1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 3-13-2023, ZBA Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. **AB-2023-02, David Lagerquist, 2377 Cedar Key Drive, 09-21-127-012**
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-2
      Article VI, Section 6.04
      1. A 3.5-ft. side yard setback variance from the required 10-ft. for deck stairs to be 6.5-ft. from the
         property line to the south.
      2. A 1% lot coverage variance from the allowed 25% for a total lot coverage of 26%.
   B. **AB-2023-04, Paul Smith, 4212 Mill Lake Road, 09-18-426-005**
      The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned SF
      Article V, Section 5.02 (C)(1)
      1. A 63-ft. property line setback variance from the required 70-ft. for an existing private stable to
         be 7-ft. from the property line to the north.
   C. **AB-2023-05, Southfield Sign & Lighting (for Joyology), 4898 Bald Mountain Rd., 09-35-477-003**
      The petitioner is seeking 1 variance from Sign Ordinance #153
      Section 7 – Permitted Ground and Wall Signs – Zoned IP
      1. A variance for 1 wall sign above the allowed 1 wall sign for a total of 2 wall signs totaling
         133.34-sq. ft. (east elevation).
   D. **AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002**
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned SF
      Article XXVII, Section 27.02 (A)(8)
      1. A 2,185.16-sq. ft. variance above the allowed Maximum Floor Area of Detached Accessory
         Buildings of 1,000-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo, an
         existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.
      2. A 1,685.16-sq. ft. variance above the allowed Total Maximum Floor Area of All Accessory
         Buildings of 1,500-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo, an
         existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.
   E. **AB-2023-07, Stadium Ridge Apartments, 101 Stadium Drive, 09-14-400-025**
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned RM
      Article VII, Section 7.04 (E)(1)(a)
      1. A 12.83-ft. front yard setback variance from the required 100-ft. for Building 13 to be 87.17-ft.
         from Stadium Drive.
      2. A 12.83-ft. front yard setback variance from the required 100-ft. for Building 14 to be 87.17-ft.
         from Stadium Drive.
6. PUBLIC COMMENTS
7. COMMUNICATIONS
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.
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, March 13, 2023, at 7:00 pm at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

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

**ZBA MEMBERS ABSENT:**
None

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

**OTHERS PRESENT:**
Paul Deters

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

2. **ROLL CALL**

3. **MINUTES**

   A. **02-13-23, ZBA Regular Meeting Minutes**

   Board member Walker moved, seconded by Chairman Durham, to approve the 02-13-23 minutes as presented.

   Vote was as follows: Cook, yes; Dunaskiss, yes; Flood, yes; Walker, yes; Durham; yes. Motion passes 5-0.

4. **AGENDA REVIEW AND APPROVAL**

   Trustee Flood moved, seconded by Board member Dunaskiss, to approve the agenda as presented.

   Vote was as follows: Cook, yes; Dunaskiss, yes; Flood, yes; Walker, yes; Durham, yes. Motion passes 5-0.

5. **ZBA BUSINESS**

   A. **AB-2023-03, Metro Detroit Signs for Culver’s, 4979 Grand Ave., 09-32-400-099**

   Chairman Durham read the petitioners request as follows:

   The petitioner is seeking 2 variances from Sign Ordinance 153 Zoned BIZ
Section 7, Permitted Non-Residential Ground & Wall Signs
1. A variance for 3 wall signs above the allowed 1 wall sign for a total of 4 wall signs totaling 134.06-sq. ft.
2. A variance for 1 ground sign above the allowed 1 ground sign for a total of 2 ground signs (a monument sign and a menu board).

And, 2 variances from Zoning Ordinance #78, Article XXXIV, Section 34.03(B)
1. A 30.07-ft. front yard setback variance from the required 40-ft. for a ground sign to be 9.93-ft. from the front property line (south).
2. A 9.49-ft. side yard setback variance from the required 20-ft. for a ground sign to be 10.51-ft. from the side property line (east).

Mr. Paul Deters, Metro Signs, introduced himself and summarized the variances requested for signage.

Chairman Durham commented that the other restaurant businesses that Mr. Deters referenced in his summary are in another jurisdiction.

Mr. Deters responded that he knew that. He and the owner, Mr. Zimmer, discussed this and though it is not a concern, it is a competitive item that Mr. Zimmer must address.

Trustee Flood stated that the practical difficulty is the topographical layout of the property as the petitioner stated in the packet, especially on the west side.

Mr. Deters also pointed out the large trees on the property. There is also an additional restaurant being developed which is closer to the road so Culver’s, the subject site, will be set back further.

Trustee Flood stated that the three additional wall signs do not exceed the allowable 200 square feet area. He can understand why they would want a sign on the other side because the hotel is going there.

Mr. Deters stated that it is a unique property and the approach from Menards has varying viewing angles and the property is somewhat boxed in. It is different than the other location on Lapeer Road.

Trustee Flood stated that the ground sign is being requested because they need an additional menu board. The placement of the monument sign would be in the parking lot if they met ordinance. The Township has had problems all along this area. As an elected official, he has no financial interest in this request. Mr. Zimmer has not contributed one penny to his campaign financing.

Board member Dunaskiss stated that she can understand the menu board request. Culvers does take more time to fill orders and they need the additional space to allow them to bring food out to the customers.

Vice-chairman Cook asked about the hotel that the petitioner referenced.

Mr. Deters replied that there is a proposed development behind the restaurant for three hotels. They will have line of site to the Culver’s restaurant so it will be a customer base. But, they will not enter there, they will enter east or west and identification on the restaurant would help.

Vice-chairman Cook asked about the comparison to the Checkers which is in the same jurisdiction.

Mr. Deters replied that Checkers does not have this type of signage. There are other locations within the Township that do. There are other McDonalds, Taco Bell and Wendy’s that have multiple wall signs in the Township. The Checkers is a lot more open and does not have the close proximities to other developments.
Trustee Flood referred to a Texas Road House that will be built in the area and behind is three hotels. The two properties in front are considered out lots including this subject property. He stated that they are trying to package these properties together and eventually it will be all filled in.

Board member Walker asked if there has been any studies on the sight lines that would exist if given the variances.

Mr. Goodloe replied that they would need to have corner clearance and the variances requested would not encroach into the corner clearance.

Board member Walker asked if there was any room to maneuver on this requested locations and is there a possibility to reduce the requests by some degree.

Mr. Deters replied that it is a possibility. The elevation drawings demonstrate that the signs are still under what would be allowed overall. The three additional wall signs are less than 4 feet by 8 feet so they are fairly small and are an appropriate size. The concern with downsizing is not being able to see them from Brown Road, especially someone trying to see signage from the hotels.

Vice-chairman Cook asked if this is a sign that they will be prepared to put other businesses on.

Mr. Deters replied no. This would be a Culvers sign only. The sign that they are proposing is 8 feet overall and he described it. There is a one-line message center to advertise specials for the day.

Chairman Durham stated that the problem with corporate sign packages is every property is different. The petitioner has said that he feels this is the best for the business.

Mr. Deters commented on the signs that are designed for this site and why they would work for this site. They tried to present something that is in line with the flavor of other signs approved in the Township.

No public comment was heard.

Trustee Flood moved, seconded by Board member Dunaskiss, that in the case of AB-2023-03, Metro Detroit Signs for Culver’s, 4979 Grand Ave., 09-32-400-099 requesting 2 variances from Sign Ordinance 153 Zoned BIZ, Section 7, Permitted Non-Residential Ground & Wall Signs including a variance for 3 wall signs above the allowed 1 wall sign for a total of 4 wall signs totaling 134.06-sq. ft and a variance for 1 ground sign above the allowed 1 ground sign for a total of 2 ground signs (a monument sign and a menu board) AND 2 variances from Zoning Ordinance #78, Article XXXIV, Section 34.03(B) for a 30.07-ft. front yard setback variance from the required 40-ft. for a ground sign to be 9.93-ft. from the front property line (south) and a 9.49-ft. side yard setback variance from the required 20-ft. for a ground sign to be 10.51-ft. from the side property line (east) be granted because the petitioner did demonstrate that the following standards for variances have been met in this case and that they set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty: one of the major things is the characteristics of the property in that location.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: because of the way the site plan was approved, the one monument sign would be in the parking lot if the variance is not received. Also, according to the Building Official, it will not have an impact on the line of sight to either ingress or egress to the property on Brown Road.

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following facts: the petitioner did compare this site to other signs that are not in Orion Township, but the same issue has existed along Brown Road with other businesses that have been developed.
4. The granting of the variance or modification will not be materially detrimental to public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the fact that the reason the petitioner is asking for three wall signs is he wants to be able put them on each compass of the building so that they will be seen from all directions of Brown Road and especially when the three developments for hotels are built in the back, they can see them from that location.

5. Granting the variances would not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets in fact the signage will help decrease [congestion] related to the public trying to find the location. There is also not going to be an increase of fire, or endanger public safety, and there is a letter in the ZBA packet from the Fire Marshall saying that he has no concerns with these variances. The granted variances will not reasonably diminish or impair established property values within the surrounding area, in fact the building of these new establishments will increase property values. Or in any other aspect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

The application and plans are date stamped February 9, 2023.

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

6. PUBLIC COMMENTS

7. COMMUNICATIONS
Chairman Durham asked if the next meeting was cancelled, March 27, 2023.

Trustee Flood moved, seconded by Vice-chairman Cook to cancel the March 27, 2023 Zoning Board of Appeals meeting due to a lack of agenda items.

Vote was as follows: Cook, yes; Dunaskiss, yes; Flood, yes; Walker, yes; Durham; yes. Motion passes 5-0.

A. Joint Meeting
Chairman Durham asked that Board members forward ideas for agenda items to Lynn at the Township.

8. COMMITTEE REPORTS

9. MEMBER COMMENTS
Trustee Flood commented on the updated computer training offered.

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Chairman Durham, to adjourn the meeting at 7:34 pm.

Vote was as follows: Cook, yes; Dunaskiss, yes; Flood, yes; Walker, yes; Durham; yes. Motion passes 5-0.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: March 27, 2023
RE: Case location for ZBA Meeting 04/10/2023

Below are the locations of the ZBA case for the April 10, 2023, meeting.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: March 21, 2023
SUBJECT: Staff Report for AB-2023-02, David Lagerquist, 2377 Cedar Key Drive

The applicant is updating the deck on the back of the house and moving the stairs to the side of the deck - towards the southern property line. The new stairs will be 6.5-ft. from that property line, a variance of 3.5-ft.

As the proposed stairs will be placed off the side of the deck, it adds additional square footage towards total lot coverage for a total lot coverage of 26%.

If a motion is to approve, please add to the motion that approval is for plans date stamped February 1, 2023.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: March 27, 2023

RE: AB-2023-02, David Lagerquist, 2377 Cedar Key Drive, 09-21-127-012

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.

The variance language listed was verified by the petitioner/applicant and 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 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-2023-02, David Lagerquist, 2377 Cedar Key Drive, 09-21-127-012, I would move that the petitioner’s request for:
2 variances from Zoning Ordinance #78 – Zoned R-2, Article VI, Section 6.04

1. A 3.5-ft. side yard setback variance from the required 10-ft. for deck stairs to be 6.5-ft. from the property line to the south.

2. A 1% lot coverage variance from the allowed 25% for a total lot coverage of 26%.

be granted for plans date stamped February 1, 2023 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:

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-02, David Lagerquist, 2377 Cedar Key Drive, 09-21-127-012, I would move that the petitioner’s request for:
2 variances from Zoning Ordinance #78 – Zoned R-2 Article VI, Section 6.04

1. A 3.5-ft. side yard setback variance from the required 10-ft. for deck stairs to be 6.5-ft. from the property line to the south.

