1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 05/9/2022, ZBA Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2022-13, Marc McClintock, Vacant Parcel 1 Parcel north of 484 Cushing Street, 09-03-278-031 (postponed from 4/25/2022 meeting)
      The petitioner is seeking 3 variance from Zoning Ordinance #78
         Article VI, Section 6.04, Zoned R-3
         1. A 3-ft. front yard setback variance from the required 30-ft. to construct a new home with an attached garage 27-ft. from the front property line (road side).
         2. A 4-ft. side yard setback variance from the required 8-ft. to construct a new home with an attached garage 4-ft. from the side property line (north)
         3. A 9.62% lot coverage variance above the allowed 25% for a total lot coverage of 34.62%.
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-1
         Article XXVII, 27.02(8) - Lot size over 2.5 acres
         1. A 1,260-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,660-sq. ft. pole barn.
         2. A 1,289-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,660-sq. ft. pole barn in addition to an existing attached 529-sq. ft. garage.
   C. AB-2022-20, Ronald Gentry, 1031 Elm Ave., 09-15-126-003
      The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned SE
         Article V, Section 5.04
         1. A 40-ft. front yard setback variance from the required 40-ft. to construct a pole barn 0-ft. from the front property line along Elm Ave.
         Article XXVII, 27.02(8) - Lot size over 2.5 acres
         2. A 1,000-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,400-sq. ft. pole barn.
         3. A 2,300-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,400-sq. ft. pole barn in addition to a 1,800-sq. ft. attached garage.
   D. AB-2022-21, Sean Awdish, 3901 S. Lapeer Rd., 09-26-452-017
      The petitioner is seeking 1 variance from Sign Ordinance #153 – Zoned PUD
         1. A variance for 5 additional wall signs above the 1 allowed/approved for a total of 6 wall signs totaling 107.39-sq. ft.
6. PUBLIC COMMENTS
7. COMMUNICATIONS
8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, May 9, 2022, at 7:00 pm at the Orion Township Community Center, 2323 Joslyn Road, Lake Orion, Michigan 48360.

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

ZBA MEMBERS ABSENT:
Tony Cook, Vice-Chairman

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:

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

2. ROLL CALL

3. MINUTES
A. 04-25-2022, ZBA Regular Meeting Minutes
Board member Dunaskiss moved, seconded by Trustee Flood, to approve the 04-11-2022 minutes as presented.

Motion Carried 4-0

B. 04-25-2022, Special Meeting Minutes
Trustee Flood moved, seconded by Chairman Durham, to approve the 04-25-2022 Special Meeting minutes as presented.

Motion Carried 4-0

4. AGENDA REVIEW AND APPROVAL
Trustee Flood moved, seconded by Board member Dunaskiss, to approve the agenda as presented.

Motion Carried 4-0

5. ZBA BUSINESS
A. AB-2022-15, James Garris, 215 N. Conklin Road, 09-01-403-014

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 Article VI, Section 6.02(N)(3)

1. A 23.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 16.5-ft. from the front property line along De Goff Ct.

2. A 30-ft. front yard setback variance from the required 40-ft. to install an inground pool 10-ft. from the front property line along Orion Ter.

Mr. Garris (Mr. James Garris’ son) introduced himself to the Board.

Chairman Durham asked about the handwritten drawing that was included in the packet. He asked if it was to scale. He stated that the property is surrounded by front yards.

Mr. Garris stated that the measurements on the drawing are accurate.

Board member Walker asked if there were any stakes.

Mr. Garris replied no.

Board member Walker concurred with Chairman Durham and agreed that he did not see how a pool would fit in the area indicated. He asked if the property had been surveyed.

Mr. Garris replied that he has not had the property professionally surveyed.

Mr. Garris stated that the deck will be removed. He pointed out the 13-foot distance on the drawing and said that this is where the current deck is.

Trustee Flood asked what type of privacy fence is going around the pool.

Mr. Garris stated that it will be the same type of fence that is currently along the north side of the back property. It is a solid fence.

Trustee Flood stated that he is concerned about the setbacks and the corner sight distances.

Mr. Garris stated that the privacy fence is going almost all of the way. At the southwest corner where the telephone pole is, he doesn’t have the fence running across the 45 degrees to allow for sight.

Board member Dunaskiss asked if it was a 6-foot fence.

Mr. Garris replied it is a 4-foot fence along the west lot line and the south lot line.

Board member Walker asked how much space is going to be between the fence and the pool’s edge.

Mr. Garris replied 16 feet, 6 inches on the south line and 10 feet on the west line.

Trustee Flood confirmed that the fence would not be in the corner.

Board member Walker stated that he is concerned that cars would not be able to see, and this would impact the traffic. The neighbors agree but because it is so small that he worries about sight distance.

Building Official Goodloe stated that if it is a lockable cover, they do not need a fence all the way around.
Mr. Garris confirmed that there is not a fence in the corner where Board member Walker has a concern. He is going to place landscaping around the pool, but this will not affect sight distance. He plans on using ornamental grass.

Board member Walker asked Building Official Goodloe if the variance was approved based on the fact that there is a lockable cover, would someone from the department go out and verify.

Building Official Goodloe answered yes, the lockable cover would need to be inspected and they would also inspect to make sure that the sight distance is not affected.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Trustee Flood asked if there were any letters received by the Township.

Chairman Durham confirmed that there was one letter received that had no issue with the project.

Trustee Flood read a letter into the record from Lail Gulley, 236 Orion Terrace, that supported the project dated April 29, 2022. He also read a letter dated April 27, 2022 from a neighbor adjacent to the subject property, Justin and Carly Heirs, who have no issue with the project or the variances requested. The Fire Marshall also submitted a letter expressing no concerns about this project.

