1. OPEN MEETING  
2. ROLL CALL  
3. MINUTES  
   A. 03/14/2022, ZBA Regular Meeting Minutes  
4. AGENDA REVIEW AND APPROVAL  
5. ZBA BUSINESS  
   A. AB-2022-08, Father & Son Construction, 3442 Chalice, 09-28-302-001  
      The petitioner is seeking 1 variance from Zoning Ordinance #78  
      Article VI, Section 6.04, Zoned R-2  
      1. A 3-ft. front yard setback variance from the required 35-ft. to construct an attached sunroom  
         enclosure 32-ft. from the front property line.  
   B. AB-2022-09, Jeff Cowley, 1323 Lake Shore Blvd., 09-10-103-021  
      The petitioner is seeking 1 variance 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. to replace deck/stairs 6.5-ft. from  
         the side property line (west).  
   C. AB-2022-11, Fairmont Sign Company for General Motors, 4555 Giddings Rd., 4550 Giddings  
      Rd., 1971 Brown Rd. (09-34-200-006) & 4555 Giddings Rd. (09-34-400-011)  
      The petitioner is seeking variances from Sign Ordinance #153  
      Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned IC  
      1. 3.83-ft. height variances above the allowed 8-ft. for 4 ground signs (#4A, #4B, #4C & #4E) to  
         be 11.83-ft. tall each.  
      2. 4.38-sq. ft size variances above the allowed 35-sq. ft. for 4 ground signs (#4A, #4B, #4C &  
         #4E) to be 39.38-sq. ft. each.  
      3. An 8-ft. road right-of-way setback variance from the required 20-ft. for 2 ground signs (#4A &  
         #4C) to be 12-ft. from the road right-of-way each.  
      4. A 6.5-ft. road right-of-way setback variance from the required 20-ft. for ground sign #4B to be  
         13.5-ft. from the road right-of-way.  
      5. A 19-ft. road right-of-way setback variance from the required 20-ft. for ground sign #4E to be  
         1-ft. from the road right-of-way.  
      6. A variance for 7 ground signs over the 2 allowed for a total of 9 ground signs.  
      Zoning Ordinance #78, Section XIX, Section 19.04 - Zoned IC  
      7. An 88-ft. front yard setback variance from the required 100-ft. for 2 ground signs (#4A & #4C)  
         to be 12-ft. from the front Property line each (west).  
      8. An 86.5-ft. front yard setback variance from the required 100-ft. for ground sign #4B to be  
         13.5-ft. from the front property line (west).  
      9. A 99-ft. front yard setback variance from the required 100-ft. for ground sign #4E to be 1-ft.  
         from the front property line (north).  
   D. AB-2022-12, Michael Kiekbush, 829 Rustic Village Ln., 09-09-302-011  
      The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned SE  
      Article XXVII, Section 27.02, Lot Size 1 to 2.5 acres  
      1. A 120-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory  
         Buildings to build a 660-sq. ft. pole barn in addition to a 624-sq. ft. attached garage and a 336-sq.  
         ft. shed.  
   E. AB-2022-10, Zoning Board of Appeals Amended By-Laws  
      Discussion of the Proposed Amended Zoning Board of Appeals By-Laws  
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 14, 2022, at 7:00 pm at the Orion Township Community Center, 2323 Joslyn Road, Lake Orion, Michigan 48360.

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

ZBA MEMBERS ABSENT:

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Bryan Duquet          Dave Dubay          Richard Miller
Ed Phillips           Lawrence Sak

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

2. ROLL CALL

3. MINUTES

A. 02-28-2022, ZBA Regular Meeting Amended Minutes

Moved by Trustee Flood, seconded by Board member Dunaskiss, to approve the minutes as corrected, correcting the vote for the motion as: Dunaskiss: yes, Cook: no, Flood: no, Walker: yes and Durham: yes, with a vote count of 3:2.

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

Board member Walker stated that after the last meeting, he was contacted by the Township offices and told that the motion that he made during the meeting was not recorded. He was asked by the Township office to recreate the motion and the motion that appeared in the minutes was that motion.

Board member Walker moved, seconded by Chairperson Durham, to approve the substitution motion that was included in the minutes for the February 28, 2022 meeting.

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

4. AGENDA REVIEW AND APPROVAL

Trustee Flood moved, seconded by Chairperson Durham, to approve the agenda as presented.
Roll call vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

5. ZBA BUSINESS

A. AB-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Rd., 09-11-476-019

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 3 variances from Sign Ordinance #153
Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned RB
1. A 1.5-ft. height variance above the allowed 8-ft. for a ground sign to be 9.5-ft. tall.
2. A 32-sq. ft. size variance above the allowed 32-sq. ft. for a ground sign to be 64-sq. ft.
3. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the road right-of-way

and, 1 variance from Zoning Ordinance #78; Zoned RB
1. A 20-ft. front yard setback variance from the required 20-ft. for a ground sign to be 0-ft. from the front property line.

Mr. Brian Duquet, Signarama, Clinton Township, introduced himself to the Board members.

Chairman Durham asked if there was a sign variance presented for this property at a prior meeting.

Mr. Duquet replied he is not aware of this but looking at where the sign exists now, it is probably a setback variance because the sign is sandwiched between the manhole covers and power pole. The support for the power pole is leaning against the sign.

Chairman Durham asked about the existing sign.

Mr. Duquet confirmed that there were blank spaces where the tenants had moved out. They have been working on this for six months trying to come up with a solution. You cannot read the existing sign until you are right up on it. It is a challenge to find a spot to put a sign on this property.

Trustee Flood stated that the practical difficulty appears to be the utilities in the area. He confirmed the location of the proposed sign.

Mr. Duquet described the items on the site that are interfering with the sign’s placement.

Vice-Chairman Cook asked how the sign placement and pedestrian safety are related.

Mr. Duquet stated that the existing sign is in close proximity to the driveway so it makes it difficult to see it. The proposed sign is roughly 23 feet south where there is currently a dead tree which will be removed. By moving it south, you will have better visibility. The second reason is, by making it slightly larger, you can actually read the panels so you do not have people slamming on the brakes because they will be able to identify the site. The building faces south, except for the back part so it has no visibility. Since they have cleaned up the trees, it has much better visibility. The idea is to try and give a sign that is relative to other signs near it, and something that you can actually see and read which makes it better for traffic flow.

Vice-Chairman Cook asked if the proposed location was indicated by the green stakes that are present on the property.

Mr. Duquet replied that he is not familiar with any green stakes.
Vice-chairman Cook stated that on the south side of the driveway, there are green stakes there. He stated that they want to go closer to the safety path but yet this is going to make it safer for pedestrians.

Mr. Duquet stated that they are not going any closer to the safety path. They are moving down the property line a little bit so it is away from the driveway, manhole covers and power lines. The curb is at the property line as you go north so it can’t be located that way. The only place you can go is south and when they worked with the Township on setbacks, that is how they came to the proposed location.

Board member Dunaskiss asked how far south it is from the driveway.

Mr. Duquet replied 23 feet from the existing sign and the existing sign is roughly five to seven feet from the curb.

Mr. Pete Duquet introduced himself. In reference to safety, someone could be walking by the existing sign now and it would be hard for someone pulling out of the complex to see them and moving it southbound would make them easier to see.

Vice-chairman Cook replied that he is not following because when you look at the distance of the existing sign and the safety path; there is a good ten feet there.

Petitioner indicated that they are not proposing moving the sign any closer to the sidewalk.

Mario Izzy, MJC Companies, introduced himself. He stated that as you are driving out of the shopping center and you look north, the closer the sign is to the approach, it makes it a more dangerous situation for pedestrians. By moving the sign to the south, it gives more relief for the driver/pedestrian relationship as you are approaching Lapeer Road and look north.

Chairman Durham asked if they push the sign south, won’t the pine trees come into play.

Petitioner confirmed that these trees have been raised and cleaned up.

Mr. Izzy stated that they are trying to clean up the plaza and attract new tenants and he described the upgrades they were planning.

Trustee Flood asked if the posted speed was 55 miles per hour.

Mr. Duquet replied he thought it was 45 miles per hour there.

Board member Walker asked about the requested 32 square foot size variance.

Mr. Duquet stated that when you do a 32 square foot for a nine tenant space, the signage for each tenant is extremely small and you cannot read it. They want to increase it to give each tenant more square footage. They are asking for something legible.

Board member Walker stated that they should have staked where the sign was going to go so when the Board members visit the site, it is obvious where it is going.

Petitioner asked how their proposed sign compares to other signs in the area.

Board member Walker stated that the petitioner could have done a survey of the area. He commented on the area and how he has never experienced the difficulties the petitioner is describing.
Mr. Izzy stated that they are trying to fill up that plaza with tenants and the sign and exposure for retail has changed a lot with COVID. The sign is a huge help for tenants.

Board member Walker stated that the sign only gets someone into the plaza the first time then it is up to the businesses.