2. A 1% lot coverage variance from the allowed 25% for a total lot coverage of 26%.

be denied for plans date stamped February 1, 2023 because the petitioner did not 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:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
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 $250.00 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, 2323 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: David Lagerquist & Kimberly Kersten
Address: 2377 Cedar Key Drive City/State/Zip: Lake Orion, MI 48360
Phone: (248) 672-0887 Cell: (248) 672-0887 Fax:
Email: dlagerquistcomcast.net

PROPERTY OWNER(S)
Name(s): David Lagerquist & Kimberly Kersten
Address: 2377 Cedar Key Drive City/State/Zip: Lake Orion, MI 48360
Phone: (248) 672-0887 Cell: (248) 672-0887 Fax:
Email: dlagerquistcomcast.net

CONTACT PERSON FOR THIS REQUEST
Name: David Lagerquist Phone: (248) 672-0887 Email: dlagerquistcomcast.net

SUBJECT PROPERTY
Address: 2377 Cedar Key Drive, Lake Orion, MI 48360 Sidewell Number: 09-21-127-017
Total Acreage: 0.317
Length of Ownership by Current Property Owner: 19 Years, 3 Months

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

Zoning Ordinance Allowance/Requirement

1) 10 ft. side yard setback from property line
2) 25% of total lot coverage

Deviation requested
1) A 3.5 ft. side yard setback variance from the required 10 ft. for deck
2) A 2% lot coverage variance from the allowed 2.5% for a total lot coverage of 2.6%
Case #: ____________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Please 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. ____________________________________________________________

______________________________________________________________________________

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: ____________________________________________________________

______________________________________________________________________________

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

______________________________________________________________________________

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

______________________________________________________________________________

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

______________________________________________________________________________

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. ____________________________________________________________

______________________________________________________________________________
Case #: __________

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

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: [Signature] Date: 1/31/23

Print Name: David Lagerquist

Signature of Property Owner: [Signature] 1/31/23

Print Name: David Lagerquist, Kimberly S. Kersten

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: ________________
1) **AB-2023-David Lagerquist, 2377 Cedar Key Drive, 09-21-127-012**

The petitioner is seeking 2 variances from Zoning Ordinance 78, Article VI, Section 6.04, Zoned R-2

1. A 3.5-ft. side yard setback variance from the required 10-ft. for deck stairs to be 6.5-ft. from the property line to the south.
2. A 1% lot coverage variance from the allowed 25% for a total lot coverage of 26%.

We are in the process of updating an old original back yard 2nd story deck. The deck size will basically remain the same, yet the front will be squared, and steps moved to the side to make it safer and more functional. Per Lynn Harrison’s suggestion, we have added this deck into the home coverage/lot size coverage calculation even though it is elevated 10 feet above the ground due to the grade of the property. This places our home slightly above the 25% (1% over or 26%) home coverage per lot size limit. To square off the front of the deck, we are proposing to move the staircase out to the side of the deck which would infringe upon the 10 ft set back limit from the property line. The staircase would infringe 3.5-ft. or end 6.5-ft. from the property line to the south. The staircase would descend from the second story deck to an elevated landing and then a second set of short steps from the landing would continue to descend at a 90 degree angle towards the back patio. The neighbors on either side of us agree with the deck plans and variance (please see attached letters). The homeowner’s association board has approved the plans as well (please see attached letter).

2) We are proposing to place steps on the property line side of the deck down to the ground. These steps would infringe 3.5 ft upon the 10 ft set back from the property line. It is not possible to put steps on the house (opposite) side of the deck. If we were to do so, the steps would:
   a. Be less safe than the new design (two levels of stairs with a landing in between with the new design vs one long line of stairs down to the stone patio)
   b. Block large limestone steps used for our lake access
   c. Would take a 1/3 of our back stone patio space causing major disruption of its use
   d. Would look unnatural in their positioning on the home from the lake
   e. Would not fit properly due to the space available.

3) The new stairs would be safer than the steps already in place:
   a. The original steps are old, starting to separate from the deck and in the early stages of becoming a hazard.
   b. Since we are proposing two levels of steps with a landing in between, it would also allow for fewer steps on each level in case of a fall.
      i. The original set is one long straight set of stairs
   c. The new decking and steps will enhance the look of the house, while causing no disruption or change of view to the neighbors based upon the positioning of their back upper deck steps relative to the proposed new steps we would like to construct.

4) This project is consistent with other homes on the lake:
   a. All properties in the area with a second story deck have staircases coming down from the deck to the ground
   b. Most staircases come down from the side of the deck and have two levels of stairs connected by a landing
   c. The only way this modification is not consistent with other properties is based upon the 2nd story, 3.5’ infringement upon the property line setback due to the steps coming down from the deck before they turn at a 90 degree angle under the deck
   d. Due to the reasons listed above in #2, we can not place stairs on the house side of the deck
5] The issue we have is based upon the original design/construction of the approximately 40-year-old home and steep property grade that is present on the back/deck side of the home down to the lake.

6] If we placed stairs on the home side vs the property line side of the deck, the stairs would:
   a. Would be less safe than the new design (two levels of stairs with a landing in between with the new design vs one long line of stairs down to the stone patio)
   b. Would not fit properly due to the space available.
   c. Take up 1/3 of a brick patio on the lake side causing a major disruption to the use of the patio
d. Block a set of limestone steps which provides our access down to the lake
e. Disrupt the symmetry of the house from the lake side view
f. Create a major detriment to the view of the lake from the inside of the home.

7] We would like to have steps from our new and improved deck to the lower ground level patio. We have tried to think of every option and feel that a set of stairs on the property line side of the house is the best option:
   a. To place steps on the home side of the deck (vs. the property line side) would:
      i. Be less safe than the new design (two levels of stairs with a landing in between with the new design vs one long line of stairs down to the brick patio)
      ii. Block large limestone steps used for our lake access
      iii. Would take 1/3 of our back stone patio space causing major disruption of its use
      iv. Would not fit properly due to the space available.
      v. Would look unnatural in their positioning on the home from the lake view
   b. The new deck design would:
      i. Be safer than the existing old stairs (one long line of stairs with the old version vs two with a landing in between with the new version)
      ii. Be consistent with other homes on the lake and the existing property
      iii. Integrate well with the original design of the house and the existing property
      iv. Maintain the view of the lake from within our home
      v. The homeowner’s association agrees with the design and has approved the plans (please see attached letter)
      vi. The new steps would not obstruct the view of the adjacent neighbors on either side of our home and both approve of the plans (please see attached letters)
Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)

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

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(in feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard**</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Each Side Yard***</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/Unit</td>
<td>1,320 sq. ft.</td>
<td>1,080 sq. ft.</td>
<td>960 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td></td>
<td></td>
<td>25%</td>
</tr>
<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

*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.
AB-2023-02, David Lagerquist, 2377 Cedar Key
09-21-127-01Z .317 acres 13,808.52
Zoned R-2 251 = 3,452.13

House 2477
Porch 127
Porch 63
Deck 116
Attached garage 762
Proposed Deck Stairs 12.25 (42" x 42")

3,577.25
Lot Coverage
.2690 19% variance

New deck stairs will be 6.5 ft from
the side property line to the south
Requirement is 10 ft
A variance of 3.5 ft.
The fire department has reviewed the proposed documents and has no concerns at this time.

Jeffrey Williams, CFPS - Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Debra Walton <dwalton@oriontownship.org>
Sent: Wednesday, February 15, 2023 9:22 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the March 13, 2023 ZBA Meeting

Attached are two ZBA cases that need to be reviewed by you for the March 13, 2023, ZBA meeting.

Thanks,

Debra Walton
Clerk
Planning & Zoning
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002
W: www.oriontownship.org
Debra Walton

From: Debra Walton
Sent: Wednesday, February 15, 2023 9:21 AM
To: Jeff Williams
Subject: ZBA Documents for the March 13, 2023 ZBA Meeting
Attachments: AB-2023-03, Metro Detroit Signs (for Culvers).pdf; AB-2023-02, David Lagerquist & Kimberly kersten.pdf

Attached are two ZBA cases that need to be reviewed by you for the March 13, 2023, ZBA meeting.

Thanks,

Debra Walton
Clerk
Planning & Zoning
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002
W: www.oriontownship.org
March 1, 2023

To Whom it May Concern,

Larry and Marilyn Haskins at 2375 Cedar Key, Lake Orion, MI. have reviewed the deck plans for 2377 Cedar Key and discussed the variance requested by Dave and Kim Ragerquist. We are in agreement with the variance needed to complete the project. Questions - call us at 586-797-4100.

Marilyn Haskins

Sincerely,
March 1, 2023

Marvin M. McNeil, Director

To whom it may concern,

Ann and Mark Grothooks, at 3375 Tecla Road, Lake County, MI, have discovered a variance needed to complete their roadway and drainage to comply with the county codes and the variance request.

The variance is needed to complete the roadway at 3375 Tecla Road, Lake County, MI.

Yours sincerely,

Marvin M. McNeil, Director

March 1, 2023

Ouien Township
Planning & Zoning
Hi David,

As the Architectural Representative to the Scripps on the Lake HOA, I have reviewed your proposed deck improvement plans, and the drawings as submitted meet the approval of Board.

Regards,

Lyle Bakker

Sent from my iPad

Begin forwarded message:

From: David Lagerquist <dlager@comcast.net>
Date: January 23, 2023 at 2:53:03 PM EST
To: labakker@comcast.net
Subject: 2377 Cedar Key Drive-Lagerquist deck improvement

Hi Lyle,

I was nice to talk with you today. Attached, please find the information regarding our deck improvement plans.

We are in the process of updating an old original back yard 2nd story deck. The deck size will basically remain the same, yet the front will be squared, and steps moved to the side to make it safer and more functional. The staircase would descend from the second story deck where it would then end in an elevated landing (3.5' X 3.5'). A set of short steps from the landing would then turn under the deck down towards the back patio. If this looks OK to you, could you please write a brief note saying that you (and the association) approves the plan?

Thank you so much for your assistance!

David Lagerquist
(248) 672-0887

scan0029.pdf
To whom it may concern:

I, Robert Mazzola, understand there is a variance needed in order to remodel a deck at 2377 Cedar Key Drive, Lake Orion. My wife Natalie and I agree to this variance which is required by the township. If you have any further questions and/or requirements, please contact me at 248-568-6084.

Rob Mazzola
I do not support the approval of this request. As a lakefront owner, two many homes are being approved to exceed the original planned 25% lot coverage and, hence, resulting in homes being overbuilt for the lot sizes and crowding the lake front. I do not understand why we originally had large, suburban, 2 1/4 acre lots that are now being downsized and replaced with PUDs. We are approving crowded living conditions like in a city, not a suburb. Lake Voorheis is not Pine Lake or Orchard Lake or other lakes in Oakland county that have extra large lots and can support large additions.

Please do not approve.

Thank you.

Barbara A. Schalk
2590 Browning Dr
Lake Orion, MI 48360-1814
MEMORANDUM

TO: ZBA Board Members

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: April 4, 2023

SUBJECT: AB-2023-02, David Lagerquist, 2377 Cedar Key Drive Additional Information

The applicant was asked to provide photos from the lakeside of the house showing the deck, the present stairs, and the limestone steps to the lake – attached are those pictures.

Also, an aerial view of the lake is provided showing the locations of the neighbors who submitted correspondence related to the case.

Please let me know if you have any questions.
Pictures from Lake to House
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: March 21, 2023
SUBJECT: Staff Report for AB-2023-04, Paul Smith, 4212 Mill Lake Road

The applicant is asking for a setback variance from the north property line for an existing private stable to remain 63-ft. from the property line. The property is zoned SF (Suburban Farms).

