1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 4-24-2023, ZBA Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2023-05, Southfield Sign & Lighting (for Joyology), 4898 Bald Mountain Rd., 09-35-477-003 (Postponed from 4-10-2023 meeting – re-advertised)
   The petitioner is seeking 1 variance from Sign Ordinance #153
   Section 7 – Permitted Ground and Wall Signs – Zoned IP
   1. A variance for 1 wall sign above the allowed 1 wall sign for a total of 2 wall signs totaling 133.34-sq. ft. (south elevation).
   B. AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002
   The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned SF (Postponed from 4-10-2023 meeting)
   Article XXVII, Section 27.02 (A)(8)
   1. A 2,185.16-sq. ft. variance above the allowed Maximum Floor Area of Detached Accessory Buildings of 1,000-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo, an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.
   2. A 1,685.16-sq. ft. variance above the allowed Total Maximum Floor Area of All Accessory Buildings of 1,500-sq. ft. for existing sheds totaling 916.91-sq. ft, an existing 448-sq. ft. gazebo, an existing 1,057-sq. ft. barn, and an existing 763.25-sq. ft. carport.
   C. AB-2023-09, Seit Selimi, Vacant Parcel, 09-10-380-017 (1 parcel west of 900 Walnut Ave., adjacent to Pine Ave.)
   The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04
   1. A 20-ft. front yard setback variance from the required 30-ft. to build a house 10-ft. from the property line along Pine Ave.
   D. AB-2023-10, XL Fireworks, Temporary Use Permit for an Open Air Business, 664, 666, 668, 670, 674, 678, 684, 686, 688, 690, 694, 698, 700, 702 & 704 S. Lapeer Rd., 09-11-428-011
   Per Zoning Ordinance #78, Article XXX, Section 30.11(F)(1)(b); the petitioner is requesting a Temporary Use Permit for Open Air Business, to sell consumer fireworks from a tent June 20, 2023 – July 5, 2023.
   E. AB-2023-11, Chris Morgan for 406 Shorewood Ct., 09-03-405-010
   The petitioner is seeking 8 variances from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04
   1. A 16.1-ft. front yard setback variance from the required 30-ft. for the proposed porch to be 13.9-ft. from the front property line (Shorewood Ct.).
   2. A 12-ft. front yard setback variance from the required 30-ft. for the proposed attached garage to be 18-ft. from the front property line (Shorewood Ct.).
   3. A 14-ft. rear yard setback variance from the required 35-ft. for a proposed porch to be 21-ft. from the rear property line (lake side).
   4. A 29% lot coverage variance above the allowed 25% for a total lot coverage of 54%.
   Article XXVII, Section 27.01(C)(1)(b)
   5. A .1-ft. side yard setback variance from the required 7-ft. for a proposed porch to be 6.9-ft. from the side property line to the south.
   Article XXVII, Section 27.03(C)(3)(b)(ii) & (iii)
   6. A 10.7-ft. rear yard setback variance from the required 20-ft. for a deck to be 9.3-ft. from the
rear property line (lake side).
7. A 10.7-ft. water’s edge setback variance from the required 20-ft. for a deck to be 9.3-ft. from the water’s edge (lake side).
Article XXVII, Section 27.17(B)
8. A 4-ft. wetland setback variance from the required 25-ft. for a proposed porch to be 21-ft. from a wetland (the lake).
F. **AB-2023-12, Erik Heiderer, 1382 Goldeneve Lane, 09-25-401-024**
The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned SC
1. A 9.63-ft. rear yard setback from the required 35-ft. for a proposed sunroom to be 25.37-ft. from the rear property line.

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._
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
***** MINUTES *****
REGULAR MEETING – MONDAY, April 24, 2023 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, April 24, 2023, at 7:01 pm at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:
Dan Durham, Chairman
Mike Flood, BOT Rep to ZBA
Don Walker, PC Rep to ZBA
JoAnn VanTassel, Alternate Board member

ZBA MEMBERS ABSENT:
Tony Cook, Vice-Chairman
Diane Dunaskiss, Board member

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Sandra Young
Barry Young
Jennifer Austin

1. OPEN MEETING
Chairman Durham called the meeting to order at 7:01 pm.

2. ROLL CALL

3. MINUTES
A. 04-10-23, ZBA Regular Meeting Minutes

Board member VanTassel moved, seconded by Trustee Flood, to approve the 04-10-23 minutes as amended, page 11, changing “property” to “project”.

Vote was as follows: Flood, yes; Walker, yes; Durham; yes; VanTassel, yes. Motion passes 4-0.

4. AGENDA REVIEW AND APPROVAL.

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

Vote was as follows: Flood, yes; Walker, yes; Durham; yes; VanTassel, yes. Motion passes 4-0.

5. ZBA BUSINESS
A. AB-2023-08, Barry Young, 1301 Beach Dr., 09-16-229-039

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-2 Article VI, Section 6.04
1. A 4-ft. side yard setback variance from the required 6-ft. for a shed to be 2-ft. from the property line to the west

Article XXVII, Section 27.02 (A)(8)


Mr. Barry Young introduced himself and summarized the variance request. He stated that the shed will be located back far enough from the lake so that it does not impede the neighbor’s view but also so he can use it to store lake items and patio items. He explained the need for storage on his property.

Chairman Durham commented that there is not a lot of room for storage in 112 square feet.

Mr. Young explained the lake items that he needs to store.

Trustee Flood complimented Mr. Young’s neighbor on his arborvitae that are present on the property.

Mr. Young stated that the proposed shed will probably be 2.5 feet from the neighbor’s fence and he explained.

Trustee Flood commented that the practical difficulty is the septic field and the fact that the petitioner has a nonconforming lake lot.

Mr. Young added that he would like to stay off of the raised septic field with the proposed shed.

Trustee Flood reiterated the practical difficulty being the nonconforming lot and presence of the septic field. He stated that he was surprised that the property was not serviced by sewer.

Board member VanTassel provided a brief history of the presence of sewer in the Township.

Chairman Durham read a letter into the record from seven neighbors who expressed support of the variance request.

Mr. Young stated that he visited the neighbors and explained the proposed project.

Chairman Durham asked for public comment.

No public comment was heard.

Trustee Flood stated that the Fire Marshal had no concerns with the variance request.

Board member Walker thanked the petitioners for bringing a case before the Board that should be presented and he explained.
Trustee Flood moved, and Board member Walker supported, in Case AB-2023-08, Barry Young, 1301 Beach Dr., 09-16-229-039 that the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned R-2, Article VI, Section 6.04 including a 4-ft. side yard setback variance from the required 6-ft. for a shed to be 2-ft. from the property line to the west and Article XXVII, Section 27.02 (A)(8) for a 112-sq. ft. variance above the allowed 750-sq. ft. Maximum floor Area of Detached Accessory Buildings to construct a 112-sq. ft. shed.2 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05 (H)(2) including a 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the side property line to the south and a 10-ft. rear yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the rear property line to the west be approved 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 demonstrate a practical difficulty: due to the uniqueness of this nonconforming lot, the septic system and septic field are in the backyard.

2. The petitioner did demonstrate unique or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: as stated, this is a 50 foot lot on the lake and the presence of the septic and field determine the proposed location.

3. The variance is necessary for the preservation and enjoyment of a substantial property right posed by others in the same zone or vicinity based on the following facts: the petitioner has demonstrated that he needs space to clear items for his grandchildren.

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 on the fact that there are letters of approval from surrounding neighbors that have no problems with the granting of this variance and it will not affect their property values.

5. The granting this variance would not impair an adequate supply of light or air to the adjacent property, in fact, the adjacent property has beautiful vegetation along the side where the shed will be installed. The variance will not unusually increase congestion on the public streets. There is also not going to be an increase of fire, based on the report from the Fire Marshall in which he says he has no issues with this variance. It is not going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Charter Township of Orion.

This property does not vary much from other properties in this immediate area and in looking at the aerial photos; most of the neighbors have sheds for storage of lake toys. The request is in line with what has been granted to other neighbors. By having a shed to store items, this will not increase traffic beyond the traffic that is already there.

Roll call vote was as follows: VanTassel, yes; Walker, yes; Flood, yes; Durham, yes. Motion passes 4-0.

6. PUBLIC COMMENTS

Ms. Jessica Austin introduced herself and commented on a case that appeared at the last meeting regarding a garage that was moving into a private stable. She received some information from the Health Department and she shared that information with the Board regarding the entire Mill Creek area surrounding that subject lot. She commented on the septic property for the subject lot to determine if the tear up of the front yard was a concern. She conveyed the information from Oakland County Health Division regarding the septic request for the subject property. She stated that she needs help because her property is 25 feet from a property that is in the wetlands and was denied a septic system but there are people living there. She stated that the current owners are getting ready to sell.
Chairman Durham commented that he understands why she is here but this Board has a very limited scope and he explained the jurisdiction of the Board.

Ms. Jessica Austin explained her experience with Orion Township and submitting complaints and why she needs help at this point.

Building Official Goodloe stated that there is a current violation to remove the building and the Code Enforcement department is aware of the manure issue on the property. He explained the process that the Township follows for code enforcement. He encouraged Mr. Austin to contact the Department of Agriculture.

Ms. Austin stated that the Department of Agriculture encourages farming but this subject property is not conducive for farming and agriculture. She expressed her frustration about following the complaint system and nothing is done. She reiterated the fact that the subject property does not have a functional septic system according to Oakland County.