Mr. Izzy stated that they are trying to capture drive-by traffic. He doesn't think they are bigger than anyone else up and down Lapeer Road so it would not be out of character.

Chairman Durham asked if the petitioner owns the property and if so, how long.

Petitioner replied yes; they have owned it for four years.

Trustee Flood commented that they should put the address on the sign because it is helpful.

Mr. Duquet indicated that yes, they put the address on the skirt automatically.

Board member Walker asked if there was any other site differences.

Chairman Durham asked if it was any closer to the road than the existing.

Mr. Duquet answered no, it is the same distance. He approached the Board with a drawing showing sign location.

Board members discussed a former variance on the property and how the Planning Commission used to approve those sign variances.

Board member Dunaskiss moved, and Trustee Flood supported, in the matter of AB-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Rd., 09-11-476-019 that the petitioner's request for 3 variances from Sign Ordinance #153, Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned RB including: 1. A 1.5-ft. height variance above the allowed 8-ft. for a ground sign to be 9.5-ft. tall, 2. A 32-sq. ft. size variance above the allowed 32-sq. ft. for a ground sign to be 64-sq. ft. and 3. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the road right-of-way and, 1 variance from Zoning Ordinance #78; Zoned RB for a 20-ft. front property line setback variance from the required 20-ft. for a ground sign to be 0-ft. from the front property line be granted because the petitioner did demonstrate the follow standards for variances have been met in this case and that they set forth facts that show:

1. The petitioner did show the practical difficulty of the existing sign is in the utility right of way and makes visibility difficult for the sign and possibly obscuring the view of pedestrians.

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: the current sign is a potential hazard. This is a multi-tenant shopping plaza requiring large individual panels so that they can be easily read. The current size is inadequate for this.

3. The variance is also necessary for the preservation and enjoyment of a substantial property rights possessed by others in the same zone or vicinity based on the fact that it is necessary for the stores to have multiple signage to attract customers and in order for their stores to be viable.
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.

5. Granting this variance will not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger public safety, and is not going to unreasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Petitioner will place the street address on the sign to aid in business location and will also remove all temporary signage on the property.

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

B. AB-2022-06, Lawrence Sak for Divine Lutheran Church Ground Sign, 3000 S. Lapeer Rd., 09-26-101-012

Chairman Durham read the petitioner's request as follows:

The petitioner is seeking 3 variances from Sign Ordinance #153 Section 7 – Residential Zoned Areas; Ground Signs Zoned R-2
1. A 2-ft. height variance above the allowed 6-ft. for a residential ground sign to be 8-ft. high.
2. A 33-sq. ft. size variance above the allowed 35-sq. ft. for a residential ground sign to be 68-sq. ft.
3. A 17.06% variance from the allowed 30% for the EMC section to be 47.06% of the total sign area.

and, 1 variance from Zoning Ordinance #78; Section 6.04 Zoned R-2
1. A 14-ft. front yard setback variance from the required 35-ft. for a ground sign to be 21-ft. from the front property line.

Mr. Lawrence Sak introduced himself to the Board and summarized the variance request. This was a sign that was approved by the Planning Commission in 2004. The applicant is proposing popping out the center of the existing sign and replacing it with an electronic message sign. They would only be replacing the insert but the insert would be larger than the 30% allowed by ordinance for an EMC sign. He was told that this change constitutes a new sign so they would have to have all of the variances approved.

Chairman Durham confirmed that the sign would stay where it is and they are only replacing the insert.

Mr. Sak reiterated that this constitutes a new sign so all variances are now required. He added that it is up on the hill from the road. He outlined where the insert would be if that 30% were used. He confirmed that the size of the sign that is there will not change. He commented on what information would be on the message center sign.

Trustee Flood asked if they had to go out and change each letter currently.

Mr. Sak answered yes.

Trustee Flood stated that they have to meet all of the ordinance requirements of Ordinance 153 and they have an additional approval on the pixel pitch.
Mr. Sak answered that the quotes that they have gotten are for a 6 or a 9 mm pitch and the ordinance says it must be less than 25.

Vice-chairman Cook stated that he wishes they were taking it closer to the road because it is difficult to read with the height difference. He realizes that they are doing it for economic reasons. He suggested that they clear some of the trees.

Mr. Sak stated that with the flexibility of the EMC sign, they are hoping for better visibility than they have now. They have not talked about moving it.

Board member Dunaskiss concurred; the foliage has grown and has made clear vision difficult.

Mr. Sak explained what foliage belonged to the church and its history.

Trustee Flood commented that sometimes the landscaping is part of the site plan approval so removing it may be a problem.

Mr. Sak concurred.

Board member Walker confirmed that keeping the trees is important to him. Once the attendees know the church is there, it will be different with the electronic sign, but they will know where the church is located.

Trustee Flood moved, and Vice-chairman Cook supported, in the matter of AB-2022-06, Lawrence Sak for Divine Lutheran Church Ground Sign, 3000 S. Lapeer Rd., 09-26-101-012 moved that the petitioner’s request for 3 variances from Sign Ordinance #153, Section 7 – Residential Zoned Areas; Ground Signs Zoned R-2 including: 1. A 2-ft. height variance above the allowed 6-ft. for a residential ground sign to be 8-ft. high, 2. A 33-sq. ft. size variance above the allowed 35-sq. ft. for a residential ground sign to be 68-sq. ft. and 3. A 17.06% variance from the allowed 30% for the EMC section to be 47.06% of the total sign area and one variance from Zoning Ordinance #78; Section 6.04 Zoned R-2 for a 14-ft. front yard setback variance from the required 35-ft. for a ground sign to be 21-ft. from the front property line be granted because the petitioner did demonstrate the follow standards for variances have been met in this case and that they set forth facts that show:

1. The petitioner did show the following practical difficulty: back in 2004 the Planning Commission granted this sign and subsequently since that, the laws have been changed so that now this must come before the Zoning Board of Appeals and all of the setbacks for the proposed sign are as they were approved back in 2004 by the Planning Commission so there is no deviation from the original approval, including the height.

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: the square footage of the sign will not be any larger than what exists currently which was approved back in 2004 by the Planning Commission.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the facts stated above.

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 following findings, the sign sits on a hill currently and with the new EMC, electronic version, the petitioner will have a better view for the traffic that passes on M-24.
5. Granting this variance will not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger public safety, and is not going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

A condition of this approval for the variances, the applicant provides to the Orion Planning and Zoning Specialists information provided that the pixel pitch meets sign ordinance 153 specifications once the petitioner makes a determination on which sign they will buy.

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


Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Sign Ordinance #153 Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned OP

1. A 14.53-sq. ft. size variance from the allowed 40-sq. ft. for a ground sign to be 54.53-sq. ft.

2. A 35.56% variance from the allowed 30% for the EMC section to be 65.56% of the total sign area.

Mr. Ed Phillips, Phillips Sign & Lighting, introduced himself and also introduced Richard Miller, Senior Vice-President and Chief Financial Officer for Oxford Bank. Mr. Phillips outlined the variance request including the hardships that exist. He stated that they previously obtained a setback variance before the Board but now the petitioner has determined that they need an EMC. He provided a handout to the Board members and summarized the handed out information. He explained the proposed sign and also added that this will be the sign that will be the Oxford Bank brand. He stated that the identification is the logo that will be incorporated in the sign and explained why they want the EMC. He stated that the proposed sign would be a safe sign and would be legible from the road.

Trustee Flood stated that he likes the current sign and he likes the fact that they are putting the address on the sign. He confirmed that they are getting rid of the existing sign and added that this will be a huge improvement.

Board member Walker asked what changed from December to now because back in December, they received variances that were approved.

Mr. Phillips stated that when they looked at adding the EMC, it made more sense after they received the variances.

Vice-chairman Cook stated that the electronic signage came up at the discussion in December and it wasn’t on the table.

Trustee Flood confirmed that he asked about the electronic sign in December and at that time, the petitioner said that he would have to go back and discuss it.

Mr. Phillips concurred. They discussed it and decided that it should be part of the proposed signage.
Vice-chairman Cook asked if the EMC was already at the branch location on Broadway when they appeared in December.

Mr. Phillips replied yes.

Vice-chairman Cook commented that they already had an EMC that was labeling their branches.

Trustee Flood confirmed that there was a note in the packet that said if there is a motion, it would have to be conditioned upon providing the pixel pitch document to the Zoning Department to confirm it was within the ordinance requirements.

Mr. Phillips added that the pitch on the proposed is 10 mm. He understands that they will have to provide that information.

Board member Walker asked why the electrical sign has to be so big.

Mr. Phillips replied that if they are going to put any type of message on an electronic sign, it has got to be at least an 8 inch letter to be seen by traffic.

Board member Walker asked why 65% of the sign needs to be electronic.

Mr. Phillips commented that this is mostly due to the existence of the logo.

Chairman Durham commented on the traffic patterns on M-24 and he wondered about the size necessity.