Per Zoning Ordinance #78, Article V, Section 5.02 (C)(1), a private stable shall not be closer to any property line than 70-ft.

If a motion is to approve, please add to the motion that approval is for plans date stamped March 8, 2023.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: March 27, 2023
RE: AB-2023-04, Paul Smith, 4212 Mill Lake Road, 09-18-426-005

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.

The variance language listed was verified by the petitioner/applicant and 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 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-2023-04, Paul Smith, 4212 Mill Lake Road, 09-18-426-005, I would move that for the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned SF Article V, Section 5.02 (C)(1)

1. A 63-ft. property line setback variance from the required 70-ft. for an existing private stable to be 7-ft. from the property line to the north.

be granted for plans date stamped March 8, 2023 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:

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

   __________________________________________
   __________________________________________
   __________________________________________

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

   __________________________________________
   __________________________________________
   __________________________________________

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

   __________________________________________
   __________________________________________
   __________________________________________

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

   __________________________________________
   __________________________________________
   __________________________________________
Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR
DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-04, Paul Smith, 4212 Mill Lake Road, 09-18-426-005, I
would move that the petitioner’s request for:
1 variance from Zoning Ordinance #78 – Zoned SF Article V, Section 5.02 (C)(1)

1. A 63-ft. property line setback variance from the required 70-ft. for an existing private stable to be
7-ft. from the property line to the north.

be denied for plans date stamped March 8, 2023 because the petitioner did not 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:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics
of the property and not related to general conditions in the area of the property):

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the
property involved that do not apply generally to other properties in the same district or zone:

3. The variance is not necessary for the preservation and enjoyment of a substantial property right
possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will be materially detrimental to the public welfare
or materially injurious to the property or to improvements in such zone or district in which the
property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:

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

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

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

5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Single Family Residential

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $250.00 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, 2323 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: Paul Smith
Address: 4212 Mill Lake Road          City/State/Zip: Lake Orion, MI 48360
Phone: 614-378-9642         Cell:         Fax: 
Email: paul.smith1989@yahoo.com

PROPERTY OWNER(S)
Name(s): Paul and Mallory Smith
Address: 4212 Mill Lake Road          City/State/Zip: Lake Orion, MI 48360
Phone: 614-378-9642         Cell:         Fax: 
Email: paul.smith1989@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: John Little          Phone: 248-963-1228          Email: john@littleboylan.com

SUBJECT PROPERTY
Address: 4212 Mill Lake Road
Sidewell Number: 09-18-426-005
Total Acreage: 5.01
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: 70 ft
Deviation requested: 63 ft
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request: 
A dimensional side yard setback variance from 70 feet to 7 feet to allow an existing private stable to remain.

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 private stable was existing when we purchased the property and have used it for our animals since that time. The stable has a cement floor and cannot be moved. The stable is adjacent to county land and the requested variance does not affect any neighbor as the variance keeps the stable further away from any neighbor.

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 other properties or improvements in the Township: There are no neighbors near the existing stable. The stable is adjacent to county land and the requested variance does not adversely affect any neighbor as the variance keeps the stable further away from any neighbor’s property and will not be materially detrimental to public health, safety or welfare of the surrounding area.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: 
The request is consistent with other properties in the immediate areas, including 2191 Pondview and 3800 Waldon, which received variances for pole barns.

5. Describe how the alleged practical difficulty has not been self-created. 
The stable was existing when we purchased the property. The floor is concrete so moving the entire structure is impossible.

6. The topography of said land makes the setbacks impossible to meet because: 
The stable was existing.

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 stable existed at the time we purchased the property. Without the stable, we would be unable to use the property as a suburban farm without razing the existing stable and building a new stable.
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) ___________________________ Date: 3/3/23
Print Name: Paul Smith

Signature of Property Owner:
(must be original ink signature) ___________________________ Date: 3/3/23
Print Name: Paul Smith

If applicable:
I, the property owner, hereby give permission to John Little ___________________________ 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: _______________
4212 Mill Lake

Disclaimer: The information provided herewith has been compiled from recorded deeds, plans, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be relied upon as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.
Private stables shall not be closer to any property line than seventy (70) feet; provided further, that the tethering and pasturing of animals shall be confined and fenced entirely in the rear yard area and shall in no instance be closer than seventy (70) feet to any dwelling unit.

2. All manure shall be stored at least seventy (70) feet from any property line and removed from the premises once per week.

3. Animals shall be provided with a covered and enclosed shelter of adequate size to accommodate all animals kept on the premises and subject to setbacks.

D. Due to the inherent presence of single-family homes within the District, and in the interest of reducing any potential nuisance to neighboring property owners, places of worship within the District shall be subject to the following (amended 08.16.21):

1. Minimum site size of two (2) acres and a maximum of five (5) acres for a place of worship site; a minimum of five (5) acres if proposed use includes a place of worship school.

2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.

3. No building shall be closer than forty (40) feet to any property line.

4. Off-street parking shall be provided on the site in a ratio of one space for every three (3) persons as designated in the maximum occupancy load of the building. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future expected traffic.

E. Subject to the following:

1. The minimum site area shall be not less than twenty-five (25) acres and shall not be located within two hundred (200) feet of a residential dwelling unit.

2. All sides of the cemetery shall be adequately screened from any residential zoning district or use by an earth berm at least six (6) feet in height or by a masonry wall at least six (6) feet in height.

3. Approval by the Planning Commission shall not be given until a satisfactory drainage plan has been approved by the Township Engineer.

4. Minimum side, front, and rear yard setback on all improvements shall be at least fifty (50) feet.

F. When the following conditions are met:

1. The site shall be developed to create a lot area-to-bed space ratio of at least fifteen hundred (1,500) square feet of parcel area per each one (1) bed in the convalescent home. This minimum fifteen hundred (1,500) square foot per bed requirement is over and above the principal building coverage area. However, this requirement space may contain service drives, off-street parking, loading area, yard requirements, landscaping and/or accessory uses.

2. No building shall be closer than forty (40) feet to any property line.

3. A site of at least five (5) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.
Courtney Keisman

From: Jeff Williams
Sent: Tuesday, March 14, 2023 8:28 AM
To: Courtney Keisman
Subject: RE: ZBA Documents for the April 10, 2023 ZBA Meeting

The fire department has reviewed and has no concerns at this time, thank you

Jeffrey Williams, CFPS - Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, March 13, 2023 10:36 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the April 10, 2023 ZBA Meeting

Mr. Williams.

Hello Jeff. Attached is a ZBA case that needs to be reviewed by you for the April 10, 2023 ZBA Meeting.

Thank you,

Courtney Keisman
Clerk III
Planning & Zoning
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5003
W: www.oriontownship.org
MEMORANDUM

TO: ZBA Board Members

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: April 4, 2023

SUBJECT: AB-2023-04, Paul Smith, 4212 Mill Lake Road Additional Information

It was asked who Mr. John Little is as he was listed as a Contact on the applicant’s application - Mr. Little is an Attorney.

Please let me know if you have any questions.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: March 21, 2023
SUBJECT: Staff Report for AB-2023-05, Southfield Sign (for Joyology)

The applicant is seeking a 2\textsuperscript{nd} wall sign for the building located at 4898 Bald Mountain Road, zoned IP (Industrial Park). Only 1 wall sign is allowed, per Sign Ordinance #153, which was approved for the north elevation. The variance would be for an additional sign to be on the east elevation.

The 2 signs together equal 133.34-sq. ft. – below the maximum square footage of 200-sq. ft.

\textbf{If a motion is to approve, please add to the motion that approval is for plans date stamped March 9, 2023.}

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: March 27, 2023

RE: AB-2023-05, Southfield Sign & Lighting (for Joyology), 4898 Bald Mountain Rd., 09-35-477-003

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.

The variance language listed was verified by the petitioner/applicant and 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 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-2023-05, Southfield Sign & Lighting (for Jovology), 4898 Bald Mountain Rd., 09-35-477-003, I would move that the petitioner’s request for:
1 variance from Sign Ordinance #153 Section 7 – Permitted Ground and Wall Signs – Zoned IP

1. A variance for 1 wall sign above the allowed 1 wall sign for a total of 2 wall signs totaling 133.34-sq. ft. (east elevation).

be granted for plans date stamped March 9, 2023 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:

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR
DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-05, Southfield Sign & Lighting (for Joyology), 4898 Bald Mountain Rd., 09-35-477-003, I would move that the petitioner’s request for:
1 variance from Sign Ordinance #153 Section 7 – Permitted Ground and Wall Signs – Zoned IP

1. A variance for 1 wall sign above the allowed 1 wall sign for a total of 2 wall signs totaling 133.34-sq. ft. (east elevation).

be denied for plans date stamped March 9, 2023 because the petitioner did not 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:

1. The petitioner does not show Practical Difficulty due to *(Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property)*:

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:
   
2. Unreasonably increase the congestion in public streets due to:
   
3. Increase the danger of fire or endanger the public safety due to:
   
4. Unreasonably diminish or impair established property values within the surrounding area due to:
   
5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Zoning Board of Appeals

Application for Appeal - 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, 2323 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: Southfield Sign Lighting William Topping
City/State/Zip: SE10 MP 48075
Phone: 248-450-3149 Cell: 248-688-5000 Fax:
Email: wtopping@gmail.com

PROPERTY OWNER(S)
Name(s): PREMIER DRIVE LLC
City/State/Zip: Dearborn Hills, MI 48126
Phone: (734) 730-2820 Cell: (248) 736-3908 Fax:
Email: james@sfblaw.com & cyskowma@mycapital.com

CONTACT PERSON FOR THIS REQUEST
Name: Southfield Sign Lighting William Topping
Phone: 248-688-5000 Email: wtopping@gmail.com

SUBJECT PROPERTY
Address: 4898 Bald Mountain Rd
Sidwell Number(s): 09-35-477-003
Total Acreage: Length of Ownership by Current Property Owner: Years, Months

Does the owner have control over any properties adjoining this site?

Ordinance Allowance/Requirement
Deviations requested
List additional ordinance requirements and deviations on a separate page
Case #: __________________

COMMERCIAL VARIANCE

1. Describe the nature of the request: ____________________________________________
   ADDING A SECOND WALL SIGN FACING THE DUTTON SIDE
   EAST SIDE OF BUILDING

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. ____________________________________________
   COMMERCIAL BUILDING THAT NEEDS EXPOSURE FOR BUSINESS
   WAS APPROVED FOR ONLY ONE SIGN AND THE WAY THE BUILDING SITS.

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: NOT APPLICABLE

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible: ____________________________________________
   THE WAY THIS COMMERCIAL PROPERTY SITS ON THE CORNER OF DUTTON AND
   BALD MOUNTAIN AND FREE STANDING. THE PROPERTY WILL NEED BUSINESS EXPOSURE
   GOING NORTH ON DUTTON

5. Describe how the alleged practical difficulty has not been self-created. THIS BUSINESS CAN ONLY BE IN CERTAIN
   DISTRICTS. NEEDS HELP WITH EXPOSURE GOING NORTH ON DUTTON

6. The topography of said land makes the setbacks impossible to meet because: NOT APPLICABLE

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. ____________________________________________
   DRIVING NORTH ON DUTTON HAS NO VIEW FOR BUSINESS
   LOCATION.
Case #: ____________________

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

Print Name: ____________________

Date: ____________________

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)

Print Name: ____________________

Date: ____________________

OFFICE USE ONLY

Zoning Classification of property: ____________________
Adjacent Zoning: N. S. E. W.

