd.; 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: throughout the last several years Baldwin Rd. traffic volume, and emitted road noise has tremendously increased due to mainly the increase in residential and commercial expansion both to the south and north of this older well established Keatington subdivision community and of the widening of Baldwin Rd.; 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: due to the above previously mentioned findings of facts the property owner can no longer enjoy the peace tranquility as well as privacy and safety that they once possessed; 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, Architectural Control Committee review letter date stamped received March 9, 2021 has formally excepted the proposal with the following exceptions as noted: ZBA approval of requested variances and the fence to be constructed of the same material and type, shadow-boxes as previously approved fences along Baldwin Rd. only; 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 property: the installation of this style of fence will protect the subject project owner from vehicle headlights spilling on to their property and for privacy; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township of Orion.

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

**C. AB-2021-07, Kenneth Houck, 2692 Wareing Dr., 09-20-376-007**

Chairman Durham 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 Rd.
- 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. Kenneth Houck, 2692 Wareing Dr. the applicant presented.

Mr. Houck stated that they have pretty much the same issues that everyone else has. They have had people, since the safety path has been there, have cut through their yard to get to the beach faster because they don't want to walk down to Eaton Gate. The noise has just been terrible the people go through these roundabouts, and when they get to the last one, they are pumped up with aggression. They have two lanes behind them, actually one is a left turn where they can go around, they get on there and they drag race to Eaton Gate. He has a hard time just sitting in the family room with the door wall open, trying to listen to the TV because the noise is so up and down.

Trustee Flood said that the applicant has lived there for almost 26 years. Mr. Houck replied yes, when he moved here there was a McDonald's, a bowling alley, and an IGA on Baldwin. They could use their back deck they haven't used their back deck in the last two–three years. He is getting elderly, he and his wife can't hear as well, and half of the time they can't even talk to each other.

Moved by Trustee Flood, seconded by Vice-Chairman Cook, that in the matter of ZBA case #AB-2021-07, Kenneth Houck, 2692 Wareing Dr., 09-20-376-007, I move that the petitioner's request for 3 non-use 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 Rd. only; 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 property lines from the north and south of said property is strictly for the 6-ft. privacy fence that runs concurrent on Baldwin Rd. and the existing safety path only the fence is not to run east and west between the houses because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty the unique characteristics to the property is having two front yards, one facing on Wareing and one facing Baldwin Rd., the widening of Baldwin Rd. and the complete connection of the safety path system all the way starting south of I-75, north to Indianwood Rd.; 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: throughout the last several years Baldwin Rd. traffic volume and emitted road noise has tremendously increased due to the residential and commercial expansion to the south and north to this older established neighborhood community; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts: the property owner can no longer enjoy the peace tranquility, as well as, privacy and safety that they once possessed; 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: the Keatington Home Owners Association, Architectural Control Committee review letter dated March 9, 2021 has formally excepted the proposal with the following exceptions as noted: ZBA approval of requested variances and the fence to be constructed of the same material and style, shadow-boxes as previously approved fences along Baldwin Rd. only; 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 property due to: the installation of this style of fence, will protect the subject project owner from vehicle headlights on Baldwin Rd. from spilling on to their property and for privacy; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township of Orion.

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



**D. AB-2021-08, Robert Sprague, 2704 Wareing Dr., 09-20-376-009**

Chairman Durham 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 Rd.
- 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 said let us know what is different.

Mr. Sprague stated that the only thing that is different in his case is that he has lived here for over 50 years. He moved in June of 1970, and the noise has gotten worse since the road has been improved. There is a lot more traffic than there ever has been.

Vice-Chairman Cook asked what happened to the vegetation in the back of his yard? Mr. Sprague replied that they planned to put in arborvitaes but that was before they found out somebody wanted to put up a fence. The fellow that was going to put in the arborvitaes suggested that they cut the vegetation down to give more light to the arborvitaes because they would do better in the first year or two. But if they have a fence it is going to defeat that issue. That was their reasoning for cutting it all down, but felt that it will all grow back.

Moved by Trustee Flood, seconded by Secretary Brackon, that in the matter of ZBA case #AB-2021-08, Robert Sprague, 2704 Wareing Dr., 09-20-376-009, I move that the petitioner's request for 3 non-use 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 Rd. only; 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 property lines from the north and south of said property is strictly for the 6-ft. privacy fence that runs concurrent along the side of Baldwin Rd. and the existing safety path only the fence is not to run east and west between the houses because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty the unique characteristics to the property is having two front yards, one facing on Wareing and one facing Baldwin Rd., the widening of Baldwin Rd. and the completed connection of the safety path system all the way starting south of I-75, north to Indianwood Rd.; 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: throughout the last several years Baldwin Rd. traffic volume and emitted road noise has tremendously increased due to the increased residential and commercial expansion to the south and north to this older established neighborhood community; the variance is necessary for the preservation and enjoyment of a



substantial property right possessed by other property in the same zone or vicinity based on the following facts: the property owner can no longer enjoy the peace tranquility, as well as, privacy and safety that they once possessed over the past 50-years; 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: the Keatington Home Owners Association, Architectural Control Committee review letter date stamped received March 9, 2021 has formally excepted the proposal with the following exceptions as noted: ZBA approval of requested variances and the fence to be constructed of the same material and style, shadow-box as previously approved fences along Baldwin Rd. only; 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 property due to: the installation of this style of fence, will protect the subject project owner from vehicle headlights on Baldwin Rd. from spilling on to their property and their privacy; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township of Orion.

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

**E. AB-2021-09, Ronald Peshl, 2734 Wareing Dr., 09-20-376-020**

Chairman Durham 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 Rd.
- 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 the petitioner to introduce himself and to let them know if anything is different.

Mr. Ron Peshl, 2734 Wareing the applicant presented.

Mr. Peshl stated that he has been in the area for 37 years and has been on Baldwin for a while. He said this wasn't something that they hadn't tried before but was something that they didn't have the true support of the Association at the time. He thought it was nice that they were getting some backing and was something that they all want to do.

Vice-Chairman Cook said that he drove the street and he was trying to figure out between 2710 and there was another house and then he was 2734. He asked the house between him and 2710, what was the story there? Mr. Peshl replied that he has a double lot he incorporated into his property 25 years ago. They have Bill Avery who is in the process of putting his paperwork in, and then there is the rental house, and then they have Gary McHalpine he is next. They do have a rental home there and he wasn't sure that a lot of contacts had been made. He added that over the years there hasn't been a lot



of involvement in the neighborhood. He wasn't sure about the rental house, he knew that everyone but that house, and they might now, has the paperwork to come before them.

Vice-Chairman Cook questioned if he had a double lot? Mr. Peshl replied yes. Vice-Chairman Cook asked if he intended to fence both lots? Mr. Peshl replied yes. Vice-Chairman Cook asked the way that this is written does that cover that? Mr. Peshl said that it was all incorporated and was all under one Sidwell. Trustee Flood said that it is one lot now, they combined the two lots.

Vice-Chairman Cook asked regarding the rental house if anyone had any contact with that owner? Mr. Peshl replied he had not. Vice-Chairman Cook asked if that was something that the Home Owners Association can actively go after, or potentially them do themselves? Mr. Peshl said that they could suggest it to Alex at the Association, the Architectural gentleman. He added that he knew that there was not a lot of response from, he thought his name was Art, that owns the house. He has owned it for a long time. Vice-Chairman Cook said that if there is a gap there that still leaves a route, that is why he was asking the question. Mr. Peshl said that he can't speak from them.

Chairman Durham said that if the rental house doesn't get involved the open spot will be a funnel for all the people to use coming off the safety path, they will just find the one place that they can get through and cut in that way. He knew that there was nothing that they could do.

Moved by Trustee Flood, seconded by Vice-Chairman Cook, that in the matter of ZBA case #AB-2021-09, Ron Peshl, 2734 Wareing Dr., 09-20-376-020, I move that the petitioner's request for 3 non-use 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 Rd. only; 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 property lines from the north and south of said property is strictly for the 6-ft. privacy fence that runs concurrent along the side of Baldwin Rd. and the existing safety path only the fence is not to run east and west between the houses because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty the unique characteristics to the property is having two front yards, one facing on Wareing Dr. and one facing Baldwin Rd., the widening of Baldwin Rd. and the completion of the safety path system which starts all the way from south of I-75, north to Indianwood Rd.; 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: throughout the last several years Baldwin Rd. traffic volume and emitted road noise has tremendously increased due to the widening of Baldwin Rd. and the increased residential and commercial expansion to the south and north to this older well established neighborhood community; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts: the property owner can no longer enjoy the peace tranquility, as well as, privacy and safety that they once possessed of living on this property for 37-years; 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: the Keatington Home Owners Association, Architectural Control Committee review letter date stamped received March 9, 2021 has formally excepted the proposal with the following exceptions as noted: ZBA approval of requested variances and the fence to be constructed of the same material and style, shadow-box as previously approved fences along Baldwin Rd. only; 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 property due to: the installation of this style of fence, will protect the subject project owner from vehicle headlights on Baldwin Rd. from spilling on to their property and their privacy; it will not unreasonably increase the congestion in public streets; it will



not increase the danger of fire or endanger the public safety; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township of Orion.

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

**F. AB-2021-10, Gary McHalpine, 2710 Wareing Dr., 09-20-376-010**

Chairman Durham 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 Rd.
- 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 if the petitioner was present?

Mr. Charles DePalma 2698 Wareing Dr., stated that Mr. McHalpine has been here for over 50-years. He added that for the privacy and enjoyment of the lot they are looking for that fence for him. Chairman Durham asked if Mr. McHalpine couldn't make it or was just not serious about this? Mr. DePalma replied he believed that he just couldn't make it, but wasn't sure. He knew he was serious about it.

Board Member Walker said procedurally he didn't think that Mr. McHalpine has given Mr. DePalma permission to present on his behalf. Mr. DePalma replied that he has not. Board Member Walker said they were just assuming and questioned if they could proceed? Trustee Flood said that there would have to be a letter from the applicant with permission for someone to represent him. He thought it would appropriate to postpone this case until the next ZBA meeting in two weeks. Chairman Durham noted that there will be more of these so he wouldn't be unnecessarily punished for being pushed back.

Moved by Trustee Flood, seconded by Chairman Durham, that the Planning Commission **postpones** ZBA case #AB-2021-10, Gary McHalpine, 2710 Wareing Dr., 09-20-376-020, due to the applicant not being present, or not having a designated person that could speak on his behalf, to be postponed to the April 26, 2021, ZBA meeting.

Discussion on the Motion:

Board Member Walker asked what if the petitioner can't make it on the 26<sup>th</sup>? Trustee Flood said that they have to do a date certain or they will have to readvertise.

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



**G. AB-2021-05, Robert Cavanagh, 893 Indianwood, 09-03-252-010**

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

Article XXVII, Section 27.02 – Lot size over 2.5 acres

- 1) A 1,263-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of All Detached Accessory Buildings for a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 260-sq. ft. gazebo, and a 120-sq. ft. greenhouse.
- 2) A 1,339-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of All Accessory Buildings for a 576-sq. ft. attached portico, a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 260-sq. ft. gazebo, and a 120-sq. ft. greenhouse.

Mr. Robert Cavanagh, 893 Indianwood the applicant presented.

Mr. Cavanagh stated that he has been a resident of Orion Township since 1996.

Chairman Durham stated that he had a fairly busy application.

Secretary Brackon said that from everything that he has read it seemed that his neighbors are alleging that he doesn't live up to his side of the bargain or the contracts that he enters into, and promises that he makes. He asked if they were to grant what he is requesting here, what assurance can he provide Orion Township that he won't build things bigger and do things not authorized by the Zoning Board of Appeals or the Township? Mr. Cavanagh replied that he has a survey and on the survey are the existing structures that they are talking about tonight. He added that the addition above the 1,900-sq. ft. for the accessory structure and that is the gazebo, pumphouse, and greenhouse. Those are the three accessory structures that are above and beyond the current 1,900-sq. ft. for an accessory structure, and those are currently in place now, today, in states of completion. Those are the three exact structures that they are talking about. Mr. Cavanagh stated that if he goes rogue then Orion Township's Code Enforcement would come out and slap a sticker on him. He said that he believed that he has lived up to every fulfillment so far with the Zoning & Building Departments.

Secretary Brackon asked if he had read their responses? Mr. Cavanagh replied no, and was surprised to see such a great turnout. Secretary Brackon said on the application it asked if he had received any ordinance violations up to this point and that was left blank, he didn't check yes or no on that. He asked assuming this was an oversight can you answer that question? Mr. Cavanagh replied that at the time that he filled out the application he had not received any violations on the 3 items that they are talking about the gazebo, pumphouse, or the greenhouse. It was the gazebo that was brought to his attention first. Secretary Brackon asked if he had received ordinance violations on the property at all, since he had owned it? Mr. Cavanagh replied he couldn't recall, he thought maybe the Building Department might know. He thought maybe there was one with the silt fence and one dump truck load of dirt that came in with some concrete block in it. He stated that he immediately addressed that right away, and he has stepped up observations on any dirt that he is bringing in.

Secretary Brackon asked what the intentions were with the greenhouse? Mr. Cavanagh replied that he loves tomatoes, basil, and green peppers, not marijuana.

Chairman Durham asked if he was currently building permitted for everything that he has going? He asked if he pulled building permits for everything? Mr. Cavanagh replied the gazebo no, that was built from trees that were on the property, that had fallen, 180-year-old pine trees that were blown down from the storm a couple of years ago. Chairman Durham stated that he would not have recognized what he



had done there as a building if the Building Department didn't tell him what it was. He understood that. He asked if the other things had building permits pulled? Mr. Cavanagh replied the gazebo, he didn't think he needed one. He added that the pumphouse has been there since 1979 when they built the development for the condominiums, so that structure was there. He added that as he worked his way into the property cutting back all the bittersweet vines, pulling the trees off the building, and removing the roof, the contents, pipes, and tanks from within side there. He was left with a concrete slab and so he didn't pull a permit on the property when he originally bought it. Chairman Durham asked if he wanted to reroof that? Mr. Cavanagh replied correct. He added that he wanted to restore it to the original dimensions and heights that are there. Chairman Durham asked if he would have to pull a permit for that. Mr. Cavanagh replied absolutely. Building Official Goodloe said if it is over 200-sq. ft. Chairman Durham asked about the pressure tank, and if it was leaving it? Mr. Cavanagh replied yes. Chairman Durham asked about the shipping containers? Mr. Cavanagh said that the shipping containers were brought into the property shortly after purchasing it, he moved from his house off of Central, from a house with a three-car garage to a condo with a small one car garage. He had his tools and furniture in the two shipping containers. He checked with the township and read the rules and there was not anything said about shipping containers. He called and spoke with zoning enforcement and was left with a sense that shipping containers were allowed. But both shipping containers he has buyers for both of them, and they will be removed as soon as he has the concrete on the pole barn then he will move the valuables, his tools and, the remaining houseware items into the barn.

Chairman Durham asked if they were being used for secure storage now? Mr. Cavanagh replied absolutely. Chairman Durham asked if he would be willing to make some type of a time statement to the Building Department or someone in the Township about the time that they would be removed. Like you intend to get rid of them two years from now if he is still thinking about it if it hasn't accomplished what folks are going to want. Mr. Cavanagh said that he had drawn up a project timing for his house from start to finish that he was willing to share with the Board. On there, the items that are being removing are the shipping containers after the concrete is poured, he had a target date of June 31, 2021.

Chairman Durham said that he drove along the high road after he left his place, and especially with no leaves on anything, he was surprised how little he could see from up there.

Trustee Flood asked how long he owned the property since he purchased it from the Township? Mr. Cavanagh replied that he purchased it in November 2016. Trustee Flood said what he was having difficulty with was that pumphouse was never removed. He added that is why the Township Board at the time, the cost of flooding those wells and tearing that all out was estimated, from Mr. Cavanagh to the Township Board at \$30,000. Mr. Cavanagh replied that is correct. He added that three of the wells that they are not using got plugged. The remaining wells that are still open and valid he is using, he was drinking the water from one of the existing wells, which is what he drinks every day. He said the care of the property is critical to him. What goes on and, in the ground, he drinks the water from the well that was originally there.

Trustee Flood asked what was the reason for keeping the pumphouse? He said at one time Mr. Cavanagh said that it would reduce the value of the property and that it was a liability. Mr. Cavanagh replied that the pumphouse at the time when he purchased the property was a dangerous structure to go into. He said that once he got into it and cut the trees off of it, he used the large backhoes to get the trees off of it, removed the tank, and systematically made the structure safe, there are three remainder walls, and a solid slab, he stabilized the structure. He said the structure at the time, was a hazard but he has had every contractor that has come out has stated that it is a solid insulated brick cinderblock wall with a brick facing on top of it. He has had more contractors ask why he would want to tear it down they say to keep the structure and retain it.



Mr. Cavanagh stated that he has fulfilled his contract to the Township, all of them, the wells, everything. He stated that the \$24,000 to demolish the structure, what he would like to do is to take that money and reinvest it into the structure by putting a roof and a garage door on it and park the remaining building materials, pipes, tractor, and a lawnmower in there. He added then he would pull the building permit and he would have a taxable structure on there, and then the Township would be better off with some income. He said at this time of year they can see from Fernhurst, they can partially see some of the structure, it would look complete. It would be a lower structure than the current pole barn and it would look nicer to the people that look at the structure through the woods.

Vice-Chairman Cook asked how many total wells are there. Mr. Cavanagh replied that three test wells that were plugged, as well as, three water wells, and all three of those he is currently using. Vice-Chairman Cook asked if he only plugged the test wells? Mr. Cavanagh replied that is correct, the wells he is not using.

Vice-Chairman Cook applauded him for having a timeline for when he would be getting these things accomplished. He said he read something about the front of the property, or they were talking about the pocket park, or the public piece. He asked if that piece had been done, the contractual agreement with the Township? Mr. Cavanagh replied yes it was done. He said that the donation by him of .56-acres to the Township as a potential future site for a safety path, pocket park, or a parking zone, that was all in writing and signed and he had paid for the survey by him at the point of purchase.

Vice-Chairman Cook stated that when Mr. Cavanagh bought the property it had a six-figure appraisal on it. He asked what did he have to do when he bought the property to get the Township to agree to go that low on the price? He asked what did the property look like? Mr. Cavanagh replied that he believed that Trustee Flood may have had the document of the letter that specifically broke, first of all, the comps were not very accurate to the relative property. All the comps did not include unbuildable wetlands, conservation easements, and didn't include the failed construction of condominium buildings up on the front three acres with remaining a couple of manholes, fire hydrants, and the low-quality clay dirt that they had put in the front field. He said that it was a very long list but there is a letter in the documents, there was also to remove the trash, remove the abandoned vehicles, remove the piles of broken concrete, abate the wells that were not being used, remove the pumphouse, and clean up the property.

Vice-Chairman Cook said so what he is understanding is that he has cleaned up an eyesore. He asked the piles out front, what is he doing there? Mr. Cavanagh replied that the vision was after he moved in and accessed the property, they removed the asphalt millings from the front 3-acres of the property, scrapped them off, and made a base for the driveway. Then they planted grass seed, and trees, trying to get the area green, he then starting maintaining the property by mowing it. The following year went by and they watched that the quality of green of the grass growing up was poor. There was also a small stagnate pond that sat in the middle of that field, that was in 2017, watching it and maintaining it. In 2018 they approached the Township, him and his neighbor to the west of him, and they talked about how they could beautify the property in between them, and they thought that the safety path was going to come along, and wasn't sure how that was going to look if it ever comes through. They contacted the Township, they put them in touch with OHM, and they confirmed that it was on the south side of the road, and their initial draft proposals of how they would handle that was with a retaining wall using block. They told OHM that it sounded expensive, and they said yes, the additional money to build the ground up and stabilize and level it. They said they would like to bring up the ground between the neighbor's property and his, and he is trying to do a land balancing to eliminate the stagnate water on the front of the property and also bring in topsoil dirt to grow grass and trees. They brought that to the Township as a proposal, and at that point, he filed for a land balancing permit, and the soil erosion permit at that time. In 2018 they brought in quite a bit of dirt, he thought it was 10,000-yards, and at the end of the year they brought in a dozer and leveled it off. He was conscious that it does look terrible but they are trying to get to an end goal. They leveled that off, let it sit over winter, and in the summer of 2020, they brought in more dirt, and the weather changed before they could get that leveled out. He



said that he was out there this spring already and they got about 25% of the piles knocked down, and would like to get that leveled off as soon as possible. That item was also in his construction project timeline.

Vice-Chairman Cook said that he had started with a property that was in poor shape, and he has said he has lived up to the timelines so far, and these additional requests that he has tonight - he asked are they additional things that he has already accomplished, or is he behind or off schedule on some things? He said he is asking this question because he is trying to figure out why so many people have signed this thing against what he is trying to do. Mr. Cavanagh replied that he is currently on the property with a temporary C of O. In his timeline his target is to complete the final C of O on May 31, 2021. Those items are the exterior wood staining, cover foundation insulation, east property 10-ft. berm with a ¼ grade. Vice-Chairman Cook said you have a plan, you are working on the plan, he asked if he had shared that plan with any of the neighbor's, or have any come and asked him where he stands with the project? Mr. Cavanagh replied that no one has come to him and asked him anything. Vice-Chairman Cook asked if that was something that he would share with the neighbors if they were to come to him and ask? Mr. Cavanagh replied absolutely.

Chairman Durham asked Building Official Goodloe if the pumphouse was a preexisting nonconforming structure? Building Official Goodloe replied yes. He said it was conforming until he built the garage, then that became nonconforming. Chairman Durham asked if Mr. Cavanagh was to come to him with plans to build a pumphouse out in the field, that is not something that they would embrace under today's codes? Building Official Goodloe replied it depended on if it was over 200-sq. ft. then he would, have to have a building permit. Chairman Durham asked looking at the repairs that he wants to make, before they issue a permit, would they inspect to determine the amount of damage to where he felt it could be rehabbed or come down? Building Official Goodloe replied that if the pumphouse was to come down it would have to have a permit to remove it as a demolition permit.

Chairman Durham asked Building Official Goodloe that if it were marginal would an inspector look at it and determine that it needs to come down if it was not safe? Building Official Goodloe replied yes. Chairman Durham asked at that point they would pull a demo permit, not a building permit? Building Official Goodloe replied yes.

Board Member Walker asked in this memorandum from the neighbors are a bunch of allegations that he did not fulfill the terms of his agreement with the Township according to the 2016 contract. He asked if there were things that he didn't do that he was supposed to do under the terms of those agreements? Mr. Cavanagh said that he has a copy of the contract if they would like to review it. He added that as a matter of fact, he made sure that all the contractual agreements were completed back in 2018 when he came to the ZBA last time.

Chairman Durham said if he did what he said he was going to do, it should be reflected in the Building Departments if the proper channels were followed, if he failed that would be reflected, again, if the proper channels were followed. Chairman Durham asked if he had confidence, if people were to dig into this are they going to find out that what you said you would do, you did? Mr. Cavanagh replied that he had absolute confidence.

Building Official Goodloe stated that he has dealt with Mr. Cavanagh on several occasions. He said the one thing that they did agree on was when the structure for the barn was built the pumphouse was going to come down. He felt that he has changed his mind about taking that down. That is why they are here, with the structures already being built. They had no issue because they wanted to help him with his timeline and getting that done, so they said that he could build this because obviously, this is going to come down. They talked about it and now he is thinking he wants to keep it, now that he has looked at the foundation and found it to be in good shape. He added that the gazebo and the greenhouse he was not aware of those until he went for his variances. He said that the gazebo looked



like a tree fort so it wasn't an issue for them, it was under the square footage, it didn't have a roof. He said that he has worked with him on several things and he has had no issues as of yet.

Chairman Durham asked Building Official Goodloe if he thought it was within his rights to change his mind about tearing down the pumphouse? Building Official Goodloe replied yes. He added that it is not unreasonable to see after pulling the trees off of it and then see that the structure was not in bad shape, when it was covered in trees and thinking that they would have to tear it down.

Mr. Michael Lossing, 586 Fernhurst, a neighbor of the applicant.

Mr. Lossing stated that back in May 2019 the applicant requested a building permit for a pole barn of 1,320-sq. ft., which is represented in the plans in exhibit "H". In his variance request, he is asking for 1,440-sq. ft. so they have a difference of 120-sq. ft. He wasn't sure if this was a mathematical error or if they are trying to ghost-free space? He said that the pumphouse in his plans show a total of 830-sq. ft., however, the variance he is asking for 843-sq. ft., so a difference of 13-sq. ft. Where he is confused is when the petitioner asked for a building permit for the pole barn and if they count the 830-sq. ft. which is based on his original plans, he didn't know what the square footage was, because they have two numbers. The maximum size of his pole barn should have been only 570-sq. ft., so the building permit should not have been issued until the variance was requested. However, here we are today, a building permit was submitted, it was approved, for something that already exceeded the zoning ordinance. Now they have a pumphouse, which in his first offer, which is also in the petition, claims that it was about \$30,000 to have it taken apart and moved off of his property, because as he stated in his first offer letter, which he believed was \$70,000, that it was a source of contamination and it was a hazard it was not safe for the property or anyone near it which is why it was supposed to be removed. Also, why he was allowed to purchase a piece of property that was appraised for \$215,000 but sold for \$92,500 which is a loss to the Township and taxpayer dollars of about \$122,000? He believed that if the petitioner wants to maintain the pumphouse, he should have to return the \$30,000 back to the taxpayers. The gazebo was not made from fallen down trees it was made by cut down trees. They have neighbors that have taken video of them cutting down the trees and then making the gazebo. In addition to that, there was no building permit requested, Building Official Goodloe informed the neighbors that if it exceeds 200-sq. ft. it does not need a building permit, as they found out today it is 260-sq. ft., again, no building permit pulled no variance requested. The greenhouse no building permit requested and it is already built. A portico, he wasn't sure what that was but it is 576-sq. ft. What he was trying to understand from the Building Department, the Township Board, is the order of operation when someone is asking for building permits? Do they look at it holistically and find out if the request is going to violate an ordinance? They will find that in section 4 the basis of their objections where he was reading from.

Mr. Lossing said the other issue they have is parcel B, which is for the pocket bike path. The petitioner stated that he has deeded the property. He asked if the Township received a copy of this deed? If it was truly deeded it should be on the record and should have been done 7 days of the purchase, it should be on record. He was confused why no one knows that answer. Trustee Flood stated that the Clerks office would know that. Mr. Lossing stated that they had FOIA'd that information and they have seen no record of it. He wanted to verify that the petitioner has followed the agreement for the purchase of this property.

Chairman Durham said they are there, just so everyone is aware, they are there to address yes or no on two variances only. Him asking them about a building permit is completely pointless because he doesn't know the standards for building permits, that would come from elsewhere in the Township. He appreciated him making his concerns known for the record. He said that he is asking questions that they are not in the position to have an opinion on. They are asked to have a position on these variances only. Mr. Lossing thought that they were directly related to the variance request.



Mr. Lossing said that on April 5, 2021, Orion Township Planning & Zoning Coordinator, based on an FOIA request from the neighborhood, requested building plans, according to that, which they will find in exhibit K, there had been no building plans for these accessory structures, there was simply a one-page handwritten note of square footage. He stated that he didn't know how they move forward when there is not a formal building plan. He thought that it was odd to request a variance when he doesn't have a building plan, especially knowing that they have an issue with the square footage numbers not aligning.

Chairman Durham stated that Mr. Lossing is giving numbers and square footage, if he doesn't go to the property and it doesn't sound like he has much interaction with the neighbors – he questioned how he would know how accurate his numbers are? Mr. Lossing replied based on FOIA requests. Chairman Durham asked from time past? Mr. Lossing replied yes, as well as, present, within the last 2 weeks. Mr. Lossing said that a lot of effort has been put into this.

Secretary Brackon asked if he authored the memorandum booklet? Mr. Lossing said he was one of several that pulled the data together. Secretary Brackon asked why Mr. Cavanagh was not provided a copy of it? Mr. Lossing said that he assumed that he could FOIA the information, and he has not been a good neighbor, and that he has had zero interaction with the neighbor. He added understandably so, as they read through the booklet and he thought most people could understand why. He felt that would go for the 13ish people that have signed this document of the relationship in the neighborhood.

Secretary Brackon said he could appreciate that but he is involved in adversarial processes involving courts and that sort of thing daily. He said the one thing he did know is regardless of how adversarial things may become there is always full disclosure, they file a document, there is a full response, there is a reply, so everything is open, there is no defense by surprise or that sort of thing. That was his only concern that there was something, it just didn't sit right with him that it wasn't provided to him. When people are confident in their position and they want everyone to know it, who cares if the other side has a copy of it because they were confident in their position.

Ms. Brenda Hauxwell 616 Fernhurst said that they just put this all together today. She just got it over to the Township at 12:30P. She stated that she did have a copy for Mr. Cavanagh. She asked if they would like her to submit that to him now. She didn't know if it was required, she was told to make seven copies, five for the Board Members, one for Building Official Goodloe, and one for the Township, they did not mention Mr. Cavanagh, and she apologized.

Board Member Walker said what they have here is animosity among neighbors. He said to give Mr. Cavanagh the memorandum booklet would be a good thing, but they are not a court of law they can't tell them what to do. She was told right about the number of copies they need. He agreed with Secretary Brackon they have to share information. Ms. Hauxwell said that she wouldn't have seen him until tonight anyway, so the last time they came to a Board meeting they provided him a copy. Board Member Walker said that Ms. Hauxwell had been there since 7 pm. Ms. Hauxwell said she didn't know the rules. Board Member Walker said it is not a rule. Ms. Hauxwell said she can't speak for everybody but she can say that unfortunately the last Board meeting that they had when the last variance was denied, Mr. Cavanagh kind of retaliated against the people that signed, and everyone that signed got huge boulders put in front of their property, and no trespassing signs on a tree that faced their front door. He made their street look terrible. When they ask why did all these people sign, those are just some of the reasons. There were a lot of people that didn't sign because they were afraid of retaliation. She felt that was a terrible way to live. Their neighborhood has been going through this since 2018 when he came to them because he wanted a variance to build a pole barn so close to the road, and that is when they found out about the 20-ft. that didn't get dedicated the way it was supposed to be. Since then, it has just been an awful journey. She agreed that yes, there might be some animosity but they have had a terrible way to go and have been trying to figure how to fix it, how to have a beautiful street, how to feel good about paying their taxes as lakefront homeowners, and then looking out the other side of our door and seeing boulders and piles of dirt, no trespassing signs, rusted containers,



and silt fences, more debris, tires, piles of brick, more debris than when he bought the property. It has been a really hard way to go, and they have been really upset, and this is supposed to be their happy place. They come home from work on a Friday, they want to enjoy the lake, and then there is the boulder, and what is he going to do now. She felt they all lived feeling intimidated, she was speaking for herself, but speaking to people on the road and trying to get signatures, several people that didn't sign because they were afraid of retaliation.

Mr. Lossing said based on the petitioner's original offer letter, which he believed was February 10, 2016 letter he wrote "I currently drive by this property twice a day. The condition of the property and its care has been substandard for the last 40-years. If you accept my offer for the property, he will commit his resources to clean up this property, increase value to the neighborhood and the Orion community." Mr. Lossing said that the exact opposite has happened since he has owned this property. He has systematically and purposely degraded the surrounding area by installing these ridiculous boulders along the disputed right-of-way on the road. He also put in, what he considered a berm, which is nothing more than he didn't know how many yards of unclean fill-dirt was filled with discarded construction material, concrete blocks. When the complaint was made, all he did was add more dirt on top of that. From what he understood from Zoning Ordinance #78, Section 28.04, the berm has to be covered with grass, ground cover, or shrubbery, none of that is happening. There is still a silt fence up, the berm is uneven, it doesn't look like a berm. Chairman Durham asked how long it had been there? Mr. Lossing replied 2-years possibly longer. He thought that the neighbor that lives across the street that has to look at it daily could give them a more accurate time. Chairman Durham said more than adequate growth time. Mr. Lossing said more than adequate, but it is not stable and he keeps dumping more dirt on it, so anything that potentially would grow, he has just covered it. The shipping containers, he made a complaint to Building Official Goodloe, he explained that the petitioner was allowed to have these because he is preconstruction. They are beyond construction, from what he could tell, in Ord. #78, that storage of building materials or structures to store it is only allowed for 60-days, they are now going on three-plus years, they have to go. He touched on all the fill dirt on the front of the property, there were hundreds of dump truck loads being dropped. He stated that he runs by the property almost daily when the trucks were dumping it, it wasn't just fill-dirt, there was other debris mixed in with the dirt. He said also on the berm, Ord. #78, Section 27.05, there is supposed to be irrigation for the berm, either underground irrigation or if that is not available, then one hose bib needs to be within 100-ft. Building Official Goodloe stated that was a commercial requirement not for a residential berm. Mr. Lossing said that he stood corrected, and thanked Building Official Goodloe.

Building Official Goodloe said that they were there to talk about two variances. The reason they are here is for those structures. He stated that Mr. Cavanagh was informed that they are over and they either have to come down or he has to come in and get variances. There is a history with the road and animosity and that is why the berm is getting build because one person believes that everyone is peaking in on him, it is just a whole mess. They are there to talk about two variances, not all these issues. He has touched on every one of these issues, and Mr. Cavanagh has worked with him on them. They are working through them, they have got the debris removed from the berm that was a problem, they went out and did that, they got a soil erosion permit, they have had three wetland complaints all of them, no issues. They do have the containers but it was an actual construction site. They try to look at things with common sense, he is using that to store his tools and keep them on the site. Mr. Cavanagh was told by Code Enforcement two days ago about the timeline to get them out of there. They are following through on everything. He didn't want to get off-topic because they are talking about these structures in particular. He is here because they told him he has these structures they either have to go or he has to get a variance.

Mr. Lossing said he thought from Building Officials Goodloe's position, he understands why he says what he did when he is sitting there. He said to be a resident and a neighbor he thought his perspective would change.



Mr. Lossing wanted to highlight again on the variance request, the square footage numbers don't match the original building permit. Something needs to be removed to get down to the 1,400-sq. ft., either the pole barn needs to be reduced in size down to the 570-sq. ft if he wants to maintain the pumphouse, or the pumphouse needs to go because the other long-term concern is, should the petitioner decide to split this property then they are going to have a nonconforming piece of property.

Chairman Durham asked that for anyone else to come up, and express something that wasn't already said in previous comments, something that would be particular to your situation.

Mr. Nevin Hubbard 1055 Seneca said that he lived across and down Indianwood Rd., from Mr. Cavanagh's property. He said he disagrees with the general impudence of Mr. Cavanagh's character that has been characterized there. He said that he has worked with him for many years, and in many parental activities, and found him to be a trustworthy and good person to work with. He wanted to make those statements just as a counterpoint to much of what they have just heard. He added that he was excited for someone who lives in the area to see the front of the property improved, and to start to see greenery in the front and hopefully the public pathway as well.

Ms. Brenda Hauxwell said her concerns with the variances were the five structures that he wants to put on that piece of the property seemed excessive. She thought this seemed reactive to her, these structures have already been built and thought that they should have asked for a variance before they build structures not after. She hoped that it would have been more proactive that these structures that were there were actual building plans and that they were discussed and brought forth in a pre-construction period and wasn't sure why that didn't happen. In her opinion that the variances should be denied and that they should go back to the drawing board. The reason they are bringing up all these other things is that they do want to work with Mr. Cavanagh. She didn't think that these variances would not be that big of a deal at all and thought people would agree to them, but please get the boulders off of the road. The garbage trucks are sliding sideways on the ice. Most of the time on a side of a road in the snow or an icy situation you can get off to the side a little bit to get a grip with the tire, they can't do that on the road. The road was so bad, it was like putting salt in their wounds. She said someone had said what would it take for you to get these people to agree, she thought that they would be ok with this, but please the rocks the dirt, they can't use the road properly anymore. People that want to park on the side of the road, because there are people that do and they have parked on the side of the road for the last 35-years. There is a big boulder there that they are smashing their doors into, it is just not neighborly. She said that is why she thinks they went down that road is because they do want to work, they do want it to be better and this is their chance to say "hey let's give a little bit, you give we give".

Secretary Brackon asked Ms. Hauxwell, from what he is hearing, it sounds like she didn't have a problem with the pole barn, the pumphouse, the gazebo, the greenhouse, or the portico that he wants to build. He asked if that was correct? Ms. Hauxwell replied that she thought it was a little excessive and that it was a lot of structures, however, she thought if that berm was pretty, if they didn't have to see everything, like the tires, the rocks, debris, silt fence, everything and it was all cleaned up, and Mr. Cavanagh was a little more neighborly she didn't think that they would all be there today, and she didn't think that all these people would have signed this petition. In her opinion, she would not care that much about it. Now, did he do everything that he was supposed to do, did he plug all the wells, no he didn't.

Secretary Brackon said he just wanted to know about those structures and those variances and what problems people have with those structures and the potential variance. Ms. Hauxwell said that she thought that it was excessive, however, she also thought that it seemed reactive, that all these things got built, it is backward, this is not how it normally happens. Usually, they ask for a variance and then they get approved or denied, and then they build. She added that all of these structures are built. Secretary Brackon asked if her argument would be different if they weren't? Ms. Hauxwell said they would come and discuss it, they would either approve a variance, and they were for it or not, they didn't



have that opportunity, these structures are built. They are built they are there but that is why they went down that road with the dirt and the rocks because she thought that they all would be very open to allowing a lot of things had that last denial of the last variance been so reactive. She added that she can only speak for herself.

Mr. Greg Haase 552 Fernhurst Ct., stated that he has come before this Board previously to get some variances approved himself, and he has run into some snags with them. Must less of an issue than what Mr. Cavanagh is asking for. He had a deck he wanted to put on, the built was about 75% lot coverage of which they indicated that they would not approve it so it shot down the other items that they would have approved. He didn't agree with what he was trying to do, he just built his house thereon Fernhurst, spent an awful amount of money doing it, he doesn't like looking across the street, coming down the street, and seeing his berm that he has built. He asked if there was an ordinance that says how high that he can build a berm? Building Official Goodloe said he wasn't 100% sure. Mr. Haase added that in another city it was 4-ft, that he lived in. That berm has to be 10 or 12-ft. tall, it is ugly and nasty. He drives in and he sees all his commercial containers out there, it is ugly out there. Whoever said on the Board that they drove by and that it looks gorgeous, it looks like crap out there. He didn't know what they are were seeing, that they weren't seeing from their side of the street. He at one time tried to purchase that property and he was told \$400,000 plus \$1,000 to buy it and told them if the price goes down to let him know. Well, somehow it never got back to him from the realtor that he called and it was sold to Mr. Cavanagh for ninety some thousand dollars. He didn't understand why he needs all this extra square footage on his property when the rest of them have to come in and ask for way smaller variances than what he is asking for and get turned down for it with legitimate reasons. He didn't believe it with a residential property that he needs all that extra square footage that he is asking for. He didn't believe that was mentioned earlier that he submitted proper plans to the city to build any of his structures that are out there, if so, the city would have turned him down and cited him for building not according to the plans. He never submitted plans of where those are going to be on his property all he did was submit the square footage of them. He asked how can the city than say it is within the variance of the setbacks and all that? He said that he had to go through so many things in building his house all legitimate, all very good items, and felt that the Building Department did a fantastic job covering his back and building his property. But he did everything right, he submitted his plans, if there was anything that he needed a variance for he asked for it, once he asked for it and it was approved that is when he went ahead and built. Mr. Cavanagh is doing everything backward, he built, in his opinion with the assumption of coming here and approving something that he has already done. His mistake is not their problem, it is his problem, and he should have come to them before he built anything, submitted proper plans, a topography where he is backfilling it on his land, and what he plans to do when it is all done and said for approval with them. He didn't agree that he should have the right to build his structures, and then come back and ask for variances, that is not the way things are done. If they approve it something is wrong, because there is a procedure put in place, they request a variance, they submit the plans, it is inspected, it gets approved and it is done. He didn't do it that way, it is not their fault it is his fault. He respectfully asked them to follow their rules and ordinances because he didn't follow his and turn down his request for variances.

Mr. Tim Hauxwell 616 Fernhurst asked Building Official Goodloe if he has ever forced someone to tear down a structure that was built before getting a permit? Building Official Goodloe replied yes. Mr. Hauxwell asked if he has ever denied a request for a variance when they go 30% over square foot variance on a property? Building Official Goodloe replied that he doesn't deny variances those are up to the Board. Mr. Hauxwell asked the Board if that has happened? Chairman Durham replied yes. Mr. Hauxwell asked Building Official Goodloe if he has forced people to tear things down? Building Official Goodloe replied yes.

Mr. Hauxwell said as a resident doesn't he have the right to come up and say anything that he wants? Whether if it pertains to anything that they are talking about? He added that he has the right to say whatever he wants and he has the time allotted to say it. He said that he has been a landscaper for 40-



year in this town, he has been shut down for a silt fence not being properly installed. He said that silt fence has not been properly installed, he has buried none of it, it is supposed to have an 8-inch trench, not one foot of that has been buried. He has witnessed water running right under it, where he is allowed to go because of the no trespassing signs, the water goes right under the fence, it is not right. He has been shut down because his tractor was not parked in the right spot on a job. To watch him after hours in the dark, driving his tractor around at 11 or 12 at night, what is he doing over there in the dark, why can't he do it in the day? He asked if Building Official Goodloe knew what he was doing in the middle of the night with his tractor? Building Official Goodloe replied no.

Mr. Hauxwell said he was ticketed for putting clean fill on that property, which he had permission to do, but the Township stepped in and ticketed him. They forced him to remove all the topsoil, he used it on other jobs, out of spite. He said he was supposed to be assisted by a previous tenant and another contractor that dumped the dirt there, none of those people helped him he did it all by himself. Then this is what Tim London said at the end, he asked Tim London if it was good enough, he cleaned off so many yards and asked him to come look at it, and Tim told him he was going to look at Google images and see if he did a good job and that was the end of it. He paid a fine and did all that work and it is all similar stuff that is happening there. They FOIA'd the request to dump that soil and there is no record of any kind of a permit, for all that dirt that was poured out front. He asked Building Official if they went over 100-yards? Building Official Goodloe said not if they have an active construction site. Mr. Hauxwell said it was his understanding is if they have over 100-yards it would have to be inspected by the Township. He asked if they inspected any of that? Building Official Goodloe replied yes, Tim London and they have a Soil Erosion Permit and they inspect that all the time. Mr. Hauxwell asked if he inspected the silt fence on the property? Chairman Durham asked if they could veer back on course. Mr. Hauxwell wanted to know if Building Official Goodloe inspected the silt fence that is on the property. Chairman Durham said that it is not part of what they are here to discuss tonight. Mr. Hauxwell asked if he was going to answer it? He said he has the right to ask any question that he wants. He added that he has a time limit, when his time is done just tell him. Board Member Walker said that they don't have time limits they were trying to nice to everybody, they want to hear everybody. He said that the bottom line is they are here for two variances nothing else.

Building Official Goodloe said that Mr. Hauxwell can stop by anytime to discuss this, his door is always open. Mr. Hauxwell said it needs to be denied and the structures need to be torn down just like they have done to a lot of other residences. He felt that is what needed to happen.

Secretary Brackon asked if the variances are denied would Orion Township, then be required to force the demolition of some of the structures to comply? Building Official Goodloe replied yes, but the applicant does have the right to appeal, if not they would arrange something and talk to him to get a timeline of when they would be removed. He added that is why they are there because Mr. Cavanagh knows that.

Building Official Goodloe said that the gazebo he was not aware of. When he issued the garage permit, he was aware of the pumphouse, there was an agreement that it was going to be taken down, they spoke about it, he had no issue with it, he took him at his word that he said that he would take it down. He said ok because he needed to get his barn moving so he could get going on it. He tried to work with the gentleman. Then he put up the gazebo, he believed, it didn't seem like a structure and understood how it could be overlooked on his part. When they went out there, he told him that he would have to remove the gazebo, and he told them that he was going to go for a variance for that in the spring, and they told him ok. He added that it is on a very large parcel that it was tucked back in. They had no issues with waiting until the springtime to rectify these situations.

Chairman Durham said listening to both sides of this, this is a neighborhood dispute. It is not ever going to be solved to everyone's satisfaction. It ~~could~~ be solved by some give and some give on both sides of this. He said it was a shame that there are sides. He said that he has been involved in



enforcement his entire adult life, been to court many times, and he begs people to please keep their future in their own hands, deal with it yourself. If you have a problem with a neighbor, and you are not at risk, deal with it with the neighbor talk about it try to get it going. Because when you step outside and put your future in someone else's hands, nobody knows what the outcome is going to be. He stated that folks talk about, and he gets it, he sees this and he sees that, his ground is fallen off way below Fernhurst. He could see them walking out their front door and being able to see everything that is going on down there because it is a lot lower than their property. He stated that the part of the ordinance that they are talking about is for lot sizes over 2.5-acres, and he has 10-acres, so he is way over 2.5-acres. Does that make a complete difference, no, but does he look at the vast size of the property, when he looks at what he believes to be a relatively small request, he does, he is one vote. The answer is here in this room. If Mr. Cavanagh is not playing fair with the Building Department it will be a mistake because it will come up.

Board Member Walker asked if they had enough time to discuss this amongst themselves and meet with Mr. Cavanagh, they could resolve this stuff amongst themselves over a cup of coffee. Secretary Brackon said or maybe even with a mediator.

Mr. Haase said he didn't think that there would be any communication between himself and Mr. Cavanagh he is the kind of guy when you are building a house and you meet him, he says are you going to need some extra space for your building materials? I won't charge you much to put it on my land. He added 10-acres of land and he wanted to charge him to put stuff out there. He is the same kind of guy that has a character that is renting the property next door to him, that he didn't believe was classified as a rental property, in which he comes out and complains about dirt on the land. You guys are asking if we can communicate with him and this is the kind of thing that he does that makes them not want to communicate with him.

Board Member Walker said that here is the kind of people we are, they are going to take a vote, either Mr. Cavanagh is going to be very unhappy, and he is going to be happy, or you are going to be very unhappy and he is going to be happy, and if he is happy with that, they are good to go. Mr. Haase said he appreciated his comments, but what he doesn't understand is, they are already unhappy. He added that he shouldn't be able to go build structures without permits. If he would have asked for variances and permits and provided the proper plans that everyone can view that they are supposed to be able to view when somebody requests a variance, they wouldn't be there.

Chairman Durham said there are 10 or more of them involved in the situation. He asked if he thought if they got together and picked four representatives to discuss it with Mr. Cavanagh? Mr. Haase said he can't imagine him doing anything for them, he doesn't even want to pay one penny to improve that road. He wants everybody on his side of the road to pay for everything and he wants to pay nothing.

Chairman Durham asked Mr. Cavanagh if it would be possible for him to work with them? Mr. Cavanagh replied yes. He added that he has been working with the Township with one of the Township Board members over the last two years to review a plan to improve Fernhurst. Mr. Cavanagh said when he moved to the street, he did his best to go out and shake hands with the neighbors and introduce himself.

Mr. Cavanagh stated that with regards to the complaints of the neighbor, to the best of his ability all his plans and prints that he submitted have been accurate to the Township. The gazebo, it was his intention, and he told Building Official Goodloe that once they get the excavator, they are going to tear that down. The pumphouse they did clean it out, and contractors asked him why would he do such a silly thing, restore it. That is why he was there. That structure was built in 1976, so he didn't build that after the fact that was there. The gazebo is what started all of this because he didn't think that he needed a permit for a gazebo. Knowing now he should have come forth and done that. He told Building Official Goodloe and explained the situation to him and told him that he was going to be over



his square footage on your accessory structure with that addition of the square footage of that gazebo. He said he immediately stopped and there is no roof on it and hasn't touched it since. Since that time of being contacted about the gazebo, he has had more time to access the structure of the pumphouse, it would create value for him, he would like to restore it, not any taller, make it look nice, and create value for him. He added that the harbor freight greenhouse is 10x12 and he bought it because he likes growing vegetables. He wanted to put that on there. He didn't want to get into another dispute down the road because he followed what he thought were the rules regarding the shipping containers. His timeline is that the shipping containers are going to leave on June 31, 2021, which is when they will be moving the shipping containers. He hoped that would make everyone check one item off their letter of discontent. He said that the front field is being improved upon. He appreciated everyone's patience, and he apologized that it looked terrible, but it will look great when it is all said and done, he is going to be very proud of how that front field looks when people come in down Indianwood Rd. He stated that the berm, he is currently under a temporary C of O, a permit is not closed out of the Fernhurst home, please rest assured, and he has on his timeline completion of the final C of O completion of May 31, 2021, and one of those list items is the berm that Mr. Haase complained about. He agreed and was sorry that it looked terrible but he did put it up there because of all of the frivolous complaints that he has been getting. He said it will be built to spec and to his site plan, it was on the site plan, and it was approved by the Building Department, 10-ft. berm with a 1 to 4 slope. He said he will plant pine trees and some wildflowers with grass.

Chairman Durham said that he did see some boulders along that road. If he did have anything to do with putting them in there, can he see how that could be viewed as punitive by some people? Mr. Cavanagh replied yes sir I do.

Mr. Cavanagh said regarding the boulders, the Oakland County Road Commission has been contacted about that, and he wanted the audience, he could give a phone number for the Road Commission, Mr. Mulholland (sp?) led the investigation about the boulders on the road in the right-of-way. He stated that he does not own the road but the boulders are on his property. He said that there have been more surveys done on this property due to a proposed development in the 1970s that go back long before anyone in this room when they bought their house, so the property lines are very solid on there. The conclusion of the Oakland County Road Commission was that the boulders were on his property and Oakland County Road Commission told him that they can not tell him what to do on his property, and told him those boulders are clearly on your property. He showed him the survey irons, the stakes and where they were at. He asked him for the report and if he could get that in writing, he told him no. He told him if anyone has a complaint, please give them his name and number and that issue is closed it has been done. He said he was open to an idea of a S.A.D. for Fernhurst and he is contributing to the cost of the project because the Township came to him and told him that they needed some of his land. He was hopeful to see Fernhurst get improved. He thought most of these complaints are from the animosity of the Township, the road, and the boulders. He only put the boulders there to keep people from parking on his property after he politely asked them to stop.

Board Member Walker said after he has heard all of the arguments, again and again, he can't stress enough, he recommends that these folks, he thought the committee idea was a great idea, meet with them and try to work this out if he can. He thought that reasonable minds could fix this. They can't make them do it, it is up to them. He stated that they postponed one of the cases earlier for two weeks, he suggested that to him, but can't make him do it. Perhaps within those two weeks, he could meet with four or five of the representatives of his neighbors, have a cup of coffee, and talk about it and maybe they could resolve this.

Vice-Chairman Cook asked to make that a more productive meeting, should that occur? The items that came up were the 20-ft. of road frontage, the berm, and then the boulders on the road, those seem to be reoccurring themes. The fact that he negotiated with the Township and bought a property at a good price, that is a kudos to him as a good negotiator. The township should have done more due diligence



on the pumphouse, but then to provide proof that he has deeded the property to the Township. He said those are the things that seem to keep coming up. To keep this meeting on point, he felt that they needed to have a clear agenda on what they want to talk about. He said that he heard what Board Member Walker has suggested, but it is ultimately his decision to take his suggestion or not.

Chairman Durham stated the Board Member Walker was the longest-serving member on this Board. He added that he has seen more come and go than any of the rest of them.

Mr. Cavanagh stated that he would look forward to two-way positive communication with the neighbors moving forward because they all live there and want to enjoy life. He said he was up for that idea. He added that he told Trustee Dalrymple two years ago, that he could come up with the greatest ideas but they need to put together specifics of what they would like to talk about. Vice-Chairman Cook felt that if they agree on an agenda, it would be much more productive. Vice-Chairman Cook asked Mr. Cavanagh if he had shared the timeline with the neighbors? Mr. Cavanagh replied no he had not. Vice-Chairman Cook said it was referenced earlier about communicating and sharing information. Mr. Cavanagh said that his door is always open. Vice-Chairman Cook didn't think they would come on his property because he has no trespassing signs. That is step number one is how do they get together and start the communications? Building Official Goodloe said that Trustee Dalrymple has been the liaison to try to help with the situations between the road and the other issues. He added that Trustee Dalrymple has been working on this for a year and a half or two years, he thought that is where they start.

Chairman Durham thought it would be a good idea to have a third-party liaison involved. Somebody that doesn't live on his property or any of the neighbor's properties but understands their concerns, and is more able to reach an amicable settlement to make the most people happy. Because all the folks that live on Fernhurst, they all live on the lake, they pay lake taxes, and they deserve to be happy. Chairman Durham thought it was doable.

Mr. Hauxwell said a few years ago, Trustee Flood asked a question at a meeting. He asked if that 20-ft. deed deeded over to the Road Commission to improve Fernhurst? He asked Trustee Flood if he remembered asking that question, at a previous meeting? Trustee Flood said he doesn't have to answer that because it doesn't pertain to this agenda. Mr. Hauxwell said they just talked about the boulders? Trustee Flood said that he did not ask him a question. Vice-Chairman Cook said that he asked the questions. Mr. Hauxwell said don't stonewall him it is a simple question. Mr. Hauxwell said that Trustee Flood doesn't remember asking the question, does he? Trustee Flood said he wasn't going to answer his question. Mr. Hauxwell said he asked him a question and he is refusing to answer it for the record. Mr. Hauxwell asked what they wanted him to do, sit back down? Chairman Durham said that he has asked a question and Trustee Flood has declined. He added that he doesn't have to answer his question because it is not where they are on this part of the agenda. Mr. Hauxwell understood.

Trustee Flood said that he felt that they have discussed this long enough. He called Robert Rules of Order and their bylaws. He added that once a member of the Board puts a question on the floor that stops all discussion and the Board has to make a motion.