Mr. Phillips stated that they don’t always see the same messages because of the time that they are rotating and changing. He added that an American flag scrolling across the sign is 65% of the sign and most of the time it is copy.

Board member Walker stated that every case is individual but to allow a doubling of the allowance to simply have the logo seems excessive.

Mr. Phillips explained that they are only increasing what the sign is capable of doing and he commented on a previous case that was heard.

Chairperson Durham commented that all cases are independent and he explained.

Board member Dunaskiss confirmed that the proposed shows the logo on the left and asked why if they are trying to gain consistency.

Mr. Phillips replied that they will switch it if needed.

Chairman Durham asked if there was public comment.

No public comment was heard.

Trustee Flood stated that he likes the new sign compared to the old sign and if they wanted, they could attach the new EMC to the old pole sign.

Mr. Phillips stated that when the sign just shows the time, it will be 8 square feet and temperature would also be around the same. So, it will not be the maximum amount all of the time.

Chairman Durham asked if the petitioner has discussed the lumens of light that will be displayed with the Planning and Zoning Department.

Mr. Phillips replied yes. They are aware of the numbers and are fine with it.
Vice-chairman Cook stated that he does not have a level of comfort with the proposed and it is percentage coverage that is difficult. He asked the applicant if there was any give and take on the amounts of variances requested.

Chairman Durham explained the petitioner’s options.

Mr. Phillips asked what the Board would approve.

Vice-chairman Cook stated that he has an issue with the doubling up of the EMC.

Mr. Phillips added that if he was to go higher, then he would need less of an area increase. He asked if he asked for a 30 foot sign. He needs the EMC to be any kind of size in order to be legible across Lapeer Road.

Vice-chairman Cook stated that based upon what is before the Board, what he is proposing might be a reasonable solution.

Mr. Phillips suggested that instead of 6 feet high, it will be 8 feet high then they have a whole new square footage.

Chairman Durham confirmed that this would have to go back to Planning and Zoning and again explained the options to the petitioners.

Board member Walker stated that if they are planning on increasing the size of the sign in order to make the EMC more acceptable, they have to consider that at least one of the requests are going to be increased.

Building Official Goodloe concurred. If they increase the size of the variance request, it will have to be re-advertised.

Mr. Phillips commented on reducing the sign 4 square feet.

Board members discussed the reduction of the size of the EMC.

Board member Dunaskiss asked if the base is replaced with the blue base that they are showing.

Mr. Phillips answered yes; it is shorter than the one in Oxford.

Building Official Goodloe stated that if they reduce the size of the EMC by 4 square feet, they would be asking for 27% variance above the allowed.

Board member Dunaskiss stated that this is an improvement over the existing sign. She understands that if they have changeable messages, the font does have to be big enough for people to see it. She appreciates the willingness to compromise.

Chairman Durham concurred.

Vice-chairman Cook moved, and Trustee Flood supported, in the matter of case AB-2022-07, Phillips Sign & Lighting Inc. for Oxford Bank Ground Sign, 1115 S. Lapeer Rd., 09-14-226-004 moved that the petitioner’s request for 2 variances from Sign Ordinance #153, Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned OP including a 1. A 14.53-sq. ft. size variance from the allowed 40-sq. ft. for a ground sign to be 54.53-sq. ft. and an adjusted request for 2. A 27% variance from the allowed 30% for the EMC section to be 57% of the total sign area be granted because the petitioner did demonstrate the follow standards for variance have been met in this case and that they set forth facts that show:
1. The petitioner did show the practical difficulty: they had previously come before the Board to discuss getting a sign variance and realizing again with Lapeer Road being as busy as it is, an electronic message might be a better way to demonstrate the bank’s location and/or specials that they may have.

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: the applicant is not near a stop light so that most of the traffic going north or south tends to pass the sign at 55 miles per hour.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the fact that they are attracting people to come to them.

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 the improvements in such zone or district in which the property is located based upon the following findings: the petitioner is willing to accomplish what they want as far as attracting people to the site but also taking into account the Board’s request and reducing the sign and still allow them to get what they want.

5. Granting this variance will not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger public safety, and is not going to unreasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

The petitioner agrees that the existing sign will be removed and also, the petitioner will provide the Planning and Zoning Specialist information showing that the pixel pitch meets Ordinance 153 specifications and also, that the address will appear on the sign.

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

D. AB-2022-10, Zoning Board of Appeals By-Laws

Discussion on draft copy of Zoning Board of Appeals By-Laws

Board members discussed the Zoning Board of Appeals By-Laws including all changes. Chairperson Durham provided a brief overview of the changes.

Board member Walker moved, supported by Trustee Flood, that the Zoning Board of Appeals review the proposed changes and contact the Planning and Zoning Staff with any questions or proposed changes and to bring this case back for possible approval at a later Zoning Board of Appeals meeting.

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

6. PUBLIC COMMENTS

Board members discussed the need to have an address on all signage.

7. COMMUNICATIONS
Trustee Flood moved, supported by Chairman Durham, to cancel the March 28, 2022 Zoning Board of Appeals meeting due to the lack of agenda items. Vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

8. COMMITTEE REPORTS

Trustee Flood commented on the Fence Committee activities.

9. MEMBER COMMENTS

10. ADJOURNMENT

Moved by Board member Dunaskiss, seconded by Chairman Durham, to adjourn the meeting at 8:27 pm. Vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, 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 Coordinator

DATE: March 30, 2022

RE: Case location for ZBA Meeting 04/11/2022

Below are the locations of the ZBA cases for the April 11, 2022 meeting.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: March 29, 2022

SUBJECT: Staff Report for AB-2022-08, Father & Son Construction, 3442 Chalice

The petitioner represents the homeowner. They are requesting to add an attached sunroom off the front of the house.

The addition of the sunroom will not exceed lot coverage maximum and will meet both side yard setbacks from the east and west.

Per plans provided – the house is currently 40-ft. from the front property line.

Please contact me if you have any questions.
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-2022-08, Father & Son Construction, 3442 Chalice, 09-28-302-001, I would move that the petitioner’s request for:

I variance from Zoning Ordinance #78, Article VI, Section 6.04, Zoned R-2

1. A 3-ft. front yard setback variance from the required 35-ft. to construct an attached sunroom enclosure 32-ft. from the front property line.

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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-2022-08, Father & Son Construction, 3442 Chalice, 09-28-302-001, I would move that the petitioner’s request for:

1. variance from Zoning Ordinance #78, Article VI, Section 6.04, Zoned R-2

   1. A 3-ft. front yard setback variance from the required 35-ft. to construct an attached sunroom enclosure 32-ft. from the front property line.

be denied 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
Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: 248-391-0304 ext. 5001; F: 248-391-1454

Case # - AB-2022-08
Meeting Date: - 4/11/2022

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 $250.00 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: Father & Son Construction
Address: 5032 Rochester Rd City/State/Zip: Troy MI 48085
Phone: (2) 528-1940 Cell: Fax: (2) 528-3275
Email: Carrie-vivona@comcast.net

PROPERTY OWNER(S)
Name(s): Robert Egerton
Address: 3442 Chalice City/State/Zip: Orion Twp
Phone: (2) 929-4536 Cell: Fax:
Email:

CONTACT PERSON FOR THIS REQUEST
Name: Mike Corrado Phone: (2) 528-1940 Email: Mike.corrado@comcast.net

SUBJECT PROPERTY
Address: 3442 Chalice Sidwell Number(s): 09-28-302-001
Total Acreage: Length of Ownership by Current Property Owner: Years, Months
Does the owner have control over any properties adjoining this site? NO
Ordinance Allowance/Requirement
35 MIN. FRONT YARD SETBACK
Deviation requested 3' Variance
List additional ordinance requirements and deviations on a separate page

Page 1 of 3
Case #: AB-22-08

Residential

COMMERCIAL VARIANCE

1. Describe the nature of the request. Requesting a 3' variance As front yard setback from proposed enclosure will only be 32'.

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 unique circumstance is that oddly enough the existing house is setback further than most in the area maintaining 32' setback where most are on average about 25'.

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: This project will not be a detriment to the area mainly because what is proposed is already there and in one instance the enclosure is an old structure old and built with wood and is need of some repair paint.

4. Explain how the request is not consistent with other properties in the immediate area, please site examples if possible: The proposal is consistent when we see an enclosure off front of homes @ 3551 Milton (3 houses away) with 21' setback or 3371 Chalice setback 26' or @ 3445 Chalice (across the street) only 18' 6" setback from the front covered porch.

5. Describe how the alleged practical difficulty has not been self-created. This home was built in 1957 and we believed that setbacks were not 35' maybe 25'.

6. The topography of said land makes the setbacks impossible to meet because: The topography of the land does not really apply here, it offers no conflict.

