1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 07-12-2021, ZBA Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   **Please see the attached memos before proceeding**
   A. AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah Ln.,
      sidwell numbers 09-04-402-033 & 034
      The petitioner is seeking 3 variances from Zoning Ordinance #78
      1. A 7.08-ft. side yard setback variance from the required 20-ft. to construct a 2-unit
         condominium 12.92-ft from the adjacent condominium unit (south, between units
         32 & 33 - from existing covered porch to proposed building).
      2. A 1-ft. rear yard setback variance from the required 30-ft. to construct unit 33, 29-ft from the
         rear property line.
      3. A 1.5-ft. rear yard setback variance from the required 30-ft. to construct unit 34, 28.5-ft from the
         rear property line.
   B. AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah
      Ln., sidwell numbers 09-04-402-035 & 036
      The petitioner is seeking 2 variances from Zoning Ordinance #78
      1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit
         condominium 19.74-ft from an adjacent condominium unit (north, between proposed units 36 &
         37).
      2. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 36, 29.5-ft from the
         rear property line.
   C. AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln.,
      sidwell numbers 09-04-402-037 & 038
      The petitioner is seeking 4 variances from Zoning Ordinance #78
      1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit
         condominium 19.74-ft from the adjacent condominium unit (south, between proposed units 36 &
         37).
      2. A 10.26-ft. side yard setback variance from the required 25-ft. to construct a 2-unit
         condominium 14.74-ft from an adjacent condominium unit (north, between units 38 & 39 – from
         the existing covered porch to proposed building).
      3. An .5-ft. rear yard setback variance from the required 30-ft. to construct unit 37, 29.5-ft from the
         rear property line.
      4. An 8.5-ft. rear yard setback variance from the required 30-ft. to construct unit 38, 21.5-ft from the
         rear property line.
   D. AB-2021-18, MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln.,
      sidwell numbers 09-04-402-041 & 042
      The petitioner is seeking 3 variances from Zoning Ordinance #78
      1. A 9.5-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium
         20.5-ft from the adjacent condominium unit (south, between units 40 & 41 – from existing covered
         porch to proposed building).
      2. A 10-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium
         20-ft from an adjacent condominium unit (north, between units 42 & 43 – from existing covered
         porch to proposed building).
3. An 8-ft. rear yard setback variance from the required 30-ft. to construct unit 41, 22-ft from the rear property line.

E. AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidwell numbers 09-04-402-047 & 048
The petitioner is seeking 4 variances from Zoning Ordinance #78
1. A 16.17-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 13.83-ft from the adjacent condominium unit (south, between units 46 & 47 – from existing covered porch to proposed building).
2. A 14.83-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 15.17-ft from an adjacent condominium unit (north, between units 48 & 49 – from existing covered porch to proposed building).
3. A 17.5-ft. rear yard setback variance from the required 30-ft. to construct unit 47, 12.5-ft from the rear property line.
4. A 10-ft. rear yard setback variance from the required 30-ft. to construct unit 48, 20-ft from the rear property line.

F. AB-2021-45, MacLeish Building Inc., Vacant Property between 116 Sandhills Ln. & 134 Sandhills Ln, sidwell numbers 09-04-402-067 & 068
The petitioner is seeking 2 variances from Zoning Ordinance #78
1. A 6.58-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 23.42-ft from the adjacent condominium unit (south, between units 68 & 69 – from existing covered porch to proposed building).
2. A 6.75-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 23.25-ft from an adjacent condominium unit (north, between units 66 & 67 – from existing covered porch to proposed building).

G. AB-2021-37, Craig Schneider, 301 Shady Oaks, 09-10-210-011
The petitioner is seeking 2 variances from Zoning Ordinance #78 – R-3 Article VI, Section 6.04
1. A 7.5-ft. front yard setback variance from the required 30-ft. to build an addition 22.5-ft. from the front property line.
   Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size up to ½ acre
2. A 455.6-sq. ft. variance above the allowed 1,150-sq. ft. of Total Maximum Floor Area of All Accessory Buildings to build a 748-sq. ft. attached garage in an addition to an existing 857.6 attached garage for a total of 1,605.6-sq. ft. of all accessory buildings.

H. AB-2021-40, Jeff Kunz, 974 Highlander, 09-01-409-010
The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned R-3 Article VI, Section 6.04
1. A 16-ft. front yard setback variance from the required 30-ft. to build a second story addition 14-ft. from the property line along Haviland.

I. AB-2021-42, Wendy Hope, 796 Harry Paul, 09-11-379-091
The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-3 Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line.
2. An 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (south).

6. PUBLIC COMMENTS
7. COMMUNICATIONS
   A. Date Certain Memo
8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT
In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS  
***** MINUTES *****  
REGULAR MEETING – MONDAY, July 12, 2021 – 7:00 PM  

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, July 12, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

**ZBA MEMBERS ABSENT:**  
None  

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

**OTHERS PRESENT:**  
Theodore Younk  
Karen Craven  
Robert Melichar  
Debra Sak  
Kenneth Zmijewski  
Gloria Aquinofosa  
Eric Kaiser  

Connie Powers  
Mike Kiekbush  
Marylou Harrison  
Gary Quesada  
John Reimann  
Jim & Patty Weiss  

Pat Caputo  
Peter Mikula  
Lawrence Sak  
Timothy Lloyd McMaker  
Sara D’Agostini  
Donni Steele  

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

2. **ROLL CALL**  
As noted  

3. **MINUTES**  
A. 6-28-2021, ZBA Regular Meeting Amended Minutes  

Moved by Trustee Flood, seconded by Board member Walker, to approve the minutes as presented. Motion carried.  

4. **AGENDA REVIEW AND APPROVAL**.  

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

5. **ZBA BUSINESS**  
A. AB-2021-26, Good Shepherd Lutheran Church, 1950 S. Baldwin Road, 09-20-101-014
(postponed from the May 24th meeting)

Chairman Durham read the petitioner’s request as follows:

The petitioner is requesting 3 variances from Sign Ordinance 153 Zoned Residential Section 7 – Residential Zoned Areas; Ground Signs

1. A 1-ft. height variance from the allowed 6-ft. for a ground sign to be 7-ft. tall.
2. A 10-sq. ft. sign area variance from the allowed 35-sq. ft. for a ground sign to be 45-sq. ft.
3. A 25.6% EMC sign area variance from the allowed 30% (13.5-sq. ft.) for the EMC portion of a ground sign to be 55.6% (25-sq. ft.) of the total ground sign area (45-sq. ft.).

Vice-Chairman Cook stated that the co-applicant did serve on the safety path committee.

Trustee Flood stated that one of the members served the community as a volunteer.

Board members agreed to move forward with the case.

Mike Kiekbush introduced himself to the Board and stated that he was here before the Board before when this case was presented. They were not able to locate information about the sign. They were able to locate the serial number but were not able to gain any more information.

Trustee Flood stated that the main concern before was the brightness of the sign, especially in this residential area. He stated that the applicant will still have to comply with all ordinance guidelines.

Mr. Kiekbush stated that the smaller the number, the brighter and the more clarity the sign will have. They are at the extreme end of the spectrum.

Board member Walker asked Building Official Goodloe that since the applicant withdrew request number 4, does he have an opinion on request 3 because it is still an EMC sign.

Building Official Goodloe stated that it will have a higher resolution than 25.

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

No public comment was heard.

Board member Walker moved, and Trustee Flood supported in ZBA Case AB-2021-26, Good Shepherd Lutheran Church, 1950 S. Baldwin Road, 09-20-101-014 to grant the petitioner’s request for three (3) variances from Sign Ordinance 153 Zoned Residential Section 7 – Residential Zoned Areas; Ground Signs including: a 1-ft. height variance from the allowed 6-ft. for a ground sign to be 7-ft. tall, a 10-sq. ft. sign area variance from the allowed 35-sq. ft. for a ground sign to be 45-sq. ft. and a 25.6% EMC sign area variance from the allowed 30% (13.5-sq. ft.) for the EMC portion of a ground sign to be 55.6% (25-sq. ft.) of the total ground sign area (45-sq. ft.).

The petitioner did demonstrate that the following standards for variances have been met in this case and they set forth these facts.

1. The petitioner does show the following practical difficulty; this condition started with the widening of Baldwin Road and the installation of roundabouts and the petitioner had a sign and was forced to move it. The petitioner got the sign at a tremendously low price.

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 in that there are no other churches in the area with signs that they have.
3. The variances are also necessary for the preservation and enjoyment of a substantial property right possessed by other property owners 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 improvement in such zone or district in which the property is located.

5. Based on the following findings of fact, granting these variances would not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets. The intersection has been measured and it has been determined that it will not impair the sight distance. There is also not going to be an increase of fire, or endanger of the public safety, and is not going to reasonably diminish or impair established property values within the surrounding area. The granting of these variances will not impair public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

B. AB-2021-33, Eric J. Kaiser, 2925 Walmsley Circle, 09-20-452-010

Chairman Durham read the petitioner’s request as follows:
The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Waldon Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the west.

Mr. Kaiser introduced himself to the Board. He is part of the Keatington subdivision. He understands that there is no fencing allowed between the houses.

Trustee Flood stated that there is no documentation from the Keatington Architectural Control Committee.

Mr. Kaiser presented an email that his wife received indicating that this Committee approved of the variance. Mr. Kaiser read the email into the record. He provided a copy of the email to the Board members.

Trustee Flood stated that these fences have been going along Baldwin Road but he is not in favor of them going along Waldon Road. Baldwin is one of the main arteries through the Township. He stated he does not see a practical difficulty in this area.

Chairman Durham asked the applicant about losing the fence along Waldon Road.

Mr. Kaiser replied that this is the only fence he is requesting. The reason is that the exit for Keatington condos is right behind his house. When there are no leaves on the trees, his house is shined with headlights all night long when cars pull out. He would like to provide safety for his daughter and puppy.

Trustee Flood stated that the neighbor has a 4 foot shadowbox fence which is allowed per the ordinance. This would satisfy the concern about the headlights.

Mr. Kaiser stated that he didn’t feel that a 4 foot would be high enough.

Chairman Durham asked if the petitioner had the option to put up arborvitae.
Mr. Kaiser stated that the subdivision got permission to put up arborvitae and he described the intended route. These would be on the outside of the proposed fence.

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

Pat Caputo, neighbor, introduced himself. He stated that in the winter time, the cars that come out of the access drive shine right into both his and the petitioner’s property. He stated that things have changed a lot since the 1970’s. There is a Kroger there now and it is busy. Waldon Road is all of the way through so it is populated with trucks. He stated that it is a very busy street. He stated that half of the people already have a fence. He stated that a 4 foot fence is not tall enough. He stated that they are right up against the yard and they get garbage in their yards. A fence would be a definitive border showing what is the property owners and what is the Township’s. He is also concerned about safety and quality of life.

No further public comment was heard.

Vice-Chairman Cook asked what has changed recently since the petitioner has lived in his house for six years.

Mr. Kaiser stated that it has been like this for 6 years but now the subdivision is allowing them to put fences up.

Vice-Chairman Cook stated that there is dense vegetation and commented that he visited the property during the day and at night. He asked if the petitioner has researched what a four foot fence would block.

Mr. Kaiser stated that he has looked at where the headlights hit the trees from his back porch and he estimated about 5 feet above the ground.

Vice-Chairman Cook stated that he estimated it to be about 3.5 feet. There is dense vegetation there during the summer months. He understands that a 4 foot fence would also keep the 6 year old and the puppy in the yard.

Chairman Durham stated that the neighbor spoke about the fence and how it would look. He stated that the Board members have seen in other parts of the Township where the fence was installed and it looked awful. The Board members have to look at each case individually. He doesn’t know what was in place for the neighbors that have a fence.

Board member Dunaskiss asked if the petitioner is planning on putting the fence in regardless of height. She asked if the petitioner was willing to plant shrubbery which would extend above the 4 foot mark.

Mr. Kaiser replied that there is limited room because there is a row of pine trees. He wants his yard to look good.

Board member Dunaskiss asked about the neighborhood planting.

Mr. Kaiser replied that it is supposed to happen. He has received an email from Keatington saying that they are planning on putting in arborvitae but they do not know when.

Chairman Durham explained the options to the petitioner.