Chairman Durham asked if they were voting on the motion that is here yes, or no, or are they giving the gentleman the chance to postpone if that is what he wants? Vice-Chairman Cook said that he believed that they were at a point that they were going to let Mr. Cavanagh decide on whether or not he wanted to postpone. Mr. Cavanagh asked if the statement was of the three options? Chairman Durham replied that he can demand a vote on what he brought tonight, or he can ask for a postponement to a date certain, those are the two options that are open. Chairman Durham thought that he might want to go to the last date certain because if it is his determination to try to reach an agreement with part of the people here, he will need some time. Mr. Cavanagh thought to defuse the situation and bring it down,



he thought postponing was a good suggestion. He looked forward to a meeting with a couple of the neighbors to talk about it, hear his vision of it, and most importantly hear what they have to say. He added that he was positive about the S.A.D. for Fernhurst Rd., that has been put forth.

Chairman Durham asked what the furthest date certain they had. Trustee Flood said June 7, 2021.

Secretary Brackon said speaking to everyone in the room since Mr. Cavanagh has chosen to postpone, and they have voted on that yet, he encouraged them to go into that meeting with open minds. He strongly encouraged them because he may be the only one person at that meeting, and there are 10-15 of them, whether they choose 4 representatives or all 15 of them to not turn it into a 15 on 1 yelling match. For this to be resolved, all sides have to give, and all sides ultimately in the end are not going to be happy with everything the way it is. He said if Mr. Cavanagh was to call for a vote, he didn't know which way it would go but there would be many people, and though he could come up with 15 people on his side that are going to be potentially mad, or go the other way with all of them and some other neighbors. He asked them to go into the meeting with open minds knowing that they are going to have to give and that they have to live in that vicinity and that they don't want to live like this for the next 10 to 50 years. They have all heard some of the people here, on the issues before that have been here for 50 years. If they were having the issues that they all are having he doubted that they would have stayed in Orion Township that long. This is not how, as someone that has been here for 19 years, they want Orion Township to look to the rest of the state or the country. He asked them to go in with open minds, everyone involved with this and hopefully, it can get resolved calmly and everyone will be happy in the end. There is a way that everyone can ultimately in the end live a happy life with what he is doing.

Chairman Durham said the only additional comment, that if he lived on Fernhurst, he would get with the other neighbors and pick a core, that tends not to reach for a rock in the first 10-minutes, that can recognize if they are being played properly with or not, that may be able to develop something and bring it back to the rest. There are some of them that have expressed opinions in ways that made him think that it would be an instant failure. He thought a smaller group would do it but it was none of his business who or if it is.

Chairman Durham read a letter from Ron Wolf 993 Indianwood. He was in support of variances.

Moved by Secretary Brackon, seconded by Trustee Flood, that in the matter of ZBA case #AB-2021-05, Robert Cavanagh, 893 Indianwood, 09-03-252-010, I move that the petitioner's request for 2 variances from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.02, be postponed to June 7, 2021, Zoning Board of Appeals meeting at the request of the petitioner.

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

## **6. PUBLIC COMMENTS**

None.

## **7. COMMUNICATIONS**

Memo from Planning & Zoning Coordinator Harrison dated April 5, 2021, Dates which cases can be postponed. Information only.

## **9. COMMITTEE REPORTS**

None.



#### **10. MEMBERS' COMMENTS**

Secretary Brackon said he hoped that when this comes up again that they don't have to sit through another 2 hours of public comment. Not that he was not open to listening to it but hoped that they can resolve it in a way that they don't have to go through that again.

Vice-Chairman Cook thought that there was confusion about saying what they want to do, that is public comment for two minutes.

Trustee Flood apologized for getting short but there is a lot of history with this, and that gentleman tried to go at him and he won't play that game. He added that when the gentleman first came up, he thought he was going to talk to Secretary Cook and was surprised he was talking to him.

Chairman Durham said that when the first guy laid it out there, there wasn't that much left to be said, but they had a whole room of people and he wanted people to come up and speak, but it got too far too fast.

Vice-Chairman Cook said that he thought that Chairman Durham did a phenomenal job handling the meeting.

#### **11. ADJOURNMENT**

Moved by Board Member Walker, seconded by Vice-Chairman Cook, to adjourn the meeting at 9:43 pm.

**Motion Carried.**

Respectfully submitted,

Debra Walton  
Planning & Zoning Coordinator  
Charter Township of Orion

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Zoning Board of Appeals Approval





**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: ZBA Members

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: April 20, 2021

SUBJECT: Staff Report AB-99-02-2021, Dan's Excavating Ord. Permit Renewal

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The petitioner is seeking renewal of their Ordinance 99 Permit.

Please see OHM's review letter dated April 16, 2021 for recommended conditions for approval.

Also, as noted in their application and in the review letter, the petitioner is requesting operating hours of 7am to 7pm and approximately 100 trucks per day. Zoning Ordinance 99, Section 7(J) states that hours of operation shall be 7am to 5pm and no Sundays or legal holidays. If you determine to grant the renewal, the hours of operation agreed upon and number of trucks should also be part of the motion.

Attached is the motion from last year's renewal. I am providing this so that if you choose to renew the permit for 2021, you have an idea on how you can structure the motion.



RECEIVED

MAR 11 2021

Orion Township  
Planning & Zoning



Charter Township of Orion Zoning Board of Appeals

Application for Ordinance No. 99

Case Number AB-99-02-21

**NOTICE TO APPLICANT**

Fill out application. Additional information (letters A-K per ordinance No. 99, Section 5) may be supplied on a separate sheet. Incomplete applications will not be accepted. A check made payable to Orion Township must accompany application. Please contact the Planning & Zoning Coordinator at (248) 391-0304 x 154 for application submission deadline. For information relative to the powers and duties of the Zoning Board of Appeals, please refer to Act 184 of the Public Acts of 1943, as amended, of the State of Michigan, and to Article XXIX of the Orion Township Zoning Ordinance #78, effective July 2, 1984, as amended, and Section 4, B, Ordinance No. 99, effective December 25, 1991, as amended.

I/We, Dan's Excavating Inc of 12955 23 Mile Rd  
(Name) (Street Address)

Email: ljurda@dansexc.com Shelby Twp., MI 48315  
(City, State, Zip)

Phone: 586-254-2040 Cell: \_\_\_\_\_ Work: \_\_\_\_\_ Fax: 586-254-2259

**do hereby appeal to the Zoning Board of Appeals for consideration affecting**  
**(please provide very explicit details of the affected property; by parcel):**

**First Parcel Number** 0-09-32-400-096

Subdivision and lots, within this parcel, that will be affected  
Mt Judah Farms Lot 11

Describe what activity will occur on this parcel:

Sand or gravel pits, earth excavating and/or filling earth balancing

Acreage affected within this parcel 2.62

**Second Parcel Number** 0-09-032-400-056

Subdivision and lots, within this parcel, that will be affected  
Mt Judah Farms Lot 11

Describe what activity will occur on this parcel:

Sand or gravel pits, earth excavating and/or filling earth balancing

Acreage affected within this parcel 2.02



**Third Parcel Number** 09-32-400-095

Subdivision and lots, within this parcel, that will be affected  
Mt Judah Farms Lot 12

Describe what activity will occur on this parcel:

sand or gravel pits, earth excavating and/or filling earth balancing

Acreage affected within this parcel 8.05

**Fourth Parcel Number** 0-09-32-400-063

Subdivision and lots, within this parcel, that will be affected  
Mt Judah Farms Lots 13 & 14

Describe what activity will occur on this parcel:

sand or gravel pits, earth excavating and/or filling earth balancing

Acreage affected within this parcel 6.68

If additional parcels, please attach separate sheet detailing same.

The petitioner, having met the conditions and requirements being familiar with Ordinance No. 99 of the Charter Township of Orion, requests a permit be granted as follows:

Hours 7:00 am to 7:00 pm

Approx. 100 trucks per day

**Name & Address of Property Owner (if different than applicant):**

Name(s): CP Ventures

Address: 12955 23 Mile Rd

City/State/Zip: Shelby Twp., MI 48315

Email: ljurda@dansexc.com or bbaker@dansexc.com

Phone: 586-254-2040 Cell: \_\_\_\_\_ Work: \_\_\_\_\_ Fax: 586-254-2259



April 16, 2021

Dan Durham  
Zoning Board of Appeals Chairman  
**CHARTER TOWNSHIP OF ORION**  
2525 Joslyn Road  
Lake Orion, MI 48360

**RE: Dan's Excavating, Inc., AB-99-02-2021  
Ordinance 99 Permit**

Dear Mr. Durham:

We have completed our first review of the application materials for Dan's Excavating, Inc. Ordinance 99 permit submittal for the 2021/2022 permit year. The submittal package included an application with ownership information, legal description of the property, and variance requests. An existing topographical survey and proposed mining plan last revised April 13, 2020 were also included in the application. The information was reviewed with respect to the Township's Earth Balancing and Excavation Ordinance, No. 99, and the Township's Engineering Standards.

The proposed mining plan included in the application is generally the same plan approved last year. The property description, as stated on the application, includes lots 11 through 14 of Mt. Judah Farm Subdivision. The property includes parcel numbers 09-32-400-056, -063, -095, and -096. Similar to last year, the application has excluded ~2.75 acres south of the existing gas easement which was sold for the Breckenridge development off Brown Road. The plans have been updated to reflect the reduction in land. In addition, the plans reflect areas restored in 2019 and completed fence adjustments.

#### **Current Site Conditions**

The main entrance to the Dan's Excavating site is located off Judah Road. The majority of the work proposed onsite consists of filling. However, the application does indicate the possibility of earth excavation. If excavation is intended for other than finish grading, the plans and application should indicate those locations. The majority of the fill since last year has taken place in the southern portion of the pit. At the time of our site visit, a construction trailer, excavator, dozer, dumpster and diesel fuel tank were on-site. Grading operations are near complete and were not taking place during our visit. All previous stockpiles that were located onsite are gone. Some debris was observed at the surface of some recent fill in the southeast portion of the site. It is our understanding the applicant intends to clean up the site and dispose of the debris in the dumpster.





**Construction Trailer & Diesel Fuel Tank**



**Excavator & Dumpster**



**Dozer**



**Looking south at recent grading**

The site perimeter fence appeared to be good condition and has been revised to exclude the area in the northeast corner that has been restored per plan. All fencing should be inspected and maintained regularly throughout the year. Any deficiencies found should be repaired.

### **Mining/Filling**

Significant progress has been made on the southern slope. Since last year, the previously mined sand and gravel pit areas located on the southern slope have been filled. There does not appear to be any mining taking place on the site. The steep southern slope that previously existed from the gas pipeline down to main surface has been regraded to the maximum 1:4 slope as shown on the proposed mining plan. Once grading is complete, permanent soil erosion control measures will be required as noted on the plan and will include placing 3-inches of topsoil, seed and mulch over all disturbed areas.





**Looking southwest at Southern Slope**



**Looking south at Southern Slope**

The applicant has indicated that additional cutting and filling will take place this permit year. They estimate 100 vehicles per day will be required to perform the work. It appears this is just a carryover of the application from last year. Based on the condition of the site and discussions with the applicant, we do not anticipate any further fill or trucks beyond topsoil.

Minor excavation may need to be done primarily in the area of the proposed retention basins between 5000E-5450E and 4400N-4800N. The entire retention basin has been constructed but may need fine grading to remove accumulated sediment and obtain design grades and required storage volume. Approximately one-third of the basin has already been restored as previously noted. At the time of the site visit, a significant portion of the site was exposed earth. Prior to application of topsoil, the applicant should confirm the drainage swale along the east property line is well defined and directs drainage from the site to the retention pond. Continual dust control measures shall be implemented to effectively reduce dust on-site. Such measures should include vegetative restoration and on-site watering.

In summary, it appears all fill is complete onsite. The slope down from the gas main towards Judah Road has been graded at a maximum slope of 1:4. In addition, the plan includes the completion of an on-site retention pond for storm water management near the northern end of the site. The retention pond is necessary since the existing pit towards the south has been filled in. The entire retention pond has been constructed and approximately 1/3 of the pond area restored.

#### **Dust Control and Public Road Conditions**

At the time of the visit, the site was in good condition. No dust was being created, primarily due to the wet ground conditions. The concrete driveway entrance off Judah Road was clear of material. The applicant should continue to maintain the drive on a regular basis.

The applicant will need to renew the haul route permit with the Road Commission for Oakland County for Judah Road. The current permit is set to expire on 6/1/2021. We are unaware of any dust complaints that the Township may have received during the 2020 permit year. The applicant will need to continue maintenance of the haul route to prevent dust and poor road condition issues. The applicant has previously stated that they contract with a chloride company who provides the necessary chloride. As with previous years, tracking of material and dust control issues will need to be monitored and improvements may be required throughout the permit year.





**Entrance off Judah Road**

### **Drainage**

As part of the mining plan, the applicant has constructed a retention pond towards the northern end of the site. The pond has been sized to accommodate (2) 100-year storm events per township requirements. The drainage area tributary to the pond includes both on-site and a small off-site area to the east as noted on the survey. At the time of our visit, the applicant had constructed the entire pond and restored the eastern 1/3 of the basin. The culvert located on the east side of the pit now discharges into the retention pond. The culvert was visible and appeared to be clear of obstructions. The upstream end of the culvert was dry at the time of our visit and did not appear to be causing any backups. Throughout the year, the culvert will need to be maintained to ensure it is functioning properly.



**Northeast corner of site restored**



**Offsite area upstream of culvert**

### **Previous Violations**

This office is not aware of any written ordinance violations over the last year, therefore we defer our comments to the Zoning Enforcement Officers for any pending violations.





### **Conclusion**

In our opinion, the application and supplemental materials, as submitted, appear to be in substantial compliance with Township Ordinance, No. 99, and the Township's engineering standards. We recommend the following items be conditions of the approval:

1. The applicant furnishes to the township a copy of the haul route permit once renewed with the Road Commission for Oakland County for Judah Road. The current permit is set to expire on 6/1/2021.
2. Per Section 7, Item L of Ordinance 99, the applicant shall note that tracking of material and dust control issues will be monitored, and improvements may be required throughout the permit year.
3. Per Section 10 of Ordinance 99, a log of each fill material load shall be maintained by the applicant to document all fill is "Suitable Fill Material" as defined. In addition, the log will include one photograph of each truckload which shall depict the contents of the fill material and the date and time of the delivery. If requested by the Building Official, copies of all logs and photographs shall be submitted to the Township Building Department on a monthly basis or earlier.
4. Construction debris should be removed from the recently placed fill and removed from the site.

### **Requested Variances**

5. The applicant has requested a variance in the hours of operation from the allowable 7:00 a.m. to 5:00 p.m. to be extended to 7:00 a.m. to 7:00 p.m.

Please feel free to contact us with any questions or concerns.

Sincerely,

**OHM Advisors**

Mark A. Landis, P.E.  
Project Manager

cc: Chris Barnett, Supervisor  
Penny Shults, Clerk  
Donni Steele, Treasurer  
David Goodloe, Building Official  
Lynn Harrison, PC/ZBA Coordinator  
Al Daisley, Code Enforcer  
Brett Baker, Dan's Excavating, Inc.  
Chris Cousino, DEI Properties



unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Secretary Koscierzynski amended the motion, Trustee Flood re-supported, that this variance is approved contingent on getting approval of a site plan from the Planning Commission.

Roll call vote was as follows: Walker, yes; Durham, yes; Koscierzynski, yes; Flood, yes; Yaros, yes.  
**Motion Carried 5-0**

**AB-99-02-2020, Dan's Excavating, Inc., 2985 Judah Rd. (parcel #09-32-400-056), and an unaddressed land that is a portion of lot 11 of Mt. Judah Farms south of 2985 Judah Rd., excluding a portion of lot 11 of Mt. Judah Farms that is part of Breckenridge Orion Condominium (parcel 09-32-400-096), and unaddressed land that is one (1) parcel west of 2985 Judah Rd. (parcel #09-32-400-095); and 3011 Judah Rd. (parcel 09-32-400-063)**

Chairman Yaros read the petitioner's request as follows:

The petitioner has requested a renewal of an Ordinance #99 permit for sand and gravel mining, earth excavating and or filling, and earth balancing.

Chairman Yaros asked who was there on behalf of Dan's Excavating.

Mr. Chris Cousino and Mr. Irv Rupersburg with Dan's Excavating presented.

Chairman Yaros asked to explain where they are at with the property at this time.

Mr. Cousino said they submitted an updated mining plan based on the past year's activities. They have been continuing to import material into this site. He felt they were doing a good job of managing the controls, and maintaining the conditions of the prior permit. He stated they have ongoing fill they are bringing in from I-75 at a good rate. As part of this request, and he didn't know if it was part of the Board's packet, that in order to try to expedite the closure of this project, which he thought was important to everyone, they would be requesting as part of this application an extension of hours. Right now, they are at 7A-5P Monday – Saturday. They are requesting the Board an extension of that from 7A-7P Monday – Friday, with the same hours on Saturday of 7A – 5P. They did get the letter from Mark Landis of OHM, and felt it accurate as far as his assessment, and did not have any issues with complying with those conditions within his letter.

Chairman Yaros said they have a current permit from the Road Commission for the route. He asked if they have spoken to them about coming in off of Baldwin Rd.? Mr. Rupersburg replied that in the past their bond it is for Judah road for the full mile from Baldwin to Joslyn. They have always chosen, the Joslyn route because of the safety of the exiting of Baldwin Rd. in the past. With the new elevation of Baldwin Rd., it has made it a lot safer with the round-about, as well. Chairman Yaros asked if they are hoping to use Baldwin Rd. more? Mr. Rupersburg replied that they are only using Baldwin Rd. now for the Baldwin Rd. project. All the trucks coming off the I-75 project are using the Joslyn Rd. route.

Engineer Landis read his review letter date stamped 4/20/2020.

Trustee Flood said he didn't get a chance to go on the site walk this year. He thought that pitch has to be almost full. He said the mining operation has been out there for 50-years. He wondered if there is finally light at the end of the tunnel? Engineering Landis replied said it truly is. There is quite a significant amount of fills that have been placed in the past year. The pit used to be at the top of the slope by the gas main is no longer. They are making significant progress of grading from the gas main down to the north towards the area where they are going to complete the construction of the retention ponds. His understanding was the amount of material coming off the I-75 project, far exceeded what



they need to complete the site. It sounds like they are getting very close in the next year or two, he would suspect, but deferred to the applicant for that. Mr. Cousino replied that it is their hope and wish that they could close this out this year. With this day and age, they don't know what tomorrow will bring them. They are very close to being able to get closer to this project, and they are going to be generating a significant amount of material off of the I-75 project. Mr. Rupersburg stated that with the fill may be done hopefully this year. The rest of the site work to comply with the reclamation plan will still be taking place probably until next year. Chairman Yaros asked if he was referring to the grading and they will not need any more materials? Mr. Rupersburg replied to the final touches, yes. Chairman Yaros asked if they are currently working on I-75 now; they have not stopped work because of the virus? Mr. Rupersburg replied correct, they are working.

Vice-Chairman Durham stated that one of the conditions for their approval is that they are requesting any start and end date of intense activity. Do they anticipate intense activity; and how much notice would they be able to give the Township? Mr. Rupersburg replied they already have activity this year. Are they just looking for a completion date?

Vice-Chairman Durham said that the extension of the hours has always been a hot button with the residence. He wasn't sure how that was going to go or how much weight they need to put on it. You know, in your own mind it is just a statement. Mr. Rupersburg said that they have been getting 7A-7P variance up until 2018. For some reason last year, it was denied. It reduced the amount of material that went in there during that time period. They would like to try to close this out this year or very early next year. The 7A-7P time frame will allow them to do that. If not, it is just going to continue to go year after year, which they don't want to do.

Vice-Chairman Durham said that residents are taking umbrage with so many trucks that all go down to Joslyn. The Chair asked at the beginning if they plan to use Brown Rd. more. They replied that they were using Brown Rd. for the Baldwin Rd. project. He asked if they plan to use Baldwin, even more, to relieve some of the traffic on Judah Rd.? Mr. Rupersburg replied that Baldwin Rd. is an acceptable entrance and exit for them. They can try to reduce the traffic to Joslyn and direct some of the traffic to Baldwin Rd. if that would help the residents. It is going to be the same volume, just some will be going the other way. The residents toward Baldwin Rd. are just going to be upset versus the residents off toward Joslyn Rd. He can redirect a few of the trucks so that it is a little bit better split. That is something that they would have to be recommended by the Board and they would try to comply with that. Vice-Chairman Durham said that it would be up to them and the motion maker, to decide if they wanted to make that a condition. But just hearing residents over the year, it might help.

Chairman Yaros said that it makes more sense to use Baldwin Rd. instead of Joslyn Rd. because it is faster. Trucks coming down I-75 are going to get to the job site a lot faster than coming off of Joslyn Rd. and going down Judah. He didn't think it made any sense to him that they wouldn't use Baldwin Rd. more. He said they could probably get more trucks in there, and not worry so much about the 7P ending time using Baldwin Rd.

Secretary Koscierny said that the time change in 2018 occurred because they had several neighbors, up and down Judah Rd. complain about the amount of traffic and disruption. That is why they changed it to 7A-5P.

Commissioner Walker asked if the petitioner would be willing to put the percentage on the hauls from Baldwin Rd. versus Joslyn Rd. for them? If they thought that was necessary, for them getting approval for this? Mr. Rupersburg replied that it would not bother him. He would have to make sure that the Road Commission was fine with that. He didn't want to speak on behalf of the Road Commission.

Chairman Yaros asked if there was any public comment?



Planning & Zoning Director Girling stated that she was going to take them in the order of the faces that she saw. She stated the only hand she saw was Mr. Joe Bird. Chairman Yaros stated that the Board had received all of Mr. Bird's information. He noted that he had Dan's permit hearing talking points, plus the ZBA outline in opposition to the permit renewal. Mr. Bird said he didn't plan as an advocate or as a resident to repeat everything. It is the purpose of appearing orally to highlight things as if he were in a Court of Appeals.

Mr. Joe Bird 573 Nakomis Trail, a 20 plus year resident of Lake Orion. He said that the first point he wanted to make was said by the engineer. He said that the engineer just told them that it is mandatory that the applicant keep a log and include in that log a photograph of every truckload. Separate and apart from whether it is ever been requested or must be provided, that must exist as a condition of the permit and of tonight's permit application. In his discussions with Dan's, there have been no photographs taken and no logs from the date of the inception of the revised ordinance on April 22, 2015. Somewhere along the way in 2019, they took some for a couple of weeks. The point is they do not have logs and photos, not only is it required by the ordinance, but it is required by their engineer as a condition of this permit tonight. So, they have already failed in their request, and this Board can't grant the permit because the condition has failed, and no one has demonstrated to the contrary, that any photos or logs exist that are in compliance. As a resident, he is concerned about the rule of law and the zoning ordinance. Selective enforcement of the zoning ordinances is a sign or symptom of corruption. He has been involved in many government fraud cases where this is one of the first signs. It is in the enforcement of #99 and other ordinances, that he was concerned that they are fairly applied to all applicants. If Orion Township does not enforce its ordinances including Ordinance #99 as written and as approved by the Township, and the residents then the rule of law has disappeared in Orion Township, and the Township has become something else other than a democratically elected body. His focus is on Ordinance #99 in Section IV which mandates compliance with the ordinance in order to receive another permit. As to this permit application, as a result of his involvement in litigation with Dan's and the Township. On behalf of the McNabb's, he has learned a great deal about the history of this property and Dan's conduct. There were several reasons that he addressed this right now, and why Dan's does not qualify for this permit, in addition, to what the engineer has just told us that they do not qualify because they cannot and will not meet that condition. They should be debarred from any consideration for any contract or permit permanently. The reason for that is because 1) from 2000-2007 when they first received this permit, on this entire pit property, what they did was they failed to involve Mr. McNabb, the lot 10 owner in the application. They went around him; this apparently was not caught by the Township and a permit was issued fraudulently or illegally. For the next seven (7) years, Dan's went on McNabb's property and trespassed, conducted its activities. In 2007 it was apparently found out and the permit was then withdrawn to exclude lot ten (10). In one of the great ironies of life, now, Dan's says because they were on the lot illegally, they shouldn't have to clean up after themselves for the mess they made on lot ten (10). Isn't that interesting; they were there illegally and they don't have to clean up their mess. If they were there legally, they would have to clean up and get involved in the restoration. That is certainly a consideration in the condition that should be made. Again, that is contrary to both the permit application and it constitutes the failure on the part of Dan's to abide by the very ordinance through which it now seeks this permit. It literally thumbed its nose, not only at Mr. McNabb, but the entire Township, and all the residents. They said they are just going to go around it, get a permit without doing it the right way, try to hide it, and not clean up after themselves. It could not be worse conduct.

Mr. Bird added that Ordinance #99 mandates, both log and photos, so they already know that his condition can't be met. The very language that is cited by the engineer and that has been relied on in the past years on this permit is a manipulation of the actual language. The actual language is not even quoted correctly by the engineer. He did not want to go into that and start reading into the record what it actually says. It provides that those records that have to exist are to be provided monthly or sooner if requested. One of the cardinal rules of contract interpretation, statutory interpretation, is there is no reason to get involved when dealing with what they call surplus language. There has to be common



sense as to why that language reads the way it does and that it provides that it should be submitted monthly, that is because it should be submitted monthly. That language is not required if it is only requested. As to the violations of that, there have only been two (2) weeks of photographs of logs that have ever been produced, apparently, by a request by Mr. Goodloe. He promised to make the request in 2018. He did not, and if he did then Dan's didn't comply. He made a promise again in 2019 and again, it is in your records, and apparently, he either failed or Dan's didn't comply except for July and August of 2019, that is all there is. He noted that there should be fines of a minimum of \$10, a truckload per Ordinance #99 for all the failures of Dan's and that Orion Township should be pursuing that. Dan's shouldn't be awarded any mining permit at all for all of their failures, but at a minimum, it has to meet the commission that the Township's own engineer has set forth. It has to commit to cleaning up the mess on lot ten (10) and compensating the McNabb's for the trespass they committed by using this cover of the illegally obtained permit to go on there in the first place and to rectify their conduct. He raised the issue of why Orion Township is not enforcing this ordinance. Why, because there would be, every reason, for Orion Township to ask that Dan's do this given all the hubbub, about this project, all of the complaints that led to the Ordinance #99, photograph and log requirements being added onto that. He felt that someone at the Township could pick-up the phone and make the request after all these meetings. Mr. Goodloe couldn't even do that when he says he is going to do that. Twice he committed to doing it, and he never does and they never see it. What he was pointing out to them is why. In his involvement in these large government fraud cases, there is almost always a reason why. Whether you call it a talent poker, an example of one of the laws of human behavior in action for the famous British lawyer, Louis Nizer, for simply circumstantial evidence. Usually, there is money at the heart of such an arrangement. As to why Orion Township would not go after Dan's for continued violation of this ordinance, let alone even consider this permit, which should be thrown out now based on what the Township Engineer just said, because they can't, and don't comply with the very condition that has been read into the record. He thanked the Board and hoped that they had sufficient time to review the documents that he supplied to the Board. He noted that he did the best he could on getting the documents to the Board as early as possible. He tried to get them to the Board last week but had difficulties.

Chairman Yaros thanked Mr. Bird for putting the documents supplied by him in a nice manner that they could read and understand, what Mr. Bird was trying to say.

Mr. Edward Soma stated that he was an attorney also, and he had recently become involved with Mr. Bird. He said that his client that owns property at 3071 Judah has been extremely upset over the past several years. He concurred with whatever Mr. Bird had said. He said that Dan's is saying that they only want to do something if it is extraordinary. How do they define extreme active trucks going up and down that road? He has seen the road himself personally. He has been there at the property at 3071 and seeing trucks, double haulers going up and down there every five (5) minutes, hundreds and hundreds of trucks going up there. The Township has no control over the number of trucks that drive up and down that road. The road has been destroyed it has been totally devastated. The residents on the road cannot live in peace. There are children on that road. These doublewide haulers are going up and down the road. It is totally ridiculous that the Township doesn't comprehend the danger that these children and families are experiencing because of this, company that is hauling stuff that is in violation of the Township ordinances. He stated that it made absolutely no sense to him. He asked how do they define what is extreme activities? Dan's said they only want to do extreme activities. They also say they want to extend their hours; till what? Then it stops at 7 PM; who is going to put a meter on there at 7 PM? What Township Member is going to go out there and say, "Wait, you can't haul this past because it is 7:10 PM". There is not one of the members that are going to go out there and do what should be done. They need to understand, this is a total violation, of every one of these Judah Rd. residents, rights, and constitutional privileges.

Mr. Jim Swoish 2741 Judah Rd. stated that he has lived there for over 35 years. The number of trucks has increased so much and they are all stuck in their homes because of the quarantine, and it is



unbearable. There are more trucks than he has ever seen in his life; they can't even walk down the road. People start walking right after 5 PM and now they want to extend it to 7 PM. When can they walk and get some exercise? The road is a mess. They have dirt traveling, from Judah, halfway to Brown Rd., the same way on Baldwin Rd., they have dirt just dragged down the road. The Board always says they don't control the road, but the Township controls the pit and that is it. It is unbearable to live. He wants to have dinner, and listen to the banging of these trucks going up and down the road constantly, all summer long this is going to be just terrible.

Ms. Cindy Jacob 2741 Judah Rd. said that she invites anyone of the Board members to come out and sit down in their driveway, any day, and listen to the trucks, six (6) in and five (5) out at one time. Now the drivers are on their phones, and there are families walking up and down the road. She noted that she will start reporting them.

Mr. Swoish added that he did appreciate the Township Board Members, and asking for them to exit Baldwin Rd. They just fixed the road so it should be able to handle the weight. They are going to have to redo Joslyn Rd. within the next five (5) years because of the weights of those trucks just grinding that road. The cracks in the plaster of his house, he has an old house with plaster walls and has had to repair them a number of times. He would appreciate them reduce the number of hours and no Saturdays. They can take their loads down to Columbia where they have a big pile of dirt where they could dump it there.

Ms. April Pugh 2900 Judah Rd. said that her concern was the extension of hours. Her quality of life with these trucks is destroyed. She is fortunate to be set back off the road. She could not even imagine being any closer to the road. It is a constant rumble all day long. You can hear them rumble all the way down to Joslyn Rd. Exiting more off Baldwin Rd. might help that rumble last, not as long. She hears the tailgates slam, the tracks of the bulldozers all day long. Her cars, her siding, she can't open the windows of the house because of all the dust. She has lost two (2) mailboxes, she can't prove that they did that, but what happens outside of my house is the trucks pass each other and her mailbox has been knocked off twice now in the past six (6) months. What is going into that pit, what is being filled, and where is the testing? These are our homes and properties and they all work very hard for it. She would love to see them reduce the hours just like someone else had mentioned. She is being woken up six (6) days a week and gets one (1) day of quiet time. For them to extend the hours would just be devastating, not only her mental health and her quality of life, but everyone else's on Judah road.

Mr. Terrence Moran 2740 Judah Rd. stated that it is not actually Judah Rd. it is gravel pit road, that is what they live on. He said he listening to everyone going back and forth with the engineers, and Dan's Trucking as though discussing dispassionately what is happening with the traffic on Judah Rd. It is incredible, it is a though, there are not actually 58 mailboxes up and down Judah Rd. There must be 150 residents, and they are like, who cares, let's extend the hours, let's destroy their life a little more. It is at the point now he has to wear noise-canceling ear, headphones in order to hear the TV, the noise is so bad. Mr. Bird was talking about keeping track of the number of trucks, it varies quite a bit. He said a couple of weeks ago they had a blitz of them, and he counted 200 trucks go past his house. Now, the Board said, 100 trucks, that is one (1) truck in and one (1) truck out. Well, those trucks go right by his house on the way in and on the way out. He has sat there and before 12N he had counted 200 trucks go by and they have until 5 PM to finish up and they were going at the same rate. Do you want to do the math on that? Some days they are at 200-300 trucks and sometimes 400 trucks go by his place every day. He was woken up this morning about 7:15A, that is all they hear, the roar is so loud it shakes the windows. They can hear it in their basement. He was out on the back porch, this afternoon trying to have a conversation with my wife and the trucks were drowning them out. It is unbelievable pressure on them. He is 73 years old and he has been there for 40 years. He hasn't had a peaceful spring summer or fall yet. They are given them the same old BS about, "oh, maybe next year". Now they are going to have to go through this again all year. He would like it to stop before he dies, but



apparently it is going to be when he dies. When is the Board going to start thinking about the majority? All this BS about living in Lake Orion is like a vacation. Are you kidding? Not on pit road.

Laurie, 3071 Judah Rd. asked if they received a letter from her lawyer, Soma & Soma? Chairman Yaros replied yes. Laurie asked what can they do to lessen the hours? And she thought that the Chairman said they go down Baldwin Rd., none of them want them so just stop it, deny it, end it. She didn't want it at the Baldwin Rd., they don't want it at Joslyn Rd., deny it. She called the county about her culverts and the ditches which they used to maintain. They told her that they don't know who drives down her road. They used to take care of the road, and now she doesn't have that anymore. Dan's has made the roads so much worse. She didn't want to see them lessen the hours, she just wanted them to deny them this permit for once.

Planning & Zoning Director asked if anyone that was phoning in would like to make a comment. The caller replied Gene. Planning & Zoning Director asked if anyone else besides Gene? Eugene McNabb also called in.

Mr. Gene McNabb Jr. stated that he had some questions that needed answers that may lead to other questions. He asked if he will be getting responses to those questions? Chairman Yaros replied no; that this is only public comment, he could make comments and they will take to heart whatever he says.

Mr. McNabb Jr. stated that the first thing that he noticed, was the actual application headline is reworded now from what it has been for the last 5-10 years, at least since 2008 when they took lot ten (10) off. He questioned the rewording of that and if it is this making it a new permit? He said that 100 trucks a day are intense they are running a lot more than that. Is it going to be an all-out assault? Just because they called the Township, they are going to have to deal with that over there?

Mr. McNabb Jr. said he sent in some pictures into the Board. He asked if the Board had received them? Chairman Yaros replied yes. Mr. McNabb Jr. stated that the very first picture shows the top of the hill. He said when he took the pictures, he was standing about mid property and was facing southernly. He said they could see the fence row; this may help Trustee Flood since he has not been out there in a while to see what is actually there. They actually have it filled up to the top of the existing hill, which they have seen many times. It is actually flatted out up there a little bit, and the flatter they make that hill the farther they flatten that hill out towards Judah Rd. the more fill they can throw into that property. He wanted to know where the hill was going to start tapering? If they look at the topography, that water has got to run down to the easterly side of the property. If they go to the next picture, if they follow the fence line down, they will see a fence post with a white, sign on it. If they go down to the next picture, they will see the white sign and the rock in the background, and that little dark spot is where the ground is wet. That is where all that water from all that area is rolling down that hill. Right at that point it actually crosses lot ten (10) and runs into a retainer pond to the east on another piece of property. That was never there before until they made this huge hill. Now they are getting all this extra runoff running onto his father's property. That should not be happening. He said he noticed in the topo map they have a berm that they are going to build there to dike that up from entering his father's property. He asked why they are allowed to build a berm there if that is the purpose of it? It is not stopping it from doing it now. On the topo map, it mentioned a silk fence; he said he hasn't seen a silk fence on that property in 15-20 years. Why isn't their silk fence up? If he dug a basement on a residential piece of property the first thing the code enforcement would come out and ask, where is your silk fence. Maybe he is not noticing it or maybe he doesn't want to notice it. If you look at the dust picture, that was taken Saturday, back into the pit. He was out there today and it is exactly the same. Code enforcement, according to Dave Goodloe says he goes out there three (3) times a week. They never ever maintain that pit area for water. Nothing ever happens, they make their motions and put comments in there that they will control dust and this and that and it never ever is enforced, he didn't know why. Maybe there is an incentive to turn a blind eye when they pull into that driveway over there. He felt that the pit should be closed until they adhere to all these issues, it shouldn't have a permit, and



that pit is being overfilled. They need to stop and get another engineer in there to look at it and get the problems corrected. They commented that all this dirt is coming off of I-75. What is along I-75? Lead waste; study after study, 33% of lead waste fall-off the trucks. It is in the ground the water run-off it is it possibly back there? No one knows.

Mr. Eugene McNabb Sr. asked if Dan's Excavating has put any asphalt or hazardous materials in that pit in the last year? He saw on their new application that lot #09-32-400-056 is on the application to mine and excavate, and balance off as a permit. It is listed to do mining that is on the application for this year. That lot has never been on the permit, it wasn't on last year's permit. If you read through the minutes, the engineer lists that as a separate piece of property, the north part of lot 11. When Bob Warren turned the pit over to Dan's Excavating that pit was leveled off at 1,060. Dan's Excavating started out with Dan, then Mark and now Chris. That pit was dug to about 80-ft. deep right down into the water table. He has a picture of tires floating in the water pit. When the Township started to take over when people started squawking about the number of trucks. The ZBA and the Township said, what they were after, and the reason they were letting them do it, was because of the hazard of the hole and they wanted to get it filled up. When this hole gets filled up, they are all done with, it is taken care of and it is over with. They went to court on this deal, and the Court of Appeals said the pit site will be balanced off at 1,060. Dan's knows it, the Township attorney knows it, the court knows it and he knows it. The court system says when it is done it has to be certified that the pit is 1,060. That pit right now is over 1,060. It starts out higher than 1,060 and it is higher than his property is. It is higher than the property is to the west. When they talk about the top of the hill, over by the pipeline, on the south side of the pipeline, the Township let that grade be 3 to 1, which is less than 3 to 1, on the north side of the pipeline and this is both Dan's property. On the north side of this piece of property, they are letting him grade it off 4 to 1, minimum. The reason they are letting him do that is so they can throw more dirt in there. Instead of complying with what it is on the other side, they said no, you can throw more dirt in there. When they talk about the amount of asphalt, Code Enforcer Al Daisley said they are putting stuff in the pit to stop the dust. The reason they put the blacktop in the pit, which is a hazardous material, that is not even supposed to be in there, is because they tore up Baldwin Ave. that was asphalt. He thought because they didn't have any place to put the asphalt, so they dumped it in the pit. Now, that asphalt is covered with dust and everything else, it didn't stop the dust, all it did was help Dan's get rid of this hazardous material, asphalt. He couldn't understand, he felt that something was going on. He stated that he has done a lot of research and he knew more about this pit area than anyone walking on this earth today. He knew that any time there has ever been a decision of doing anything, he has never been consulted on it. It is always been the Township and Dan's. Now, they got an inspector right now, two of them, one Building Department and the one that comes out here, he can show where they either threw this ordinance out, or they lied about it. They had another inspector that when this thing went through in 2007 & 2008 when the troubles started, he went to jail for seven (7) years. He was wondering what was going on in this Township, and all it is falling back on the little guy. He stated, to tell the truth, and he honestly believed it, that the ZBA goes along with Dan's and the Township is because they are afraid of losing their job. He knew of two (2) different people that lost their jobs sitting on that ZBA because they went against what the Township wanted them to do.

Planning & Zoning Director read the first chat bubble from Brenda Skrzyzcki at 2735 Judah Rd. they said that they would like to request that the trucking stop at 5 PM Monday through Thursday and at 3 PM on Friday and Saturday and no trucking on Sunday.

Planning & Zoning Director read the second chat bubble from Eric Bedell 2671 Judah Rd. and he said that they also requested that trucking stop at 5 pm on weekdays Monday through Thursday, and at 3 PM on Friday and Saturday and no trucking on Sundays.

Planning & Zoning Director stated that they did receive two (2) emails and the Board Members had them in their packets. The emails were from a Greg Fons and a Joel Altus.



Mr. Bird stated that he wanted to point out what Mr. McNabb had said that this permit is being granted and it is about filling the pit with more and more dirt. If it already exceeds 1,060, and per the Court of Appeals, it must go down to 1,060, they are only allowing them to continue to violate what is going to be the Court of Appeals' decision, eventually. The more stuff that gets put in there, the more has to be taken out and taken somewhere else. If they don't stop it now, they are only going to contribute to the problem even further. Somebody is going to have to excavate that dirt out to comply with the Court of Appeals.

Chairman Yaros said that he started the 5 pm end time last year and felt that was a good idea. He felt that 7 pm at night was crazy. They shouldn't be hauling more than 100 trucks, that will have to be in the motion if there is a motion.

Secretary Koscierynski said she agreed with Chairman Yaros. She thought that they could do something for the residents of Judah, possibly lessening the hours on Saturdays. She agreed they should end at 5 pm and leave it up to discussion on Saturdays.

Chairman Yaros asked Engineer Landis what on lot 11, have all of these been on the previous permits? Engineer Landis said he would have to go back and check. He said that there were some newly created parcels because of the sale and splits of parcels.

Planning & Zoning Director Girling stated that she was able to go back the last two (2) years and 2985 Judah parcel 09-32-400-056 was both on the last two (2) years permits.

Commissioner Walker stated after listening to everybody, and not to say he doesn't feel sympathy and empathy for the residents, but this has been going on forever and he can't imagine how it has been for everyone living there. He felt that it was so close now. He said to Mr. McNabb Sr. that for the \$12/hour that he gets for this job, he would happy to resign this and give it to Mr. McNabb Sr. if he likes. He doesn't do it for the Township, he does it for the people of the Township. He does what he thinks is right, every time he makes a decision, he is not beholden to the Township. He tries to make the right decision. He was thinking that the 5 pm stop time was correct. Maybe putting something in a 50/50 to Baldwin and Joslyn and splitting up that way. He was looking for a compromise along that line. The reason that he would vote for it is that he thinks it is that close and to leave it 95% or whatever it is. To him, that seemed to be counterproductive.

Chairman Yaros asked the applicant what do they think about the 50/50? Are they running more than 100 trucks? Mr. Rupersburg replied that he knew that there were no more than 35 or 40 trucks dispatched to that job. Where they are coming up with the number of trucks, he didn't know if Dan's Excavating was running 100 different trucks, on all the jobs located in Michigan at this time. Chairman Yaros said it doesn't necessarily have to be 100 different trucks, 40 trucks, running three (3) loads is 120 loads. If 40 trucks are being dispatched, and they are running more than three (3) loads, then they are running more than 100 trucks. Mr. Rupersburg stated that he said trucks, not loads.

Building Official Goodloe replied 100 trucks daily.

Chairman Yaros said 100 in and 100 out is 200 down the road but it is 100 trucks. Mr. Rupersburg noted that they are still saying trucks. Chairman Yaros replied yes; if they put in a stipulation if it does go through of 50/50, is that a problem? Mr. Rupersburg said he can let the drivers know half to come in one way and half the other way, but didn't know what the Road Commission would say. Chairman Yaros said he didn't know what his permit says for the haul route. Mr. Rupersburg stated that if the Oakland County Sheriff Department and the Weigh Master doesn't allow it then he can't. He would do it because it is probably a faster route. Chairman Yaros said that Baldwin now is an all-weather road. Mr. Cousino asked if that the condition be subject to the Road Commission's approval and discretion.



Trustee Flood asked Engineer Landis that on the topo map it has an outline of what that final grades are supposed to be; is that correct? Engineer Landis replied that it does show a 1 on 4 slope down from the gas main easement. There is not a plateau of any kind of elevation.

Trustee Flood asked do they know when that pit is finally full, and how to stop it? Engineer Landis replied that there are provisions within the ordinance that the applicant is to indicate when they are complete, and then there is an inspection to be done. Trustee Flood asked if there were parameters in there that they don't overfill that? Engineer Landis replied correct. Trustee Flood asked if they were on top of that? Engineer Landis stated that they have not been asked to survey or verify that at this point. Engineer Landis added that he believed in the ordinance, it states, that the applicants are to notify the Township. He stated he would have to go back and review the actual procedure on that. Trustee Flood stated that they are getting close to the end, and he wanted to make sure that they don't go over and then have to excavate and take the stuff out. Engineer Landis said that maybe the applicant could speak to that, but he assumed that they would have a survey crew come out regularly, staking, and or have equipment on their vehicles that help monitor grade.

Mr. Rupersburg stated that they have GPS on their equipment. They are actually in the process of building a file that goes in that equipment, that will put the grade exactly to what the plan says.

Vice-Chairman Durham asked if tonight was an extension of a current permit or a request for a new permit? Chairman Yaros replied that it is just a continuation of the permit process, but they have to issue a permit. Vice-Chairman Durham asked if it was going to be a new permit number? Chairman Yaros said that it is a new year so it will have an updated number, but is the same process they've used in previous years.

Attorney Kelly stated that every year, other than the year where they submit a new closure plan, it is considered, in his mind, as being a renewal of the previous year. When they submit new closure plans then they have a whole new plan to look at. That is not this year.

Vice-Chairman Durham said that they have heard so much information tonight, it is hard to separate what are people's opinions and what people know for a fact. Does anybody have reason to suspect or believe that all the blacktop that disappeared off of Baldwin went into that pit? He said if it did, he had a serious issue.

Chairman Yaros said that they did put some down to cut dust down at the beginning, but he had no idea if all the asphalt on Baldwin went in. He said most asphalt goes back to the plant because they can reuse it. He knew that the county gets a lot of the tailings to use themselves. He thought that the people that tear up the roads usually take it back to the plant, so he thought that the majority was going back to the plant.

Vice-Chairman Durham said that the applicant stated that they are tracking the grade. He stated that it clearly states in the OHM review under point number four (4), is that logs will be kept, pictures shall be taken. The people running the pit will be required to stand by that chapter and verse if this pit renewal goes through? Chairman Yaros said that is correct. Vice-Chairman Durham said it is there in plain language, so that shouldn't be a problem with the pit operators keeping it under control.

Vice-Chairman Durham added that he was in total agreement of stopping the hours at 5 pm, and Saturday. Also, he was in agreement with the 50/50 break to traffic to Baldwin Rd. and Joslyn Rd.

Moved by Trustee Flood, seconded by Chairman Yaros, that in the matter of ZBA case #AB-99-02-2020, Dan's Excavating Inc., 2985 Judah Rd. (parcel #09-32-400-056); and an unaddressed land that is that portion of lot 11 of Mt. Judah Farms south of 2985 Judah Rd. excluding the portion of lot 11 of Mt. Judah Farms that is part of Breckenridge Orion Condominium (parcel #09-32-400-096); and an



unaddressed land that is one (1) parcel west of 2985 Judah Rd. (parcel #09-32-400-095); and 3011 Judah Rd. (parcel #09-32-400-063); the petitioner is requesting a renewal of an Ordinance #99 permit for sand and gravel mining, earth excavating, and or filling, and earth balancing, be **granted** because this is a renewal of a permit to finally get this permit completed; it has been an aggravation for the residents for the past 60 years; also to meet the final permitting when it finally gets filled; hours of operations are restricted to Monday through Friday 7 am-5 pm and Saturday 7 am-5 pm, as the ordinance explains no Sunday or holiday work; the number of vehicles they are requesting is limited to 100 vehicles per day, and they have to get the haul route from the Oakland County Road Commissions and the Weigh Master; they would like to have that 50/50 Joslyn Rd. and Baldwin Rd. if the Weigh Master and the Oakland County Road Commission allows for that, now that they have Baldwin Rd. with the round-about it should be no problem; OHM's letter date stamped revised April 20, 2020, stated that it was their opinion that the application, and the submitted materials submitted to be in fair substantial compliance with the Township Ordinance #99, and the Township engineering standards: recommend that the following items be a condition of approval; 1) the applicant furnishes to the township a copy of the haul route permit once renewed through Oakland County Road Commission for Judah Rd., and the current permit is set to expire on 6/1/2020; that will also include their preference of 50/50 of Joslyn Rd. and Baldwin Rd. 2) the approximate start date and end date of any intense activity, if applicable, occurring on the site for the year should be included in the application and/or notice given to the Township prior to high periods of activity; 3) Per Section 7, Item I, of Ordinance 99, the applicant shall note that the tracking of material and dust control issues will be monitored and improvements may be required throughout the permit year; 4) Per Section 10 of Ordinance 99, a log of each fill material load shall be maintained by the applicant to document all fill is "Suitable Fill Material" as defined. In addition, the log will include one photograph of each truckload which shall depict the contents of the fill material and the date and time of the delivery. If requested by the Building Official, copies of all logs and photographs shall be submitted to the Township Building Department on a monthly basis or earlier; 5) construction materials such as edge drain not associated with the grading operations should be removed from the site.

Discussion on the motion:

Vice-Chairman Durham said that there was confusion about the number of trucks. They stated 100 trucks, he believed that it was noted that it would be 100 loads, correct? Chairman Yaros replied that is correct.

Commissioner Walker said in the motion under #3 in the engineers stated that it was Item "I" and he thought that it was Item "L" of Ordinance #99.

Amended by Trustee Flood, re-supported by Chairman Yaros that the item be listed as item "L".

Roll call vote was as follows: Durham, yes; Walker, yes; Flood, yes; Kosciernzynski, yes; Yaros, yes.  
**Motion Carried 5-0**

## **6. PUBLIC COMMENTS**

Mr. Joe Bird said he had excepted Mr. Walker's resignation. He didn't know if Mr. Walker had the power to appoint Mr. McNabb but he wanted to make sure that they accept it and then his vote would be stricken, just now, because he offered to resign. Mr. Bird added that he has emailed and accepted his resignation, and that it was a parliamentary matter. He stated that Mr. Walker was no longer on the Board by virtue of his offer of his resignation. He then said he didn't know why Trustee Flood was laughing and thought that it was insulting to him and everyone in the community. He said Mr. Walker just offered to resign, and not to do that, it was insulting. Chairman Yaros asked Mr. Bird if he had a comment on this case? Mr. Bird replied that the Board Member was laughing at him like a juvenile delinquent. Chairman Yaros replied that he was not. Mr. Bird said if they had asked for and followed the law, by making sure they had the logs and photos<sup>45</sup> all of these photographs about the asphalt,



- D. Gases - The escape of, or emission of, any gas in concentration so as to be injurious, destructive, or explosive shall not be allowed.
- E. Glare or Heat - Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the property line, except during the period of construction of the facilities to be used and occupied.
- F. Light - All lighting used to illuminate buildings, signs, and/or parking areas shall conform to the BOCA Code. Such lighting shall be arranged or shielded so as to direct light away from adjoining properties. The lighting source shall not be directly visible from the adjoining property.
- G. Smoke, Dust, Dirt and Ash Fly - There shall be no discharge into the atmosphere from any single source of emission or any air contaminate for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines. The Umbrascopes readings of smoke densities may be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Building Department.
  2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (1) above, except when the emission consists only of water vapor. The quantity of gas borne or air borne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.
- H. Drifted and Blown Material - There shall be no drifting or airborne transmission beyond the property line of dust, particles, or debris from any open stockpile.
- I. Radioactive Materials - Radioactive materials shall not be emitted to exceed safe quantities.
- J. Hours of Operation - Hours of operation shall be 7:00 a.m. to 5:00 p.m. unless otherwise specified by the Board of Appeals. No operation shall be permitted on Sundays and legal holidays. In emergency situations, this time period may be modified by the Township Building Department, provided such emergency shall not be effective for more than 72 hours.
- K. Drainage - Natural drainage shall not be blocked or diverted in such a manner as to cause the natural water flow to back up onto adjacent property, or to flow in a different course upon leaving the property upon which the blocking or diversion occurs, unless an application is made and a permit is issued by the Building Department, pursuant to plans which provide for a drainage flow which will not be detrimental to surrounding properties.
- L. Mud, Dirt, Clay on Public Roads - The permit holder shall take whatever steps are necessary to prevent any motor vehicle from carrying onto any public right-of-way any mud, dirt, clay, or refuse. If mud, dirt, clay, or refuse is carried or tracked onto a public right-of-way, the permit holder shall clean the right-of-way when and as often as is necessary. In any case, a permit holder shall not leave any such debris on a public right-of-way after the end of a working day. If notified during a working day by the Township that cleaning is required, it shall be accomplished within one (1) hour, weather permitting, of the giving of such notice.

## **Section 8 – Requirements: Soil Excavation and Removal**

- A. Setbacks - No cut or excavation shall be closer than one hundred (100) feet from the nearest street, highway, or alley right-of-way line, nor from the nearest perimeter property line; provided, however, that the Board of Appeals may prescribe greater setbacks if it determines it necessary in order to give sub-lateral support to surrounding property; provided further that the Board of Appeals may prescribe lesser setbacks near a property line, if it is determined that sub-lateral support to surrounding property is not necessary.
- B. Standing Water - No soil, sand, gravel or other similar material shall be removed in such a manner as to cause water to stand or accumulate, or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with. Where removal or grading operations result in a body of water forming, the permit holder shall erect "KEEP OUT - DANGER" signs on the required fence around the excavation not more than two hundred (200) feet apart, or as otherwise required by the Board of Appeals.



## Lynn Harrison

---

**From:** Linda Lovins <llovins12@gmail.com>  
**Sent:** Monday, April 19, 2021 9:59 AM  
**To:** Lynn Harrison  
**Subject:** Meeting # 914793997 Comments

RECEIVED  
APR 19 2021  
Orion Township  
Planning & Zoning

Good Day,

I am contacting you regarding a proposed "request for renewal of an Ordinance No. 99 permit for sand and gravel mining, earth excavation, and/or filling and earth balancing..." which has been occurring at a gravel pit off of Judah Road in Orion Township.

I live at 3165 Judah Rd, Orion Township. I purchased this property in August of 2020, and was not aware of the gravel pit down Judah Road. In fact, I was quite surprised to learn that it was there, given the general welcoming ambiance of Judah Road and Orion Township in general. I would request that the above mentioned renewal be declined for various reasons.