Trustee Flood stated that he appreciates Ms. Austin’s due diligence but this Board has no authority. He reiterated the variance being considered and explained that many times it turns into a civil matter in which the Township has no authority.

Building Official Goodloe stated that the ball is in motion on this property but it takes time because they have to go through the process. He explained the Township’s process.

Trustee Flood reiterated the Zoning Board of Appeals role.

Building Official Goodloe stated that he will look into the septic matter.

Board member VanTassel asked what would Ms. Austin like the Township to do.

Ms. Austin explained how she would like the Township to help her.

Board member VanTassel encouraged Ms. Austin to go to the Building Department and Planning Department and ask to be notified if anything comes up with this subject property and she explained.

Ms. Austin continued expressing her concerns with the property.

Chairman Durham confirmed that Building Official Goodloe has expressed that the subject property is currently under ordinance enforcement work and he explained the process that is involved.

7. COMMUNICATIONS

Chairman Durham commented on the memo from Lynn Harrison.

Board member Walker updated the Board members on the upcoming Library Book sale. He asked about the payment required to participate in No Haz program.

Trustee Flood stated that they did pay back in 2012 and it was a $10 co-pay and he explained the increase cost of No Haz participation. He will provide a presentation at an upcoming Township Board meeting and he will let the Zoning Board of Appeals members know when it is scheduled.

8. COMMITTEE REPORTS

9. MEMBER COMMENTS

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Board member VanTassel, to adjourn the meeting at 7:47 pm.

Vote was as follows: Flood, yes; Walker, yes; Durham; yes; VanTassel, yes. Motion passes 4-0.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 10, 2023

RE: Case location for ZBA Meeting 5/22/2023

Below are the locations of the ZBA cases for the May 22, 2023, meeting.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: May 8, 2023
SUBJECT: Staff Report for AB-2023-05, Southfield Sign (for Joyology) re-hearing

This case was postponed from the April 10th meeting and has been re-advertised with the correction.

It was discovered at the meeting that the variance request was for an additional sign on the “east elevation” – it should have been for an additional wall sign on the “south elevation”.

**If a motion is to approve, please add to the motion – “… for revised ZBA Sign Location Plan date stamped April 11, 2023.”**

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

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 10, 2023

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

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-05, Re-Advertisement of Southfield Sign & Lighting (for Jovology), 4898 Bald Mountain Rd., 09-35-477-003, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153 Section 7 – Permitted Ground and Wall Signs – Zoned IP

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

be granted for plans date stamped April 11, 2023 because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

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

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

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

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

   __________________________________________
   __________________________________________
   __________________________________________

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

   __________________________________________
   __________________________________________
   __________________________________________

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

   __________________________________________
   __________________________________________
   __________________________________________

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

   __________________________________________
   __________________________________________
   __________________________________________

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

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

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

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

be denied for plans date stamped April 11, 2023 because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

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

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

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

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

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

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________
Further, based on the following findings of facts, the granting of this variance would:

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – April 10, 2023

Orion Township. It is possible that this would impair the public safety, comfort, morals or welfare of the inhabitants of the Township.

Roll Call Vote was as follows: VanTassel, yes; Walker, yes; Flood, yes; Dunaskiss, yes; Durham; yes. Motion Carried (to deny) 5-0.

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

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 1 variance from Sign Ordinance #153
Section 7 – Permitted Ground and Wall Signs – Zoned IP

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

Mr. Moe Zaitouna introduced himself as representing the petitioner and summarized the variance request.

Chairman Durham asked if this new sign would replace the current banner sign.

Mr. Zaitouna replied yes.

Board Member VanTassel commented on the placement of the sign in comparison to the road names indicating that the road names were incorrect on application.

Trustee Flood asked if the second sign would be the “#2” indicated on the overhead.

Mr. Zaitouna replied yes.

Trustee Flood commented that it would be on the south side of the building facing Dutton Road. He asked Building Official Goodloe if it were going to have to be published again since the advertisement said east and it should have been south.

Building Official Goodloe replied no.

Board Members discussed where the current signs are located and where the proposed sign is intended to go.

Mr. Zaitouna answered that he is positive that the first sign is on the west side, labeled #1 on the aerial. The second sign will go where it is labeled #2 on the aerial, the south side.

Chairman Durham asked for public comment.

No public comment was heard.

Board Member VanTassel asked if there were other buildings in this area that have two exterior signs on their building. She asked the Planning Department and did not receive a response.

Mr. Zaitouna stated that they communicated with the two businesses next door and since they are not retail, they do not have the need for two signs.

Board Member VanTassel commented that it is up to the petitioner to provide this information.

Trustee Flood stated that this business is on a corner lot.
Chairman Durham asked if the business planned on keeping the exterior lights.

Mr. Zaitouna answered that they removed one section.

Building Official Goodloe commented that since the side of the building was incorrect, they would have to re-advertise. He suggested that the petitioner postpone for a date certain to May 22, 2023.

Chairman Durham asked if the petitioner could keep the existing banner sign.

Building Official Goodloe replied no. There is no need to punish a new business in the area. They don’t want it up for an extended period of time. He suggested that the petitioner contact Lynn Harrison at the Township and determine if any further documents are needed.

Board Member Dunaskiss moved, seconded by Board Member VanTassel, that in the matter of ZBA Case #2023-005, Southfield Sign & Lighting (for Joyology), 4898 Bald Mountain Rd., 00-35-477-003, that the petitioner’s request for one variance from Sign Ordinance #153, Section 7 – Permitted Ground and Wall Signs – Zoned IP for a variance for 1 wall sign above the allowed 1 wall sign for a total of 2 wall signs totaling 133.3 sq. ft. (east elevation) be postponed for the plans date stamped March 9, 2023 because of an error in the directionality of the proposed sign and this matter be taken up at the May 22, 2023 ZBA meeting.

Roll Call Vote was as follows: VanTassel, yes; Flood, yes; Dunaskiss, yes; Walker, yes; Durham; yes. Motion Carried (to postpone) 5-0.

D. AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002

Chairman Durham read the petitioner’s request as follows:

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

Article XXVII, Section 27.02 (A)(8)

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

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

Ms. Wioletta Bilan introduced herself and summarized the variance request.

Chairman Durham asked about the comment regarding bringing in more buildings and losing storage space. If the over building had been caught at the permit stage, it probably would not have gotten to this stage.

Ms. Bilan explained that she was told with the first structure that they did not need to have a permit because it is under 200 square feet and the structure was 196 square feet. They did not ask for a permit for the existing gazebo. Her husband called the Township but she doesn’t know what his understanding was. For the carport, they understood that the Amish would pull the permit. When they found out that a permit was not pulled, they were in the middle of it and they just went with it.

Chairman Durham stated that the homeowner is responsible if the contractor does not pull the permit.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 11, 2023

SUBJECT: Staff Report for AB-2023-06, 5-22-2023 Meeting, Wioletta Bilan, 2209 Indianwood

This case was postponed from the April 10, 2023 ZBA meeting as the applicant had offered to remove some of the detached accessory structures to bring down the square footage amount of the variances requested.

The applicant has provided an email, attached to this report, noting that several of the structures have been removed and they are in the process of removing the barn. Below is what I calculated from that email.

<table>
<thead>
<tr>
<th>Keeping</th>
<th>Remove or Removing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gazebo = 448-sq. ft.</td>
<td>Chicken Coop = 365.40-sq. ft.</td>
</tr>
<tr>
<td>The Log cabin = 266.04-sq. ft.</td>
<td>Shed A = 187.86-sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Shed C = 97.61-sq.ft.</td>
</tr>
<tr>
<td><strong>Total = 714.04-sq. ft.</strong></td>
<td>Carport = 763.25-sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Barn = 1,057-sq. ft. (Removing)</td>
</tr>
<tr>
<td><strong>Total = 2,471.12-sq. ft.</strong></td>
<td></td>
</tr>
</tbody>
</table>

Based on the above, the applicant would no longer need the variances as the remaining detached accessory structures are below what is allowed. The applicant can either attend the meeting and ask to withdraw the request, or can submit an email or letter formally asking to withdraw the request.

Also, per a phone conversation with the applicant, she indicated she may want to build a new detached accessory structure for the items that were displaced by the removal of the above buildings. If she decides to do so and what she wants to build exceeds the allowed square footage, she can ask for that variance(s) at this meeting as long as it does not exceed what was originally asked for.

As of this date, the applicant has not requested to withdraw the request nor has provided information on plans for a new detached accessory structure.

If necessary, please refer to the documents provided for the April 10th meeting for additional information or contact me and I can provide them.

Please contact me if you have any questions.
Lynn Harrison

From: wioletta bilan <wbilan70@gmail.com>
Sent: Wednesday, May 10, 2023 11:30 AM
To: Lynn Harrison
Subject: Re: Variance requests for 2209 Indianwood

Lynn,

We took down the carport, all 3 sheds and are in the process of removing the Barn. We purchased the property in December of 1998 with 2,360sq ft of buildings and we want to maintain the same square footage of accessory buildings. (barn was 1,057sq ft, garage was 750sq. feet, Shed A and Shed B total 553 square feet).

Let me know if you need more clarification. Thanks!