Trustee Flood stated that the ordinance allows a resident to install a four foot fence without a variance and he can also put up a 6 foot fence if he is willing to give up 35 feet of his property.

Building Official Goodloe explained that in this case, there are two front setbacks.
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Trustee Flood stated that they can also negotiate if he is willing to go back 10 feet such as would be required in a rear yard.

Mr. Kaiser stated that he would prefer not to go back 10 feet because of the pine trees.

Building Official Goodloe stated that the variance would have to be lessened if he was denied and then wanted to come back to the Board.

Mr. Kaiser stated that six years ago when he bought the house the pine tree limbs went all of the way down to the ground. Because of disease, the trees are not full in the bottom anymore and need to be trimmed up. He couldn’t put a fence up in Keatington until this year.

Board member Dunaskiss asked if he was willing to move the fence back, would Keatington rules allow him to plant something in front of that to create that idea of a wall that is more appealing.

Mr. Kaiser answered yes. He was planning on planting some vegetation along the fence.

Chairman Durham stated that the petitioner is going to have to decide what he wants the Board to weigh in on; what he brought or an amendment of some type.

Mr. Kaiser stated that he would like to continue with his original request of 0 setback.

Board member Goodloe suggested that the petitioner could change it to 2 feet and say that he would plant some arborvitae. He stated that it is an option in this case.

Mr. Kaiser stated that the line that he sprayed was 2 foot of the lot line anyway.

Vice-Chairman Cook moved, and Trustee Flood supported, in Case AB-2021-33, Eric J. Kaiser, 2925 Walmsley Circle, 09-20-452-010 that the petitioner’s request for 3 variances from Zoning Ordinance #78 – Zoned R-2 including: Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) including: a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd., a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east and a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west be denied because the petitioner did not demonstrate that the following standards of variance have been met in this case in that they set forth facts that show the following:

1. The petitioner does not show practical difficulty due to the fact that there are other options such as being able to install a 4 foot fence without the approval or review of this Board in addition to the option of being able to plant trees or other evergreen type materials.

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 this same district or zone in that the petitioner does have an unusual case where the Keatington condos are right across from him, however, a four foot fence would suffice in order to cut down the light on his property.

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 fact that the petitioner does have the option to put in arborvitae or other plant material in addition to a 4 foot fence.

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 fact that the request would give a boxed-in or fort type look and would provide a shadowbox wall.
5. Based on the following findings of fact, granting these variances would not impair an adequate supply of light or air to adjacent properties, but it would inhibit light onto his property from Waldon Road. It would not unusually increase congestion on the public streets. It would not increase fire, or endanger of the public safety, and is not going to reasonably diminish or impair established property values within the surrounding area. The granting of this variance would not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

C. AB-2021-34, Theodore R. Younk, 3980 Maybee Road, 09-30-200-033

Chairman Durham read the petitioner's request as follows:
The petitioner is requesting 1 variance from Zoning Ordinance #78

Article V, Section 5.04, Zoned SF
1. A 12-ft. side yard setback variance from the required 20-ft. to build a shed 8-ft. from the side property line (east).

Mr. Younk introduced himself and his wife to the Board and explained the variance request. He explained that he needs the shed to store an ATV and a boat that his wife inherited from her father.

Board member Dunaskiss asked if this was only for the storage of these items. She asked about the existing shed.

Mr. Younk replied yes and also a lawnmower. He stated that the existing shed will be staying on the property and is used to store tools.

Trustee Flood stated that they are going to meet both front and rear setbacks and the west side setback and they are also not exceeding the lot coverage maximum. He asked what the practical difficulty on the east side is.

Mr. Younk stated that this variance would allow them to continue to be able to view the back of the property including turkeys and deer.

Chairman Durham read several letters of support received for this case from neighbors.

Vice-Chairman Cook asked if the six foot fence was the property line.

Mr. Younk replied that was his neighbor's fence. He stated that his property line is 6 inches past the pavement.

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

No public comment was heard.

Trustee Flood moved and Board member Walker supported, in Case #AB-2021-34, Theodore R. Younk, 3980 Maybee Road, 09-30-200-033 for 1 variance from Zoning Ordinance #78, Article V, Section 5.04, Zoned SF, a 12-ft. side yard setback variance from the required 20-ft. to build a shed 8-ft. from the side property line (east) be granted because the petitioner did demonstrate that the following standards for variances have been met in this case and they set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty; they have 2.5 acres, however, they are only 82.5 feet wide which is very narrow.
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: in order to ask for this variance, the petitioner would like to keep their access to the back of the property whereas if they had to meet the variance requirement, it would block off access to the back of the property.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following findings of fact: every neighbor to the east is in favor of this variance.

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 improvement in such zone or district in which the property is located based on the following: the applicant meets the west side setback, the rear setback and the front yard setback and also meets the lot coverage.

5. Based on the following findings of fact, granting this variance would not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger of the public safety and the fire marshal has said that he has no concerns regarding this variance request. This variance is not going to reasonably diminish or impair established property values within the surrounding area. The granting of this variance will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

D. AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015

Chairman Durham read the petitioner’s request as follows:
The petitioner is requesting 4 variances from Zoning Ordinance #78 – Zoned R-3

Article XXVII, Section 27.01 (C)(1)(a):
1. A 10-ft. lot width variance from the required minimum 50-ft. lot width
   Article VI, Section 6.04, Zoned R-3
2. A 2-ft side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (east)
3. A 2-ft. side yard setback variance from the required 10-ft. to build a house & deck
   8-ft. from the side property line (west)
4. A 9.7% lot coverage variance above the allowed 25% for a total lot coverage of 34.7%.

Board member Dunaskiss stated that she owns property within 300 feet of the subject property. She does not know the property but wanted to disclose this fact.

Board members agreed that there is no conflict.

Ms. Sosa introduced herself to the Board and summarized the variance request.

Chairman Durham stated that lots now have to be 50 foot wide but some lots are still out there at 40 foot. He confirmed that the petitioner wants to build an approximate 1200 square foot house. He asked if she would live in the house once she built it.

Ms. Sosa replied, yes.
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Board member Walker asked Building Official Goodloe what the footprint was of the house that was previously there and destroyed.

Building Official Goodloe stated that photographs show it still being there in 2016. He showed the location on the screen.

Trustee Flood read the letter in the packet from Lynn Harrison, Planning and Zoning Coordinator dated June 29, 2021. He stated that the first variance from the 50 foot lot width needs to be decided before any other variances can be considered.

Board member Walker asked if she could build a smaller home on the property and then she would not need all of the additional variances.

Ms. Sosa stated that she could put a smaller house but she would prefer to stick with 1200 square feet.

Chairman Durham asked Building Official Goodloe his opinion about shrinking the house down to reduce the request.

Building Official Goodloe stated that four foot would be reduction from 30 foot wide to 26 foot wide. These lots were made for smaller houses and usually you start with about 30 foot wide.

Chairman Durham stated that the first variance needs to be passed. Twelve hundred is not a huge house and it seems that she is trying to build as close to the lot as she can but still have a decent amount of room.

Chairman Durham asked if there was public comment for this case.

James Weiss stated that he is the next door neighbor to this subject property. He provided historical information about Heights Road and his property. He expressed concerns about water drainage issues on Heights Road. He asked about the height of the proposed structure. It is a slope, so depending on where you set the baseline on the height, you could conceivable have 4 stories at Summit.

Building Official Goodloe stated that in order for it to be a two story home, the basement has to be at least 50% buried underground. If it is not, and the basement of the two story home is over 50% exposed, it would be considered a three story home which is not allowed.

Mr. Weiss stated that he opposes the variances based on the potential for significant property and environmental damage. He would support building a smaller structure on the lot if the drainage and height concerns were addressed.

Chairman Durham stated that if the petitioner hired a contractor to build the proposed home, is it Mr. Weiss’s belief that the contractor would know how to handle the water.

Mr. Weiss stated that he could not answer that question.

Trustee Flood confirmed with Building Official Goodloe that if you build on a piece of property, you are not allowed to have water drain on someone else’s property.

Building Official Goodloe replied that this is true. This is part of the inspection and permitting process.

Chairman Durham asked if there was storm water runoff on Heights?

Building Official Goodloe replied that they had some issues further west. He has not had anything in this area. The retaining walls were not built correctly. He knows that the Road Commission was working on drainage in this area last year.
Trustee Flood stated that the Fire Department might need access to this property and as shown by his response, the Fire Marshal has no concerns.

Robert Melichar stated that the previous owner of a house on Heights Road would be out every year shoveling the gravel back onto his driveway because that is where the water was going. He stated that there was a trench dug that diverted water over Chuck’s property so there were two ways for the water to go.

Trustee Flood asked if Mr. Melichar had submitted a letter which was in the packet.

Mr. Melichar replied, yes.

Vice-Chairman Cook asked the petitioner about the width of the property.

Ms. Sosa replied that it is a little more than 40 feet on both ends.

Vice Chairman Cook asked if Ms. Sosa would reduce the size of the home?

Ms. Sosa replied, no.

Chairman Durham asked where Ms. Sosa got the measurements for her drawings.

Ms. Sosa replied, Lynn Harrison.

Board member Walker moved, Chairman Durham supported, in case AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015 that the petitioner’s request for one variance from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.01 (C)(1)(a), a 10-ft. lot width variance from the required minimum 50-ft. lot width be granted because:

1. There is practical difficulty due to the uniqueness of this property as it was created during a time when 40 foot lots were allowed and are no longer allowed. If the Board was to deny this request for a variance, a home could never be built on this property.

2. The above is an exceptional and extraordinary circumstance applicable to this property and does not apply generally to other properties.

3. This variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zone or vicinity based upon the following facts that many of the lots are 40 foot wide in this area.

4. The granting of this variance would not impair an adequate supply of light or air to adjacent properties. It would not unreasonably access congestion in that there was a house here at one time.

5. This variance would not increase the danger of fire or endangered safety in that the Fire Marshall indicated that if the proposed house was approved, there was no issue in getting fire suppression equipment into the area.

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

Board member Walker moved, Trustee Flood supported, in case AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015 petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04, Zoned R-3; a 2-ft side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (east), a 2-ft. side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (west) and a 9.7% lot
coverage variance above the allowed 25% for a total lot coverage of 34.7% be denied in that the petitioner did not demonstrate a practical difficulty in that the size of the home is proposed by her and when she was given the chance to revisit the size of the home, she declined to do that and due to persuasive information presented by a neighbor regarding water runoff showing that the properties in the area have water issues and he is not comfortable that granting these three variances would not make the water issues worse. The petitioner did not establish unique circumstances applicable to this property that do not apply to other properties in the same area.

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

E. AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001

Chairman Durham read the petitioner’s request as follows:

The petitioner is requesting 1 variance from Zoning Ordinance #78 -Zoned R-1

Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size 1 to 2.5 acres

1. A 461.46 sq. ft. variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings to build a 720 sq. ft. detached shed in addition to an existing 741.46 sq. ft. detached garage for a total of 1,461.46 sq. ft. Maximum Floor Area of All Detached Accessory Buildings.

Mr. Lawrence Sak introduced himself and explained the variance request.

Chairman Durham asked if the existing building was going to come down?

Mr. Sak replied, yes. The existing outbuilding is located in a low area and is in poor shape. The new building will be 312 square feet larger and will be used to house things including a camper. The existing garage on the property will stay as it is.

Vice-Chairman Cook asked if the stakes that are on the property currently show where the new building will go?

Mr. Sak answered, yes.

Vice-Chairman Cook asked where the building was that was going to come down?

Mr. Sak explained the location of the building that is coming down. The detached garage close to the house is staying and the building further down the hill is being demolished.

Trustee Flood asked about the height of the new structure.

Mr. Sak replied that it would be the same height as the detached garage and house which is 17 feet. It is a one story building on a concrete slab.

Trustee Flood indicated that there were two letters in the Board packets.

Board member Walker stated that they received two letters from neighbors and he read them into the record; one that supports the variance request and one that does not support the request. He indicated that there was a picture with the letter that is not in support and he asked the petitioner about it.

Mr. Sak replied that this picture was a design idea representing what they want to build. This picture is showing a building that is much bigger but is representative of the design style. He stated that they will likely not have an overhang since he knows that it counts toward the square footage.