Total Square Footage of Principal Structure: ____________________

Total Description of variance(s): BUSINESS WOULD LIKE TO ADD A SECOND (2ND) SIGN.

CITY ONLY APPROVED ONE (1) SIGN

CLIENT NEEDS 2ND SIGN ON EAST SIDE OF BUILDING FACING DUTTON TO HELP WITH EXPOSURE. CUSTOMERS DRIVING NORTH ON DUTTON NOW HAVE NO VIEW OF ANY BUSINESS

Date Filed: ____________________ Fee Paid: ________ Receipt Number: ________
8. Have there been any previous appeals involving this property? If so, when? ____________

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: ________________ Date: 2-25-23

Print Name: ____________________________

Property Owner:
If applicable: I the property owner, hereby give permission to ________________ to represent me at the meeting.

Signature of Property Owner: ________________ Date: 2-26-23

Print Name: ____________________________

OFFICE USE ONLY

Zoning Classification of property: ____________ Adjacent Zoning: N. S. E. W. ____________

Total Square Footage of Principal Structure: ____________ Total ____________

Description of variance(s):
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Date Filed: ____________ Fee Paid: ____________ Receipt Number: ____________
Non-Residential Zoned Areas
Wall Signs

These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance.

EMC signs are not permitted in wall signs.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>BIZ Use Groups A (Non-Residential), B, C &amp; D</th>
<th>SP-1/SP-2</th>
<th>REC-1/REC-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signs</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 wall sign per establishment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10% of the façade area on which the sign is to be placed, or 200 sq. ft. per establishment whichever is less.</td>
<td>40 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Footnotes</td>
<td>4,8</td>
<td>4,8</td>
<td>4,8</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4,8</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

* Note Wall signs are not permitted in RFY

4 Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:
   a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
   b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
   c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of “Sign Area” in Section 3.

5 Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.
SIGN PERMIT PACKET FOR...

joyology

4898 Bald Mountain Rd,
Lake Orion twp, MI 48326
**CHANNEL LETTER**

**KEY NOTES**

**FACE**
3/16 thick 7328 WHITE Acrylic with printed gradients

**TRIMCAP**
1” BLACK Jewelite

**RETURNS**
.040 aluminum 3” deep pre finish BLACK

**BACK**
.063 Aluminum Composite Panel

**OUTLINE**
NONE

**LED**
SIMPLE LED White LED .72 W 120 Volt UL

**RACEWAY**
7” Height X 4”Depth White Aluminum raceway
.063 Aluminum Composite Panel

---

**FRONT VIEW OF CHANNEL LETTER**

LED module low voltage connection and setup

- 18” Aluminum Can
- Transformer
- Low Voltage LED Junction Box
- Drain Holes

---

**KEY NOTES**

**WALL TYPE**
Aluminum Siding

**FASTENERS**
3/8 BOLT WITH BUTTERFLY EVERY 36 INCHES

**DISCONNECT LOCATION**
LEFT SIDE OF RACE WAY

**UL TAG LOCATION**
ATTACHED TO FIRST LETTER ON LEFT

---

**BUILDING FRONTAGE**

- 2” Angle Bracket
- Bolt With Anchor
- 20 AMP Disconnect
- LED Power Supply

---

**TOTAL WALL SIGN SQ FT**
66.67

---

**JOB TITLE**

**ADDRESS**

joyology
4898 Bald Mountain Rd,
Lake Orion twp, MI 48326

**SHEET TITLE**

SIGN FABRICATION DETAILS
CL2- EAST ELEVATION

**PREPARED BY**

SOUTHFIELD SIGNS & LIGHTING
18940 W 8 Mile Rd.
Southfield, MI 48075 US
southfieldsigns@gmail.com
248-716-0807

---

**STATE OF MICHIGAN**

**LICENSED ARCHITECT**

John T. Holowicki
ARCHITECT
No 1301034177
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: March 27, 2023

SUBJECT: Staff Report for AB-2023-06, Wioletta Bilan, 2209 Indianwood

The applicant is seeking variances for existing detached accessory structures that exceed the Maximum Floor Area of Detached Accessory Structures and Maximum Floor Area of All Accessory Structures. As a side note, there are no attached accessory structures.

Lot coverage is not exceeded and setbacks are met (the house is closer to the front lot line however the house was built sometime prior to 1963).

I could not find record of any variances for the existing detached structures to exceed what is allowed.

If a motion is to approve, please add to the motion that approval is for plans date stamped March 10, 2023 and supplemental email dated 3/15/2023.

Please contact me if you have any questions.
TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: March 27, 2023

RE: AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002

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.

The variance language listed was verified by the petitioner/applicant and 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 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-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002**, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned SF Article XXVII, Section 27.02 (A)(8)

1. A 2,185.16-sq. ft. variance above the allowed Maximum Floor Area of Detached Accessory Buildings of 1,000-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo, an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.

2. A 1,685.16-sq. ft. variance above the allowed Total Maximum Floor Area of All Accessory Buildings of 1,500-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo, an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.

be granted for plans date stamped March 10, 2023 and supplemental email dated 3/15/2023 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:

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)*:

   1. 
   2. 
   3. 
   4. 

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:

   1. 
   2. 
   3. 
   4. 

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:

   1. 
   2. 
   3. 
   4. 

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002,
I would move that the petitioner’s request for:
2 variances from Zoning Ordinance #78 – Zoned SF Article XXVII, Section 27.02 (A)(8)

1. A 2,185.16-sq. ft. variance above the allowed Maximum Floor Area of Detached Accessory
Buildings of 1,000-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo,
an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.

2. A 1,685.16-sq. ft. variance above the allowed Total Maximum Floor Area of All Accessory
Buildings of 1,500-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo,
an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.

be denied for plans date stamped March 10, 2023 and supplemental email dated 3/15/2023 because
the petitioner did not 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:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics
of the property and not related to general conditions in the area of the property):

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the
property involved that do not apply generally to other properties in the same district or zone:

3. The variance is not necessary for the preservation and enjoyment of a substantial property right
possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will be materially detrimental to the public welfare
or materially injurious to the property or to improvements in such zone or district in which the
property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
Charter Township of Orion Zoning Board of Appeals

Application for Appeal - Single Family Residential

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $250.00 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, 2233 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: Wioletta Bilan

Address: 2209 Indianwood Rd

City/State/Zip: Lake Orion, MI, 48362

Phone: 248-495-8508

Cell: 248-495-8508

Fax: ________________

Email: wbilan70@gmail.com

PROPERTY OWNER(S)

Name(s): Wioletta Bilan

Address: 2209 Indianwood Rd

City/State/Zip: Lake Orion, MI, 48362

Phone: 248-495-8508

Cell: 248-495-8508

Fax: ________________

Email: wbilan70@gmail.com

CONTACT PERSON FOR THIS REQUEST

Name: Wioletta Bilan

Phone: 248-495-8508

Email: wbilan70@gmail.com

SUBJECT PROPERTY

Address: 2209 Indianwood Rd, Lake Orion, MI 48362

Sidewell Number: 09-04-300-002

Total Acreage: 1.61

Length of Ownership by Current Property Owner: 24 Years, 3 Months

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

Zoning Ordinance

Allowance/Requirement

Deviation requested

Page 2 of 4
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. See attachments

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 attachment

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 attachment

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

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

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

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 attachment
Case #: __________________

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

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: W. Bilan

Date: 3-10-2023

Print Name: Mioletta Bilan

Signature of Property Owner: W. Bilan

Date: 3-10-2023

Print Name: Mioletta Bilan

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: ________________________
AB-2023-06, Wioletta Bilan, 2209 Indianwood,
09-04-300-002  1.61 acres  70,131.60
20'  =  14,026.32  Zoned SVF

Front setback  40' House is at 24' from row and was built
prior to 1963  OK
Side yard setbacks 20' each Barn is at 23.4' House at 48.7
Carport at 21' Log Cabin at 46'  OK

Rearyard setback  40'
Accessory Bldgs at 10' Barn is at 26.1' Log Cabin 30'
OK

Lot coverage
House  936
Porch  184
Deck  437
* Gazebo  448  per assessing
* Shed (Chicken coop) 365.40
* Shed A  187.86
* Shed (Log cabin) 266.04
* Shed C  97.61
* Carport  763.25
* Barn  1,057  (main floor + loft)  4,742.16
      4,742.16  lot coverage  OK

House Height 13.5' Carport height  10.75'  OK

Max. floor area of detached Accessory Structures 1,000
* Existing = 3,185.16  variance 2,185.16

Max. floor area of all accessory structures  1,500
* Existing = 3,185.16  variance 1,685.16
1. Describe in detail the nature of the request.
I want to obtain a variance for the increase of the accessory structures from 1,000 sq ft to 2,430 sq ft. It is important to note that from the time we took ownership of the property more than 24 years ago, we increased the sq. footage of the accessory structure by 512 from 1,918 to what is now 2,430.

Background and Details
In December 1998, I purchased the property with approximately 1,918 square feet of detached accessory buildings. Over the years, my husband and I made many improvements to the property, which resulted in additional 512 square feet of accessory structures. Today, accessory buildings add up to an estimated 2,430 square feet, 1,430 sq. ft over the 1,000 sq. ft.

Below I explain the history and how I calculated the additional 512 sq. ft.

<table>
<thead>
<tr>
<th>List of structures present on the property at the time</th>
<th>List of structures present on the property as of</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Structure</strong></td>
<td><strong>Width (FT)</strong></td>
</tr>
<tr>
<td>Barn</td>
<td>20</td>
</tr>
<tr>
<td>Garage</td>
<td>30</td>
</tr>
<tr>
<td>Shed A</td>
<td>12</td>
</tr>
<tr>
<td>Chicken Coop</td>
<td>15</td>
</tr>
<tr>
<td><strong>Grand total of accessory building</strong></td>
<td><strong>1,918</strong></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td><strong>512</strong></td>
</tr>
</tbody>
</table>

Barn
At first, after we purchased the property, we used the barn for storing equipment. But since around 2001, each year, the wetness in the barn became more pronounced. The dampness had significantly exasperated when the developer raised ground elevations on adjacent properties, and rainwater started draining toward the barn. As a result, we no longer use the barn for storage, as any object placed inside the barn rusts and becomes wet.
Our neighbors have partially corrected some of the drainage issues, but we continue to experience increased wetness inside the barn.
The community will appreciate us preserving the barn for as long as possible. In fact, we know that at least 2 of our neighbors bought their house because they liked the view of our barn. We believe the barn was constructed in 1920, making it over 100 years old.

Shed A
Shed A is estimated to be over 100 years old as well. The building is leaning, and the inside floors are missing. It was only partially usable. We kept it mainly because it is a historical building.

Chicken Coop
Chicken Coop is estimated to be slightly younger because it holds on better and has a concrete floor. We used this structure to raise the chicken and store small items. We do not have chickens but plan
to have them in the future. The chicken coop is full of log siding, which we plan to use as a siding on our house.

It is essential to mention that this structure stores only items that can be carried two steps up and through the door.

Garage
The 3-car garage collapsed in March 1999 due to record snowfall. Shortly after that, my husband was diagnosed with brain cancer, and we could not reconstruct the collapsed garage. During the next ten years, we struggled a lot due to my husband’s illness and losing my job due to the economic effect of the September 11 and the 2006 financial crises. Nevertheless, we continued to make improvements to the property. When our nine-year-old son saw the property for the first time, he thought we had purchased a haunted place. We believe this property was used as a maintenance yard by the golf course because we had to remove a lot of commercial junk from the yard and barn.