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. They are several properties within this sub with enclosures at front of home that are currently between 20' & 25' front yard setbacks. Far short of required 36' and still even less than the 32' setback we are proposing.
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]

Print Name:  
   [Printed Name]

Date:  
   2-14-22

Property Owner:
   If applicable:
   [Signature]

Print Name:  
   [Printed Name]

Date:  
   2-14-22

OFFICE USE ONLY

Zoning Classification of property:  

Adjacent Zoning:  
   N  S  E  W

Total Square Footage of Principal Structure:  

Description of variance(s):

Date Filed:  

Fee Paid:  

Receipt Number:  

Worksheet

Customer: ROBERT EGERTON
Address: 3442 CHALICE
Email: ORION TWP
Phone: 

Plot Plan

1" = 20'8"

Orion-Township Planning & Zoning

RECEIVED

FEB 15 2022

NEW ENCLOSURE

Estimator

Homeowner

CHALICE RD 60
AB-2022-08  3442 Chalice  R-2

1.244 acres = 10,628.64 ft²  25% = 2,657.16 ft²

A front yard setback required is 35’
Sunroom enclosure will be 32’ variance of 3’
Side yard setbacks will be met (25’ and 37’)

Lot coverage OK
House = 1,129 ft²
Shed = 120 ft²
Proposed porch = 216 ft²
\[
\frac{1,465}{1,465} \text{ OK}
\]
Article VI
Single Family Residential: R-1, R-2 & R-3

Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)

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

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<td>Maximum Lot Coverage</td>
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<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>
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</tr>
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*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 unplatted 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 10.08.95, 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.
From:      Jeff Williams  
Sent:     Monday, March 21, 2022 5:52 PM  
To:      Courtney Keisman  
Cc:  Robert Duke  
Subject: RE: ZBA Documents for the April 11, 2022 ZBA Meeting  

The Orion Township Fire Department has reviewed the proposed documentation 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: Courtney Keisman <ckeisman@oriontownship.org>  
Sent: Monday, March 21, 2022 8:36 AM  
To: Jeff Williams <jwilliams@oriontownship.org>  
Subject: ZBA Documents for the April 11, 2022 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 3 ZBA cases that need to be reviewed by you for the April 11, 2022 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
TO: Zoning Board of Appeals  
FROM: Lynn Harrison, Planning & Zoning Coordinator  
DATE: March 29, 2022  
SUBJECT: Staff Report for AB-2022-09, Jeff Cowley, 1323 Lake Shore Blvd 

The petitioner is requesting to replace an existing deck that was built in 1995. The stairs off the deck that are towards the side property line to the west do not meet the required setback of 10-ft.

The maximum lot coverage of 25% and the rear yard setback of 35-ft will both be maintained.

I could not find where a variance was ever granted for the existing stairs to be closer to the property line than allowed.

The petitioner has provided drawings of the replacement deck which was signed off on by the Homeowner’s Association and a neighbor.

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 28, 2022

RE: AB-2022-09, Jeff Cowley, 1323 Lake Shore Blvd., 09-10-103-021

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-2022-09, Jeff Cowley, 1323 Lake Shore Blvd., 09-10-103-021, I would move that the petitioner’s request for:

1 variance 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. to replace deck/stairs 6.5-ft. from the side property line (west).

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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-2022-09, Jeff Cowley, 1323 Lake Shore Blvd., 09-10-103-021, I would move that the petitioner’s request for:

1 variance 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. to replace deck/stairs 6.5-ft. from the side property line (west).

be denied 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: Jeff Cowley
Address: 1323 Lake Shore Blvd  City/State/Zip: Lake Orion/MI/48360
Phone: 810-357-6193  Cell: 810-357-6193  Fax: NA
Email: jmcowley@ups.com

PROPERTY OWNER(S)
Name (s): Jeff Cowley  Stacy Cowley
Address: 1323 Lake Shore Blvd  City/State/Zip: Lake Orion/MI/48360
Phone: 810-357-6193  Cell: 810-357-6193  Fax: NA
Email: jmcowley@ups.com  sct_cowley@outlook.com

CONTACT PERSON FOR THIS REQUEST
Name: Jeff Cowley  Phone: 810-357-6193  Email: jmcowley@ups.com

SUBJECT PROPERTY
Address: 1323 Lake Shore Blvd  Lake Orion  48360  Sidwell Number: 09-10-103-021
Total Acreage: .25  Length of Ownership by Current Property Owner: 10  Years, 4  Months

Does the owner have control over any properties adjoining this site? NO
Zoning Ordinance Allowance/Requirement 10ft side yard  Deviation requested 46  foot
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Grant 4 foot side yard variance to account for stairs.

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. Because we live on the canal, the length of our lot is shorter than the other lots that do not live on the canal.

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: It's a staircase on the side of the house that will not be materially detrimental to public health, safety and welfare of the other properties.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Simply replacing the existing structure with a newer & safer structure.

5. Describe how the alleged practical difficulty has not been self-created. We are replacing our existing deck that was constructed in 1995. The existing deck was approved by both Orion Township zoning and building departments. See attached existing deck approved.

6. The topography of said land makes the setbacks impossible to meet because: currently, the existing staircase has been on the home since 1995 and that changes the location of the staircase would require major landscape work, block basement view windows and reduce the use of lower patio.

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. This request grants us permission to use the property as it has been used since the home was built since 1995 and it's intended use, in addition, the existing railings cannot be used because they're not up to code.
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)

Print Name: Jeff Cowley

Date: 2-18-2022

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

Print Name: Jeff Cowley

Date: 2-18-2022

If applicable: I the property owner, hereby give permission to NA 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-2022-09, Jeff Cowley, 1323 Lakeshore Blvd,
09-10-103-021  Zoned R-2
Acres .303  13,198.68\text{ sq ft}  25\% = 3,299.67
\begin{align*}
(6.5') \\
\text{sideyard setback required 10' will be 6.6" to the west}
\end{align*}
\begin{align*}
\text{a variance of 3.5'}
\end{align*}

\underline{Lot Coverage}
\begin{align*}
\text{House} & 1,985\text{ sq} \\
\text{Attached Garage} & 688\text{ sq}
\end{align*}
\underline{Porch} 36\text{ sq}
\underline{New Deck w/ stairs} 471\text{ sq}
\underline{3,190 ok}
Article VI  Single Family Residential: R-1, R-2 & R-3

Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)

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

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<tr>
<td><strong>Total Maximum Floor Area of All Accessory Buildings</strong></td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Height of Structures</strong></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 unplatted 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.
DECK SELECTION:
1. DECKING: TREP TRANSCEND: SPICED RUM
2. BORDER: TREP TRANSCEND: VINTAGE LANTERN ONE ROW
3. FACIA: WHITE PVC
4. RAILS: 3" TREP TRANSCENDS RAIL
   - TOP CROWN: VINTAGE LANTERN
   - BOTTOM UNIVERSAL: VINTAGE LANTERN
   - 3/4" SQUARE BLACK ALUMINUM BALUSTERS
5. RAIL POST SLEEVES/FLAT POST CAPS:
   - CLASSIC WHITE
6. POST/BEAM CLADDING: SPICED RUM (OPTIONAL)

ISOMETRIC VIEW
SCALE: 1/4" = 1' - 0"

PLAN #1: 2022-013
OWNER: JEFF AND STACEY COOLEY
         1223 LAKE SHORES BLVD
         LAKE ORION, MI 48362

PALETTE DESIGN GROUP COPYRIGHT 2021
ALL RIGHTS RESERVED

RECEIVED
Orton Township Planning & Zoning
2/17/2022
DECKING PLAN

General Notes:
1. No Ledger: Deck Free-standing. Provide Lateral Bracing if over 30'.
2. DIAGONAL BRACING: INSTALL SIMPSON WALL BRACING TWB12
3. 18" DIAMETER X 42" POST HOLE FOOTING. EXCEPTION: FOOTINGS IN BACK FILL TO BEARABLE SOIL.
4. 6X6 TREATED POST SET IN 18"X42"DIA. CONCRETE POURED FOOTINGS
5. FORTRESS STEEL EVOLUTION 2"X11" BEAM: SEE LOAD CALC
6. 2" x 8" Treated Joists 12" O.C. 12'-0" " Max Span. 2'-0" Max Cantilever. Attach joists to beams with hurricane clips.
7. All fasteners to be double dipped galvanized
8. 2" x 12" treated stringers 12" O.C. Double saw tooth stringers with 3"x6" treated.
10. Graspable Handrail 34" to 38"
11. Install New Railing: Trex Transcends Railing. Follow manufacturer's installation guide. 36" MINIMUM HEIGHT AND 4" MAX SPACE BETWEEN BALUSTERS.
12. Decking Trex Transcends 1x6 fastened to joists with Trex Universal Clip nylon with stainless steel screw. Follow manufacturer's installation guide.
13. Deck Height above grade=120"
PROPOSED DECK REPLACEMENT

LOT 37 MARINA POINTE
1323 LAKE SHORE BLVD
ORION, MI 48362

LOT 37, "MARINA POINTE", a subdivision
southwest quarter of Section 10, T44N-R10E, Orion
TOWNSHIP, Oakland County, Michigan, as recorded in Liber 232, pages
304-306 and 311-312, Oakland County Records.