Chairman Durham asked if there was any public comment.

Mr. Bob Brant and Kathy Brant introduced themselves to the Board. This is right in front of their house and will definitely devalue their property. He read an excerpt of the By-Laws for the subdivision.
Ms. Brant expressed her opposition to the proposed structure.

Chairman Durham asked how close to their house would the new structure be?

Mr. Brant replied, 30 feet. He suggested that they put it on the other side of the property.

Ms. Karen Craven stated that she doesn’t know where the structure is going to be. She asked about the height of the building and would like the specifics on the proposed building.

Mr. Peter Mikula stated that he has issues with this because words like “likely” raise red flags. He stated that it is not defined exactly what is being built. He suggested that the structure be located on the other side of the driveway.

Trustee Flood stated that the Indianwood Homeowners Association has a letter in the packet dated April 22, 2021 has approved the building proposed and the letter indicated that the neighbors on either side had approved the building too. There is conflicting information that is a finding of fact.

Mr. Sak stated that before he presented his idea to the Homeowners Association, he went to the neighbors on both sides of him that would be able to see the building proposed. Both neighbors had no issues with the plan. It was a verbal approval. The proposed building is one-story.

Ms. Craven stated that she talked to the Homeowners Association president on the phone after she got the note about the garage and the President told her he knew nothing about the proposed plan.

Vice-Chairman Cook asked Ms. Craven what her address is?

Ms. Craven replied, 988 Seneca Trail; she is a next door neighbor.

Ms. Kathy Brant stated that Mr. Sak said he wanted to build a bigger structure and he needed a variance. She stated that he said between 1400 and 1700 square feet. There is property between his house and the lake and she suggested that he relocate it there.

Trustee Flood stated that the Association is disputing that they approved it yet they have a signed letter in the packet. He asked if there was anyone from the Indianwood Association.

Mr. John Reimann, President of the Indianwood Association, stated that when they have residents who need approval, he first tells them to go talk to their immediate neighbors first. He stated that he urged him to talk to Todd first. When he went on site, he saw where it is being built and there is a berm there with brush too. He stated that when the letter went out, the neighbors had agreed.

Chairman Durham asked the petitioner if there was a way that he could adjust the location of the building to make some of the neighbors’ concerns go away.

Building Official Goodloe stated that the variance is not for building location; it is for square footage. He stated that if the detached garage were attached with a breezeway, the petitioner wouldn’t need a variance. He would be allowed up to 1500 square feet in just detached accessory structure.

Mr. Sak stated that they also thought about a breezeway but didn’t want to tear up the house.

Vice-Chairman Cook stated that he needs more clarity on the proposed structure because he doesn’t know what he is voting on based upon the picture that is in the packet.

Trustee Flood stated that there are no setbacks or height variance that needs to be met here. They are strictly looking at maximum floor area.

Building Official Goodloe agreed.

Chairman Durham explained the options to the petitioner.
Mr. Sak discussed his options. He stated that if the new structure was exactly the same square footage as the building that was coming down, would this still require a variance.

Trustee Flood stated that the variance goes with the land. The planning department could tell him what the previous variance was.

Board members discussed the current variance and the options for the petitioner.

Trustee Flood moved, supported by Chairman Durham, in the matter of case AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001, at the petitioner’s request, to postpone until the August 9, 2021 meeting to get further information and details from the Planning and Zoning Department.

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

F. AB-2021-41, Orion Storage, 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002
Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 8 variances from Zoning Ordinance #78 – Zoned LI

Article XVI, Section 16.04 – Area and Bulk Requirements
1. A 20-ft. side yard setback variance, from the required 25-ft., for a building to be 5-ft. from the property line (east).
2. A 12.52-ft. side yard setback variance, from the required 25-ft., for a building to be 12.48-ft. from the property line (west).
3. A 7.2% lot coverage variance, above the allowed 30%, for a total lot coverage of 37.20%.

Article XVI, Section 16.03(C)(3)
4. A 15-ft. off-street parking setback variance, from the required 20-ft., for parking to be 5-ft. from the property line (east).

Article XVI, Section 16.03(D)(2)
5. A 39-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 11-ft. (south).
6. A 37.52-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 12.48-ft. (west).
7. Interpretation of Zoning Ordinance #78, Section 16.03(D)(2), what width of greenbelt applies when adjacent to REC-2, if any?
8. A 45-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 5-ft. from a recreational use (east).

Mr. Gary Quesada, representing the petitioner, and Kenneth Zmijewski, owner, introduced themselves to the Board.

Mr. Quesada summarized the variances requested. All the variances have to do with the setbacks and the relationship with the other properties. There is recreation area to the east, major road to the north and the south and the west are going to be natural. He explained that to the east, there is already a greenbelt that abuts the Polly Ann Trail. He explained the greenbelt that will be established. He described the detention pond area. He described that there isn’t an ordinance for greenbelt in the REC-2 area and he suggested that means it was not intended to be there and he explained. He stated that the same argument could be made for the setbacks. This is also true for the lot coverage and that is why they had to buy the extra 40 feet. The practical difficulty is the uniqueness of the property and the Ordinance was not written for this property that abuts a natural area. There is also no detriment to any of the neighbors.
Chairman Durham stated that the trail manager for the Polly Ann Trail is in the audience and he disclosed that he works with her through another municipality. He asked if the Board believes that he should be recused?

Board members agreed, no.

Trustee Flood stated that he is on the Township Board and since they fund some of the Polly Ann Trail, he knows the trail manager as well and he doesn’t have a conflict because of his position.

Vice-Chairman Cook stated that he also sat on a Board that dealt with the Polly Ann Trail.

Board members agreed that all members should continue in the discussion.

Mr. Quesada stated that they have not purchased the 40 feet yet, but they have a purchase agreement. The property has been rezoned.

Chairman Durham stated that Mr. Quesada’s interpretation of not having Ordinance language about abutting recreational space, is that they meant not to do it?

Mr. Quesada stated that he was using a rule of interpretation based on legal language and he explained.

Chairman Durham asked if they plan on blacktopping the entire surface.

Mr. Quesada replied the center, yes.

Chairman Durham replied that when he drove through he saw barrels there, that gained his attention.

Mr. Quesada replied that he doesn’t know what the barrels are there for.

Trustee Flood stated that he respects Mr. Quesada’s opinion on the Ordinance language but he would like to see the Township Attorney review this. Any improvement on the property would be much more pleasing than what is there now. He watched the Planning Commission meetings regarding this item. He stated that when he looks at the properties, why do they have the setbacks and what is the purpose?

Chairman Durham asked if there was any public comment.

Ms. Linda Moran, Polly Ann Trail Manager, introduced herself to the Board. She stated that they have no problem with the project and the intended renovation. She stated that the concern lies in the greenbelt. They have a long list of donors that have donated to approve it. She stated that there is part of the property blocked off because of the danger of a fence collapsing and they welcome a new fence. The problem is, someone else claiming their greenspace as their own to get a variance because this seems not prudent. They object to the 5 foot greenbelt space and suggested that they need 25 foot. They need greenspace because there are buildings there. She stated that she believe the recreational zoning was intended for recreational parks; this area is a parklet and is not a large space.

Vice-Chairman Cook asked who maintains the 25 foot of greenspace.

Ms. Moran replied that she does. She doesn’t know who maintains the petitioner’s side of it.

Ms. Donnie Steel introduced herself as being on the Polly Ann Trail Commission. She commented on the history of the parking lot and the park improvement that has taken place. She stated that when you reduce the greenspace, you are looking at a building. This spot is designed for the whole community to appreciate. She agrees with the Township Attorney looking at the interpretation of the language.

Trustee Flood stated that Ms. Steel serves on the Board of Trustees.
Board members agreed that there is not a conflict of interest.

Ms. Steel stated that the economic development is great but you have to have a balance with the recreation and the commercial. She asked how tall the buildings would be and she questioned the ITC being there because trees are not allowed under the lines.

Ms. Moran stated that they are not opposed to the development; she would just like to see more greenspace.

Trustee Flood stated that he doesn't feel comfortable without the Township Attorney providing feedback.

Mr. Quesada stated that if the variances are granted, they are not losing any greenspace. Now, looking at the area you see a fence and RV’s, etc. right on the property line. If the variances are granted, they will pull back 5 to 10 feet and put landscaping there. The mini-storage buildings will be 9 foot high but will not have orange doors and will have landscaping around them. The standard is one of reasonableness and will create an unreasonable burden. He doesn't think a material detriment is shown.

Chairman Durham asked if plans have been drawn up.

Mr. Quesada replied yes; they are ready to go. He explained the water main track that has to be installed.

Chairman Durham stated that he agrees with getting the Township Attorney’s opinion.

Board member Walker asked what is the Polly Ann Trail representatives’ opinion of the requests that do not involve the greenbelt?

Ms. Moran stated that they want more of a greenspace than they have now. She stated that 5 feet is not enough and 25 feet was in place for a reason. The west side of the property is the school’s property. She stated that she thought the petitioner had to purchase a 40 foot section of property from the school in order to meet the requirements of 30% usage amount. The parking variance involves property that is very close to their property and she is not in favor of that.

Trustee Flood asked if the Polly Ann representatives were at the Planning Commission?

Mr. Quesada stated that it is a low impact use and only has 7 parking spaces.

Mr. Ken Zmijewski, property owner, stated that the setback for the parking is adjacent to the high wire tower and is near the safety path along Clarkston Road.

Trustee Flood asked if the ITC had an easement along the wires. He stated that he still has a question on item 7 and he will not move forward without attorney’s opinion.

Chairman Durham agreed.

Board member Walker stated that he has issues with the other requests as well.

Building Official Goodloe stated that the interpretation is whether or not it is residential or commercial. He stated is it silent because they don’t want anything or is it silent because there is no REC-2. He stated that to him, this is a commercial use. He explained the interpretation further.

Ms. Steele stated that if it is residential, the setbacks should be 25 feet but if it is commercial, it should be 50 feet. So, based on the bigger numbers, this was deemed to be like commercial.

Chairman Durham explained the options to the applicant including the option to come back to the Board at a date certain so the attorney has a chance to review it.
Mr. Quesada agreed with waiting for the attorney’s opinion. He commented on the historical zoning decisions.

Ms. Moran asked if they have a variance with the greenbelt, has ITC been consulted and she explained the requirements.

Petitioner stated that they have approval from ITC.

Board member Walker stated that everyone wants this to happen.

Mr. Quesada indicated that in the interim while they are getting the legal opinion, he will explore discussions with Polly Ann representatives.

Board member Flood, supported by Board Member Dunaskiss, in case AB-2021-41, Orion Storage, 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002 moved to postpone until the August 9, 2021 ZBA meeting at the petitioner’s request for Township Attorney opinion of item #7, Interpretation of Zoning Ordinance #78, Section 16.03(D)(2), what width of greenbelt applies when adjacent to REC-2, if any?

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

G. AB-2021-43, Kay Industrial, unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.)

Chairman Durham read the petitioner’s request as follows:

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

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)

1. An 8-ft. off-street parking setback variance, from the required 20-ft., for parking to be 12-ft. from the property line (south), Article XVIII & Article XXXV

2. Section 18.03(D)(2), an 8-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 12-ft. (south) & Section 35.04(A)(8)(6), a 3-ft. greenbelt width variance, from the required 15-ft., (Lapeer Road Overlay District), for the greenbelt with to be 12-ft.

Ms. Sara D’Agostini introduced herself to the Board and explained the variance request.

Mr. Eugene D’Agostini introduced himself to the Board. The Township is anxious to get a good industrial development and he described his history in building industrial buildings. These parcels are odd because they are very long and narrow and when you figure in the width to depth ratios, it is challenging.

Ms. D’Agostini stated that they are under contract to buy these parcels seeing if they are going to get the variances first.

Trustee Flood stated that if these variances are granted, the variances will stay with the land.

Building Official Goodloe agreed but stated that variances cancel if nothing is done in a year.

Trustee Flood stated that they do not grant variances based on money. They look for practical difficulty and the property shape needs to be taken into account.

Building Official Goodloe stated that the variance is for a year but then once it is built, it stays with the property.
Vice-Chairman Cook asked about the variance along M-24. Would this put the building in line or would it be sticking out further?