First, the large trucks are very noisy. This is amplified by the fact that Judah Road is a dirt road. Many days I am awakened early due to hearing one of these trucks, and it's worse when they hit pot holes in front of my house. Which brings me to the second reason I disagree with keeping the gravel pit open. The large trucks are just too heavy for a dirt road. The road in front of my house is constantly laden with LARGE pot-holes, caused by these heavy trucks. Even though the road is graded regularly, once these trucks pass by, the pot-holes are back quickly, especially if we're experiencing wet weather. Third, when we're experiencing dry weather, these trucks stir up HUGE amounts of dust every time they pass by. Finally, children walk to and from the bus stop on the road (there are no sidewalks), and I worry that one of these trucks (which sometimes drive faster than they should) coming up one of the hills and then down won't see a child until it is too late.

I think the time has come to close this gravel pit. We residents are entitled to the "quiet enjoyment of our property". We need to be a forward thinking community that encourages mutually beneficial relationships with residents and businesses. I do not feel that keeping this pit open any longer serves the best interests of our community.

Thank you for your careful consideration.

Sincerely,  
Linda S. Lovins  
3165 Judah Road  
Orion Township, MI 48359



### PERMIT DESCRIPTION

This is an Annual Permit to:

USE JUDAH ROAD FROM BALDWIN ROAD EAST 1.0 MILES TO JOSLYN ROAD SOUTH 0.41 MILES TO BROWN ROAD AS AN ANNUAL HAUL ROUTE FOR TRANSPORTING DESIGNATED WHEEL AND AXLE LOADINGS IN LIEU OF ALLOWABLE NORMAL LOADINGS SUBJECT TO THE FOLLOWING CONDITIONS AND ATTACHED DOCUMENTS:

- 1) HAUL ROUTE LIMITS: JUDAH ROAD FROM BALDWIN ROAD EAST 1.0 MILES TO JOSLYN ROAD SOUTH 0.41 MILES TO BROWN ROAD
- 2) ALLOWABLE DESIGNATED WHEEL AND AXLE LOADING: SINGLE AXLE - 18,000 LBS, TANDEM AXLE - 32,000 LBS.
- 3) RCOC WILL PERFORM ALL ABOVE NORMAL MAINTENANCE WORK IN ACCORDANCE WITH LETTER ISSUED WITH THE APPROVED APPLICATION.
- 4) ALL TRUCKS USING THIS ROUTE MUST HAVE A COPY OF THIS PERMIT IN THEIR POSSESSION IN THE EVENT THEY ARE STOPPED FOR ROUTINE WEIGHT INSPECTION.

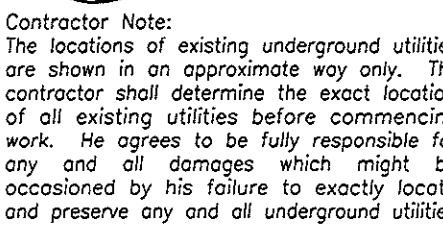
ALL ABOVE NORMAL MAINTENANCE WORK SUCH AS: CALCIUM DUSTPROOFING, ADDITIONAL GRADING, GRAVEL RESURFACING, PAVEMENT REPAIR, SHOULDER RESTORATION AND OTHER RELATED ITEMS WILL BE PERFORMED BY THE R.C.O.C AT THE EXPENSE OF THE LICENSEE. THIS WORK WILL BE BILLED AND/OR CHARGED AGAINST THE DEPOSIT AMOUNT AT THE TIME OF EXPIRATION OF THIS PERMIT, EXCLUDING ONLY PROCESSED ROAD GRAVEL THAT THE LICENSEE MAY ELECT TO FURNISH FOR PLACEMENT ON THE ROAD WHEN REQUESTED BY THE R.C.O.C. IT WILL BE THE RESPONSIBILITY OF THE PERMIT HOLDER TO SWEEP, CLEAN AND/OR SCRAPE ADJACENT ROADWAY(S) WHEN CONDITIONS WARRANT.

The above referenced Annual Haul Route is valid from the commencing date of issuance through the Automobile Liability Insurance expiration date.

All transporting shall be in accordance with the attached approved application on file for DAN'S EXCAVATING INC.

RECEIVED  
MAR 11 2021  
Orion Township  
Planning & Zoning





<b>SUBMITTAL REVIEW</b>		<b>OHM</b>
<input checked="" type="checkbox"/> NO EXCEPTION TAKEN	<input type="checkbox"/> REJECTED	O H M
<input checked="" type="checkbox"/> MAKE NOTES REVISIONS	<input type="checkbox"/> SUBMIT SPECIFIED ITEM	
<input checked="" type="checkbox"/> APPROVAL NOT REQUIRED	<input type="checkbox"/> RETURN TO THE ORIGINATOR	
<input checked="" type="checkbox"/> REVISE AND RESUBMIT	<input type="checkbox"/> ACKNOWLEDGE RECEIPT	
<p>This review is for general conformance with the design concept and the information given in the Construction Documents. Contractors or consultants must do the shop drawings during this review to allow the Contractor time to compare with the requirements of the plans and specifications.</p> <p>Approval of a specific item does not remove approval from the responsibility of which the user is a Contributor. The Contractor's acceptance for submission is to be confirmed and completed at the project information meeting. This includes discussion of the items, methods, materials, equipment, techniques, and sequences and procedures of construction; coordination of the Work with all other trades and parties; as well as a safe and satisfactory finish.</p> <p style="text-align: center; color: red; margin-top: 10px;"><b>OHM Approval:</b></p> <div style="display: flex; justify-content: space-between;"> <span>OHM PROJECT NO. _____</span> <span>SUBMITTAL NO. _____</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span>REVIEWED BY: mlands _____</span> <span>DATE: 4/25/2020</span> </div>		

LOTS 11, 12, 13, AND 14, "MT. JUDAH FARMS", AS RECORDED IN LIBER 14, PAGE 57, OF PLATS, OAKLAND COUNTY RECORDS, EXCEPT for that portion of the Lots southerly of the Michigan Gas Storage Co. Easement as described as follows:

PROPOSED SPLIT PARCEL: Port of lots 11, 12, 13, & 14 of "Mt. Judah Farms" a platted subdivision as recorded in Liber 14, Page 57 of Deeds, Oakland County Records, being more particularly described as: Commencing at the South 1/4 corner of Section 32, T4N-R10E, Orion Township, Oakland County, Michigan; thence N00°35'51"E along the North-South 1/4 line of said Section 32, 422.77 feet to the Southwest corner of said Lot 14, said point also being the Point of Beginning; thence S00°00'00"E along the East-West line of said Lot 14, 100.00 feet to the East line of said Section 32, 2735.38' - P-38 & 41, and L-9714, P-598 thru 619, as field located; thence along said Southerly line of easement route to the Southwest corner of said Section 32, 189.58 feet and S83°05'21"E, 517.16 feet; thence S00°17'14"E, 139.47 feet to the South line of said "Mt. Judah Farms"; thence N88°02'49"W along the South line of said "Mt. Judah Farms", 70.47 feet to the East line of said Parcel; thence said Parcel contains 2.75 acres of land and is subject to any and all easements which may or may not be of record.

PLEASE NOTE THAT URBAN LAND CONSULTANTS HAS NOT PERFORMED ANY BOUNDARY SURVEY WORK ON THIS PARCEL. ALL PROPERTY LINE INFORMATION IS SHOWN FROM RECORDS PROVIDED BY THE CLIENT. THE PROPOSED SPLIT PARCEL DESCRIPTION IS PER SURVEY BY DIFFIN-UMJOR & ASSOCIATES DATED 02-06-2019.

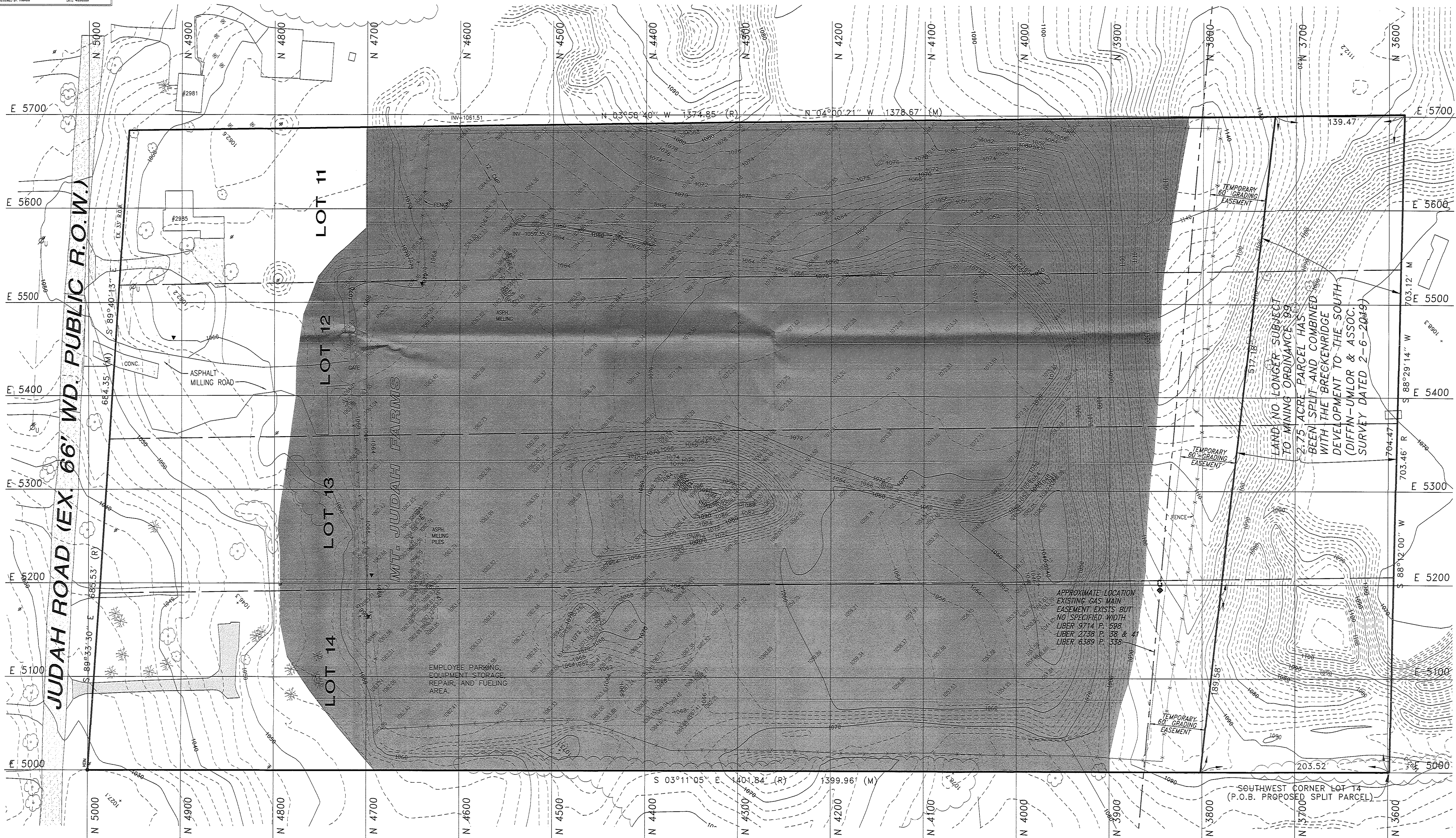
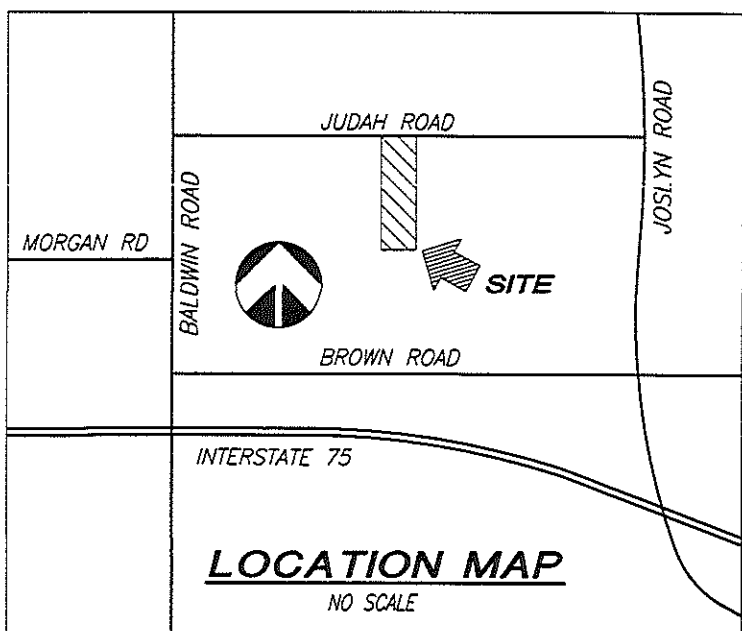
- PARCEL IDENTIFICATION #: 09-32-400-056, -063, -095, & -096
- EXISTING ZONING: R-1
- ADJACENT ZONINGS: R-1, BIZ
- AREA OF SITE: 19.31 ACRES
- AREA OF DISTURBANCE (2019-2020) = 14.4 ACRES
- TOTAL NUMBER OF EXISTING LOTS: 4

TOPOGRAPHIC SURVEY NOTES:  
ORIGINAL TOPOGRAPHY WAS BY OHM DATED NOVEMBER 2012  
WHICH WAS UPDATED BY URBAN LAND CONSULTANTS, LLC ON  
FEBRUARY 23 2016, AND UPDATED AGAIN BY ULC, LLC ON  
JUNE 24 2018. CONSIDERABLE GRADING HAS TAKEN PLACE  
ON THE SITE SINCE THE LAST TOPOGRAPHY UPDATE.

0' 25' 50' 100' 150'

B.M. #1 ELEV.=1051.64  
COG. SPK. IN W. FACE POWER POLE  
N. SIDE JUDAH ROAD, 100' EAST OF  
PIT ENTRANCE.

B.M. #2 ELEV.=1066.32  
CUT NAIL IN S. FACE 6X6 FENCE POST



**EXISTING CONDITIONS - SHEET 1 OF 2**

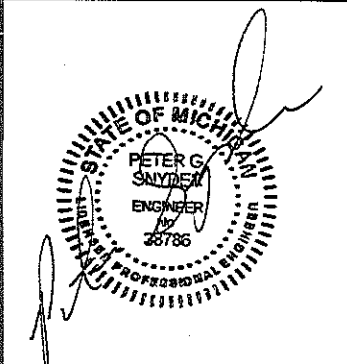
## EXISTING CONDITIONS

PART OF THE S.E. 1/4 OF SECTION 32  
T.4N., R.10E., ORION TOWNSHIP,  
OAKLAND COUNTY, MICHIGAN

080403-3150	DATE	ADDITIONS AND/OR REVISIONS	BY
Job No.			
7/20/2018			
Scale 1"=50'			
Drawn J.M.			
Check P.G.S.			
Sheet 1 of 1			
File Bk.			
	4-13-20	REV. PER TWP. ENGINEERING REVIEW	P.S.
	4-9-20	REV. PER DITAM-JUNIOR & ASSOC. PARCEL SHIT	P.S.
	7-29-19	REV. PER BRECKENRIDGE DEVELOPMENT PLANS	P.S.
	1-22-19	REV. PER BRECKENRIDGE DEVELOPMENT PLANS	P.S.
	1-22-19	REV. GRADING, PHASE 1 FENCE PER CLIENT	P.S.
	8-13-18	REV. PER TWP. ENGINEERING REVIEW	P.S.
	8-7-18	REV. PER TWP. ENGINEERING REVIEW	P.S.

**PROPOSED**  
**JUDAH ROAD SAND PIT**

FOR: DAN'S EXCAVATING  
12955 23 MILE ROAD  
SHELBY TWP., MICHIGAN 48315  
(586)254-2040  
ATTN: BRETT BAKER



**URBAN  
LAND  
CONSULTANTS ©**

CIVIL ENGINEERS   PLANNERS   LAND SURVEYORS  
8800 23 MILE ROAD   SHELBY TWP., MI 48316-4516  
PHONE 586 731-8030  
FAX 586 731-2605



# RETENTION VOLUME CHECK

ASSUME NO OUT-FLOW TO JUDAH ROAD FROM THE FORMER MINING AREA NORTH OF THE GAS LINE EASEMENT (14.0 AC.) PLUS OFFSITE (0.60 AC.) TOTAL 14.60 AC. AT PROPOSED 1% = 0.15 (OPEN SPACE, GRASSY, LIGHT RESIDENTIAL)

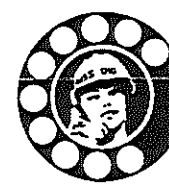
## REQUIRED RETENTION VOLUME CALCULATION:

METHOD#1: 2 X'S OAK, CO. MODIFIED 100 YEAR EVENT  
NO OUTLET:  $Q_0 = 0$ ,  $V_{S100} = 16500 \text{ ft}^3/\text{Ac.}-\text{imp}$

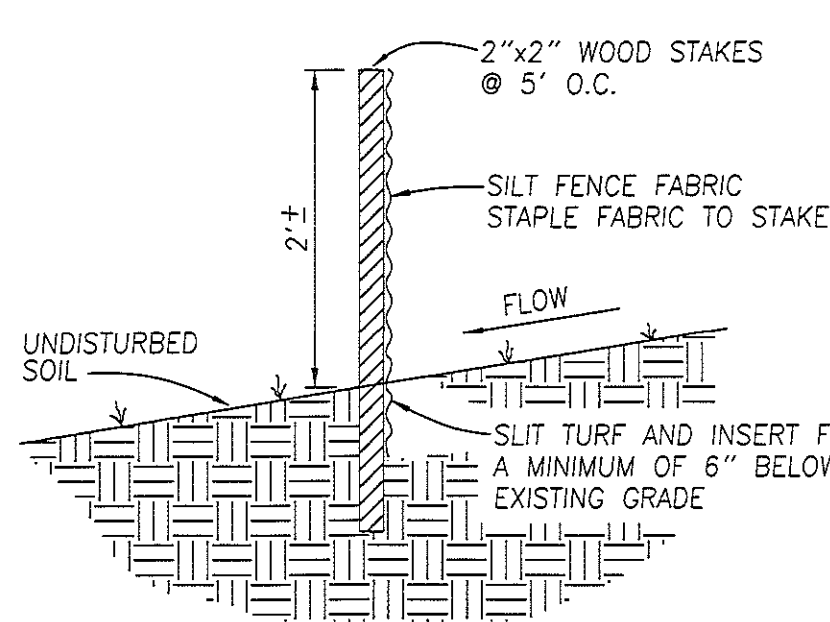
**EAST AREA RETENTION**  
ON-SITE TRIBUTARY = 1.9 AC.; OFFSITE = 0.5 AC.  
 $V_{\text{req}} = 2.4 \times 33,000 \times 0.15 = 11,900 \text{ CU. FT.}$   
**PROVIDED RETENTION VOLUME:**  
 $V = h/3 \times (A_T + A_B + \sqrt{A_T \times A_B})$   
 $A_{1060} = 14,250 \text{ S.F.} > V = 22,130 \text{ CU. FT.}$   
 $A_{1060} = 8160 \text{ S.F.} > V_{\text{TOTAL}} = 22,130 \text{ CU. FT.}$

**WEST AREA RETENTION**  
ON-SITE TRIBUTARY = 12.1 AC.; OFFSITE = 0.1 AC.  
 $V_{\text{req}} = 12.2 \times 33,000 \times 0.15 = 60,400 \text{ CU. FT.}$   
**PROVIDED RETENTION VOLUME:**  
 $V = h/3 \times (A_T + A_B + \sqrt{A_T \times A_B})$   
 $A_{1063} = 52,230 \text{ S.F.} > V = 42,750 \text{ CU. FT.}$   
 $A_{1062} = 33,940 \text{ S.F.} > V = 33,170 \text{ CU. FT.}$   
 $A_{1060} = 4,070 \text{ S.F.} > V_{\text{TOTAL}} = 75,920 \text{ CU. FT.}$

Contractor Note:  
The location of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.



3 WORKING DAYS  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171  
MISS DIG for the location of underground utilities



## NOTES

- FILLING WILL TAKE PLACE IN THE AREA BETWEEN GRID LINES 5000E-5700E AND 3600N-4800N.
- APPROXIMATE CUT VOLUME IS 42,400 CUBIC YARDS.
- APPROXIMATE FILL VOLUME IS 290,800 CUBIC YARDS.
- APPROXIMATE SHORTAGE VOLUME TO BE BROUGHT ON SITE IS 248,400 CUBIC YARDS.
- TEMPORARY SOIL EROSION CONTROL: INSTALL SILT FENCE AS SHOWN AT THE PERIMETER OF THE WORK AREA WHERE RUNOFF MIGHT LEAVE THE SITE
- PERMANENT SOIL EROSION CONTROL: INSTALL 3" TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS AS GRADING IS COMPLETED

## PROPERTY DESCRIPTION

PROPOSED SPLIT PARCEL: Part of lots 11, 12, 13, & 14 of "Mt. Judah Farms" a platted subdivision as recorded in Liber 14, Page 57, OF PLATS, OAKLAND COUNTY RECORDS, EXCEPT for that portion of the Lots southerly of the Michigan Gas Storage Co. Easement as described as follows:  
N00°35'51"E along the North-South 1/4 line of said Section 32, 1427.79 feet to the Southwest corner of said Lot 14, said point also being the Point of Beginning; thence continuing N00°35'51"E 203.52 feet to the southerly line of "Mt. Judah Farms Co. Easement Route" as recorded in L-2738, P-38 & 41, and L-9714, P-358 thru 619, as field located; thence along said southerly line of easement route the following (21) courses: S82°10'29"E 189.58 feet and S83°05'21"E 517.18 feet; thence S00°17'14"E 139.47 feet to the South line of said "Mt. Judah Farms"; thence N88°02'49"W along the South line of said "Mt. Judah Farms" 707.47 feet to the point of Beginning. Said Parcel contains 2.75 acres of land and is subject to any and all easements which may or may not be of record.

PLEASE NOTE THAT URBAN LAND CONSULTANTS HAS NOT PERFORMED ANY BOUNDARY SURVEY WORK ON THIS PARCEL. ALL PROPERTY LINE INFORMATION IS SHOWN FROM RECORDS PROVIDED BY THE CLIENT. THE PROPOSED SPLIT PARCEL DESCRIPTION IS PER SURVEY BY DIFFIN-UMLO & ASSOCIATES DATED 02-06-2019.

## MINING PLAN SITE CRITERIA

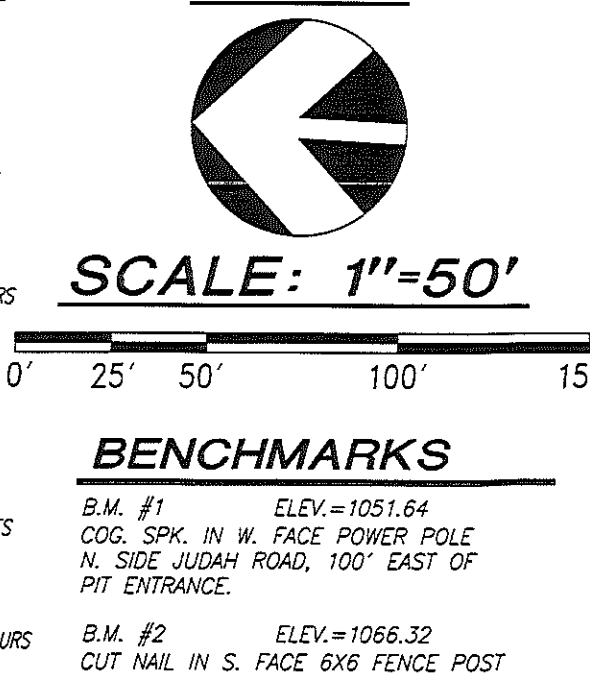
- PARCEL IDENTIFICATION #: 09-32-400-056, -063, -065, & -066
- EXISTING ZONING: R-1
- ADJACENT ZONINGS: R-1, BIZ
- AREA OF SITE: 19.31 ACRES
- AREA OF DISTURBANCE (2020) = 12.4 ACRES
- TOTAL NUMBER OF EXISTING LOTS: 4
- LOT SUMMARY:  
MINIMUM LOT SIZE: 14,000 S.F.  
MINIMUM LOT FRONTAGE: 100' (AT SETBACK LINE)  
BUILDING SETBACKS: FRONT = 40', REAR = 35', SIDE = 10' (EACH)
- THE FINAL USE (POST MINING) WILL BE SINGLE FAMILY HOMES ON THE EXISTING FOUR PLATTED LOTS.

TOPOGRAPHIC SURVEY NOTES:  
ORIGINAL TOPOGRAPHY WAS BY OHM DATED NOVEMBER 2012 WHICH WAS UPDATED BY URBAN LAND CONSULTANTS, LLC ON FEBRUARY 23, 2016, AND UPDATED AGAIN BY ULC, LLC ON JUNE 24, 2018. CONSIDERABLE GRADING HAS TAKEN PLACE ON THE SITE SINCE THE LAST TOPOGRAPHY UPDATE.

## LEGEND

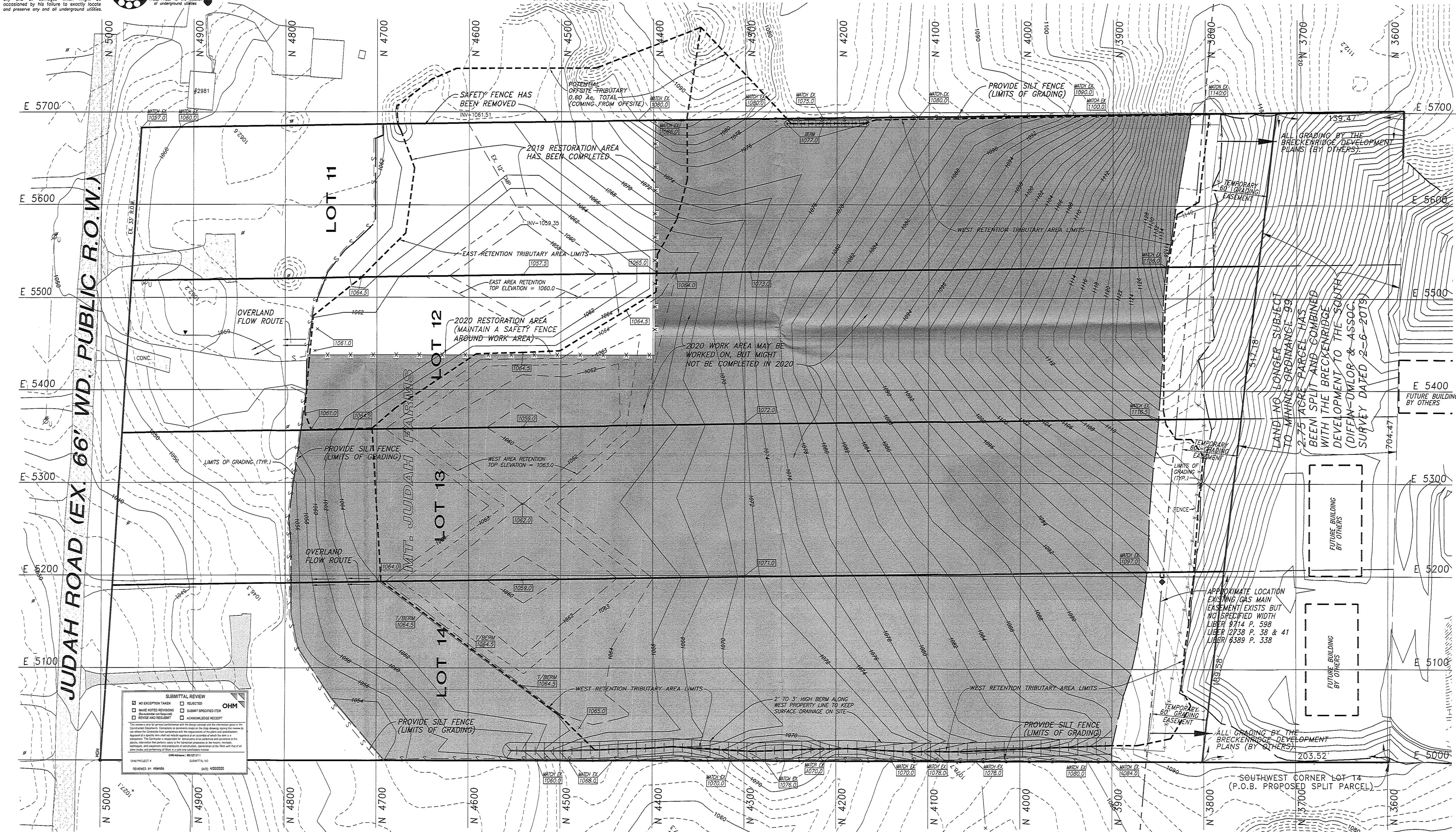
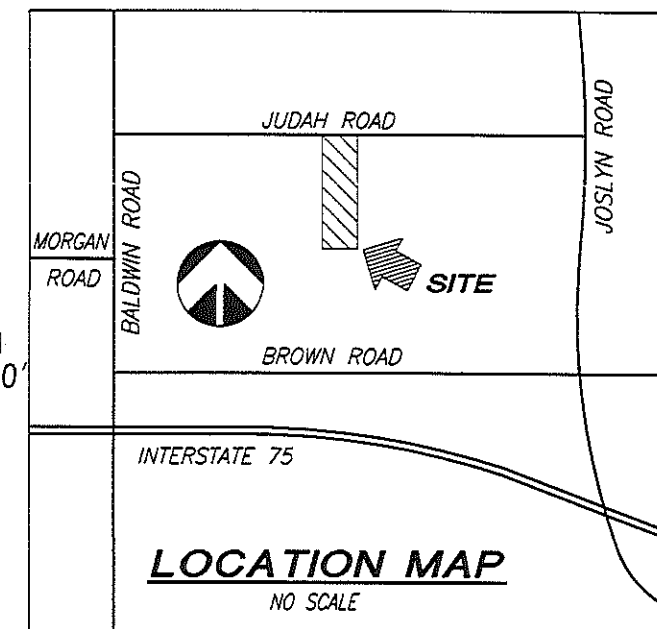
- 878.50 EXISTING GRADE
- 1060.0 PROPOSED GRADE
- 5% EXISTING CONTOURS
- EXISTING GRAVEL
- EXISTING TREELINES
- PROPOSED CONTOURS

## NORTH



## BENCHMARKS

B.M. #1 ELEV.=1051.64  
COG. SPK. IN W. FACE POWER POLE  
N. SIDE JUDAH ROAD, 100' EAST OF  
PIT ENTRANCE.  
B.M. #2 ELEV.=1066.32  
CUT NAIL IN S. FACE 6X6 FENCE POST







**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: April 20, 2021

SUBJECT: Staff Report for AB-2021-03, Justin Brantley, 2191 Pondview for April 26, 2021 ZBA Meeting

---

The petitioner's case was postponed from the March 22, 2021 ZBA meeting as he had indicated that he wanted to reduce the size of the pole barn to 20' x 30' or 600-sq. ft. from 1,200-sq. ft. He has also decided to eliminate the need for the 10-ft side yard setback variance and build the pole barn 20-ft from the side property line to the west as required in the Suburban Estates (SE) zoning district.

Therefore:

The petitioner has amended his original request and is seeking 2 variances from Zoning Ordinance #78 – Zoned SE

Article XXVII, Section 27.02 Lot Size 1 to 2 Acres

1. A 173-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 600-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.
2. A 337-sq. ft. variance above the allowed 1,500 sq. ft. Maximum Floor Area of All Accessory Buildings to build a 600-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 1,837-sq. ft.

The Board has the option to approve the variances, deny the variances, amend the variances, or postpone the case.

If the Board chooses to amend the variances, please use the attached calculation sheet and make sure to adjust the numbers accordingly in the motion.

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:** April 20, 2021

**RE:** AB-2021-03, Justin Brantley, 2191 Pondview

---

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 has been revised by the petitioner and is less than what was originally advertised. The petitioner can seek more than his revised request put can not ask for more than what was originally advertised which is stated on the April 26, 2021 Agenda.

**\*\* If the variances are modified, please use the square footage calculation sheet to determine the modifications and 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-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022**, I move that the petitioner's request for:

3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 10-ft. to build a pole barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.
3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

**Be revised as follows:**

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned SE

Article XXVII, Section 27.02 Lot Size 1 to 2 Acres

1. A 173-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 600-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.
2. A 337-sq. ft. variance above the allowed 1,500 sq. ft. Maximum Floor Area of All Accessory Buildings to build a 600-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 1,837-sq. ft.

and to **grant the revised request** 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*):

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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SAMPLE MOTION FOR

**DENIAL OF A NON-USE VARIANCE**

In the matter of ZBA case # **AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022**, I move that the petitioner's request for:

3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 10-ft. to build a pole barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.
3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

**Be revised as follows:**

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned SE

Article XXVII, Section 27.02 Lot Size 1 to 2 Acres

1. A 173-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 600-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.
2. A 337-sq. ft. variance above the allowed 1,500 sq. ft. Maximum Floor Area of All Accessory Buildings to build a 600-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 1,837-sq. ft.

**Please be specific how the petitioner does not meet this criteria**

and 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:

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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## 27.02 Buildings, Structures, and Uses

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 11/28/85)*:

LOT SIZE	MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS	MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS	TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *
Up to 1/2 acre	750 sq. ft.	75% of the principal structure	1,150 sq. ft.
1/2 to 1 acre	900 sq. ft.		1,300 sq. ft.
1 to 2.5 acres	1,000 sq. ft.		1,500 sq. ft.
Over 2.5 acres	1,400 sq. ft.		1,900 sq. ft.
* 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 11/28/85 06/15/15)*:
- 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:
    - The accessory building or structure is aesthetically compatible with, and constructed of the same color as the principal residential building or structure.
    - 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.
    - 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)*
    - 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.
  - 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.



**AB-2021-03, Justin Brantley, 2191 Pondview**

**Variance Calculations**

<b>Allowed Sq. Ft. of All Detached Accessory Structures</b>	<b>1,000 sq. ft.</b>	<b>1,000 sq. ft.</b>	<b>1,000 sq. ft.</b>	<b>1,000 sq. ft.</b>
Above-ground swimming pool	573	573	573	573
Proposed Pole Barn	600			
<b>Variance</b>	<b>173-sq. ft.</b>			

<b>Allowed Max Sq. Ft. of All Accessory Structures</b>	<b>1,500 sq. ft.</b>	<b>1,500 sq. ft.</b>	<b>1,500 sq. ft.</b>	<b>1,500 sq. ft.</b>
Attached Garage	664	664	664	664
Above-ground swimming pool	573	573	573	573
Proposed Pole Barn	600			
<b>Variance</b>	<b>337- sq. ft.</b>			



## Lynn Harrison

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**From:** Justin Brantley <[justin.brantley@pontiacschools.org](mailto:justin.brantley@pontiacschools.org)>  
**Sent:** Tuesday, April 20, 2021 12:38 PM  
**To:** Lynn Harrison  
**Subject:** Re: [External Message:] RE: [External Message:] April 26, 2021 ZBA Meeting Agenda  
**Attachments:** image001.png

No, the 20 ft. Should be good.

On Tue, Apr 20, 2021, 12:21 PM Lynn Harrison <[lharrison@oriontownship.org](mailto:lharrison@oriontownship.org)> wrote:

Is the setback from the western property line going to remain at 10-ft?

**Lynn Harrison**



Coordinator

Planning & Zoning

2525 Joslyn Road, Lake Orion, MI 48360

O: 248.391.0304, ext. 5001

W: [www.oriontownship.org](http://www.oriontownship.org)

**From:** Justin Brantley <[justin.brantley@pontiacschools.org](mailto:justin.brantley@pontiacschools.org)>  
**Sent:** Tuesday, April 20, 2021 11:29 AM  
**To:** Lynn Harrison <[lharrison@oriontownship.org](mailto:lharrison@oriontownship.org)>  
**Subject:** Re: [External Message:] April 26, 2021 ZBA Meeting Agenda

I'm sorry. I have been super busy at school. I wanted reduce the size to 20 ft x 30 ft (or 600 sq. Ft.) from the prior proposed 1200 sq ft. So, a small change to the most the numbers. Please let me know if you need anything.



On Tue, Apr 20, 2021, 10:51 AM Lynn Harrison <[lharrison@oriontownship.org](mailto:lharrison@oriontownship.org)> wrote:

Justin, attached is the agenda for the April 26<sup>th</sup> ZBA meeting. Your case was postponed from the March 22, 2021 meeting to this meeting.

Your request has been kept the same – we talked last week about you revising the size of the structure but I have not gotten your email with that information. Please forward me an email with the new size you are proposing and if there will be any change to the setback request. I will need this information by Wednesday afternoon so that I can include it in the ZBA packet for the April 26<sup>th</sup> meeting.

At this time the meeting will be held in-person at the Orion Township Community Center located at 1335 Joslyn Road.

Please remember to stake the corners of the proposed structure. This allows the Zoning Board of Appeals members to see the proposed location when they visit the site. Individually they will stop by between now and the night of the meeting. You do not need to be onsite when they visit.

At the meeting, be prepared to explain to the ZBA why the variance or variances are needed and how the request meets the criteria the ZBA members will base their decision on. A copy of that criteria is attached. After your explanation, the ZBA members may ask questions and the Chairman will ask if there is anyone that would like to speak to the matter (i.e. neighbors, Orion Township residents, or anyone that may have evidence they would like to present regarding the request).

Any public correspondence received regarding your case can be requested by contacting me via email or by phone.

Lynn Harrison

Coordinator

Planning & Zoning Department

2525 Joslyn Road, Lake Orion, MI 48360

O: 248.391.0304, ext. 5001

W: [www.oriontownship.org](http://www.oriontownship.org)



safety, comfort, morals, or welfare of anybody by building a structure that is basically using the same footprint for the most part, as the current one that is on the property and has been for many years.

**Roll call vote was as follows:** Flood, yes; Walker, no; Brackon, yes; Durham, yes; Cook, yes.  
**Motion Carried 4-1**

**C. AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022**

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 20-ft. to build a pole barn 10-ft. from the side property line (west).

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition to a 573-sq. ft. existing above-ground swimming pool.
3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. existing above-ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

Mr. Justin Brantley was present via the GoToMeeting app.

Chairman Durham stated that he was with them once before. Mr. Brantley replied yes; he wanted to try to put something at end of his driveway so maybe he can just pull a car into a detached garage, and use that as additional parking and storage. It was pretty close to the property line on that side, so he understood why, because it blocked the view of his backyard for his neighbor, so he understood. It would have been close to a tree also and he didn't want to get rid of it because it was large. After having discussions with the neighbors, they decided a little bit further back into the corner of the property for a structure that would be about the same size. His wife told him that they should reduce the size of it to 20x30, so it ended up being only 600-sq. ft.

Mr. Brantley said that he staked the area on Friday. He wasn't sure if any of the Board Members came out? He had Miss Dig come out Friday and wasn't sure if they went into the west corner or not, but they had marked where the utilities were that were coming from the pole by their driveway to their house. He talked with them, the gentleman said that there wasn't anything back there, but he wasn't sure, so he will have them do it again, just to be sure. Because he knew there were some cable lines there were working on when they had some internet issues in the area.

Chairman Durham said that he had mentioned that they decreased the size, does tonight's request reflect the decreased size? Mr. Brantley replied no because when he was talking to the Planning & Zoning Coordinator, it was said that they should request as much as possible as far as the variance to the property lines and the size of the structure, they could always reduce it later. His wife has instructed him to reduce it.

Chairman Durham said he stood at the end of the driveway and looked back, and he couldn't even see where it was going to be from the end of the driveway.

Chairman Durham stated that before the neighbors were upset, he walked away from it, came back, and put it in a place where it should be much less obtrusive than it was going to be. Mr. Brantley said



yes, they have trees on two sides of it. One side will be pointing towards their property, they will have 150 to almost 200-ft. now pointing towards their property. The back corner of their property will be visible from their neighbors to the south, but only two sides of it for the most part, but it will be mostly covered by trees. Their house is a bit taller than theirs so he felt they could look over it.

Chairman Durham asked if they would be pouring cement all the way? Mr. Brantley said he was going to ask Building Official Goodloe what would be the best structure for the area? He listed pole barn on the paperwork, but he didn't know if it would be better to just have a slab with footings and then have something sit on top of it, or have a pole structure and have a slab in the middle of it? He wanted to know what worked the best of those types of structures? Building Official Goodloe said that typically when they have a slab on a grade, they could discuss this after he was done with the Board, but typically if they have a slab on grade and they want to build walls it is for insulation purposes and it is easier to insulate stone walls. The pole barns are cheaper because of the poles, and then they can go a little higher with the height of the pole barn than they can with a framed wall, it is better to go higher. He told Mr. Brantley to call the office and they can discuss it more. Mr. Brantley said he tried to pick a company around the area to do the concrete, and he thought that he would go with Birmingham Seal Coat.

Mr. Brantley said since the size would be reduced, he wasn't sure how close he would get to the property line, and he thought he put 10-ft. on the paperwork, just so he wouldn't have a lot of extra space around them. There is a hill back there, so he might have to be a little closer, anyway, so he doesn't have to build on the hill. Chairman Durham said he was starting to make him nervous because it sounded like he was putting this together on the fly. Mr. Brantley said he was trying to figure out if he should end up doing a pole barn or more of a garage kit and the comparison to foundations and cost. He added that the size is going to be 20x30, which would be half of what it was before.

Building Official Goodloe asked if it was the hill that was forcing him to push it towards the property line? Mr. Brantley replied that he initially wanted to put it as far into the corner to keep as much property on the house facing side as they could for the kids, and they put a garden in last year and they decided that it needed to be a little bit bigger for gardening. He thought that if it needed to be at 20-ft., that shouldn't be too much of a problem with the reduced size. He thought that the square footage was the problem because of the pool.

Trustee Flood said when numbers change and they start doing the math, things get messed up. He said he had a concern, number one on the 10-yard setback variance from the required 10-yard, to build a pole barn 10-ft., he thought something wasn't right. They are either going to build on the property line or it should have said, required 20-ft. He was confused about exactly where they want to put this building. He added that if they are not going to need that 10-ft. variance and if they are not going to need that big of a variance if he would consider postponing, to get this back on the paperwork, exactly how they want it, and then they can review it again. Mr. Brackon said he thought on page 13, there is a color aerial view map, he thought that was helpful to see where he was putting it. Trustee Flood said what his problem was if they are going to start changing all these numbers, they are talking lot coverage and percentage, they have gotten in trouble before, and they had to come back and clear it up. That is why he always asks the petitioner if they are not exactly clear, maybe they want to look at this again, it doesn't cost them any more to do that.

Chairman Durham said he agreed with Trustee Flood. He added that they don't want to get approval for something, and then they say "wait, that is not what I meant". It needs to come from him to them if it needs to be tweaked a little bit. There is a difference between tweaking and putting it together. He didn't get the impression from anybody that they don't want him to have his building, especially with the location improvement, but they need to be sure what they want to do.



Mr. Brantley completely understood, he didn't want to waste their time. He asked when the next meeting would be? Vice-Chairman Cook replied that the next meeting is on April 12<sup>th</sup>.

Vice-Chairman Cook said that he was concerned that he is building the airplane while he is flying. He agreed that they might want to postpone and then get some of those questions answered.

Building Official Goodloe said that if he wanted to come in and sit down with him, and they can see what makes sense for his property.

Vice-Chairman Cook thought that Mr. Brantley should take Building Official Goodloe up on his offer. Mr. Brantley thought it would be nice to iron out all the details because he has been shopping and doing a lot of research and he wasn't sure what would be the best for the long haul of the structure itself and felt it would be a wise decision.

Trustee Flood said that he liked the idea of the April 26<sup>th</sup> because he didn't know if it had to be published in the paper? Building Official Goodloe said that if they pick a date they don't have to readvertise if it is a lesser variance. Mr. Brantley said he was fine with the 26<sup>th</sup>.

Moved by Trustee Flood, seconded by Vice-Chairman Cook, in the matter of AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022, has requested to postpone until the April 26<sup>th</sup> ZBA meeting to gather more facts and meeting the Building Official, and the Planning & Zoning Director.

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

## **6. PUBLIC COMMENTS**

None

## **7. COMMUNICATIONS**

Memo from Planning & Zoning Coordinator Harrison dated March 22, 2021, Dates which cases can be postponed. Information only.

Memo from Planning & Zoning Coordinator Harrison dated March 17, 2021, Dan's Excavating Ordinance 99 Permit Renewal. The site walk was scheduled for March 27, 2021.

## **9. COMMITTEE REPORTS**

None

## **10. MEMBERS' COMMENTS**

Chairman Durham apologized for things getting out of control. He thought that Secretary Brackon's motion was very smooth, and did a fine job with it.

Trustee Flood said that he gave Mr. Stuber credit because he didn't have them on video, he was on his cell phone. He added that he didn't see anything in their packet that said they are going to start meeting in person starting next month. All committees are starting to meeting in person at the Orion Center, Township Board, and Planning Commission. He assumed the ZBA will also be meeting. He said it will be hybrid like they had before.

Board Member Walker thought that they may have let those folks go too long, but they feel better, they got their voices heard.



PACKET DOCUMENTS FROM  
MARCH 22, 2021 ZBA MEETING





**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: March 17, 2021

SUBJECT: Staff Report for AB-2021-03, Justin Brantley, 2191 Pondview

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If you recall, Mr. Brantley was before you at the 9/28/2020 ZBA meeting for variances for a similar pole barn. Mr. Brantley withdrew his request as there was some concern from neighbors regarding its proposed location. Mr. Brantley has relocated the proposed structure to the rear of the property in the southwest corner.

The property is zoned Suburban Estates (SE) where the requirement for the side yard setback is 20-ft. (rear yard setback is 10-ft.).

Also note above-ground swimming pools are included in lot coverage calculations.

**If the Board makes a determination to approve, if applicable, you may add conditions to the motion for that approval. Also, if the Board chooses to approve modified variances, please use the Square Footage Calculation sheet to calculate the modified numbers and make sure those modified numbers are used for the motion.**

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

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:** March 17, 2021

**RE:** AB-2021-03, Justin Brantley, 2191 Pondview

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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, please use the square footage calculation sheet to determine the modifications and 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-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022**, I move that the petitioner's request for:

3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 10-ft. to build a pole barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.
3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

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*):

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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SAMPLE MOTION FOR

**DENIAL OF A NON-USE VARIANCE**

In the matter of ZBA case # **AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022**, I move that the petitioner's request for:

3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 10-ft. to build a pole barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.
3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

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:

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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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  
FEB 12 2021  
Orion Township  
Planning & Zoning

Case # AB-2021-03

Meeting Date: 3/22/21

## 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: Justin Brantley  
Address: 2191 Pondview Court City/State/Zip: Lake Orion / MI / 48362  
Phone: 248-390-6124 Cell: 248-390-6124 Fax: \_\_\_\_\_  
Email: Justin.Brantley@pontiacschools.org

### PROPERTY OWNER(S)

Name (s): Justin Brantley  
Address: 2191 Pondview Court City/State/Zip: Lake Orion / MI / 48362  
Phone: 248-390-6124 Cell: 248-390-6124 Fax: \_\_\_\_\_  
Email: Justin.Brantley@pontiacschools.org

### CONTACT PERSON FOR THIS REQUEST

Name: Justin Brantley Phone: 248-390-6124 Email: Justin.Brantley@pontiacschools.org

### SUBJECT PROPERTY

Address: 2191 Pondview Court, Lake Orion MI 48362 Sidwell Number: 09-04-126-022  
Total Acreage: 1.8 Length of Ownership by Current Property Owner: 1 Years, 8 Months

Does the owner have control over any properties adjoining this site? No

Zoning Ordinance

Allowance/Requirement Min. SetBack 20 ft./ Max. Sq. Ft. Deviation requested Reduction of setback/ Increase Sq. Ft.



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

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request. We would like to propose the location of additional pole barn located in south west corner of our property. This would be a problem due to the current setback and maximum structural exterior square footage allowed by the city. We would like a small reduction/ extension in the variance tolerances.
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. In our initial application a couple of our neighbors had expressed a disfavor with the overall location near the driveway. Understanding their opinions we have agreed to the new setback location that will be hidden partially by trees. This space is larger and will also allow for a large structure while still not having easy access.
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: When approved, the proposed structure will have a limited effect on the surrounding area and properties due to its location and small number of homes on our street. The affected parties should be satisfied with overall look, value, and location.
4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible:  
A number of the surrounding properties have s similar structures to the proposed structure on lots adjacent to ours. Specially in lot PINs; 09-04-103-016, 09-04-126-016, 09-04-126-013, and 09-04-126-012.
5. Describe how the alleged practical difficulty has not been self-created. The southwest location is the only other location other than at the end our driveway that is viable location as the remainder of the property have mature trees, the pool, or honestly would just be an eye sore.
6. The topography of said land makes the setbacks impossible to meet because: The setback in the location would probably be obtainable, but the space behind the structure would end being restricted and any modification in setback would be helpful.
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. The strict compliance with the setback does not prevent progression with the project though the maximum exterior structure square footage does as we are at the limit due to the pool from previous owners. The request is to just have the approval the city if problems arise later in the project.



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

8. Have there been any previous appeals involving this property? If so, when? Just the first application last August 2020

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.*

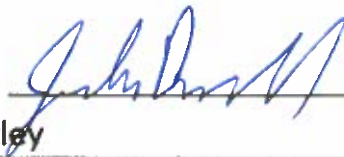
Signature of Applicant:  
(must be original ink signature)



Date: February 10, 2021

Print Name: Justin Brantley

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



Date: February 10, 2021

Print Name: Justin Brantley

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

Please see the Matrix Chart in Section 5.01 for variations to these requirements by use.

	SF	SE	SR
Minimum Lot Area	2.5 acres or 108,900 sq. ft. of gross area	1.5 acres or 65,340 sq. ft. of gross area	30,000 sq. ft. or gross area
Minimum Width of Lot	165 ft.	165 ft.	120 ft.
Minimum Lot Setbacks			
Front Yard*	40 ft.	40 ft.	40 ft.
Each Side Yard**	20 ft.	20 ft.	20 ft.
Rear Yard	40 ft.	40 ft.	40 ft.
Minimum Floor Area/Unit	1,200 sq. ft.	1,200 sq. ft.	1,500 sq. ft.
Maximum Lot Coverage	20% - all structures		
Total Maximum Floor Area of All Accessory Buildings	See Section 27.02, A, 8		
Height of Structures	Habitable structure - 2 stories, up to 30 feet. Any existing structures higher than this maximum shall remain conforming to Zoning Ordinance requirements in reference to height.		
* 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.			

**Section 5.05 – 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 5.06 – Tree Preservation Regulations** *(amended 08.03.00)*

The tree removal permit requirements apply to developments in this District, according to the terms of Section 27.12.

**Section 5.07 – Wetland Setbacks** *(added 09.17.07)*

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.



## 27.02 Buildings, Structures, and Uses

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 28 85)*:

LOT SIZE	MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS	MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS	TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *
Up to 1/2 acre	750 sq. ft.	75% of the principal structure	1,150 sq. ft.
1/2 to 1 acre	900 sq. ft.		1,300 sq. ft.
1 to 2.5 acres	1,000 sq. ft.		1,500 sq. ft.
Over 2.5 acres	1,400 sq. ft.		1,900 sq. ft.
* 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 28 85 06 15 15)*:
- 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:
    - The accessory building or structure is aesthetically compatible with, and constructed of the same color as the principal residential building or structure.
    - 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.
    - 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)*
    - 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.
  - 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.