Board member Walker moved, seconded by Trustee Flood, that in the matter of ZBA case AB-2022-15, James Garris, 215 N. Conklin Road, 09-01-403-014 that the petitioner’s request for 2 variances from Zoning Ordinance #78 Article VI, Section 6.02(N)(3) including a 23.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 16.5-ft. from the front property line along De Goff Ct. and a 30-ft. front yard setback variance from the required 40-ft. to install an inground pool 10-ft. from the front property line along Orion Ter. be granted because the petitioner did demonstrate the following standards for variance have been met in this case and that they set forth facts that show:

1. The petitioner does show the following practical difficulty: due to the uniqueness of the property and it is not related to the general conditions in the area of the property. The petitioner’s property has three front yard setbacks therefore complicating the issue of how much room there is to move in from each of the front yard setbacks.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: as was indicated, this property has three front yard setbacks, and the petitioner has indicated that the pool will have a locking top that will be installed and in use whenever the pool is not being used.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right posed by others in the same zone or vicinity based on the fact they have to meet three front yard setbacks.

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

5. Granting this variance will not impair an adequate supply of light or air to the adjacent properties and it would not unusually increase congestion on public streets. The petitioner has indicated that one side will not have a fence on it and the Building Department upon final inspection will make sure that there are no line-of-sight issues related to any fence that goes up with the installation of the pool. There is also not going to be an increase of fire, or endanger of the public safety, and is
not going to unreasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

B. **AB-2022-16, Monish & Carrie Sharma, 4320 Newcastle Dr., 09-07-351-008**

Chairman Durham read the petitioners’ request as follows:

The petitioner is seeking 1 variance from Article XXVII, 27.02(8) - Lot size over 2.5 acres

1. A 192-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 660-sq. ft. attached garage.

Tom Inger, representing the homeowners, introduced himself to the Board.

Chairman Durham asked about the previous variances received and were those variances acted on.

Mr. Inger replied yes, by a previous owner. The petitioner purchased the property about 9 months ago. He stated that it was a detached garage located away from the home.

Chairman Durham asked the petitioner to explain the layout of the property.

Mr. Inger agreed that it was an involved piece of property.

Ms. Carrie Sharma introduced herself. They bought the property about 9 months ago and she provided a historical account of the property and the buildings located on it. One of the existing structures on the property was a carriage house but it was converted to a guest house and they intend on keeping this as such. She provided details about former variances received for a garage far from the house. They want to attach a garage to the home.

Chairman Durham asked if the garage is on the plan.

Mr. Inger replied yes, and the two-story addition is behind it. The two-story addition doesn’t require a variance, just the garage.

Trustee Flood stated that he sees the practical difficulty about needing an attached garage. The petitioner shouldn’t have had to appear before the Board because they are held to a 2.5-acre amount. The ordinance needs to be reviewed especially for these large parcels.

Board member Dunaskiss asked if they plan to keep the accessory buildings.

Ms. Sharma stated that the four-car detached accessory structure is aesthetically pleasing and they intend to keep it and use it for storage. The metal structure they are not sure if they are keeping it but are probably going to take it down.

Board member Walker commented on the historical room at the Clarkston Library.

Chairman Durham asked if there was any public comment on this case.

No public comment was heard.
Board member Dunaskiss moved, seconded by Trustee Flood, that in the matter of ZBA case AB-2022-16, Monish & Carrie Sharma, 4320 Newcastle Dr., 09-07-351-008 that the petitioners’ request for 1 variance from Article XXVII, 27.02(8) - Lot size over 2.5 acres including a 192-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 660-sq. ft. attached garage be granted because the petitioner did demonstrate that the following standards for variances have been met in this case and set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty: this is a large property and there is ample space to build a garage, however, the garage that they currently have is too far from the home given the weather conditions in Michigan to be practical. The garage being attached to the home makes much more sense and is much more practical.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: this property is very large and can easily handle a garage and based on the above, an attached garage is more practical for a family.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right posed by others in the same zone or vicinity.

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

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

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

C. AB-2022-17, Duane Anderson, 2455 Armstrong, 09-21-354-002

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 1 variance from Zoning Ordinance #78 Article VI, Section 6.04 - Zoned R-2

1. A 6.28% lot coverage variance above the allowed 25% for a total lot coverage of 31.28% to install a 620-sq ft. inground pool.

Mr. Duane Anderson introduced himself and summarized the variance request. They have owned the property for 23 years. One of the neighbors did express concern over the noise but since both he and his wife are older; he does not see that to be a problem.

Chairman Durham confirmed that it is a wide lot with plenty of room to do what they want.

Trustee Flood commented that this petitioner is installing the same pool as his neighbor. The noise factor is handled by the ordinance department. He read a letter from Bill Kitchner, neighbor, dated May 2, 2022 objecting to the pool variance because of the noise generated by a pool.

Building Official Goodloe asked about the easement on the back of the property.
Mr. Anderson replied that he is not sure. The back of the pool will be approximately 16 feet from the back of the property.

Building Official Goodloe stated that it doesn’t look like a drainage easement. Drainage complaints are the biggest complaints that they receive.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Trustee Flood asked about fencing.

Mr. Anderson replied a 4-foot privacy fence.

Trustee Flood stated that the Fire Marshall had no problem with this case.

Board member Walker moved, seconded by Chairman Durham, in the matter of ZBA Case # AB-2022-17, Duane Anderson, 2455 Armstrong, 09-21-354-002 that the petitioner’s request for 1 variance from Zoning Ordinance #78 Article VI, Section 6.04 - Zoned R-2 including a 6.28% lot coverage variance above the allowed 25% for a total lot coverage of 31.28% to install a 620-sq ft. inground pool be granted because the petitioner did demonstrate the following standards for variances have been met in this case and that they set forth facts that show:

1. Due to the uniqueness of the property and fact that the neighbor has a similar pool. The petitioner indicated that he would be surrounding the pool with 4-foot wrought iron fence.

2. The variance is also necessary for the preservation and enjoyment of a substantial property right posed by others in the same zone or vicinity.