Mr. D’Agostini stated that they are not seeking a variance in relation to M-24; they are seeking a variance to the north and the south. He described the shaped of K Industrial Drive. He stated that they are going to invest about 8 million dollars in these two sites.

Vice-Chairman Cook asked where the building was going to be.

Ms. D’Agostini provided a site aerial displayed and explained where it would be.

Vice-Chairman Cook asked the distance between Lapeer Road and the building.

Ms. D’Agostini replied, 95 feet.

Mr. D’Agostini stated that the building right across from them has a 30 foot variance on the front of their building.

Ms. D’Agostini stated that they tried to stake it out but it is heavily wooded.

Vice-Chairman Cook moved, Board member Walker supported, in the matter of ZBA case AB-2021-43, Kay Industrial, unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.) that the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned IP, Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d) for an 8-ft. off-street parking setback variance, from the required 20-ft., for parking to be 12-ft. from the property line (south), Article XVIII & Article XXXV and from Section 18.03(D)(2), an 8-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 12-ft. (south) & Section 35.04(A)(8)(6), a 3-ft. greenbelt width variance, from the required 15-ft., (Lapeer Road Overlay District), for the greenbelt width to be 12-ft be granted because the petitioner did demonstrate the following standards of variance have been met in this case and they set forth fact that show that in this case:

1. The petitioner does show the following practical difficulty; that due to the varying widths on the site and the fact that it is a narrow piece of property, this presents challenges to build a building that would be practical and sellable and usable based upon industrial standards.

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 is one of the last parcels that has remained undeveloped primarily due to these challenges in terms of ordinances and space.

3. The variances are also necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following findings of fact: in order to move forward and develop this property to get it on the tax rolls, these variances would be necessary.

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: the greenbelt is still going to be there. It is not abutting to a recreational piece of property; this is an industrial park area. This would allow the building to be built in a manner that meets with today’s standards.

5. Based on the following findings of fact, granting these variances would 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 of the public safety, and is not going to reasonably diminish or impair established property values within the surrounding area.
The granting of this variance will not impair public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

H. AB-2021-44, Kay Industrial, 50 Kay Industrial Dr., 09-35-400-033

Chairman Durham read the petitioner’s request as follows:

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

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)
1. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east).
2. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south).

Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b)
3. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east).
4. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south).

Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a)
5. Seeking a variance, for a covered trash area to be in a side yard (east) instead of the required rear yard.

Article XVIII, Section 18.04
6. A 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive).

Ms. Sara D’Agostini explained the variances requested. She explained because of the on-site detention requirements, it has geometrical challenges. She provided an electronic presentation providing detail about the variances requested.

Trustee Flood asked where the trash would go in the back.

Ms. D’Agostini showed where it would go and explained why this would be the ideal spot.

Vice-Chairman Cook asked why they wouldn’t put the dumpster straight back so the truck would not have to make a 90 degree turn.

Mr. D’Agostini stated that there is a utility easement that might interfere with that.

Vice-Chairman Cook suggested moving the building to eliminate one of the variance requests.

Ms. D’Agostini stated that they would have to “eat” into the building layout and it reduces the coverage ratio and makes it impractical.

Vice-Chairman Cook stated that he is concerned about site distance and he has safety concerns.

Mr. D’Agostini stated that they are far from Lapeer Road because of the required detention.

Ms. D’Agostini stated that it is a 150 feet from Lapeer.
Trustee Flood commented on the review from Ms. Harrison.

Vice-Chairman Cook moved, Trustee Flood supported, in the case of AB-2021-44, Kay Industrial, 50 Kay Industrial Dr., 09-35-400-033 to grant the petitioner’s request for the following 6 variances from Zoning Ordinance #78 – Zoned IP are approved: Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d) for a 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east) and a 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south); Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b) for a 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east) and a 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south); Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a) for a variance for a covered trash area to be in a side yard (east) instead of the required rear yard and Article XVIII, Section 18.04 for 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive) because the petitioner did demonstrate the following standards for variance have been met in this case and that they set forth facts which show:

1. The petitioner does show the following practical difficulty; the uniqueness of the property and the fact that it has a retention pond in front of it, along with also having an easement for a water main which also influences some of these variances that have been requested.

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 unique shape of the property and the fact that it does have an easement through the rear of the property.

3. The variances are also necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zone or vicinity based on the following findings of fact: many of the buildings within that industrial park do also have variances that were granted and are in place due to the various challenges of developing that piece of property.

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: the petitioner is taking a piece of property that has been undeveloped and they are going to put in a building that will increase the number of industrial residents within the industrial park zoning area.

5. Based on the following findings of fact, granting these variances would not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger of the public safety, and is not going to unreasonably diminish or impair established property values within the surrounding area. The granting of this variance will not impair public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

6. **PUBLIC COMMENTS**
None

7. **COMMUNICATIONS**
   a. Date Certain Memo
8. COMMITTEE REPORTS
None

9. MEMBERS’ COMMENTS
Board Member Dunaskiss thanked everyone for welcoming her to the Board.

Trustee Flood welcomed Ms. Dunaskiss, and gave everyone a copy of items he would like to discuss at the Joint Meeting;

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Chairman Durham to adjourn the meeting at 10:32 pm

Respectfully submitted,

Erin A. Mattice
Recording Secretary
Charter Township of Orion  
Planning Division  
2525 Joslyn Rd., Lake Orion MI 48360  
P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MEMORANDUM

TO: Zoning Board of Appeals  
FROM: Lynn Harrison, Planning & Zoning Coordinator  
DATE: July 16, 2021  
SUBJECT: Additional Information - MacLeish Building Inc. Cases AB-2021-15 thru AB-2021-19 & AB-2021-45

As you will see when going through the cases for MacLeish Building, one was added – AB-2021-45. You may want to consider deliberating on it with the others.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 16, 2021
SUBJECT: Staff Report for AB-2021-15 thru AB-2021-19 MacLeish Building 7-26-2021 ZBA Meeting

The petitioner, MacLeish Building Inc., is requesting to build a two-unit condominium building on 5 vacant parcels within the Royal Troon condominium development. These units will require various side setback variances between buildings.

The cases were scheduled for the May 10, 2021 meeting at which time the petitioner requested to be postponed to the June 14, 2021.

At the June 14th meeting, the petitioner requested to be postponed to a date to be determined by the Planning & Zoning Department.

While the cases were in postponement, it was noted they were incorrectly advertised as the plans submitted gave the distances from the new buildings to adjacent existing buildings but not to the closest point of the existing building - that being covered porches. The cases have been re-advertised appropriately.

The variances you will be reviewing for these cases at the July 26th meeting were measured from the proposed new build to the adjacent building at its closest point (the covered porch).

Also, being this development was an old PUD, some of the distances between buildings were not all 30-ft. - some were 20-ft. or 25-ft. The variance language for each case indicates what required side setback is being deviated from.

All front yard setbacks are 30-ft. which is met in all cases. All rear yard setbacks are 30-ft. – in some instances a variance is being requested as an “optional porch”, as noted on the plans, may be closer to the rear property line than the 30-ft. requirement.

Attached are conceptual renderings the petitioner has provided.

Please contact me if you have any questions.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 15, 2021

SUBJECT: AB-2021-15 thru AB-2021-19, MacLeish Building Inc. Cases

Attached is a tally sheet and the corresponding resident letters received in response to the variance requests for ZBA cases AB-2021-15 thru AB-2021-19.

It is not necessary to read each individual letter into the record however, whichever member chooses to do so, read the name and address of each letter writer and if they were “In Favor” or “Opposed”.

Please contact me if you have any questions.
### Name vs. Owner of (address) vs. In Favor vs. Opposed

<table>
<thead>
<tr>
<th>Name</th>
<th>Owner of (address)</th>
<th>In Favor</th>
<th>Opposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbara Unger</td>
<td>61 Burniah Lane</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Paul J. Garko &amp; Sharon E. Yourth</td>
<td>136 Sandhills Lane</td>
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<td>Dan &amp; Susan Kowalski</td>
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<td>Gray &amp; Wendy Razlog</td>
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<td>Marygrace &amp; John Rowlands</td>
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<td>Robert &amp; Sandra Bean</td>
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<td>Gary Marriott</td>
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<td>Harry Hogan</td>
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<td>John Klein</td>
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<td>Steve &amp; Cindy Danton</td>
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<td>Mary Heffner - Additional Support Letter</td>
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<td>Thomas &amp; Margaret Nicosia</td>
<td>86 Sandhills Lane</td>
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<td>Bill &amp; Jeannie Turley</td>
<td>30 Burniah Lane</td>
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**AB-2021-15 thru AB-2021-19 & AB-2021-45**

**MacLeish Building - Royal Troon Condominium**

**09-04-402-033, 034, 035, 036, 037, 038, 041, 042, 047, & 048**
Good morning,

I am submitting comments for the public hearing today at 7:00 pm.

The proposed units are too large for the space available. The outside walls of the proposed units are less than one yard from the landscape beds of the adjacent units. It will not only be horribly unattractive for residents and passersby but the space between the buildings is not functional. The units will appear “shoved” into place. The space and existing basement were prepared for much smaller units. The proposed units need to be reduced in size or plans changed to single units to prevent an eyesore in Royal Troon and a crowded, non-functional setting for neighboring units.

Thank you,
Barbara Unger
61 Burniah Lane
Lake Orion, MI 48362
Lynn Harrison

From: pgarko@comcast.net
Sent: Tuesday, June 8, 2021 10:50 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com; syourth@comcast.net
Subject: Royal Troon Buildout discussion

Lynn,

This note is written in support of the buildout of the Royal Troon Condominium subdivision by MacLeish Building Inc. My wife and I realize there are some homeowner concerns but we believe it is in the best interest of the community overall to complete the subdivision.

If you have any comments or concerns, please feel free to respond.

Paul J. Garko
Sharon E. Yourth
136 Sandhills Lane,
Lake Orion, Mi. 48362
Lynn Harrison

From: Dan Kowalski <dank@arrow-select.com>
Sent: Tuesday, June 8, 2021 10:18 AM
To: Lynn Harrison
Cc: admin@maclieishbuilding.com
Subject: Royal Troon buildout

Lynn,

My wife and I have been residents of 114 Sandhills Drive in the Royal Troon Condominium complex for nearly 14 years. As you may know, this development has had its challenges in regard to a total buildout. That being said, we would like to see the remaining lots be built out.

In reference to the Macleish Building company, I attended a meeting hosted by them several weeks ago for the entire community where they presented renditions of their planned ranch units. While not ideal, we feel that the Macleish’s have made every attempt to make the ranch units blend into our community with the use of similar brick, shingles, tutor effects, gutters, garage doors, and the like.

We understand that certain factions within our community are in disagreement (mostly those adjacent to remaining lots). It is not Macleish’s fault that previous builders didn’t conform to variances within the building footprint; rather that falls on the Township. Consequently, some units may be a little closer (to planned ranches) than some would like. We already have a similar situation on Sandhills across from us where a unit was built several years ago. The proposed ranch units have entrances off the front, so it would be a more desirable situation than what we have across the street where two side porches are quite close.

I can also add that our neighbors (same building) in 116 are adjacent to an undeveloped lot and are in favor of the buildout as well.

In summary, we give our total support to the buildout with the Macleish Building company.

Regards,

...Dan and Susan Kowalski
We are writing this email to comment on the buildout of Royal Troon Condominiums in Lake Orion. We have lived here for a little over 4 years and love the community, but the empty lots are somewhat depressing and not very nice to look at! When we heard that Mr. MacLeish was very interested in finishing out the development we were overjoyed.

We feel that this is something that should move forward. It will not only enhance our development, but assist with new buyers' financing. We had a difficult time finding a mortgage company to get financing for our condo due to the fact it was considered "undeveloped." In fact, our condo had a buyer before us, but they were unable to get financing due to the development being unfinished.

Mr. MacLeish has worked diligently on working to complete this project and developing plans. The units he is planning on building are in very good taste and will sell very quickly. We feel he should be commended and given the go ahead to complete this.

We realize that there are VERY FEW co-owners who are against this buildout. Those co-owners wish to keep an empty lot next to them. That is unfair to the rest of the community. The vast majority of the co-owners in this development are for this to development to be finished and that should be the most important thought with the ZBA.