PLOT PLAN

Homes of Michigan, 315 S. Woodward Ave., Suite 110.
Royal Oak, Michigan

NOTE: PROPOSED GRADES TAKEN FROM OUR PROJECT 
NORTHEAST SURVEY & ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR
CURRENT HOUSE DIMENSIONS AND DRIVEWAY PLACEMENT. CLIENT MUST VERIFY ALL
DIMENSIONS AND DRIVEWAY PLACEMENT PRIOR TO CONSTRUCTION. 
APPROVAL OF
THIS PLOT PLAN DOES NOT RELIEVE THE ARCHITECT OF COMPLIANCE WITH ALL
APPLICABLE CODES AND ORDINANCES. OTHER INFORMATION OBTAINED FROM OUR
PLANS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION.

LOBEY

NorthEast Survey & Associates, Inc.
230 E. Third St., Inlay City, MI 48444
(810) 724-6532

James T. Bailey, P.E. No. 33363

SHEET 1 OF 3

DATE 1/31/95

SCALES 1"=30'

NORTHWEST

EAST

SOUTH

DRAINAGE

WATER MAIN

LAKE SHORE BLVD. 100'W

EXISTING

PROPOSED

Scale: 1" = 30 ft
The Orion Township Fire Department has reviewed the proposed documentation 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: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, March 21, 2022 8:36 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the April 11, 2022 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 3 ZBA cases that need to be reviewed by you for the April 11, 2022 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
I oppose granting the above referenced variance. The visibility of the structure will visible by neighbors and is in violation neighborhood by-laws. Granting the variance will result in more variances being sought and detract from surrounding home values.

Lorne Hamilton
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 29, 2022
SUBJECT: Staff Report for AB-2022-11, Fairmont Signs (for GM)

Fairmont Signs has been contracted by GM to “rebrand” some of their ground signs, replace some, and install new ones.

Sign Ordinance 153 for non-residential ground signs in the IC zoning district mandates the requested variances and Zoning Ordinance #78 mandates the front yard setback for that zoning.

In the packet are renderings of the signs – each is noted with a number & letter (example: Sign #4B). These numbers correlate with the numbers on the overhead map in the packet.

Signs #1, #2, #3A, #3B, and #3C – are considered a “change of copy only” and do not need any variances except that they are included in the count for the number of ground signs allowed.

Signs #4A, #4B, #4C, and #4E are replacing old signs with new ones that are taller, larger, and closer to the road right-of-way and property lines than allowed and the reason for the requested variances. These signs will be placed in the same location as the ones being removed which do not meet current setback requirements. Sign #4E is going to move further back than it is now as it currently falls within the road right-of-way.

Signs #7, #8, #9, & #10 meet size requirements are internal and are not included in the sign count.

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 28, 2022


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-2022-11, Fairmont Sign Company for General Motors, 4555 Giddings Rd., 4550 Giddings Rd., 1971 Brown Rd. (09-34-200-006) & 4555 Giddings Rd. (09-34-400-011), I would move that the petitioner’s request for:

variances from Sign Ordinance #153, Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned IC

1. 3.83-ft. height variances for 4 ground signs to be 11.83-ft. tall each.
2. 4.38-sq. ft size variances for 4 ground signs to be 39.38-sq. ft. each.
3. An 8-ft. road right-of-way setback variance for 2 ground signs to be 12-ft. from the ROW each.
4. A 6.5-ft. road right-of-way setback variance for a ground sign to be 13.5-ft. from the ROW.
5. A 19-ft. road right-of-way setback variance for a ground sign to be 1-ft. from the ROW.
6. A variance for 7 ground signs over the 2 allowed for a total of 9 ground signs.

Zoning Ordinance #78, Section XIX, Section 19.04 – Zoned IC
7. An 88-ft.front yard setback variance for 2 ground signs to be 12-ft. from the property line each (west).
8. An 86.5-ft. front yard setback variance for a ground sign to be 13.5-ft. from the property line (west).
9. A 99-ft. front yard setback variance for a ground sign to be 1-ft. from the property line (north).

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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-2022-11, Fairmont Sign Company for General Motors, 4555 Giddings, 4550 Giddings, 1971 Brown (09-34-200-006) & 4555 Giddings (09-34-400-011), I would move that the petitioner’s request for:

variances from Sign Ordinance #153, Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned IC,

1. 3.83-ft. height variances for 4 ground signs to be 11.83-ft. tall each.
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5. A 19-ft. road right-of-way setback variance for a ground sign to be 1-ft. from the ROW.
6. A variance for 7 ground signs over the 2 allowed for a total of 9 ground signs.

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7. An 88-ft. front yard setback variance for 2 ground signs to be 12-ft. from the property line each (west).
8. An 86.5-ft. front yard setback variance for a ground sign to be 13.5-ft. from the property line (west).
9. A 99-ft. front yard setback variance for a ground sign to be 1-ft. from the property line (north).

be denied 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:

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

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56
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: FAIRMONT SIGN COMPANY - ROGER BRIDDICK
Address: 8750 E. OUTER DRIVE  City/State/Zip: DETROIT, MI. 48234
Phone: 313-318-4000  Cell: 586-337-1125  Fax: 
Email: BBRIDDICK@FAIRMONTSIGN.COM

PROPERTY OWNER(S)

Name(s): GENERAL MOTORS - DEBRA HOMIC-HOGE
Address: DETROIT TREN-CEN TOWER 800 CITY/STATE/ZIP: DETROIT, MI. 48243
Phone: 313-465-1105  Cell: 586-337-1125  Fax: 
Email: DEBRA.HOMIC-HOGE@GM.COM

CONTACT PERSON FOR THIS REQUEST

Name: ROGER BRIDDICK  Phone: 586-337-1125  Email: BBRIDDICK@FAIRMONTSIGN.COM

SUBJECT PROPERTY

GM-ORION ASSEMBLY PLANT
Address: 4555 GIDDINGS RD  Sidwell Number(s): 09-34-200-006 09-34-400-011

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

2. FREESTANDING SIGNS ALLOWED
9 F.S. SIGNS REQUESTED

Deviation requested

List additional ordinance requirements and deviations on a separate page

Version 11/30/21
COMMERCIAL VARIANCE

1. Describe the nature of the request. **REQUESTING 9 VARIANCES TO ALLOW 9 EXISTING GROUND SIGNS, EXCEEDING THE ALLOWABLE NUMBER OF SIGNS, SIZE, HEIGHT AND SETBACKS FOR EXISTING SIGNS.**

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. **THESE SIGNS ARE ALL CURRENTLY EXISTING ON THE HUGE, EXPANSIVE PROPERTY OF THE GENERAL MOTORS ASSEMBLY PLANT.**

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. **THESE SIGNS ARE ALL CURRENTLY EXISTING ON SITE AND DO NOT ENCROACH ONTO ANY OTHER PROPERTIES. THEY ARE FULLY LOCATED WITHIN THE PROPERTY LINES.**

4. Explain how the request is not consistent with other properties in the immediate area, please cite examples if possible: **THIS PROPERTY IS NOT CONSISTENT WITH OTHER PROPERTIES IN THE AREA. IT IS A SELF-CONTAINED MANUFACTURING FACILITY TAKING AT LEAST ONE SQUARE MILE, FRONTING ON 3 MAJOR ROADS.**

5. Describe how the alleged practical difficulty has not been self-created. **THESE SIGNS HAVE EXISTED FOR MANY YEARS AND PRE-DATE THE TOWNSHIP’S CURRENT ZONING CODE.**

6. The topography of said land makes the setbacks impossible to meet because: **THE PROPERTY IS EXTREMELY LARGE, EXPANSIVE AND THE SIGNS ARE EXTREMELY SMALL, IN PROPORTION TO THE PROPERTY.**

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 ITEMS 4, 5 & 6 ABOVE.**

**THIS PROPERTY IS UNIQUE, EXPANSIVE AND THE SIGNS ARE ALL CURRENTLY EXISTING. WE HOPE TO CLEAN UP THE EXISTING SIGNS AND MODERNIZE THE SITE.**
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: ____________________________
(must be original ink signature) ____________________________
Print Name: ____________________________
Date: 3/10/2022

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: ____________________________

SEE ATTACHED LETTER OF AUTHORIZATION

OFFICE USE ONLY

Zoning Classification of property: ________

Adjacent Zoning: N. ________ S. ________ E. ________ W. ________

Total Square Footage of Principal Structure: ____________________________

Description of variance(s):

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

Date Filed: ____________________________
Fee Paid: ____________________________
Receipt Number: ____________________________