Violet

On Wed, May 3, 2023 at 12:05 PM Lynn Harrison <lharrison@oriontownship.org> wrote:

Wioletta, please let me know as soon as possible if you will be reducing your variance request as I plan on preparing the meeting packet early next week for the May 22nd meeting. Please give me detail what you plan on changing via this email.

Thank you,

Lynn Harrison

Specialist
Planning & Zoning
2323 Joslyn Road | Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
tmove@oriontownship.org
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 11, 2023

RE: AB-2023-06, 5/22/2023 ZBA Meeting, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002

I am providing motion options for the above-mentioned case.

Listed is a motion to withdraw the request should the petitioner ask. Also, are motions to approve or deny an amended request.

If the request is amended, please consider and deliberate on each of the criteria listed which the applicant should meet in order for an amended 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 original variance language was verified by the petitioner 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
TO WITHDRAW OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002,
I would move that the petitioner’s request for:

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

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

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

be withdrawn per the petitioner’s request conditioned upon that the barn has been removed or will be
removed by ____________ (add a date).
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-06, Violett Bilan, 2209 Indianwood Road, 09-04-300-002, I would move that the petitioner’s amended request for:

1 (or 2) variance(s) from Zoning Ordinance #78 – Zoned SF Article XXVII, Section 27.02 (A)(8)

1. A ___________ -sq. ft. variance above the allowed Maximum Floor Area of Detached Accessory Buildings of 1,000-sq. ft. to build a _______ -sq. ft. ___________.

   *and if necessary,*

2. A ___________ -sq. ft. variance above the allowed Total Maximum Floor Area of All Accessory Buildings of 1,500-sq. ft, to build a _______ -sq. ft. ___________.

be granted per the petitioner’s amended request at tonight’s meeting, 5/22/2023, because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

   ______________________________________________________

   ______________________________________________________

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

   ______________________________________________________

   ______________________________________________________

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

   ______________________________________________________

   ______________________________________________________

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

   ______________________________________________________

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

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

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

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

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

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

In the matter of ZBA case #AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002,
I would move that the petitioner’s request for:

1 (or 2) variance(s) from Zoning Ordinance #78 – Zoned SF Article XXVII, Section 27.02 (A)(8)

1. A _________-sq. ft. variance above the allowed Maximum Floor Area of Detached
   Accessory Buildings of 1,000-sq. ft. to build a _______ -sq. ft. _________.

   And if necessary,

2. A _________-sq. ft. variance above the allowed Total Maximum Floor Area of All
   Accessory Buildings of 1,500-sq. ft. to build a _______ -sq. ft. _________.

be denied per the petitioner’s amended request at tonight’s meeting, 5/22/2023, because the
petitioner did not demonstrate that the following standards for variances have been met in this case
in that they set forth facts which show that in this case:

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

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

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

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

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

   __________________________________________

   __________________________________________

   __________________________________________

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

   __________________________________________

   __________________________________________

   __________________________________________

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

   __________________________________________

   __________________________________________

   __________________________________________

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

   __________________________________________

   __________________________________________

   __________________________________________

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

   __________________________________________

   __________________________________________

   __________________________________________
Chairman Durham asked if the business planned on keeping the exterior lights.

Mr. Zaitouna answered that they removed one section.

Building Official Goodloe commented that since the side of the building was incorrect, they would have to re-advertise. He suggested that the petitioner postpone for a date certain to May 22, 2023.

Chairman Durham asked if the petitioner could keep the existing banner sign.

Building Official Goodloe replied no. There is no need to punish a new business in the area. They don’t want it up for an extended period of time. He suggested that the petitioner contact Lynn Harrison at the Township and determine if any further documents are needed.

Board Member Dunaskiss moved, seconded by Board Member VanTassel, that in the matter of ZBA Case #2023-005, Southfield Sign & Lighting (for Joyology), 4898 Bald Mountain Rd., 09-35-477-003, that the petitioner’s request for one variance from Sign Ordinance #153, Section 7 – Permitted Ground and Wall Signs – Zoned IP for a variance for 1 wall sign above the allowed 1 wall sign for a total of 2 wall signs totaling 133.34-sq. ft. (east elevation) be postponed for the plans date stamped March 9, 2023 because of an error in the directionality of the proposed sign and this matter be taken up at the May 22, 2023 ZBA meeting.

Roll Call Vote was as follows: VanTassel, yes; Flood, yes; Dunaskiss, yes; Walker, yes; Durham; yes. Motion Carried (to postpone) 5-0.

D. AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002

Chairman Durham read the petitioner’s request as follows:

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

Article XXVII, Section 27.02 (A)(8)

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

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

Ms. Wioletta Bilan introduced herself and summarized the variance request.

Chairman Durham asked about the comment regarding bringing in more buildings and losing storage space. If the over building had been caught at the permit stage, it probably would not have gotten to this stage.

Ms. Bilan explained that she was told with the first structure that they did not need to have a permit because it is under 200 square feet and the structure was 196 square feet. They did not ask for a permit for the existing gazebo. Her husband called the Township but she doesn’t know what his understanding was. For the carport, they understood that the Amish would pull the permit. When they found out that a permit was not pulled, they were in the middle of it and they just went with it.

Chairman Durham stated that the homeowner is responsible if the contractor does not pull the permit.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – April 10, 2023

Ms. Bilan replied she understood and that is the reason she is here because the Township wanted her to permit the carport.

Chairman Durham stated that Ms. Bilan spoke about how the neighbors felt about the her property. He stated that when he saw the property approaching from the west, he first thought about what had happened here. There are vehicles all over the property and he was shocked with the overall view of the property. He was also shocked by the total overall number of variances that she is requesting because he has never seen those numbers.

Ms. Bilan stated that she provided a table in the application.

Board Members confirmed that they received the table with the amounts of square footage in their packets.

Board Member VanTassel explained the jurisdiction of the Road Commission and the obtaining of the easement that exists on Indianwood Road. She provided history and background of the roads surrounding the subject property.

Board Member Dunaski asked if the barn and shed that are on the property are going to stand time or are they deteriorating because of moisture.

Ms. Bilan stated that when they first moved in, they were in terrible shape. They put a roof on the barn and they painted it. They sealed the holes and since it has been 20 years, it is time to do something. There is now water coming north towards them and will find its way to the barn. They are only keeping it because it has history. If the Township wants them to remove it, they will, but it also provides a buffer between them and the new houses. No one knows about the shed and if the Township wants them to remove it, they will.

Board Member Walker asked how many cars are housed on the subject property.

Ms. Bilan replied that her husband was a mechanic but they do not have a place to hide them. She has a car and her husband has a car and they also have a pickup truck, car, and a car for towing. She believes that there have been times when it did not look very nice. They would like to build a three car garage to hide the vehicles. They also have a backhoe. They now have four cars. There is one in the carport. They have two carports with a little bit of storage in between. They have wood and equipment stored in the other carport.

Board Member Walker asked if they ran a business out of this residence.

Ms. Bilan replied no.

Chairman Durham asked if there was a Township ordinance requiring all vehicles to be plated.

Building Official Goodloe replied yes.

Ms. Bilan commented that all the vehicles are plated. The west side is the worst looking section but she and her husband try really hard by putting up a wooden fence. Her husband used to have a trucking business but he doesn’t run this business anymore. On the south side, the Township installed a buffer for privacy because the petitioner complained about the subdivision being built there. The neighbor that moved in removed the fence and this allows the subdivision kids to play in their backyard.

Chairman Durham commented on the role of the Board regarding this case. He stated that what the surrounding people think, they are not dealing with it here. He cannot support the variances requested. He added that the Board cannot make decisions about removing the barn, etc. during the meeting tonight. This should be determined by the petitioner as to what they can offer to accomplish the least variance possible.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – April 10, 2023

Board Member Walker suggested that if they took down the barn and the carport, they would not even be here. The Board is here to decide on the variances requested. He explained the role of the Zoning Board of Appeals in granting variances.

Chairman Durham asked for public comment.

Mr. Doug Broque commented that there is no structured way to park the cars on the subject lot. He has no objections to the cars on the property. He stated that the petitioner has done an excellent job of maintaining the property. He has no objection to the property or their buildings and he pointed out that it is a unique property. There is some drainage from surrounding properties causing damage to the petitioner’s property.

The resident who lives across the street stated that she has no objection to the property and approached the Board with pictures of the surrounding properties which she explained. She explained how the petitioner has used the barn in the past and they cannot use it now because of the water drainage issues they have on the property.

Chris Broque commented that if the subject property is viewed right now, this is a really bad time. The cedar fence on the subject property was knocked down by a snowplow. She commented on the drainage issues that they have on the subject property caused by the new subdivision in the area. The petitioner is a great neighbor and she has no problem with the variance requests.

Board Member VanTassel asked whose children play by the gazebo.

Ms. Bilan replied the neighborhood children.

Board Member VanTassel asked about the new development.

Ms. Bilan replied that it was the old Indianwood golf course. She commented on the increase of square footage for storage. Ms. Bilan stated that she would like the Board to grant the square footage of 2,360 square feet which was the square footage of accessory when they purchased the property.

Trustee Flood stated that all Suburban Farms (SF) zoned property is in the same category and have to abide by the same ordinance. All the Board is using to evaluate the request is the numbers provided by the Planning and Zoning Department and in the notice. He suggested that the petitioner go back to the Planning and Zoning Department and make adjustments that they can make to the plan to reduce the variance request. He commented that everyone must abide by the rules. He agreed with the other Board Members as to the large variances requested. He is hoping the petitioner can reduce the variance request and he would be happy to look at it again.