Regards,

Gary & Wendy Razlog
122 Burniah Ln.
Lake Orion, MI 48362

Virus-free. www.avast.com
Hello Lynn

My husband and I have been home owners in Royal Troon since 2013. For several reasons we are very interested in seeing additional units being built by Macleish on the vacant lots on Sandhills Lane and Burniah. First, when we first bought we were unable to get a FHA approved loan due to the fact the community was not “built out”. We know this impacts other potential buyers. Secondly, our association could use the additional revenue the HOA fees would provide. It is expensive to maintain roads, buildings and surroundings. Our community is a wonderful place to live and we are aware of numerous couples that would like the opportunity to live here.

We see the additional build out as positives to Royal Troon and ask that you consider approving the zoning and build out at the June meeting.

Regards
Marygrace and John Rowlands
144 Sandhills Lane

Marygrace Rowlands
Stay safe. Mask Up!

Sr. Capture Manager, GHHS
IBM Watson Health
+1 (480) 486-7282 m
marygrace.rowlands@ibm.com
This email is in regards to the build out being done by MacLeish Building. Our community needs to see this completed. We have had empty lots for many years and need to see our community completed. We have seen the lay out of the new build out and find it suitable to our neighborhood. One neighbor was complaining that it will ruin his view of the sunset...I’m sure when they bought their condo they knew there would be condos built on the empty lots. At this point because of the lack of completing the condos we are unable to refinance our home. Trying to sell our home is also a problem.

Please consider the whole community when you make your decision.

Thank you,
Robert and Sandra Bean
Hi,

I want to go on record that I am in complete support of the build out of the Royal Troon condominiums proposed by MacLeish. I think MacLeish has done a great job communicating their proposal and that the construction of the condos as presented to the Royal Troon community will fit in well with the existing condos and be a great enhancement.

Please vote Yes to this proposal.

Gary Marriott
152 Burniah Lane
Lake Orion, MI 48362
1-248-705-5160
As a current resident of Royal Troon I appreciated the opportunity to speak with the developer at the meeting last week and see the specific plans for the new condominiums in our development. The projected units will be an excellent addition. The drawings and description reveal much care attending to the overall esthetic of the neighborhood and will likely increase the value to all of our properties. It was unfortunate that during this meeting a single individual, opposed to a new unit being built next to his unit, loudly attempted to dominate discussion with bullying behavior.

I most certainly look forward to the groundbreaking for these new units without further delay.

Sent from my iPad
We are in favor of the new condos being built.

Dennis and Carol Banks
76 Sandhills Lane
Lake Orion
248 929 8170
I am in favor of the buildout.
I would like to register my support for Dan MacLeish to build out the condos in my development. We had a meeting last week with the builder and the community. Dan is building some great homes and is very considerate of all of the residents in creating a design that fits in very beautifully in the neighborhood. The ONE dissenting individual at the meeting was given an offer by the builder to purchase the property next to him. I surveyed and talked to every member of this community prior to that meeting and 39 homes were totally in support of this build. The ones that did not sign supported the build but wanted to see the units, which was accomplished at the meeting. The rest of the units, I did not catch people at home so, in effect, I was not able to register their support or comment. Our community needs this build, if one person can put us in jeopardy of our community’s future, then we are in trouble. I hope you will consider this upon your review. The builder has done everything possible to do this right, he owns the property and can do what he wants once approved by the township. We want his expertise here, we don’t want it to be sold and go to a builder that is going to lower our community value. That is a fear. Just like anyone, he can move if he does not like what is happening in the lot that was there when he bought it. I can move if I don’t like the outcome of this meeting. We all knew from the day we bought that this was to happen. He thinks he can take us all down to get what he wants for his mistake.

Thank you and I will be in attendance,

Mary Heffner
Royal Troon
142 Burniah Lane
Lake Orion
Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Debbie Williams <wdmwdeb@comcast.net>
Sent: Thursday, June 3, 2021 7:25 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Royal Troon Build Out

I want to document my support for Dan MacLeish’s build out proposal for condos in Royal Troon. His condos are high quality and will add value to our community and Lake Orion. I have lived in Royal Troon for 16 years and am the original owner of my condo. We have had economic situations that have delayed this build out over the years.

Fortunately, Dan MacLeish is willing to complete our community and keep it a beautiful place to live.

I look forward to the Township approving his plans.

Thank you.

Deborah Williams
140 Burniah Lane
Lake Orion

Sent from my iPhone
For Troon ZBA.

Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Carol Boivin <cb12654@gmail.com>
Sent: Friday, May 28, 2021 2:53 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: The buildings to be constructed in the Royal Troon Subdivision

I am very much in favor of the proposed condo plans by McLeish. They have gone to great lengths to satisfy the desires of everyone in our community with few exceptions. We would like to get this buildout underway.

Thank you,
Carol Boivin
130 Burniah Lane

Lynn Harrison
To the Zoning Board

I live at 106 Sandhills Lane in Royal Troon Condominiums

I am in favor of the proposed condo plans by McLeish to finally build out our community.

They have worked with our association to make the proposed condos fit with the existing ones.
From: Tammy Girling
Sent: Tuesday, June 1, 2021 8:25 AM
To: Lynn Harrison
Subject: FW: Build out at Royal Troon

Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000   C: 248.978.2132
F: 248.391.1454   W: www.oriontownship.org

-----Original Message-----
From: Harry Hogan <hgolfhog@aol.com>
Sent: Monday, May 31, 2021 7:23 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Build out at Royal Troon

I would like to support the build out at Royal Troon. We had a recent meeting with the developers and they seemed very much in tune with my feelings. Thank you.

Harry Hogan
96 Sandhills Lane
Lake Orion 48362
(248) 978-5291

Sent from my iPhone
Lynn Harrison                                       June 12, 2021

I am a resident of Royal Troon and interested in the development of the vacant lots in the subdivision,

I am in favor of a build out of the subdivision, since I do not like seeing vacant land that is not properly maintained. This property has remained vacant for too long and it is time to develop the remaining lots in Royal Troon.

I do object to the plan for lots 47 and 48. The lot for these residences is marginal for the proposed building. The indicated plot would crowd the adjoining residences, not consistent with other buildings in the subdivision.

A more desirable plan would consider the space and provide for a two-story building that would allow for adequate spacing on the lot without trying to squeeze large building into a small space.

I believe that the property values of the adjoining residences would be affected due to the closeness of the buildings.

Sincerely,

John Klein

33 Burniah Lane
Just want indicate we are in favor of the submitted build out plans for Royal Troon Condo Association. We recommend all variances be approved. We need this to finally get rid of vacant lots. This will also enable new purchasers to obtain a mortgage.
Sincerely, Steve and Cindi Danton
123 Burniah Lane, lake Orion.

Sent from my iPhone
I would like to register my support for the buildout of Royal Troon, with Dan Macleish Building. I personally went around to the whole community to gather signatures for the support of the build. I did not get a response from every house, some were not home. Of all the members of this community that I talked to, I have 40 that signed to support. We cannot let one person dictate what happens to a community of 62 people. We all knew when we moved here that a buildout was coming at some point and we were all hopeful. He is building a beautiful condo and we hope that you will approve that build. We need the HOA funding that these new units will support. We also need to be able to get mortgages in this community.

Thank you
Mary Heffner
142 Burnia.
Lynn Harrison

From: Thomas Nicosia <tnicosia@att.net>
Sent: Thursday, July 8, 2021 5:12 PM
To: Lynn Harrison
Subject: Public Hearing/MacLeish

My husband and I live in Royal Troon at 86 Sandhills Lane. We will be on vacation and unable to attend the Township meeting on July 26. We support MacLeish’s request for deviations to build out Royal Troon. This development has been stagnant for way too long & it’s in the best interest of the majority of condo owners to allow MacLeish to finish the condos.

We are well aware that a very few of the residents are strongly opposed, but I truly believe the vast majority of residents very much approve.

Thank you,
Thomas & Margaret Nicosia

Sent from my iPad
Date: June 10, 2021

Subject: Royal Troon new development proposal

To Whom it May Concern,

As a current co-owner located at 30 Burniah Lane (Lot 50), we are providing this feedback regarding the proposed new construction within the existing community. Based on attending the MacLeish Building Inc. meeting on May 27th, our overall impression is favorable with the understanding the new units will not follow the existing architecture.

However, it is apparent that the Lot just south of 32 Burniah (Units 47 & 48) should require a comprise between the MacLeish requested variance for the size & style to accommodate the aesthetics within the neighborhood. This current lot has been referred to as the builders graveyard based on already having a foundation poured. During the MacLeish meeting the neighbors located on both sides of this lot urged the residents to review the blue stakes that will represent the new proposed building envelope. Upon my walk around I understand the major concern our fellow neighbors are experiencing as it appears the size of the intended construction is too large for this lot. Generally home values make up a significant portion of many persons investment portfolios and with a future potential to decrease their value it would be hard to bear.

Sometimes in life we should look at the issue from the other persons perspective. I believe most people, including the board, would object to the current proposed home style (for Unit 47 & 48) if they had to live next door. Seems oblivious that rebuilding the previous Tudor style originally intended for this one situation would be an acceptable compromise.

Again, the overall plan provided by MacLeish should be good for the community and much appreciated for their continued investment in Royal Troon.

Sincerely,

Bill & Jeannie Turley

Bill mobile 248-331-3041
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-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah L.n., sidwell numbers 09-04-402-033 & 034, I would move that the petitioner’s request for:

3 variances from Zoning Ordinance #78

1. A 7.08-ft. side yard setback variance from the required 20-ft. to construct a 2-unit condominium 12.92-ft from the adjacent condominium unit (south, between units 32 & 33 - from existing covered porch to proposed building).

2. A 1-ft. rear yard setback variance from the required 30-ft. to construct unit 33, 29-ft from the rear property line.

3. A 1.5-ft. rear yard setback variance from the required 30-ft. to construct unit 34, 28.5-ft. from the rear property line.

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

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

   ____________________________________________
   ____________________________________________
   ____________________________________________

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

   ____________________________________________
   ____________________________________________
   ____________________________________________

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

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


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

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


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


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


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


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


SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #**AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah L.n., sidwell numbers 09-04-402-033 & 034**, I would move that the petitioner’s request for:

3 variances from Zoning Ordinance #78

1. A 7.08-ft. side yard setback variance from the required 20-ft. to construct a 2-unit condominium 12.92-ft from the adjacent condominium unit (south, between units 32 & 33 - from existing covered porch to proposed building).

2. A 1-ft. rear yard setback variance from the required 30-ft. to construct unit 33, 29-ft from the rear property line.

3. A 1.5-ft. rear yard setback variance from the required 30-ft. to construct unit 34, 28.5-ft. from the rear property line.

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

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

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

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

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

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

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

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

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

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

Application for Appeal - Single Family Residential

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

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

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

APPLICANT

Name: MacLeish Building Inc.
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

PROPERTY OWNER(S)

Name [s]: JDT Company LLC - MacLeish Building Managing Company
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

CONTACT PERSON FOR THIS REQUEST

Name: Daniel D. MacLeish Phone: 248-524-3244 Email: admin@macleishbuilding.com

SUBJECT PROPERTY

Address: 112 & 110 Burniah Lane Sidwell Number: 09-04-402-033/34
Total Acreage: N/A Length of Ownership by Current Property Owner: 12 Years, 5 Months

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

Page 1 of 3
Case #: ________________

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request.  
   SEE ATTACHED

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

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

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

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

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome.  
   SEE ATTACHED
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: 03/26/2021

Print Name: Daniel D. MacLeish II

Signature of Property Owner: ____________________________ Date: 03/26/2021

Print Name: Daniel D. MacLeish Sr. - Owner/Managing Partner - JDT

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: ___________
ZBA RESIDENTIAL VARIANCE QUESTIONS 1-7

1. Applicant requests a variance of the "stated" side yard setbacks from 30ft to less than 30ft, but not less than 20ft, as in the site plan which accompanies this application.

2. Applicant’s Unit is in a development consisting of duplex condominium units, two units in each building. There are no private yards. The spaces between buildings are Common Elements under a Master Deed and are maintained by the Homeowner’s Association. The set back applicable to Applicant’s building does not allow for buildings acceptable to the market that exists today. For that reason No new construction has been feasible on these sites for over 20+ years due to the sites being unworkable for today’s modern condominium floor plan.