AB-2021-03      2191 Pondview      09-04-126-022  
Zoned SE      1.797 acres or 78,277.32<sup>#</sup>  
25% = 19,569.33<sup>#</sup>

### Setbacks

Front yard Setback - Needs to be 40' = OK  
Rear yard setback - Needs to be 10' and will be 10' = OK  
Side yard setback (east) - Needs to be 20' - OK  
Side yard setback (west) - Needs to be 20' is 10' - Needs 10' variance

Lot coverage - OK

House: 1,595  
Attached garage: 664  
Deck: 306  
Deck: 135  
Deck: 108  
Pool w/ deck: 1,222  
Proposed Pole Barn: 1,200 (30' x 40')  

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5,230<sup>#</sup>

Detached Accessory Allowed 1,000<sup>#</sup>  
Pool - 573<sup>#</sup>  
Proposed Pole Barn - 1,200<sup>#</sup>  

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773<sup>#</sup> variance

All Accessory Bldg. Allowed 1,500<sup>#</sup>  
Attached garage - 664  
Swimming Pool - 573  
Proposed Pole Barn - 1,200  

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937<sup>#</sup> variance



# 2191 Poondview Court

RECEIVED



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

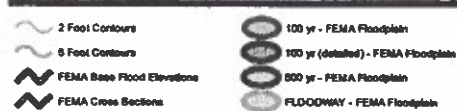
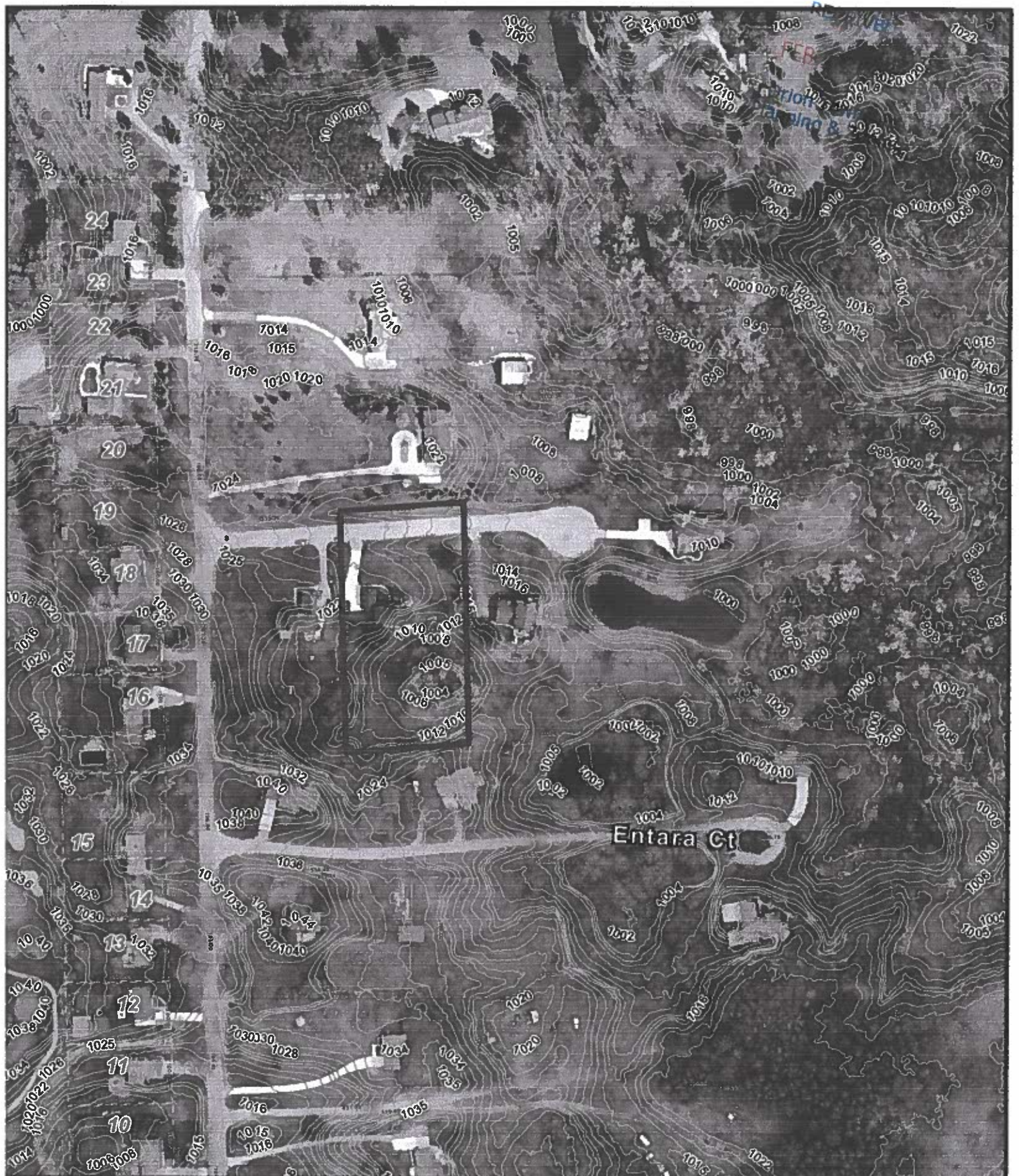
Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.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

**OAKLAND COUNTY**  
 David Coulter  
 Oakland County Executive

Date Created: 8/26/2020  
 NORTH  
 1 inch = 100 feet



# 2191 Pondview court



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David Coulter  
Oakland County Executive

Date Created: 2/12/2021





# 2191 pondview 2



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David Coulter  
Oakland County Executive

Date Created: 2/12/2021





# 2191 Pind view court south west corner



**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**  
**David Coulter**  
 Oakland County Executive

Date Created: 2/12/2021  
  
 NORTH  
 1 inch = 50 feet



## Lynn Harrison

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**From:** Justin Brantley <justin.brantley@pontiacschools.org>  
**Sent:** Monday, February 22, 2021 8:31 AM  
**To:** Lynn Harrison  
**Subject:** Re: [External Message:] Variance Request  
**Attachments:** image001.png

Good morning,

I hope you have a good day. The pool is 27 ft round which will be 572.56 square feet. I planned on only having one level. Thank you.

On Mon, Feb 22, 2021, 8:07 AM Lynn Harrison <lharrison@oriontownship.org> wrote:

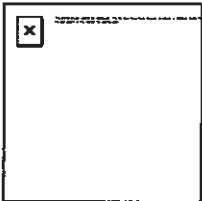
Justin, I am writing up the proposed language for your variance request to add a detached garage to your property on Pondview. Couple things:

- What is the square footage of the pool – just the pool not the surrounding decking?
- Please clarify there will be not be a second floor or storage space above the main floor.

I need your response back as soon as possible as the variance language needs to go the paper by Friday morning, February 26<sup>th</sup>.

Thanks,

Lynn Harrison



Coordinator

Planning & Zoning

2525 Joslyn Road, Lake Orion, MI 48360

O: 248.391.0304, ext. 5001

W: [www.oriontownship.org](http://www.oriontownship.org)



**Garage**

Select a Store

Materials

Summary

Purchase

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FEB 12 2021

Orion Township  
Planning & Zoning

Back

Continue

Sit tight! We're almost done.

So you have completed your design and have selected your materials. Below is a full summary of your garage. Please review it before moving forward.

## Building Info

Building Width:	30'
Building Length:	40'
Building Height:	12'
Wall Framing Stud:	2" x 6"
Roof Framing:	Truss Construction
Truss Type:	Common
Roof Pitch:	4/12 Pitch

Print Design Packet

Email Design

**Design Name:**

Woodshop Design

**Design ID:**

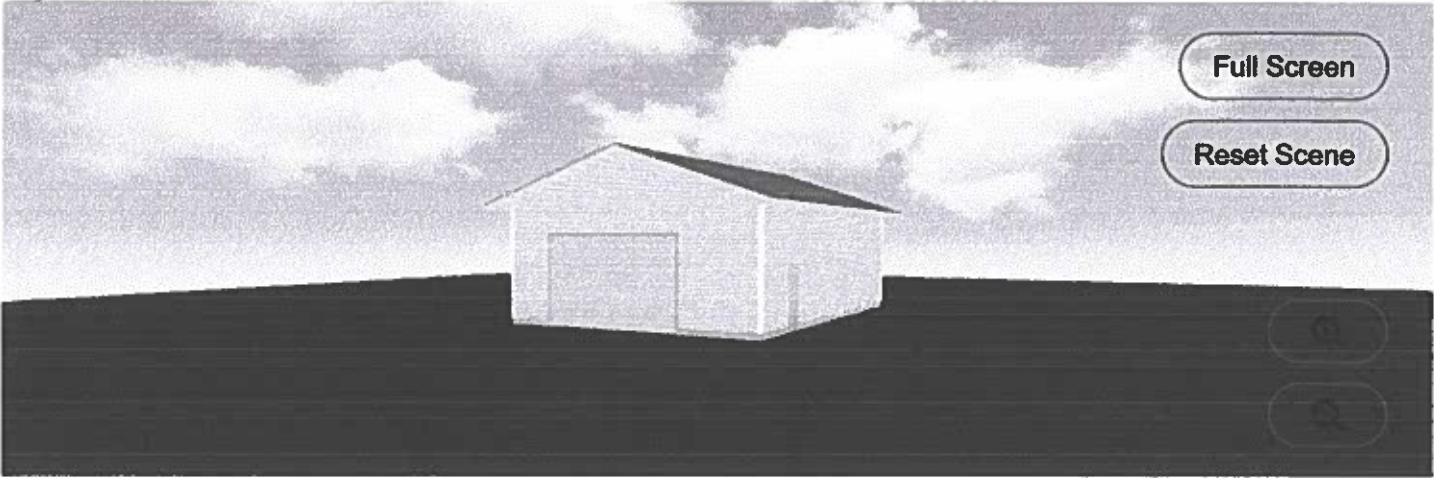
335157071776

**Estimated Price:****\$17,971.91**

\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Show Floor Plan





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FEB 12 2021  
Orion Township  
Planning & Zoning



**AB-2021-03, Justin Brantley, 2191 Pondview**

**Variance Calculations**

<b>Allowed Sq. Ft. of All Detached Accessory Structures</b>	<b>1,000 sq. ft.</b>	<b>1,000 sq. ft.</b>	<b>1,000 sq. ft.</b>	<b>1,000 sq. ft.</b>
Above-ground swimming pool	573	573	573	573
Proposed Pole Barn	1,200			
<b>Variance</b>	<b>773-sq. ft.</b>			

<b>Allowed Max Sq. Ft. of All Accessory Structures</b>	<b>1,500 sq. ft.</b>	<b>1,500 sq. ft.</b>	<b>1,500 sq. ft.</b>	<b>1,500 sq. ft.</b>
Attached Garage	664	664	664	664
Above-ground swimming pool	573	573	573	573
Proposed Pole Barn	1,200			
<b>Variance</b>	<b>937- sq. ft.</b>			



## Lynn Harrison

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**From:** Jeff Williams  
**Sent:** Wednesday, March 17, 2021 10:06 AM  
**To:** Lynn Harrison  
**Cc:** Robert Duke; John Pender  
**Subject:** RE: ZBA Cases

Lynn

I reviewed all 3 applications and completed a site inspection of the Silverbell property.

The Fire Department has no concerns at this time and recommends approval



**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:** Thursday, March 11, 2021 9:22 AM  
**To:** Jeff Williams <jwilliams@oriontownship.org>  
**Subject:** ZBA Cases

Jeff, when you get a chance will you please look at these 3 ZBA cases for fire truck accessibility.

Thanks,



**Lynn Harrison**  
Coordinator  
Planning & Zoning  
2525 Joslyn Road, Lake Orion, MI 48360  
O: 248.391.0304, ext. 5001  
W: [www.oriontownship.org](http://www.oriontownship.org)





**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: April 20, 2021

SUBJECT: Staff Report for AB-2021-10, Gary McHalpine, 2710 Wareing

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As the petitioner was unable to attend the April 12, 2021 ZBA meeting, his case was postponed to this meeting, April 26, 2021.

Because the property has property lines along Wareing and Baldwin Road, it is considered to have two front yards and therefore has two front yard setbacks. In this case it is 35-ft. from Wareing and 35-ft. from Baldwin Road. Also, the fence is proposed to run the length of Baldwin Road and end at the property lines to the north and south so the request includes variances to have 0-ft. side yard setbacks from the required 10-ft. on both sides.

Included in the packet is a letter from the Keatington Home Owner's Association indicating their approval of a 6-ft. fence as long as the Township approves the variances.

Please keep in mind that if you choose to approve a variance or variances from the side property lines to the north and south, that would potentially allow the petitioner to run a 6-ft. fence the length of the side property lines 0-ft. from the property line. If you approve and you only are allowing the variance(s) for a 6-ft. fence along the Baldwin Road property line – it should be indicated as such in the motion – example – *“the setback variances from the property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only.”*

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:** April 20, 2021

**RE:** AB-2021-10, Gary McHalpine, 2710 Wareing Dr.

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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 motion is to approve, conditions can be added to the motion if appropriate. 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-2021-10, Gary McHalpine, 2710 Wareing Dr., 09-20-376-010**, 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 Rd.
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 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*):

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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SAMPLE MOTION FOR

**DENIAL OF A NON-USE VARIANCE**

In the matter of ZBA case # **AB-2021-10, Gary McHalpine, 2710 Wareing Dr., 09-20-376-010**, I move that the petitioner's request for:

3 variances from Zoning Ordinance #78 – Zoned R-2

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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 Rd.
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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 **denied** because the petitioner did not demonstrate that the following standards for variances have been met in this case:

Please be specific how the petitioner does not meet this criteria

1. The petitioner did not demonstrate Practical Difficulty because:

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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

MAR 10 2021

Orion Township  
Planning & Zoning

Case # AB-2021-10Meeting Date: 4/12/2021

## Charter Township of Orion Zoning Board of Appeals Application for Appeal - Single Family Residential

**NOTICE TO APPLICANT:**

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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: GARY MCHALPINEAddress: 2710 WAREING DRIVE City/State/Zip: ORION TOWNSHIP, MI 48360Phone: 248 391-2077 Cell: 248 296-4454 Fax: N/AEmail: G.MCHALPINE@AMERITECH.NET**PROPERTY OWNER(S)**Name (s): GARY EDMUND MCHALPINE & PATRICIA ANN MCHALPINEAddress: 2710 WAREING DRIVE City/State/Zip: ORION TOWNSHIP, MI 48360Phone: 248 391-2077 Cell: 248 296-4454 Fax: N/AEmail: G.MCHALPINE@AMERITECH.NET**CONTACT PERSON FOR THIS REQUEST**Name: GARY MCHALPINE Phone: 248 391-2077 Email: G.MCHALPINE@AMERITECH.NET**SUBJECT PROPERTY**Address: 2710 WAREING DRIVE Sidwell Number: 09-20-376-010 2Total Acreage: .32 ? Length of Ownership by Current Property Owner: 53 Years, 1 MonthsDoes the owner have control over any properties adjoining this site? NO

Zoning Ordinance

Allowance/Requirement

Deviation requested



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

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request. 10-FOOT OFFSET TO NORTH AND SOUTH 35-FOOT VARIANCE  
OFFSET BALDWIN ROAD & 6-FOOT HIGH PROPERTY LINE FENCE OVER 4-FOOT ALLOWED PROPERTY LINE  
FENCE VARIANCE.
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. THIS IS A REQUEST FOR CONTINUATION OF FENCE THAT THE TOWNSHIP  
APPROVED FOR 2636 WAREING DRIVE, 2665 WAREING DRIVE, 2650 WAREING DRIVE, 2674 WAREING DRIVE AND  
2680 WAREING DRIVE AT THE DECEMBER, 2020 ZONING BOARD MEETING
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: WOULD NOT BE MATERIALLY DETRIMENTAL  
TO ANY OF THE ABOVE BECAUSE IT WOULD BE A CONTINUATION OF AN EXISTING APPROVAL
4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: THIS REQUEST IS CONSISTENT WITH APPROVAL ALREADY GRANTED TO FIVE HOMES ON  
WAREING DRIVE, BEGINNING ON EATON GATE HEADING SOUTH ALONG BALDWIN ROAD.
5. Describe how the alleged practical difficulty has not been self-created. INCREASED TRAFFIC VOLUME ON  
BALDWIN ROAD HAS BROUGHT EXCESSIVE NOISE AND PRIVACY ISSUES. (FENCE WOULD  
HELP TEMPER NOISE AND ALSO CREATE SOME PRIVACY.)
6. The topography of said land makes the setbacks impossible to meet because: HOMES ARE CLOSE TOGETHER
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. SAME ANSWER AS #5 ABOVE.



**27.05 Landscaping, Fences and Walls**

1. **Location and Purpose.** Entranceway structures shall be permitted in any required yard area for the purpose of indicating the entrance to a subdivision, multiple-family development, mobile home park, industrial park, office park, or similar planned development containing several buildings that are related in purpose.

Entranceway structures shall be subject to the provisions concerning corner clearance, set forth in Section 27.03.

2. **Construction and Design.** Any entranceway structure shall be constructed of permanent, durable materials and shall be designed so as to be compatible with the architecture of surrounding development.
3. **Site Plan.** Prior to issuance of a building permit for any entranceway structure, a site plan shall be submitted to the Planning Commission for review and approval. The site plan shall include an elevation drawing and a cross-section of the proposed structure. The site plan shall show the relationship of the entranceway to the right-of-way of the intersecting roads and/or driveways.

**H. Residential Fence and Wall Regulations.**

Where permitted or required in this Ordinance, fences and walls in residential districts shall be subject to the provisions set forth in this section:

1. **Lot Enclosures.** Fences and walls used to enclose a lot shall be no higher than four (4) feet in height and shall be located on the lot line.
2. **Privacy or Decorative Fences and Walls.** Fences and walls erected primarily for privacy or decoration shall not be located within any required yard setback area and shall not exceed six (6) feet in height.
3. **Corner Clearance.** No fences or walls shall be erected, established or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 shall be complied with.
4. **Large Lots Excluded.** Fences and walls shall be excluded from the provisions of this section if such lots have an area of more than two (2) acres, have frontage of at least two hundred (200) feet, and are not part of a recorded plat.
5. **Fences Enclosing Public Areas.** Fences, walls or other protective barriers that enclose parks, playgrounds, or other public landscaped areas shall not exceed ten (10) feet in height. The Planning Commission may authorize a fence, wall, or protective barrier of additional height, with or without barbed wire, where necessary, to protect public utility or municipal installations in a residential district.
6. **Wall Specifications.** Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below grade. The foundation shall be at least four (4) inches wider than the wall to be erected.
7. **Fence Specifications.** Fences constructed of chain link, wood, vinyl or other similar materials are permitted. Posts shall be sunk into the ground at least three (3) feet.
8. **Barbed Wire Prohibited.** Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.



## 27.01 Nonconformities

construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofor existing building.

## K. Administrative Nonconformities.

A structure or use which is administratively nonconforming shall remain nonconforming until special approval has been granted pursuant to application submitted to the proper authority. Where special approval has been granted, such a structure or use shall be deemed conforming. However, where special approval has been denied, such structure or use shall be considered nonconforming on the basis for which the application for special approval was denied.

## L. Change in Tenancy or Ownership.

In the event there is a change in tenancy, ownership or management of an existing nonconforming use or structure, such nonconforming use or structure shall be allowed to continue pursuant to the terms of this Ordinance regarding such nonconformities.

## M. Special Exceptions.

Any use for which a special exception is permitted, as provided in this Ordinance, shall not be deemed a nonconformity.

**Section 27.02 – Buildings, Structures, and Uses**A. Accessory Buildings, Structures and Uses. *(amended 02.17.04)*

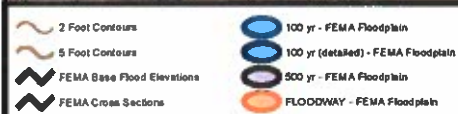
1. An accessory building, structure or use shall not be located on a parcel unless there is a principal building, structure, or use already located on the same parcel of land.
2. An accessory building or structure shall not be constructed prior to the commencement of construction of the principal building or structure or the establishment of the principal use.
3. A building, structure or use which is accessory to a single-family dwelling and attached to it shall, for the purposes of location and setbacks, be considered part of the principal building.
4. A building, structure or use which is accessory to a single-family dwelling and detached from it shall meet the same front and side yard setback requirements as the principal structure, as set forth in the applicable zoning district of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all detached accessory buildings. All accessory buildings and structures shall be included in the computation of total maximum area of all accessory buildings, and together with the principal building or structure shall not exceed the percentage of lot coverage requirements. *(amended 07.16.18)*
5. Detached accessory buildings or structures in non-residential districts shall conform to the height requirements for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. However, detached accessory buildings or structures in non-residential districts that exceed the height of the principal building or structure, as constructed, shall not be located in the front yard. *(amended 07.16.18)*

Detached accessory buildings or structures in residential districts shall not exceed the height of the principal building or structure as constructed. However, the height of a detached accessory building or structure may exceed the height of the principal building or structure, if said accessory building or structure is located at least one hundred fifty (150) feet distant and to the rear of the principal building or structure. In no case shall the height of a detached accessory building or structure exceed the maximum height requirement for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. *(amended 07.16.18)*



# 2710 Wareing

RECEIVED



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



David Coulter  
Oakland County Executive

Date Created: 3/1/2021



1 inch = 100 feet





RECEIVED  
 MAR 10 2021  
 Orion Township  
 Planning & Zoning

Scale 1:1200

2710 Wareing Dr.  
 Orion Township, MI 48360



# KEATINGTON HOME OWNERS' ASSOCIATION

RECEIVED  
MAR 10 2021  
Orion Township  
Planning & Zoning

P.O. BOX 143 -  
LAKE ORION, MICH. 48361

Date: March 6, 2021

## KHA-Architectural Control Committee

### Proposal submitted by:

Name Gary McHalpine  
Address 2710 Wareing Dr.  
Phone 248-391-2077

### Proposal:

Install a 6-foot Shadow-box fence on back property line in the same materials and as continuation of the already approved perimeter for 2636 Wareing Dr., 2650 Wareing Dr., 2668 Wareing Dr., 2674 Wareing Dr., and 2680 Wareing Dr.

### Action of Committee:

- Accept Proposal as Submitted
- ☒ Accept Proposal with Exceptions as Noted
- Proposal Incomplete - Requires Additional Information - See Below
- Reject Proposal - Against Township Zoning Regulations - See Below
- Reject Proposal - Against Subdivision Deed Restrictions - See Below
- Other- See Below

### Explanation of Action:

This will be an approval for a 4-foot fence pending your approval from the Township for a variance of to 6 feet. Current Township ordinance is limiting fence height to 4 feet. Since the others applied for a variance and it was approved, you would have to go through the same process. Once complete, the shadow box type 6-foot fence will be approved.

Action of committee does not imply compliance with Municipal and Building Regulations. Said regulations should be checked prior to construction.



For a Better Community

KHA Architectural Control Committee

Alex H. Jablonowski 03/06/2021

100 KHA ACC Chairperson





**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: April 21, 2021

SUBJECT: Staff Report for AB-2021-11, David McCaffrey, 252 Shady Oaks

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The petitioner is seeking to build an addition off the rear of an existing house and plans on removing 132-sq. ft. of the existing structure.

Being that the lot width falls between 55' and 59', the side yard setback requirement is 7-ft.

The petitioner has indicated that the addition will be 35.2-ft. from the rear property line. As the property has a unique shape, we decided to ask for a 1-ft variance to give the petitioner some "wiggle room". The petitioner as agreed to that adjustment.

The petitioner is also proposing a future deck – setbacks and lot coverage have been included in these variances for that.

The plans show an existing shed. That shed is 11 x 11 or 121-sq. ft. and the petitioner plans on keeping it. The size is part of the lot coverage calculation.

Provided is a calculation sheet you can use to help you calculate lot coverage should that need to be revised.

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:** April 21, 2021

**RE:** AB-2021-11, Dave McCaffrey, 252 Shady Oaks

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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-2021-11, Dave McCaffrey, 252 Shady Oaks, 09-10-209-001**, I move that the petitioner's request for:

The petitioner is requesting 6 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 2.6-ft. side yard setback variance from the required 7-ft. to build a home addition 4.4-ft. from the side property line (east).
2. A 1-ft. rear yard setback variance from the required 35-ft. to build a home addition 34-ft. from the rear property line.
3. A 2.6-ft. side yard setback variance from the required 7-ft. to add a future deck 4.4-ft from the side property line (east).
4. A 12.74% lot coverage variance above the allowed 25% for a total lot coverage of 37.74%

Article XXVII, Section 27.03

5. A 5.5-ft. shoreline setback from the required 20-ft. to add a future deck 14.5-ft. from the shoreline (to the west).

Article XXII, Section 27.17

6. An 8.9-ft. wetland setback variance from the required 25-ft. to build a home addition 16.1-ft. from a wetland (to the west).

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*):

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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SAMPLE MOTION FOR  
**DENIAL OF A NON-USE VARIANCE**

In the matter of ZBA case # **AB-2021-11, Dave McCaffrey, 252 Shady Oaks, 09-10-209-001**, I move that the petitioner's request for:

The petitioner is requesting 6 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 2.6-ft. side yard setback variance from the required 7-ft. to build a home addition 4.4-ft. from the side property line (east).
2. A 1-ft. rear yard setback variance from the required 35-ft. to build a home addition 34-ft. from the rear property line.
3. A 2.6-ft. side yard setback variance from the required 7-ft. to add a future deck 4.4-ft from the side property line (east).
4. A 12.74% lot coverage variance above the allowed 25% for a total lot coverage of 37.74%

Article XXVII, Section 27.03

5. A 5.5-ft. shoreline setback from the required 20-ft. to add a future deck 14.5-ft. from the shoreline (to the west).

Article XXII, Section 27.17

6. An 8.9-ft. wetland setback variance from the required 25-ft. to build a home addition 16.1-ft. from a wetland (to the west).

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:

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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

Case # AB-2021-11

Meeting Date: 4/26/2021

## 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: DAVE McCaffrey  
Address: 252 Shady OAKS City/State/Zip: LAKE ORION MI 48362  
Phone: (248) 872 5541 Cell: SAME Fax: -  
Email: gideon2011@yahoo.com

### PROPERTY OWNER(S)

Name (s): Amy McCaffrey Jim Warner  
Address: 252 Shady OAKS City/State/Zip: LAKE ORION MI 48362  
Phone: 248 670 4528 Cell: SAME Fax: -  
Email: gideon2011@yahoo.com

### CONTACT PERSON FOR THIS REQUEST

Name: DAVE McCaffrey Phone: 248 872 5541 Email: gideon2011@yahoo.com

### SUBJECT PROPERTY

Address: 252 Shady OAKS R-3 Sidwell Number: 09-10-209-001  
Total Acreage: \_\_\_\_\_ Length of Ownership by Current Property Owner: 21 Years, 10 Months  
Does the owner have control over any properties adjoining this site? NO  
Zoning Ordinance \_\_\_\_\_ Deviation requested \_\_\_\_\_  
Allowance/Requirement \_\_\_\_\_



**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request. Seeking variances from the required setback of 39' to the waters edge of 13.9' resulting in a 16.1' setback, and from the required side-yard setback of 10' from the property line of 5.6' resulting in a setback of 4.4' for an addition with a footprint
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 property is unique in shape and location. It is one of two parcels that make up the point at the end of Shady Oaks St. and is bordered by Lake Orion on essentially two sides of the structure. It does not conform to the current zoning ordinance
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: If granted the variances will not be materially detrimental to the public health, safety and welfare. The proposed addition is in keeping with the existing structure and neighboring properties
4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Most of the lots on Shady Oaks St. do not conform to the current zoning ordinance, resulting in properties that have had to seek relief from the required setbacks, coverage or a combination of them
5. Describe how the alleged practical difficulty has not been self-created. The practical difficulty is a result of an old cottage plat from approximately 1922 and the unique shape of the parcel as it is bordered by Lake Orion
6. The topography of said land makes the setbacks impossible to meet because: The shape of the parcel and its boundaries with Lake Orion to the west and north limit the buildable envelope make it impossible to meet the required setbacks
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. Strict compliance would not allow the owner any opportunity to use or improve the dwelling so that it could be used as a primary residence



as a buildable lot, platted in 1922.



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

8. Have there been any previous appeals involving this property? If so, when? No

9. Is this request the result of a Notice of Ordinance Violation?

☐

Yes

☒

No

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

Signature of Applicant:  
(must be original ink signature)

David L. McCaffrey

Date:

3/10/21

Print Name:

DAVID L. McCaffrey

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

Amy McCaffrey

Date:

3/10/21

Print Name:

Amy McCaffrey

If applicable:

I the property owner, hereby give permission to

Wade Sullivan

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: \_\_\_\_\_



**27.01 Nonconformities**

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

**C. Nonconforming Lots.**

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

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

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

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



## Article VI

## Single Family Residential: R-1, R-2 & R-3

### Section 6.04 – Area and Bulk Requirements *(amended 01.05.87, 02.17.04 02 07 05 0\* 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.
*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.			

### 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.



**27.03 Yard and Bulk Regulations**

The following projections shall be permitted when located in the required yards as specified:

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions.
2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.
3. In rear yards.
  - a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard.
  - b. Decks may be permitted to project into a required rear yard when the following conditions are met:  
(amended 06.15.87, 02.06.97)
    - i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
    - ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.
    - iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
    - iv. Setbacks for decks shall be measured from the leading edge of the deck surface.
4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

**D. Required Yards - Existing Buildings.**

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

**E. Location of Required Open Space.**

All yards and other open spaces allocated to a building or group of buildings shall be located on the same zoning lot as such building or group of buildings.

**F. Variances to Yard Regulations.**

The Zoning Board of Appeals may modify yard regulations by granting a variance for individual cases where literal enforcement of the provisions of the Ordinance would not be reasonably possible or would result in unnecessary hardship. Examples where such variances from yard regulations would be appropriate include:

1. A planned development in a multiple-family district;
2. Cases where the applicability of the regulations on lots existing and of record at the time this Ordinance became effective cannot be determined;



**27.17 Wetland Setbacks**

**Section 27.17 – Wetland Setbacks** *(added 09.17.07)*

- A. It is the intent of this section to require a minimum setback from wetlands (or natural features), and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature or the surrounding area. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the zoning enabling act. It is further the purpose of this section to establish and preserve minimum setback from wetlands (or natural features) in order to recognize and make provision for the special relationship, interrelationship and interdependency between the natural feature and the setback area in terms of: spatial relationship, interdependency in terms of physical location, plant and animal species, over land and subsurface hydrology, water table, water quality, and erosion of sediment deposition.

It is further the purpose of this section to provide for protection, preservation, proper maintenance and use of areas surrounding wetlands (or natural features) in order to minimize disturbance to the area and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat. A setback shall be maintained in relation to all areas defined in this chapter, unless, and to the extent, it is determined to be in the public interest not to maintain such setback.

- B. Setbacks. For all wetlands as defined in Article II of this ordinance and by Ordinance No. 107, setbacks for all structures, parking lots, streets or driveways shall be in accordance with the following regulations:

	Required Setbacks
All structures or buildings	25 ft.
All decks	10 ft.
Parking lots	25 ft.
Streets, roads, driveways	25 ft.

- C. Waivers. The Planning Commission has the discretion to decrease the above required setbacks upon demonstration of the appropriateness of a lower setback and compliance with one (1) or more of the following criteria:

1. Demonstrated habitat preservation.
2. Demonstrated water quality preservation.
3. Demonstrated storm water quality retention.
4. Existence of a legal lot of record.

For development projects adjacent to wetlands which are not reviewed by the Planning Commission, the Building Official shall have authority to issue setback waivers subject to the criteria as listed above. Appeal to the Zoning Board of Appeals, in accordance with Section 30.06, may also be sought.

**Section 27.18 - Wind Energy Conversion Systems** *(added 02.01 10)*

- A. Intent – It is the intent of the Charter Township of Orion to promote the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee any wind rights or establish access to the wind.
- B. Approval Required - Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the Charter Township of Orion unless approval for a:
1. Private WECS: A permit has been obtained from the Building Department as an accessory use and subject to Section 27.02 and the height restrictions of Section 28.02. Only one (1) Private WECS shall be permitted per parcel, and the private WECS shall not be allowed within a front yard area.
  2. Commercial WECS: A special land use has been obtained pursuant to Section 30.02 and this Section.



Note: The existing structure will be removed 132<sup>#</sup>

AB-2021-11, Dave McCaffrey, 252 Shady Oaks R-3

.097 acres = 4,225.32<sup>#</sup> 25% = 1,056.33<sup>#</sup>

Relaxed side yard setback of 7' (Prop. Length 55 to 59 feet)

Front yard setback required 30' - Meets

\* Side yard setback (west) from water's edge to addition 25' is 16.1' Variance 8.9' ✓

\* Side yard setback (east) from property line Needs to be 7' is 4.4' Variance 2.6' ✓

\* Rear yard Setback - 34' Needs to be 35' 1' Variance Needs to be

Rear yard setback for house addition from water's edge - met (25')

\* Proposed deck is 4.4' from east prop. line - Variance 2.6' (Needs to be 7') ✓

Proposed deck is 14.5' from west propline - met (Needs to be 7')

\* Proposed deck to water's edge is 14.5' Needs to be 20' - variance 5.5' ✓

### Lot Coverage

House = 782<sup>#</sup> From assessing records

Porch = 20<sup>#</sup> From assessing records

Existing Shed = 121<sup>#</sup> (11 x 11)

Proposed Addition = 405<sup>#</sup> (27 x 15')

Proposed Future Deck = 266.67<sup>#</sup> (10' x 26' 8")

1,594.67<sup>#</sup> = 37.74% Lot Coverage

- 25% Allowed

12.74% Variance ✓



Lot Coverage Calculations for ZBA Cases

AB-2021-11, Dave McCaffrey, 252 Shady Oaks

4,225.32- sq. ft.    25% = 1,056.33-sq. ft.

		Sq. Ft.			Sq. Ft.
House	=	782	House	=	782
Porch	=	20	Porch	=	20
Existing Shed	=	121	Existing Shed	=	_____
Addition	=	405	Addition	=	_____
Future Deck		266.67	Future Deck	=	_____
Total	=	1,594.67	Total	=	_____
%	=	37.74%	%	=	_____

		Sq. Ft.			Sq. Ft.
House	=	782	House	=	782
Porch	=	20	Porch	=	20
Existing Shed	=	_____	Existing Shed	=	_____
Addition	=	_____	Addition	=	_____
Future Deck	=	_____	Future Deck	=	_____
Total	=	_____	Total	=	_____
%	=	_____	%	=	_____



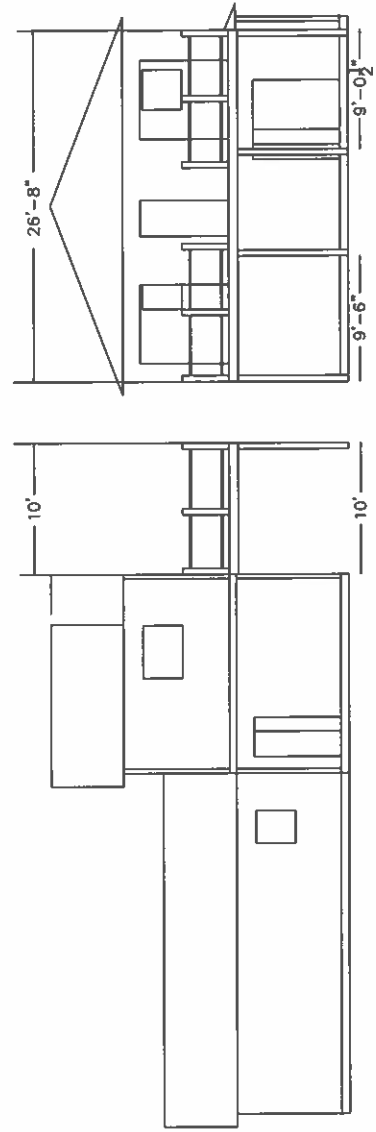
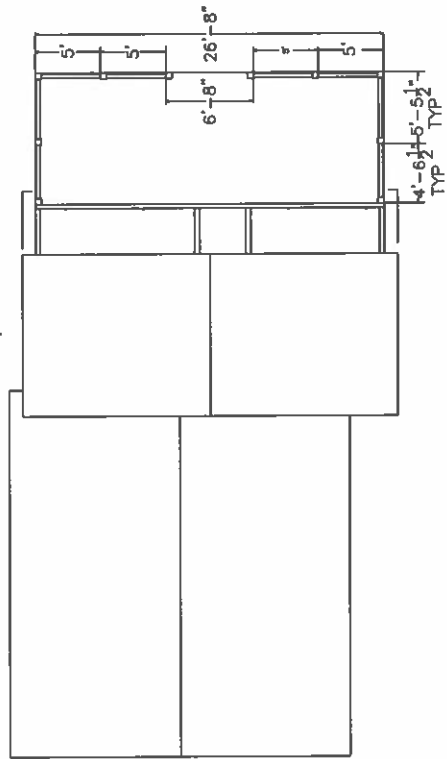
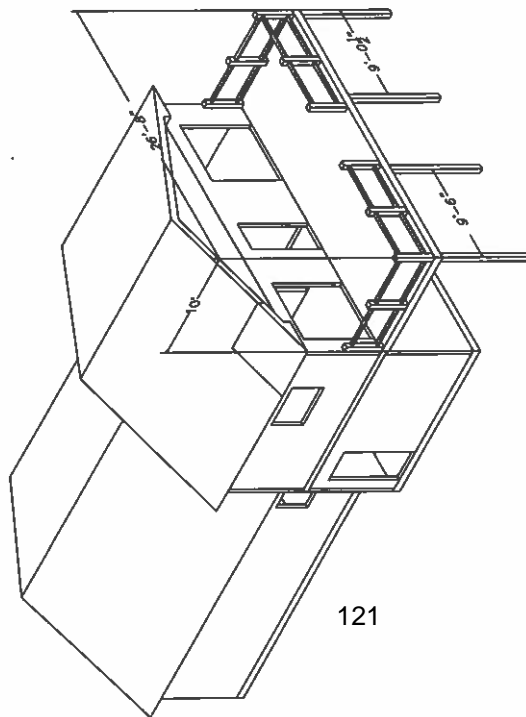
<u>Lot Coverage</u>	<u>Lot Size</u>	<u>Percentage</u>
<u>1,597.67</u> sq. ft.	÷ 4,225.32 - sq. ft.	= <u>37.74</u> %
<u>          </u> sq. ft.	÷ 4,225.32 - sq. ft.	= <u>          </u> %
<u>          </u> sq. ft.	÷ 4,225.32 - sq. ft.	= <u>          </u> %
<u>          </u> sq. ft.	÷ 4,225.32 - sq. ft.	= <u>          </u> %



# 252 Shady Oaks









## Lynn Harrison

---

**From:** Dave and Amy McCaffrey <gideon1011@yahoo.com>  
**Sent:** Tuesday, March 23, 2021 6:41 PM  
**To:** Lynn Harrison  
**Subject:** 252 Shady Oaks Addition

Good Evening Lynn,

Thank you for helping me today with my application for our addition.

I have the deck dimensions 10' x 26'8" (width of addition).  $120" \times 320" = 38,400" = 266.67'$

Also the deck to the water is 14 1/2'

Please let me know if you need anything further.

Thank You!  
Dave McCaffrey



## Lynn Harrison

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**From:** Dave and Amy McCaffrey <gideon1011@yahoo.com>  
**Sent:** Tuesday, March 30, 2021 11:16 AM  
**To:** Lynn Harrison  
**Subject:** Re: Variance request

sorry sent too soon.

1. How far is the addition from the rear property line? 35' 2" *OK*
2. I know you gave me a distance from the water's edge to the future deck of 14 ½ feet. *Variance* Is that from the side property line or the rear yard property line? If it is from the side, then I need the distance from the rear. If from the rear, then I need the distance from the side. 25' 2" *OK*

On Tuesday, March 30, 2021, 11:15:30 AM EDT, Dave and Amy McCaffrey <gideon1011@yahoo.com> wrote:

Here are the dimensions using the back of the house as the rear property line. Here are those dimensions.

On Monday, March 29, 2021, 03:11:49 PM EDT, Lynn Harrison <lharrison@oriontownship.org> wrote:

I am considering the rear property line what is circled on the attached document.

**Lynn Harrison**

Coordinator

Planning & Zoning

2525 Joslyn Road, Lake Orion, MI 48360

O: 248.391.0304, ext. 5001

W: [www.oriontownship.org](http://www.oriontownship.org)





## Lynn Harrison

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**From:** Dave and Amy McCaffrey <gideon1011@yahoo.com>  
**Sent:** Monday, March 29, 2021 12:41 PM  
**To:** Lynn Harrison  
**Subject:** Re: Sorry, couple more questions

No problem. See answers below.

On Monday, March 29, 2021, 12:29:33 PM EDT, Lynn Harrison <lharrison@oriontownship.org> wrote:

~~Assessing records show a 262-sq. ft. detached garage – is that still there? No garage on property. Not sure what this would be.~~

~~Are there currently any decks attached to the house – if so, how big are they? No current decks attached to the house.~~

The survey shows an existing shed – how big is that? 11'x11'

Thanks,

Lynn Harrison

Coordinator

Planning & Zoning

2525 Joslyn Road, Lake Orion, MI 48360

O: 248.391.0304, ext. 5001

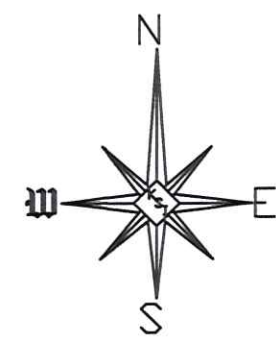
W: [www.oriontownship.org](http://www.oriontownship.org)





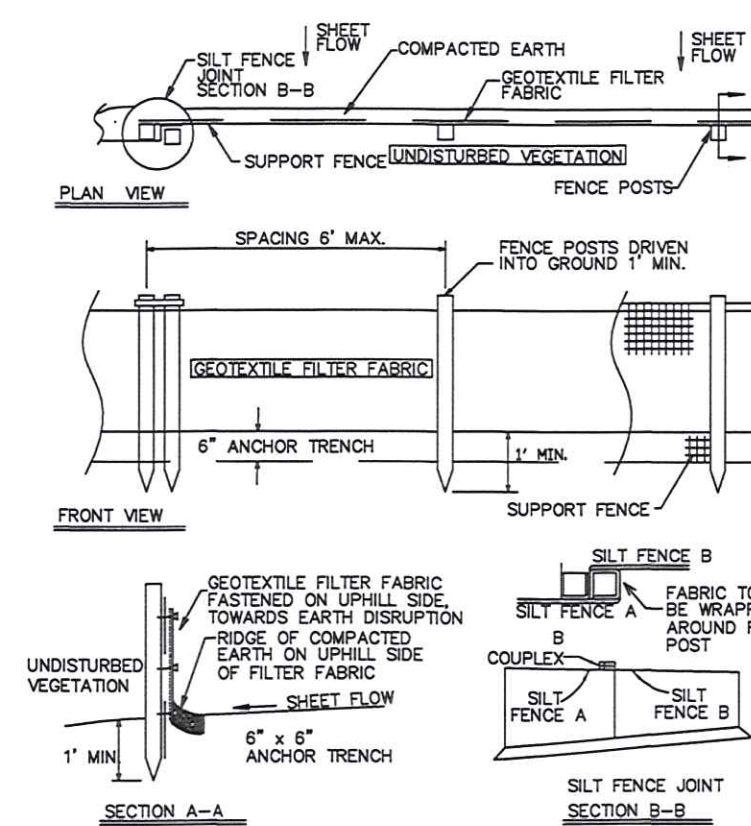
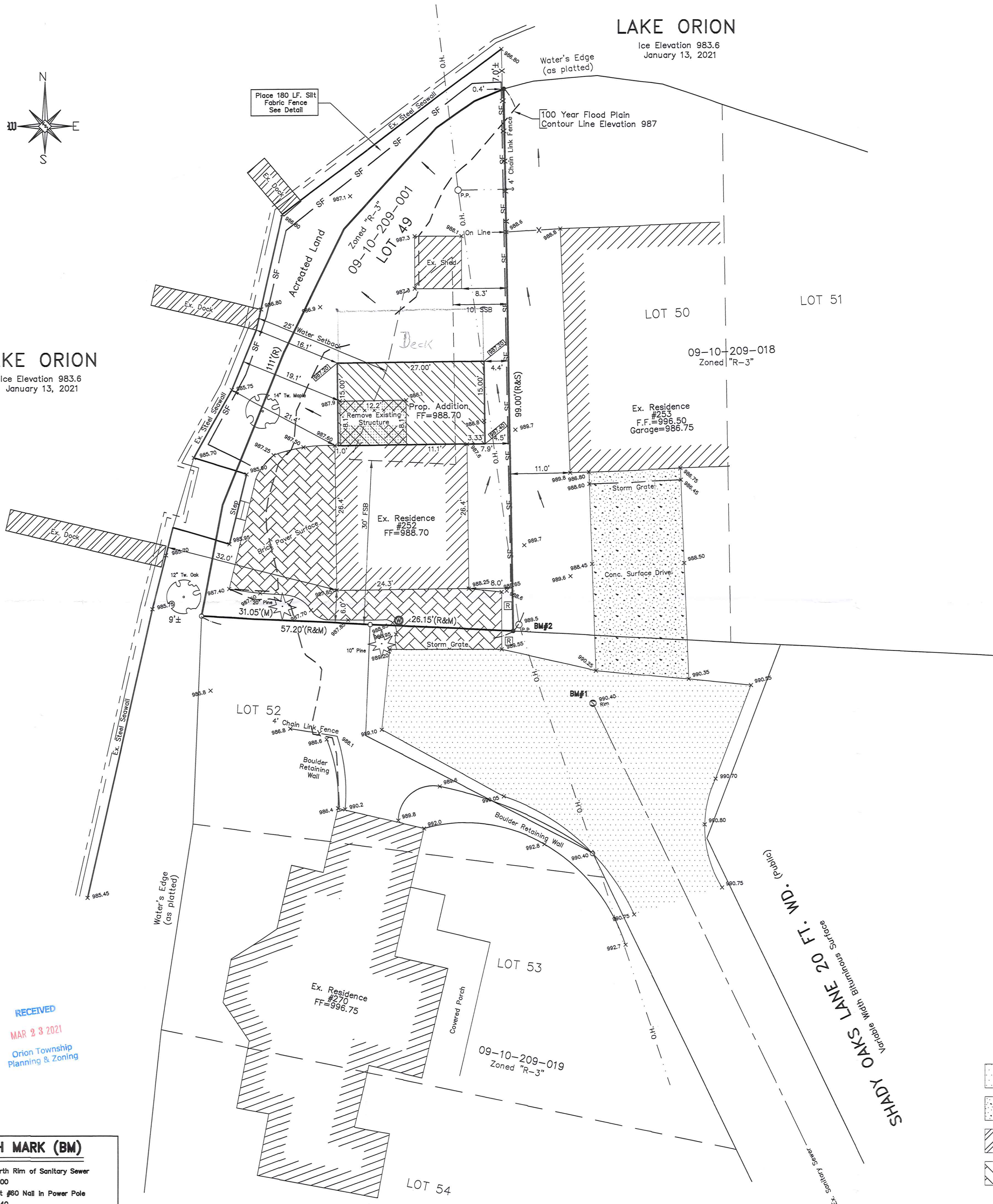
# LAKE ORION

Ice Elevation 983.6  
January 13, 2021



## LAKE ORION

Ice Elevation 983.6  
January 13, 2021



**SILT FABRIC FENCE**  
Not To Scale

### PROPERTY DESCRIPTION: PARCEL #09-10-209-001

Lot 49 of "KELLEY'S SUBDIVISION", being a subdivision of the East part of the Northwest 1/4 of the Northeast 1/4 of Section 10, Town 04 North, Range 10 East, Orion Township, Oakland County, Michigan, as recorded in Liber 12 of Plats, page 3 of Oakland County Records.

### SOIL EROSION AND SEDIMENTATION CONTROL NOTES:

- 1.) All erosion and sedimentation control work shall conform to the standards and specifications of the Water Resources Commissioner and/or the Township of Orion.
- 2.) Daily inspections shall be made by the Contractor for effectiveness of the erosion and sedimentation control measures, and any necessary repairs shall be performed.
- 3.) Erosion and sedimentation from work on this site shall be contained on the site and not be allowed to collect on any off-site areas or in waterways. Waterways include both natural and man-made open ditches, streams, storm drains, lakes, and ponds.
- 4.) The Contractor shall apply temporary erosion and sedimentation control measures when required and as directed on these plans. He shall remove temporary measures as soon as permanent stabilization of slopes, ditches, and other earth changes have been accomplished.
- 5.) Staging the work will be done by the Contractor as directed in the plans, and as required to insure progressive stabilization of disturbed earth.
- 6.) Soil erosion control practices will be established in early stages of construction by the contractor. Sediment control practices will be applied as a perimeter defense against any transporting of silt off the site.
- 7.) All slopes 3:1 or steeper shall be stabilized with pegged sod or seed and mulch secured with erosion matting following mass grading operations.
- 8.) All erosion controls shall be installed according to the following work sequence:
  - a.) Place Silt Fabric Fence as shown on this plan, the existing brick paver surface parking area will be used in lieu of the Stone Tracking Mat.
  - b.) Remove existing structure as noted.
  - c.) Construct new additions complete.
  - d.) Final grading all disturbed areas prior to placing topsoil, seed & mulch.
  - e.) Vegetation must be acceptably established prior to final release of the construction guarantee by the Water Resources Commissioner and/or the Township of Orion.
  - f.) The ordinance requires permanent vegetation be established prior to the final building inspection.
- 9.) The soil erosion controls will be maintained weekly and after every storm event by developer/contractor.
- 10.) The anticipated time for starting construction will be April 2021, depending on the time required to obtain all the necessary permits, and completion will be October 2021.
- 11.) There will be less than 0.1 of an acre of disturbed land during construction.
- 12.) Native soils Urban Land-Spinks Complex (62C) per the Department of Agriculture web site.

### LEGEND:

- X 1112.9 = EXISTING ELEVATION
- [1112.50] = PROPOSED ELEVATION
- BM = BENCH MARK
- W = EX. WATER WELL
- ST = EX. STORM SEWER MANHOLE
- SA = EX. STORM SEWER INLET/CATCH BASIN
- P.P. = POWER POLE
- O = FOUND PROPERTY CORNER AS NOTED
- = SET PROPERTY CORNER AS NOTED
- [R] = PHONE RISER
- F.F. = FINISHED FLOOR
- FSB = FRONT SETBACK
- SSB = SIDE SETBACK
- RSB = REAR SETBACK
- (R) = RECORDED DISTANCE
- (M) = MEASURED DISTANCE
- = DIRECTION OF FLOW
- X = EX. FENCE
- SF = SILT FABRIC FENCE

- [Pattern] = EX. BITUMINOUS SURFACE
- [Pattern] = EX. CONCRETE SURFACE
- [Pattern] = EX. WOODEN DECK SURFACE
- [Pattern] = EX. BRICK PAVEMENT SURFACE



**CAUTION!!**  
THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OF ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION PRIOR TO THE START OF CONSTRUCTION.

No.	By	Chk	Description	DATE
REVISIONS				
PLOT PLAN & SOIL EROSION AND SEDIMENT CONTROL For:				
<b>AMY MC CAFFREY</b> 252 Shady Oaks Lane Lake Orion, Michigan 48362				
<b>KENNEDY SURVEYING, INC.</b> 105 N. Washington St. Oxford, Michigan 48371				
Fax: (248) 628-7191		Phone: (248) 628-4241		
Drawn By: SST	Date: 03/08/21	Scale: 1" = 10'	Sheet No. 1	
Chk'd: HKK	Drawing No. 21-84821	Job No. 21-8482		

### BENCH MARK (BM)

BM #1 = North Rim of Sanitary Sewer  
Elev. = 990.00  
BM #2 = Set #60 Nail in Power Pole  
Elev. = 990.40

RECEIVED  
MAR 23 2021  
Orion Township  
Planning & Zoning





**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: April 23, 2021

SUBJECT: Staff Report for AB-2021-12, Meijer Inc., 1025 S. Lapeer Road

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The petitioner is proposing to purchase and tear down the vacant Kmart building located on Lapeer Road and rebuild a 90,000 sq. ft. Meijer Grocery store. This is a new store format which will focus on food offerings including high quality produce, fresh bakery items, and deli along with a full range of beer, wine and liquor, and a drive-thru pharmacy. The said store would be detached from the other stores in the strip mall.

The submitted Site Plan and Special Land Use request for the development went to the Planning Commission on April 21, 2021. The Planning Commission approved the Special Land Use and approved the Site Plan conditioned upon the variances requested at this meeting.

Note, there are 6 variances requested pertaining to the site plan and 4 that are related to their signage.

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:** April 21, 2021

**RE:** AB-2021-12, Meijer Inc., 1025 S. Lapeer 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-2021-12, Meijer Inc., 1025 S. Lapeer Rd., 09-14-226-008 & 09-14-112-001**,  
I move that the petitioner's request for:

6 variances from Zoning Ordinance #78 – Zoned GB

Article XIV, Section 14.02 (A)(1)

1. A 37-ft. setback variance from the required 100-ft. for a drive-thru pharmacy use to be 63-ft. from a residential property line.
2. A 50-ft. setback variance from the required 50-ft. for a circulation lane for a drive-thru pharmacy to be 0-ft from a residential property line.

Article XIV, Section 14.04

3. A 11.17-ft. height variance above the allowed 25-ft. Maximum Height of all Structures for a building to be 36.17-ft. tall.

Article XXVII, Section 27.16(B)(1)(a)(i)

4. A variance from this ordinance section to allow the east façade (323-ft.) and the south façade (211-ft.) to be greater than 100-ft. without a recess or projection.

Article XXVII, Section 27.16(C)

5. A 23% variance above the allowed 60% of off-street parking area located between the front façade and an abutting street for a total of 83%.
6. An 18-ft. setback variance above the minimum required 50-ft. for truck docks to be 32-ft. from a residential property.

The petitioner is also seeking 4 variances from Sign Ordinance 153 – Zoned Non-Residential; GB

7. A 30-ft setback variance from the required 30-ft. for a ground sign to be 0-ft. from the road right-of-way.
8. A 100.21-sq. ft size variance above the allowed 200-sq.ft. for a wall sign to be 300.21-sq. ft.
9. A variance for 5 wall signs above the allowed 1 wall sign for a total of 6 wall signs.
10. A 239.44-sq. ft. size variance above the allowed 200-sq. ft. for a total square footage of all wall signs to be 439.44-sq. ft.

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*):

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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SAMPLE MOTION FOR

**DENIAL OF A NON-USE VARIANCE**

In the matter of ZBA case # **AB-2021-12, Meijer Inc., 1025 S. Lapeer Rd., 09-14-226-008 & 09-14-112-001**,  
I move that the petitioner's request for:

6 variances from Zoning Ordinance #78 – Zoned GB

Article XIV, Section 14.02 (A)(1)

1. A 37-ft. setback variance from the required 100-ft. for a drive-thru pharmacy use to be 63-ft. from a residential property line.
2. A 50-ft. setback variance from the required 50-ft. for a circulation lane for a drive-thru pharmacy to be 0-ft from a residential property line.

Article XIV, Section 14.04

3. A 11.17-ft. height variance above the allowed 25-ft. Maximum Height of all Structures for a building to be 36.17-ft. tall.

Article XXVII, Section 27.16(B)(1)(a)(i)

4. A variance from this ordinance section to allow the east façade (323-ft.) and the south façade (211-ft.) to be greater than 100-ft. without a recess or projection.

Article XXVII, Section 27.16(C)

5. A 23% variance above the allowed 60% of off-street parking area located between the front façade and an abutting street for a total of 83%.
6. An 18-ft. setback variance above the minimum required 50-ft. for truck docks to be 32-ft. from a residential property.