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

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

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

D. AB-2022-18, Jeff Hanson, 3935 Maybee Rd., 09-30-200-037

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 1 variance from Article XXVII, 27.02(8) - Lot size over 2.5 acres

1. A 476-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to add a 968-sq. ft. addition to a 440-sq. ft. garage, and an existing 468-sq. ft. carport.
Mr. Jeff Hanson introduced himself and summarized the variance request to retain an existing carport.

Board member Dunaskiss asked about this variance in relation to the first one.

Mr. Hanson replied because his is detached.

Trustee Flood explained the long bowling alley style lot. He summarized a variance request on this property for a fence. This petitioner is in the same position because he has over 4 acres and is forced to come to the Board.

No public comment was heard in this case.

Trustee Flood moved, seconded by Board member Dunaskiss, in the matter of ZBA Case # AB-2022-18, Jeff Hanson, 3935 Maybee Rd., 09-30-200-037 that the petitioner’s request for one variance from Article XXVII, 27.02(8) - Lot size over 2.5 acres specifically for a 476-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to add a 968-sq. ft. addition to a 440-sq. ft. garage, and an existing 468-sq. ft. carport be granted because the petitioner did demonstrate that the following standards for variances have been met in this case and set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty: petitioner has a 4-acre parcel zoned Suburban Farms and the request is well within the scope of that size of 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 this same district or zone: the petitioner wants to retain the carport which has to be included in this calculation.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right posed by others in the same zone or vicinity. The petitioner will connect this building in line with his other buildings and it will not be seen from the road. Petitioner has a long property consisting of 4 acres.

4. The granting of the variance or modification will not be materially detrimental to public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located as previously stated.

5. Granting this variance will not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire or endanger public safety and the Fire Marshall has no concerns in this matter. The variance is not going to unreasonably diminish or impair established property values, in fact it will probably increase the property value, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

6. PUBLIC COMMENTS

7. COMMUNICATIONS
   Chairman Durham commented on the Zoning Training opportunity included in the packet.

8. COMMITTEE REPORTS
   Trustee Flood thanked the Board for closing the Judah Road project out.

9. MEMBER COMMENTS
   Board member Walker commented on the upcoming Library Book Sale.
10. **ADJOURNMENT**

Moved by Trustee Flood, seconded by Chairman Durham, to adjourn the meeting at 7:51 pm.
Motion Carried 4-0

Respectfully submitted,

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

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: May 13, 2022

RE: Case location for ZBA Meeting 05/23/2022

Below are the locations of the ZBA cases for the May 23, 2022 meeting.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: May 12, 2022
SUBJECT: Staff Report for AB-2022-13, Marc McClintock, Unaddressed Parcel on Cushing Street, Parcel #09-03-278-031 (1 parcel north of 484 Cushing Street)

This case was postponed from the April 25, 2022 ZBA Meeting. Attached are the minutes from that meeting.

The applicant has provided the following documents in response to concerns brought up at the April 25th meeting.

Please contact me if you have any questions.
Board member Dunaskiss stated that she would like to recuse herself from the case because she is within 300 feet.

**Trustee Flood** moved, supported by Chairman Durham, to recuse Board member Dunaskiss from this case because she is within 300 feet of the subject property.

Vote was as follows: **Cook, yes; Flood, yes; Durham, yes.** Motion passes 3-0.

Chairman Durham read the petitioner's request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 3-ft. front yard setback variance from the required 30-ft to construct a new home with an attached garage 27-ft. from the front property line (road side).

2. A 4-ft. side yard setback variance from the required 8-ft. to construct a new home with an attached garage 4-ft. from the side property line (north).

3. A 9.62% lot coverage variance above the allowed 25% for a total lot coverage of 34.62%.

Mr. Marc McClintock introduced himself to the Board and explained the variance request.

Chairman Durham commented that it was if the applicant was trying to fit a large house on a small lot instead of trying to build a smaller house to fit the lot he has.

Mr. McClintock stated that he is trying to build a 2700 square foot home which is consistent with homes in the area. He has preliminary plans for the home.

Trustee Flood asked if he is lot 1 or lot 4.

Mr. McClintock answered lot 4. He is the one just south of the road to the island.

Trustee Flood asked if the road was an easement or part of the property.

Mr. McClintock answered he doesn’t own the road.

Trustee Flood commented that the lake lots are tough and every house on the road has a garage that is close. The 4 foot setback would abut the easement. The Fire Marshall’s letter has no concern with this request. This is not self-created because those lots were created a long time ago and the petitioner wants to build something to today’s standards. The practical difficulty is the lake lot and the fact that it is nonconforming.

Mr. McClintock stated that he choose to keep the 8 foot on one side. There is a property on this side and he wanted to leave room in case this area needs to be serviced. The 3 foot setback is smaller than some requests. He pointed out other properties which have variances.
Vice-chairman Cook asked about question #7 on the application. He asked what came first, the property or the plan.

Mr. McClintock replied the property, the plan is in motion.

Trustee Flood asked if the petitioner was aware that he would have to have a unanimous vote in order to pass a variance and if not, he has the opportunity to postpone the case until he has a five member board.

Mr. McClintock stated he knows that other variances which are larger than what he is asking have went through.

Trustee Flood answered that each case is individual and this request is not out of line.

Building Official Goodloe referred to the plot plan drawing, page 7. One concern he has is when you build so close to each other, when you transfer a footing, it goes out on a 45 degree angle. Sometimes there can be a compromising of each other's footings. He is concerned about the grade of the property and where the water is going to go and he explained.

Chairman Durham confirmed the location of the lot. He asked Building Official Goodloe if he was talking about water on the structure.

Building Official Goodloe replied yes but typically they do not have a water runoff plan. The code says you have to run your property 6 inches and 10 feet.

Chairman Durham asked the petitioner if he ever heard that the lot was not buildable.

Mr. McClintock answered no.

Chairman Durham commented that the petitioner needs to decide if he wants to postpone because he needs a majority vote.