3. It is common and customary to allow flexibility for setback in a condominium so long as setbacks from outside properties are preserved. Thirty-foot existing setbacks between the buildings in the Royal Troon Condominium and the boundaries of the Condominium are preserved. Therefore, no residents of areas outside the condominium are affected. Within the condominium the units are all zero lot line on one side of the resident’s buildings. A 20 foot or greater set back from the neighboring building is sufficient for health and safety. The loss of set back is outweighed by the advantage to residents of having the condominium fully built out instead of the current look of an unfinished project. Moreover the homes to be built will have the quality of existing homes as to design, materials and size. Sizes will be the same but units will be one story instead of one and a half stories.

4. Some of the buildings in the condominium development already have less than a thirty foot set back. All the units have zero setbacks on one side. There is no reason to equate the side yard requirements/setbacks of Royal Troon with other surrounding single family developments. The variance will allow for a more modern, up to date product to be built having the greatest appeal to new home buyers looking for a condominium development. The units Applicant proposes are single story vs. 1.5 stories but sized similarly to still maintain the same square footage of the older 1.5 story existing units. A large portion of the condominium market is looking for a single story, ranch style floor plan for ease of use, cleaning and maintaining the property. The newer proposed units are more likely to be sold than those with the prior design due to the popularity of this single story, open floor plan concept and style which resonates with condominium buyers today. This product will cost more than the existing units to construct but will enhance and add value to the existing condominium units upon completion. This design when built will likely have a greater taxable value for real property tax purposes. The proposed new floor plan is very consistent with the other properties in meeting the same or similar square footage; essential common rooms, i.e. kitchen, dining & great room, and laundry; along with 2-3 bedrooms (2 bedrooms with a flex room as optional 3rd bedroom). A similar development Applicant just completed in Rochester Hills was done successfully by similarly coming into an existing established development and providing a new, updated floor plan and elevation. The new condominium units were very well received by the association and community and added value to the existing condominiums by completing and finishing out the remaining building sites. An example of similar ranch condominium developments is Pulte’s duplex condominium development on M-24, South of Silverbell Rd.
5. The original developer built the existing units in the Royal Troon Development with some buildings having less than a 30ft. side yard setback requirement. The original developer configured and located buildings in a manner which made thirty foot set backs for the unbuilt areas impossible or impractical. Applicant bought the remaining units from a foreclosure. The market demands have changed since the condominium was first developed. One and a half story units are not sellable. See also the following paragraph.

6. The curvature of the access road mandates a variation in parallel side yard setbacks that are equal and consistent with the stated setbacks. The road curvatures were due to the practicality of developing on an existing golf course. In the past, in order to build on the vacant sites, “the stated side yard setbacks” of the existing condominiums had been reduced to accommodate an appropriate and desirable sized product for the new home buyers at the time. This was the practical resolution and still is due to the difficulty of creating a desirable product for practical living that would adhere to the stated setbacks.

7. The requested variances are dimensional rather than use variances. For the reasons given above Applicant faces practical difficulty if required to adhere to the prior thirty foot standard. It would be impossible today to comply with the current side yard setbacks. One would have to reduce the size of the units to an unmarketable first floor size, and then create a second story in order to provide enough square footage/space for additional bedrooms. This creates a detriment in selling this product to many of the “empty nesters” that make up the majority of condominium buying in this area. They do not want to climb stairs to clean, maintain or use the second level. Applicant’s 40 ft wide unit that has been built successfully in other developments is successfully overcoming this detriment. The size and proportions of the floor plan were well liked and helped make the project very desirable and saleable. In addition, Applicant has refined the floor plan, mechanical systems, and building structure, etc. to provide a more energy efficient and contemporary product which today’s market demands.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 15, 2021
RE: AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of Unit 32 Burniah Ln., sidwell numbers 09-04-402-035 & 036

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-2021-16, MacLeish Building Inc, Vacant Property 2 Parcels North of unit 32 Burniah Ln., Sidwell numbers 09-04-402-035 & 036, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from an adjacent condominium unit (north, between proposed units 36 & 37).

2. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 36, 29.5-ft from the rear property line.

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

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

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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

__________________________________________________________________________

__________________________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-16, Macleish Building Inc, Vacant Property 2 Parcels North of unit 32 Burniah Ln., Sidwell numbers 09-04-402-035 & 036, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from an adjacent condominium unit (north, between proposed units 36 & 37).

2. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 36, 29.5-ft from the rear property line.

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

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

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

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

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

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

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

APPLICANT
Name: MacLeish Building Inc.
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

PROPERTY OWNER(S)
Name(s): JDT Company LLC - MacLeish Building Managing Company
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

CONTACT PERSON FOR THIS REQUEST
Name: Daniel D. MacLeish Phone: 248-524-3244 Email: admin@macleishbuilding.com

SUBJECT PROPERTY
Address: 102 & 100 Burniah Lane Sidewell Number: 09-04-402-035/36
Total Acreage: N/A Length of Ownership by Current Property Owner: 12 Years, 6 Months

Does the owner have control over any properties adjoining this site? Turnberry
Zoning Ordinance Allowance/Requirement Deviation requested
8. Have there been any previous appeals involving this property? If so, when?  

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

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

Signature of Applicant:  
(must be original ink signature)  
Date: 03/26/2021

Print Name: Daniel D. MacLeish II

Signature of Property Owner:  
(must be original ink signature)  
Date: 03/26/2021

Print Name: Daniel D. MacLeish Sr. - Owner/Managing Partner - JDT

If applicable: I the property owner, hereby give permission to  

to represent me at the meeting.

OFFICE USE ONLY

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

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

Description of variance(s):

Date Filed:  
Fee Paid:  
Receipt Number:
1. Applicant requests a variance of the "stated" side yard setbacks from 30ft to less than 30ft, but not less than 20ft, as in the site plan which accompanies this application.

2. Applicant’s Unit is in a development consisting of duplex condominium units, two units in each building. There are no private yards. The spaces between buildings are Common Elements under a Master Deed and are maintained by the Homeowner’s Association. The set back applicable to Applicant’s building does not allow for buildings acceptable to the market that exists today. For that reason No new construction has been feasible on these sites for over 20+ years due to the sites being unworkable for today’s modern condominium floor plan.

3. It is common and customary to allow flexibility for setback in a condominium so long as setbacks from outside properties are preserved. Thirty-foot existing setbacks between the buildings in the Royal Troon Condominium and the boundaries of the Condominium are preserved. Therefore, no residents of areas outside the condominium are affected. Within the condominium the units are all zero lot line on one side of the resident’s buildings. A 20 foot or greater set back from the neighboring building is sufficient for health and safety. The loss of set back is outweighed by the advantage to residents of having the condominium fully built out instead of the current look of an unfinished project. Moreover the homes to be built will have the quality of existing homes as to design, materials and size. Sizes will be the same but units will be one story instead of one and a half stories.

4. Some of the buildings in the condominium development already have less than a thirty foot set back. All the units have zero setbacks on one side. There is no reason to equate the side yard requirements/setbacks of Royal Troon with other surrounding single family developments. The variance will allow for a more modern, up to date product to be built having the greatest appeal to new home buyers looking for a condominium development. The units Applicant proposes are single story vs. 1.5 stories but sized similarly to still maintain the same square footage of the older 1.5 story existing units. A large portion of the condominium market is looking for a single story, ranch style floor plan for ease of use, cleaning and maintaining the property. The newer proposed units are more likely to be sold than those with the prior design due to the popularity of this single story, open floor plan concept and style which resonates with condominium buyers today. This product will cost more than the existing units to construct but will enhance and add value to the existing condominium units upon completion. This design when built will likely have a greater taxable value for real property tax purposes. The proposed new floor plan is very consistent with the other properties in meeting the same or similar square footage; essential common rooms, i.e. kitchen, dining & great room, and laundry; along with 2-3 bedrooms (2 bedrooms with a flex room as optional 3rd bedroom). A similar development Applicant just completed in Rochester Hills was done successfully by similarly coming into an existing established development and providing a new, updated floor plan and elevation. The new condominium units were very well received by the association and community and added value to the existing condominiums by completing and finishing out the remaining building sites. An example of similar ranch condominium developments is Pulte’s duplex condominium development on M-24, South of Silverbell Rd.
5. The original developer built the existing units in the Royal Troon Development with some buildings having less than a 30ft. side yard setback requirement. The original developer configured and located buildings in a manner which made thirty foot set backs for the unbuilt areas impossible or impractical. Applicant bought the remaining units from a foreclosure. The market demands have changed since the condominium was first developed. One and a half story units are not sellable. See also the following paragraph.

6. The curvature of the access road mandates a variation in parallel side yard setbacks that are equal and consistent with the stated setbacks. The road curvatures were due to the practicality of developing on an existing golf course. In the past, in order to build on the vacant sites, "the stated side yard setbacks" of the existing condominiums had been reduced to accommodate an appropriate and desirable sized product for the new home buyers at the time. This was the practical resolution and still is due to the difficulty of creating a desirable product for practical living that would adhere to the stated setbacks.

7. The requested variances are dimensional rather than use variances. For the reasons given above Applicant faces practical difficulty if required to adhere to the prior thirty foot standard. It would be impossible today to comply with the current side yard setbacks. One would have to reduce the size of the units to an unmarketable first floor size, and then create a second story in order to provide enough square footage/space for additional bedrooms. This creates a detriment in selling this product to many of the "empty nesters" that make up the majority of condominium buying in this area. They do not want to climb stairs to clean, maintain or use the second level. Applicant’s 40 ft wide unit that has been built successfully in other developments is successfully overcoming this detriment. The size and proportions of the floor plan were well liked and helped make the project very desirable and saleable. In addition, Applicant has refined the floor plan, mechanical systems, and building structure, etc. to provide a more energy efficient and contemporary product which today’s market demands.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 15, 2021

RE: AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., sidewell numbers 09-04-402-037 & 38

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-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., sidwell numbers 09-04-402-037 & 038 I would move that the petitioner’s request for:

4 variances from Zoning Ordinance #78

1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from the adjacent condominium unit (south, between proposed units 36 & 37).

2. A 10.26-ft. side yard setback variance from the required 25-ft. to construct a 2-unit condominium 14.74-ft from an adjacent condominium unit (north, between units 38 & 39 – from the existing covered porch to proposed building).

3. An .5-ft. rear yard setback variance from the required 30-ft. to construct unit 37, 29.5-ft from the rear property line.

4. An 8.5-ft. rear yard setback variance from the required 30-ft. to construct unit 38, 21.5-ft from the rear property line.

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

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

________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________

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

________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________________________________________

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

________________________________________________________________________________________________________________________________________________________

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

________________________________________________________

________________________________________________________

________________________________________________________

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

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

   _________________________________________________________

   _________________________________________________________

   _________________________________________________________

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

   _________________________________________________________

   _________________________________________________________

   _________________________________________________________

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

   _________________________________________________________

   _________________________________________________________

   _________________________________________________________

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

   _________________________________________________________

   _________________________________________________________

   _________________________________________________________

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

   _________________________________________________________

   _________________________________________________________

   _________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah L.n., sidwell numbers 09-04-402-037 & 038 I would move that the petitioner’s request for:

4 variances from Zoning Ordinance #78

1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from the adjacent condominium unit (south, between proposed units 36 & 37).

2. A 10.26-ft. side yard setback variance from the required 25-ft. to construct a 2-unit condominium 14.74-ft from an adjacent condominium unit (north, between units 38 & 39 – from the existing covered porch to proposed building).

3. An .5-ft. rear yard setback variance from the required 30-ft. to construct unit 37, 29.5-ft from the rear property line.

4. An 8.5-ft. rear yard setback variance from the required 30-ft. to construct unit 38, 21.5-ft from the rear property line.