The petitioner is also seeking 4 variances from Sign Ordinance 153 – Zoned Non-Residential; GB

7. A 30-ft setback variance from the required 30-ft. for a ground sign to be 0-ft. from the road right-of-way.
8. A 100.21-sq. ft size variance above the allowed 200-sq.ft. for a wall sign to be 300.21-sq. ft.
9. A variance for 5 wall signs above the allowed 1 wall sign for a total of 6 wall signs.
10. A 239.44-sq. ft. size variance above the allowed 200-sq. ft. for a total square footage of all wall signs to be 439.44-sq. ft.

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:

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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:

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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:

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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:

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**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:

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2. Unreasonably increase the congestion in public streets due to:

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3. Increase the danger of fire or endanger the public safety due to:

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4. Unreasonably diminish or impair established property values within the surrounding area due to:

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5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

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

RECEIVED  
MAR 24 2021  
Orion Township  
Planning & Zoning

Case # AB-2021-12  
Meeting Date: 4/26/2021

## Charter Township of Orion Zoning Board of Appeals Application for Appeal - Commercial

### 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 \$500.00 for a commercial 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: Meijer, Inc. Attn: Ashley Mack  
Address: 2350 Three Mile Road NW City/State/Zip: Grand Rapids, MI 49544  
Phone: 616.249.6427 Cell: 616.240.5982 Fax: 616.791.3016  
Email: Ashley.Mack@meijer.com

### PROPERTY OWNER(S)

Name (s): The Boutrous Companies, Thomas Boutrous  
Address: 596 N. Lapeer Road City/State/Zip: Lake Orion, MI 48362  
Phone: 248.814.9910 Cell: 248.505.6372 Fax: 248.814.9916  
Email: tboutrous@boutrouscos.com

### CONTACT PERSON FOR THIS REQUEST

Name: Fishbeck, Jason Vander Kodde, PE Phone: 616.648.9165 Email: jtvanderkodde@fishbeck.com

### SUBJECT PROPERTY

Address: 1025 S Lapeer Road, Lake Orion, MI 48360 Sidwell Number(s): GB 09-14-226-008 and 09-14-226-001  
Total Acreage: 7.55 ac Length of Ownership by Current Property Owner: 6 Years, 4 Months

Does the owner have control over any properties adjoining this site? Yes, Existing Retail Plaza to the north

Ordinance Allowance/  
Requirement See attached List Deviation requested See attached List

List additional ordinance requirements and deviations on a separate page

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



**COMMERCIAL VARIANCE**

1. Describe the nature of the request. See attached

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. See attached

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: See attached

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

5. Describe how the alleged practical difficulty has not been self-created. See attached

6. The topography of said land makes the setbacks impossible to meet because: See attached

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. See attached



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

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

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)*

Ashley Mack

Date: 3/22/21

Print Name: Ashley Mack

**Property Owner:**

*If applicable:*

*I the property owner, hereby give permission to \_\_\_\_\_ to represent me at the meeting.*

**Signature of Property Owner:**

*(must be original ink signature)*

Thomas A. Boutros

Date: 3/25/2021

Print Name: Thomas A. Boutros

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

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



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

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

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)*

Ashley Mack

Date: 3/22/21

Print Name: Ashley Mack

**Property Owner:**

*If applicable:*

I the property owner, hereby give permission to \_\_\_\_\_ to represent me at the meeting.

**Signature of Property Owner:**

*(must be original ink signature)*

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

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



April 20, 2021


Orion Township  
Attention: Ms. Lynn Harrison  
Planning & Zoning  
2525 Joslyn Rd.  
Lake Orion, MI 48360

**SUBJECT:** Letter of Authorization for Property located at 1025 S. Lapeer Road (Sidwell #09-14-226-008)  
& Unaddressed Parcel 09-14-226-001

Dear Ms. Harrison,

On behalf of Lake Orion Plaza, LLC, owners of the subject property, I authorize Meijer Inc. and its agents to appear and present at the April 26th, 2021 Charter Township of Orion Zoning Board of Appeals Meeting to request 7 variances from Zoning Ordinance #78-Zoned GB on our behalf for the subject property. If you have any questions, please let me know.

Thank you,

Signature:   
Mr. Edward T. Boutrous  
The Boutrous Companies  
(248) 814-9910



Project Name: Meijer – Orion Township  
Application Type: Zoning Board of Appeals Commercial Application Responses  
Fishbeck Project: 201289

RECEIVED  
APR 14 2021  
Orion Township  
Planning & Zoning

## Commercial Variance

### 1. Describe the nature of the request.

- #1 a. Variance No. 1 – The proposed Pharmacy drive-through window is requested to be closer to the residential property line (63 feet) than the ordinance 14.02.A.1 allows (100 feet).
- #2 b. Variance No. 2 – The proposed Pharmacy drive-through lane is requested to be closer to the residential property line (0 feet) than the ordinance 14.02.A.1 allows (50 feet).
- #3 c. Variance No. 3 – The proposed building height is requested to be higher (36 feet 2 inches) than the ordinance 14.04 allows in the General Business (GB) zone allows (25 feet).
- #4 d. Variance No. 4 – The proposed rear facades are requested to be longer than the (211 feet, 323 feet) than the ordinance 27.16.B.1.a.1 allows (100 feet).
- #5 e. Variance No. 5 – The proposed parking lot location is requested to be proportionally larger in front of the proposed building (83%) than the ordinance 27.16.C.1 allows (40%).
- #6 f. Variance No. 6 – The proposed truck docks are requested to be closer to the residential property line (32 feet) than the ordinance 27.16.C.5 allows (50 feet).
- #7 g. Variance No. 7a – The proposed ground signage is requested to be closer to the right-of-way line (from 30 to 0) than ordinance 153 non-residential zoned table allows.
- #9 h. Variance No. 7b – The proposed wall signage is requested to be increased in size (200-to-300 square feet (sf)) and number (from 1 to 6) than ordinance 153 non-residential zoned table allows.

### 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.

- a. Variance No. 1 – (Pharmacy drive-through location) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store and the associated pharmacy needs to be located on the southern rear portion of the parcel. The property also has residential zoning on only three of the seven sides of the parcel. The pharmacy location is proposed immediately adjacent to a similar commercial zone and use, but it also happens to be near the multi-family residential zoning transition. These circumstances are not applicable to other properties in the surrounding area.
- b. Variance No. 2 – (Pharmacy drive-through lane location) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer.
  - Because of these existing conditions, the store and the associated Pharmacy drive-through lane needs to be located on the southern rear portion of the parcel. The property also has residential zoning on only three of the seven sides of the parcel. The Pharmacy drive-through lane location is proposed immediately adjacent to the multi-family zoning because this was deemed least impactful when compared to the more intense uses of the customer entrance, front parking lot, pharmacy drive-through window, on-line order pickup and truck receiving areas that are placed adjacent to the commercially zoned property.
  - The property also has a recorded easement allowing a 30-foot wide screening berm to be placed on the adjacent Ponds of Orion property to provide additional screening and buffering to the proposed Meijer use. At this time Meijer is also requesting the Orion Township Planning Commission grant a



waiver of the screening and buffering requirements along this property line in order to allow the Ponds of Orion to develop the property as they proposed (and received approval for) in 2018. These circumstances are not applicable to other properties in the surrounding area.

- c. Variance No. 3 – (Building height) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store with its associated building height needs to be located on the southern rear portion of the parcel.
  - d. Variance No. 4 – (Rear facade length) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store and the associated pharmacy needs to be located on the southern rear portion of the parcel. As a result, the southeast (SE) building corner has been truncated with a large chamfer to accommodate the pharmacy drive through lane vehicle exit movement. Additionally, the southwest (SW) building corner has been truncated with large chamfer to accommodate the fire lane and rear building setback lines. These circumstances are not applicable to other properties in the surrounding area.
  - e. Variance No. 5 – (Parking lot location) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store needs to be located on the southern rear portion of the parcel and the parking lot needs to be located on the front western portion of the parcel.
  - f. Variance No. 6 – (Truck dock location) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store and the associated truck dock location needs to be located on the southern rear portion of the parcel.
  - g. Variance No. 7a – (Ground sign location) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store needs to be located on the southern rear portion of the parcel and the parking lot and associated Ground Sign location needs to be located on the front western portion of the parcel.
  - h. Variance No. 7b – (Wall sign size and number) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store and the associated wall signage needs to be located on the southern rear portion of the parcel approximately 330 feet away from Lapeer Road.
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:
- a. Variance No. 1 – (Pharmacy drive-through location) The pharmacy drive-through is proposed behind the Oxford Bank property rather than adjacent to it. This will allow the Oxford Bank to maintain their high visibility along the Lapeer Road corridor and direct connection to the signalized southbound (SB) crossover. The pharmacy window will face away from the multi-family residential zoning and will not be visible from the future residences. The pharmacy drive-through is adjacent to, but does not block, the current cross-access easement to Burger King. Therefore, the health, safety, welfare to other properties is protected.
  - b. Variance No. 2 – (Pharmacy drive-through lane location) The propose Pharmacy drive-through lane location will provide several benefits to the public and other properties in the Township including:
    - The Fire Chief has reviewed and verbally accepted the concept location because it will improve (shorten) the fire protection route and access for the existing Planet Fitness retail plaza while also providing an accessible fire route around the entire proposed Meijer building.



- The Ponds of Orion will be able to proceed with their approved development and not need to move their proposed roadway to accommodate an additional 30-foot wide berm with landscaping. Accommodating the berm would likely cause the loss of units or the increase of development costs due to topographic and environmental constraints on other areas of their property.
  - The existing adjacent businesses will be able to continue using the existing cross-access driveway routes to and from South Lapeer Road and East Clarkston Road.  
Therefore, the health, safety, welfare to other properties is protected.
- c. Variance No. 3 – (Building height) A maximum building height of 25 feet is allowed at the front 30 feet setback. However, when the proposed 36 feet-2 inches Meijer building entrance is placed at 256 feet behind the front setback, it will only appear to be 15 feet-4 inches tall to a SB passenger vehicle driver. This is only 60% of the height perspective for passing customers and the motoring public that other businesses with buildings placed closer to the front setback are able to enjoy. Furthermore, the additional height allows pleasing architectural treatment of the customer building entrance which is encouraged by the zoning ordinance. Therefore, the health, safety, welfare to other properties is protected.
- d. Variance No. 4 – (Rear facade length) The SE building corner has been truncated with a large chamfer to accommodate the pharmacy drive through lane vehicle exit movement. Additionally, the southwest (SW) building corner has been truncated with large chamfer to accommodate the fire lane and rear building setback lines. These chamfers serve to break up the harsh 90-degree corners of the prototypical building and provide visual relief to the building length. The side and rear facades are also treated architecturally with different parapet heights, different color palettes, and different wall patterns in order to meet the purpose and intent of the ordinance. These building features will provide the community the visual presentation of the variety and uniqueness that the ordinance calls for. Finally, there is no existing multi-family development immediately to the east. The future Ponds of Orion will be accustomed to the proposed aesthetic of the building from Day 1 and will not be detrimentally impacted. Therefore, the health, safety, welfare to other properties is protected.
- e. Variance No. 5 – (Parking lot location) The proposed site layout design diligently attempts to balance several space competing interests of the ordinance including:
- Greenbelts – Which are provided on all four sides of the main parking lot and are increased significantly to the south property line adjacent to Oxford Bank.
  - Minimum parking count – Which Meijer has request a variance for a reduction based on needs.
  - Landscaping – Which Meijer will significantly improve when compared to existing conditions.
  - Access management – Which Meijer strives to protect for all existing neighbors.
- Therefore, the health, safety, welfare to other properties is protected.
- f. Variance No. 6 – (Truck dock location) The proposed site layout provides the west, south and east sides of the building with no receiving activity as these sides of the building directly face multi-family residential zoning or are experienced by customers. The receiving area is designed on the north face of the building, directly at the end of the existing shipping route for the adjacent Lake Orion Plaza and facing the blank wall of Planet Fitness. Therefore, the health, safety, welfare to other properties is protected.
- g. Variance No. 7a – (Ground sign location) The ground sign location is outside of the required clear vision triangles for the drive entrance. The ground sign location will not obscure views of the neighbor's pylon sign to the south or the Lake Orion Plaza ground sign to the north. Therefore, the health, safety, welfare to other properties is protected.
- h. Variance No. 7b – (Wall sign size and number) The Meijer sign size increase is to account for the distance from the front setback along Lapeer Road. Similar to the building height, the size of the allowed 200 sf sign is allowed at the 30-foot front setback. However, when placed at 280 feet from Lapeer Road, it will be completely obscured by Burger King, the Office building, and Oxford Bank when viewed from the approaching northbound (NB) Lapeer Road lanes. When viewed from the SB Lapeer Road lanes, the



300-sf sign will only take up 40 sf of space at the front setback. No more than one wall sign will directly face any given neighbor as the Meijer, Pharmacy Drive-up and Pick-up signs all face different directions and the bottle return sign is less than 7 sf. The Rx logo and the Pickup logo are intended for wayfinding as the building 330 feet from South Lapeer Road and visual clarity is necessary for customers in vehicles to find these locations safely and quickly. As these signs are perpendicular to the building, they will not be visible to the immediately adjacent neighbors. Therefore, the health, safety, welfare to other properties is protected.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible:
- Variance No. 1 – (Pharmacy drive-through location) The proposed location of the single lane pharmacy drive-through is proposed adjacent to and behind the four lane Oxford Bank drive-through. This adjacent drive-through use is clearly a consistent and compatible use with other properties in the area. It will also allow the Ponds of Orion to proceed as submitted and approved by not requiring a re-design of the development due to enforcement of the recorded 30-foot berm easement.
  - Variance No. 2 – (Pharmacy drive-through lane location) The proposed Pharmacy drive-through lane location is consistent with the existing Oxford Bank drive-through lanes adjacent to the Meijer property. The proposed Pharmacy drive-through lane location is necessary to allow adequate passenger vehicle turning radius for exiting traffic to return to the main site circulation system as quickly and efficiently as possible. The proposed Pharmacy drive-through lane will be consistent with the proposed Ponds of Orion development as it will be adjacent to their driveway/fire lane (with emergency crash gate) as well. It will also allow the Ponds of Orion to proceed as submitted and approved by not requiring a re-design of the development due to enforcement of the recorded 30-foot berm easement.
  - Variance No. 3 – (Building height) The request results from the existing geometry, existing utility mains, cross-access easements, and adjacent transitional multi-family zoning of the property under contract by Meijer. Because of these existing conditions, the store building needs to be located on the southern rear portion of the parcel. This places the building approximately 286 feet away from the Lapeer Road right-of-way (ROW) and 330 feet away from the closest NB lane traffic and over 400 feet away from the closest SB lane traffic. At 1/16th of a mile away, the size and mass of the building are completely obscured from NB traffic by the existing Burger King building, the existing Office building and the Oxford Bank Building for a 3.5 feet driver eye height on NB Lapeer Road. As a result, Meijer is at a competitive disadvantage by having reduced visibility from the arterial roadway NB traffic until beyond the initial point of decision-making for 55 mph pass-by driver capture (approximately 210 feet). These circumstances are not applicable to other properties in the surrounding area.
  - Variance No. 4 – (Rear facade length) The additional building length request is consistent with at least three other existing retail buildings in the area:
    - The adjacent Planet Fitness rear wall exceeds the 100-foot maximum by about 50 feet.
    - Kroger north side and south side walls exceed the 100-foot maximum by about 100 feet.
    - The existing Dunham's Sport side and rear walls exceed the 100-foot maximum by about 100 feet.
    - The existing Kmart building west (front) wall exceeds the 100-foot maximum by about 300 feet. The proposed Meijer building will greatly improve the building compliance from the existing condition.
  - Variance No. 5 – (Parking lot location) The proposed parking lot in front of the new Meijer store is consistent with the existing Kmart it will replace and consistent with the adjacent Planet Fitness and retail plaza. It is also consistent with several other retailers in the Lapeer Road corridor including Kroger, Dollar Tree/Dunham's. Meijer is still working to comply with the ordinance to the greatest extent possible by providing approximately 57 parking spaces on the north and south sides of the building.
  - Variance No. 6 – (Truck dock location) The proposed truck dock location is designed as close to the rear of the building as possible while still accommodating truck turning movements to and from the existing



ingress/egress easement. This location is consistent with the adjacent Planet Fitness and retail plaza to the north. It is also consistent with several other retailers in the Lapeer Road corridor including Kroger, Dollar Tree/Dunham's and Home Depot.

- g. Variance No. 7a – (Ground sign location) The proposed ground sign location is designed within the site constraints working to provide the minimum number of customer parking spaces possible for meeting Meijer's parking needs of 3/1000. The location is consistent with the existing Lake Orion Plaza ground sign in front of the site (to remain) and is consistent with (or at least similar to) the Kroger Ground sign further north along Lapeer Road.
- h. Variance No. 7b – (Wall sign size and number) The proposed additional signage is designed to provide clear wayfinding for Meijer customers to the various transaction points available for someone in a vehicle entering the site from Lapeer Road. Meijer offers four different exterior transaction points: The main entrance, the pharmacy drive-up, the on-line order pick-up and the bottle return room. This signage request is consistent with the Home Depot with extra signs for the contractor pick-up area and the garden center. This signage request is consistent with the existing Lake Orion Plaza to the north which has signage for Planet Fitness along with five other tenant spaces/transaction points for a total of six signs. It is also consistent with Dunham's and Dollar Tree which has two large signs, one for each tenant/transaction point.

**5. Describe how the alleged practical difficulty has not been self-created.**

- a. Variance No. 1 – (Pharmacy drive-through location) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, or adjacent zoning districts. Meijer also did not participate in the Ponds of Orion approval process which eliminated the existing berm in favor of a neighboring fire lane/access roadway.
- b. Variance No. 2 – (Pharmacy drive-through lane location) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, berming easement, or adjacent zoning districts. Meijer also did not participate in the Ponds of Orion approval process which eliminated the existing berm in favor of a neighboring fire lane/access roadway.
- c. Variance No. 3 – (Building height) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, berming easement, or adjacent zoning districts. Meijer also did not participate in the development of the Burger King building, the Office building, or Oxford Bank buildings. These practical building placement constraints and sight-line difficulties were created by others.
- d. Variance No. 4 – (Rear facade length) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, or adjacent zoning districts. As a result, two building corners needed to have chamfers, and a façade length extension is appropriate.
- e. Variance No. 5 – (Parking lot location) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, or adjacent zoning districts. As a result, placing more than 40% of the proposed parking in front of the building is appropriate.
- f. Variance No. 6 – (Truck dock location) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, or adjacent zoning districts. Meijer also did not request that the Ponds of Orion utilize the dedicated 30-foot berm easement intended for screening and buffering for a private roadway. As a result, a reduced truck dock setback is appropriate.



- g. Variance No. 7a – (Ground sign location) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, or adjacent zoning districts. As a result, a reduced setback for the Ground sign location is appropriate.
  - h. Variance No. 7b – (Wall sign size and number) Meijer did not participate in the development of the Kmart supercenter in 1976 (or subsequent site development) which created the parcel geometry, existing utility mains, cross-access easements, or adjacent zoning districts. As a result, the site circulation and wayfinding 330 feet away from South Lapeer Road will be challenging for customers and additional signage is appropriate.
6. **The topography of said land makes the setbacks impossible to meet because:**
- a. Variance No. 1 – (Pharmacy drive-through location) Topography is not an applicable factor in the request, other than the proposed Ponds of Orion is proposing to remove the existing topography protected by recorded easement which previously acted as a screening and buffering feature.
  - b. Variance No. 2 – (Pharmacy drive-through lane location) Topography is not an applicable factor in the request, other than the proposed Ponds of Orion is proposing to remove the existing topography protected by recorded easement which previously acted as a screening and buffering feature.
  - c. Variance No. 3 – (Building height) Topography is not an applicable factor in the request, other than the adjacent properties and buildings to the SE are at the same elevation as the proposed Meijer, thereby obscuring the view of the building to approaching NB vehicles.
  - d. Variance No. 4 – (Rear facade length) Topography is not an applicable factor in the request, other than that the fire lane needs to remain at the same topography (flat and straight) in order to safely pass emergency vehicles and fire trucks.
  - e. Variance No. 5 – (Parking lot location) Topography is not an applicable factor in the request, other than the existing low points (catchbasins and storm sewers) of the parcel which will convey the stormwater into the existing detention basin will continue to be utilized in their current location.
  - f. Variance No. 6 – (Truck dock location) Topography is not an applicable factor in the request, other than that Meijer has proposed to put the grade-level receiving area adjacent to the rear property line in an effort to move the recessed semi-truck loading area as far away from the Multi-Family zoned parcel as possible.
  - g. Variance No. 7a – (Ground sign location) Topography is not an applicable factor in the request, other than the existing topography along Lapeer Road can be utilized as-is.
  - h. Variance No. 7b – (Wall sign size and number) Topography is not an applicable factor in the request, other than the adjacent properties and buildings to the SE are at the same elevation as the proposed Meijer, thereby obscuring the view of the building to approaching NB vehicles. This makes wayfinding more difficult as it cannot be done until after arriving on the Meijer site.
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.**
- a. Variance No. 1 – (Pharmacy drive-through location) Strict compliance with the ordinance would require moving the pharmacy drive through window approximately 40 feet to the north. This relocation would cause several unnecessarily burdensome conditions for the store as follows:
    - The vehicle stacking for customers waiting at the window would be reduced from seven cars to five cars. This reduction would subsequently cause customers to go elsewhere for their prescriptions or to wait in the drive lane instead. Two additional cars waiting in the drive lane instead of the dedicated pharmacy lane would obstruct traffic circulation to and from the Meijer parking lot, Burger King, Planet Fitness retail plaza and emergency vehicles.



- The pharmacy floor plan is designed for careful and efficient handling and processing of the prescriptions for both walk-in customers and drive-through customers. Relocating the drive-through window would require unnecessarily redesigning this space.
- Due to the nature of the parcel cross-access easement with Burger King, the drive-through lane egress loop will remain in the same location regardless of window placement. Relocating the drive-through window would be the exact same quantity of drive lane pavement with reduced benefit to Meijer customers as the 40 feet would become extra developed driveway space only. The extra impervious area cannot be used for parking, landscaping, or any other more beneficial use.
- b. Variance No 2 – (Pharmacy drive-through lane location) Strict compliance with the ordinance would require Meijer to further truncate the exterior building corner further into the site by 50 feet on the south side of the building and 25 feet on the west side of the building. Further truncating the walls would result in a building square footage reduction of approximately 1,200 sf and loss of 50 feet of the pharmacy vehicle stacking length. This reduction of building square footage and 40% reduction vehicle stacking length would unreasonably prevent Meijer from using the GB zoned property for its intended use of a full-service grocery store.
- c. Variance No 3 – (Building height) Strict compliance with the maximum building height of 25 feet is unnecessarily burdensome because:
  - It allows the adjacent buildings (which are placed much closer to or at the front setback) to visually obscure the proposed store from the northbound traffic.
  - It puts Meijer at a competitive disadvantage four SB traffic compared with other business that are able to locate buildings at or near the front setback line along the Lapeer Road corridor. A maximum building height of 25 feet is allowed at the front 30 feet setback. However, when the proposed 36 feet-2 inches Meijer building entrance is placed at 256 feet behind the front setback, it will only appear to be 15 feet-4 inches tall to a SB passenger vehicle driver. This is only 60% of the height perspective for passing customers that other businesses with closer buildings are able to enjoy.
  - It will require Meijer to discard their prototypical building elevation and aesthetics and require a custom redesign of the building shell (walls, roof, steel, windows, etc.) for this property.
- d. Variance No. 4 – (Rear facade length) The proposed building has already been reduced by 448 feet due to the two proposed chamfers on the SW and SE corners. This square footage loss is equal to offsetting the building wall in approximately 10 inches across the entire south and east facades, or 20 inches along one half of each of the facades in order to create the desired offset. Losing another 10 or 20 inches along these two walls is very problematic for the proposed internal building design and creates an unnecessary burden on the owner from using the property for its intended use.
- e. Variance No. 5 – (Parking lot location) The existing front parking lot is encumbered with an existing sanitary sewer, two water main loops and two ingress-egress easements. Removing and relocation the existing utilities and renegotiating ingress-egress easements with neighbors in order to place a new Meijer building on the front half of the parcel will be unnecessarily burdensome on the owner.
- f. Variance No. 6 – (Truck dock location) The proposed truck dock location is placed at the south end of an existing ingress-egress easement for the existing Lake Orion Plaza. Placing the docks elsewhere on the building would provide inadequate turning space for the semi tractor-trailers and will be unnecessarily burdensome on the owner. Depending on the alternate location selected, renegotiating existing easements may also be necessary which would also create a hardship on the owner.
- g. Variance No. 7a – (Ground sign location) Meijer has already reduced the parking count below the township minimum requirement and provided the absolute minimum number that Meijer needs to meet the store operation needs throughout the calendar year. Placement of the ground sign at the required 30-foot setback would result in the loss of additional parking spaces and obstruct the existing ingress-egress easement benefiting the neighbors. The required location would be unnecessarily



burdensome for Meijer's parking count and prevent the adjacent properties from utilizing the existing ingress-egress easement for customers entering the site from SB Lapeer Road.

- h. Variance No. 7b – (Wall sign size and number) Strict compliance with the ordinance would create a much smaller view of the Meijer store customer entrance sign from the Lapeer Road corridor than other retailers sited closer to the front setback due to the distance. Strict compliance would also create a more confusing vehicle circulation pattern onsite for Meijer pharmacy, on-line order pickup, and bottle return customers, as those transaction points cannot be clearly observed from the entrance due to the existing Oxford Bank site and the northern wall orientation facing Planet Fitness. Meijer wishes to provide the best and safest way-finding for our customers possible in order to prevent accidents when lost, distracted or misguided drivers are attempting to navigate through the site in a new and different direction. It will be unnecessarily burdensome for Meijer to continually direct lost, distracted or misguided customers to the appropriate entrances.

**8. Have there been any previous appeals this property?**

Yes, according to Township Record information received by Meijer via email, the following appeals have been processed on this property over the last several decades:

- a. Temporary Use Permits:
- For Outdoor Sales, to sell fireworks in the parking lot, and to repair chips in windshields.
  - In October of 1997 – A temporary permit to allow containments in the outside fenced area adjacent to the patio center of the store. Storage for seasonal items W/conditions (AB-97-71).
- b. Sign variances:
- In May of 2010 – Received a 29-ft. road ROW setback variance for a ground sign.
  - In November of 2010 – Received a variance to replace a section of an existing ground sign with an electronic message board.
  - In January of 2013 – Granted a variance to install a 30.03-sf LED message center within a ground sign; and, a 14.66-sf variance, over the allowed 60 sf in sign area, to increase the size of an existing ground sign to 74.66 sf.
- c. Other:
- In July of 1995 – Received a variance in height for a new front façade to be 29 feet – 9 inches (AB-95-59).
  - In March of 1976 – Granted to allow 5 feet to be from the corner of the se property line, where the berm was okayed, to run around the corner to the SW line where multiple stops and commercial beings; and a 5 feet berm in place of masonry wall with a 3 feet fence, berm will be on adjacent property with an easement on it subject to the approval of attorney; allowed variance from a 5 feet masonry wall for a 7 feet tall wood stockade fence (AB-76-02).
  - In January of 1976 – Granted a variance from the regulation controlling max height of structures relating to parking light standards with the stipulation that the poles on the east side of the property are to be 20 feet in height and the lights will be as stated in the brochures indicated that night (?) (AB-75-38).
  - In January of 1976 – Granted a variance for additional 10 feet of berm and landscaping between road asphalt and the adjacent parking lot (AB-75-39).
  - In January 1976 – Granted approval of the easterly 652 feet having a 5 feet berm with a 6 feet high chain length fence in place of a 5 feet masonry wall (AB-75-40).
  - In 1997 Kmart was permitted to change their wall sign to a 367 sf brand logo.



Chairman Reynolds then opened the public hearing for PC-2021-37, Meijer ORI, Special Land Use request for a Large-Scale Retail Establishment equaling 90,000-sq. ft. located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 (surrounded by parcel 09-14-226-008), at 7:24 pm and closed the public hearing at 7:29 pm.

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**5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

None

**6. CONSENT AGENDA**

None

**7. NEW BUSINESS**

**A. PC-2019-37, Meijer ORI, Special Land Use request for a Large-Scale Retail Establishment and Site Plan, located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001.**

Chairman Reynolds asked if the applicant would like to make an additional presentation before they turn it over to their professional consultants?

Mr. Jason Vander Kodde, Civil Engineer Project Manager with Fishbeck, 1515 Arboretum Dr., Grand Rapids, MI presented.

Mr. Vander Kodde said that their presentation tonight is in support of the Special Land Use application. He said he had four things to talk about with them, obviously the introduction to Meijer Grocery, which Ashley had just provided, and then he is going to review the Master Plan, present the Site Plan as proposed, review the Special Land Use criteria, and then open it up for questions.

Mr. Vander Kodde showed them slides from his presentation. He said he was going to jump right into the Master Plan, this particular parcel is zoned for General Business (GB), it is also Master Planned for General Business (GB). He said that General Business (GB) as part of the Master Plan allows regional retail use including large format department stores and uses consistent with Meijer. He stated that this proposal is in full alignment with the Master Plan.

Mr. Vander Kodde presented the Site Plan as it related to the Special Land Use. The Site Plan is in part in with the Special Land Use they are requesting for a large retail in excess of 55,000-sq. ft. and they are asking for 90,000-sq. ft. To secure the Special Land Use, the Site Plan is an integral of how that is put together and they wanted to share with them how they planned that.

Mr. Vander Kodde stated he was going to cover six items, location, neighbors, driveways, access, utilities, and buffering. He said that there are 7.55 acres on the SE quadrant of S. Lapper Road and East Clarkston Rd. Their immediate neighbors are Planet Fitness to the north, Oxford Bank to the south, Burger King to the south, and they are going to have the proposed Ponds of Orion 13.5 acres site multi-family to the east. He stated that the site is accessed via five driveways, those driveways are currently proposed to remain unchanged. The primary driveway is the signalized intersection at the southbound crossover. The secondary driveway from Lapeer Rd. is in front of Planet Fitness, which is a right in right out. The third driveway is a full access driveway onto E. Clarkston Rd. The fourth driveway is a cross-access easement with a Burger King. The fifth driveway is a cross-access connection with the Oxford Bank. He added that with these driveways to remain, they are proposing to



provide easements for ingress and egress to benefit those existing businesses and neighbors, as well as to benefit Meijer.

Mr. Vander Kodde said that they also have several utilities on the site to pay attention to. There is a storm sewer that goes to a detention pond, just to the east of the site. There is an existing sanitary sewer main that runs through the front of the site and serves Burger King, and the neighbors to the south. There is an existing water main loop around the site that benefits the Township and the adjacent neighbors. There is also an existing berm, and a 30-ft. easement to the east, south, and southwest of the existing Kmart building.

Mr. Vander Kodde stated that they have ample adequate site features to work around with their planning process for a large format retail.

Mr. Vander Kodde said he was going to present how they have proposed to accomplish that, hopefully, together with them. Their site planning includes their customers because Meijer is a customer-based family-owned business. Then they want to provide access for the neighbors and themselves. They want to continue to provide utility service, and provide screening and buffering according to the Township Zoning Ordinance and planning ideals.

Mr. Vander Kodde showed the Board the upper right end of the store as their front entrance, and that is accessed by their primary parking lot, and then they have a secondary parking lot just to the north of the entrance. To the left side of the building is their pharmacy drive-up window, which is right behind the Oxford Bank. The right side of the building is the online order pick-up area. Behind the building on the south is the employee parking lot, and then on the northeast corner is the shipping/receiving area. Those are coordinated with their access easements with their neighbors and their existing driveways.

Mr. Vander Kodde said that the proposed store location also accommodates the existing utilities, the sanitary sewer is in the same location, the water main loop also goes around the building, and then the storm sewer connects to the existing storm sewer lines that were historically serving the Kmart building. They are respecting and reusing those existing utilities. He added that there was also a DTE powerline that runs along the south southeast and east property lines, which will also remain unchanged. He said that is their site planning, they accommodate customers, access, utilities, and screening.

Mr. Vander Kodde said next he would like to talk about the Site Plan waivers they are requesting. As their planning processes unfolded with the Township staff, they realized that this particular site with its existing conditions is a perfect fit for their proposal and it fits well to the site, however, some of the zoning ordinance requirements are going to require a little flexibility, if they are going to work together, so they are looking for their help on several items. They are trying to balance several things in the zoning ordinance on this site. The first thing is the parking space count. The ordinance requires five parking spaces per thousand square feet in the building, and they are at 3.2 parking spaces per thousand. They have submitted a parking study as part of their application packet supporting that request with their anticipated parking for the business. Because they are looking for a reduction in parking, they are also looking for a reduction in landscaping, they are trying to balance the need for as much parking as possible, with the need for as much landscaping as possible, on a very small existing site, that they thought was a perfect fit for a new Meijer store. The circulation patterns, the green space, and buffering areas are specifically designed to be as big as possible for both parking and landscaping needs. He added that the Township Planner can support the fact that they have provided as much parking and landscaping as they can within the site constraints and they still fall short of both parking and landscaping. If they are to increase the landscaping, they fall even further short in parking. If they decrease landscaping to increase parking, they fall further short



in landscaping. With the 7.55 acres site, there is simply not enough real estate for them to accomplish everything the ordinance asked them to do. Those are the waivers they are asking for tonight. He was happy to talk about any of them in detail but wanted to start with a high-level conversation for them.

Mr. Vander Kodde said they are also looking at the Special Land Use criteria. They are compatible with the adjacent uses and the Master Plan. They are reusing their existing public services, impact on traffic patterns, and they are not creating detrimental effects, they are enhancing the surrounding environment with improved landscaping, and circulation and they are not isolating any existing land uses. They felt that they meet the Special Land Use criteria.

Planner Fazzini read through his review date stamped April 9, 2021.

Engineer Landis read through his review date stamped April 7, 2021.

Chairman Reynolds stated that the Fire Marshal had some comments in regards to the east drive requiring no parking signage, and the Fire Department connection is being on the northeast side of the building. They don't have any comments from RCOC, but they did complete a preliminary review. There were no additional comments or concerns for their Public Services review. There was a site walk done by the site walk committee, himself, Vice-Chairman Gross, and Secretary St. Henry were present.

Vice-Chairman Gross said that the cross-access agreement with the property to the north the formal written agreement, the bank, and Burger King that was kind of a handshake. Ms. Ashely Mack said that Burger is documented, and then the bank is historical, so they are going to leave everything as is. Vice-Chairman Gross asked if they were formal agreements? Ms. Mack replied that since it has been there for so long, they are not going to touch it. Vice-Chairman Gross said if they wanted to, they could close them off? Ms. Mack replied they could but she didn't think it would be beneficial to them.

Vice-Chairman Gross asked what was the net use of the store? Ms. Mack replied that the entire store will be 90,000-sq. ft., she said but the sales floor area they didn't lock that down. Vice-Chairman Gross said basically 10% or 20% is backroom? Ms. Mack said probably closer to 10%. Chairman Gross said that would reduce the amount of parking that would be required under the ordinance by about another 50 parking spaces or so.

Vice-Chairman Gross asked what the status of the Ponds of Orion? Planning & Zoning Director Girling replied that they have a soil erosion permit that has occurred. She added that the developer is active in the community in other developments so it is not a matter of them being gone, they just have not proceeded past the soil erosion, and the soil erosion stops the expiration of the site plan. Vice-Chairman Gross asked if they are moving forward or not? Planning & Zoning Director Girling replied that she has no reason to believe they are not.

Vice-Chairman Gross stated that one of the reports said that the Ponds of Orion will be installing a 6-ft. concrete along the rear property line between their properties. Mr. Vander Kodde replied yes there is a 6-ft. concrete on the approved engineer drawings for the Ponds of Orion on their side of the property line. Vice-Chairman Gross asked if their plans could reflect that 6-ft. wall that would be by others, he thought that would be helpful because right now there is just a chain-link fence back there. Mr. Vander Kodde replied absolutely.

Vice-Chairman Gross asked about the retention pond? Engineering Landis replied that is an existing pond that the Ponds of Orion are proposing to enlarge to accommodate their development. As it stands now that pond serves the existing building, so they are allowing them



to discharge to that as is with the understanding that they will be adding the mechanical pretreatment devices to filter out the sediments as it doesn't have a 4-bay. Vice-Chairman Gross asked if Engineer Landis was ok with that under the current plan? Engineer Landis replied yes.

Vice-Chairman Gross asked if their trash is going to be with a compactor inside the store? Mr. Vander Kodde said that the compactor is inside and the track receptacle is outside, but it is an enclosed receptacle.

Vice-Chairman Gross said relative to the parking he saw a logical request to reduce the amount of parking. They are dealing now with online purchases which are going to reduce the amount of instore traffic, hopefully, and the same with the pharmacy so people will not be parking their car and going into the store and taking up parking spaces.

Vice-Chairman Gross thought that their report was very well done, in terms of addressing all of the issues regarding the standards and requirements of the Special Land Use.

Vice-Chairman Gross questioned the other Board Members if there are some items that require Zoning Board of Appeals waivers, and asked if they were in the position of denying the site plan because of the deficiency in the setbacks, or approving subject to the waivers? Planning & Zoning Director Girling said if they look at the suggested motions, she has incorporated them into the postponement which could be carried to any of the other motions. She did have a conversation with the Township Attorney and based on the complexity of it and discussion on the ability to go to the Zoning Board of Appeals prior to a concrete answer at the Planning Commission is appropriate. It would be whatever their motion is, deny those features that require a variance to allow the ability to go to the Zoning Board of Appeals. She added that if they are ok with what is on the plan, and they are giving a Conditional Approval, the suggested motion would be technically denied, however, if they get their variances they are approved, which they are used to doing. If they don't feel that everything is on the plan that they need to see, then that is the motion that she provided to them which is a motion to postpone, however, they are denied on the aspects that it requires a variance to allow them to go the Zoning Board of Appeals before they come back to the Planning Commission. All of that was verified with the Township Attorney.

Mr. Vander Kodde asked Planning & Zoning Director Girling that he thought it was referring to the Site Plan component or is that also the Special Land Use component. Planning & Zoning Director replied correct, the Special Land Use can be decided, the waivers can be decided tonight if they so choose, and then recommend approve or recommend approve with conditions, postponed whatever they chose on the Site Plan.

Chairman Reynolds said that there are a number of items for this approval, some waivers that they can grant, and then the variances that they will need to seek. He asked if they were looking for feedback on the general open items and to come back with a revised Site Plan with them or are they seeking full approval tonight with conditions? Mr. Vander Kodde replied that in the reviews that they received from the professional consultants there is nothing in there that was concerning to them. They are able to accommodate all of those requests, however, they are more than happy to bring back a revised Site Plan if that is what the Planning Commission desires.

Vice-Chairman Gross thought it was a good reuse of the property. It makes sense that a retail building going to a retail building. The requested waivers he thought were justified based upon the surrounding circumstances with the adjoining properties. He thought that the parking count was justifiable. He felt it would be a disservice to deny the plan and then have it wait another



month to have it come back to them for final approval. He said he didn't see a formal landscape plan. Mr. Vander Kodde said that there was a landscape plan on sheet C600. He did not have the species of the trees called out but had the locations of the plantings and the number of trees and bushes called out. Mr. Vander Kodde said that they have provided the evergreen and the deciduous ornamental, shade tree, plantings beds, and shrubs locations. They just haven't spent the time to detailed out the species and calibers at this point. He added with the inquire of if they are satisfied with the layout, and if they are then they will dive into that detail and present it to the consultants.

Chairman Reynolds stated that he agreed with Vice-Chairman Gross's comments he thought it was a very comprehensive package, there is a handful of items that need a little additional detail or clarification he thought for the record. He didn't think there were major items there, it was not an extensive list he thought it was a number of detail items that in many cases they establish in final engineering it is a very large package there is a lot of forethought here.

Chairman Reynolds asked where was the intent for the dumpster enclosure then, and is if it was a standard size dumpster enclosure? Mr. Vander Kodde said that just to the right of the word Meijer there is a bump-out on the building just to the east of that bump-out are two thick strips those thick strips are heavy-duty concrete for the dumpster enclosure to run on when it gets offloaded and loaded onto the semi-truck. Chairman Reynolds asked if it was recessed or screened? Mr. Vander Kodde replied that it is recessed, it is four feet down. He added that if they look at the side elevation of the building, they will see that there is an opening there for the compactor.

Chairman Reynolds asked if there were any issues with addressing that the east drive would not be utilized for no parking signage, essentially the Fire Marshal comments. Mr. Vander Kodde replied no issue.

Chairman Reynolds asked if they had an idea of how many square feet is the building that is being removed? Mr. Vander Kodde replied approximately 86,900-sq. ft.

Chairman Reynolds asked if they are keeping a similar parking count? There are modifications to the lot, but is that a similar parking count for that? Mr. Vander Kodde said that they would be reducing the parking count because the entire south lot on the building was also used for parking, so that south lot of parking is going to be essentially reduced to the employee parking spaces. The area of the north the front entry, there will be a reduction in parking from the existing count to the proposed count in order to increase the landscaping and allow the online order pick-up area. Chairman Reynolds asked that in the general sense of the western portion of parking is that parking count give or take similar to what was provided? Meaning the primary retail parking of the previous facility that was similar square footage, and they are dealing with similar numbers here. Mr. Vander Kodde replied that the main lot is going to be similar, he hasn't done a per space count.

Secretary St. Henry asked if they know what the overflow parking is roughly? If Meijer customers did encroach into the rest of the parking area, do they have a general idea of how many spots are there in front of Planet Fitness and the smaller retail outlets? Mr. Vander Kodde replied that he didn't have that number this evening. He said being out there onsite during rush hour, that the parking lot was less than half full.

Vice-Chairman Gross asked if they had rights for cross-parking as well as access drive? Mr. Vander Kodde replied that they do not have cross-parking rights, they only have cross-access rights.



Board Member Walker said he wanted to compliment them. He has been doing this for some time, and theirs was one of the best presentations that he had ever seen. He added that this was like the angels lifting Kmart out of there and putting them in there. He thought that everything just seems to fit. He said that when he first looked at this, he thought that they wanted a bunch of waivers, and then he began thinking, how did Kmart get this without those waivers? Did the ordinance change? They are going in there and they are becoming Kmart as he can see it. He stated that they didn't tell them how wonderful it is going to be for Orion Township, they said none of those things, he was so happy to hear that. They are here to make some money, he gets it, it is wonderful and it is the way it is supposed to be. He congratulated them on the presentation and couldn't see why they wouldn't deny any of these waivers provided that they do everything the consultants suggest that they do.

Secretary St. Henry said that when that original Kmart went in, in the early 70s who knows what ordinances were out here then. He said that this building has sat empty for a least 2 years, the community has their ideas of what should go in there and what shouldn't go in there. The fact that a known, large state entity wants to move in there and take down the old building and put up a brand-new building, there is a dearth of grocery shopping on this end of town, he lives close by. He saw no reason to not grant them the waivers, and then to work with Meijer wholeheartedly. This is the Township's center or close to it, thousands of people drive by it every day, and he thought it was important that they develop it in the right way and this is a known entity with a strong plan.

Chairman Reynolds agreed, they have been in need of a use like this for quite a while. He was familiar with some of Meijer's boutique products that are responding to current markets, market trends, and needs. There is less of foot on the ground, going through the store, there is a lot of delivery options. He looked favorably on the reduced parking. He thought as a Master Plan component they want to avoid seas of underutilized parking lots and didn't see a major issue with that. He thought the restrictions of the existing site are generating a lot of the requested waivers and concerns. There are a few such as heights and things that are variance-based, in his perspective are acceptable variances, but they are not there to grant those at this level. He felt that there was a lot of good, and it being a right-sized development for their area. This being a similar footprint in size to the existing Kmart maintaining similar parking, he looked favorably on that, they are not looking to propose a 200,000-sq. ft. store. He added that he thought that the motion needs to incorporate some re-reviews by their professional consultants to address some of the open items and make sure that there are no new ones created by some of the modifications and items that have been agreed to here, or in reviews.

Chairman Reynolds asked about the drive that would be the light at the turnaround, is there any concern with traffic generations that would modify that light or anything, or is that strictly out of their hands, and a review that needs to occur elsewhere. He knew that it works right now it is a single access point, but just making sure that they don't need to look into that further. Engineer Landis said that it would be an RCOC call, but given the fact that the anticipated trips are relatively the same, he can't see that changing, but it would be an RCOC call.

Secretary St. Henry asked so the anticipated trips from Kmart to Meijer are the same? Engineer Landis replied approximately the same yes. The Meijer is only about 3,000-sq. ft. larger than the existing Kmart, and the trips generated by that additional 3,000-sq. ft. is minimal. Secretary St. Henry said that is what is on paper, but he could tell them that this Meijer will be much busier than Kmart has been in the last 15 years, there will be a lot more traffic, they will have to address it. He said they can't look at what the last two years have been with Kmart closed and Planet Fitness dealing with COVID and everything else. Engineer Landis replied understood. He said it is not necessarily looking back at how busy or not busy Kmart has been it is based on industry-standard criteria for a store of that proposed use, so they are comparing apples to



apples. Mr. Vander Kodde said that the results of a traffic impact study are going to tell them the mitigation measures that they will need to take to accommodate the traffic, and those measures are already established on this site. Chairman Reynolds said that that data is pretty much remaining the same that they are not going to look at whether it was a thriving or failing store to generate modifications to traffic.

Chairman Reynolds asked if there was any discussion, he knew that they were dividing the parcel, but what about maintaining the existing elevations to that existing structure? He would like there to be some sort of comment that it is going to be continued on, the structure to the north. He knew they were splitting this off and it goes back to a requirement of an adjacent parcel so it makes things complicated but it is originally an existing parcel. They get the intent of that north edge of the building or that south edge of the north building, being modified kind of getting lopped off. He asked if there was any discussion or agreement right now? Planning & Zoning Director Girling said if she is not mistaken, the parcels are already correct because there is a parcel number for the rest of the buildings, there is a parcel number for the existing Kmart including the parking that it has, that is why on the agenda says one sandwiched, so it is technically already tax parceled ID'd separate. Before it was one site that was the piece sandwiched, the Kmart building, and the remaining buildings with their parking. She asked if their sale of it was truly as the tax parcel exists right now, what was there to divide? Chairman Reynolds agreed, he said it was not so much the division as the aesthetic of that north side of the building that now will have a new south façade. He didn't know if that has been discussed, it is not Meijer but this project is generating that. He asked if there was any discussion to addressing that façade in any way. Mr. Vander Kodde replied yes there has been. He said he wasn't sure how much detail he was looking but the existing wall between the two buildings is a shared wall, and that shared wall will remain.

Chairman Reynolds said his deal is that it is not just going to be just a blank unfinished façade, obviously, there is only so much they can require but he asked that be an item that gets reviewed. It is an existing façade technically speaking they are getting into the gray of their ordinance. He just wanted to make sure that is maintained esthetically. Mr. Vander Kodde said in his case as an applicant it is an existing wall on someone else's property. Chairman Reynolds agreed. Mr. Vander Kodde said that they will pull a demolition permit for removing the Kmart building. The shared wall between Planet Fitness and Kmart will remain in place. Planner Fazzini said that they could review the details on what is to remain, painted cinderblock, or something like that. Chairman Reynolds stated that he didn't review the drawings close enough to understand if the lot line was actually the middle of the party wall. Mr. Vander Kodde stated that the lot line is actually inside Planet Fitness and there is a two-ft. easement to accommodate their wall on their property. Chairman Reynolds said if they could just speak to the record of that being a concern to be addressed, he knew that there were limited ordinance items and it was existing and obviously façade modifications are allowable without Site Plan approval too.

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission approve PC-2021-37, Meijer-ORI, Ordinance #78, Section 30.02, the Special Land Use request for a large-scale retail establishment, located at 1025 S. Lapeer Rd. (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 (surrounded by parcel 09-14-226-008) for plans date stamped received March 24, 2021. This Special Land Use approval is based on the following findings of facts: that the proposed use is compatible with the adjacent uses which are currently existing; it is compatible with the Master Plan: which shows this as a general business area; the public services are adequate since they are currently in existence; the impact on traffic has been demonstrated as not being adverse to this request; there will be no detrimental effects due to the construction of this project on the property; this will be an enhancement of the



surrounding environment, and there will be no isolation of existing land use as a result of this development.

**Roll call vote was as follows:** Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Gingell, yes; Hoffman, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **approve** a parking calculation waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(C), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: that the area of the building as originally calculated was at the gross building area, the net building area would reflect a substantial reduction in the required parking; the parking study submitted by the applicant which identifies the time, days, and seasons for substantial parking has justified this waiver; the proposal does identify that there are new standards being provided in this development with the online purchases and pick-up reducing the long-term parking in the parking lot for both grocery as well as drive-up pharmacy; there is a shared access agreement for access to the adjoining properties to the north and the south.

**Roll call vote was as follows:** Walker, yes; St. Henry, yes; Gross, yes; Gingell, yes; Hoffman, yes; Urbanowski, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **approve** a parking area/drive setback waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(C), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: this does provide adequate landscaping and the parking is located as such as to provide sufficient parking on the site.

**Roll call vote was as follows:** St. Henry, yes; Gingell, yes; Hoffman, yes; Urbanowski, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission **approve** a greenbelt width waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(D), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: the landscape greenbelt waiver being provided is an excess of what currently exists on the site and an increase waiver would further reduce the amount of parking on the site.

**Roll call vote was as follows:** Urbanowski, yes; Hoffman, yes; St Henry, yes; Gingell, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission approve a parking lot landscape adjacent to the road width waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 27.05(A)(4), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: the existing landscape is consistent with the landscaping adjacent to the road further to the north.

**Roll call vote was as follows:** Gross, yes; Urbanowski, yes; Hoffman, yes; Gingell, yes; St. Henry, yes; Walker, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission grant site plan **approval** for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78,



Section 30.01), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021. This approval is based on the following conditions: that the plan identified the no parking fire lane signs as required by the Fire Department; that the plan complies with all the OHM conditions #1-11 of their report of April 7, 2021; that the plans show a 6-ft. wall screen adjacent to the residential property to the east as a plan by others; that the landscape plan be completed showing the details of the plant materials; the photometric plan be submitted and complete; the dumpster profile to be shown in the detail; cut sheets submitted for the project; further, subject to waivers being obtained from the Zoning Board of Appeals for the rear, being the east, setback waiver, the rear façade being greater than 100-ft. in length, the loading dock setback of 50-ft. be revised to 40-ft.

Discussion on the motion:

Chairman Reynolds thought one thing to add was, and he felt he had addressed the setback variance of 63.9-ft in his motion. He asked if that was the intent? He said essentially all variances that are required by the site plan are to be requested by the Zoning Board of Appeals.

Chairman Reynolds said that the second one he would say he did have a comment about the dumpster being shown on the plan or indicated on the plan. He wanted to clarify it looks like the dumpster is going to be recessed but not screened. He asked if that was a requirement they would like to make? He said maybe the applicant can just clarify that the dumpster enclosure on that pad that is outside of the loading dock is to remain there 100% of the time, or to be placed inside and then brought out, will it be screened in some way? Mr. Vander Kodde said that the bottom four feet will be recessed and then on top of that retaining wall there is going to be a fence to prevent trip and fall hazards from the elevated area to the recessed area. He added that they would be happy to provide some screening on top of that wall as well if it would be helpful. Chairman Reynolds thought it would be appropriate to screen the dumpster or modify that detail to a solid instead of an opaque. Eric Fazzini said that the ordinance requirement is a masonry brick type wall. Chairman Reynolds said that as long as enclosure meets the ordinance standards potentially. Mr. Vander Kodde said that they will provide that on top of that wall for the length of the dumpster. Vice-Chairman stated that the dumpster profiles reflect the ordinance requirements. Chairman Reynolds said that all of the variances be requested and received in order to receive approval, and the dumpster is to be screened per the ordinance requirement.

Vice-Chairman Gross amended his motion, Commissioner Hoffman re-supported, that all of the variances be requested and received in order to receive approval, the dumpster is to be screened per the ordinance requirement, and that the plans be re-reviewed by the professional consultants.

**Roll call vote was as follows:** Walker, yes; Gross, yes; Urbanowski, yes; Hoffman, yes; St. Henry, yes; Gingell, yes; Reynolds, yes. **Motion carried 7-0.**

B. PC-2021-39, Lake Orion Schools Rezone Request, a request to rezone a portion (approx. .648 acres)

**8. UNFINISHED BUSINESS**

None.