Mr. McClintock offered to move the house and make 4 foot setbacks on each side. He could keep the same size house but he could shift it.

Chairman Durham asked if he was starting construction immediately.

Mr. McClintock answered no.

Chairman Durham stated that if he is going to vote on something, he would like to see it how it will be.

Trustee Flood stated that is would have to be re-noticed if it were changed.

Building Official stated that the 4 foot variance request is on the easement side. There is still a fire rating requirement on that wall.

Vice-chairman Cook explained his concerns about changing the plan this evening and asking for a vote on this changed plan. There is not a concern with time because the petitioner has indicated that he is not building immediately.

Mr. McClintock stated that he is asking for nothing different than what other homes have received in that 300 foot radius.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – April 25, 2022

Chairman Durham explained the options to the petitioner.

Building Official Goodloe commented that he is now seeing discrepancies in elevations on the plans and he explained how this doesn’t accurately show how the grade will look.

Chairman Durham reiterated the options to postpone to the petitioner.

Mr. McClintock asked when he could come back before the Board.

Chairman Durham provided the possible dates. He added that the petitioner should consult with the Building Department too.

Mr. McClintock stated that he would like to come back on May 9, 2022.

Vice-chairman Cook moved, and Chairman Durham supported, in the matter AB-2022-13, Marc McClintock, Vacant Parcel 1 Parcel north of 484 Cushing Street, 09-03-278-031 that the petitioner has requested that his request for seeking 3 variances from Zoning Ordinance #78, Article VI, Section 6.04, Zoned R-3 including a 3-ft. front yard setback variance from the required 30-ft to construct a new home with an attached garage 27-ft. from the front property line (road side), a 4-ft. side yard setback variance from the required 8-ft. to construct a new home with an attached garage 4-ft. from the side property line (north) and a 9.82% lot coverage variance above the allowed 25% for a total lot coverage of 34.62% be postponed until a date certain being May 9, 2022.

Roll call vote was as follows: Flood, no; Cook, yes; Durham, yes. Motion failed.

Trustee Flood moved, and Vice-chairman Cook supported, in the matter AB-2022-13, Marc McClintock, Vacant Parcel 1 Parcel north of 484 Cushing Street, 09-03-278-031 that the petitioner be postponed until a date certain being May 23, 2022.

Roll call vote was as follows: Cook, yes; Flood, yes; Durham, yes. Motion passed 3-0.

Board member Dunaskiss re-joined the Board members.

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

Chairman Durham explained that the Board has had ample opportunity to review the By-Laws.

Trustee Flood agreed.

Trustee Flood moved, and Board member Dunaskiss supported, to adopt the Amended Zoning Board of Appeals By-Laws draft dated 3/31/22 and to forward to the Township Board for approval.

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

6. PUBLIC COMMENTS

Mr. Eugene McNabb commented on how long the Board has previously let a resident speak on an item. He also commented on the chairman’s role on the Board and the request for public comment during a specific item on the agenda.
Hello.

Attached are the approved minutes from the April 25, 2022 ZBA meeting.

Thank you,

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

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: May 12, 2022

RE: AB-2022-13, Marc McClintock, Vacant Parcel 1 Parcel north of 484 Cushing Street, 09-03-278-031

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-13, Marc McClintock, Vacant Parcel 1 Parcel north of 484 Cushing Street, 09-03-278-031, I would move that the petitioner’s request for:

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

1. A 3-ft. front yard setback variance from the required 30-ft. to construct a new home with an attached garage 27-ft. from the front property line (road side).

2. A 4-ft. side yard setback variance from the required 8-ft. to construct a new home with an attached garage 4-ft. from the side property line (north).

3. A 9.62% lot coverage variance above the allowed 25% for a total lot coverage of 34.62%.

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

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-13, Marc McClintock, Vacant Parcel 1 Parcel north of 484 Cushing Street, 09-03-278-031, Michael Kiekbusch, 829 Rustic Village Ln., 09-09-302-011, I would move that the petitioner’s request for:

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

1. A 3-ft. front yard setback variance from the required 30-ft. to construct a new home with an attached garage 27-ft. from the front property line (road side).

2. A 4-ft. side yard setback variance from the required 8-ft. to construct a new home with an attached garage 4-ft. from the side property line (north).

3. A 9.62% lot coverage variance above the allowed 25% for a total lot coverage of 34.62%.

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

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

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

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

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

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

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

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

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

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

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

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

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

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________
Following are the documents from the April 25, 2022 ZBA Meeting
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: April 18, 2022
SUBJECT: Staff Report for AB-2022-13, Marc McClintock, Unaddressed Parcel on Cushing Street, Parcel #09-03-278-031 (1 parcel north of 484 Cushing Street)

The petitioner is proposing to build a new home with an attached garage on this vacant parcel.

Being the width of the parcel is 65.5 ft. at the front yard setback – the side yard setback requirements are reduced to 8-ft. per side.

The applicant has indicated that the road side, Cushing Street, will be considered the front yard and the rear yard will be the water side.

The petitioner has also indicated that the height of the house will not exceed the maximum 30-ft.

Please contact me if you have any questions.
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: Marc McClintock
Address: 14462 Debbie Dr. City/State/Zip: Sterling Heights, MI 48313
Phone: Cell: 586-864-7580 Fax: 
Email: m.mcclintock@yahoo.com

PROPERTY OWNER(S)

Name(s): Marc McClintock
Address: 14462 Debbie Dr. City/State/Zip: Sterling Heights, MI 48313
Phone: Cell: 586-864-7580 Fax: 
Email: m.mcclintock@yahoo.com

CONTACT PERSON FOR THIS REQUEST

Name: Marc McClintock Phone: 586-864-7580 Email: m.mcclintock@yahoo.com

SUBJECT PROPERTY

Address: vac Cushing Street, Lake Orion, MI 48362 Sidewell Number: 09-03-278-031
Total Acreage: 0.22 Length of Ownership by Current Property Owner: 0 Years, 10 Months
Does the owner have control over any properties adjoining this site? No
Zoning Ordinance Allowance/Requirement Deviation requested
Case #: ________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. The following variances are being requested to accommodate a new home build:
   Front Setback: 27' from 30' (road side), North Side Setback: 4' from 8' (adjacent to the 20' road easement out to the island).
   Lot Coverage Variance: 34.63% from 25%

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 custom home design and variances are specific to this parcel and its size.
   These variances do not impact any other adjacent 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: This will not be detrimental because there is no hazard to the wellbeing of Orion Township residence in asking for variances to accommodate the size of a newly constructed home.