Chairman Durham concurred. The petitioner can postpone and come back with a reduced request that would be better received.

Board Member Dunaskiss stated that they are asking for large variances and she would have difficulty granting variances for buildings that are not usable. She loves historical buildings but when they deteriorate, they are no longer usable.

Board Member VanTassel stated that she has always understood that when they talk about lot coverage, they are only talking about the ground floor. She sees that this request includes a loft area too. She would like to get an attorney’s opinion on this.

Trustee Flood stated that the Planning and Zoning Department has that on their chart.

Board Member VanTassel stated that she asked to have a drawing from the Assessing Department too. She suggested that they postpone to get consistent numbers from the Assessing Department and for the petitioner to consider the square footage amounts given.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – April 10, 2023

Building Official Goodloe stated that when they talk about lot coverage, they are talking about the ground floor of the structure. When they talk about the [maximum floor area] square footage, that does include loft areas or second floors. There is no lot coverage request in this variance. They usually go by what the Assessing Department has, but when the petitioner has larger numbers, they use the numbers from the petitioner.

Chairman Durham stated that it appears the petitioner is going to make substantial changes to reduce the variances requested.

Ms. Bilan requested a postponement.

Trustee Flood moved, seconded by Chairman Durham, that in the matter of ZBA Case AB-2023-06, Wioletta Bilan, 2209 Indianwood Road, 09-04-300-002, application date stamped March 10, 2023, at the petitioner’s request to be postponed until May 22, 2023 so the petitioner can confer with the Township’s Planning and Zoning Department to make any further adjustments to the application.

Roll call vote was as follows: Dunaskiss, yes; VanTassel, yes; Walker, yes; Flood, yes; Durham, yes. Motion Carried (to postpone) 5-0.

E. AB-2023-07, Stadium Ridge Apartments, 101 Stadium Drive, 09-14-400-025

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned RM-1

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

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

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

Mr. Mario Iazzi introduced himself as representing the petitioner and summarized the variance requests. They are proposing rental units on the subject property. Because of the unique shape of the property, they are unable to build the buildings without variances. They do have a recommendation from the Planning Commission for site plan approval and they are trying to move forward with a development that will be successful. Their hardships are the size and the shape of the property. In order to keep the product continuous throughout the project, they would like to build the same buildings throughout the site.

Board Member Walker summarized the Planning Commission’s conditional approval of the site plan.

Mr. Izzi stated that they added setback distance to the building off of Lapeer Road. They are asking for the relief off of Stadium Drive. They also added a berm for landscaping and considerable landscaping on Stadium Drive and Lapeer Road to help soften it.

Chairman Durham asked if these were apartment residential type rentals.

Mr. Izzi replied yes.

Chairman Durham asked who would own the units.

Mr. Izzi replied that they would own them and they would self-manage the units.
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: Wioletta Bilan

Address: 2209 Indianwood Rd       City/State/Zip: Lake Orion, MI, 48362
Phone: 248-495-8508       Cell: 248-495-8508       Fax: 
Email: wbilan70@gmail.com

PROPERTY OWNER(S)
Name(s): Wioletta Bilan

Address: 2209 Indianwood Rd       City/State/Zip: Lake Orion, MI, 48362
Phone: 248-495-8508       Cell: 248-495-8508       Fax: 
Email: wbilan70@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Wioletta Bilan       Phone: 248-495-8508       Email: wbilan70@gmail.com

SUBJECT PROPERTY
Address: 2209 Indianwood Rd, Lake Orion, MI 48362       Sidewell Number: 09- 04-300-002
Total Acreage: 1.61       Length of Ownership by Current Property Owner: 24 Years, 3 Months
Does the owner have control over any properties adjoining this site? NO
Zoning Ordinance Allowance/Requirement

Deviation requested
RESIDENTIAL VARIANCE

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

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

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

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

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

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

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

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

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:  

W. Bilon  

Date: 3-10-2023  

Print Name:  

Wioletta Bilon  

Signature of Property Owner:  

W. Bilon  

Date: 3-10-2023  

Print Name:  

Wioletta Bilon  

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:  

32  

Page 4 of 4
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: March 27, 2023

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

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

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

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

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

Please contact me if you have any questions.
AB-2023-06, Wioletta Bilan, 2209 Indianwood
09-04-300-002 1.61 acres 70,131.60
20% = 14,026.32 # Zoned SF

Front setback 40' House is at 24' from row and was built
prior to 1963 OK

Side yard setbacks 20' each Barn is at 23.4' House at 48.7
Carport at 21' Log Cabin at 46'

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

Lot coverage
House 93.6
Porch 18.4
Deck 43.7
* Gazebo 448 per assessing
* Shed (ChickenCoop) 365.40 Removed
* Shed A 187.86 Removed
* Shed (Log cabin) 266.04
* Shed C 97.61 Removed
* Carport 76.25
* Barn 1,057 (main floor + Loft) Removing

4,742.16 # lot coverage OK

House Height 13.5' Carport height 10.75' OK

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

Max. floor area of all accessory structures 1,500 #
* Existing = 3,185.16 Variance 1,685.16 #
Accessory Structures as of December 1998
not to scale
MORTGAGE REPORT

THIS REPORT IS MADE FOR: PAC CREDIT UNION
P.O. BOX 1407
TROY, MICHIGAN 48099

PHONE: (248) 619-0440
FAX: (248) 619-3230

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

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

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

A. ANDERSON, ECKSTEIN AND WESTRICK, INC.

THIS REPORT IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY.
INDIANWOOD RD.

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

ANDERSON, ECKSTEIN AND WESTRICK, INC.

THIS REPORT IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. THIS REPORT IS NOT TO BE USED FOR THE ESTABLISHMENT OF ANY PROPERTY LINES OR OTHER IMPROVEMENTS.

CRAIG P. AMEZ, P.S. #34970

51301 SCHOENHERR ROAD
SHELBY TOWNSHIP, MICHIGAN 48315

MORTGAGE REPORT

DATE:
JANUARY 5, 1999

SCALE:
1" = .60

SECTION:
49

COUNTY:
OAKLAND

TOWNSHIP:
ORION

DRAWN BY:
K.A.K.

AEW NO.
090-072

CKD.BY:
C.P.A.

PLAN# MORTGAGE,DWG

SHEET 1 OF 1
Accessory Structures as of March 2023

not to scale
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 8, 2023

SUBJECT: Staff Report for AB-2023-09, Seit Selimi, Vacant Parcel, 09-10-380-017

The applicant is asking for a front yard setback variance from the property line along Pine Ave. As the property has 2-fronts, Walnut St. and Pine Ave., the applicant has to meet 2 front yard setbacks. Therefore, they are being held to a front setback of 30-ft. along Pine Ave.

At the time of application, the applicant did not yet have house plans.

**If a motion is to approve, please add to the motion that approval is for plans date stamped March 24, 2023.**

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 10, 2023

RE: AB-2023-09, Seit Selimi, Vacant Parcel, 09-10-380-017, (1 parcel west of 900 Walnut Ave., adjacent to Pine Ave.)

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case **#AB-2023-09, Seit Selimi, Vacant Parcel, 09-10-380-017 (1 parcel west of 900 Walnut Ave., adjacent to Pine Ave.),** I would move that the petitioner’s request for:
1 variance from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04

1. A 20-ft. front yard setback variance from the required 30-ft. to build a house 10-ft. from the property line along Pine Ave.

be **granted** for plans date stamped March 24, 2023 because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

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

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

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

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

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

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

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

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


SAMPLE MOTION FOR
DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-09, Seit Selimi, Vacant Parcel, 09-10-380-017 (1 parcel west of 900 Walnut Ave., adjacent to Pine Ave.), I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04

1. A 20-ft. front yard setback variance from the required 30-ft. to build a house 10-ft. from the property line along Pine Ave.

be denied for plans date stamped March 24, 2023 because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

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

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

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

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

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

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

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2323 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT
Name: Seit Selimi
Address: 4830 Fox Creek E
City/State/Zip: CLARKSTON, MI 48346
Phone: Cell: 248-953-6057 Fax: 
Email: Seit. P. Selimi@gmail.com

PROPERTY OWNER(S)
Name(s): Seit Selimi
Address: 4830 Fox Creek E
City/State/Zip: CLARKSTON, MI 48346
Phone: Cell: 248-953-6057 Fax: 
Email: Seit. P. Selimi@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Seit Selimi
Phone: 248-953-6057 Email: Seit. P. Selimi@gmail.com

SUBJECT PROPERTY
Address: 
Sidwell Number: 09-10-380-017
Total Acreage: 0.59 Length of Ownership by Current Property Owner: 8 Years, 0 Months

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

Zoning Ordinance Allowance/Requirement 30'
Deviation requested 20'

Page 2 of 4
Case #:

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Need a 20' variance on the property on the side of Pine Avenue.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. The property has two roads that adjoin the property.

3. If the appeal is granted, please explain how the variance will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: There are no issues to the health of the public or safety concerns or to other properties in the Township.

4. Explain how the request is not consistent with other properties in the immediate area, please site examples if possible: There was a house constructed next to the road to the boat launch that does not have the 30' setback required. Also a garage was built less than 30' from Walnut Road.