60

Version 11/30/2021
ORION CHARTER TOWNSHIP
ZONING BOARD OF APPEALS -

RE: GENERAL MOTORS ORION ASSEMBLY FACILITY
4555 GIDDINGS RD. SIGNAGE

ALLOWED BY CODE:

1. 2 FREESTANDING SIGNS
2. MAX 35" HIGH SIGN FACE
3. MAX 8'-0" OAH
4. MIN. 20' SETBACK FROM ROW

CURRENTLY EXISTING:

1. 9 FREESTANDING SIGNS
2. 39.38" HIGH SIGN FACE
3. 11'-10" OAH
4. 2 AT 12' SETBACK
   1 AT 13.5' SETBACK
   1 AT 1' SETBACK

VARIANCES REQUESTED:

1. 7 ADDITIONAL FREESTANDING SIGNS
2. 4.38 SQ. FT SIZE VARIANCES FOR 4 GROUND SIGNS
3. 3.33' HEIGHT VARIANCES FOR 4 GROUND SIGNS
4. AN 8'-0" SETBACK VARIANCE FOR SIGN #4A #4C
5. A 6.5' SETBACK VARIANCE FOR SIGN #4B
6. A 19' SETBACK VARIANCE FOR SIGN #4E

* ALL THESE SIGNS ARE CURRENTLY EXISTING ON THE SITE.
Orion Assembly
4555 Giddings Rd
Orion, MI 48359
**Change of Copy**

**SIGN #1**

**General Motors | Orion Assembly**

**EXISTING SIGNAGE**

**PROPOSED SIGNAGE**

---

**ORION ASSEMBLY**

Retro-fit Replacement Flex Faces

Font: Overpass Extra Bold, Cool Gray 11

Overpass Bold, Cool Gray 11

Logo: Blue 285

Background: White

**FAIRMONT SIGNS COMPANY**

3719 East Outer Drive
Detroit, MI 48234

T: 313.368.4000  F: 313.368.3335

www.fairmontsigns.com

**Client:**

Orion Assembly

4555 Giddings Rd

Orion, MI 48359

**Date:**

9/14/21

**File:**

Accounts/GM/Eve/ORionAssembly

**Designer:**

RNB

**Scale:**

NA

**Job:**

00000

1 of 16

**Revision #**

7

**Revision Date:**

3-9-22

**Revision Description:**

64

**Customer Approval:**

---

ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION
General Motors | Orion Assembly

**Change of Copy**

**SIGN #2**

EXISTING SIGNAGE - SIDE A

PROPOSED SIGNAGE - SIDE A

EXISTING SIGNAGE - SIDE B

PROPOSED SIGNAGE - SIDE B

---

**SPORTS COMPLEX**

UAW Local 5960

**QTY 2: Non-Illuminated Aluminum Sign Faces**

---

Fairmont Sign Company
3710 East Outer Drive
Detroit, MI 48234
313.368.4000 | F: 313.368.9335
www.fairmontsign.com

Client:
Orion Assembly
4555 Giddings Rd
Orion, MI 48365

Date:
9/14/21

File:
Accounts/GM/Dev/Orion Assembly

Designer:
FNB

Scale:
NA

Job#:
00000

Sheet:
1 of 16

Revision #:
7

Revision Date:
3-9-22

Revision Description:

Customer Approval:

This drawing remains the exclusive property of Fairmont Sign Company. It designates printed in various or full color, at cost, for use in marketing, advertising, or promotion. It is a copyrighted and protected under the law. Unless otherwise noted, all drawings portrayed are protected under the law.

ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION
General Motors | Orion Assembly

EXISTING SIGNAGE - SIDE A

PROPOSED SIGNAGE - SIDE A

EXISTING SIGNAGE - SIDE B

PROPOSED SIGNAGE - SIDE B

Change of Copy

SIGN #3A

QTY 2: Vinyl Logo Overlays
ROW is 120' wide per Oakland County and is measured 60' either way from the middle of the road.

Sign currently sits 12' back from edge of ROW.
General Motors | Orion Assembly

EXISTING SIGNAGE - SIDE A

EXISTING SIGNAGE - SIDE B

GATE 3

↑ Gate 4

↑ Gate 2

↑ Truck Gate

PROPOSED SIGNAGE - SIDE A

PROPOSED SIGNAGE - SIDE B

GATE 3

↑ Gate 2

↑ Truck Gate

NEW SIGN: TYPE 1602-40 Sq Ft

Existing sign set back 4' from street

GATE 3

↑ Gate 2

↑ Truck Gate

67.5" x 84" = 5,670" ÷ 144 = 39.38'

5" size variance

Allowed 35"
CURRENT SETBACK FOR SIGN #4B

ROW is 120' wide per Oakland County and is measured 60' either way from the middle of the road.

Sign currently sits 13.5' back from edge of ROW.
**SIGN #4C**

**EXISTING SIGNAGE - SIDE A**

**EXISTING SIGNAGE - SIDE B**

**PROPOSED SIGNAGE - SIDE A**

**PROPOSED SIGNAGE - SIDE B**

**GATE 4**

- **Gate 3**
- **Truck Gate**

**NEW SIGN: TYPE 1602 - 40 Sq Ft**

Existing sign set back 4' from street

$$67.5' \times 84' = 5670' \div 144 = 39.38\text{ ft}$$

5% size variance

Allowed 35"
ROW is 120’ wide per Oakland County and is measured 60’ either way from the middle of the road.

Sign currently sits 12’ back from edge of ROW.
General Motors | Orion Assembly

EXISTING SIGNAGE- SIDE A

EXISTING SIGNAGE- SIDE B

SIGN #4E

TRUCK GATE

NEW SIGN: TYPE 1602- 40 Sq Ft
COPY TBD

67.5" x 84" = 5,670" - 14 = 39.38

Existing sign set back 4' from street

Allowed 35'

142" - 96" = 46"

\( \frac{96''}{8'} = 3.83' \)
CURRENT SETBACK FOR SIGN #4E

ROW is 120’ wide per Oakland County and is measured 60’ either way from the middle of the road.

Sign currently sits 55’ back from the center of the road and is within the ROW.

New sign will be installed at 61’ from the center of the road.
**General Motors | Orion Assembly**

**SIGN #7**

QTY 1: New 24" x 24" D/F Campus Directional Sign
Non-illuminated, painted double post metal frame

**EXISTING SIGNAGE**

**PROPOSED SIGNAGE**

Size OK
QTY 1: New 24" x 24" S/F Campus Directional Sign
Non-illuminated, painted double post metal frame

SIZE OK
SIGN #9

QTY 1: New 24" x 24" D/F Campus Directional Sign
Non-illuminated, painted double post metal frame
EXISTING SIGNAGE

PROPOSED SIGNAGE

QTY 1: New 24" x 24" D/F Campus Directional Sign
Non-illuminated, painted double post metal frame

SIZE OK
EXISTING SIGNAGE- SIDE A

EXISTING SIGNAGE- SIDE B

REMOVE EXISTING SIGN
General Motors | Orion Assembly

EXISTING SIGNAGE

GM ORION ASSEMBLY
Thank you America for your continued support!
Proudly built by UAW Local 5960

PROPOSED SIGNAGE

ORION ASSEMBLY
Thank You America For Your Continued Support!
Proudly built by UAW Local 5960

REMOVE EXISTING SIGN & REPLACE WITH NEW BANNER OF THE SAME SIZE

Approved
## Non-Residential Zoned Areas
### Ground Signs

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance. Ground signs shall be subject to all the standards of either Alternate A or Alternate B.

<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>RFY</th>
<th>BIZ Use Groups A (Non-Residential), B, C, &amp; D</th>
<th>SP-1 &amp; SP-2</th>
<th>REC-1/REC-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signs</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
</tr>
<tr>
<td>Sign area Alternate A overall height up to 6 ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Sign area Alternate B overall height over 6 ft.</td>
<td>32 sq. ft. per side; maximum 64 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>20 sq. ft. per side; maximum 40 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>25 sq. ft. per side; maximum 50 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Setback - shall be measured at existing ROW or as req'd by KCDC</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td></td>
</tr>
</tbody>
</table>

**Footnotes**

3. The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

5. Additional ground signs may be permitted for each zoning lot if the following conditions apply:
   a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   c. Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
   d. On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

6. The following additional ground signs may be permitted:
   a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
   b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.
regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:

a. No wastes shall be discharged into the public sewer system which are dangerous to the public health and safety.

b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.

c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.

d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.

e. Wastes shall not have chlorine demand greater than 15 p.p.m.

f. Wastes shall not contain phenols in excess of .005 p.p.m.

g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

M. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. (amended 01.05.87, 02.03.03)

N. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. (amended 08.03.00)

O. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. (added 09.17.07)

**Section 19.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** (amended 07.16.18)

Please see the Matrix Chart in Section 19.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>IC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>100 ft. on each side</td>
</tr>
<tr>
<td>Minimum Parcel Area</td>
<td>400 acres</td>
</tr>
<tr>
<td>Maximum Parcel Area</td>
<td>500 acres</td>
</tr>
<tr>
<td>Maximum Heights of All Structures</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>100 ft.</td>
</tr>
</tbody>
</table>
AB - 2022-11 Fairmont Sign for Gen Zoned 1C
4555 Giddings 09-34-200-006 & 09-34-400-011

Asking for 13 Ground Signs - 2 Allowed

Sign #1 change of copy only
Sign #2 change of copy only
Sign #3A change of copy only
Sign #3B change of copy only
Sign #3C change of copy only
Sign #4A needs variances for height, size, & setback
Sign #4B needs variances for height, size, & setback
Sign #4C needs variances for height, size, & setback
Sign #4E needs variances for height, size, & setback
Sign #7 height & size ok
Sign #8 height & size ok
Sign #9 height & size ok
Sign #10 height & size ok

Additional variances are needed for 4A, 4B, 4C, & 4E for height, size &

Row setback required 20'
Front & side yard setbacks required 100'
Ground signs up to 6' allowed 35' per side
Signs 4A, 4B, 4C, & 4E are 11' 10" and 40'
and setback 4' from row
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 30, 2022
SUBJECT: Staff Report for AB-2022-12, Michael Kiekbusch, 829 Rustic Village Ln.