LAND USE <i>(amended 07.16.18)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b>		
<b>S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>GB</b>	
Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02.	<b>P</b>	

### Section 14.02 – Footnotes to the Use Matrix *(amended 09.20.90, 02.01.16, 07.16.18)*

- A. Extended hour uses and drive-thrus shall be subject to the following regulations: *(added 02.21.06)*
1. **Setback.** All buildings, drive-thru canopies or speaker boxes shall be set back no less than one hundred (100) feet from the lot line of a single-family or multi-family zoned and/or used parcel. Associated parking lots, maneuvering lanes, drive-thru lanes (if applicable) shall be set back no less than fifty (50) feet from the lot line of single-family or multi-family zoned and/or used parcels. *(amended 04.05.10)*
  2. **Buffering.** All parcel perimeters which abut a single family zoned and/or used parcel shall have no less than a six (6) foot continuous buffer. The buffer may consist of a solid fence or wall, a double staggered row of evergreens and/or a combination of each.
  3. **Noise.** Any noise associated with an extended hour use shall not exceed sixty (60) decibels when measured at the property line. The noise shall also not be intermittent in nature, high frequency, or that which causes vibration.
  4. **Lighting.** Any operation or activity which produces glare shall not cause illumination in excess of 0.3 foot-candles when measured along the lot line of a single family zoned and/or used parcel. Between dusk and dawn, the light levels shall be further reduced to 0.0 foot-candles when measured at the same property lines.
- B. All theaters and arenas shall be a one-story, free-standing completely enclosed building.
- C. Automobile wash establishments shall be enclosed in a building and provide sufficient area for vehicles to await their turn. Automobile wash establishments shall only be permitted where sewers are available.
- D. Restaurant with an outdoor café subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, with the exception that no site plan will be required unless requested by the Planning Commission, and subject to: *(added 02.16.10)*
1. Seasonal use restrictions.
  2. Hours of operation
  3. Sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers.
  4. Compliance with Michigan Liquor Control Commission (MLCC) requirements.
  5. Compliance with Township Noise Regulations (Ordinance No. 135).
  6. Other conditions as required by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.
- E. Restaurant uses may also include an outdoor patio subject to administrative review by the Building Department. No site plan will be required for an administrative review unless requested by the Planning Commission. *(amended 02.19.08, 07.16.18)*



- N. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*
- O. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135. *(amended 02.19.08)*

**Section 14.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 09.20.90, 02.01.16, 07.16.18)*

Please see the Matrix Chart in Section 14.01 for variations to these requirements by use.

	GB
Front Yard Setback	30 ft.
Rear Yard Setback	30 ft.
Side Yard Setback	20 ft. on each side
Minimum Lot Area	12,000 sq. ft.
Maximum Lot Coverage	30%
Maximum Heights of All Structures	25 ft.
Minimum Clear Space Around Structures	20 ft.



**27.16 Large Scale Retail Establishments****Section 27.16 – Large Scale Retail Establishments** *(added 07.07.03)*

- A. **Minimum Area and Width.** Large scale retail stores developed individually or in combination shall have a minimum area of ten (10) acres. Sites of less than ten (10) acres may be approved, at the sole discretion of the Planning Commission, when it is demonstrated by the applicant that the following conditions are met:
1. The site will be developed and shall meet the requirements for maximum lot cover, maximum floor area cover, maximum height, or minimum yard (setback) requirements of the districts in which the site is located.
  2. Sufficient area is available to meet all landscaping and buffering standards set forth in Section 27.05.
- B. **Design Standards.** The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:
1. **Aesthetic Character.**
    - a. **Facades and Exterior Walls:**
      - i. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.
      - ii. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.
      - iii. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).
    2. **Roofs.**
      - a. **Flat Roofs.** Incorporate parapets to conceal rooftop equipment from public view. The height of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.
      - b. **Pitched Roof.**
        - i. Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.
        - ii. The average slope shall be one (1) foot of vertical rise for three (3) feet of horizontal run.
    3. **Materials and Colors.**
      - a. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
      - b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
      - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
      - d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
    4. **Entryways.** Each principal building shall have clearly defined, highly visible customer entrance consisting of a variety of architectural features such as the following:



**27.16 Large Scale Retail Establishments**

- a. canopies, porticos or overhangs;
- b. recesses/projections;
- c. raised corniced parapets over the door;
- d. peaked roof forms;
- e. display windows;
- f. integrated tile work and moldings;
- g. integral planters;
- h. pavement/material changes for pedestrian cross walks.

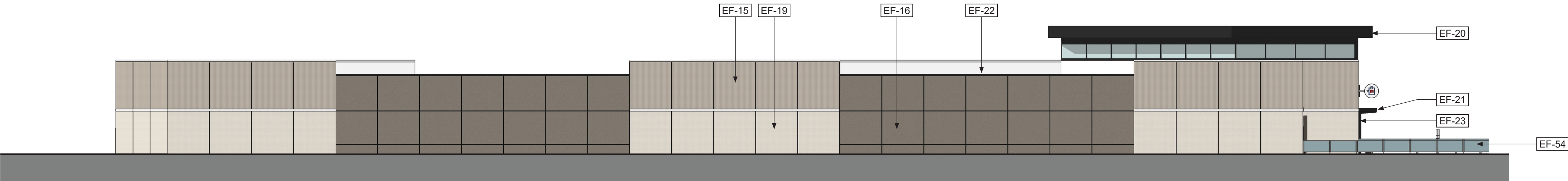
**C. Site Design.**

1. **Parking Lot Location.** No more than sixty percent (60%) of the off-street parking area devoted to the large scale retail establishment may be located between the front facade of the principal building and the abutting streets.
  2. **Connectivity.** The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at driveway crossings shall be installed to better define pedestrian cross walks.
  3. **Pedestrian Circulation.**
    - a. Safety paths shall be provided in accordance with the Safety Path Ordinance No. 97.
    - b. Internal sidewalks of no less than six (6) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.
    - c. All internal sidewalks that cross or are incorporated into maneuvering lanes shall incorporate materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
  4. **Central Features and Community Space.** Each large scale retail establishment shall contribute to the enhancement of the community by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such focal features or amenities. All such areas shall have direct access to the internal sidewalk network and constructed of materials that are compatible with the principal materials of the building and landscaping.
  5. **Loading, Trash Containers, Outdoor Storage.** Each of these functions shall be incorporated into the overall design of the building and landscaping to be visually compatible and fully screened from the view of adjacent properties and public streets. These features shall also be setback a minimum of fifty (50) feet from adjacent residentially zoned properties.
- D. **Traffic Impact.** The applicant shall submit a detailed traffic study in accordance with Section 27.14. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse effects to the transportation network and show to what degree the proposed methods maintain or improve the operating levels of the impacted streets and intersections.

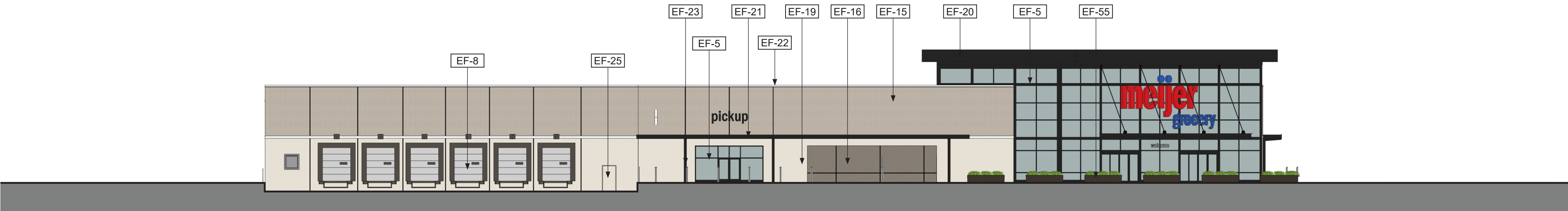




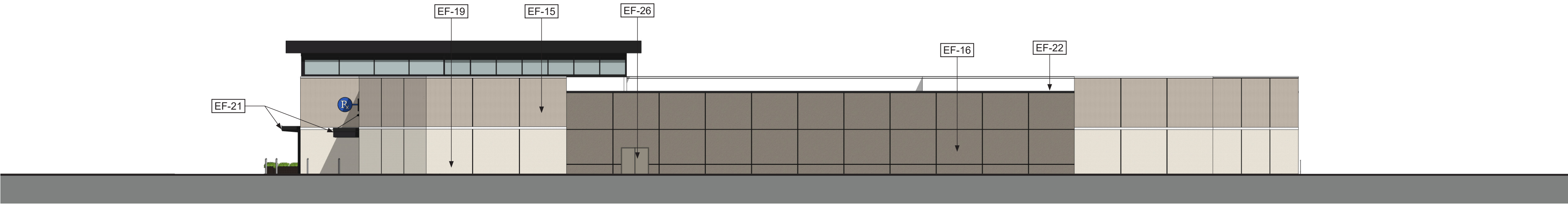
ELEVATION - FRONT



ELEVATION - BACK



ELEVATION - RECEIVING



ELEVATION - SIDE

RENDERING FINISH LEGEND			
CODE	FINISH	PRODUCT	COLOR
EF-5	ENTRANCE AND STOREFRONT FRAMES	TUBELITE STOREFRONT	DARK BRONZE
EF-8	SECTIONAL OVERHEAD DOORS	--	WHITE
EF-15	INSULATED PRECAST CONCRETE WALL - VERTICAL LINEAR / VERTICAL STANDING SEAMS	RECKLI FORMLINER 2/75 KOCHER	SW 7506 LOGGIA
EF-16	INSULATED PRECAST CONCRETE WALL	AP FORMLINER EIFS #410	SW 7026 GRIFFIN
EF-19	INSULATED PRECAST CONCRETE WALL - BRICK IMPRINTED	AP FORMLINER MODULAR BRICK VELOUR #101A	SW 7042 SHOJI WHITE
EF-20	CANOPY FASCIA PANEL AND SOFFIT	PAC-CLAD	DARK BRONZE
EF-21	SHEET METAL FLASHING AND TRIM - EDGE FLASHING AT CANOPY	PAC-CLAD	DARK BRONZE
EF-22	SHEET METAL FLASHING AND TRIM - EDGE FLASHING AT PARAPET	PAC-CLAD	DARK BRONZE
EF-23	FIELD PAINTED STEEL - STEEL FRAMING AND COLUMNS, HANGER ASSEMBLIES, AND METAL DECK	SHERWIN WILLIAMS	DARK BRONZE
EF-25	FIELD PAINTED STEEL - HOLLOW METAL DOORS & FRAMES	SHERWIN WILLIAMS	SW 7042 SHOJI WHITE
EF-26	FIELD PAINTED STEEL - HOLLOW METAL DOORS & FRAMES	SHERWIN WILLIAMS	SW 7026 GRIFFIN
EF-52	GALVANIZED STEEL FINISH	--	DARK BRONZE
EF-54	CHAIN LINK FENCE	--	--
EF-55	PLANTER	--	CORTEN STEEL



# MEIJER ORI - FOOD FORWARD

1025 S. LAPEER RD.  
ORION TWP., MI

THE COLORS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS. BECAUSE OF INK VARIATIONS AND DIFFERENCES IN PRINTERS, AN EXACT COLOR MATCH CANNOT BE ACHIEVED. THE VIEWER IS ADVISED TO USE THE RENDERING AS A GUIDE FOR THE ARRANGEMENT OF COLORS ON THE BUILDING, AND TO THEN REFER





MEIJER STORE ORI  
1025 SOUTH LAPEER ROAD, LAKE ORION TOWNSHIP,  
OAKLAND COUNTY, MI 48362  
(7.56) ACRES LOCATED IN

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 14, TOWN 4 NORTH, RANGE 10 EAST, ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF SAID SECTION, NORTH 88 DEGREES 34 MINUTES 00 SECONDS WEST 414.18 FEET; THENCE SOUTH 01 DEGREE 59 MINUTES 30 SECONDS WEST 589.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 34 DEGREES 52 MINUTES 00 SECONDS WEST 852.00 FEET; THENCE NORTH 87 DEGREES 28 MINUTES 41 SECONDS WEST 133.25 FEET; THENCE NORTH 55 DEGREES 08 MINUTES 00 SECONDS WEST 228.00 FEET; THENCE NORTH 34 DEGREES 52 MINUTES 00 SECONDS EAST 200.00 FEET; THENCE NORTH 55 DEGREES 08 MINUTES 00 SECONDS WEST 250.00 FEET TO A POINT ON THE EASTERLY LINE OF LAPEER ROAD (M-24); THENCE ALONG SAID EASTERLY LINE, NORTH 34 DEGREES 52 MINUTES 00 SECONDS EAST 436.00 FEET; THENCE SOUTH 55 DEGREES 08 MINUTES 00 SECONDS EAST 278.07 FEET; THENCE SOUTH 34 DEGREES 52 MINUTES 00 SECONDS WEST 5.00 FEET; THENCE SOUTH 55 DEGREES 08 MINUTES 00 SECONDS EAST 215.00 FEET; THENCE NORTH 34 DEGREES 52 MINUTES 00 SECONDS EAST 92.29 FEET; THENCE SOUTH 55 DEGREES 08 MINUTES 00 SECONDS EAST 97.50 FEET TO THE POINT OF BEGINNING. CONTAINS 7.55 ACRES, MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR A RETENTION POND FOR STORM SEWER RETENTION BASIN PURPOSES AS RECITED IN EASEMENT AGREEMENT DATED DECEMBER 29, 1975 AND RECORDED DECEMBER 31, 1975 IN LIBER 6600, PAGE 392, OAKLAND COUNTY RECORDS, DESCRIBED AS: NORTHEAST 1/4 OF SECTION 14, TOWN 4 NORTH, RANGE 10 EAST, ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTHERLY LINE OF EAST CLARKSTON-ORION ROAD, AS WIDENED, DISTANT NORTH 88 DEGREES 34 MINUTES 00 SECONDS WEST, 414.18 FEET ALONG THE NORTH LINE OF SAID SECTION 14, AND SOUTH 01 DEGREE 59 MINUTES 30 SECONDS WEST, 60.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 88 DEGREES 34 MINUTES 00 SECONDS EAST, 70.00 FEET; THENCE SOUTH 01 DEGREE 59 MINUTES 30 SECONDS WEST, 529.00 FEET; THENCE NORTH 88 DEGREES 34 MINUTES 00 SECONDS WEST, 70.00 FEET; THENCE NORTH 01 DEGREE 59 MINUTES 30 SECONDS EAST, 529.00 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH THE NON-EXCLUSIVE EASEMENTS AS MORE FULLY SET FORTH IN EASEMENT AGREEMENT DATED DECEMBER 29, 1975 AND RECORDED IN LIBER 6600, PAGE 388.

CIVIL

●	3/24/2021	C-001	COVER
●	3/24/2021	C-100	EXISTING CONDITIONS
○	-	C-102	DEMOLITION PLAN
●	3/24/2021	C-200	SITE LAYOUT / PAVEMENT PLAN
○	-	C-201	ENLARGED SITE LAYOUT / PAVEMENT PLAN
●	3/24/2021	C-300	GRADING PLAN
○	-	C-301	ENLARGED GRADING PLAN
●	3/24/2021	C-310	STORM WATER MANAGEMENT PLAN
●	3/24/2021	C-311	STORM WATER PLAN
●	3/24/2021	C-400	UTILITY PLAN
○	-	C-401	ENLARGED UTILITY PLAN
●	3/24/2021	C-500	STRIPING / SIGNAGE PLAN
●	3/24/2021	C-501	SIGN DETAILS
●	3/24/2021	C-600	PRELIMINARY LANDSCAPE PLAN
●	3/24/2021	C-700	DETAILS
●	3/24/2021	C-701	DETAILS
○	-	C-702	DETAILS
●	3/24/2021	C-800	SITE LIGHTING PHOTOMETRIC PLAN
●	3/24/2021	C-801	SITE LIGHTING DETAILS

GENERAL NOTES

- CONDUCT SITE CLEARING OPERATIONS TO ENSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS, AND OTHER ADJACENT OCCUPIED OR USED FACILITIES. DO NOT CLOSE OR OBSTRUCT STREETS, WALKS, OR OTHER OCCUPIED OR USED FACILITIES WITHOUT PERMISSION FROM AUTHORITIES HAVING JURISDICTION. STREETS AND ROADWAYS SHALL BE THOROUGHLY CLEANED AND/OR SWEEP ON A DAILY BASIS OR MORE FREQUENTLY AS REQUIRED BY THE GOVERNING AUTHORITY. RESTORE DAMAGED IMPROVEMENTS TO ORIGINAL CONDITION AS ACCEPTABLE TO PARTIES HAVING JURISDICTION.
- PROVIDE DUST CONTROL MEASURES IN ACCORDANCE WITH LOCAL AUTHORITIES.
- ALL STREET SURFACES, DRIVEWAYS, CULVERTS, ROADSIDE DRAINAGE DITCHES AND OTHER STRUCTURES THAT ARE DISTURBED OR DAMAGED IN ANY MANNER AS A RESULT OF CONSTRUCTION SHALL BE REPLACED IN ACCORDANCE WITH SPECIFICATIONS.
- UNLESS SPECIFIED OTHERWISE, ALL MATERIAL AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH MEIER STANDARD SPECIFICATIONS, THE STATE DEPARTMENT OF ENVIRONMENTAL QUALITY STANDARDS, DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND/OR THE APPROPRIATE LOCAL AUTHORITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS, PERMIT FEES, LICENSES, AND LICENSE FEES, UNLESS NOTED OTHERWISE.
- RELOCATION OF ANY UTILITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF THE APPROPRIATE UTILITY COMPANY AND/OR REGULATORY AGENCY. OBTAIN WRITTEN APPROVAL FROM THE ENGINEER BEFORE ANY UTILITY RELOCATION.
- ELECTRONIC FILES IN DWG FORMAT WILL BE SUPPLIED TO THE CONSTRUCTION MANAGER FOR LAYOUT AND GRADING.
- ELECTRONIC FILE USE TERMS AND CONDITIONS:
  - RECIPIENT ACKNOWLEDGES THAT ANY USE OF THE TRANSFERRED DATA IS FOR INFORMATION ONLY AND NOT GUARANTEED OR WARRANTED BY MEIER OR ITS CONSULTANTS. USE OF TRANSFERRED DATA BY THE RECIPIENT SHALL BE AT RECIPIENT'S SOLE RISK. RECIPIENT ACKNOWLEDGES THAT THE AUTOMATED CONVERSION OF INFORMATION AND DATA FROM THE ORIGINAL FORMAT AND SYSTEM TO AN ALTERNATE FORMAT OR SYSTEM CAN NOT BE ACCOMPLISHED WITHOUT THE INTRODUCTION OF INEXACTITUDES, ANOMALIES, AND ERRORS. RECIPIENT FURTHER ACKNOWLEDGES THAT THE ELECTRONIC DATA MAY NOT BE FULLY COMPATIBLE WITH RECIPIENT'S COMPUTER SYSTEM AND NEITHER MEIER NOR ITS CONSULTANTS MAKE NO REPRESENTATIONS REGARDING SUCH COMPATIBILITY.
  - ACCORDINGLY, WITH RESPECT TO THE CONVERSION AND USE OF SUCH ELECTRONIC DATA. RECIPIENT AGREES TO ASSUME ALL RISKS ASSOCIATED THEREWITH, AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO HOLD HARMLESS AND INDEMNIFY MEIER AND THEIR CONSULTANTS FROM AND AGAINST ALL CLAIMS, LIABILITIES, LOSSES, DAMAGES, AND COSTS, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES AND COSTS, WHETHER OR NOT SUIT HAS BEEN FILED, ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE USE, MODIFICATION, MISINTERPRETATION, MISUSE, OR REUSE BY RECIPIENT OR OTHERS OF THE ELECTRONIC DATA WHICH IS PROVIDED BY MEIER OR ITS CONSULTANTS UNDER THESE TERMS AND CONDITIONS.
  - THESE TERMS AND CONDITIONS SHALL BE BINDING UPON THE SUCCESSORS AND ASSIGNS OF THE PARTIES.

UPON ACCEPTANCE OF THE ELECTRONIC DATA TRANSMISSION, RECIPIENT HEREBY AGREES TO THE FOREGOING TERMS AND CONDITIONS. IF RECIPIENT DOES NOT AGREE TO THE FOREGOING TERMS AND CONDITIONS, MEIER AND ITS CONSULTANTS DO NOT AUTHORIZE THE USE OF THE TRANSMITTED DATA, AND RECIPIENT SHALL DESTROY THE TRANSMITTED DATA AND NOTIFY MEIER OR ITS CONSULTANTS OF THE SAME BY PROVIDING WRITTEN NOTICE WITHIN ONE DAY OF TRANSMISSION. FAILURE TO PROVIDE SUCH NOTICE SHALL ACT AS WAIVER AND RECIPIENT SHALL BE BOUND TO THE FOREGOING TERMS AND CONDITIONS.

LOCAL UTILITY LOCATING AGENCY

ALL CONTRACTORS SHALL NOTIFY UTILITY COMPANIES AND GOVERNMENT AGENCIES IN WRITING OF THE INTENT TO EXCAVATE NO LESS THAN 72 HOURS PRIOR TO SUCH EXCAVATION (EXCLUSIVE OF SATURDAYS, SUNDAYS, AND HOLIDAYS) AND CALL LOCAL UTILITY LOCATING AGENCY AT 1-248-693-8391.

EXISTING UTILITY LOCATIONS SHOWN SHALL BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. LOCATIONS OF UNDERGROUND UTILITIES ON THESE DRAWINGS ARE APPROXIMATE ONLY AND BASED ON ACTUAL FIELD LOCATIONS OF VISIBLE STRUCTURES AND PLAN COMPUTATIONS.

SURVEY

EXISTING TOPOGRAPHY IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY FISHBEEK IN JANUARY 2021.

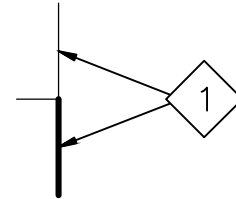
GEOTECHNICAL

REFER TO SOIL BORING LOGS PREPARED BY SME IN REPORT DATED (DRAFT) FEBRUARY 25, 2021.

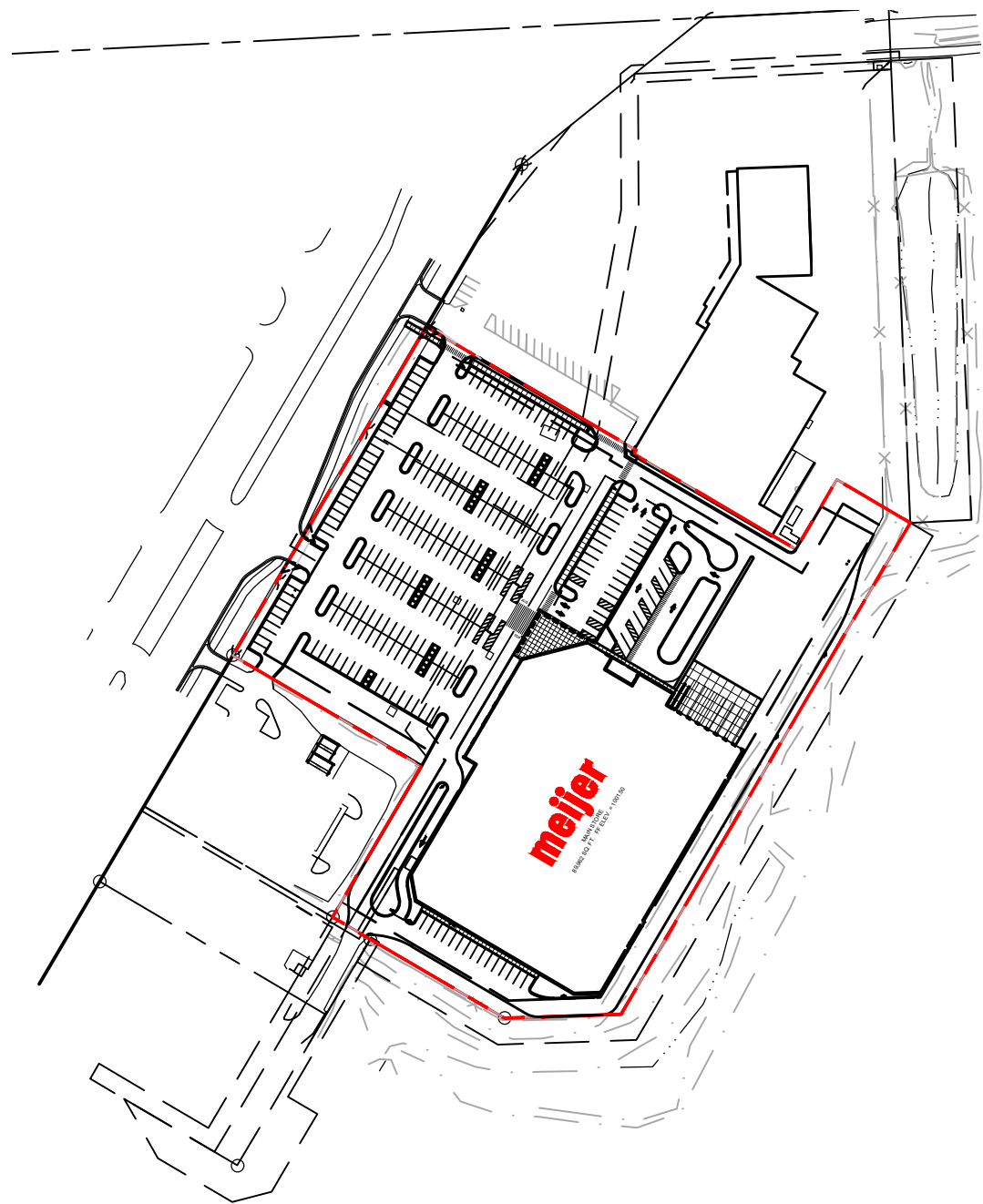
SHEET KEYNOTE INSTRUCTIONS

SHEET KEYNOTES ARE NOTED WITHIN THE GRAPHIC AREA OF THE DRAWING. THESE ARE REPRESENTED BY A NUMBER SURROUNDED BY A HEXAGON, WITH OR WITHOUT A LEADER. A LEGEND ON THE RIGHT SIDE OF THE PAGE LISTS THE NOTES IN NUMERICAL ORDER.

EXAMPLE:

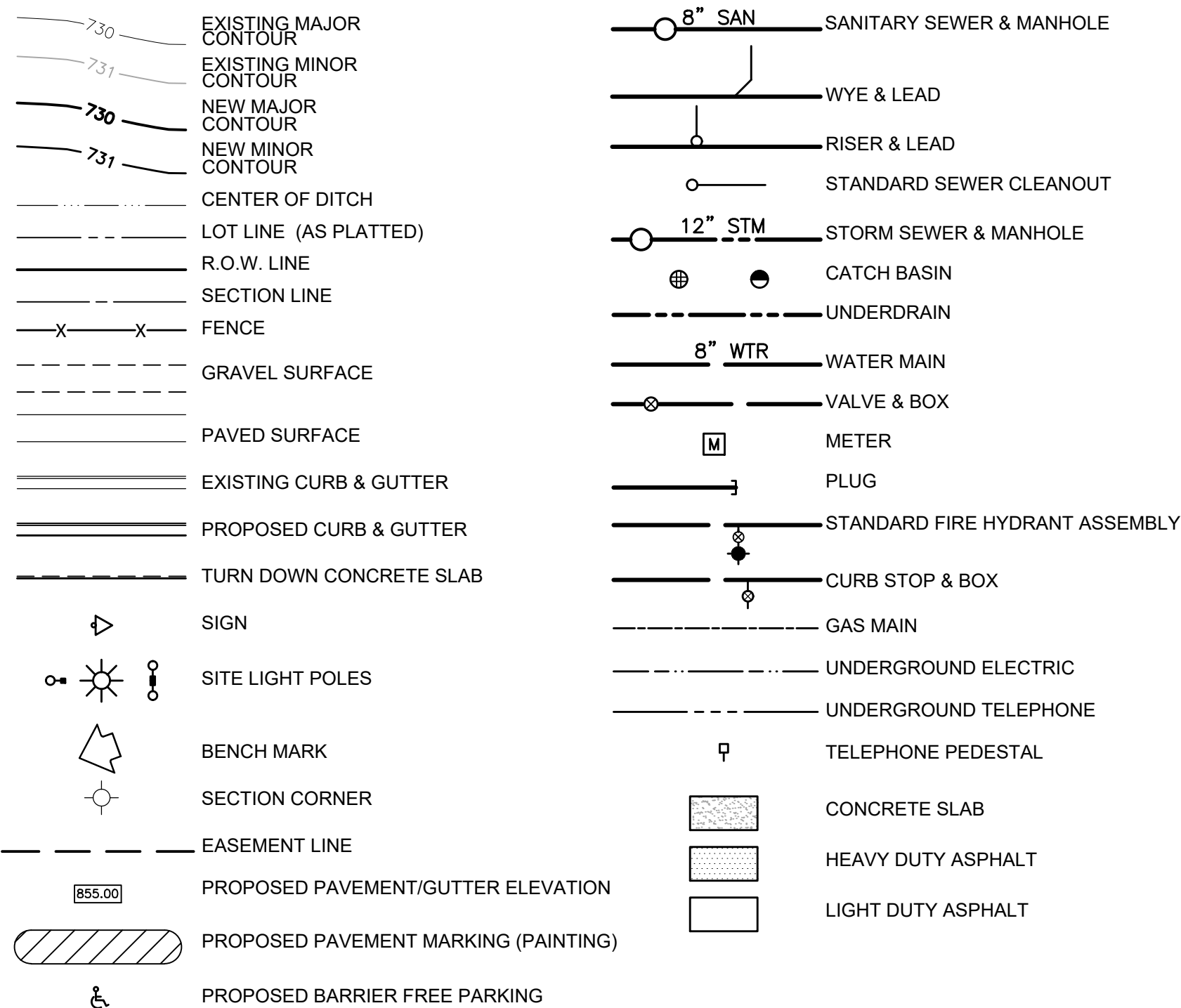


- ALIGN NEW CONSTRUCTION WITH THE FACE OF EXISTING CONSTRUCTION.



B5 OVERALL SITE PLAN  
1" = 200'

SYMBOL LEGEND



ABBREVIATIONS

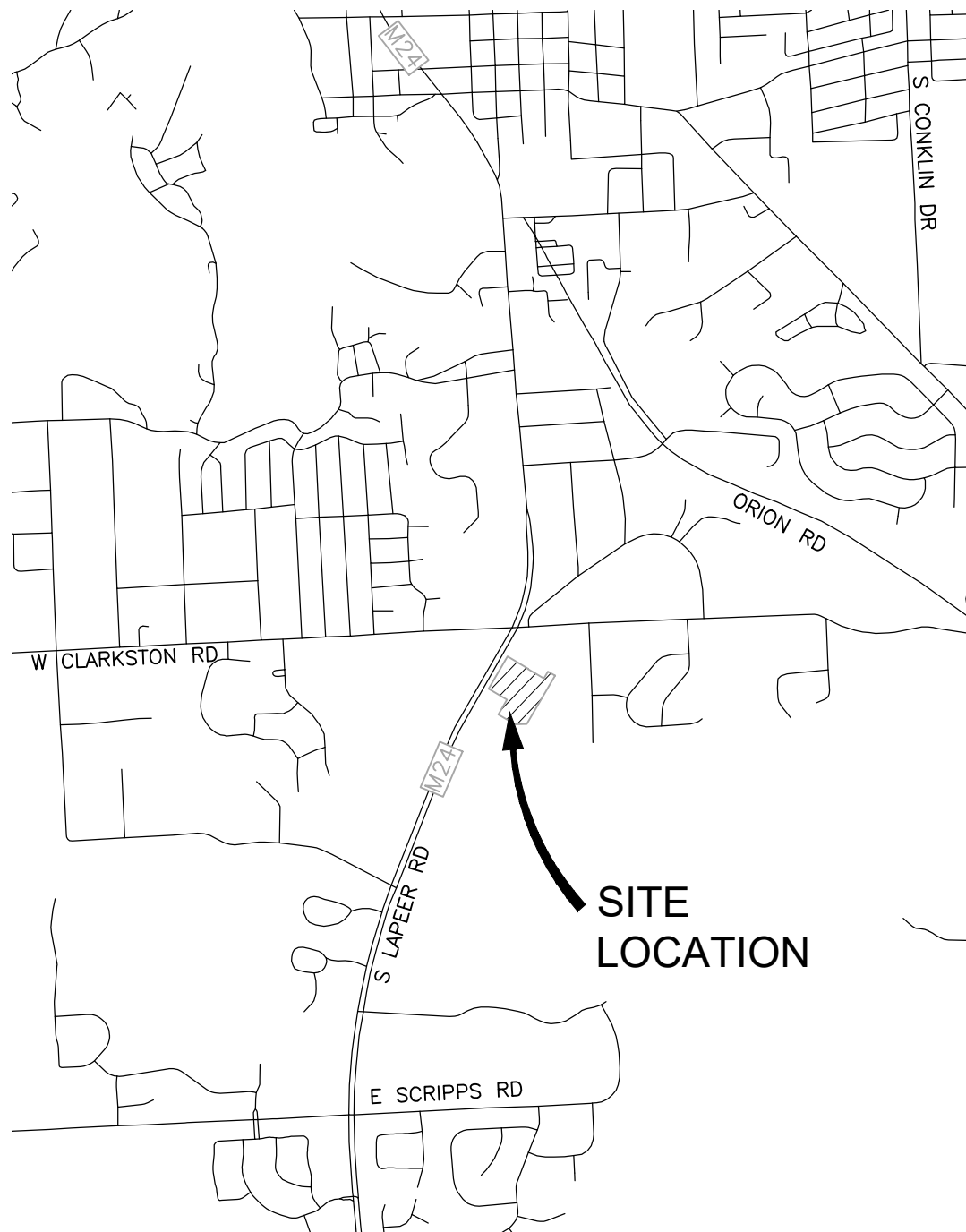
A	AREA	OSHA	OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
ALT	ALTERNATE	PC	POINT OF CURVATURE
AMP	AMPERE	PE	POLYETHYLENE
ARCH	ARCHITECTURAL	PH	PHASE
ASTM	AMERICAN SOCIETY FOR TESTING & MATERIALS	PSI	POUNDS PER SQUARE INCH
B/C	BACK OF CURB	PT	POINT OF TANGENCY
BIT	BITUMINOUS PAVEMENT	PVC	POLYVINYL CHLORIDE
BM	BENCH MARK	PVMT	PAVEMENT
BP	BID PACKAGE	R	RADIUS
C	CONDUIT	RCP	REINFORCED CONCRETE PIPE
CAL	CALIPER	RE	REFERENCE
CB	CATCH BASIN	REQ'D	REQUIRED
CFH	CUBIC FEET PER HOUR	ROW	RIGHT-OF-WAY
C.I.	CURB ISLAND	RW	RETAINING WALL
CIR	CIRCUIT	(S)	SOUTH
CONC	CONCRETE	SAN	SANITARY SEWER
DIA	DIAMETER	SB	SOIL BORING
(E)	EAST	SF, SQFT	SQUARE FEET
E.I.F.S.	EXTERIOR INSULATION FINISHING SYSTEM	SQ	SQUARE
EL. ELEV	ELEVATION	STM	STORM SEWER
EQ	EQUIVALENT	STRUC	STRUCTURE
ES	END SECTION	TC	TOP OF CURB
ETC	ETCETERA	TEL	TELEPHONE
FH	FIRE HYDRANT	TP	TOP OF PAVEMENT
FF	FINISHED FLOOR	TRNF	TRANSFORMER
FT²	FOOT SQUARE	TS	TOP OF SLAB
GND, GRD	GROUND	TW	TOP OF WALL
GP	GUTTER PAN	TYP	TYPICAL
GPD	GALLONS PER DAY	UC	UTILITY CROSSING
GPM	GALLONS PER MINUTE	UD	UNDER DRAIN
GV&BOX	GATE VALVE AND BOX	W	WIRE
HC	HIGH CAPACITY	(W)	WEST
HD	HEAVY DUTY	W/	WITH
HT	HEIGHT	WC	WATER COLUMN
IE	INVERT ELEVATION	WTR	WATER
KVA	KILAVOLT AMPERE	WWF	WELDED WIRE FABRIC
LBS	POUNDS		
LD	LIGHT DUTY		
LED	LIGHT EMITTING DIODE		
LF	LINEAR FEET		
LG	LARGE		
MANUF	MANUFACTURE		
MAT'L	MATERIAL		
MAX	MAXIMUM		
MECH	MECHANICAL		
MIN	MINIMUM		
MH	MANHOLE		
(N)	NORTH		
OC	ON CENTER		
OH	OVERHEAD		

161

AGENCIES

<b>ORION TOWNSHIP</b> Tammy Girling Planning & Zoning Director Orion Township 2525 Joslyn Rd Lake Orion, MI 48360 Phone: 248.391.0304 (ext. 5000)	<b>NATURAL GAS</b> Consumers Energy Debra Butterfield Debra.Butterfield@cmsenergy.com 4141 East Wilder Road Bay City, MI 48706
<b>TOWNSHIP ENGINEER</b> James C. Stevens, PE OHM Advisors 34000 Plymouth Road Livonia, MI 48150 Phone: 734.522.6711	<b>ELECTRIC</b> DTE Energy Jake Hermann GIS Analyst Phone: 313.235.5820
<b>PUBLIC WORKS DEPARTMENT</b> C. William Ireland Director of Public Works 2525 Joslyn Rd Lake Orion, MI 48360 Phone: 248.391.0304 (ext.118)	<b>TELEPHONE</b> AT&T John Sickney Phone: 616.246.7317
<b>PUBLIC WATER</b> William Basigkow Water and Sewer Superintendent Department of Public Services 2525 Joslyn Rd Lake Orion, MI 48360 Phone: 248.391.0304 (ext. 8508)	<b>DATA</b> Comcast Camilla Dean Sigma Technologies, Ltd. 27096 Oakmead Drive Perrysburg, OH 43551 Phone: 419.874.9262 Ext. (6012)
<b>PUBLIC SEWER</b> William Basigkow Water and Sewer Superintendent Department of Public Services 2525 Joslyn Rd Lake Orion, MI 48360 Phone: 248.391.0304 (ext. 8508)	
<b>MDOT</b> Joe Rios Statewide Construction Permit Coordinator Phone: 517.241.2103	
<b>RCOC</b> Gary Piotrowicz County Highway Engineer 31001 Lahser Road Beverly Hills, MI 48025 Phone: 877.858.4804	

VICINITY MAP

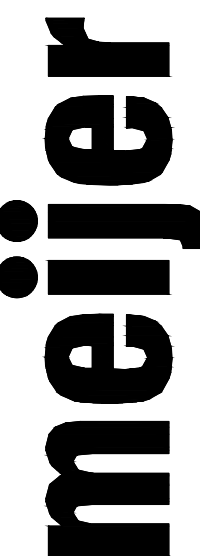


A5 VICINITY MAP  
NTS



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Store No. ORI  
1025 S Lapeer Rd  
Orion, MI 48360



3/24/2021	SLU / 50% SPA
Drawn By	JAB
Designer	KK3
Reviewer	---
Manager	JTV

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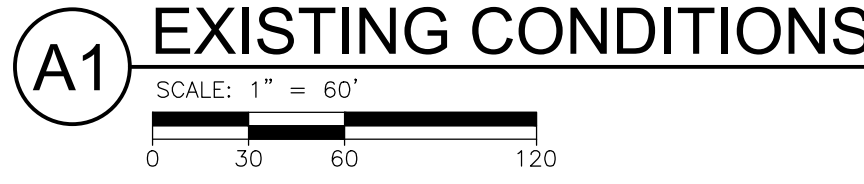
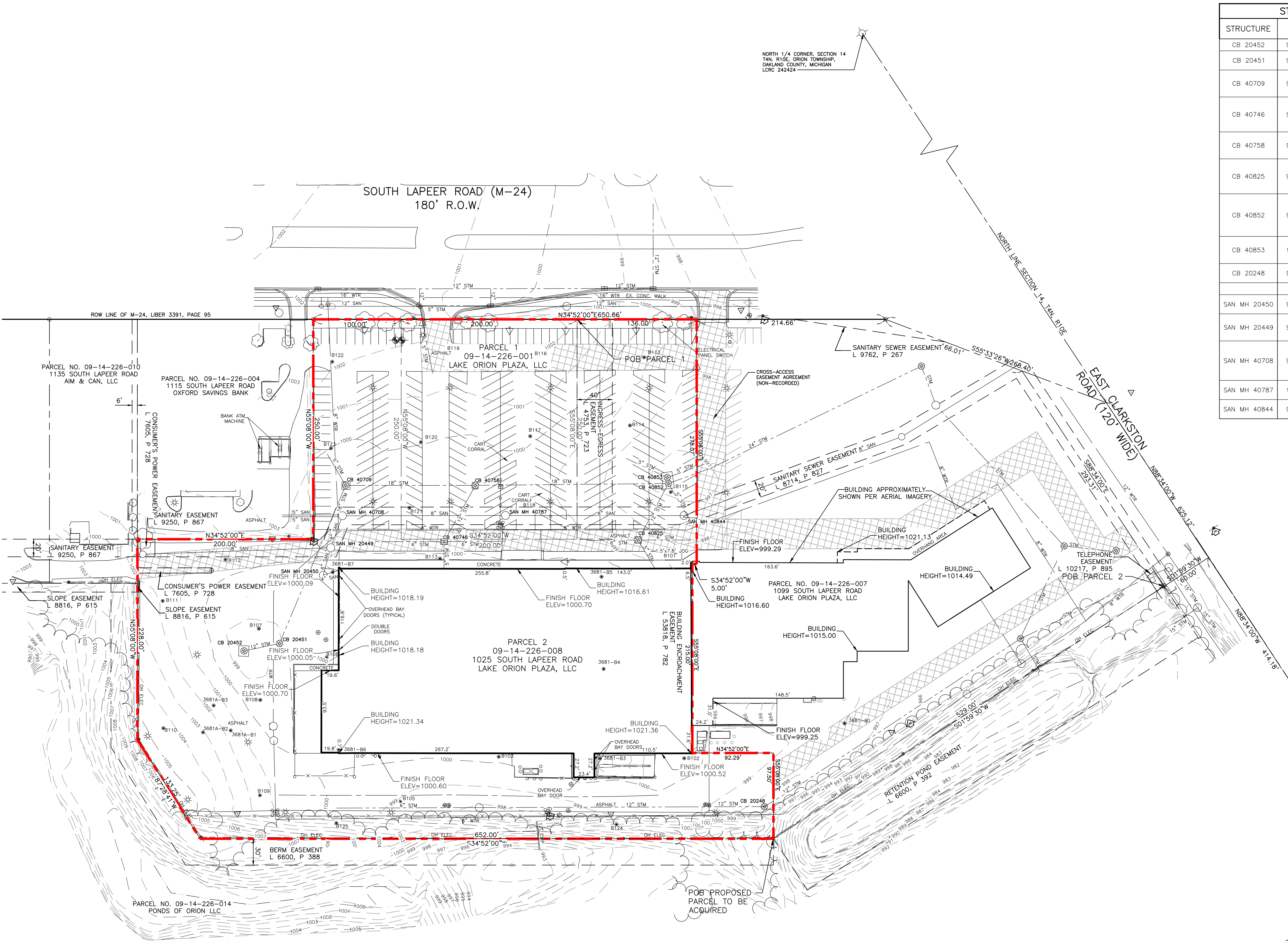
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NORTH 1/4 CORNER, SECTION 14  
T4N, R10E, ORION TOWNSHIP,  
OAKLAND COUNTY, MICHIGAN  
LCRC 242424

STRUCTURE TABLE			
STRUCTURE	RIM	INVERT	ELEVATION
CB 20452	998.06	12" N RCP	995.46
CB 20451	998.02	12" S RCP 18" NW RCP	994.62 994.52
CB 40709	999.00	5" W CMP 18" SE RCP 18" NE RCP	995.70 993.60 993.60
CB 40746	999.55	5" SE RCP 6" SW RCP 6" NE RCP 12" NW RCP	995.05 995.05 994.95 994.95
CB 40758	998.83	12" SE RCP 18" SW RCP 18" NE RCP	994.83 993.03 992.73
CB 40825	998.24	5" E CMP 6" SW RCP 6" NE RCP 12" NW RCP	994.14 992.94 992.84 992.84
CB 40852	996.54	5" E CMP 12" NW CMP 12" SE RCP 24" SW RCP 24" NW RCP	993.74 993.74 992.24 991.24 991.04
CB 40853	996.51	5" N CMP 5" SW CMP 12" SE RCP	995.01 994.81 994.31
CB 20248	997.03	12" N RCP 12" SW RCP	992.03 991.83
SAN MH 20450	999.72	4" N RCP 6" NW RCP	995.32 992.02
SAN MH 20449	999.88	6" SE RCP 8" SW HDPE 8" NW HDPE	994.38 988.88 988.78
SAN MH 40708	999.45	5" SW PVC 5" SW PVC 8" NE HDPE 8" SE HDPE	994.64 (DROP) 989.15 988.35 988.35
SAN MH 40787	999.61	8" SW HDPE 8" NE HDPE	987.91 987.81
SAN MH 40844	997.44	8" SW HDPE 8" N HDPE	986.94 986.84

BENCHMARKS	
BENCH MARK A	ELEVATION: 999.39 MAG SPIKE ON SOUTHERLY SIDE OF UTILITY POLE ON EAST SIDE OF LAPEER ROAD FIRST POLE NORTH OF PARKING LOT ENTRANCE IN FRONT OF BUILDING #1101
BENCH MARK B	ELEVATION: 1003.52 MAG SPIKE ON WESTERLY SIDE OF UTILITY POLE, 45' E. WEST OF SOUTHWEST CORNER OF BUILDING #1025
BENCH MARK C	ELEVATION: 1000.03 CHISELED X ON EASTERLY UPPER FLANGE BOLT ON HYDRANT ON EAST SIDE OF REAR ALLEY BEHIND BUILDING #1025, 75' S. SOUTH OF TRUCK LOADING DOCK RAMPS
BENCH MARK D	ELEVATION: 998.21 CHISELED SQUARE ON WESTERLY SIDE OF CONCRETE LIGHTPOLE BASE ON EAST SIDE OF REAR ALLEY BEHIND AND ACROSS FROM REAR ENTRANCE TO BUILDING #1095
BENCH MARK E	ELEVATION: 988.35 MAG SPIKE ON WESTERLY SIDE OF UTILITY POLE ON NORTH SIDE OF EAST CLARKSTON ROAD, ON FIRST POLE WEST OF ENTRANCE TO BUILDING #95

SYMBOL LEGEND	
	BENCH MARK
	PROPERTY LINE
	ROW LINE
	EASEMENT LINE
	SOIL BORING
	SHRUBS
	CONIFEROUS TREE
	DECIDUOUS TREE
	TREE LINE
	WETLAND
	EDGE OF WATER
	CONTOUR MAJOR
	CONTOUR MINOR
	LIGHT
	UTILITY POLE
	SIGN
	MAIL BOX
	GUARD RAIL
	FENCE LINE
	GRAVEL SURFACE
	PAVED SURFACE
	EXISTING CURB & GUTTER
	BARRIER FREE MARKING
	SANITARY SEWER & MANHOLE
	STORM SEWER & MANHOLE
	CATCH BASIN CURB AND LAWN TYPE
	VALVE
	HYDRANT
	WATER MAIN
	PLUG
	FORCE MAIN
	GAS MAIN
	UNDERGROUND ELECTRIC
	FIBER OPTICS
	UNDERGROUND TELEPHONE
	OIL TRANSMISSION LINE
	UNDERGROUND STEAM
	UNDERGROUND SPRINKLER
	CABLE TELEVISION
	TELEPHONE PEDESTAL

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Existing Conditions

3/24/2021 SLU / 50% SPA

Drawn By JAB  
Designer KK3  
Reviewer ---  
Manager JTV

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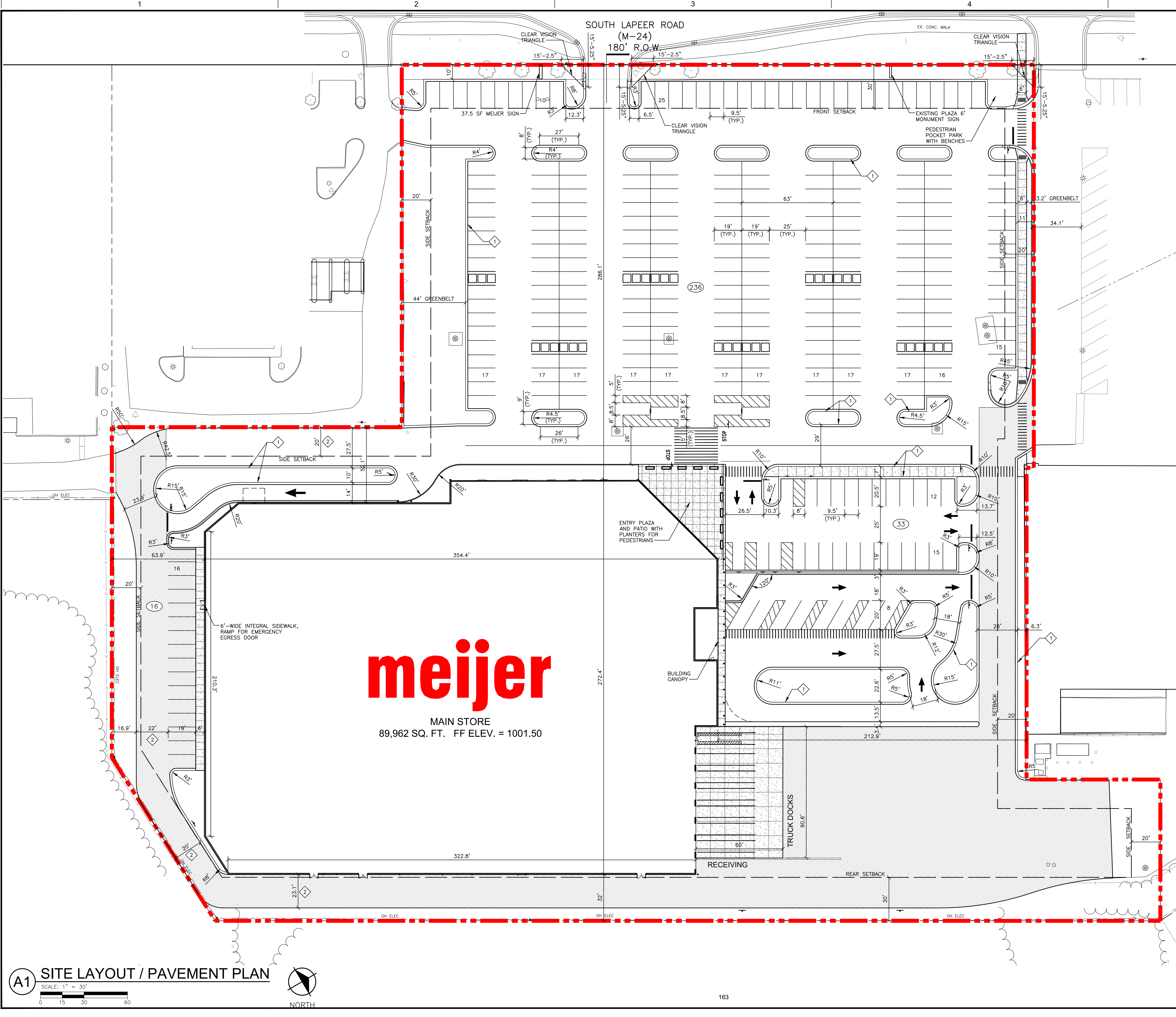
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**A1 SITE LAYOUT / PAVEMENT PLAN**  
SCALE: 1" = 30'  
0 15 30 60  
NORTH

**SITE ZONING SUMMARY**

PARCEL NOS. 09-14-226-001  
09-14-226-008  
PROPOSED PARCEL SIZE: 7.55 ACRES  
PARCEL ADDRESS: 1025 SOUTH LAPEER ROAD  
ZONING DISTRICT: GENERAL BUSINESS (GB)  
BUILDING SETBACKS:  
FRONT: 30' REAR: 30' SIDE: 20'  
LOT COVERAGE (BUILDING):  
30% ALLOWED;  
PARKING SETBACKS:  
30' FROM PROPERTY LINES ABUTTING RESIDENTIAL ZONES  
20' FROM PROPERTY LINES ABUTTING  
COMMERCIAL/OFFICE/INDUSTRIAL ZONES  
SIGN SETBACKS:  
25' FROM RIGHT-OF-WAY LINE.  
LANDSCAPE BUFFER:  
20' WIDE LANDSCAPE BUFFER (GB DISTRICT)  
30' WIDE LANDSCAPE BUFFER (ABUTTING RESIDENTIAL ZONE)

**PARKING SUMMARY**

PARKING SPACES REQUIRED PER ORION TWP. ARTICLE XIV  
GB: 1 SPACE PER 200 SFT: 89,962 SFT / 200 = 450 SPACES  
GB SUBTOTAL: 450 SPACES  
SITE PLAN TOTAL: 450 SPACES REQUIRED  
285 SPACES PROVIDED  
INCLUDING  
8 ADA (2 VAN ACCESSIBLE)  
8 ONLINE SALES PICKUP

**SYMBOL LEGEND**

- CONCRETE SLAB/SIDEWALK
- HEAVY DUTY ASPHALT
- 9'-0" PARKING STALLS
- HANDICAP ACCESSIBLE PARKING SPACES
- SETBACK LINE
- EASEMENT LINE
- PROPERTY LINE
- MEIJER PROPERTY LINE
- CURB AND GUTTER (NEGATIVE)
- CURB AND GUTTER (POSITIVE)
- STRAIGHT CURB AND GUTTER (HEAD)

**NOTES**

- NO DIMENSION MAY BE SCALED. REFER UNCLEAR ITEMS TO THE ENGINEER FOR INTERPRETATION.
- DIMENSIONS AND/OR COORDINATES ARE TO BACK OF CURB, CENTERLINE OF BUILDING COLUMN LINE (INSIDE FACE OF PRECAST), EDGE OF PAVEMENT OR CENTER OF STRUCTURE OR SIGN. VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL DRAWINGS.
- BUILDING SLABS, UNDERBED THICKNESS AND LOCATIONS ARE SHOWN FOR REFERENCE. VERIFY WITH STRUCTURAL DRAWINGS.
- REFER TO SHEET C500 AND C501 FOR STRIPING/SIGNAGE, AND PARKING COUNT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING TO ACCOMPLISH ALL WORK INDICATED ON PLANS AND PERFORM REQUIRED COMPACTION OPERATIONS.
- PROVIDE ADEQUATE BARRICADES AT DRIVES, ENTRANCES, EXCAVATIONS AND OTHER OPENINGS TO KEEP OUT UNAUTHORIZED PERSONS AND FOR PUBLIC SAFETY AND TRAFFIC CONTROL. SAFETY PROVISIONS OF APPLICABLE LAWS SHALL BE OBSERVED AT ALL TIMES. BARRICADES LEFT IN PLACE AT NIGHT SHALL BE LIGHTED.
- NO EQUIPMENT OR MATERIAL STORAGE IS PERMITTED IN THE RIGHT-OF-WAY.
- WORK SHALL CONFORM TO THE REQUIREMENTS OF MEIJER STANDARD SPECIFICATIONS, GOVERNING AGENCIES HAVING JURISDICTION. GRADING, PAVING AND MATERIALS SHALL COMPLY WITH THE STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AS WELL AS PROJECT SPECIFICATIONS AND DRAWINGS. IN CASE OF DISCREPANCIES BETWEEN REQUIREMENTS, THE MORE STRINGENT SHALL APPLY.
- EXTERIOR CONCRETE SLABS ADJACENT TO BUILDING SHALL BE PLACED ON 4" STRUCTURAL CUSHION, UNLESS NOTED OTHERWISE ON THE STRUCTURAL DRAWINGS.