Log Cabin
In 2010 we purchased a tiny log cabin from the Amish people. The same Amish People moved that cabin onto our property. The cabin has no plumbing and is not livable. The cabin allows our family and friends to stay overnight. The livable space of our house is only 936 square feet. The house does not have enough room to let our visiting guests stay overnight. So instead of setting up the tent(s), we thought a nice-looking tiny cabin (190 square feet inside) would do the work.

Gazebo
During that same time, while moving the log cabin, Amish people offered to put up the log gazebo for us. It is made entirely from logs and esthetically matches the cabin's look. In addition, the gazebo provides a shaded sitting area. Our neighbors' kids like to play in the gazebo throughout the year, especially in summer.

Shed C
In 2014, we installed a small storage building for our son. The intent for the storage was to keep it only temporarily. After our son moved out, we needed to store some of his items until he purchased his house. Currently, the storage contains plastic tables and chairs.

Carport
In 2019, Amish people built a carport from large logs. The carport provides a shield for two vehicles and a storage area. The primary use of this carport is to park the car, temporarily store some logs, and store mowing, yard, and snow plow equipment.

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.
Our property is regular in shape. Our property is not flat but slightly sloped on all four sides. There is nothing unique about our property except that it ponds water. The ponding of the water started two years after we purchased the house. It started in early 2001 after the ground clearing began for adjacent multi-phase development in January 2001. Since 2001, we have been experiencing intermittent flooding because the developer continues to either cut off our natural drainage course or decides to drain their property to us. This ongoing drainage issue, some near the barn, made our barn damper each year. Each year the barn became less and less usable because the excessive dampness build-up would rust stored equipment.

Background:
Naturally, our property used to drain to the east property line and the southeast corner. Since 2001 we have continuously complained to the Township about the drainage and flooding issues created by the multi-phase development, which is abutting us to the south and east.

The Township engineers agreed several times that developers raised their sites and caused our flooding problems. However, it takes the township years to mediate some of the issues. And unfortunately, we continue to get flooded by the deeds of the multi-phased development, and we continue to complain to the Twp about how the newly constructed houses create issues for our property.

I have described the current complaint in Supplement 2 for reference and if needed.

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:

Structures are aesthetically compatible with the old 1920 farmhouse. In fact, we get many compliments from people when they find out that we are the owners of the property. Some praise words we receive include "we love your yard!" "We always wondered who lived there"", "we love to look at your property when we drive by", "we would rather live in a small house and have a nice large yard setup to entertain like you than have to live in a big house with a small yard without the privacy from the neighbors."

In addition, we know that at least 2 of our neighbors picked the lot to build their new houses adjacent to our property because they liked the view of our barn.

The current site landscape architecture (sloped land with log structures) reflects the Twp.'s slogan, "where living is a vacation." We have even installed a fence from the tree bark to match the yard theme. And in the near future, we plan to install log siding on our house, which is the continuation of our efforts to create an esthetically pleasing setting that aligns with Twp's slogan "where living is vacation."

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible:
I do not know what other property owners have.

5. Describe how the alleged practical difficulty has not been self-created.
When I purchased the house, I was unaware that the accessory structures exceeded the maximum allowable square footage.
Also, I did not know about the 1,000 square feet ordinance. Instead, I've thought we can erect as many structures as we wish as long as the total area of all buildings does not exceed the 20% of the lot's square footage. 20% of the lot is about 14,026 square feet.

6. The topography of said land makes the setbacks impossible to meet because:
Not Applicable

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.
   1. Since we purchased the property, our storage square footage has been actually reduced because of the flooding issues.
2. Since we purchase the property, we have reduced storage for vehicles.
3. We cleared the yard of junk, trees, and brush and created a lovely outdoor area that aligns with the township slogan "where living is vacation."

**Storage (613 sq. feet)**
We only have 413 square feet (chicken coop and shed C) to store smaller maintenance tools and outdoor furniture. And we have only 200 square feet available to park larger maintenance equipment under the carport. So, our total storage for small and larger items adds up to 613 square feet.

We need this storage to maintain and enjoy the property. Without these structures, we cannot protect our seasonal tools and items from the elements. It will be challenging, if not impossible, to keep up the property in an enjoyable manner because a) I will have to install new tents every year to shield the equipment and tools, b) I will have to replace tools and equipment more frequently, all of which will require additional resources, such as time, and money.

**Two-Vehicle Carport (480 sq. feet)**
We have only two vehicle carport (480 square feet outside dimensions). We have reduced car garage space by 278 feet from the three-car garage at 758 sq. ft., as previously allowed on this property. We want to protect our cars from the elements. Without the carport, we will have no protection whatsoever for any of our vehicles.

**Outdoor area to relax and enjoy (542 sq. feet)**
We enjoy the outdoors and entertain family and friends in open spaces. This is one of the reasons why we purchased this property. We looked for a house with some acreage to set up our outdoor dream space to enjoy our property with our friends and family.

For about ten years, we have manually cleared away trees and brush around the property, and we removed a lot of heavy trash which the previous owners left behind. After clearing the site, we installed a log gazebo and cabin, which are essential to our outdoor lifestyle. So again, outdoor living is an integral part of our lives and one of the reasons why we have moved to Orion Twp. and like it so much.

We need this gazebo to provide a shaded sitting area and to protect us from unexpected rainfalls. Without the gazebo, we will have to set up and set down tents whenever we want to entertain our family and friends in the open outdoor space. Setting up tents will require additional resources, such as time to put them up and money to buy or rent them. In addition, the tent will never esthetically match the rest of the outdoor architecture.

The cabin adds a relaxing feeling of being on vacation "Up North." We do not need to go away on the weekends because we feel as if we are already away from all of the hustle and bustle, which is in alignment with Twp's slogan, "where living is vacation." So not having a nice outdoor area complimented with the tiny log cabin and log gazebo will deprive us of enjoying our property to its fullest.

**4) Historical Structures (795 sq. ft)**
Barn and Shed A are historic structures. We believe that these structures were constructed around 1920. Barn and Shed A are not adequate for storage, but they add a relaxed character to the property and the neighborhood. Also, the barn provides some buffer between us and the looming over us house. We want to keep the barn because it blocks the view, and we do not have to look at the whole neighborhood's house, only at the top of the house.
Supplement 2

Our most recent complaints about getting flooded and losing some of our privacy due to new construction are as follows:

**East Side.**
1) The current builder cut off drainage on the east side by filling in the ditch. The first developer, McLeish, installed that ditch to remediate some of the floodings he created. Now, our property can not freely drain again.

**South Side.**
1) On the south side, the subdivision has been experiencing drainage issues and, at one point, decided to drain their road and houses to our property. This discharge flooded our bar until we noticed it and constructed a ditch to divert the water from reaching the barn. See the video of how much water they were discharging to our property. The subdivision has partially corrected this issue. We continue to receive water from the subdivision but at a lower rate. We fear that because the fix is not handling the subdivision's drainage issues sufficiently, we will be getting flooded by them again. Please be advised that we have not seen runoffs from the south side before development.

2) In early 2001, the developer and the Twp. agreed that the new multi-house developer needed to maintain a privacy shield between them and us. So the Twp told the 1st developer to install evergreen trees along the south side property. But recently, the new builder removed and trimmed some trees. In other words, we lost our privacy; even worse, now we have a neighbor's house looming over us. I don't know where we stand with the Twp on this complaint.

3) The artificially raised ground is spilling upon our property on the south side. The dirt that the new builder brought to elevate the house is now spilling upon our land. The city engineers are working on the solution.

**Overall inadequate drainage for the subdivision.**
1) Assuming that our neighbors to the south and east are not discharging their water directly onto our property and that they will not cut off our rainwater to drain through their property, we are still concerned about the subdivision water backing up onto our property. In addition, the subdivision created more impervious surfaces than Twp approved on the overall site plans. Finally, the developers altered some of the gradings, contributing to the subdivision's drainage problems that impacted my property.
Lynn

The only change that I feel I should ask for is the total square footage for the sheds.
I apologize, I've made the mistake (items highlighted in red are the mistakes)
a) Shed C is larger instead of 6 feet by 8 feet it is 12.08 by 8.08 feet
b) And the Cabin, I am not sure why assessing records show it at 20 by 12 instead, we have measured it a few times and the overall dimensions are 22.17 feet by 12 feet

In other words, I think the existing sheds need to be increased from 838 sq. ft to 916.91. Thank you. Violet

<table>
<thead>
<tr>
<th>Type of Structure</th>
<th>Width (FT)</th>
<th>Length (FT)</th>
<th>(Area) Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barn</td>
<td>20.10</td>
<td>30.20</td>
<td>607.02</td>
</tr>
<tr>
<td>Barn Loft</td>
<td>15.00</td>
<td>30.00</td>
<td>450.00</td>
</tr>
<tr>
<td>Carport</td>
<td>21.50</td>
<td>35.50</td>
<td>763.25</td>
</tr>
<tr>
<td>Shed A</td>
<td>12.40</td>
<td>15.15</td>
<td>187.86</td>
</tr>
<tr>
<td>Chicken Coop</td>
<td>14.50</td>
<td>25.20</td>
<td>365.40</td>
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<tr>
<td>Shed C</td>
<td>12.08</td>
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<td>97.61</td>
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<tr>
<td>Cabin Enclosed</td>
<td>16.00</td>
<td>12.00</td>
<td>192.00</td>
</tr>
<tr>
<td>Cabin Porch</td>
<td>6.17</td>
<td>12.00</td>
<td>74.04</td>
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<tr>
<td>Cabin Total</td>
<td>22.17</td>
<td>12.00</td>
<td>916.91</td>
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</tbody>
</table>

Grand total of accessory building structures as of now: 3,185.18
Difference: 2,185.18

List of structures present on the property as of now.

<table>
<thead>
<tr>
<th>Type of Structure</th>
<th>Width (FT)</th>
<th>Length (FT)</th>
<th>(Area) Square Feet</th>
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<tr>
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<td>187.50</td>
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<tr>
<td>Chicken Coop</td>
<td>14.50</td>
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<td>362.50</td>
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<tr>
<td>Shed C</td>
<td>6.00</td>
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<td>48.00</td>
</tr>
<tr>
<td>Cabin (assessing)</td>
<td>20.00</td>
<td>12.00</td>
<td>240.00</td>
</tr>
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</table>

Grand total of accessory building structures as of now: 3,106.27
Difference: 2,106.27

On Tue, Mar 14, 2023 at 1:28 PM Lynn Harrison <lharrison@oriontownship.org> wrote:

Violet, based on your recent response to my email, below is the variance language I am proposing for your variance request. Please respond to this email by Wednesday afternoon, March 15th, as I need to get the language to the paper on Thursday, March 16th, to meet their advertisement deadline.
The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned SF

Article XXVII, Section 27.02 (A)(8)

1. A 2,106.25-sq. ft. variance above the allowed Maximum Floor Area of Detached Accessory Buildings of 1,000-sq. ft. for existing sheds totaling 838-sq. ft.*, an existing 448-sq. ft.** gazebo, an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.

2. A 1,606.25-sq. ft. variance above the allowed Total Maximum Floor Area of All Accessory Buildings of 1,500-sq. ft. for existing sheds totaling 838-sq. ft, an existing 448-sq. ft.* gazebo, an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.

* The shed square footage consists of the Chicken Coop, Shed A, the log cabin, & the 48-sq. ft. shed

** Unfortunately, our assessing records show that the gazebo is 448-sq. ft. Again, we want to ask for more than not enough as the ZBA can not grant a variance for more than what is asked for.