5. Describe how the alleged practical difficulty has not been self-created. Since the property was purchased, there has been no improvements or changes that would change the current situation.

6. The topography of said land makes the setbacks impossible to meet because: the one side of the property adjoins to the road.

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. It will make the footprint of the home not functional for use in the proper way.
Case #: __________

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

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

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

Signature of Applicant: ______________________________ Date: 3-24-2023

Print Name: Selim Selimi

Signature of Property Owner: __________________________ Date: 3-24-2023

Print Name: Selim Selimi

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

OFFICE USE ONLY

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

Total Square Footage of Principal Structure: ____________ Total Square Footage of Accessory Structure(s): ____________

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date Filed: ____________ Fee Paid: ____________ Receipt Number: ____________
AB-2023-09, Seit Selimi, vacant parcel
09-10-380-017  1.012 acres  Zoned R-3
44,082.72 ²  25% = 11,020.68 ²

front setback 30’, variance needed for lot line
side yard setback 10’  OK
rear yard setback 35’  OK
wetland setback 25’  OK

Property has 2 front yards - Walnut Ave & Pine Ave.

Applicant seeking a 20’ variance from Pine Ave to build a potential house 10’ from the property line along Pine Ave.

As no plans have been provided yet, side, rear, and wetland setbacks are not known. Lot coverage and Accessory Structure square footage is also unknown.
Lot, Corner: A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.) (See Illustration 2.5)

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: An interior lot having frontages on two (2) more or less parallel streets or having frontage on a street and on a lake or canal as distinguished from a corner lot. In the case of a row of double frontage lots, one side shall be designated as a front on the plat and on the request for a building permit.

Lot, Interior: Any lot other than a corner lot.

Lot, Lakefront: A lot adjoining or abutting a lake or a canal. Either the street-side or the lake-side shall be designated as the front on the plat and on the request for a building permit.

Lot Lines: The lines bounding a lot as defined herein:

A. Front Lot Line. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and on the request for a building permit. For the purpose of determining setbacks, front yard setbacks shall be required for each lot line that abuts a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04/21/03)

B. Rear Lot Line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Building Inspector shall designate the rear lot line.

C. Side Lot Line. Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
Section 6.04 – Area and Bulk Requirements  *(amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)*

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

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td><strong>Minimum Width of Lot</strong></td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td><strong>Minimum Lot Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard**</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Each Side Yard***</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td><strong>Minimum Floor Area/Unit</strong></td>
<td>1,320 sq. ft.</td>
<td>1,080 sq. ft.</td>
<td>960 sq. ft.</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td></td>
<td></td>
<td>25%</td>
</tr>
<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 10.08.95, 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.
The Fire Department has reviewed and has no concerns at this time.

Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3385 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Wednesday, April 26, 2023 10:41 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the May 22, 2023 ZBA Meeting

Mr. Williams.

Hello Jeff. Attached are 3 ZBA cases that need to be reviewed by you for the May 22, 2023 ZBA Meeting.

Thank you,

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

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: May 9, 2023

SUBJECT: Staff Report for AB-2023-10, XL Fireworks, Temporary Use Permit for Open Air Business

The applicant is seeking a Temporary Use Permit to sell consumer fireworks from a tent. The applicant was granted a Temporary Use Permit last year for the same location.

I reached out to the Fire Marshal and Code Enforcement and neither had any issues or complaints related to last year’s operation. Currently, this is the only application I’ve received for firework sales.

Attached is a copy of the Section of the Ordinance that addresses Temporary Use Permits for an Open Air Business. I have checked their proposed location and lease agreement which meets the specified requirements in the Ordinance.

If the Board’s deliberation is to approve, below is a sample motion:

Moved by ____________, seconded by ____________, that in the matter of ZBA case #AB-2023-10, XL Fireworks, Temporary Use Permit for an Open Air Business, 664, 666, 668, 670, 674, 678, 684, 686, 688, 690, 694, 698, 700, 702 & 704 S. Lapeer Rd., 09-11-428-011, that the petitioner’s request for a Temporary Use Permit from Zoning Ordinance No. 78, Article XXX, Section 30.11, F, 1, b: to open and run an Open Air Business, specifically fireworks; be granted. The applicant would be using the property for a permitted purpose and have demonstrated that they will be complying with the required conditions for an Open Air Business. Conditions of approval are as follows: that there be no other Open-Air Businesses for fireworks within one mile (there are none); that the applicant will provide phone numbers to the Building Department of contact people that can be reached anytime of day or night; the hours of operation will be 10:00 am to 10:00 pm, June 20, 2023 through July 5, 2023; articles will be secured in a storage POD or something similar after hours; the applicant will provide the Township with a current copy of their liability insurance listing Orion Township as Additional Insured; the applicant will provide the Township with a copy of their Michigan Department of Licensing & Regulatory Affairs Consumer Fireworks license; Fire Department approval will be required prior to opening; and the applicant must provide a $1,000 cash bond for reinspection of the site once the operation has been removed. Approval is for plans date stamped received March 29, 2023.

Please note any other conditions in the motion, if to approve, that apply such as if the applicant is going to be using a generator and the hours that it will be running; and note that no overnight stays at the site will be allowed.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: May 9, 2023


I am providing motion options for the above-mentioned case.

Please note that if there is a motion to approve, include “.....for plans date stamped March 29, 2023.”

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR

APPROVAL OF AN OPEN AIR BUSINESS PERMIT

ZONING ORDINANCE NO. 78

In the matter of ZBA case # AB-2023-10, XL Fireworks, Temporary Use Permit for an Open Air Business, 664, 666, 668, 670, 674, 678, 684, 686, 688, 690, 694, 698, 700, 702 & 704 S. Lapeer Rd., 09-11-428-011, I would move that the petitioner’s request for an Open Air Business Permit in accordance with Zoning Ordinance No. 78 be **GRANTED** based on the following findings of facts:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

And must comply with the following conditions (dates of operation, hours of operation, that proper insurance is provided, a current copy of their license has been received, a security bond is provided of $1,000, whether or not a POD will be required, whether or not a generator will be used, etc.):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

57
SAMPLE MOTION FOR

DENIAL OR POSTPONEMENT

OF AN OPEN-AIR BUSINESS PERMIT

ZONING ORDINANCE NO. 78

In the matter of ZBA case # AB-2023-10, XL Fireworks, Temporary Use Permit for an Open Air Business, 664, 666, 668, 670, 674, 678, 684, 686, 688, 690, 694, 698, 700, 702 & 704 S. Lapeer Rd., 09-11-428-011, I would move that the petitioner’s request for an Open Air Business Permit in accordance with Zoning Ordinance No. 78 be DENIED/POSTPONED based on the following findings of facts:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

If postponed:

The petitioner has requested to come back to a date certain of ___________________________
Charter Township of Orion Zoning Board of Appeals
Application for Open Air Business Permit

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 temporary use permit 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 petitioner 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. If the applicant is not the property owner, then written authorization from the property owner must be included.

Name of Open Air Business: XL Fireworks, LLC

APPLICANT

Name: Dolores Guy
Business Name: XL Fireworks, LLC
Address: 13332 Chippewa Drive
City/State/Zip: Warren, MI, 48088
Phone: ____________________ Cell: 586-524-9194 Fax: 586-264-3326
Email: jaydeeguy@aol.com

PROPERTY OWNER(S)

Name(s): Marshall Isso
Address: 1516 Rivona Drive
City/State/Zip: West Bloomfield Twp
Phone: 248-421-0711 Cell: 248-421-0711 Fax: ___________
Email: messo@comcast.com

CONTACT PERSON FOR THIS REQUEST

Name: Jeff Guy
Phone: 586-524-4948 Fax: 586-264-3326
Email: jaydeeguy@aol.com

SUBJECT PROPERTY

Address: 700 S. Lapeer Rd.
Orion Township, MI 48362
Sidwell Number: 09-11-428-011 Total Acreage: ________________
Length of Ownership by Current Property Owner: _______ Years, _______ Months
Is the driveway paved? Yes

Case #
OPEN AIR BUSINESS

1. What is the nature of this request? To put up a tent, to sell fireworks

2. The business will operate from: 6/20/23 to: 7/5/23

3. The business hours will be: 10:00 A.M. – 10:00 P.M.

4. The products are compatible with the permitted uses of the respective zoning district in which the site is located, explain: The products are compatible.

5. What are the plans for the storage of display items during both open and closed hours? Trailer

6. Indicate the size of any tents or canopies will be added to the site: Tent 20 x 40

7. Will restroom facilities be available? NO

8. How will electrical equipment/lighting be powered? Generator/AC battery pack.

9. The temporary use permit will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township:

   The temporary use permit will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township.

10. Explain why the need for said variance(s) were/were not self-created:

   Section 30.11 F.1.b under ZBA.

11. Do you own or have control over any properties adjoining the site you are requesting a variance(s) on? No

12. Have you ever applied for a variance on this property? If so, when? Yes, last year we were approved.
Case #: ____________________

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, 30.09, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided.

Signature of Applicant: ________________________________ Date: ____________________

Signature of Property Owner: ________________________________ Date: ____________________

Must be original ink signatures

OFFICE USE ONLY

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

Distance to a similar Open-Air Business: ____________________________

Date Filed: ____________________ Fee Paid: ____________________ Receipt Number: ____________________

Version 11/30/21
B. Preliminary Application. The Enforcement Officer may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work; and the Enforcement Officer may, on such preliminary submittal, take the formal action of tentative denial or tentative approval.