The petitioner is seeking to add a pole barn to his property.

The proposed pole barn meets all required setbacks and would not exceed lot coverage.

The existing shed and the proposed pole barn would not exceed the maximum floor area of all detached accessory structures of 1,000-sq. ft.

The variance is needed because adding the pole barn would exceed the allowed maximum floor area of all accessory structures of 1,500-sq. ft.

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 28, 2022

RE: AB-2022-12, Michael Kiekbush, 829 Rustic Village Ln., 09-09-302-011

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-2022-12, Michael Kiekbush, 829 Rustic Village Ln., 09-09-302-011, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned SE, Article XXVII, Section 27.02, Lot Size 1 to 2.5 acres

1. A 120-sq. ft. variance above the allowed 1,500-sq. ft. of All Accessory Buildings to build a 660-sq. ft. pole barn in addition to a 624-sq. ft. attached garage and a 336-sq. ft. shed.

be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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-2022-12, Michael Kiekbush, 829 Rustic Village Ln., 09-09-302-011, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned SE, Article XXVII, Section 27.02, Lot Size 1 to 2.5 acres

1. A 120-sq. ft. variance above the allowed 1,500-sq. ft. of All Accessory Buildings to build a 660-sq. ft. pole barn in addition to a 624-sq. ft. attached garage and a 336-sq. ft. shed.

be **denied** 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: Michael Kickbusch
Address: 829 Rustic Village LN City/State/Zip: L’Orion, MI 48362
Phone: 248-765-1195 Cell: Fax:
Email: MIKE58.FIRE@Gmail.com

PROPERTY OWNER(S)
Name(s): Michael Kickbusch Beverly Schmidt
Address: 829 Rustic Village City/State/Zip: L’Orion, MI 48362
Phone: Cell: Fax:
Email: MIKE58.FIRE@Gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Michael Kickbusch Phone: 248-765-1195 Email: MIKE58.FIRE@Gmail.com

SUBJECT PROPERTY
Address: 829 Rustic Village LN L’Orion Sidwell Number: 09-09-302-011
Total Acreage: 2.295 Length of Ownership by Current Property Owner: 16 Years, 0 Months

Does the owner have control over any properties adjoining this site? No
Zoning Ordinance Allowance/Requirement 1500 sq ft Deviation requested 120 sq ft
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Requesting a variance to build a
   pole barn

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. If my property was 13 acres bigger then
   it would be allowed under the zoning requirements

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: Adding a pole barn it
   will enhance the value of the property

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible:
   my neighbor to the north has two pole barns along with an attached garage.

5. Describe how the alleged practical difficulty has not been self-created. Would like to build a bigger
   pole barn but settled on a 22'x30'

6. The topography of said land makes the setbacks impossible to meet because: N/A

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. To be in compliance I would have
   to build a 18'x30' pole barn.
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 permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant: Michael A. Kiekbusch
Print Name: Michael A. Kiekbusch
Date: 3-10-22

Signature of Property Owner: Beverly C. Schmidt
Print Name: Beverly C. Schmidt
Date: 3-10-22

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

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11.28.85):

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

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11.28.85, 06.13.15):

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

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

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

iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. (amended 07.16.18)

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
AB-2022-12, Michael Kiekbusch,
829 Rustic Village Ln, 09-09-302-011
Acres 2.303  100,318.66  258.25 0.79 67 Zoned SE

Pole Barn 22 x 30 = 660

Front yard setback - OK (Required 40')
Side yard setbacks - OK (Required 20')
Rear yard setback - OK (Required 40')

Pole Barn will not be taller than House

Lot Coverage

House 1,784 + Porch 39 = 1,823

Attached Garage 624

Shed 336 (12 x 28)

Deck 77

Proposed Pole Barn 6 60 (22 x 30)

3,520 OK

Maximum Floor Area of detached Accessory Structures

Allowed 1,000

Max floor area of
All Accessory Structures

Shed: 336

Proposed Pole Barn 6 60

996 OK

1,620

120 Variance
The Orion Township Fire Department has reviewed the proposed documentation 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: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, March 21, 2022 8:36 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the April 11, 2022 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 3 ZBA cases that need to be reviewed by you for the April 11, 2022 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 Members
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: March 30, 2022
SUBJECT: AB-2022-10, Zoning Board of Appeals By-Laws

Members, I received comments from you related to the proposed amended By-Laws which have been incorporated into the draft by Brittany, Township Attorney. The revised draft and a redlined draft are provided following this memo.

Unfortunately, one of the changes involved an Article Section of the By-Laws that was not listed in the Memo dated March 11, 2022 so therefore the list below, which includes the additional Article and Section, has to be read again into the record.

If the attached draft is acceptable, adoption of the amended by-laws by the ZBA should occur at the April 25th ZBA meeting.

**A Suggested Motion Would Be:**

I move that the ZBA has noted the list of Articles and Sections of the amended Zoning Board of Appeals By-Laws that contain proposed changes and to bring that draft of the amended By-Laws back for possible adoption at the April 25, 2022 ZBA Meeting.
Article I – Name

The name of this Board shall be the Charter Township of Orion Zoning Board of Appeals (hereinafter ZBA).

Article II – Purpose

The general purpose of the ZBA shall be to build and promote the efficient and coordinated development of the Township through interpretation of zoning regulations, granting variances and substantial justice to petitioners in a manner which will best promote the health, safety, and general welfare of its people.

Article III - Creation and Duties

Section A. The ZBA was created pursuant to the Township Zoning Ordinance as adopted by the Charter Township of Orion Board of Trustees on July 5, 1984, as authorized by Act 184, Michigan Public Acts of 1943, as amended.

Section B. The ZBA shall consist of five (5) members represented by, insofar as it is possible, different professions and occupations who shall be appointed in the following manner:

2. One member of the Township Board appointed by the Township Board for the period of his/her term of office as a member of the Township Board. That member shall not serve as Chairperson of the ZBA.
3. Three (3) additional members selected and appointed by the Township Board for a period of three (3) years from among the electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board.

Section C. The Township Board may appoint two (2) alternate members of the ZBA for a three (3) year term. An alternate member shall sit as a regular member of the ZBA when:

1. A regular member is absent from or unable to attend a meeting of the ZBA, or
2. A regular member is unable to participate in reaching a decision on a particular case because of a conflict of interest.
Article IV - Officers

Section A. The ZBA shall have a Chairperson, Vice Chairperson, and Secretary.

Section B. The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary with the ZBA’s approval, and perform such duties as may be delegated by the ZBA. He/she shall have a vote on all resolutions and motions of the ZBA.

Section C. The Vice Chairperson shall preside in the absence of the Chairperson.

Section D. The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc. brought before the ZBA. Such duties may be performed by an employed recording secretary for the ZBA.

Section E. The ZBA may create and fill such other offices or committees as it may deem necessary.

Article V – Meetings

Section A. All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions shall be conducted. The regular meetings of the ZBA shall be held on the second (2nd) and fourth (4th) Mondays of each month at 7:00 p.m. If there are less than three (3) cases on the agenda for such meeting, the Chair shall have the option, but not the obligation, to cancel the meeting. The ZBA shall not begin discussion or take action on a new agenda item after 10:30 p.m. except by a majority vote of the Zoning Board of Appeals present. Meetings shall not extend beyond 11:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the ZBA, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda at the regular meeting of the ZBA as a date certain. Each regular meeting shall be limited to no more than five (5) cases unless otherwise approved by the Chairperson of the ZBA.