Lynn Harrison

Specialist

Planning & Zoning

2323 Joslyn Road ‖ Lake Orion, MI 48360

O: 248.391.0304, ext. 5001

www.lharrison@oriontownship.org
Site Plan

Not To Scale

Indianwood Rd

March 2023

Wioletta Bilan
2209 Indianwood Rd
Orion Township, MI 48362
Accessory Structures as of December 1998

not to scale

List of structures present on the property at the time when I bought property in December of 1998:

<table>
<thead>
<tr>
<th>Type of Structure</th>
<th>Width (FT)</th>
<th>Length (FT)</th>
<th>(Area) Square Feet</th>
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<td>607</td>
</tr>
<tr>
<td>Garage</td>
<td>30</td>
<td>25</td>
<td>758</td>
</tr>
<tr>
<td>Shed A</td>
<td>12</td>
<td>15</td>
<td>188</td>
</tr>
<tr>
<td>Chicken Coop</td>
<td>15</td>
<td>25</td>
<td>365</td>
</tr>
</tbody>
</table>

Grand total of accessory building structures as of 1998: 1,918
MORTGAGE REPORT

THIS REPORT IS MADE FOR: PAC CREDIT UNION
P.O. BOX 1407
TROY, MICHIGAN 48099
PHONE: (248) 619-0440
FAX: (248) 619-3230

APPLICANT: WIOLETTE WISLA
45230 KEDING, APT. 202
UTICA, MI 48317

DESCRIPTION: THE WEST 43 ACRES OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 4 NORTH, RANGE 10 EAST, ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN, EXCEPT BEGINNING
BEGINNING SOUTH 87 DEGREES 55 MINUTES 00 SECONDS WEST 675.94 FEET FROM CENTER OF SECTION, THENCE SOUTH 00 DEGREES, 13 MINUTES 20 SECONDS WEST 2576.08 FEET, THENCE NORTH 89 DEGREES 56 MINUTES 50 SECONDS WEST 746.94 FEET, THENCE NORTH 00 DEGREES 18 MINUTES 00 SECONDS EAST 2308.10 FEET, THENCE SOUTH 89 DEGREES 42 MINUTES 00 SECONDS EAST 290.32 FEET, THENCE NORTH 02 DEGREES 06 MINUTES 10 SECONDS WEST 251.97 FEET, THENCE NORTH 87 DEGREES 53 MINUTES 50 SECONDS EAST TO THE POINT OF BEGINNING. CONTAINING 1.65 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE. DESCRIPTION FROM RECORDS ONLY. NO BOUNDARY SURVEY WAS PERFORMED.

I HEREBY CERTIFY THAT THIS REPORT SHOWS THE IMPROVEMENT(S) AS LOCATED ON THE PREMISES DESCRIBED. THAT THE IMPROVEMENT(S) ARE ENTIRELY WITHIN THE LOT (PROPERTY) LINES, AND THAT THERE ARE NO ENCROACHMENTS UPON THE PREMISES DESCRIBED, EXCEPT AS NOTED.

ANDERSON, ECKSTEIN AND WESTRICK, INC.

THIS REPORT IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY.
BEGINNING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 576.94 FEET FROM CENTER OF SECTION, THEN SOUTH 00 DEGREES, 13 MINUTES 20 SECONDS WEST 2576.08 FEET, THEN NORTH 89 DEGREES 56 MINUTES 50 SECONDS WEST 746.94 FEET, THEN NORTH 00 DEGREES 18 MINUTES 00 SECONDS EAST 2308.10 FEET, THEN SOUTH 89 DEGREES 42 MINUTES 00 SECONDS EAST 290.32 FEET, THEN NORTH 02 DEGREES 06 MINUTES 10 SECONDS WEST 251.97 FEET, THEN NORTH 87 DEGREES 53 MINUTES 50 SECONDS EAST TO THE POINT OF BEGINNING. CONTAINING 1.65 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE. DESCRIPTION FROM RECORDS ONLY. NO SURVEY WAS PERFORMED.

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ANDERSON, ECKSTEIN AND WESTRICK, INC.

CRAIG P. AMY, P.S. #34970
51301 SCHOENHERR ROAD
SHELBY TOWNSHIP, MICHIGAN 48315

MORTGAGE REPORT

DATE: JANUARY 5, 1999

SCALE: 1" = 60'

CONTRACTOR: N/A
DRAWN BY: K.A.K.
CKD. BY: C.P.A.

COUNTRY: OAKLAND
TOWNSHIP: ORION

AEW NO. 090-072
PLAN# MORTGAGE.DWG

SHEET 1 OF 1
The Fire Department has reviewed the proposed documentation and has no concerns at this time.

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Thursday, March 16, 2023 2:19 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the April 10, 2023 ZBA Meeting

Mr. Williams.

Hello Jeff. Attached is a ZBA case that needs to be reviewed by you for the April 10, 2023 ZBA Meeting.

Thank you,
MEMORANDUM

TO: ZBA Board Members
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: April 4, 2023
SUBJECT: AB-2023-06, Wioletta Bilan, 2209 Indianwood Road Additional Information

As requested, attached is a “Snip It” from BS&A’s Assessing records showing square footage of the accessory structures on the subject property.

Please note that the majority of the square footage on the assessing record is less than what the applicant noted – when preparing the variance language, we wanted to advertise what the applicant provided as to go back and ask for more (square footage deviation) would require another meeting and advertisement costs.

Please let me know if you have any questions.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: April 6, 2023
SUBJECT: Staff Report for AB-2023-07, Stadium Ridge Apartments

A brief history – originally the subject parcel was part of one larger parcel zoned Multiple Family (RM-1). A portion of that parcel was conditionally rezoned to General Business (GB) and the remaining portion of the parcel was rezoned to Single Family Residential (R-3). As part of that conditional rezone approval, a land division was completed separating the GB portion of the parcel from the R-3 portion of the parcel (creating 2 parcels).

When a conditional rezone approval is given, a Conditional Rezoning Agreement is created between the Developer and the Township. This Agreement contained a clause that the Developer can choose to revert the property back to its former zoning of RM-1. Our understanding is the Developer intends to appear before the Board of Trustees and request the land revert back to RM-1 if the site plan is approved (which would include the granting of these variances). As such, if the motion is to approve the variances, I recommend the following condition:

“conditioned upon the Board of Trustees reverting the property back to Multiple Family (RM-1).”

Please contact me if you have any questions.
Wortman review of March 10, 2023, be reviewed and incorporated where necessary; that the review and approval of the PUD Agreement by the Township Attorney; and emphasize the importance and value of having a designation to a tree fund for the lack of 80 replacement trees.

Discussion on the motion:

Chairman Reynolds asked for clarification Vice-Chairman Gross was intending for the condominium documents to be reviewed by all parties. Vice-Chairman Gross replied correct.

Planning & Zoning Director Girling asked for clarification on it being listed to the tree fund. She believed that they were not looking to add to the tree fund they were looking for the physical trees that Parks and Rec would keep and use throughout the Township.

Planning & Zoning Director Girling said that in clarification there were a number of items that were within the answer from the applicant that if the Planner is able to verify that those are incorporated then those are taken care of. So, it would just be the Planner looking at that to verify those issues are resolved.

Vice-Chairman Gross amended the motion. Commissioner Walker re-supported, that the value of having 80 replacement trees do not go to a Tree Fund but would be physical trees that Parks and Rec would keep and use throughout the Township.

Roll call vote was as follows: Walker, yes; Gross, yes; Urbanowski, yes; Gingell, yes; Reynolds, yes. Motion carried 5-0 (Cummins & St. Henry absent)

C. PC-22-37, Stadium Ridge Apartments Site Plan, located at 101 Stadium Dr. (parcel 09-14-400-025) and unaddressed parcel east of 101 Stadium Dr. (parcel #09-14-400-026).

Chairman Reynolds asked the applicant to state his name and address for the record and give an overview of where they are at.

Mr. Mario Izzi with MJC Companies, 46600 Romeo Plank, Suite #5, Macomb Twp., presented.

Mr. Izzi stated that it has been a few weeks since they had the honor to be in front of them. They have resubmitted and they have gotten several reviews back. He believed that they had a recommendation from the Public Works office, the Fire Department. They have several comments from the Township Engineer and the Planner that they would like to discuss this evening. He thought it was all very doable. What they walked away from at the last meeting, and he thought they listened very intently to them. Some of the big issues, obviously, was safety, Stadium Dr. certainly for the pedestrians.

Mr. Izzi said another issue was the landmark trees, there were two on-site. The additional landscape and berm along Lapeer Rd. From those items, they have kind of expanded and he thinks they have improved the plan and hoped that their Planner and their Engineer will concur with that. They looked at the fence detail that they had on the original plan, and they upgraded that to a four-foot double-railed top fence at the top of the retaining wall, they believe that is an upgrade. Unfortunately, the two landmark trees that were questioned from the last review were removed as part of the tree removal, so he wanted to be forthright and transparent about that. They were right on the border of the boundary of the grading limits, and they were removed, so those are no longer on the site.
Mr. Izzi stated that the Stadium Dr. crosswalk that was an item that was discussed in some
detail they have added a flashing beacon signage on both sides, on the north and the south side
as well. That was a suggestion from one of the Planning Commission members, that is solar
power and he believed that was an accepted detail.

Mr. Izzi said they added a landscape berm along Lapeer Rd., and several trees along that berm
and he thought twelve specifically on the berm if he was not mistaken. Overall, they added
about 66 more trees to the site which is about a 34% increase in the overall landscape on the
site. Ornamental grass was added for additional enhanced screening, to the boundaries on the
south and the east plus some additional trees that were already mentioned in the parking areas.

Mr. Izzi stated that the photometric study or grid that they did not include, hopefully, they will
give them some consideration on that, that that would not be required. They do agree that the
photocell, exterior lights, and coach lights, are within the Township maximum, the 3,000-degree
Kalvin LED lights. They acknowledge and agree that they could adhere to that. Those will have
to be placed in a horizontal position as well.

Mr. Izzi said that they would still ask for their blessing or at least their recommendation for going
in front of the ZBA for the setback variation that they are going to ask, for some latitude on that.

Mr. Izzi stated that those are some of the highlights but that is not everything but can discuss
some of the details.

Chairman Reynolds said he will turn it over to their consultants for their reviews.

Planner Enos read through his review date stamped received March 9, 2023.

Mr. Izzi said that they can address the variety of trees on a revised plan and resubmittal for their
review. As far as the screening for the church they can certainly boastier that up to the north
and he was sure they could give them something that they will look satisfactorily on. Planner
Enos said they can do that administratively if they have agreed to it. Mr. Izzi replied thank you,
yes sir.

Engineer Landis read through his review date stamped received March 10, 2023.

Chairman Reynolds stated that there were a number of reviews from additional parties, and the
Fire Marshal and Public Services had no explicit comments at this point and time. There was a
WRC review, and a site walk report completed.

Vice-Chairman Gross said that they had a lot of discussion at the last meeting about the traffic
in and out. He said he thought a little about this and the apartment complex is going to have
reverse peak times than the incoming school traffic. Typically, the apartments will be exiting the
complex in the a.m. when the schools are entering the road. He thought that will relieve some
of the concerns that they had previously about the conflict with the traffic, and then in the
afternoon it is going to be just the opposite, people are going to be coming into the complex with
the school is letting out or roughly those amounts of times.

Vice-Chairman Gross asked regarding the small grasses on the east border adjacent to the
high-school playfield. Planner Enos replied that those are adjacent to it, they will call the
security fence because of the significant slope. Vice-Chairman Gross said he hoped that they
will not attract phragmites. Planner Enos said he can speak with his landscape architect about
that.
Vice-Chairman Gross stated that he liked the berm along Lapeer Rd. and the additional landscaping there, and the completion of the pedestrian path along the north side of Stadium Dr. He thought they had addressed the concerns that he had with the plan.