**KEY NOTES**

- 18" CONCRETE CURB AND GUTTER
- FIRE LANE



Store No. ORI  
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Orion, MI 48360

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Site Layout / Pavement Plan

3/24/2021 SLU / 50% SPA

Drawn By JAB  
Designer KK3  
Reviewer  
Manager JTV

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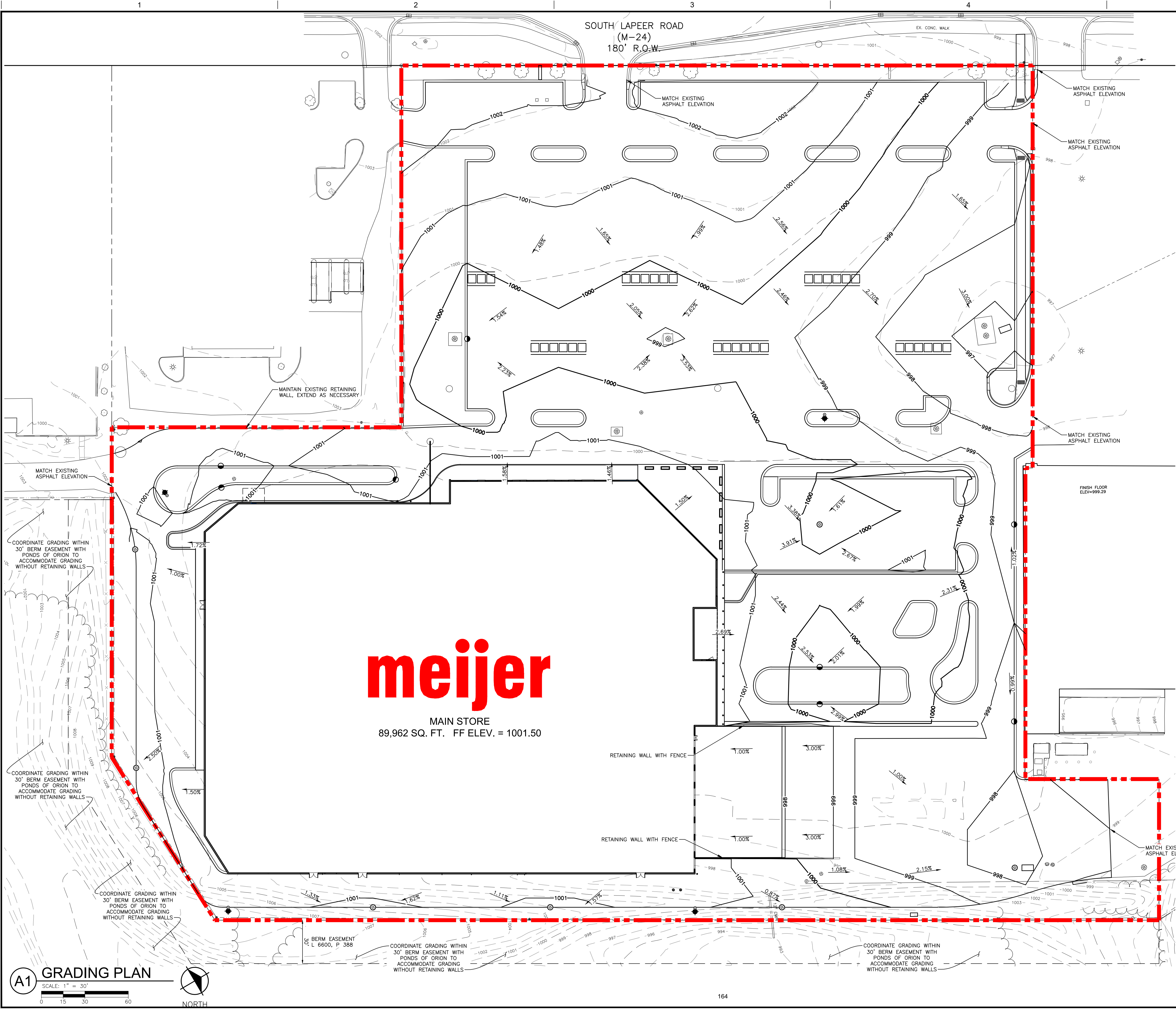
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BENCHMARKS

BENCH MARK A ELEVATION: 999.39  
MAG SPIKE ON SOUTHERLY SIDE OF  
UTILITY POLE ON EAST SIDE OF LAPEER ROAD  
FIRST POLE NORTH OF PARKING LOT ENTRANCE  
IN FRONT OF BUILDING #1101

BENCH MARK B ELEVATION: 1003.52  
MAG SPIKE ON WESTERLY SIDE OF  
UTILITY POLE, 45' E. WEST OF  
SOUTHWEST CORNER OF BUILDING #1025

BENCH MARK C ELEVATION: 1000.03  
CHISELED X ON EASTERLY UPPER FLANGE BOLT ON  
HYDRANT ON EAST SIDE OF REAR ALLEY BEHIND  
BUILDING #1025, 75' S. SOUTH OF  
TRUCK LOADING DOCK RAMPS

BENCH MARK D ELEVATION: 998.21  
CHISELED SQUARE ON WESTERLY SIDE OF CONCRETE  
LIGHTPOLE BASE ON EAST SIDE OF REAR ALLEY BEHIND  
AND ACROSS FROM REAR ENTRANCE TO BUILDING #1095

BENCH MARK E ELEVATION: 988.35  
MAG SPIKE ON WESTERLY SIDE OF  
UTILITY POLE ON NORTH SIDE OF  
EAST CLARKSTON ROAD, ON FIRST POLE  
WEST OF ENTRANCE TO BUILDING #95

SYMBOL LEGEND

725 ——— CONTOUR MAJOR  
724 ——— CONTOUR MINOR  
705 ——— PROPOSED CONTOUR MAJOR  
724 ——— PROPOSED CONTOUR MINOR

NOTES

- ALL SPOT ELEVATIONS ARE TO:  
EDGE OF METAL — (EM)  
FINISH FLOOR — (FF)  
TOP OF PAVEMENT — (TP)  
TOP OF SLAB — (TS)  
TOP OF CURB — (TC)  
TOP OF WALL — (TW)
- UNLESS NOTED OTHERWISE.
- CONTOURS SHOWN ARE FOR REFERENCE ONLY.
- PROVIDE POSITIVE DRAINAGE AT ALL TIMES TO ENSURE NO  
STANDING WATER WITHIN PAVEMENT, BUILDING PAD, OR  
GREEN AREAS.
- FOR ALL CURB ISLANDS, CENTER OF ISLANDS TO BE A  
MINIMUM OF 6" HIGHER THAN TOP OF CURB.
- SEE "TYPICAL PAVEMENT AT MH AND CB" DETAIL ON C701  
FOR SPECIAL GRADING REQUIREMENTS AROUND STRUCTURES.
- RESTORE ALL STREET SURFACES, DRIVEWAYS, CULVERTS,  
ROADSIDE DRAINAGE DITCHES, AND OTHER PUBLIC OR  
PRIVATE STRUCTURES THAT ARE DISTURBED OR DAMAGED AS  
A RESULT OF CONSTRUCTION ACTIVITIES TO MATCH AT A  
MINIMUM EXISTING CONDITIONS.
- CONTRACTOR'S MANNER AND METHOD OF INGRESS AND  
EGRESS WITH RESPECT TO THE PROJECT AREAS SHALL IN  
NO WAY PROHIBIT OR DISTURB NORMAL PEDESTRIAN OR  
VEHICULAR TRAFFIC IN THE VICINITY AND IS SUBJECT TO  
REGULATION AND WRITTEN APPROVAL OF APPROPRIATE  
GOVERNING AGENCIES.
- FINISHED SUBGRADE SURFACE SHALL NOT BE MORE THAN  
0.1 FEET ABOVE OR BELOW ESTABLISHED FINISHED  
SUBGRADE ELEVATIONS AND ALL GROUND SURFACES SHALL  
VARY UNIFORMLY BETWEEN INDICATED ELEVATIONS. FINISHED  
DITCHES SHALL BE GRADED TO ALLOW FOR PROPER  
DRAINAGE WITHOUT PONDING AND IN A MANNER THAT WILL  
MINIMIZE EROSION.
- ENTRY LANDINGS PART OF AN ACCESSIBLE ROUTE SHALL  
MAINTAIN A MAXIMUM SLOPE OF 1.50% IN ALL DIRECTIONS.  
THIS IS INTENDED TO ALLOW FOR CONSTRUCTION  
TOLERANCES. SLOPES STEEPER 1:48 SHALL NOT BE  
PERMITTED THUS MEETING THE REQUIREMENTS OF THE  
DEPARTMENT OF JUSTICE 2010 ADA STANDARDS FOR  
ACCESSIBLE DESIGN.



Store No. ORI  
1025 S Lapeer Rd  
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Grading Plan

3/24/2021 SLU / 50% SPA

Drawn By JAB  
Designer KK3  
Reviewer ---  
Manager JTV

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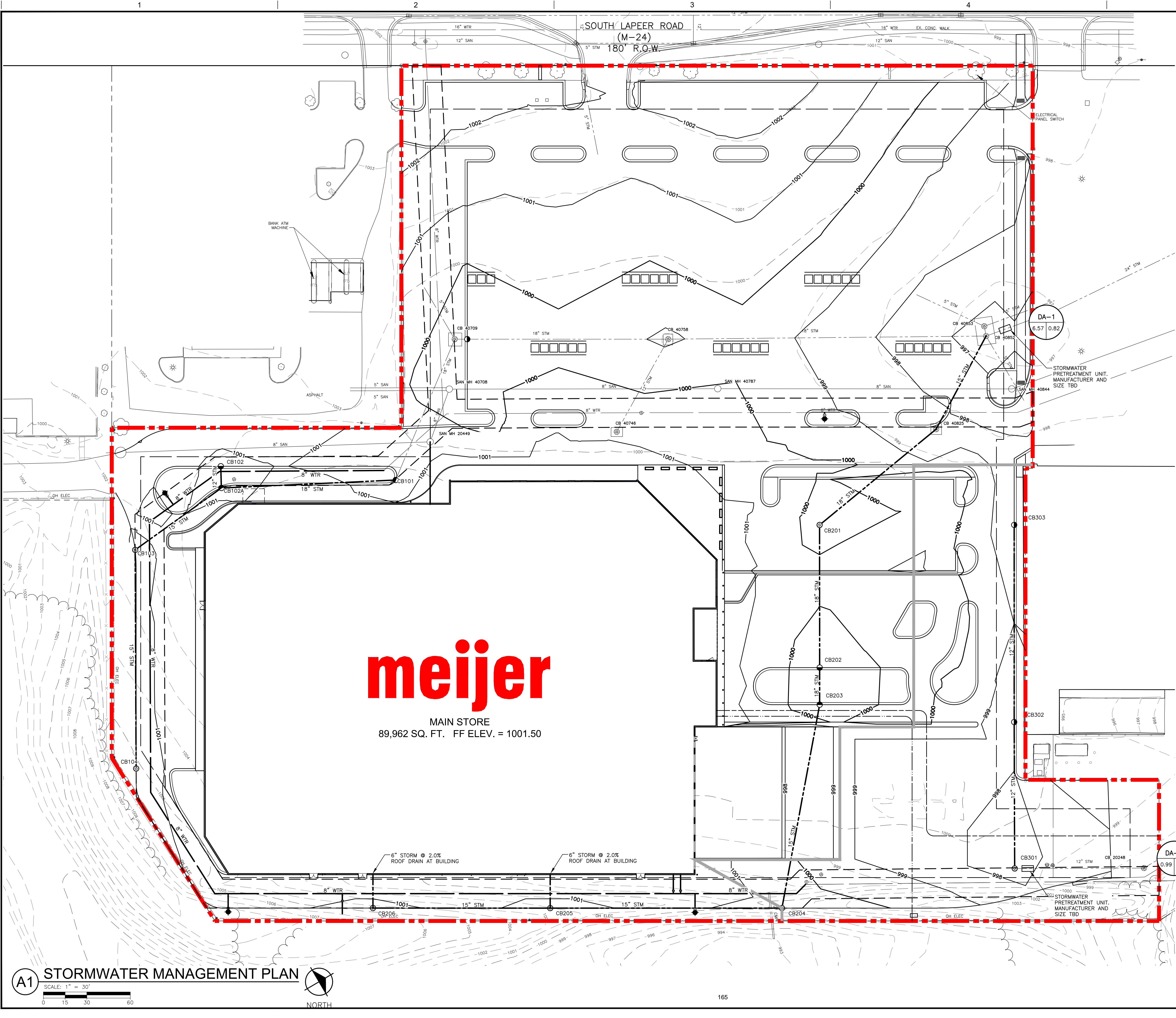
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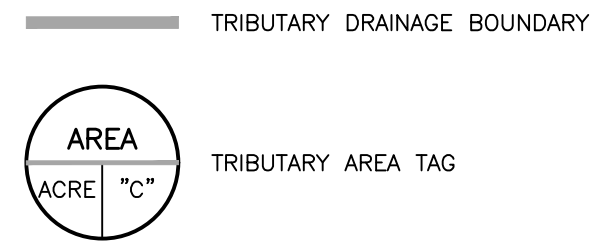


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SYMBOL LEGEND



STORMWATER MANAGEMENT SUMMARY

THE PROPOSED SITE IS MANAGED BY A STORMWATER INFILTRATION BASIN ON THE PROPERTY TO THE NORTH. THE PROPOSED IMPROVEMENTS DO NOT ADVERSELY AFFECT THE STORMWATER RESPONSE OF THE GENERAL SITE.

EXISTING DRAINAGE AREA 1:  
IMPERVIOUS AREA: 6.09 AC @ C = 0.90  
PERVIOUS AREA: 0.13 AC @ C = 0.20  
TOTAL AREA: 6.22 AC @ C = 0.82

PROPOSED DRAINAGE AREA 1:  
IMPERVIOUS AREA: 5.83 AC @ C = 0.90  
PERVIOUS AREA: 0.74 AC @ C = 0.20  
TOTAL AREA: 6.57 AC @ C = 0.82

EXISTING DRAINAGE AREA 2:  
IMPERVIOUS AREA: 0.87 AC @ C = 0.90  
PERVIOUS AREA: 0.47 AC @ C = 0.20  
TOTAL AREA: 1.34 AC @ C = 0.65

PROPOSED DRAINAGE AREA 2:  
IMPERVIOUS AREA: 0.82 AC @ C = 0.90  
PERVIOUS AREA: 0.17 AC @ C = 0.20  
TOTAL AREA: 0.99 AC @ C = 0.78

EXISTING SITE TOTAL:  
IMPERVIOUS AREA: 6.91 AC @ C = 0.90  
PERVIOUS AREA: 0.60 AC @ C = 0.20  
TOTAL AREA: 7.56 AC @ C = 0.84

PROPOSED SITE TOTAL:  
IMPERVIOUS AREA: 6.65 AC @ C = 0.90  
PERVIOUS AREA: 0.91 AC @ C = 0.20  
TOTAL AREA: 7.56 AC @ C = 0.80

STORMWATER UTILITY TABLE

GENERAL NOTES

1. VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
2. UTILITIES SHALL END 5 FEET FROM THE BUILDING UNLESS NOTED OTHERWISE.
3. PROTECT AND MAINTAIN CROSSINGS OF OTHER UTILITIES.
4. ALL DIMENSIONS ARE TO COLUMN LINE, CENTERLINE OF PIPE, CENTER OF MANHOLE, EDGE OF PAVEMENT OR BACK OF CURB WHERE APPLICABLE. DIMENSIONS TO COLUMN LINE ASSUME 9" THICK BUILDING WALL.
5. REFER TO C100 FOR BENCHMARK INFORMATION.
6. ALL MATERIAL, SPECIFICATIONS, AND CONSTRUCTION METHODS SHALL BE IN CONFORMANCE WITH MEIJER STANDARD SPECIFICATIONS AND DETAILS AND [INSERT GOVERNMENT AGENCY HAVING JURISDICTION].
7. FOR TYPICAL PIPE TRENCH SEE DETAIL D4 ON C700.
8. COORDINATE LIGHT POLE FOUNDATIONS WITH SITE UTILITY ROUTING TO AVOID CONFLICTS. MODIFY LOCATIONS OF LIGHT POLES AS NECESSARY TO AVOID CONFLICTS.

STORM WATER NOTES

1. BEFORE COMMENCING WORK, CONTRACTOR SHALL VERIFY ALL LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES.
2. INSTALL UNDERDRAINS AT ALL CATCH BASINS. REFER TO B2 ON C700.
3. ALL UNDERDRAINS (UD) ARE 4" DIA. AT MINIMUM SLOPE OF 0.50% UNLESS OTHERWISE NOTED, SEE DETAIL B2 ON C700.
4. END SECTIONS ARE INCLUDED IN PIPE LENGTHS SHOWN.
5. PROVIDE INLET FILTER FOR ALL CATCH BASIN INLETS. SEE DETAIL 56 ON SWPPP PLAN.
6. PROVIDE RIPRAP AT ALL END SECTIONS UNLESS OTHERWISE NOTED. SEE DETAIL 40 ON SWPPP PLAN.
7. SILT FENCE SHALL BE MAINTAINED AS SHOWN ON SHEET C300 UNTIL ALL AREAS ARE STABILIZED OR THE PROJECT HAS BEEN APPROVED AND RELEASED BY THE LOCAL SEISC JURISDICTION.

**A1** STORMWATER MANAGEMENT PLAN

SCALE: 1" = 30'

0 15 30 60

NORTH

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Stormwater Management Plan

3/24/2021 SLU / 50% SPA

Drawn By JAB  
Designer KK3  
Reviewer ---  
Manager JTV

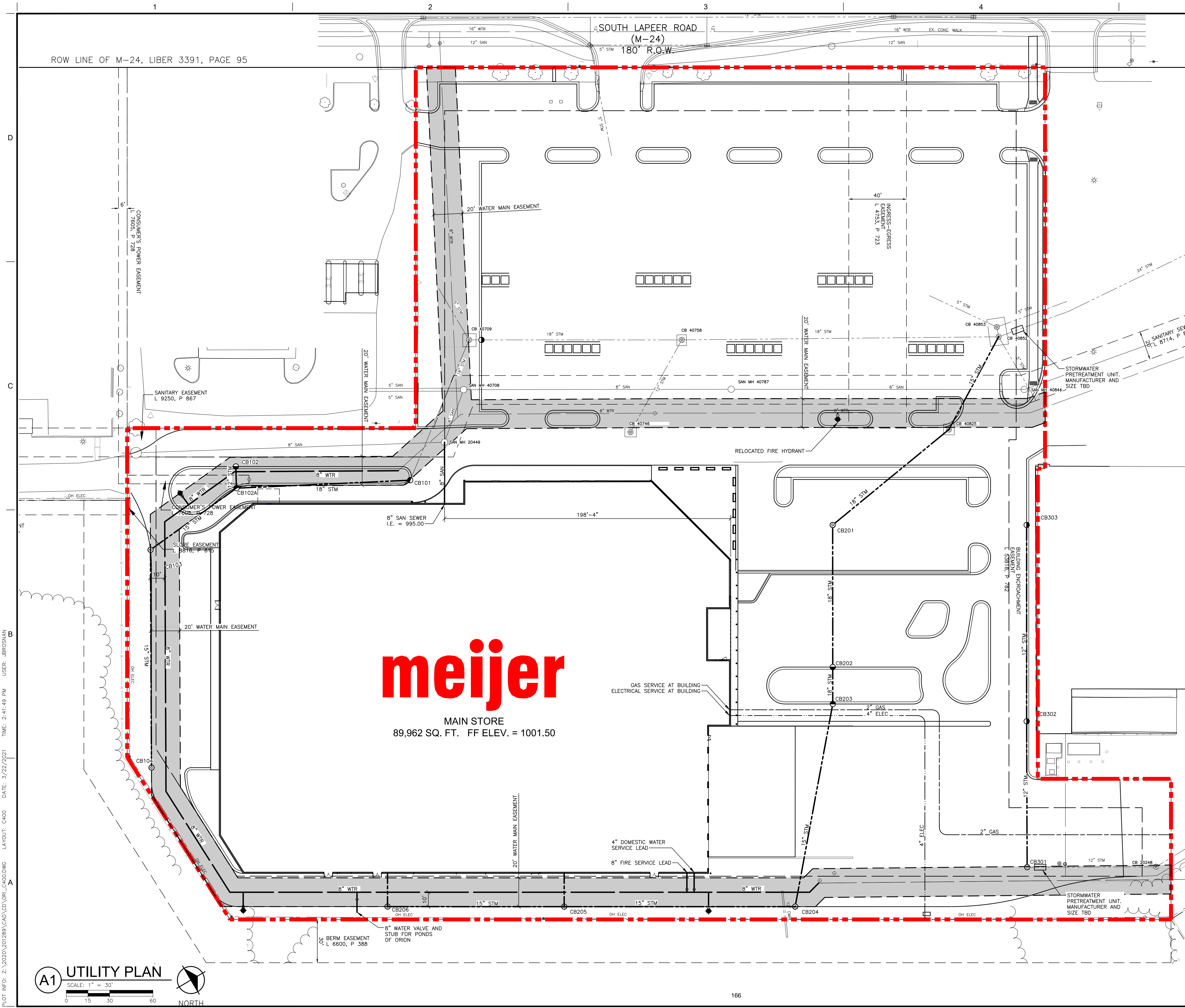
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**BENCHMARKS**

BENCH MARK A ELEVATION: 999.39  
MAG SPIKE ON SOUTHERLY SIDE OF  
UTILITY POLE ON EAST SIDE OF LAPEER ROAD  
FIRST POLE NORTH OF PARKING LOT ENTRANCE  
IN FRONT OF BUILDING #1101

BENCH MARK B ELEVATION: 1003.52  
MAG SPIKE ON WESTERLY SIDE OF  
UTILITY POLE, 45' E. WEST OF  
SOUTHWEST CORNER OF BUILDING #1025

BENCH MARK C ELEVATION: 1000.03  
CHISELED X ON EASTERLY UPPER FLANGE BOLT ON  
HYDRANT ON EAST SIDE OF REAR ALLEY BEHIND  
BUILDING #1025, 75' S. SOUTH OF  
TRUCK LOADING DOCK RAMPS

BENCH MARK D ELEVATION: 998.21  
CHISELED SQUARE ON WESTERLY SIDE OF CONCRETE  
LIGHTPOLE BASE ON EAST SIDE OF REAR ALLEY BEHIND  
AND ACROSS FROM REAR ENTRANCE TO BUILDING #1095

BENCH MARK E ELEVATION: 988.35  
MAG SPIKE ON WESTERLY SIDE OF  
UTILITY POLE ON NORTH SIDE OF  
EAST CLARKSTON ROAD, ON FIRST POLE  
WEST OF ENTRANCE TO BUILDING #95

**SYMBOL LEGEND**

8" SAN. SANITARY SEWER & MANHOLE

WYE & LEAD

STANDARD SEWER CLEANOUT

12" STORM STORM SEWER & MANHOLE

CATCH BASIN

UNDERDRAIN

6" WATER WATER MAIN

VALVE & BOX

PLUG

STANDARD FIRE HYDRANT ASSEMBLY

CURB STOP & BOX

6" FORCE MAIN (FM) FORCE MAIN

AIR RELEASE STRUCTURE

**GENERAL UTILITY NOTES**

- BEFORE COMMENCING WORK, CONTRACTOR SHALL VERIFY ALL LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES.
- VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
- UTILITIES SHALL END 5 FEET FROM THE BUILDING UNLESS NOTED OTHERWISE.
- PROTECT AND MAINTAIN CROSSINGS OF OTHER UTILITIES.
- ALL DIMENSIONS ARE TO COLUMN LINE, CENTERLINE OF PIPE, CENTER OF MANHOLE, EDGE OF PAVEMENT OR BACK OF CURB WHERE APPLICABLE. DIMENSIONS TO COLUMN LINE ASSUME 9" THICK BUILDING WALL.
- REFER TO C100 FOR BENCHMARK INFORMATION.
- ALL MATERIAL, SPECIFICATIONS, AND CONSTRUCTION METHODS SHALL BE IN CONFORMANCE WITH MEIJER STANDARD SPECIFICATIONS AND DETAILS AND [INSERT GOVERNMENT AGENCY HAVING JURISDICTION].
- FOR TYPICAL PIPE TRENCH SEE DETAIL D4 ON C700.
- COORDINATE LIGHT POLE FOUNDATIONS WITH SITE UTILITY ROUTING TO AVOID CONFLICTS. MODIFY LOCATIONS OF LIGHT POLES AS NECESSARY TO AVOID CONFLICTS.

**SANITARY SEWER NOTES**

- ROOF DRAINS, FOUNDATION DRAINS, AND OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER ARE PROHIBITED.
- A CONTINUOUS 20' LENGTH OF SDR-35 PVC SHALL BE EXTENDED FROM THE YARD CLEANOUTS AT THE FRONT OF THE BUILDING. COORDINATE WITH PLUMBING CONTRACTOR ON LOCATION AND ROUTING.
- FERNCO COUPLINGS SHALL NOT TO BE USED ALONG THE SERVICE LATERALS FROM THE FRONT OF THE BUILDING TO THE SANITARY MANHOLE OR MAIN.

**GAS MAIN NOTES**

- GAS COMPANY WILL PROVIDE GAS SERVICE TAP, METER, REGULATOR, AND INSTALL THE NEW SERVICE LINE TO THE METER.

**WATER MAIN NOTES**

- INSTALL WATER MAIN WITH A MINIMUM OF 5.0 FEET OF COVER TO CROWN OF PIPE.
- ON SITE HYDRANTS SHALL FACE THE BUILDING.
- PROVIDE A MINIMUM OF EIGHTEEN (18) INCHES OF VERTICAL SEPARATION AND TEN (10) FEET OF HORIZONTAL SEPARATION BETWEEN THE WATER MAIN AND ALL SANITARY AND STORM SEWERS.
- PROVIDE THRUST BLOCKS AT ALL WATER MAIN BENDS, PLUGS AND TEES IF REQUIRED BY MUNICIPALITY. SEE DETAIL A2 ON C700.
- HYDRANTS LOCATED IN CURB ISLAND OR GREEN SPACE SHALL BE LOCATED 5' FROM BACK OF CURB OR EDGE OF PAVEMENT (TYP.).
- INSTALL CONCRETE PADS FOR ALL HYDRANT VALVES IN NON-PAVED AREAS. SEE DETAIL A1 ON C700.

**A1 UTILITY PLAN**

SCALE: 1" = 30'

0 15 30 60

NORTH

**meijer**

MAIN STORE  
89,962 SQ. FT. FF ELEV. = 1001.50

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Store No. ORI  
1025 S Lapeer Rd  
Orion, MI 48360

**meijer**

Utility Plan

3/24/2021 SLU / 50% SPA

Drawn By JAB  
Designer KK3  
Reviewer ---  
Manager JTV

Hard copy is intended to be 24"x36" when plotted. Scale(s) indicated and graphic quality may not be accurate for any other size.

PROJECT NO.  
-

SHEET NO.  
**C-400**


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PLOT INFO: Z:\2020\201289\CAD\ORI\C400.DWG LAYOUT: C400 DATE: 3/22/2021 TIME: 2:41:49 PM USER: BROSIAN





PARKING SUMMARY	
MAIN STORE	
STANDARD PARKING (9'-6"x19')	277
HC VAN ACCESSIBLE	10
TOTAL PARKING	
REQUIRED BY CODE	450

- ## SIGNAGE / STRIPING LEGEND
- |   |   |
|---|---|
| ①   | "STOP" SIGN -- SEE DETAIL B1 ON C701  |
| ②   | 4" SINGLE SOLID LINE, WHITE   |
| ③   | 4" SINGLE SOLID LINE, YELLOW  |
| ④   | 12" STOP LINE, WHITE  |
| ⑤   | LANE ARROWS, WHITE, SEE DETAIL B5 ON C701<br>"ONLY", WHITE, SEE DETAIL B5 ON C701 |
| ⑥   | CROSSWALK -- SEE DETAIL C2 ON C701  |
| ⑦   | "NO PARKING -- FIRE LANE" SIGN  |
| ⑧   | "WRONG WAY" SIGN  |
| ⑨   | "PHARMACY DRIVE-UP" SIGN<br>SEE DETAIL B1 ON C701                                 |
| ⑩   | VAN ACCESSIBLE SIGN<br>SEE DETAIL B1 ON C701                                      |
| ⑪   | "QUICK TRIP PARKING" SIGN<br>SEE DETAIL B1 ON C701                                |
| ⑫   | TRUCK ROUTE WITH RIGHT ARROW  |
| ⑬   | TRUCK ROUTE WITH LEFT ARROW   |
| ⑭   | TRUCK ROUTE WITH STRAIGHT ARROW   |
|  | NO PARKING AREAS<br>4" YELLOW STRIPE @ 2' O.C.<br>AT 45° TO PARKING SPACE         |

## PAVEMENT STRIPING NOTES

1. ALL DIMENSIONS MEASURED FROM FACE OF BUILDING
2. REFER TO SHEET C701 FOR SIGNAGE/STRIPING DETAILS
3. ALL PAVEMENT MARKING SHALL BE YELLOW IN COLOR UNLESS NOTED OTHERWISE.
4. CROSSWALK STRIPING TO BE CENTERED ON THE BUILDING AND GARDEN CENTER ENTRANCES.
5. TRANSVERSE STRIPING WITHIN THE OUTDOOR GARDEN CENTER SHALL MATCH "NO PARKING AREA" STRIPING AS INDICATED IN THE SIGNAGE/STRIPING LEGEND.

## BUILDING AND SITE SIGNAGE NOTES

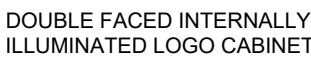
1. LOCATE FIRE LANE SIGNS AT FRONT OF BUILDING (2 SIGNS)
2. STOP SIGNS AND FIRE LANE SIGNS ALONG FRONT OF THE STORE TO BE ON MOVABLE CONCRETE BASES
3. LOCATE FIRE LANE SIGNS ALONG BACK OF BUILDING AND THE TRUCK DOCK AREAS (5 SIGNS).
4. INSTALL CART CORRALS PROVIDED BY OWNER.



2. ALL WIRING FOR EXTERIOR SIGNAGE SHALL BE INSTALLED WITHIN CONDUIT PER SPECIFICATIONS.
3. FOR BUILDING SIGNAGE INSTALLATION INFORMATION, REFER TO ARCHITECTURAL PLANS.

DETAIL	NO.	DESCRIPTION	SQUARE FEET
--------	-----	-------------	-------------

A4	1	Meijer Wall Sign	300.0
A5	1	Pick-up Wall Sign	34.8
B4	1	Monument Sign	37.5
B5	1	Bottle Return Wall Sign	6.7
B4	1	Rx Logo Wayfinding Sign	16.0
B4	1	Pickup Logo Wayfinding Sign	16.0
C5	1	Pharmacy Drive-Up Wall Sign	57.3
Total			468.3



ENTIRE PYLON STRUCTURE ABOVE GRADE  
EXCEPT CONCRETE BASE INCLUDING  
ELECTRIC BOXES AND EXPOSED CONDUIT  
IS TO BE PAINTED MAP TO MATCH  
PMS 286 (BLUE)



Store No. ORI

1025 S.Lapeer Rd  
Orion, MI 48360

Orion, MI 48360

# meijer

# Traffic Control Signage / Striping Plan

Drawn By	JAB
Designer	KK3
Reviewer	~~~~
Manager	JTV

Hard copy is intended to be 24"x36" when plotted. Scale(s) indicated and graphic quality may not be accurate for any other size.

PROJECT NO

SHEET NO.

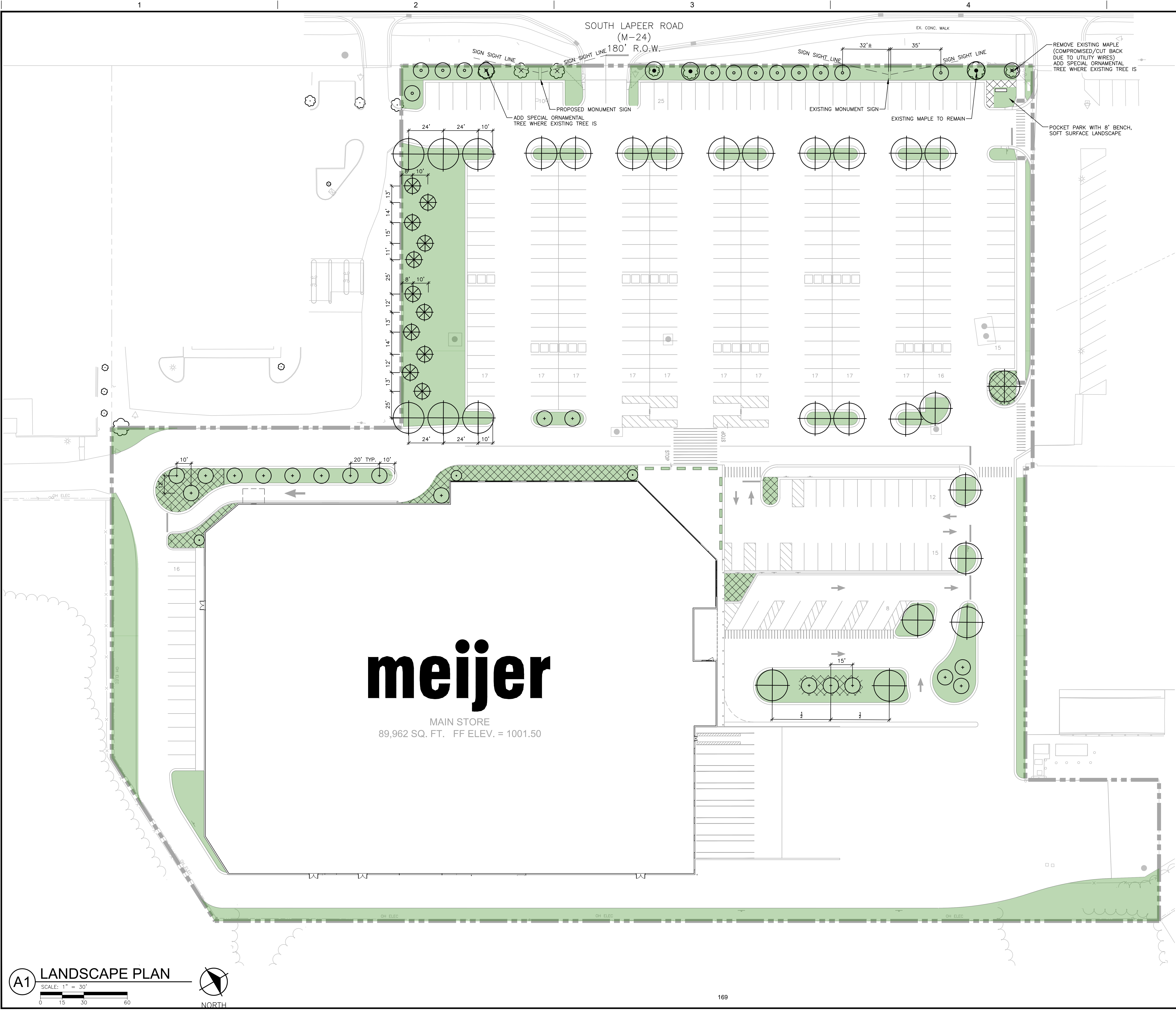
# C-501

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PLOT INFO: Z:\2020\201289\CAD\ORI\_C600.DWG LAYOUT: C600 DATE: 3/23/2021 TIME: 2:35:40 PM USER: JBROSMAN



A1

LANDSCAPE PLAN

SCALE: 1" = 30'

0 15 30 60

NORTH

- LANDSCAPE NOTES
1.

COORDINATE PLACEMENT OF PLANTS WITH UTILITY LOCATIONS AND SIGHT LINES TO BUILDING. MAKE ADJUSTMENTS AS REQUIRED TO AVOID PLANTING OVER THE UTILITIES AND/OR WITHIN SIGHT LINES TO ALL MEIJER BUILDING SIGNAGE.
2.

THE CENTER OF LARGE ISLANDS IS TO BE 6" HIGHER THAN TOP OF CURB. ENSURE ALL ISLANDS ARE SLOPED FOR POSITIVE DRAINAGE.
3.

ALL AREAS THAT REQUIRE SEEDING SHALL RECEIVE 4" MINIMUM TOPSOIL, UNLESS NOTED OTHERWISE.
4.

SEE ALL AREAS INDICATED ON THE LANDSCAPE PLAN, THE SOIL EROSION CONTROL PLAN AND ALL DISTURBED AREA. REVIEW AREAS OF SEEDING WITH CONSTRUCTION MANAGER PRIOR TO ANY SEEDING. ANY AREAS DISTURBED BY THE CONTRACTOR WHICH ARE BEYOND THE LIMITS OF GRADING AND EARTHWORK SHALL BE SEEDED AT NO ADDITIONAL COST TO THE OWNER.
5.

TOPSOIL SHALL BE TESTED AND AMENDED AS NECESSARY DURING FINAL GRADING AND PREPARATION FOR SEEDING.
6.

APPLY STARTED FERTILIZER (16-32-4) AT 250 POUNDS/ACRE TO SEEDED AREAS.
7.

ALL LANDSCAPE ISLAND SHALL BE 3" DEEP SHREDDED HARDWOOD MULCH EXCEPT AS NOTED. PLACE MULCH OVER WEED BARRIER FABRIC AND TREAT WITH PRE-EMERGENT HERBICIDE.

SYMBOL

DESCRIPTION

	SHADE TREE (MAPLE, OAK, GINKGO)
	ORNAMENTAL TREE (CRABAPPLE, REDBUD, DOGWOOD)
	EVERGREEN TREE (PINE, SPRUCE, FIR)
	ORNAMENTAL TREE - SPECIAL (MARILEE CRABAPPLE)
	ORNAMENTAL SHRUB - LARGE
	SHRUB BED - LOW
	TREE REMOVAL (STUNTED GROWTH, HEALTH ISSUES, SIGHT LINE ISSUES, OVERHEAD WIRES)
	EXISTING SHADE TREE

LANDSCAPE MATERIAL NOTE

ALL PLANT SIZES WILL MEET OR EXCEED ORION TOWNSHIP REQUIREMENTS/STANDARDS.

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Store No. ORI  
1025 S. Lapeer Rd  
Orion, MI 48360

meijer

Preliminary Landscape Plan

3/24/2021 SLU / 50% SPA

Drawn By JK  
Designer JK  
Reviewer JTV  
Manager JTV

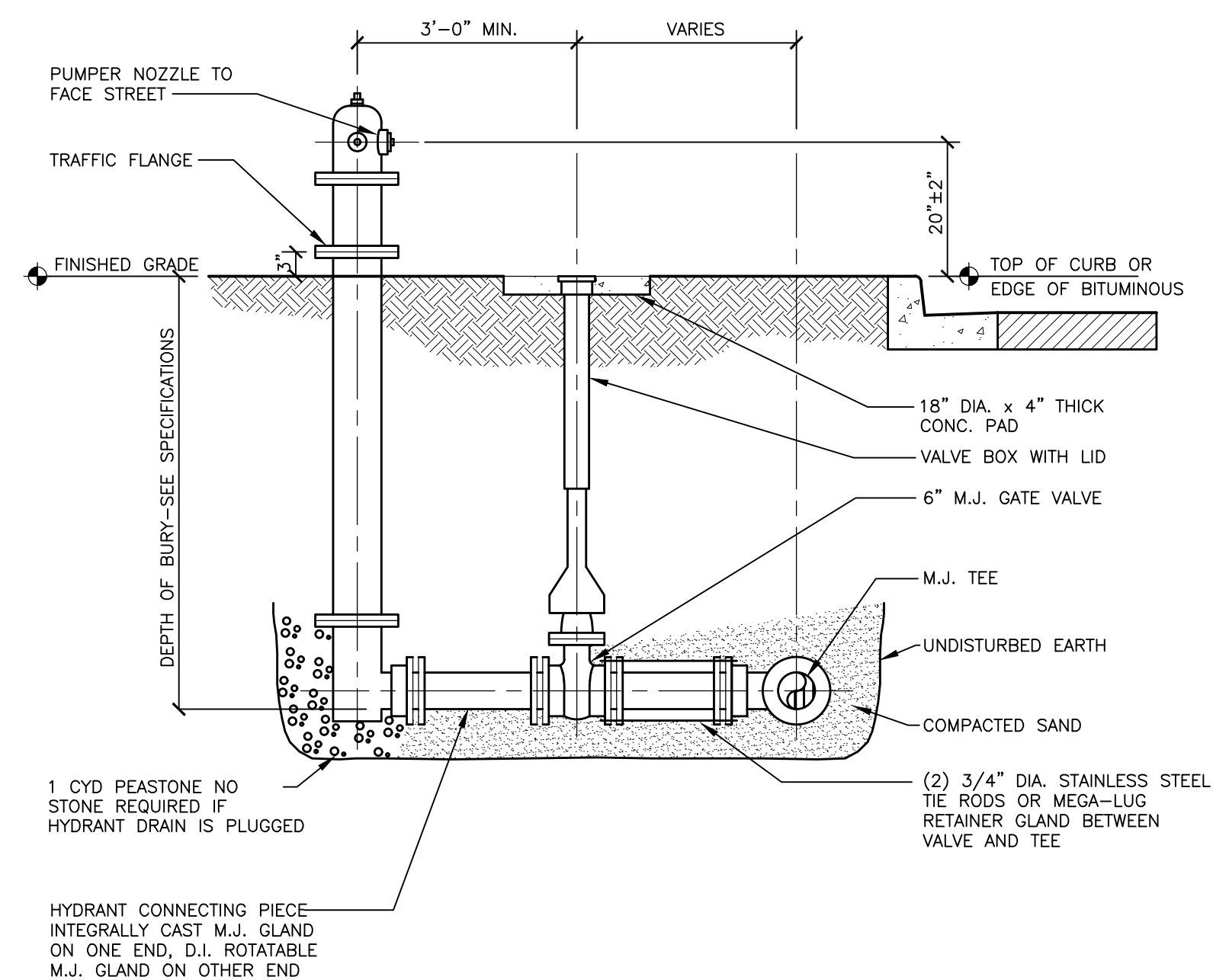
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-

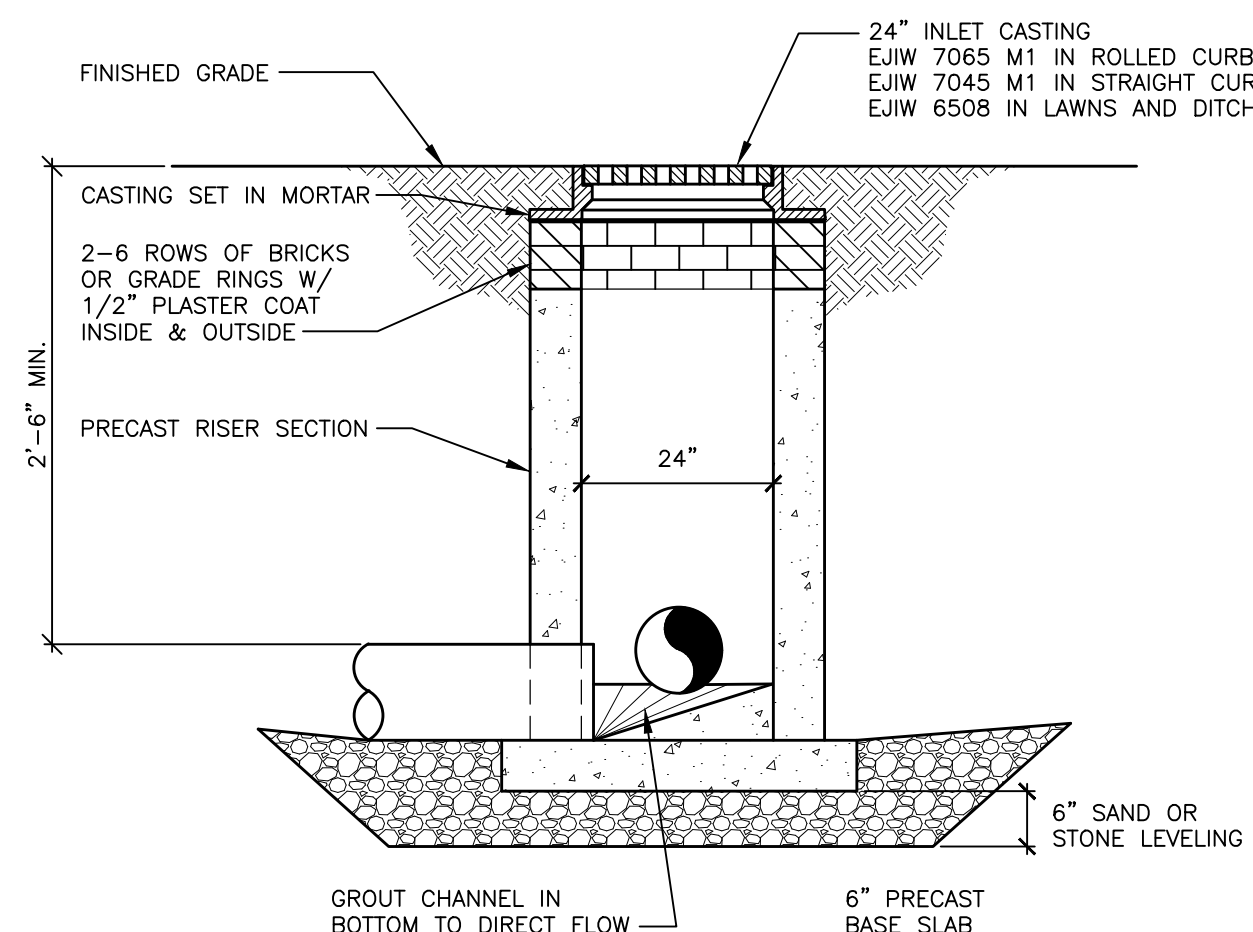
SHEET NO.  
C-600

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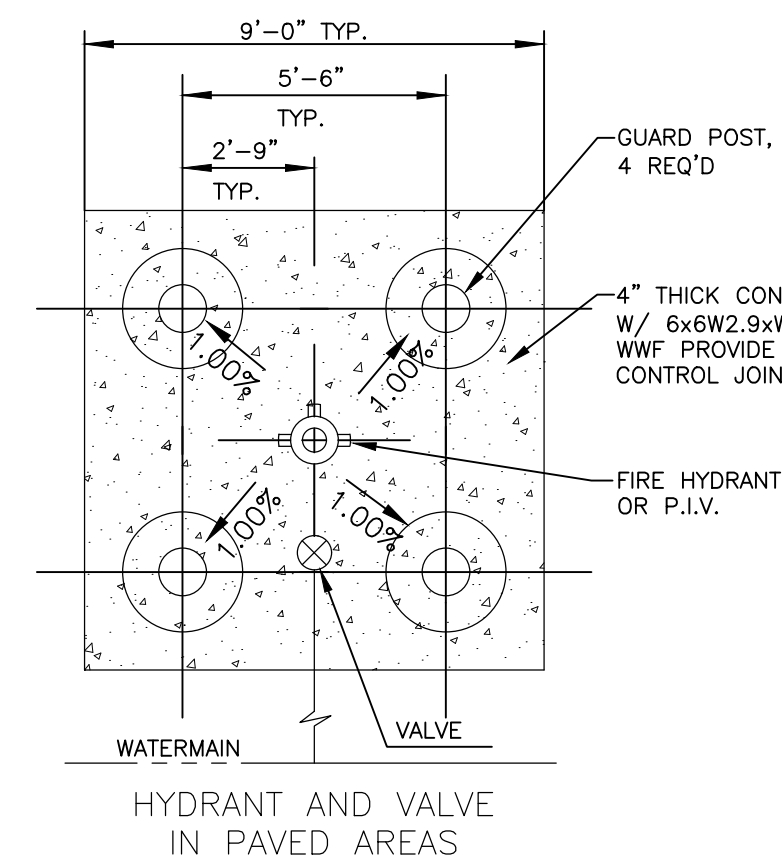




**C1 FIRE HYDRANT ASSEMBLY**  
NO SCALE



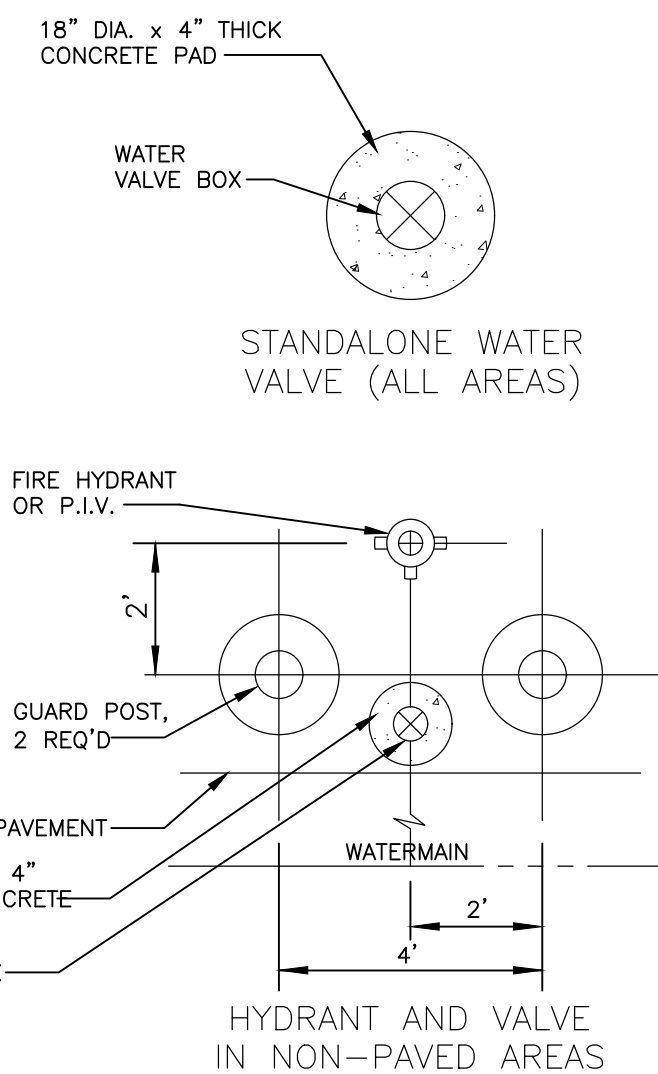
C3 24" DIA. CATCH BASIN  
NO SCALE



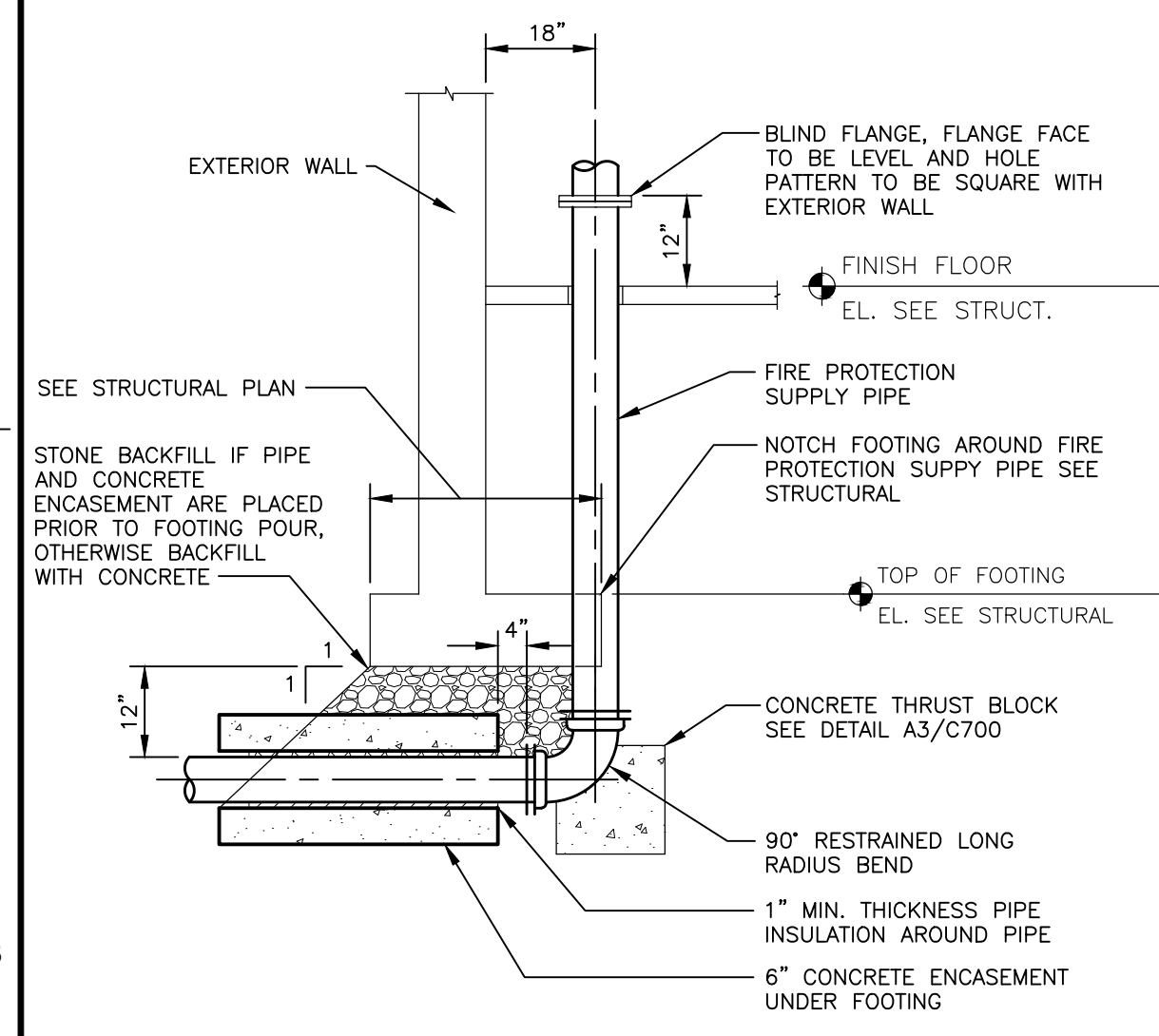
NOTES:

PROVIDE POSITIVE DRAINAGE (1% MIN) AWAY FROM THE FIRE HYDRANT.