4. Explain how the request is not consistent with other properties in the immediate area, please site examples if possible:
   These variances are less than or equal variances that have been requested and approved by the board for properties located on Cushing Street.
   AB-221-67: 592 Cushing Street (09-03-278-006) - Approved 12-11-21
   AB-2021-56: Vacant Parcel (09-03-278-26) South of 576 Cushing Street - Approved 10-11-21

5. Describe how the alleged practical difficulty has not been self-created. This has not been self created as the setbacks were set by Orion Township based on the property being zoned R3 and not the property owner.

6. The topography of said land makes the setbacks impossible to meet because: The side setbacks of 8' and the 25% of land use are smaller than the needed setbacks and land use percentage needed to build the new construction.

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 square footage of the new construction design does not fit within the current setbacks and percentage of land usage. This would be burdensome because it would require a redesign of the current plan.
Case #: ________________________________

8. Have there been any previous appeals involving this property? If so, when? Not that I am aware of on this property.

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: 3/25/22
Print Name: ___________________________

Signature of Property Owner: ___________________________ Date: 3/25/22
Print Name: ___________________________

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: __________
### 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>Minimum Lot Area</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td></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</td>
<td></td>
<td>See Section 27.02, A. 8</td>
<td></td>
</tr>
<tr>
<td>of All Accessory Buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

*** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

#### Section 6.05 – Sign Regulation *(amended 10.08.98, 02.21.06)*

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

#### Section 6.06 – Tree Preservation Regulations *(amended 08.03.00)*

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

#### Section 6.07 – Wetland Setbacks *(added 09.17.07)*

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
09-03-278-031  Cushing  
2.20 acres = 9,583.24 sq 25% = 2,395.8

Reduced side yard back - 8 ft (width 65.05 ft)

★ Front yard setback (Reed) Needs to be 30', it is 27'
★ Side yard setback (North) Needs to be 8', it is 4'
★ Side yard setback (South) Needs to be 8', it is 8'  OK
★ Rear yard setback (water) Needs to be 35', it is 35.76' OK

Lot Coverage
House  1,937 1978
Attached Garage  841.13 (under the 75%) 876 (per note on plans)
Deck
Porch  143
Main level Porch  321
3,318 34.690

Garage  349.76 x 322 = 75,836
= 44 x 288 = 23

Dehn
The fire department has reviewed the proposed documentation and has no concerns at this time.

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

From: Courtney Keisman <ckesman@oriontownship.org>
Sent: Monday, April 4, 2022 8:59 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the April 25, 2022 ZBA Meeting

Mr. Williams.

Hello Jeff. Attached is 1 ZBA case that needs to be reviewed by you for the April 25, 2022 ZBA Meeting.

Thank you,
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: May 12, 2022
SUBJECT: Staff Report for AB-2022-19, Terri Chapman, 2740 Judah Road, 09-32-200-029

The applicant is requesting to add a 2,660-sq. ft. pole barn to their property.

The 2,660-sq. ft. includes the extension depicted on the east & west elevations and the applicant indicated there would be no second story storage.

All setbacks will be met and lot coverage will not be exceeded.

The applicant needs variances because the size of the pole barn will exceed the maximum allowed floor area of all detached accessory structures and the maximum floor area of all accessory structures.

According to the plans the applicant provided the pole barn will be 230-ft. away from the house and approximately 513-ft. from the water’s edge.

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 12, 2022


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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-19, Terri Chapman, 2740 Judah Rd., 09-32-200-029, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned R-1Article XXVII, 27.02(8) - Lot size over 2.5 acres

1. A 1,260-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,660-sq. ft. pole barn.

2. A 1,289-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,660-sq. ft. pole barn in addition to an existing attached 529-sq. ft. garage.

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

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

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

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

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

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

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

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

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

   __________________________________________________________________________________________________________________________________________

45
Further, based on the following findings of facts, the granting of this variance would not:

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

   _________________________________________________________________
   _________________________________________________________________
   _________________________________________________________________

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

   _________________________________________________________________
   _________________________________________________________________
   _________________________________________________________________

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

   _________________________________________________________________
   _________________________________________________________________
   _________________________________________________________________

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

   _________________________________________________________________
   _________________________________________________________________
   _________________________________________________________________

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

   _________________________________________________________________
   _________________________________________________________________
   _________________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-19, Terri Chapman, 2740 Judah Rd., 09-32-200-029, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned R-1 Article XXVII, 27.02(8) - Lot size over 2.5 acres

1. A 1,260-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,660-sq. ft. pole barn.

2. A 1,289-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,660-sq. ft. pole barn in addition to an existing attached 529-sq. ft. garage.

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

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

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

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

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

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

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

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

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

APPLICANT
Name: Terri Chapman
Address: 2740 Judah Rd
City/State/Zip: Orion, MI 48359
Phone: 248-752-3550
Cell: 248-752-3550
Fax: 
Email: Tc@signalgroupllc.com

PROPERTY OWNER(S)
Name(s): HWHL LLC - Terri Chapman
Address: 2740 Judah Rd
City/State/Zip: Orion Township, MI 48359
Phone: 
Cell: 248-752-3550
Fax: 
Email: Tc@signalgroupllc.com

CONTACT PERSON FOR THIS REQUEST
Name: Tim McPherson
Phone: 248-505-0636
Email: a+t613@ymail.com

SUBJECT PROPERTY
Address: 2740 Judah Rd
Sidwell Number: 09-32-200-029
Total Acreage: 2+ Length of Ownership by Current Property Owner: 0 Years, 9 Months

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

Zoning Ordinance Allowance/Requirement Deviation requested 

Version 1/4/2022
Page 2 of 4
Case #: ________________________________

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request.
   