Chairman Reynolds said he agreed with the Planner one of the areas that he was still concerned with was the north property buffer between buildings 13 & 14, the two buildings that are closest to Lapeer Rd. That buffer when they look at the landscape plan, it was spoken to this evening that there are some ornamental grasses woven in there, but it still seems very sparse. He thought per the ordinance it is a 10-ft. wide buffer, but it doesn't seem very constituting a buffer at this point and time with the way it is landscaped. He wanted to make sure that that is bolstered up. He would like to see some additional plantings in there, he appreciated the additional plantings through the site, but he thought those adjacencies are important especially since that is a per ordinance reduced buffer, and thought it was worthwhile making sure there is a stronger intent to buffering that.

Chairman Reynolds said it appeared that the building elevations are something they have seen in the Township previously. They haven't seen really any material samples or renderings so that would be something just to confirm moving forward and he would be comfortable with their Planner taking a look at that. Part of that discussion was specifically he thought that building 13 was the one building that is not a mirrored project it just has the one endcap, and they didn't see an elevation for that, and that is the one that is facing west towards M244. He can imagine those units having additional windows or something. What he doesn't want to foresee is something similar to the garage elevation, which is very utilitarian, there isn't something of the nature of that front door. He would like to make sure that that is addressed, and he thought that the Planner could review that for them to make sure that is adequately provided. The goal here is not a blank or invidious façade but rather one that looks pleasant and appealing similar to the other kind of entry facades of those units.

Chairman Reynolds stated that although he thinks there are some bits and pieces of information that need to be clarified or added he was comfortable with that being in the hands of their consultants as they work through final engineering and the rest of the process.

Commissioner Gingell said they usually worry about the noise created by a development; she is worried about the noise created for the development. So, building 6, 7, and 8, are going to be really loud, and not just on Friday nights. She would encourage a bigger buffer there just to dampen the noise, it is going to be loud all weekend long, every practice and band practice. It is going to be really loud for those three buildings. Chairman Reynolds stated that the Planner pointed out that the eastern buffer needed to be addressed. He thought that was something a lot of them are on the same page. Commissioner Gingell thanked them for the crosswalk, and she hoped will be communicated to their young drivers.

Mr. Izzi said he liked the point about more screening for noise, light, and sound, at the eastern property line. He wanted to check with Shimik their engineer to see if there is any ability to maybe move that retaining wall off the property line to give them more room for some boulder trees there. He didn't think they would ever be able to accomplish what they think them, and the Planning Commission truly want there, but it is the nature of the beast. The stadium is going to be there, there is going to be band practice. He thought it was kind of cool, he is not living there. He remembers where he grew up the memories of band practice and that kind of echoing, and it is part of the character of the area, he thought. Are there going to be some people that might complain, unfortunately, there probably will. He thought it was part of the character there. He added that they can certainly look and see if they can add some more trees there to the property line. If they could maybe, through the engineering process, when they are looking at the details of this retaining wall, and precisely how high it has to be, and how much
relief they have to have, if they could add some trees there it would probably be in their best interest as the landlord to add those trees there. He thanked them for that suggestion.

Mr. Izzi said as far as the materials go for the building, they have had that situation in the past where they build a ½ of 12 so they add windows there, they do enhance the materials, and they are happy to propose those to the Planning and Building Department, and the Planning Commission if they want them to come back, they can do that. They do run into that instance, and they do enhance that facade, it is not just a blank you chop a building in half.

Chairman Reynolds thought that as long as that comment is addressed via their Planning Department and the Planner, he would be ok with that.

Planning & Zoning Director Girling said she wanted to point out that in their suggested motion she did miss the wetland setback waivers. She did have the page of the ordinance that talks about the criteria for those waivers. Chairman Reynolds asked if they were making a fresh motion or are they acknowledging that the existing approval is still valid. Planning & Zoning Director replied that it is two issues, one is to allow the old wetland permit, to carry on to this project and the other was the second comment in the Engineer’s review that they needed setback waivers from the wetland, and that is what she neglected to put in their suggested motions.

Chairman Reynolds asked if the setbacks are similar to what they were talking about before or of similar nature. Engineer Landis said they are in similar nature to the previous site plan although there are some give and take. There are some additional impacts and some less so they just kind of moved around a little bit, in general, they are mostly the same.

Chairman Reynolds stated that there were previous proposals made on this property and this reverts it back to its underlying zoning of multi-family. Planning & Zoning Director Girling said it has to go back to the Board of Trustees for that. Chairman Reynolds apologized. He added essentially for the reversion, correct? Planning & Zoning Director Girling replied yes. Chairman Reynolds said this is part of this the retraction and proceeding. Planning & Zoning Director Girling replied it is in the motion.

Mr. Izzi said just a point of clarification he wanted to make sure that he understood. The current site plan doesn’t get invalidated until the Board of Trustees approves it. Chairman Reynolds said they cannot have two proposed site plans active. If they were to receive approval on this from the Board the previous part of that has to be retracted.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approve an interior parking lot landscaping waiver for PC-2022-37, Stadium Ridge Apartments Site Plan for plans date stamped received February 22, 2023, based on the following: that the applicant did provide evidence that the parking lot consists of only one aisle and the area surrounding the parking lot is heavily landscaped, and there is existing off-street parking drives and structures located on the parcel with interior parking lot landscaping and heavily landscaped through with 66 additional trees.

Roll call vote was as follows: Walker, yes; Urbanowski, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 5-0 (St. Henry & Cummins absent)
Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the applicant relative to PC-2022-37, Stadium Ridge Apartments be allowed to utilize the previously approved wetland permit and the wetland setback waivers are acceptable as submitted on the revised plan.

Discussion on the motion:

Chairman Reynolds asked if that sufficed for both conditions and do they need to clarify the setback. Planning & Zoning Director Girling stated that they said setback waivers. Chairman Reynolds said he wanted to make sure that was good, and that they didn’t need to separate motions.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Gingell, yes; Walker, yes; Reynolds, yes. Motion carried 5-0 (St. Henry & Cummins absent)

Moved by Vice-Chairman, seconded by Treasurer Urbanowski, that the Planning Commission grants site plan approval for PC-2022-37, Stadium Ridge Apartments, located at 101 Stadium Dr. (Sidwell #09-14-400-025) and on a vacant parcel east of 101 Stadium Dr. (Sidwell #09-14-400-026) for plans date stamped received February 22, 2023 based on the following findings of facts: that the plan complies with the ordinance requirements; the plan is based upon the following conditions: that there be a combination of the two parcels; that the applicant receive a waiver from the Zoning Board of Appeals for a side yard setback; and if the waiver denied that the plan return to the Planning Commission; that the plan for PC-2019-10, Stadium Ridge Commercial and PC-2018-15 Stadium Ridge Residential be withdrawn and revoked by the Board of Trustees; that the applicant delivering written notice to the Board of Trustees to terminate the Conditional Rezone and Board of Trustees declaring the property to be reverted back to RM-1 Zoning; and that the Planners review of March 8, 2023, items 1-23 on page 13 be incorporated with required revisions as necessary; that the Engineers review of March 9, 2023, items 1-4 also be incorporated into the approval of this plan.

Discussion on the motion:

Planning & Zoning Director Girling said she believed it had to be denied so it can go to the ZBA, however, usually what they say is if they receive their variances they are approved if not they have to come back. Technically they have to be denied in order to go to the ZBA.

Vice-Chairman Gross amended the motion, Treasurer Urbanowski re-supported, that the Planning Commission deny the plans subject to the fact that there is an insufficient setback that the applicant needs to get reviewed and approved by the Zoning Board of Appeals, and if approved the plan would be considered approved with all of the previous conditions of the motion.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Gingell, yes; Walker, yes; Reynolds, yes. Motion carried 5-0 (St. Henry & Cummins absent)

D. PC-2021-65, Township Initiated Text Amendment to Zoning Ordinance #78, 2022 Zoning Ordinance Updates. Articles II, III, IX, XI, XIV, XVI, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXVI, XXVII, XXIX, XXX, XXXIV, and XXXV.

Chairman Reynolds said they went over a number of these items during the public hearing in-depth talking about trash and more trash enclosures. At this point and time, they obviously do
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: March 10, 2023

RE: AB-2023-07, Stadium Ridge Apartments, 101 Stadium Drive, 09-14-400-025

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, I recommend the following condition**:

“conditioned upon the Board of Trustees reverting the property back to Multiple Family (RM-1).”

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-2023-07, Stadium Ridge Apartments, 101 Stadium Drive, 09-14-400-025, I move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned RM

Article VII, Section 7.04 (E)(1)(a)

1. A 12.83-ft. front yard setback variance from the required 100-ft. for Building 13 to be 87.17-ft. from Stadium Drive.
2. A 12.83-ft. front yard setback variance from the required 100-ft. for Building 14 to be 87.17-ft. from Stadium Drive.

be granted for plans date stamped March 20, 2023 because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-07, Stadium Ridge Apartments, 101 Stadium Drive, 09-14-400-025, I move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned RM

Article VII, Section 7.04 (E)(1)(a)

1. A 12.83-ft. front yard setback variance from the required 100-ft. for Building 13 to be 87.17-ft. from Stadium Drive.
2. A 12.83-ft. front yard setback variance from the required 100-ft. for Building 14 to be 87.17-ft. from Stadium Drive.

Please be specific how the petitioner does not meet this criteria

be denied for plans date stamped March 20, 2023 because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

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

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
Checklist for Commercial
Zoning Board of Appeals Application

Applications must be submitted no later than 30 days prior to a scheduled meeting. Meetings are held the second and forth Monday of every month, unless otherwise specified. The applicant (or a representative, with written permission from the property owner) must be present at the meeting.

The following must accompany your completed application; incomplete submittals will not be accepted.

- Completed application, including original ink signatures of property owner and the applicant.
- Application fee of $500.00, cash or check payable to Orion Township.
- Proof of ownership. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.
- Two copies of a site plan + a PDF copy, where applicable showing:
  o Lot lines with dimensions, and the total square footage of the lot.
  o Label north point.
  o Scale used on plans.
  o Location of all existing and future buildings (including sheds, decks, pools, etc.) and lot coverage.
  o Accurate dimensions of all buildings, and the distances between them and to the nearest lot line.
  o Location of existing drainage courses, flood plains, lakes, streams and woodlots.
  o Location and size of watermains, well sites and building service, existing and proposed.
  o Identify all roads.
  o Parking areas and driveway(s.)
  o Setback from the road right-of-way.
  o All adjoining properties within 100’
  o Any easements or proposed easements on or adjacent to the property.
  o Centerlines and road right-of-way widths of all abutting streets.
- Elevation drawings with dimensions of proposed buildings or additions.
- Identification and seal of architect, engineer, land surveyor or landscape architect who prepared the plans (sign submittals are not required to be sealed).
- If any of the items listed are not applicable to a particular site plan, the applicant shall specify on the site plan which items do not apply and why they are not applicable.