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

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

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

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

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

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

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

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

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

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

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

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

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

APPLICANT

Name: MacLeish Building Inc.
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

PROPERTY OWNER(S)

Name(s): JDT Company LLC - MacLeish Building Managing Company
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

CONTACT PERSON FOR THIS REQUEST

Name: Daniel D. MacLeish Phone: 248-524-3244 Email: admin@macleishbuilding.com

SUBJECT PROPERTY

Address: 92 & 90 Burniah Lane Sidewell Number: 09-04-402-037/38
Total Acreage: N/A Length of Ownership by Current Property Owner: 12 Years, 6 Months

Does the owner have control over any properties adjoining this site? Turnberry
Zoning Ordinance Allowance/Requirement
Deviation requested
Case #: ____________________________

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request.  **SEE ATTACHED**

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

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

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

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

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome.  **SEE ATTACHED**
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: 03/26/2021

Print Name: Daniel D. MacLeish II

Signature of Property Owner: ___________________________  Date: 03/26/2021

Print Name: Daniel D. MacLeish Sr. - Owner/Managing Partner - JDT

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

OFFICE USE ONLY

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

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

Description of variance(s):

______________________________________________________________________________________________________________________________________________________________

______________________________________________________________________________________________________________________________________________________________

______________________________________________________________________________________________________________________________________________________________

______________________________________________________________________________________________________________________________________________________________

Date Filed: ___________________________  Fee Paid: ___________________________  Receipt Number: ___________________________
1. Applicant requests a variance of the “stated” side yard setbacks from 30ft to less than 30ft, but not less than 20ft, as in the site plan which accompanies this application.

2. Applicant’s Unit is in a development consisting of duplex condominium units, two units in each building. There are no private yards. The spaces between buildings are Common Elements under a Master Deed and are maintained by the Homeowner’s Association. The set back applicable to Applicant’s building does not allow for buildings acceptable to the market that exists today. For that reason no new construction has been feasible on these sites for over 20+ years due to the sites being unworkable for today’s modern condominium floor plan.

3. It is common and customary to allow flexibility for setback in a condominium so long as setbacks from outside properties are preserved. Thirty-foot existing setbacks between the buildings in the Royal Troon Condominium and the boundaries of the Condominium are preserved. Therefore, no residents of areas outside the condominium are affected. Within the condominium the units are all zero lot line on one side of the resident’s buildings. A 20 foot or greater set back from the neighboring building is sufficient for health and safety. The loss of set back is outweighed by the advantage to residents of having the condominium fully built out instead of the current look of an unfinished project. Moreover the homes to be built will have the quality of existing homes as to design, materials and size. Sizes will be the same but units will be one story instead of one and a half stories.

4. Some of the buildings in the condominium development already have less than a thirty foot set back. All the units have zero setbacks on one side. There is no reason to equate the side yard requirements/setbacks of Royal Troon with other surrounding single family developments. The variance will allow for a more modern, up to date product to be built having the greatest appeal to new home buyers looking for a condominium development. The units Applicant proposes are single story vs. 1.5 stories but sized similarly to still maintain the same square footage of the older 1.5 story existing units. A large portion of the condominium market is looking for a single story, ranch style floor plan for ease of use, cleaning and maintaining the property. The newer proposed units are more likely to be sold than those with the prior design due to the popularity of this single story, open floor plan concept and style which resonates with condominium buyers today. This product will cost more than the existing units to construct but will enhance and add value to the existing condominium units upon completion. This design when built will likely have a greater taxable value for real property tax purposes. The proposed new floor plan is very consistent with the other properties in meeting the same or similar square footage; essential common rooms, i.e. kitchen, dining & great room, and laundry; along with 2-3 bedrooms (2 bedrooms with a flex room as optional 3rd bedroom). A similar development Applicant just completed in Rochester Hills was done successfully by similarly coming into an existing established development and providing a new, updated floor plan and elevation. The new condominium units were very well received by the association and community and added value to the existing condominiums by completing and finishing out the remaining building sites. An example of similar ranch condominium developments is Pulte’s duplex condominium development on M-24, South of Silverbell Rd.
5. The original developer built the existing units in the Royal Troon Development with some buildings having less than a 30ft side yard setback requirement. The original developer configured and located buildings in a manner which made thirty foot set backs for the unbuilt areas impossible or impractical. Applicant bought the remaining units from a foreclosure. The market demands have changed since the condominium was first developed. One and a half story units are not sellable. See also the following paragraph.

6. The curvature of the access road mandates a variation in parallel side yard setbacks that are equal and consistent with the stated setbacks. The road curvatures were due to the practicality of developing on an existing golf course. In the past, in order to build on the vacant sites, “the stated side yard setbacks” of the existing condominiums had been reduced to accommodate an appropriate and desirable sized product for the new home buyers at the time. This was the practical resolution and still is due to the difficulty of creating a desirable product for practical living that would adhere to the stated setbacks.

7. The requested variances are dimensional rather than use variances. For the reasons given above Applicant faces practical difficulty if required to adhere to the prior thirty foot standard. It would be impossible today to comply with the current side yard setbacks. One would have to reduce the size of the units to an unmarketable first floor size, and then create a second story in order to provide enough square footage/space for additional bedrooms. This creates a detriment in selling this product to many of the “empty nesters” that make up the majority of condominium buying in this area. They do not want to climb stairs to clean, maintain or use the second level. Applicant’s 40 ft wide unit that has been built successfully in other developments is successfully overcoming this detriment. The size and proportions of the floor plan were well liked and helped make the project very desirable and saleable. In addition, Applicant has refined the floor plan, mechanical systems, and building structure, etc. to provide a more energy efficient and contemporary product which today’s market demands.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 15, 2021

RE: AB-2021-18, MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln., sidewell numbers 09-04-402-041 & 042

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-2021-18, MacLeish Building Inc. Vacant Property North of unit 40 Burniah Ln., sidwell numbers 09-04-402-041 & 042, I would move that the petitioner’s request for:

3 variances from Zoning Ordinance #78

1. A 9.5-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20.5-ft from the adjacent condominium unit (south, between units 40 & 41 – from existing covered porch to proposed building).

2. A 10-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20-ft from an adjacent condominium unit (north, between units 42 & 43 – from existing covered porch to proposed building).

3. An 8-ft. rear yard setback variance from the required 30-ft. to construct unit 41, 22-ft from the rear property line.

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

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-18, MacLeish Building Inc. Vacant Property North of unit 40 Burniah L.n., sidwell numbers 09-04-402-041 & 042, I would move that the petitioner’s request for:

3 variances from Zoning Ordinance #78

1. A 9.5-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20.5-ft from the adjacent condominium unit (south, between units 40 & 41 – from existing covered porch to proposed building).

2. A 10-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20-ft from an adjacent condominium unit (north, between units 42 & 43 – from existing covered porch to proposed building).

3. An 8-ft. rear yard setback variance from the required 30-ft. to construct unit 41, 22-ft from the rear property line.

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

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

   ________________________________________________________________

   ________________________________________________________________

   ________________________________________________________________

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

   ________________________________________________________________

   ________________________________________________________________

   ________________________________________________________________

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

   ________________________________________________________________

   ________________________________________________________________

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

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

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

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

   __________________________________________________
   __________________________________________________
   __________________________________________________
   __________________________________________________

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

   __________________________________________________
   __________________________________________________
   __________________________________________________
   __________________________________________________

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

   __________________________________________________
   __________________________________________________
   __________________________________________________
   __________________________________________________

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

   __________________________________________________
   __________________________________________________
   __________________________________________________
   __________________________________________________

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

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

NOTICE TO APPLICANT: 
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

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

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

APPLICANT

Name: MacLeish Building Inc.
Address: 650 E. Big Beaver Rd. Suite F  City/State/Zip: Troy, MI 48083
Phone: 248-524-3244  Cell:  Fax: 248-524-2345
Email: admin@macleishbuilding.com

PROPERTY OWNER(S)

Name(s): JDT Company LLC - MacLeish Building Managing Company
Address: 650 E. Big Beaver Rd. Suite F  City/State/Zip: Troy, MI 48083
Phone: 248-524-3244  Cell:  Fax: 248-524-2345
Email: admin@macleishbuilding.com

CONTACT PERSON FOR THIS REQUEST

Name: Daniel D. MacLeish  Phone: 248-524-3244  Email: admin@macleishbuilding.com

SUBJECT PROPERTY

Address: 72 & 70 Burniah Lane  Sidewell Number: 09-04-402-041/42
Total Acreage: N/A  Length of Ownership by Current Property Owner: 12 Years, 6 Months

Does the owner have control over any properties adjoining this site? Turnberry
Zoning Ordinance
Allowance/Requirement  Deviation requested
Case #: __________________

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request.  **SEE ATTACHED**

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

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

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

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

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

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

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

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

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

Signature of Applicant:
(must be original ink signature) __________________________________________________________ Date: 03/26/2021

Print Name: Daniel D. MacLeish II

Signature of Property Owner:
(must be original ink signature) __________________________________________________________ Date: 03/26/2021

Print Name: Daniel D. MacLeish Sr. - Owner/Managing Partner - JDT

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: ___________
ZBA RESIDENTIAL VARIANCE QUESTIONS 1-7

1. Applicant requests a variance of the “stated” side yard setbacks from 30ft to less than 30ft, but not less than 20ft, as in the site plan which accompanies this application.

2. Applicant’s Unit is in a development consisting of duplex condominium units, two units in each building. There are no private yards. The spaces between buildings are Common Elements under a Master Deed and are maintained by the Homeowner’s Association. The setback applicable to Applicant’s building does not allow for buildings acceptable to the market that exists today. For that reason No new construction has been feasible on these sites for over 20+ years due to the sites being unworkable for today’s modern condominium floor plan.

3. It is common and customary to allow flexibility for setback in a condominium so long as setbacks from outside properties are preserved. Thirty-foot existing setbacks between the buildings in the Royal Troon Condominium and the boundaries of the Condominium are preserved. Therefore, no residents of areas outside the condominium are affected. Within the condominium the units are all zero lot line on one side of the resident’s buildings. A 20 foot or greater set back from the neighboring building is sufficient for health and safety. The loss of set back is outweighed by the advantage to residents of having the condominium fully built out instead of the current look of an unfinished project. Moreover the homes to be built will have the quality of existing homes as to design, materials and size. Sizes will be the same but units will be one story instead of one and a half stories.

4. Some of the buildings in the condominium development already have less than a thirty foot setback. All the units have zero setbacks on one side. There is no reason to equate the side yard requirements/setbacks of Royal Troon with other surrounding single family developments. The variance will allow for a more modern, up to date product to be built having the greatest appeal to new home buyers looking for a condominium development. The units Applicant proposes are single story vs. 1.5 stories but sized similarly to still maintain the same square footage of the older 1.5 story existing units. A large portion of the condominium market is looking for a single story, ranch style floor plan for ease of use, cleaning and maintaining the property. The newer proposed units are more likely to be sold than those with the prior design due to the popularity of this single story, open floor plan concept and style which resonates with condominium buyers today. This product will cost more than the existing units to construct but will enhance and add value to the existing condominium units upon completion. This design when built will likely have a greater taxable value for real property tax purposes. The proposed new floor plan is very consistent with the other properties in meeting the same or similar square footage; essential common rooms, i.e. kitchen, dining & great room, and laundry; along with 2-3 bedrooms (2 bedrooms with a flex room as optional 3rd bedroom). A similar development Applicant just completed in Rochester Hills was done successfully by similarly coming into an existing established development and providing a new, updated floor plan and elevation. The new condominium units were very well received by the association and community and added value to the existing condominiums by completing and finishing out the remaining building sites. An example of similar ranch condominium developments is Pulte’s duplex condominium development on M-24, South of Silverbell Rd.
5. The original developer built the existing units in the Royal Troon Development with some buildings having less than a 30ft. side yard setback requirement. The original developer configured and located buildings in a manner which made thirty foot set backs for the unbuilt areas impossible or impractical. Applicant bought the remaining units from a foreclosure. The market demands have changed since the condominium was first developed. One and a half story units are not sellable. See also the following paragraph.

6. The curvature of the access road mandates a variation in parallel side yard setbacks that are equal and consistent with the stated setbacks. The road curvatures were due to the practicality of developing on an existing golf course. In the past, in order to build on the vacant sites, “the stated side yard setbacks” of the existing condominiums had been reduced to accommodate an appropriate and desirable sized product for the new home buyers at the time. This was the practical resolution and still is due to the difficulty of creating a desirable product for practical living that would adhere to the stated setbacks.