C. Issuance of a Permit. If the proposed construction, moving, alteration, or change of use set forth in the application is in conformity with the provisions of this Ordinance, the Enforcement Officer shall issue a permit. If an application for such permit is denied, the Enforcement Officer shall state in writing on an appropriate form the reason for denial. The denial form shall be forwarded to the applicant. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

D. Valid Period of Permit. A building permit issued pursuant to the provisions of this Ordinance and/or the Orion Township Building Code shall be good for one (1) year from date of issue. Failure to begin work authorized by the permit within six (6) months from date of issue shall cause the permit to become null and void.

E. Inspection of Completed Work. The holder of any building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof shall notify the Orion Township Building Official, or his designated representative, immediately upon completion of the work authorized by such permit for the necessary inspection. This provision includes the final inspection. After receiving a final approved inspection, an application shall be made in writing on forms furnished by the Orion Township Building Department for a Certificate of Occupancy.

F. Temporary Use Permits. (amended 03.09.06, 07.07.03, 02.16.10, 06.04.12, 01.06.14)

Temporary use permits may be considered by the Township for the following uses:

- Outdoor Display and Sales
- Open Air Business

1. Initial Application and Procedures for Review
   a. Outdoor Display and Sales
      1) Temporary use permits may be issued administratively by the Planning Department (amended 05.04.20) for Outdoor Display and Sales for the marketing of goods or products which do not exceed ten percent (10%) of the principal building area or greater than one thousand (1,000) square feet (whichever is less). This shall exclude Outdoor Display and Sales areas normally allowed as a principal use within the GB zoning district.
      2) Outdoor Display and Sales shall only be conducted on a parcel of land owned or leased by the operators displaying and selling goods. Proof of ownership or lease shall be furnished to the Township upon request.

   b. Open Air Business
      1) The Zoning Board of Appeals shall have the authority to review and approve an Open Air Business involving seasonal display of goods such as Christmas trees, pumpkins, fireworks, etc. This shall exclude lumber yards, outdoor garden shops, or other outdoor sales normally allowed within permitted zoning districts.
      2) Temporary use permits may be issued for Open Air Business. The Zoning Board of Appeals shall have the authority to specify conditions, including duration of use and hours of operation, in order to ensure compliance with this Ordinance. Property owners and residents within three hundred (300) feet of the zoning lot on which the proposed Open Air Business is to be located shall be notified at least fifteen (15) days in advance of the meeting at which the application for the temporary use permit will be considered.
2. **Required Conditions for Outdoor Display and Sales or Open Air Business**

a. The temporary use for Outdoor Display and Sales or Open Air Business shall not occupy any essential parking spaces or maneuvering lanes associated with an on-site permanent use.

b. To ensure the continued safety of the customers, when located adjacent to a vehicular traffic area, the temporary sales area for Outdoor Display and Sales or Open Air Business shall be fenced or provided with appropriate barriers to ensure pedestrian safety and pedestrian passageway with a minimum of five (5) feet of clearance. Materials shall be displayed no closer than ten (10) feet from building entrance doors.

c. Access for Outdoor Display and Sales or Open Air Business shall be provided via a paved driveway.

d. Dedicated parking areas for Outdoor Display and Sales and Open Air Business shall be provided and shall not extend over sidewalks or safety paths.

e. Due to traffic safety concerns, no temporary sales for either Outdoor Display and Sales and Open Air Business shall be permitted at facilities dispensing flammable products such as vehicle fuels or propane.

f. A sketch plan and floor plan, drawn to scale in a manner acceptable to the Building Department, showing location of the stand or tent, setback from the rights-of-way, distance to nearest building or structure, placement of fire extinguishers, all entrances and exits, storage areas, pedestrian traffic flow, parking areas and vehicular traffic flow, and nature of occupants of nearest buildings shall be provided in the application.

g. Detailed information on the materials and wind load capability of the tent or stand to be erected on the site shall be provided in the application.

h. Detailed information regarding the plan for storage of display items during booth open and closed hours shall be provided in the application.

3. **Additional Requirements for Open Air Business**

a. All products for an Open Air Business shall be compatible with the permitted uses of the respective zoning district within which the site is located. The Zoning Board of Appeals may deny any application for temporary use if it is found that the proposed use is not consistent with the intent of the Zoning District in which the property is located or is incompatible with the permitted uses allowed within the Zoning Ordinance.

b. Flammable products for such as fireworks shall be stored in accordance with National Fire Protection Association Standards (NFPA 1124, 2006) and as determined by the Fire Chief of the Charter Township of Orion.

c. All signage shall comply with the requirements of the Charter Township of Orion Sign Regulations (Ord. No. 153). As a condition of approval for Open Air Business, the ZBA may impose more restrictive sign regulations than those sign regulations specified in Ordinance No. 153, where traffic safety or impacts to neighboring properties are a concern.

d. The Zoning Board of Appeals shall deny a temporary use permit for Open Air Business if the requested temporary use is located one mile (5,280 ft) of similar Open Air Business use which sells the same or similar product.

e. An Open Air Business shall only be conducted on a parcel of land owned or leased by the operators of the Open Air Business. Proof of ownership or lease shall be furnished to the Township upon request.
Article XXX Administrative Procedures & Standards

30.11 Permits to Construct, Move, Alter or Change Use

f. An Open Air Business shall only be conducted on the following commercially zoned properties: RB, GB, BIZ or on non-residential institutional sites, such as churches or schools, within residential zoning districts.

g. The above listed regulations for Open Air Business shall exclude a permitted agribusiness such as farm markets, fruit and vegetable stands as permitted in Section 5.02.

h. A record of temporary use Open Air Business permits granted by the Zoning Board of Appeals shall be maintained by the Planning Department (amended 05.04.20). Each file shall include at least the following: the original application, the terms of approval of the initial application, and any written complaints received by the Township regarding the use.

i. The Zoning Board of Appeals shall review the file for the temporary use/Open Air Business prior to a decision on renewal of a permit.

j. The temporary use/Open Air Business shall not be transferable to another individual, entity or corporation.

k. The owner of the property on which the temporary use/Open Air Business is requested shall jointly sign the application for temporary use or shall provide written permission for use of the property as a temporary use. The property owner shall jointly be responsible for all property clean up.

l. The Open Air Business site and associated structures for sales or storage of goods shall not be used as living quarters or as a temporary dwelling.

m. The Zoning Board of Appeals and or the Planning Department (amended 05.04.20) shall require a performance guarantee in the form of cash or letter of credit to insure compliance with the conditions of a temporary use permit for Open Air Businesses. (amended 08.15.16)

4. Renewal Of Temporary Sales Permits

a. Once a temporary use permit for Open Air Business has been granted, the use may be reinstated only by way of a new application and review by the Zoning Board of Appeals in accordance with Section 30.11F.

b. Renewal of Outdoor Display and Sales permits may be issued through the Planning Department (amended 05.04.20).

Section 30.12 – Nonconformities

All nonconforming uses, structures, sites, or lots shall be subject to the provisions set forth in Section 27.01 of this Ordinance.

Section 30.13 – Certificates of Occupancy

A. Scope of Application. No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no vacant land shall be used for any purpose until a Certificate of Occupancy has been issued by the Enforcement Officer. No change in use shall be made until a Certificate of Occupancy has been issued by the Enforcement Officer. Every Certificate of Occupancy shall state that the use of occupancy complies with the provisions of this Ordinance. Certificates of Occupancy, as required by the Orion Township Building Code, shall also constitute Certificates of Occupancy, as required by this Ordinance.

B. Application. Applications for Certificates of Occupancy shall be submitted to the Enforcement Officer.

C. Issuance of Certificates of Occupancy. Certificates of Occupancy shall be issued, if so requested by the owner, for existing buildings, structures, or parts thereof, or for existing uses of land if, after inspection, it is found that

Revised 05/21/20
Charter Township of Orion Zoning Ordinance 78 64
Certificate of Flame Resistance

Registered Fabric Number: F-140001

Issued by: Johnson Outdoors Inc.
Binghamton, New York 13905

Name: Rochester Rental
City: Rochester
State: NY

This certificate is hereby made that:
The materials described on this certificate have been manufactured with an approved flame resistant核查, in compliance with California State Fire Marshal Code, NFPA 701: Underwriters Laboratory of Canada, and have been tested in accordance with the Federal Test Method Specifications and meet or exceed the Military Flame Retardant Specifications of MIL-D-43669.

Type: 14 oz. White Blockout

Description of item certified: 20 x 30 Frame Tent

Flame Retardant Process Used Will Not Be Removed by Washing and Is Effective for the Life of the Fabric.

Shedler Manufacturing, Inc.

[Signature]

[Stamp: US DEPARTMENT JOHNSON OUTDOORS]
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 11, 2023

SUBJECT: Staff Report for AB-2023-11, Chris Morgan, 406 Shorewood Ct., 09-03-405-010

The applicant is the designer for the homeowner and is representing them on this case. The original house was built between 1963 and 1974.

In 1984 setback variances were given for a detached garage and in 1987 variances were given for a screened-in porch from the side property line to the north, and from the lake. As these variances were for a detached garage and screened-in porch on the opposite side of the property – they do not apply to what is currently being requested.

When looking at this information, please note that the road side is being considered the front and the lake side, the rear.