Please note:
- You must stake the corners of the proposed structure(s) at least one week prior to the meeting you are scheduled to attend. This allows members of the Zoning Board of Appeals see the proposed location.
- The Zoning Board of Appeals may require a registered, staked survey to verify the location of property lines. If not required by the ZBA, the Building Inspector may require one prior to approving the initial inspection.
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, 2323 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: MJC Stadium Ridge LLC

Address: 45600 Romeo Plank Rd., Suite 5
City/State/Zip: Macomb, MI 48044

Phone: 588-263-1203
Cell: 
Fax: 

Email: chicom@mjccompanies.com

PROPERTY OWNER(S)

Name(s): MJC Stadium Ridge LLC

Address: 45600 Romeo Plank Rd., Suite 5
City/State/Zip: Macomb, MI 48044

Phone: 588-263-1203
Cell: 
Fax: 

Email: chicom@mjccompanies.com

CONTACT PERSON FOR THIS REQUEST

Name: Mario Iazzi
Phone: 810-459-5096
Email: izzim@mjccompanies.com

SUBJECT PROPERTY

Address: 101 Stadium Dr.
Sidwell Number(s): 09-14-400-025

Total Acreage: 2.93
Length of Ownership by Current Property Owner: 5 Years, 2 Months

Does the owner have control over any properties adjoining this site? Yes (East Side)

Ordinance Allowance/Requirement 100' Front Yard Setback from Stadium Dr.
Deviation requested 12.83' of Variance (67.17' Proposed)
List additional ordinance requirements and deviations on a separate page

Page 1 of 3

Version 4/21/22
Case #: ____________________

COMMERCIAL VARIANCE

1. Describe the nature of the request. See attached letter.

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 letter.

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 letter.

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

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

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

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 letter.
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:  
   [Signature]  
   Date: 3-17-2023

Print Name: MARIO L. IZZI

Property Owner:  
   If applicable:

   I the property owner, hereby give permission to:  
   [Signature]  
   Date: 3-17-2023

Print Name: MICHAEL A. CHIRCO, MEMBER, MJC STADIUM RIDGE, LLC

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: 
Stadium Ridge Apartments
ZBA Application Letter

1.) Describe the nature of the request:

The landowner is requesting a variance to the minimum front yard setback requirement of 100’ from Stadium Drive for proposed buildings #13 & #14 consistent with the Orion Township Planning Commission’s recommendation for site plan approval. A reduction of 12.83’ is requested yielding a front yard setback of 87.17’ from the Stadium Drive ROW line for proposed buildings #13 & #14 ONLY. The proposed site plan also offers a compensating increased front yard setback from Lapeer Road in the amount of 111’ as a possible offsetting concession for the requested variance.

2.) Describe how the nature of the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area:

To the best of the applicant’s knowledge, no similarly shaped parcel exists in the immediate area. Due to the unusually unique shape and size of this parcel with substantial frontage along Stadium Drive and narrow frontage along Lapeer Road (resulting in a very unique CORNER parcel intended for Medium Density residential use), the proposed site plan is being offered with recommendation from the Orion Township Planning Commission under the existing RM-1 zoning to attain the highest and best use for this parcel in compliance with the current Orion Township Master Plan. For the overall site development to be visually consistent with same/similar buildings and in an effort to achieve the Medium Density intention, the applicant is proposing two story multi-unit buildings instead of single story buildings to reduce impermeable hard surface area. The applicant intends to build this 12-Plex building (#14) and the 6-Plex (#13) totaling 18 units at this parcel’s corner of Stadium Drive and Lapeer Road as a significant architectural identity to attract potential residents to this new project which will offer this consistent style of residential housing opportunities.

3.) If the appeal is granted, explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to the other properties or improvements in Orion Township:

If this variance request is granted, the 87.17’ front yard setback will NOT be detrimental to health, safety or welfare of Orion Township because the 12.83’ reduced setback from Stadium Drive will NOT be visibly noticeable and doesn’t affect neighboring parcels because this setback is adjacent to a public road and the side of the parcel that is benefitting from the setback reduction is not adjacent to another vacant or developed parcel. The applicant is also offering a berm along Lapeer Road and substantially more than minimum proposed landscaping to this corner parcel in an effort to “soften” the curb appeal and render the setback reduction as visually undetectable.
4.) *Explain how the request is/is not consistent with other properties in the immediate area:*

This setback reduction request is consistent with the existing buildings at the institutional/school site to the east where the front yard setbacks are less than the minimum 100' requirement as could be measured from Stadium Drive further east. The single story houses at the south side of Stadium Drive also appear to be less than 100' from the Stadium Drive ROW. The applicant’s request for variance relief will allow for the consistency of the same proposed two stories residential 12-Plex buildings to be built across the applicant’s developable parcel including the more narrow, corner frontage area. Keeping all of the proposed building’s architectural design consistent, contributing to an overall consistent architectural identity for this multi-family development which will be highly visible from Lapeer Road and will attract residents to this neighborhood.

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

The area of this particular site in question at the corner of Lapeer Road and Stadium Drive is unusually narrow for the intended achievement of the allowable Medium Density consistent with RM-1 zoning and the Orion Township Master Land Use Plan. The land owner is proposing this particular architectural solution of two story, 12-plex building as a direct response to the intentions and spirit of the existing zoning. This copyrighted 12-plex building is a proven, and successful building style so the applicant may achieve economy of scale throughout the site with similar building types. Allowing for this constructable regularity will contribute to economic consistency for the future residents and the proposed project overall.

6.) *The topography of said land makes the setbacks impossible to meet because:*

While there is significant grade changes through the majority of the overall site to the east, the particular area of this site where the applicant is asking for a minor reduction of the front yard setback is relatively flat and the topography is not a contributing hardship factor.

7.) *Describe how strict compliance with the ordinance unreasonably prevents the landowner from using the property for a permitted purpose, or to be unnecessarily burdensome:*

If relief is not given for the setback at Stadium Drive for proposed buildings #13 & #14, the applicant would have to design a special building with a smaller footprint that would fit within the setbacks. Unfortunately, this special circumstance unique design for buildings #13 & #14 would not be typical to the remaining units and would therefore interrupt the consistency of architecture for the entire development. A specially designed building to fit within the strictly enforced setback would likely result in a less marketable or possibly an unmarketable building with a smaller garage or no garage at all. If not allowed to build marketable buildings (#13 & #14), the reduction in overall total site density would change the economic model for this development thereby causing the applicant to possibly reevaluate the likelihood of proceeding with the current site plan as recommended by the Orion Township Planning Commission.
Stadium Ridge Apartments
Site Plan Review
March 8, 2023

| Building Front to Rear Setback | 70 feet | n/a |
| Building Front to Side Setback | 50 feet | 65 feet + |
| Building Side to Side Setback | 30 feet | 60 feet |
| Building Side to Rear Setback | 50 feet | n/a |
| Building Rear to Rear Setback | 70 feet | n/a |

*Items to be Addressed*: Variance for reduced front-yard setback of 87 feet rather than the 100 feet required from Stadium is necessary for Buildings 13 and 14.

**MULTIPLE-FAMILY DWELLINGS**

The Zoning Ordinance has specific standards for multiple-family dwellings. Many of these are explored in other sections of this report, for example parking or landscaping. This section focuses on topics not addressed in other sections of this report.

The building plans show the location for ground-level patios and upper-level decks. The proposed decks or patios are less than 150 square feet but appear to provide a reasonable outdoor space comparable with others in recent multiple-family developments.

Based on the number of units, a total of 78,000 square feet of recreation space is required. The plans propose a dog run area, play area, and nature path. The square footage for these areas is not described but appears to satisfy this standard.

*Items to be Addressed*: Confirmation that recreation space is at least 78,000 square feet.

**PARKING AND LOADING**

Parking will use private garages and surface parking in front of each garage. Each garage can provide 2 interior parking spaces and 2 surface parking spaces. Each unit will have 4 dedicated parking spaces.

Surface parking spaces are also proposed for guest parking. Parking lots to the east and west of Building 12 will provide 14 spaces for visitors, including 4 accessible spaces. A new parking lot to the east of Building 14 will provide 7 spaces for visitors, including 2 accessible spaces.

The number of parking spaces provided is consistent with Zoning Ordinance standards that require 2 spaces per unit and 1 additional space for every 3 units.

The dimensions of the proposed parking spaces and maneuvering lanes are consistent with Zoning Ordinance standards.

The location of proposed parking is consistent with the Zoning Ordinance.

The proposed parking spaces for the southern side of Buildings 1 and 5 will back directly onto the private street. These parking spaces will be set back from the street, providing adequate site distance. The Township has approved this parking configuration in the past. We note the importance of ensuring that this area not be used for parking or storage and remain easily accessible for pedestrian use, though striping or other mechanism.
Stadium Ridge Apartments

401 Stadium Pl. - Smaller of the 2 parcels
09-14-400-025 101 Stadium Pl. Zone R10

Front yards setback from Stadium Drive
87.17' 87' rather than 100' - variance
of 12.83'

Building 13 from Stadium Drive
Building 14 from Stadium Drive

Article 7.04 (E)(7)(a)

Shamikie ldcs-inc.com
5. ENTIRE AGREEMENT. This Agreement, the exhibits attached hereto, if any, and the instruments which are to be executed in accordance with the requirements hereof set forth all the covenants, agreements, stipulations, promises, conditions, and understandings between the Township and the Developer concerning the Projects as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

6. RELATIONSHIP OF THE PARTIES. The relationship of the Township and the Developer shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the Township and the Developer, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

7. MODIFICATION. This Agreement can be modified or amended only by a written instrument expressly referring hereto and executed by the Township and the Developer.

8. MICHIGAN LAW TO CONTROL. This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

9. DUE AUTHORIZATION. The Township and the Developer each warrant and represent to the other that this Agreement and the terms and conditions thereof have been duly authorized and approved by, in the case of the Township, its Township Board and all other governmental agencies whose approval may be required as a precondition to the effectiveness hereof, in the case of the Authority by its members and all other applicable governmental agencies, and as to the Developer, by the members thereof, and that the persons who have executed this Agreement below have been duly authorized to do so. The parties hereto agree to provide such opinions of counsel as to the due authorization and binding effect of this Agreement and the collateral documents contemplated hereby as the other party shall reasonably request.

10. SUCCESSORS AND ASSIGNS. The approval of the terms, provisions and conditions of this Agreement are for the benefit of the Property and shall run with the Property and shall bind and inure to the benefit of the parties to this Agreement and their respective successors, assigns and transferees.

11. VOLUNTARY TERMINATION. Notwithstanding anything to the contrary stated in this Agreement, Developer shall have the right at any time to voluntarily terminate this Agreement by delivering written notice thereof to the Township. Upon such termination, the Property shall automatically revert to its former RM-1 (Multiple Family Residential District) zoning classification and the parties shall comply with the post termination provisions set forth in Section 3 hereof, as if the Township had terminated this Agreement due to a default by Developer and such terms shall govern with respect to Developer’s continued use of the Property.
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-22-37, Stadium Ridge Apartments Site Plan, 4th Submittal  
Date: March 10, 2023

The Orion Township Fire Department has completed its review of Application PC-22-37 for the limited purpose of compliance with Charter Township of Orion Ordinance’s, Michigan Building Code, and all applicable Fire Codes.

Based upon the application and documentation provided, the Fire Department has the following recommendation:

X Approved  
Approved with Comments (See below)  
Not approved

Comments: NONE

This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information at time of building permit application that includes data or documents, confirming full compliance with all applicable building codes, fire codes and Township Ordinances.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2004.

Sincerely,

Jeff Williams  
Jeff Williams, Fire Marshal  
Orion Township Fire Department
MEMORANDUM

TO:        ZBA Board Members

FROM:      Lynn Harrison, Planning & Zoning Specialist

DATE:      April 4, 2023

SUBJECT:   AB-2023-07, Stadium Ridge Apartments Additional Information

Per a request, attached is a drawing of the front and rear elevation of the subject apartment units.

Also, I was asked to provide the setbacks for the buildings on Beacon Way adjacent to Stadium Drive – these units are part of the Pomeroy Senior Living Villas. The setback from Stadium Drive to the first unit on the west side of Beacon Way is 105-ft. and 121-ft. to the first unit on the east side of Beacon Way.

Please let me know if you have any questions.