Section B. Special meetings may be called by the Chairperson or by two (2) or more members of the ZBA at such time and place as deemed necessary with a forty-eight (48) hour prior notification. Such notice shall include the purpose of the special meeting. Special meetings shall be posted at the Township Hall at least eighteen (18) hours prior to the beginning of said meeting.
Article V – Meetings (continued)

Section C. As provided by statute, all meetings, regular or special, shall be open to the public. All matters on the agenda shall be considered as scheduled for a public hearing, and any member of the public shall be given an opportunity to be heard on relevant matters concerning the subject of the hearing. The opportunity to present drawings, data, and any other information deemed necessary by the ZBA shall be afforded to anyone seeking to speak on a given agenda item.

Section D. For public hearings, the Township shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing.

Section E. Notice shall also be given as provided under the Zoning Enabling Act to the owner(s) of property subject of the request and all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. Notice as set forth herein shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

Section F. The time allotted for the public to be heard on any separate item of the scheduled agenda or on non-agenda items shall be limited to a time of three (3) minutes, unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the ZBA in writing, addressed to the ZBA Chairman, at the Township Offices.

Section G. Public comments on non-agenda items shall be taken only at the time cited under Article VII, Section C of these By-Laws.
Article V -Meetings (continued)

Section H. The ZBA shall keep a public record of its resolutions, transactions, findings, and determinations in a location within the Township Hall which shall be maintained by the Township Planning and Zoning Director or as otherwise designated by the Township Clerk.

Section I. Notice of the regular meetings for the coming year shall be approved by the ZBA at one of the regular December meetings and forward unto the Township Board of Trustees. Such notice shall then be posted in the Township Hall, 2323 Joslyn Road, Lake Orion, Michigan and/or on the Township’s website.

Section J. The Township Board may remove a member of the ZBA for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the Township Board for nonfeasance, at the discretion of the ZBA.

A ZBA member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the ZBA.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A Board member shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;

2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency, or association;

3. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.
Article VI - Election of Officers

Election of Officers of the ZBA shall be held annually at the first regular meeting of the calendar year following the appointment or re-appointment of ZBA members by the Township Board.

A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of ZBA members by the Township Board of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.

B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the Orion Township Board of Trustees.

Article VII – Rules

Section A. A quorum consists of three (3) or more members. Provided a quorum of three (3) or more members is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, except for as otherwise required under State law (MCL 1253603, et. seq.) or any Township Ordinance.

Section B. Expenditures, if any, shall be approved by a majority of the ZBA and shall require approval of the Township Board of Trustees.

Section C. Conduct of a regular meeting shall consist of the following order of business:

1) Open Meeting
2) Roll Call
3) Minutes
4) Agenda Review and Approval
5) ZBA Business
6) Public Comments
7) Communications
8) Committee Reports
9) Member Comments
10) Adjournment
Article VII – Rules (continued)

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Section E. All inquiries, applications, or matters requiring official action by the ZBA shall be submitted by 9:00am at least thirty (30) days prior to the next scheduled ZBA meeting. Such submittals shall be made to the employed secretary of the ZBA.

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Article VIII - Adoption and Amendment

Section A. These By-Laws shall take effect upon adoption by the ZBA and approval by the Township Board of Trustees.

Section B. These By-Laws may be amended at any regular meeting by a majority vote of the members provided that proposed changes have been read at a preceding regular meeting. Amendments shall take effect upon adoption by the ZBA and final approval by the Township Board of Trustees.

Adopted this 28th day of April, 1980
Amended this 23rd day of December, 1985
Amended this 2nd day of March, 1987
Amended this 11th day of May, 1987
Amended this 12th day of January, 1998
Amended this 8th day of April, 2002
Amended this 25th day of November, 2002
Amended this day of ________________, 2022
By-Laws of the Zoning Board of Appeals
Charter Township of Orion, Oakland County, Michigan
ADOPTED _________________, 2022

Article I – Name

The name of this Board shall be the Charter Township of Orion Zoning Board of Appeals (hereinafter ZBA).

Article II – Purpose

The general purpose of the ZBA shall be to build and promote the efficient and coordinated development of the Township through interpretation of zoning regulations, granting variances and substantial justice to petitioners in a manner which will best promote the health, safety, and general welfare of its people.

Article III - Creation and Duties

Section A. The ZBA was created pursuant to the Township Zoning Ordinance as adopted by the Charter Township of Orion Board of Trustees on July 5, 1984, as authorized by Act 184, Michigan Public Acts of 1943, as amended.

Section B. The ZBA shall consist of five (5) members represented by, insofar as it is possible, different professions and occupations who shall be appointed in the following manner:

2. One member of the Township Board appointed by the Township Board for the period of his/her term of office as a member of the Township Board. That member shall not serve as Chairperson of the ZBA.
3. Three (3) additional members selected and appointed by the Township Board for a period of three (3) years from among the electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board.

Section C. The Township Board may appoint two (2) alternate members of the ZBA for a three (3) year term. An alternate member shall sit as a regular member of the ZBA when:

1. A regular member is absent from or unable to attend a meeting of the ZBA, or
2. A regular member is unable to participate in reaching a decision on a particular case because of a conflict of interest.
Article IV - Officers

Section A. The ZBA shall have a Chairperson, Vice Chairperson, and Secretary.

Section B. The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary with the ZBA’s approval, and perform such duties as may be delegated by the ZBA. He/she shall have a vote on all resolutions and motions of the ZBA.

Section C. The Vice Chairperson shall preside in the absence of the Chairperson.

Section D. The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc. brought before the ZBA. Such duties may be performed by an employed recording secretary for the ZBA.

Section E. The ZBA may create and fill such other offices or committees as it may deem necessary.

Article V – Meetings

Section A. All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions shall be conducted. The regular meetings of the ZBA shall be held on the second (2nd) and fourth (4th) Mondays of each month at 7:00 p.m. If there are less than three (3) cases on the agenda for such meeting, the Chair shall have the option, but not the obligation, to cancel the meeting. The ZBA shall not begin discussion or take action on a new agenda item after 10:30 p.m. except by a majority vote of the Zoning Board of Appeals present. Meetings shall not extend beyond 11:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the ZBA, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda at the regular meeting of the ZBA as a date certain. Each regular meeting shall be limited to no more than five (5) cases unless otherwise approved by the Chairperson of the ZBA.

Section B. Special meetings may be called by the Chairperson or by two (2) or more members of the ZBA at such time and place as deemed necessary with a forty-eight (48) hour prior notification. Such notice shall include the purpose of the special meeting. Special meetings shall be posted at the Township Hall at least eighteen (18) hours prior to the beginning of said meeting.
Article V – Meetings (continued)

Section C. As provided by statute, all meetings, regular or special, shall be open to the public. All matters on the agenda shall be considered as scheduled for a public hearing, and any member of the public shall be given an opportunity to be heard on relevant matters concerning the subject of the hearing. The opportunity to present drawings, data, and any other information deemed necessary by the ZBA shall be afforded to anyone seeking to speak on a given agenda item.

Section D. For public hearings, the Township shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing.

Section E. Notice shall also be given as provided under the Zoning Enabling Act to the owner(s) of property subject of the request and all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. Notice as set forth herein shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

Section F. The time allotted for the public to be heard on any separate item of the scheduled agenda or on non-agenda items shall be limited to a time of three (3) minutes, unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the Commission/ZBA in writing, addressed to the ZBA Chairman, at the Township Offices.

Section G. Public comments on non-agenda items shall be taken only at the time cited under Article VII, Section C of these By-Laws.
Article V - Meetings (continued)

Section H. The ZBA shall keep a public record of its resolutions, transactions, findings, and determinations in a location within the Township Hall which shall be maintained by the Township Planning and Zoning Director or as otherwise designated by the Township Clerk.

Section I. Notice of the regular meetings for the coming year shall be approved by the ZBA at one of the regular December meetings and forward unto the Township Board of Trustees. Such notice shall then be posted in the Township Hall, 2323 Joslyn Road, Lake Orion, Michigan and/or on the Township’s website.

Section J. The Township Board may remove a member of the Commission ZBA for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the Township Board for nonfeasance, at the discretion of the Commission ZBA.

A ZBA member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the Commission ZBA.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A Board member shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;

2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency, or association;

3. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.
Article VI - Election of Officers

Election of Officers of the Commission shall be held annually at the first regular meeting of the calendar year following the appointment or re-appointment of ZBA members by the Township Board.

A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of ZBA members by the Township Board of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.

B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the Orion Township Board of Trustees.

Article VII – Rules

Section A. A quorum consists of three (3) or more members. Provided a quorum of three (3) or more members is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, except for as otherwise required under State law (MCL 1253603, et. seq.) or any Township Ordinance.

Section B. Expenditures, if any, shall be approved by a majority of the Board and shall require approval of the Township Board of Trustees.

Section C. Conduct of a regular meeting shall consist of the following order of business:

1) Open Meeting
2) Roll Call
3) Minutes
4) Agenda Review and Approval
5) ZBA Business
6) Public Comments
7) Communications
8) Committee Reports
9) Member Comments
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