   To get a variance so that we can build a pole barn approx. 2200 sq ft.

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.
   
   We need a place to park our two RV's inside.

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 requesting less than 1,000 sq ft additional space. I do not see how the effects anyone else.

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible.
   
   There are several other pole barns on the same street that are larger than 1400 sq ft.

5. Describe how the alleged practical difficulty has not been self-created.
   
   At time of purchase we owned the RV's.

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome.
   
   We can not park our RV's inside - they require inside storage.
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: _______________________________ Date: 4-12-22
Print Name: Terri Chapman

Signature of Property Owner: _________________________ Date: 4-12-22
Print Name: Terri Chapman

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

OFFICE USE ONLY

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

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

Description of variance(s):

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

Date Filed: _______________ Fee Paid: _______________ Receipt Number: _______________
AB- 2022-19, 2740 Judah Rd., 09-32-200-029 R-1
2.893 acres 126,019.08 SF 2SF = 31,504.77

Setbacks:
Front yard required 40' 230' OK
Side yard required 10' east = 21, 30' OK west = 40.66'
Rear yard required 35' 512.79' OK

Lot Coverage:
House 1260
Porch 63 + 24 + 120 + 18 = 225
Decks 39
Attached garage 529
Shed 264

Proposed Pole Barn 2,660

The proposed Pole Barn will be 230' feet away from
the house.

Max. floor area of all detached structures
1,400 SF Allowed
Max. floor area of all accessory structures
1,900 SF Allowed

Existing Garage 529
Shed 264
Proposed Pole Barn 2,660

3,163
3,189 3,453
1,260
1,389

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

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11/28/85):

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

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11/28/85 06/15/13):

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

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

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

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

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
If this is the case the fire department has no concerns at this time with this application 

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

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, May 9, 2022 2:30 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Cc: Robert Duke <rduke@oriontownship.org>; John Pender <jpender@oriontownship.org>
Subject: RE: ZBA Documents for the May 23, 2022 ZBA Meeting

Hello Jeff.

Lynn contacted the applicant regarding the road that goes behind the home for case AB-2022-20. He told her that it is a continuation of his driveway. If you have any further questions, please let me and/or Lynn know.

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

From: Jeff Williams <jwilliams@oriontownship.org>
Sent: Monday, May 9, 2022 1:50 PM
To: Courtney Keisman <ckeisman@oriontownship.org>
Cc: Robert Duke <rduke@oriontownship.org>; John Pender <jpender@oriontownship.org>
Subject: RE: ZBA Documents for the May 23, 2022 ZBA Meeting

Can you provide any information on the road that goes behind the home for case AB-2022-20? Is it a driveway, is it a private road? Please let me know

I have reviewed case 19 and have no concerns with that one
From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, May 9, 2022 11:30 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the May 23, 2022 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 2 ZBA cases that needs to be reviewed by you for the May 23, 2022 ZBA Meeting.

Thank you,

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

I would like to add; that color of structure might be green, to blend with surroundings.

Thank you for your patience.

Kenneth Doughty
FOUNDATION PLAN  SCALE-3/8"=1'0"

6" CMU BLOCK ON MIN. 12" P.
CONCRETE FOOTING MIN. 42"
BELOW GRADE TYP.

P. CONC. 6X12" FTGS.

NO BLOCK OR
USE 6X4X16 BLOCK

4" CONC. ON MIN. 4"
COMP. POUROUS FILL TYP.
PITCH TO DRAINS

LOWER FOOTING IN GARAGE DOOR
OPENINGS 2"

12" H"
ASPHALT SHINGLES ON
15# ROOF FELT ON
7/16" OSB SHEATHING W/ CLIPS AT EACH TRUSS SPACE ON
P.E. WOOD TRUSSES @ 24" O.C.
WITH MIN. R-19 INSULATION
PROVIDE HURRICANE STRAPS TO TRUSS
1/2" DRYWALL TYP.

1X8 WOOD FACIA
1X6 WOOD FRIEZE
16" L.P. VENTED SOFFIT

HEADER PER PLAN TYP.
LINE OF VINYL SIDING ON
GLC WRAP ON
7/16" OSB SHEATHING ON
2X6 STUDS @ 16" O.C. W/
R-19 INSULATION TYP.
1/2" DRYWALL TYP.
2X6 WT PLATE WITH SILL SEAL
W/ SILL STRAPS 32" O.C.

6" BLOCK ON MIN. 12"X42"
P. CONC. FOOTING TYP.
MIN. 4" P.C SLAB ON COMPACTED FILL

ASHALT SHINGLES ON
15# ROOF FELT ON
7/16" OSB SHEATHING W/ CLIPS AT EACH SPACE
ON 2X6 RAFTERS @ 24" O.C.

1X8 WOOD FACIA
1X3 WOOD FRIEZE
16" LP VENTED SOFFIT

3-11 1/4" LVL
3-6X6 W.T. POSTS W/
SIMPSON B60 TOP AND BOT.

12"X12" P.C. CONC. FOOTING MIN.
42" BELOW GRADE

SCALE=3/4"=1'-0"
My name is Ken Kowalski and I have owned 2710 Judah since 1987. I have reviewed the requested variance for 2740 that was published at the Township’s website and have three points that I would like to make related to the size and location of the building. I built and permitted a shed on my property a number of years and speak from that experience.