The current plans propose to remove the detached garage and add a 376-sq. ft. attached garage that includes storage space and living space above. The living space above the garage proposes a covered porch that faces the lake.

The new plans also propose to remove 2 existing decks and add a new 260-sq. ft. deck, 9.3-ft. from the rear property line/water’s edge.

The proposed setback variances would not be increasing any non-conformities.

Maximum floor area of all detached accessory buildings and all accessory buildings will not be exceeded.

Research could not find any variances for lot coverage.

If a motion is to approve, please add to the motion that approval is for plans date stamped April 12, 2023.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 10, 2023

RE: AB-2023-11, Chris Morgan for 406 Shorewood Ct., 09-03-405-010

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-11, Chris Morgan for 406 Shorewood Ct., 09-03-405-010, I would move that the petitioner’s request for:
8 variances from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04

1. A 16.1-ft. front yard setback variance from the required 30-ft. for the proposed porch to be 13.9-ft. from the front property line (Shorewood Ct.).
2. A 12-ft. front yard setback variance from the required 30-ft. for the proposed attached garage to be 18-ft. from the front property line (Shorewood Ct.).
3. A 14-ft. rear yard setback variance from the required 35-ft. for a proposed porch to be 21-ft. from the rear property line (lake side).
4. A 29% lot coverage variance above the allowed 25% for a total lot coverage of 54%.
   Article XXVII, Section 27.01(C)(1)(b)
5. A .1-ft. side yard setback variance from the required 7-ft. for a proposed porch to be 6.9-ft. from the side property line to the south.
   Article XXVII, Section 27.03(C)(3)(b)(ii) & (iii)
6. A 10.7-ft. rear yard setback variance from the required 20-ft. for a deck to be 9.3-ft. from the rear property line (lake side).
7. A 10.7-ft. water’s edge setback variance from the required 20-ft. for a deck to be 9.3-ft. from the water’s edge (lake side).
   Article XXVII, Section 27.17(B)
8. A 4-ft. wetland setback variance from the required 25-ft. for a proposed porch to be 21-ft. from a wetland (the lake).

be granted for plans date stamped April 12, 2023 because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

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

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:
4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-11, Chris Morgan for 406 Shorewood Ct., 09-03-405-010, I would move that the petitioner’s request for:

8 variances from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04

1. A 16.1-ft. front yard setback variance from the required 30-ft. for the proposed porch to be 13.9-ft. from the front property line (Shorewood Ct.).
2. A 12-ft. front yard setback variance from the required 30-ft. for the proposed attached garage to be 18-ft. from the front property line (Shorewood Ct.).
3. A 14-ft. rear yard setback variance from the required 35-ft. for a proposed porch to be 21-ft. from the rear property line (lake side).
4. A 29% lot coverage variance above the allowed 25% for a total lot coverage of 54%.
   Article XXVII, Section 27.01(C)(1)(b)
5. A .1-ft. side yard setback variance from the required 7-ft. for a proposed porch to be 6.9-ft. from the side property line to the south.
   Article XXVII, Section 27.03(C)(3)(b)(ii) & (iii)
6. A 10.7-ft. rear yard setback variance from the required 20-ft. for a deck to be 9.3-ft. from the rear property line (lake side).
7. A 10.7-ft. water’s edge setback variance from the required 20-ft. for a deck to be 9.3-ft. from the water’s edge (lake side).
   Article XXVII, Section 27.17(B)
8. A 4-ft. wetland setback variance from the required 25-ft. for a proposed porch to be 21-ft. from a wetland (the lake).

be denied for plans date stamped April 12, 2023 because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

   ______________________________________________________________
   ______________________________________________________________
   ______________________________________________________________

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

   ______________________________________________________________
   ______________________________________________________________
   ______________________________________________________________

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

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

Further, based on the following findings of facts, the granting of this variance would:

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

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

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

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

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

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

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2323 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT
Name: Chris Morgan
Address: 404 Shorewood Ct.
City/State/Zip: Clarkston MI 48348
Phone: 248-341-3400
Cell: 248-748-5328
Fax: N/A
Email: Chris@ChrisMorganAndAssociates.com

PROPERTY OWNER(S)
Name(s): Ken & Maureen Hudson
Address: 404 Shorewood Ct.
City/State/Zip: Lake Orion MI 48362
Phone: N/A
Cell: 248-762-9444
Fax: N/A
Email: MMCHudson@aol.com

CONTACT PERSON FOR THIS REQUEST
Name: Chris Morgan
Phone: 248-762-5328
Email: Chris@ChrisMorganAndAssociates.com

SUBJECT PROPERTY
Address: 404 Shorewood Ct.
Sidewell Number: 09-03-405-010

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

Zoning Ordinance
Allowance/Requirement
1. Lot Coverage: 25%
2. Front Yard: 30'
3. Rear Yard: 30'
4. Side Yard: 7'
5. Lot Size: 25,000 sq. ft.
6. Lot Size: 250'
7. Lot Size: 10'

Deviations requested:
1. Porch: 16.1'
2. Garage: 12.0'
3. Back Porch: 4.0'
4. Master Suite: 14.0'
5. Master Suite: 4.0'
6. Deck: 10.7'

Page 2 of 4
Case #: ______________________

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request. **The existing home & garage are non-compliant. We are requesting permission to add a master suite, attaching garage, 2 covered porches & a new deck. With the design we are increasing the front yard & side yard setbacks from what exists currently. Also by removing existing deck & structures we are only increasing lot coverage by 20%.**

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 existing structures on this property currently do not comply with setbacks & lot coverage.**

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: **We are actually increasing the setbacks that directly effect the neighbor to the south. The property to the north is vacant.**

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: **I am including an aerial view with my submittal that shows the properties to the north & south do not comply with front & side yard setback requirements, also many do not comply with rear yard & lot coverage requirements.**

5. Describe how the alleged practical difficulty has not been self-created. **The existing structures on this site do not comply with any of the required setbacks or lot coverage.**

6. The topography of said land makes the setbacks impossible to meet because: **The existing structures are currently non-compliant.**

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. **Due to the fact the structures are currently non-compliant.**
8. Have there been any previous appeals involving this property? If so, when? [ ] Yes [ ] No

9. Is this request the result of a Notice of Ordinance Violation? [ ] Yes [ ] No

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

Signature of Applicant: [Signature] Date: 4-4-23

Print Name: CHRIS MORYA

Signature of Property Owner: [Signature] Date: 4/10/23

Print Name: MAUREEN HUDSON

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: __________
To Whom it May Concern

This letter is to provide authorization for Chris Morgan to serve as advocate, on our behalf, to Orion Township in regards to the design and build variances for our property at 406 Shorewood Ct., Lake Orion, MI. 48362.

We can be reached at 248-762-9444. Thank you very much for your consideration.

Regards,

Maureen & Ken Hudson
AB-2023-11 Chris Morgan for 406 Shorewood Ct,
09-03-405 010 .107 Acres 4,660.92
25° = 1,165.23

The property line along Shorewood Ct. is the
front property line.

The property measures approx. 55.3 ft. at the
front setback therefore the sideyard setback
is relaxed from 10' to 7'

Required Setbacks:
Front yard (roadside) 30'
Side yards 7' (due to property width at front setback)
Rear yard 35'
For deck: Rear yard = 20' from lake = 20'
Wetland Setback for house = 25'

Lot coverage:

Existing:
House 1,119°
Shed 120°
Porch 54°
Deck 739°
detached garage 376°

Adding:
House Addition 331°
Attached garage w/ Storage 387°
New deck 260°
New covered front porch 68°

Removing:
Garage/ Storage/ Deck = 941°
786,13° or 54% lot coverage
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.

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

*In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided.

** Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not 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.
Article XXVII  General Provisions
27.17 Wetland Setbacks

Section 27.17 – Wetland Setbacks *(added 09.17.07)*

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

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

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

<table>
<thead>
<tr>
<th>All structures or buildings</th>
<th>Required Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>All decks</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Parking lots</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Streets, roads, driveways</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

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

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

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

Section 27.18 - Wind Energy Conversion Systems *(added 02.01.10)*

A. Intent – It is the intent of the Charter Township of Orion to promote the effective and efficient use of Wind Energy Conversion Systems (WESC) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee any wind rights or establish access to the wind.

B. Approval Required - Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WESC project within the Charter Township of Orion unless approval for a:

1. Private WECs: A permit has been obtained from the Building Department as an accessory use and subject to Section 27.02 and the height restrictions of Section 28.02. Only one (1) Private WECs shall be permitted per parcel, and the private WECs shall not be allowed within a front yard area.

2. Commercial WECs: A special land use has been obtained pursuant to Section 30.02 and this Section.
Article XXVII

27.03 Yard and Bulk Regulations

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

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions.

2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.

3. In rear yards.
   a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard.
   b. Decks may be permitted to project into a required rear yard when the following conditions are met: (amended 06.15.87, 02.06.97)
      i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
      ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.
      iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
      iv. Setbacks for decks shall be measured from the leading edge of the deck surface.