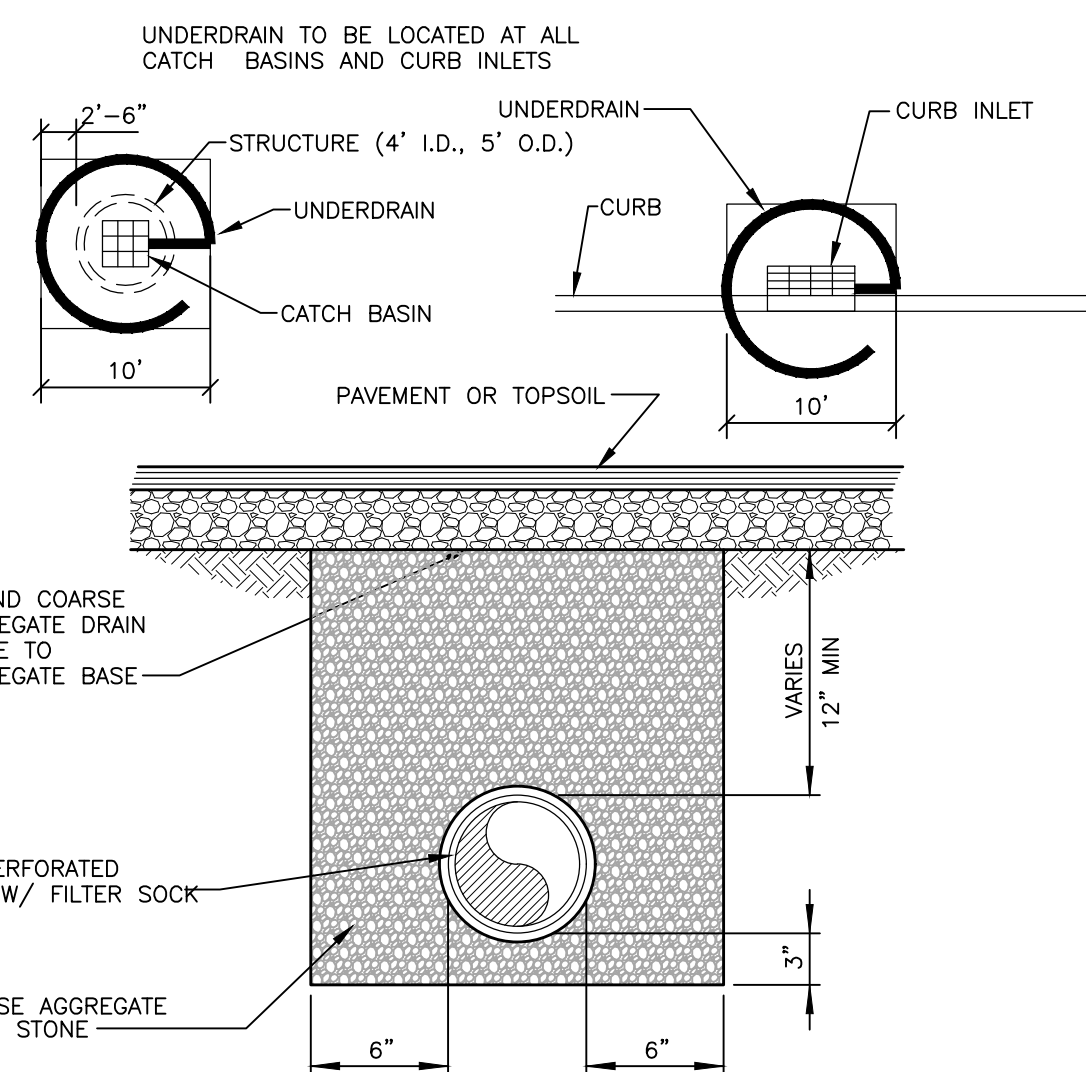
GUARD POSTS NOT REQUIRED WHERE FH IS BEHIND CURB. FIRE HYDRANTS LOCATED IN LOADING DOCK AREAS WILL REQUIRE 2 GUARD POSTS REGARDLESS IF THERE IS CURB.



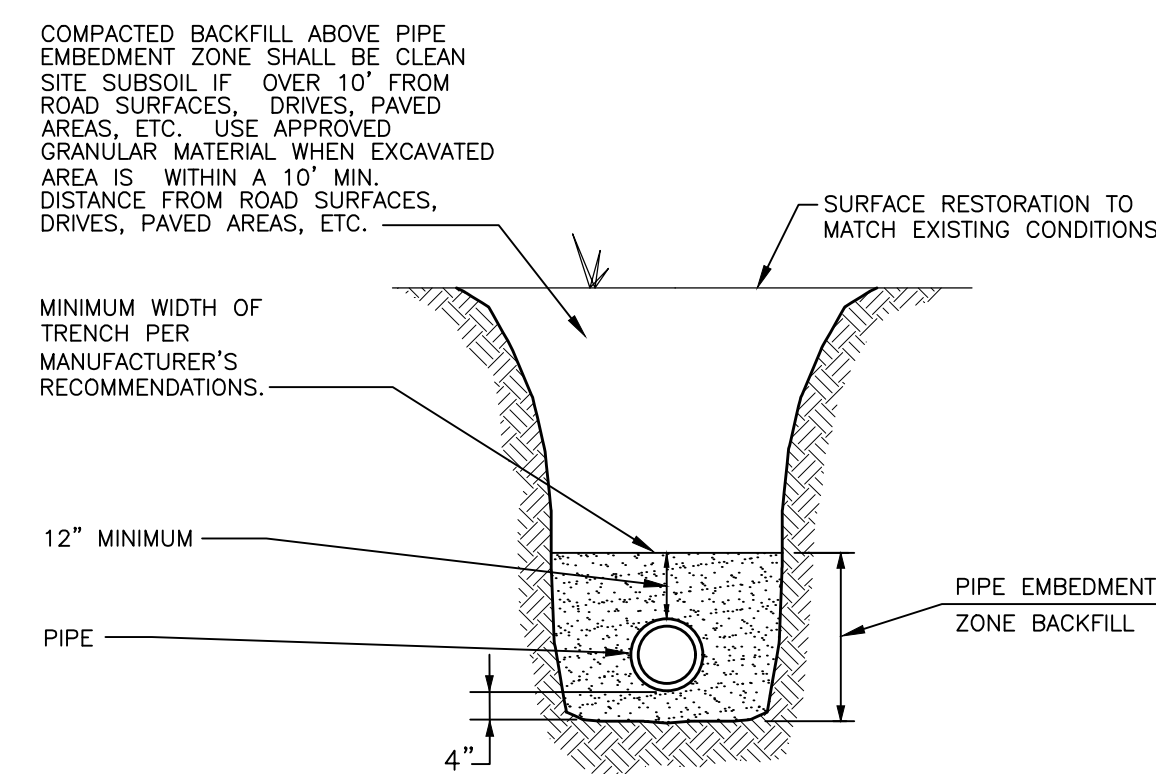
## C4 FIRE HYDRANT AND WATER VALVE PLACEMENT



**B1** FIRE RISER DETAIL  
NO SCALE

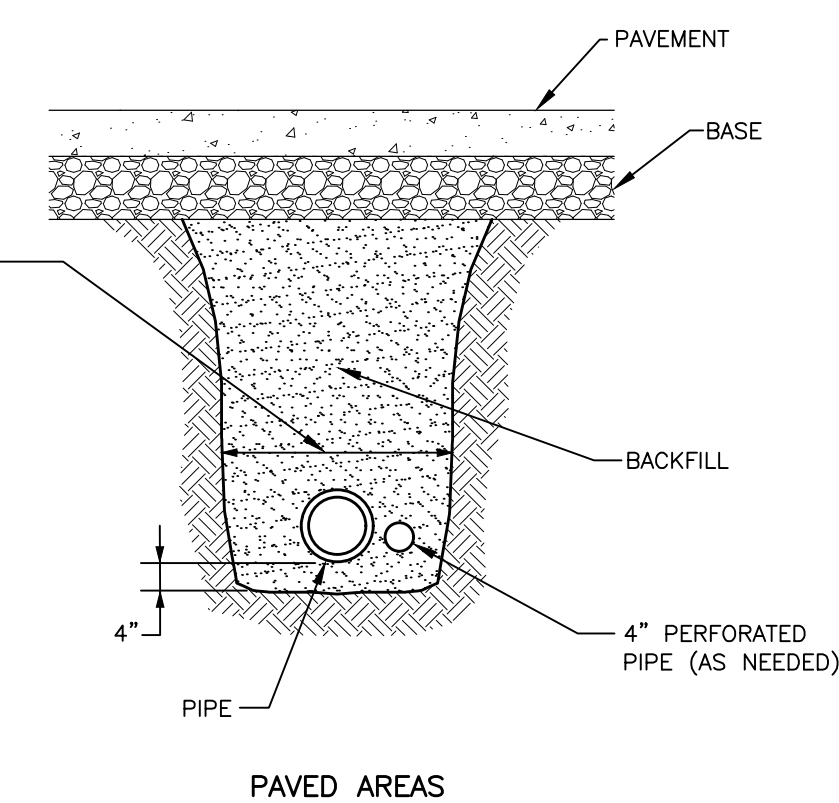


**B2** PERFORATED UNDERDRAIN  
NO SCALE

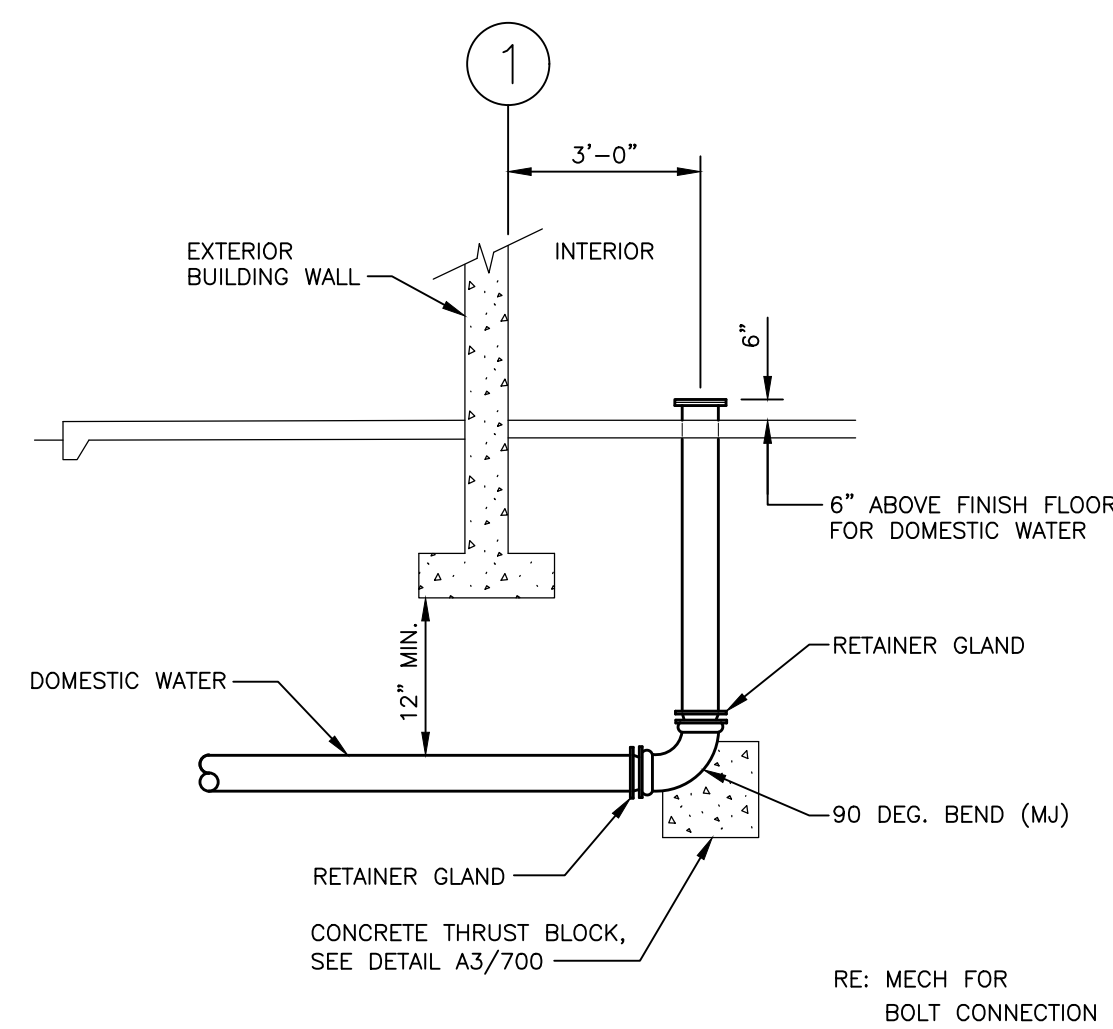
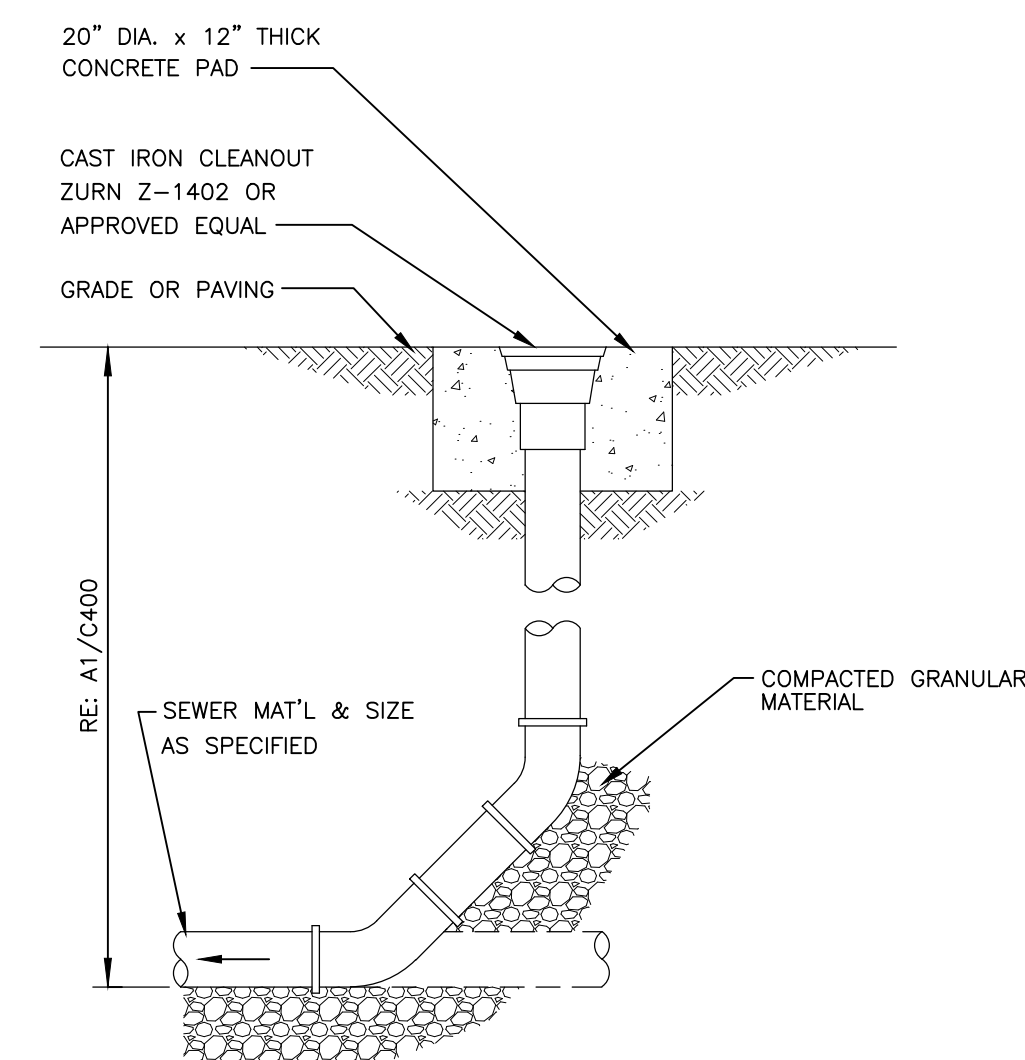


UNPAVED AREAS  
B3 PIPE TRENCH TYP.  
NO SCALE

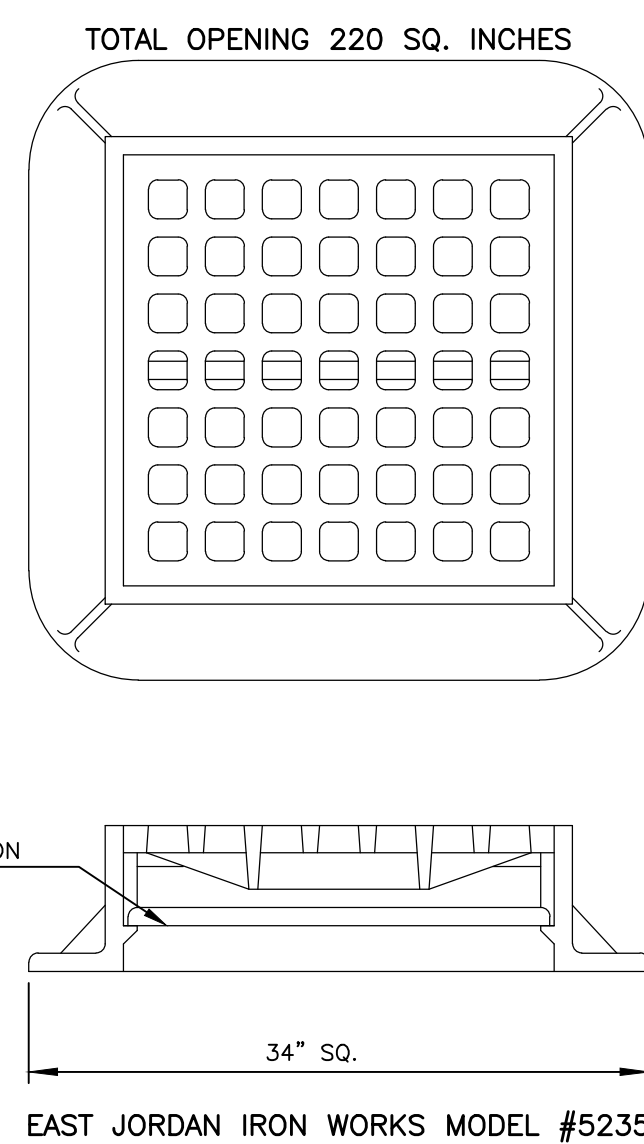
MAXIMUM TRENCH WIDTH	
PIPE SIZE	TRENCH WIDTH
6" - 12"	30"
15" - 30"	O.D. + 16"
36" - 60"	O.D. + 24"



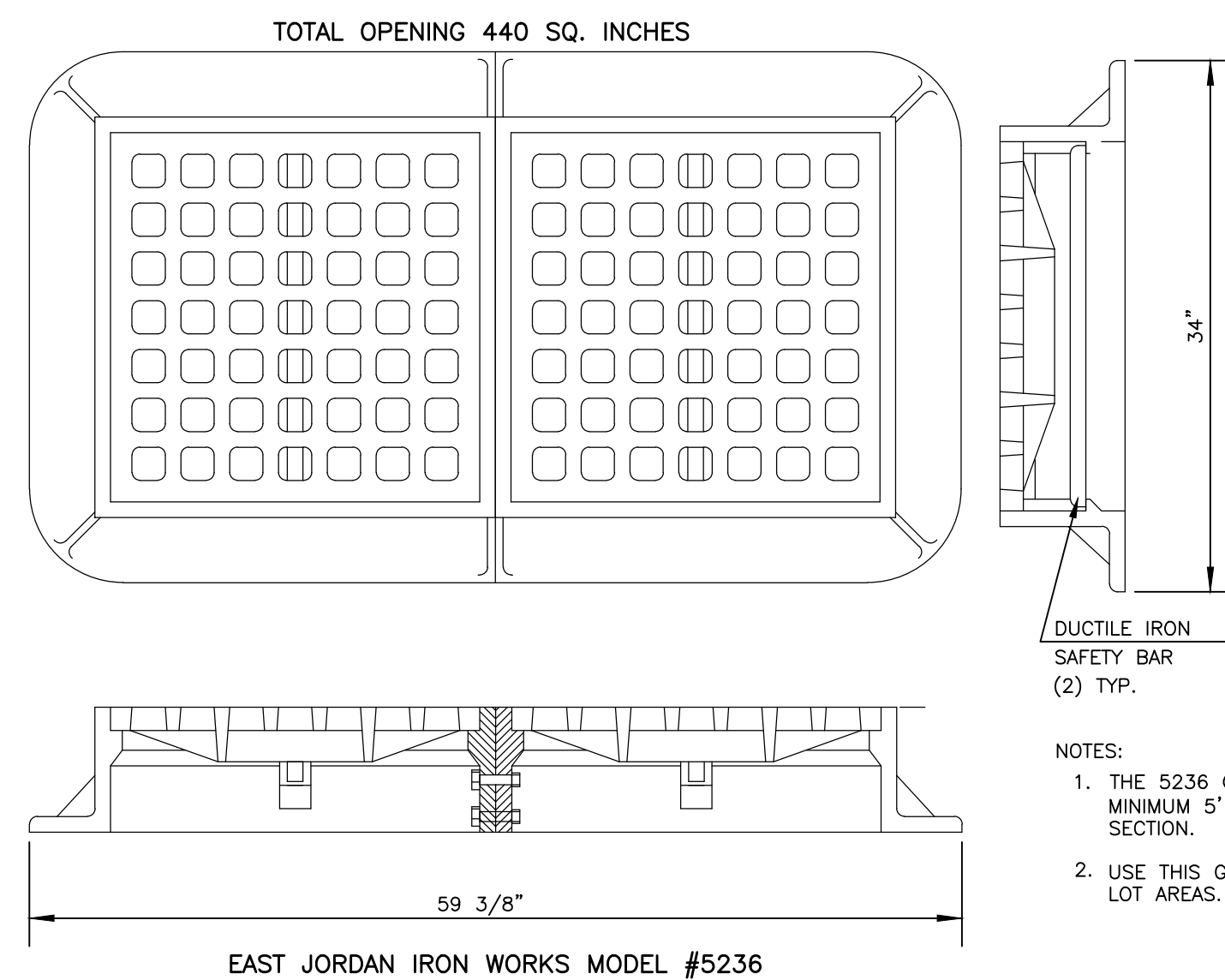
**B5** **TYP. CLEANOUT DETAIL**  
NO SCALE



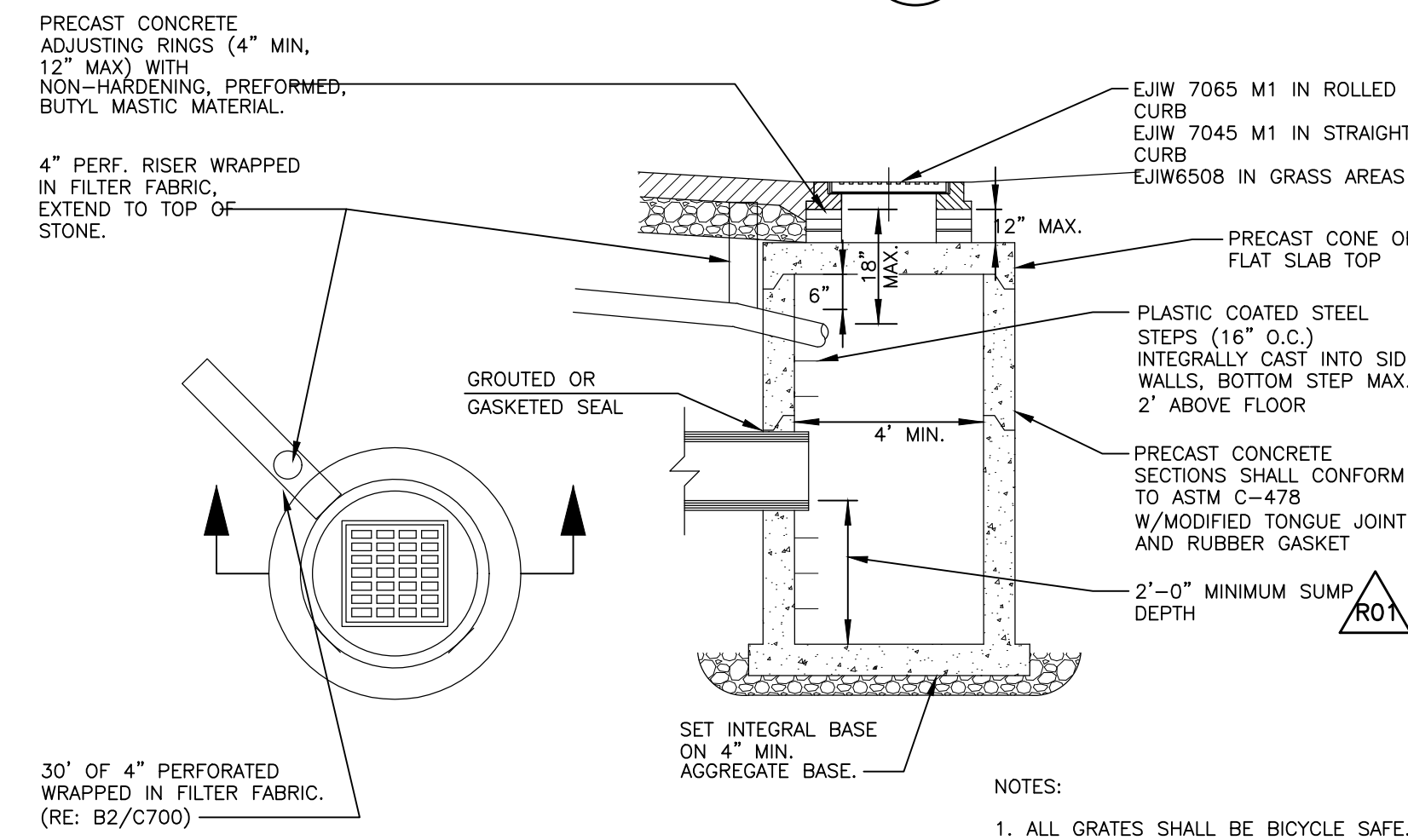
**A1** TYP. DOMESTIC WATER RISER  
NO SCALE



A2 FRAME AND GRATE  
NO SCALE



**A4 STORM SEWER CATCH BASIN**  
NO SCALE



NOTES:

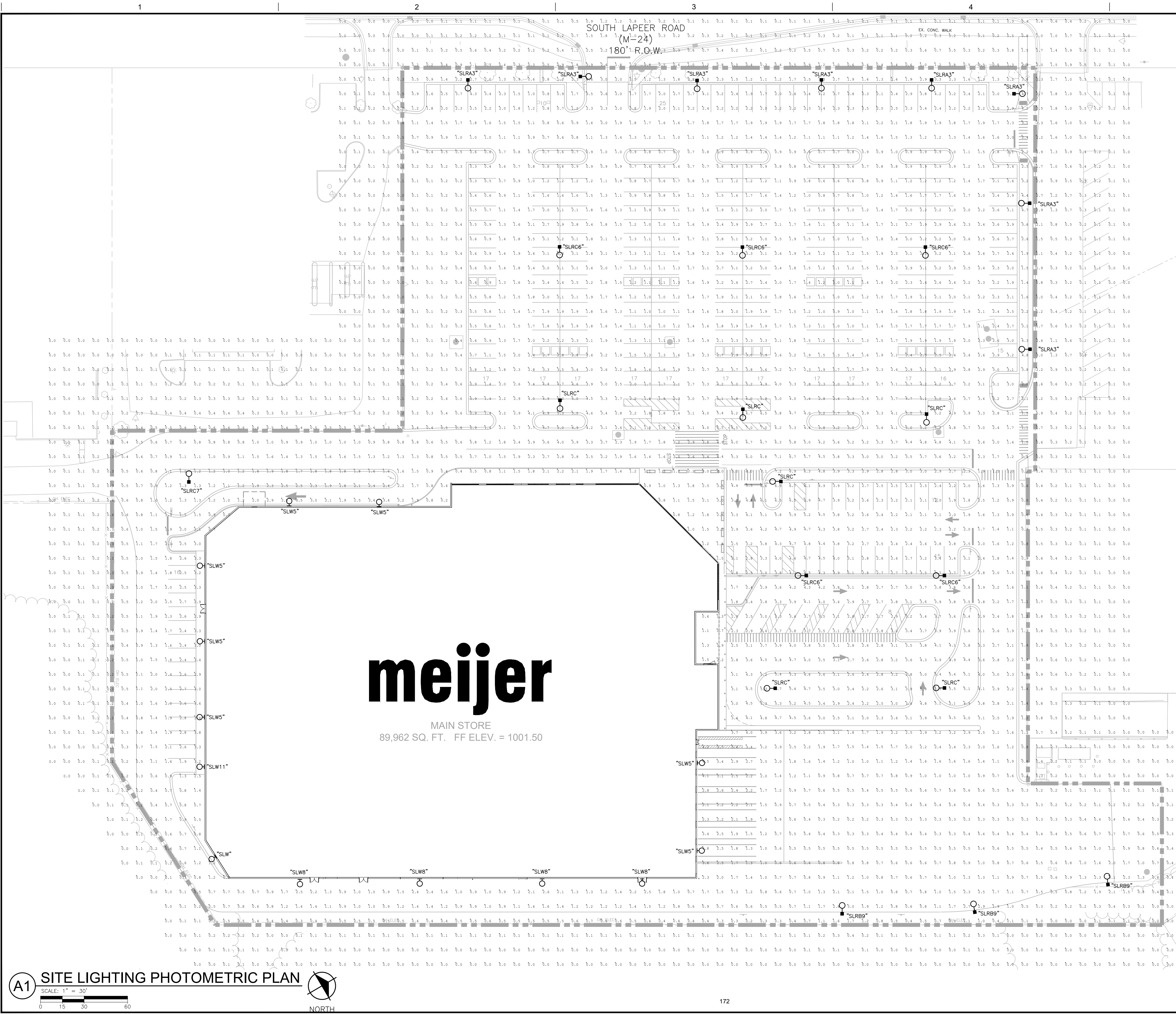
1. ALL GRATES SHALL BE BICYCLE SAFE.







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PLOT INFO: Z:\2020\201289\CAD\ORI\_C800.DWG LAYOUT: C800 DATE: 3/24/2021 TIME: 8:41:05 AM USER: BTHOMPSON



- GENERAL NOTES
- POLE MOUNTED LUMINAIRES TO BE MOUNTED AT 20' A.F.F.
  - WALL MOUNTED LUMINAIRES TO BE MOUNTED AT 18' A.F.F.

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Store No. ORI  
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Orion, MI 48360

**meijer**

Site Lighting Photometric Plan

3/24/2021 SLU / 50% SPA

Drawn By BRT  
Designer BRT  
Reviewer ARK  
Manager JTV

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-

SHEET NO.  
**C-800**

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PLOT INFO: Z:\2020\201289\CAD\CD\ORI\_C801.DWG LAYOUT: C800 DATE: 3/23/2021 TIME: 3:19:12 PM USER: BTHOMPSON

Luminaire Schedule						
Symbol	Qty	Label	Lum. Lumens	Description	Manufacturer	Tag
■-○	8	SLRA3	10991	WHITE TYPE III, 71W, 4000K POLE MOUNTED LED	Lithonia Lighting	RSX2-LED-P1-40K-R3-XVOLT-RPA
■-○	3	SLRB9	6115	WHITE TYPE IV, 51W, 4000K POLE MTD LED WITH GLARE SHIELD	Lithonia Lighting	RSX1-LED-P1-40K-R4-XVOLT-RPA-EGS
■-○	6	SLRC	41519	WHITE TYPE V, 312W, 4000K POLE MOUNTED LED	Lithonia Lighting	RSX3-LED-P4-40K-R5-XVOLT-RPA
■-○	5	SLRC6	25663	WHITE TYPE V, 187W, 4000K POLE MOUNTED LED	Lithonia Lighting	RSX2-LED-P4-40K-R5-XVOLT-RPA
■-○	1	SLRC7	10104	WHITE TYPE V, 72W, 4000K POLE MOUNTED LED	Lithonia Lighting	RSX1-LED-P2-40K-R5-XVOLT-RPA
⊕-○	1	SLW	2490	WHITE TYPE II MEDIUM, 19W, 4000K WALL MOUNTED LED	Cree Inc	XSPW-B-WM-2ME-2L-40K-UL-WH
⊕-○	1	SLW11	4282	WHITE TYPE III MEDIUM, 31W, 4000K WALL MOUNTED LED	Cree Inc	XSPW-B-WM-3ME-4L-40K-UL-WH
⊕-○	7	SLW5	8763	WHITE TYPE IV MEDIUM, 72W, 4000K WALL MOUNTED LED	Cree Inc	XSPW-B-WM-4ME-8L-40K-UL-WH
⊕-○	4	SLW8	4270	WHITE TYPE II MEDIUM, 31W, 4000K WALL MOUNTED LED	Cree Inc	XSPW-B-WM-2ME-4L-40K-UL-WH

E5 LUMINAIRE SCHEDULE

Statistical Area Summary					
Label	CalcType	Units	Avg	Max	Min
Parking Area	Illuminance	Fc	2.09	7.2	0.2
5' Plane Above Surface	Illuminance	Fc	2.17	10.5	0.0

D5 STATISTICAL AREA SUMMARY



meijer

Store No. ORI  
1025 S.Lapeer Rd  
Orion, MI 48360

Site Lighting Photometric Plan

Drawn By	BRT
Designer	BRT
Reviewer	ARK
Manager	JTV

Hard copy is intended to be 24"x36" when plotted. Scale(s) indicated and graphic quality may not be accurate for any other size.

PROJECT NO.

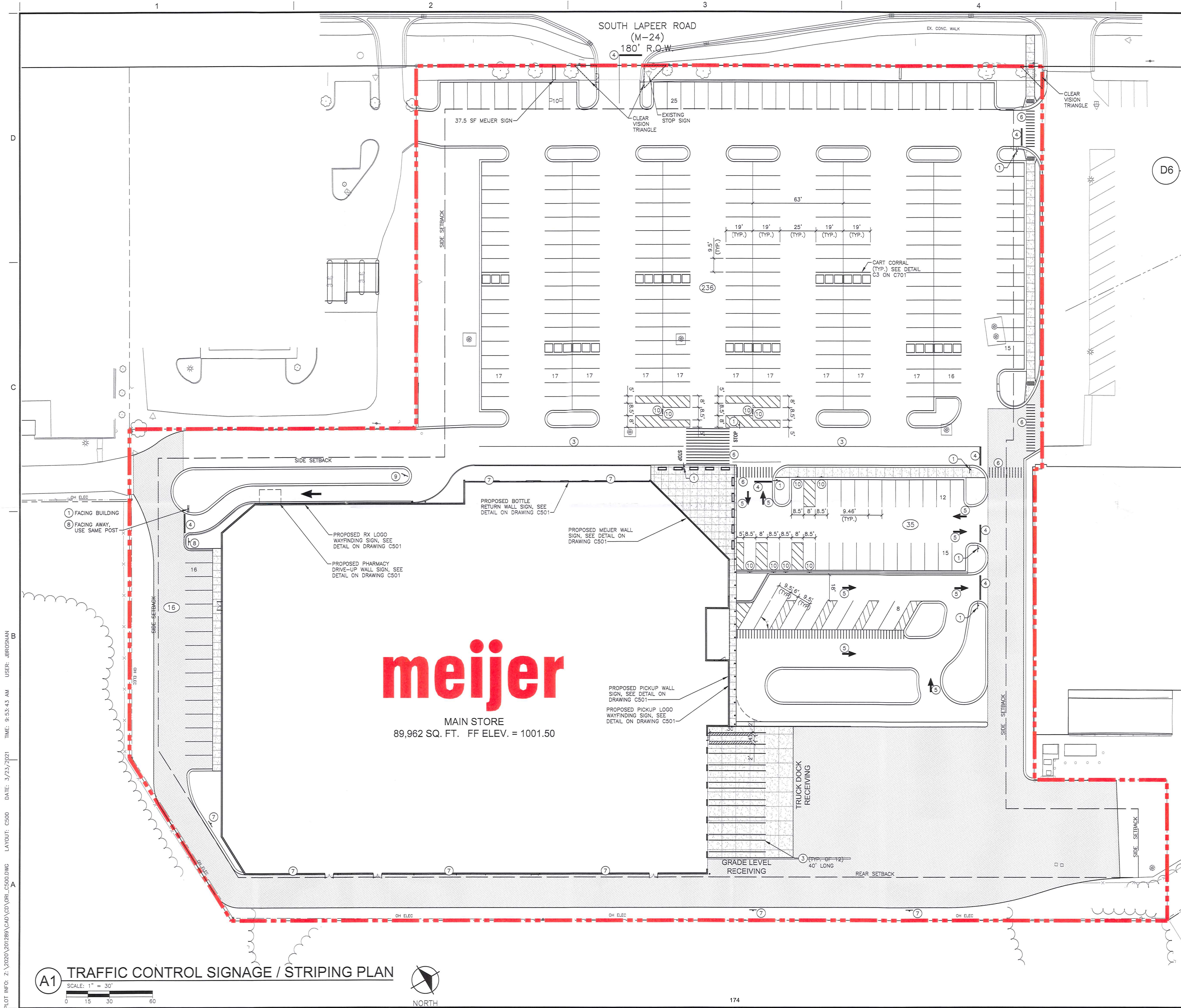
-

SHEET NO.

C-801



PLOT INFO: Z:\2020\201289 CAD\CD\ORR\_C500.DWG LAYOUT: C500 DATE: 3/23/2021 TIME: 9:53:43 AM USER: JBROSMAN



D6 COMPACTOR STRIPING ENLARGEMENT  
SCALE: 1" = 10'

PARKING SUMMARY	
MAIN STORE	
STANDARD PARKING (9'-6"x19')	277
HC VAN ACCESSIBLE	10
TOTAL PARKING	
REQUIRED BY CODE	450

- SIGNAGE / STRIPING LEGEND**
- 1 "STOP" SIGN - SEE DETAIL B1 ON C701
  - 2 4" SINGLE SOLID LINE, WHITE
  - 3 4" SINGLE SOLID LINE, YELLOW
  - 4 12" STOP LINE, WHITE
  - 5 LANE ARROWS, WHITE, SEE DETAIL B5 ON C701
  - 6 CROSSWALK - SEE DETAIL C2 ON C701
  - 7 "NO PARKING - FIRE LANE" SIGN
  - 8 "WRONG WAY" SIGN
  - 9 "PHARMACY DRIVE-UP" SIGN SEE DETAIL B1 ON C701
  - 10 VAN ACCESSIBLE SIGN SEE DETAIL B1 ON C701
  - 11 "QUICK TRIP PARKING" SIGN SEE DETAIL B1 ON C701
  - 12 TRUCK ROUTE WITH RIGHT ARROW
  - 13 TRUCK ROUTE WITH LEFT ARROW
  - 14 TRUCK ROUTE WITH STRAIGHT ARROW
- NO PARKING AREAS  
4" YELLOW STRIPE @ 2' O.C.  
AT 45' TO PARKING SPACE

**PAVEMENT STRIPING NOTES**

- ALL DIMENSIONS MEASURED FROM FACE OF BUILDING
- REFER TO SHEET C701 FOR SIGNAGE/STRIPING DETAILS
- ALL PAVEMENT MARKING SHALL BE YELLOW IN COLOR UNLESS NOTED OTHERWISE.
- CROSSWALK STRIPING TO BE CENTERED ON THE BUILDING AND GARDEN CENTER ENTRANCES.
- TRANSVERSE STRIPING WITHIN THE OUTDOOR GARDEN CENTER SHALL MATCH "NO PARKING AREA" STRIPING AS INDICATED IN THE SIGNAGE/STRIPING LEGEND.

**BUILDING AND SITE SIGNAGE NOTES**

- LOCATE FIRE LANE SIGNS AT FRONT OF BUILDING (2 SIGNS)
- STOP SIGNS AND FIRE LANE SIGNS ALONG FRONT OF THE STORE TO BE ON MOVABLE CONCRETE BASES
- LOCATE FIRE LANE SIGNS ALONG BACK OF BUILDING AND THE TRUCK DOCK AREAS (5 SIGNS)
- INSTALL CART CORRLS PROVIDED BY OWNER.

A1 TRAFFIC CONTROL SIGNAGE / STRIPING PLAN  
SCALE: 1" = 30'



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Store No. ORI  
1025 S. Lapeer Rd  
Orion, MI 48360

**meijer**

Traffic Control Signage / Striping Plan

3/24/2021 SLU / 50% SPA

Drawn By	JAB
Designer	KK3
Reviewer	---
Manager	JTV

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1 2 3 4 5  
D  
C  
B  
A  
PLOT INFO: Z:\2020\201289\CAD\CD\ORI\_C501.DWG LAYOUT: C501 DATE: 3/25/2021 TIME: 9:38:46 AM USER: JBROSNAN

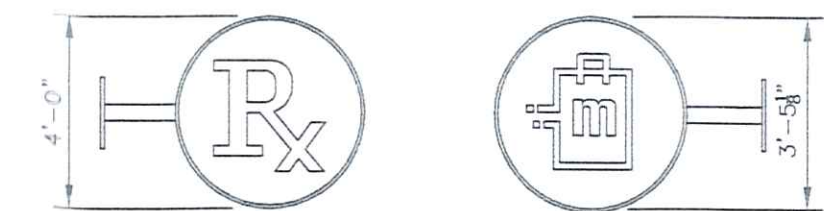
A4 = 300.21  
A5 = 33.42  
B5 = 6.67  
C4 = 12.57  
C4 = 9.23  
C5 = 57.34  
 $439.44 - 200 = 239.44$  Variance

GENERAL NOTES

- SIGNAGE DETAILS ARE NOT TO SCALE. SIGNAGE VENDOR SHALL FABRICATE ALL SIGNAGE ACCORDING TO THE DIMENSIONS AND SQUARE FOOTAGE VALUES PROVIDED ON SHEETS C501 AND C502 FOR THE RESPECTIVE SIGNS.
- ALL WIRING FOR EXTERIOR SIGNAGE SHALL BE INSTALLED WITHIN CONDUIT PER SPECIFICATIONS.
- FOR BUILDING SIGNAGE INSTALLATION INFORMATION, REFER TO ARCHITECTURAL PLANS.

STORE SIGNAGE

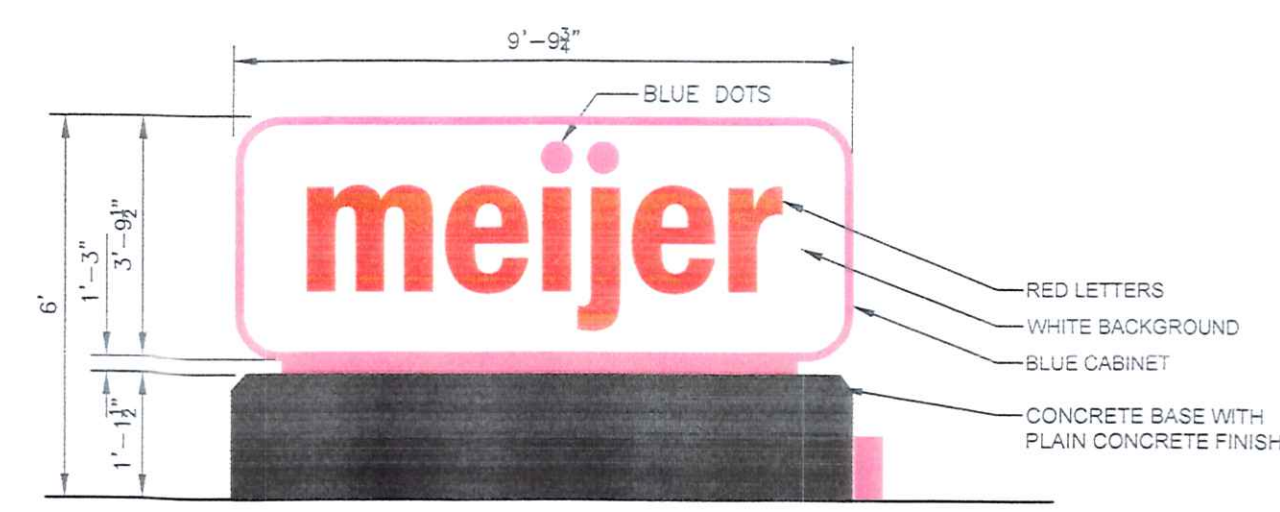
DETAIL	NO.	DESCRIPTION	SQUARE FEET
A4	1	Meijer Wall Sign	300.0
A5	1	Pick-up Wall Sign	34.8
B4	1	Monument Sign	37.5
B5	1	Bottle Return Wall Sign	6.7
B4	1	Rx Logo Wayfinding Sign	16.0
B4	1	Pickup Logo Wayfinding Sign	16.0
C5	1	Pharmacy Drive-Up Wall Sign	57.3
Total			488.3



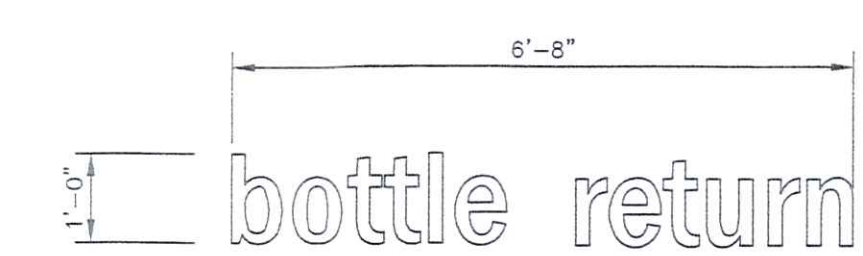
C4 LOGO WAYFINDING SIGNS  
NO SCALE



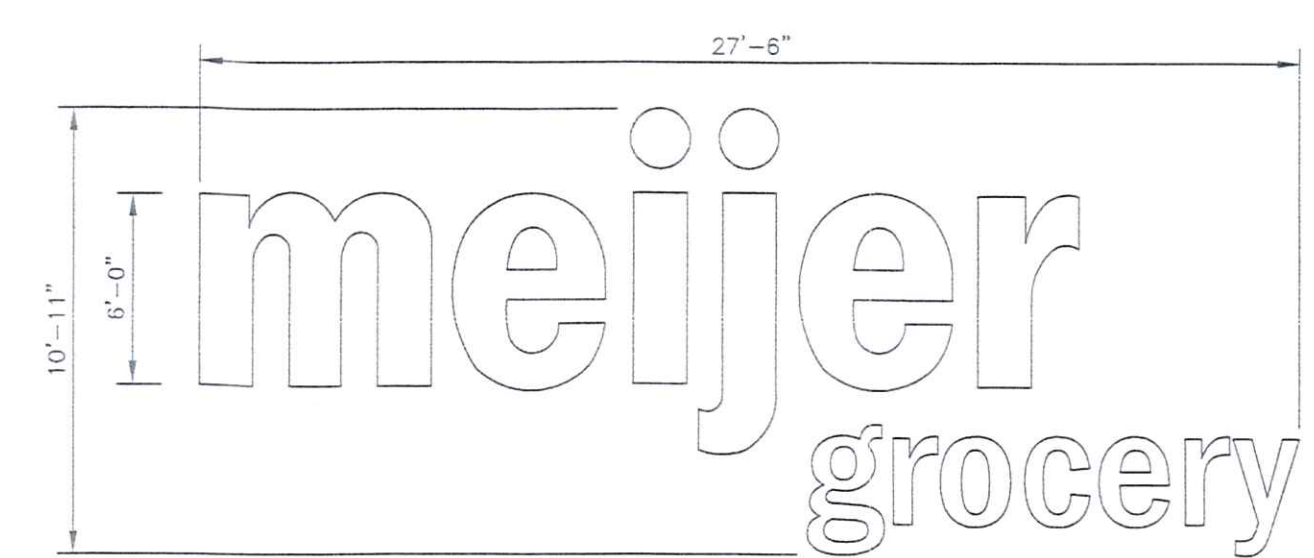
C5 PHARMACY DRIVE-UP WALL SIGN  
NO SCALE



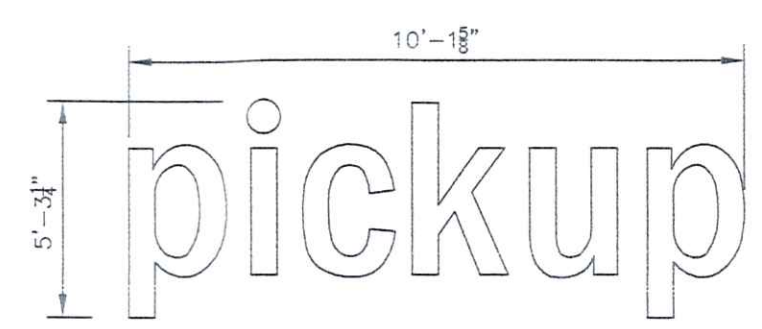
B4 MONUMENT SIGN  
NO SCALE



B5 BOTTLE RETURN WALL SIGN  
NO SCALE



A4 MEIJER WALL SIGN  
NO SCALE



A5 PICKUP WALL SIGN  
NO SCALE

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Store No. ORI  
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Orion, MI 48360

Traffic Control Signage / Striping Plan

3/25/2021	SLU / 50% SPA
Drawn By	JAB
Designer	KK3
Reviewer	---
Manager	JTV
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SHEET NO.	





**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:** April 21, 2021

**RE:** Dates which cases can be postponed to

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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.

May 10, 2021 (this meeting has 10 cases on it)

May 24, 2021

June 14, 2021





**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: ZBA Members

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: April 21, 2021

SUBJECT: MAP Virtual Zoning Board of Appeals Workshop

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Gentlemen, I am highly encouraging you to attend this virtual workshop. It will be held on Thursday, May 27<sup>th</sup>, from 6:00pm to 8:30pm. Attached is more information.

Please let me know as soon as possible if you would like to attend as there is a registration fee we need pay and I believe there is a workbook MAP provides as part of that fee.



Thursday, May 27, 2021 6:00 PM - 8:30 PM EDT  
Category: On Site Workshops



## MAP and Emmet County have teamed up to host a *virtual* Zoning Board of Appeals onsite workshop

\$33 registration fee | Rate increases to \$44 on May 20, 2021

This workshop is designed especially for Zoning Board of Appeals members. The workshop will:

- Clarify the expectations and limitations of your position.
- Help you recognize when there's a conflict of interest.
- Equip you with the best planning and zoning practices to sharpen your decision-making skills.
- Boost your confidence as zoning board of appeals member during meetings.

MAP's popular workshop, Zoning Board of Appeals, is an interactive, case study based workshop which goes into great depth on the issues of practical difficulty and unnecessary hardship. A summary of voting and membership requirements and other procedural requirements unique to ZBA operations are reviewed.

### Why MAP's Zoning Board of Appeals Workshop?

- All workshop instructors are certified by the American Institute of Certified Planners.
- Registration includes a copy of MAP's Zoning Board of Appeals guidebook--mailed to your home — a 57-page resource filled with information to help you make better decisions.
- For more than 75 years, MAP's reputation and credibility as a land use leader in Michigan have been widely recognized, assuring the highest quality educational experience.

Learn from MAP's experienced and credentialed instructor, John Iacoangeli, FAICP

[Register Today](#)

[Download as iCal file](#)

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### Upcoming Events

Wed May 5, 2021

[National Planning Conference](#)

Category: APA Events

Wed May 12, 2021

[Emerging Planning Professionals Meeting](#)

Category: Emerging Planning Professional

Wed May 19, 2021

[MAP Reads](#)

Category: MAP Events

Thu May 20, 2021

[Spring Institute](#)

Category: MAP Events

Thu May 27, 2021

[Zoning Board of Appeals Workshop](#)

Category: On Site Workshops

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