First is the overall size of the structure. At 2600 square feet it is larger than, I would say, all other structures/houses on Judah Road. Being that large, it is out of proportion to the entire street and is contrary to the feel of the neighborhood. A smaller structure would be much more conforming to the neighborhood.

Second, relates to the building visibility. When I built my shed, I located it not to detract from neighbors’ view. The proposed site plans do not identify any material to obscure it from the street/neighbors. A combination of building location and mature trees could be possible methods to resolve this issue.

Third is related to the use of the proposed building. RV storage is allowable on our street, no question. But the variance’s living space with drywalled bathroom, kitchen and open area are essentially a ~1200 square foot home attached to the storage building.

I want to emphasize that I am not against out-buildings (I have one) and support the building code variance process. But I believe that a different solution can be had to resolve the requested RV storage building. Thank you.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: May 12, 2022
SUBJECT: Staff Report for AB-2022-20, Ronald Gentry, 1031 Elm, 09-15-126-003

The applicant is requesting to add a 2,400-sq. ft. pole barn to his property 0-ft. from the property line to the north.

The property has 2 front yards – W. Clarkston Road and Elm Ave. Therefore, it has 2 front yard setbacks of 40-ft. each.

The applicant has indicated that Elm Ave., although it appears on the plat map as a road, there is never any vehicle activity on it.

Also, as the maximum floor area of all detached accessory buildings will be exceeded and the maximum floor area of all accessory building will be exceeded – both will need variances.

Per a question by the Fire Marshal – it appears there is a road or path from Elm Ave. onto the applicant’s property to the west. The applicant explained that this part of a circular driveway that goes around the house.

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 12, 2022

RE: AB-2022-20, Ronald Gentry, 1031 Elm Ave., 09-15-126-003

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-20, Ronald Gentry, 1031 Elm Ave., 09-15-126-003, I would move that the petitioner’s request for:

1. A 40-ft. front yard setback variance from the required 40-ft. to construct a pole barn 0-ft. from the front property line along Elm Ave.

   Article XXVII, 27.02(8) - Lot size over 2.5 acres

2. A 1,000-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,400-sq. ft. pole barn.

3. A 2,300-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,400-sq. ft. pole barn in addition to a 1,800-sq. ft. attached garage.

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

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

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

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

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

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-20, Ronald Gentry, 1031 Elm Ave., 09-15-126-003, I would move that the petitioner’s request for:

3 variances from Zoning Ordinance #78 – Zoned SE, Article V, Section 5.04

1. A 40-ft. front yard setback variance from the required 40-ft. to construct a pole barn 0-ft. from the front property line along Elm Ave.

   Article XXVII, 27.02(8) - Lot size over 2.5 acres

2. A 1,000-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,400-sq. ft. pole barn.

3. A 2,300-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,400-sq. ft. pole barn in addition to a 1,800-sq. ft. attached garage.

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

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

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

5. Or, In any other respect, impar 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:  
Address: 1031 Elm  
City/State/Zip: Lake Orion 48360  
Phone: 248-495-0777  
Fax: 248-976-0538  
Email: rnegtivy@aol.com

PROPERTY OWNER(S)
Name(s):  
Address: 1031 Elm  
City/State/Zip: Lake Orion 48360  
Phone: 248-495-0777  
Fax: 248-976-0538  
Email: rnegtivy

CONTACT PERSON FOR THIS REQUEST
Name:  
Phone: 248-495-0777  
Email:

SUBJECT PROPERTY
Address: 1031 Elm  
Sidwell Number: 09-15-126-003  
Total Acreage: 6  
Length of Ownership by Current Property Owner: 11 Years, -- Months

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

Zoning Ordinance Allowance/Requirement: Deviation requested
Case #: __________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. To build a garage to the N border of my property 40' x 60' 2400 square ft.

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. I cannot access 4 acres of my land and no access to the lake. This is because of the Wetlands. I will want to park my 45' Motorboat and my 25' Boat inside.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: This will not harm others in my area. I will build to the codes and setback regulations.

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

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

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. A road that cannot be used sitting on the North side of my property.
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:  Ronald E. Gentiy  Date: 4-28-2012

Print Name:  Ronald E. Gentiy

Signature of Property Owner:  Ronald E. Gentiy  Date: 4-28-2012

Print Name:  Ronald E. Gentiy

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- 2022-20  1031 Elm  09-15-126-003
6.089 Acres  265, 236.84°F  2086 = 53,047.37 m²

Zoned SE

Has 2 front yard setbacks - Clarkston Rd & Elm Ave.

Setbacks:
Front setback 40' Clarkston Rd. OK  0'-ft Elm variance 40'-ft.
Rear yard setback 40' OK
Wetland setback 25' OK
Side yard 20' OK

Lot Coverage
House
Attached garage 993-1,800
Deck 286

Proposed Pole Barn 2,400 (40x60)
Porch 84

Max. floor area of all detached accessory structures 1,400 m²
Max. floor area of all accessory structures 1,900 m²

Proposed Pole Barn 2,400
Attached garage 993

1,493

Variance 2,300

1,493

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

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following *(amended 11-28-85)*:

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals *(amended 11-28-85 06-15-15)*:

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

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

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

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

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
Section 5.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.94, 02.07.05, 07.16.18)

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

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

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

** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

Section 5.05 – Sign Regulation (amended 10.08.98, 02.21.06)

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

Section 5.06 – Tree Preservation Regulations (amended 08.03.00)

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

Section 5.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, May 9, 2022 2:30 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Cc: Robert Duke <rduke@oriontownship.org>; John Pender <jpender@oriontownship.org>
Subject: RE: ZBA Documents for the May 23, 2022 ZBA Meeting

Hello Jeff,

Lynn contacted the applicant regarding the road that goes behind the home for case AB-2022-20. He told her that it is a continuation of his driveway. If you have any further questions, please let me and/or Lynn know.

Thank you,

Courtney Keisman
Clerk III
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Can you provide any information on the road that goes behind the home for case AB-2022-20? Is it a driveway, is it a private road? Please let me know

I have reviewed case 19 and have no concerns with that one.
Mr. Williams.