4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

D. Required Yards - Existing Buildings.

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

E. Location of Required Open Space.

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

F. Variances to Yard Regulations.

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

1. A planned development in a multiple-family district;

2. Cases where the applicability of the regulations on lots existing and of record at the time this Ordinance became effective cannot be determined;
Article XXVII

General Provisions

27.01 Nonconformities

1. Nonconforming structures, other than buildings, such as signs, billboards, fences and other structures;

2. Buildings not in conformance with dimensional requirements such as lot area, yards, lot coverage, and height;

3. Buildings not in conformance with parking, loading, and/or landscaping requirements;

4. All other nonconformities arising from failure to meet any of the requirements imposed by this Ordinance.

3. Nonconforming Site or Lot. A nonconforming site or lot is a site or lot or portion thereof existing on the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

4. Administrative Nonconformity. An administrative nonconformity is any building, structure or use which was in existence at the time of adoption of this Ordinance and which is required by this Ordinance to have special administrative approval such as special land use approval, cluster housing development approval, or Zoning Board of Appeals approval.

C. Nonconforming Lots.

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

1. Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:

a. The lot is at least fifty (50) feet in width.

b. Side yard setbacks as set forth in the following chart are complied with:

<table>
<thead>
<tr>
<th>Lot Width</th>
<th>Each Side Yard Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 to 54 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>55 to 59 feet</td>
<td>7 feet</td>
</tr>
<tr>
<td>60 to 65 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>66 to 69 feet</td>
<td>9 feet</td>
</tr>
<tr>
<td>70 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

c. The lot is in conformance with all other applicable yard and lot requirements.

2. Variance to Yard Requirements. If the use of a nonconforming lot requires a variation of the front or rear setback or front or rear yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals under the terms of this Ordinance.

3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance,
The Fire Department has reviewed 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: Wednesday, April 26, 2023 10:41 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the May 22, 2023 ZBA Meeting

Mr. Williams.

Hello Jeff. Attached are 3 ZBA cases that need to be reviewed by you for the May 22, 2023 ZBA Meeting.

Thank you,
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: May 9, 2023
SUBJECT: Staff Report for AB-2023-12, Erik Heiderer, 1382 Goldeneye

The applicant is a representative of the homeowner. They are seeking to add a 300-sq. ft. sunroom off the back of the house and 72-sq. ft. to an existing bedroom also off the back of the house. The sunroom will need a variance from the required rear setback of 35-ft. to be 25.37-ft. from the rear property line.

The property is located within the Bald Mountain Estates subdivision and is zoned SC - Special Circumstances. The development setback requirements were determined based on a Consent Judgement for the Bald Mountain development.

Adding the proposed additions will not exceed lot coverage maximum. Also, front and side yard setbacks will not be exceeded.

The homeowner provided an aerial view of other homes in the immediate area with similar sunrooms – 3379 Mallard and 1398 Goldeneye Ln.; both received rear yard setback variances.

If a motion is to approve, please add to the motion that approval is for plans date stamped April 12, 2023.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: May 10, 2023
RE: AB-2023-12, Erik Heiderer, 1382 Goldeneye Lane, 09-25-401-024

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case **#AB-2023-12, Erik Heiderer, 1382 Goldeneve Lane, 09-25-401-024**, I would move that the petitioner’s request for:
1. variance from Zoning Ordinance #78 – Zoned SC

1. A 9.63-ft. rear yard setback from the required 35-ft. for a proposed sunroom to be 25.37-ft. from the rear property line.

be **granted** for plans date stamped April 12, 2023 because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

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

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

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

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

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

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

In the matter of ZBA case #AB-2023-12, Erik Heiderer, 1382 Goldeneve Lane, 09-25-401-024, I would move that the petitioner’s request for:
1 variance from Zoning Ordinance #78 – Zoned SC

1. A 9.63-ft. rear yard setback from the required 35-ft. for a proposed sunroom to be 25.37-ft. from the rear property line.

be **denied** for plans date stamped April 12, 2023 because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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


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


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


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


Further, based on the following findings of facts, the granting of this variance would:

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

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

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

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

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

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

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2323 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT
Name: ERIK HEIDER
Address: 44045 N. CRATION City/State/Zip: CLINTON TWP, MI 48836
Phone: 586-468-4790 Cell: 586-468-4790 Fax: 586-468-7859
Email: EHEIDERER@COMCAST.NET

PROPERTY OWNER(S)
Name(s): RUSHITKUMAR BHIMANI
Address: 1382 GOLDENEYE LANE City/State/Zip: LAKE ORION,
Phone: 586-354-7274 Cell: 586-354-7274 Fax:
Email: RBHIMANI3@YAHOO.COM or CLINTONRIVER@OUTLOOK.COM

CONTACT PERSON FOR THIS REQUEST
Name: ERIK HEIDER Phone: 586-468-4790 Email: EHEIDERER@COMCAST.NET
Name: RUSHIT BHIMANI Phone: 586-354-7274 Email: RBHIMANI3@YAHOO.COM

SUBJECT PROPERTY
Address: 1382 GOLDENEYE LANE Sidewell Number: 09-25-001-023-4
Total Acreage: 0.32 Length of Ownership by Current Property Owner: 2 Years, 5 Months

Does the owner have control over any properties adjoining this site? __________________________ Deviation requested __________________________
Zoning Ordinance
Allowance/Requirement __________________________
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. REQUEST A WAIVER FOR A REAR YARD SETBACK ONLY IN RELATION TO SHAPE OF LOT FOR A TWO STORY ADDITION.

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 SHAPE OF LOT IN A TRAPEZOIDAL DESIGN WITH NO PARALLEL LOT LINES ADJACENT WITH HOUSE AND PROPERTY.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. THE ADDITION PROPOSED GRANTED WITH VARIANCE WOULD NOT AFFECT SURROUNDING NEIGHBORS VIEWS OR PROPERTY AREA IF LOT WAS SQUARE. ADDITION WOULD FIT WITH NO WAIVER NEEDED.

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible. ALL PROPERTIES ON GOLDEN EYE LANE ARE TRAPEZOIDAL IN DESIGN AND ARE NOT CONDUSIVE FOR EXPANSION AND RENOVATION.

5. Describe how the alleged practical difficulty has not been self-created. IF LOT WAS Rectangle in Nature, EXISTING HOUSE WOULD HAVE A BUILDABLE REAR YARD TO BUILD AN ADDITION WITHOUT VARIANCE.

6. The topography of said land makes the setbacks impossible to meet because. THE LOT IS A WALK-OUT WITH VARIED TOPOGRAPHY.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. THE SHAPE OF LOT AND SIZE HINDERS THE RESIDENCE FOR LITTLE EXPANSION AND SIZABLE SETBACK REQUIREMENTS.

*Main Reason for request is my 80 year old parents live with me and they rest at home. Whole day. For my lot location is ideal to get morning sun for them and my three little kids.*
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)  
E. Heider  
Date:  
4/12/23

Print Name:

Signature of Property Owner:  
(must be original ink signature)  
Rushikumar Bhimani  
Date:  
04/12/2023

Print Name:

If applicable:  
I the property owner, hereby give permission to  
ERIK HEIDERER  
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:  
Bald Mountain Phase 1 - Executive Lots
All Information verified by Carly & Tammy 9/13/16

Typical Unit Setbacks:
Front 30’
Rear 35’
Side 25’ and 5’
See attached chart for assigned setbacks per lot number.

Lot Coverage: 25%

Decks: Decks allowed following the Zoning Ordinance.

Pools: Pools allowed in rear yard following the Zoning Ordinance. Note: the bylaws allow only in-ground pools and must have association approval.

Variances: Property owners may request variances from the ZBA.
Hi Lynn

we adding 72 square feet on My parent's bedroom and 300 square feet sunroom. total we adding on back is 372 square feet plus basement. From edge of sun room to my closest point of rear property line will be 25.37 feet (current structure 40.37 ft from property line, we adding 15 ft sunroom).

On Wednesday, 19 April, 2023 at 12:54:48 pm GMT-4, Lynn Harrison <lharrison@oriontownship.org> wrote:

Sorry, a couple more questions. I need to know how far the edge of the sunroom will be to the closest point of the rear property line and on the attached diagram you note the side wall of the sunroom is 15-ft., the plans show that wall as 12'-11 1/8" – I need to know which measurement you want me to use. See attached.

Thank you,

Lynn Harrison

Specialist
Planning & Zoning
2323 Joslyn Road † Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
www.lharrison@oriontownship.org
AB-2023-12, Eiik Heiderer, 1382 Goldmeya,
09-25-401-024   34 acres   14,810.4 ft²
Zoned: Special Circumstance

2590 = 3,702.6 ft²

Front yard setback 30’    OK
* Rear yard setback 35’ will be 25.37’ variance of 9.63’
Side yard setbacks 25’ & 5’    OK

Lot Coverage
House = 2,090
Porch = 138
Attached Garage 1 = 452
Attached Garage 2 = 260
Proposed Sunroom = 300
Proposed bedroom addition = 72

3,312 ft²   Lot Coverage OK

Accessory Structure Square footage - Not Applicable
Courtney Keisman

From: Jeff Williams
Sent: Thursday, April 27, 2023 8:02 AM
To: Courtney Keisman
Subject: RE: ZBA Documents for the May 22, 2023 ZBA Meeting

The Fire Department has reviewed 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 <ckelman@oriontownship.org>
Sent: Wednesday, April 26, 2023 10:41 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the May 22, 2023 ZBA Meeting

Mr. Williams.

Hello Jeff. Attached are 3 ZBA cases that need to be reviewed by you for the May 22, 2023 ZBA Meeting.

Thank you,

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