Hello Jeff. Attached is 2 ZBA cases that needs to be reviewed by you for the May 23, 2022 ZBA Meeting.

Thank you,

Courtney Keisman
Clerk III
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MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: May 12, 2022
SUBJECT: Staff Report for AB-2022-21, Sean Awdish, Silver Spruce Signs

The Silver Spruce Plaza project is located on the northeast corner of Silverbell and Lapeer Roads. The development received approval as a Planned Unit Development (PUD) and consists of a gas station with a convenience store and a separate commercial component to the north.

This variance request is for additional signage for the gas station/convenience store.

The PUD plan was approved with 1 wall sign for each individual tenant of the gas station/convenience store. At this time there is only one tenant and 1 sign has already been approved for that tenant which is the 27.67-sq. ft. sign on the front of the building. That tenant is now seeking 5 additional signs for a total of 6.

The total square footage of all 6 signs will not exceed the maximum allowed of 200-sq. ft.

Should another tenant lease space in the gas station/convenience store, they would be allowed 1 wall sign for their business.

Please note, per State law, you can not regulate a sign by reading it. In other words, by what it says. Please base your decision on the criteria you use for ZBA variance requests.

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 12, 2022

RE: AB-2022-21, Sean Awdish, 3901 S. Lapeer Rd., 09-26-452-017

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-21, Sean Awdish, 3901 S. Lapeer Rd., 09-26-452-017, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153 – Zoned PUD

1. A variance for 5 additional wall signs above the 1 allowed/approved for a total of 6 wall signs totaling 107.39-sq. ft.

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

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:

   [Blank]

   [Blank]

   [Blank]

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

   [Blank]

   [Blank]

   [Blank]

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

   [Blank]

   [Blank]

   [Blank]

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

   [Blank]

   [Blank]

   [Blank]

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

   [Blank]

   [Blank]

   [Blank]
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-21, Sean Awdish, 3901 S. Lapeer Rd., 09-26-452-017, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153 – Zoned PUD

   1. A variance for 5 additional wall signs above the 1 allowed/approved for a total of 6 wall signs totaling 107.39-sq. ft.

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

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

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

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

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

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

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

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

   __________________________________________________________

   __________________________________________________________

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

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

   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

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

   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

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

   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

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

   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

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

   _______________________________________________________
   _______________________________________________________
   _______________________________________________________
Charter Township of Orion Zoning Board of Appeals

Application for Appeal - Commercial

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $500.00 for a commercial application.

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

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

APPLICANT
Name: Sean Awdish
Address: 2995 Walton Blvd
City/State/Zip: Rochester Hills, MI 48309
Phone: 248-330-6121
Cell: 248-330-6121
Fax: 
Email: sean@ascrg.com

PROPERTY OWNER(S)
Name(s): Fahmi Awdish
Address: 3901 S Lapeer Rd
City/State/Zip: Lake Orion, MI 48360
Phone: 248-330-6121
Cell: 248-330-6121
Fax: 
Email: sean@ascrg.com, fahmi@ascrg.com

CONTACT PERSON FOR THIS REQUEST
Name: Sean Awdish
Phone: 248-330-6121
Email: sean@ascrg.com

SUBJECT PROPERTY
Address: 3901 S Lapeer Rd
Sidwell Number(s): 09-26-452-017
Total Acreage: 
Length of Ownership by Current Property Owner: 30 Years, Months

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

Ordinance Allowance/Requirement 

Deviations requested 
List additional ordinance requirements and deviations on a separate page

Case #: 

Page 1 of 3
COMMERCIAL VARIANCE

1. Describe the nature of the request. Approval for New Signage for New Convenience Store to allow business Imaging to match A-Star Convenience Imaging for a more modern look while allowing business to be able to get visibility of goods and services given corner location and the odd shape of Convenience store.

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. It is a corner site but the shape of the building has one main front with additional sides that face the main streets being M24(Lapeer) & Silverbell Rd.

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 imaging and signage is an overall improvement to the site and offers a clean modern look, not too bright and not tacky or low grade in any way. All lighting is LED & our Rochester Hills site at Walton & Adams has had same exact signage without any issues to the public or other properties.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: The request for this many signs isn't inconsistent with other retailers in Lake Orion given the shape of the building and because the site is on the corner, the signage requested provides visibility to our good and services for each both M-24 & Silverbell.

5. Describe how the alleged practical difficulty has not been self-created. Due to the unique circumstances of the shape of the building as well as being on the corner of two major roadways, the request should not alter the essential character of the township given these circumstances and should not set a precedence for other local business.

6. The topography of said land makes the setbacks impossible to meet because: The main reason for the request is because the shape of the building and the two main roadways and providing adequate signage for drivers to safely be able to determine the good and services offered by the business.

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. Having limited signage on only the front of the main building which faces the corner intersection makes it difficult for drivers not heading North on Lapeer to be able to safely determine the goods and services offered and providing signage on the side of the building is essential to be viable.
Case #: ______________________

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

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

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

Signature of Applicant: ____________________________ Date: 4/25/2022

Print Name: Sean Awdish

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

Signature of Property Owner: ____________________________ Date: 4/25/2022

Print Name: Fahmi Awdish

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date Filed: ____________________________ Fee Paid: ____________________________ Receipt Number: ____________________________
6 signs above 1 allowed

"A Star Liquor" = 27.67
"Fine Wine" = 1,400" or 9.72
"Craft Beer" = 1,400" or 9.72
"Welcome" = 1,400" or 9.72
"Liquor Craft Beer..." 3,640" or 25.28 side 1
"Liquor Craft Beer..." 3,640" or 25.28 side 2

107.39
SITE ADDRESS
3901 S. LAPEER
SIDE ELEVATION

40' BUILDING FRONT

LIQUOR
CRAFT BEER | FINE WINE