7. The requested variances are dimensional rather than use variances. For the reasons given above Applicant faces practical difficulty if required to adhere to the prior thirty foot standard. It would be impossible today to comply with the current side yard setbacks. One would have to reduce the size of the units to an unmarketable first floor size, and then create a second story in order to provide enough square footage/pace for additional bedrooms. This creates a detriment in selling this product to many of the “empty nesters” that make up the majority of condominium buying in this area. They do not want to climb stairs to clean, maintain or use the second level. Applicant’s 40 ft wide unit that has been built successfully in other developments is successfully overcoming this detriment. The size and proportions of the floor plan were well liked and helped make the project very desirable and saleable. In addition, Applicant has refined the floor plan, mechanical systems, and building structure, etc. to provide a more energy efficient and contemporary product which today’s market demands.
TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 15, 2021

RE: AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidewell numbers 09-04-402-047 & 048

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-2021-19, MacLeish Building Inc. Vacant Property North of unit 46 Burniah L.n., sidwell numbers 09-04-402-047 & 048, I would move that the petitioner’s request for:

4 variances from Zoning Ordinance #78

1. A 16.17-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 13.83-ft from the adjacent condominium unit (south, between units 46 & 47 – from existing covered porch to proposed building).

2. A 14.83-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 15.17-ft from an adjacent condominium unit (north, between units 48 & 49 – from existing covered porch to proposed building).

3. A 17.5-ft. rear yard setback variance from the required 30-ft. to construct unit 47, 12.5-ft from the rear property line.

4. A 10-ft. rear yard setback variance from the required 30-ft. to construct unit 48, 20-ft from the rear property line.

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-19, MacLeish Building Inc. Vacant Property North of unit 46 Burniah L.n., sidwell numbers 09-04-402-047 & 048, I would move that the petitioner’s request for:

4 variances from Zoning Ordinance #78

1. A 16.17-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 13.83-ft from the adjacent condominium unit (south, between units 46 & 47 – from existing covered porch to proposed building).

2. A 14.83-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 15.17-ft from an adjacent condominium unit (north, between units 48 & 49 – from existing covered porch to proposed building).

3. A 17.5-ft. rear yard setback variance from the required 30-ft. to construct unit 47, 12.5-ft from the rear property line.

4. A 10-ft. rear yard setback variance from the required 30-ft. to construct unit 48, 20-ft from the rear property line

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

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

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

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

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

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

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

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

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

5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: 248-391-0304 ext. 5001; F: 248-391-1454

Case # AB-2021-19
Meeting Date: 5/10/2021

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

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

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

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

APPLICANT
Name: MacLeish Building Inc.
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

PROPERTY OWNER(S)
Name(s): JDT Company LLC - MacLeish Building Managing Company
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

CONTACT PERSON FOR THIS REQUEST
Name: Daniel D. MacLeish Phone: 248-524-3244 Email: admin@macleishbuilding.com

SUBJECT PROPERTY
Address: 42 & 40 Burniah Lane Sidewell Number: 09-04-402-047/48
Total Acreage: N/A Length of Ownership by Current Property Owner: 12 Years, 6 Months

Does the owner have control over any properties adjoining this site? Turnberry
Zoning Ordinance Allowance/Requirement
Deviation requested
Case #: 

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request.  SEE ATTACHED

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

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

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

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

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

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

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

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: 03/26/2021
Print Name: Daniel D. MacLeish II

Signature of Property Owner: ___________________________ Date: 03/26/2021
Print Name: Daniel D. MacLeish Sr. - Owner/Managing Partner - JDT

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: ____________
ZBA RESIDENTIAL VARIANCE QUESTIONS 1-7

Applicant requests a variance of the "stated" side yard setbacks from 30ft to less than 30ft, but not less than 20ft, as in the site plan which accompanies this application.

2. Applicant’s Unit is in a development consisting of duplex condominium units, two units in each building. There are no private yards. The spaces between buildings are Common Elements under a Master Deed and are maintained by the Homeowner’s Association. The setback applicable to Applicant’s building does not allow for buildings acceptable to the market that exists today. For that reason, no new construction has been feasible on these sites for over 20+ years due to the sites being unworkable for today’s modern condominium floor plan.

3. It is common and customary to allow flexibility for setback in a condominium so long as setbacks from outside properties are preserved. Thirty-foot existing setbacks between the buildings in the Royal Troon Condominium and the boundaries of the Condominium are preserved. Therefore, no residents of areas outside the condominium are affected. Within the condominium the units are all zero lot line on one side of the resident’s buildings. A 20 foot or greater set back from the neighboring building is sufficient for health and safety. The loss of set back is outweighed by the advantage to residents of having the condominium fully built out instead of the current look of an unfinished project. Moreover the homes to be built will have the quality of existing homes as to design, materials and size. Sizes will be the same but units will be one story instead of one and a half stories.

4. Some of the buildings in the condominium development already have less than a thirty foot setback. All the units have zero setbacks on one side. There is no reason to equate the side yard requirements/setbacks of Royal Troon with other surrounding single family developments. The variance will allow for a more modern, up to date product to be built having the greatest appeal to new home buyers looking for a condominium development. The units Applicant proposes are single story vs. 1.5 stories but sized similarly to still maintain the same square footage of the older 1.5 story existing units. A large portion of the condominium market is looking for a single story, ranch style floor plan for ease of use, cleaning and maintaining the property. The newer proposed units are more likely to be sold than those with the prior design due to the popularity of this single story, open floor plan concept and style which resonates with condominium buyers today. This product will cost more than the existing units to construct but will enhance and add value to the existing condominium units upon completion. This design when built will likely have a greater taxable value for real property tax purposes. The proposed new floor plan is very consistent with the other properties in meeting the same or similar square footage; essential common rooms, i.e. kitchen, dining & great room, and laundry; along with 2-3 bedrooms (2 bedrooms with a flex room as optional 3rd bedroom). A similar development Applicant just completed in Rochester Hills was done successfully by similarly coming into an existing established development and providing a new, updated floor plan and elevation. The new condominium units were very well received by the association and community and added value to the existing condominiums by completing and finishing out the remaining building sites. An example of similar ranch condominium developments is Pulte’s duplex condominium development on M-24, South of Silverbell Rd.
5. The original developer built the existing units in the Royal Troon Development with some buildings having less than a 30ft. side yard setback requirement. The original developer configured and located buildings in a manner which made thirty foot set backs for the unbuilt areas impossible or impractical. Applicant bought the remaining units from a foreclosure. The market demands have changed since the condominium was first developed. One and a half story units are not sellable. See also the following paragraph.

6. The curvature of the access road mandates a variation in parallel side yard setbacks that are equal and consistent with the stated setbacks. The road curvatures were due to the practicality of developing on an existing golf course. In the past, in order to build on the vacant sites, “the stated side yard setbacks” of the existing condominiums had been reduced to accommodate an appropriate and desirable sized product for the new home buyers at the time. This was the practical resolution and still is due to the difficulty of creating a desirable product for practical living that would adhere to the stated setbacks.

7. The requested variances are dimensional rather than use variances. For the reasons given above Applicant faces practical difficulty if required to adhere to the prior thirty foot standard. It would be impossible today to comply with the current side yard setbacks. One would have to reduce the size of the units to an unmarketable first floor size, and then create a second story in order to provide enough square footage/ space for additional bedrooms. This creates a detriment in selling this product to many of the “empty nesters” that make up the majority of condominium buying in this area. They do not want to climb stairs to clean, maintain or use the second level. Applicant’s 40 ft wide unit that has been built successfully in other developments is successfully overcoming this detriment. The size and proportions of the floor plan were well liked and helped make the project very desirable and saleable. In addition, Applicant has refined the floor plan, mechanical systems, and building structure, etc. to provide a more energy efficient and contemporary product which today’s market demands.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 15, 2021
SUBJECT: Staff Report for AB-2021-45, vacant property between 116 Sandhills Ln. & 134 Sandhills Ln.

The petitioner, MacLeish Building Inc., has submitted a building permit to build a 2-unit condominium building on the above vacant parcel within the Royal Troon condominium development.

The side yard distance between buildings is 30-ft. The distance between buildings should be measured from the closest point to the closest point which, in this case, is a covered porch on 116 Sandhills (unit 66) and a covered porch on 134 Sandhills Ln. (unit 69) to the new build.

The front yard setback is 30-ft. and the rear yard setback is 30-ft. – both are met.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 15, 2021

RE: AB-2021-45, MacLeish Building Inc., Vacant Property between 116 Sandhills Ln. & 134 Sandhills Ln., sidewell numbers 09-04-402-067 & 068

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-2021-45, MacLeish Building Inc., Vacant Property between 116 Sandhills Ln. & 134 Sandhills Ln, sidwell numbers 09-04-402-067 & 068, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

1. A 6.58-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 23.42-ft from the adjacent condominium unit (south, between units 68 & 69 – from existing covered porch to proposed building).

2. A 6.75-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 23.25-ft from an adjacent condominium unit (north, between units 66 & 67 – from existing covered porch to proposed building).

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:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

120
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-2021-45, MacLeish Building Inc., Vacant Property between 116 Sandhills Ln. & 134 Sandhills Ln, sidwell numbers 09-04-402-067 & 068, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

1. A 6.58-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 23.42-ft from the adjacent condominium unit (south, between units 68 & 69 – from existing covered porch to proposed building).

2. A 6.75-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 23.25-ft from an adjacent condominium unit (north, between units 66 & 67 – from existing covered porch to proposed building).

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 $200.00 for a residential application.

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

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

APPLICANT
Name: MacLeish Building Inc.
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

PROPERTY OWNER(S)
Name (s): JDT Company LLC - MacLeish Building Managing Company
Address: 650 E. Big Beaver Rd. Suite F City/State/Zip: Troy, MI 48083
Phone: 248-524-3244 Cell: Fax: 248-524-2345
Email: admin@macleishbuilding.com

CONTACT PERSON FOR THIS REQUEST
Name: Daniel D. MacLeish Phone: 248-524-3244 Email: admin@macleishbuilding.com

SUBJECT PROPERTY
Address: 124 & 126 Sandhills Lane Sidwell Number: 09-04-402-067/68
Total Acreage: N/A Length of Ownership by Current Property Owner: 12 Years, 6 Months
Does the owner have control over any properties adjoining this site? Turnberry
Zoning Ordinance Allowance/Requirement Deviation requested
Case #: 

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. SEE ATTACHED

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

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

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

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

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

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

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

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: 06/17/2021

Print Name:  Daniel D. MacLeish II

Signature of Property Owner: ___________________________ Date: 06/17/2021

Print Name:  Daniel MacLeish Sr. - Owner/Managing Partner - JDT

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

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

Date Filed: ______________ Fee Paid: ______________ Receipt Number: ______________
1. Applicant requests a variance of the “stated” side yard setbacks from 30ft to less than 30ft, but not less than 20ft, as in the site plan which accompanies this application.

2. Applicant’s Unit is in a development consisting of duplex condominium units, two units in each building. There are no private yards. The spaces between buildings are Common Elements under a Master Deed and are maintained by the Homeowner’s Association. The set back applicable to Applicant’s building does not allow for buildings acceptable to the market that exists today. For that reason No new construction has been feasible on these sites for over 20+ years due to the sites being unworkable for today’s modern condominium floor plan.

3. It is common and customary to allow flexibility for setback in a condominium so long as setbacks from outside properties are preserved. Thirty-foot existing setbacks between the buildings in the Royal Troon Condominium and the boundaries of the Condominium are preserved. Therefore, no residents of areas outside the condominium are affected. Within the condominium the units are all zero lot line on one side of the resident’s buildings. A 20 foot or greater set back from the neighboring building is sufficient for health and safety. The loss of set back is outweighed by the advantage to residents of having the condominium fully built out instead of the current look of an unfinished project. Moreover the homes to be built will have the quality of existing homes as to design, materials and size. Sizes will be the same but units will be one story instead of one and a half stories.

4. Some of the buildings in the condominium development already have less than a thirty foot set back. All the units have zero setbacks on one side. There is no reason to equate the side yard requirements/setbacks of Royal Troon with other surrounding single family developments. The variance will allow for a more modern, up to date product to be built having the greatest appeal to new home buyers looking for a condominium development. The units Applicant proposes are single story vs. 1.5 stories but sized similarly to still maintain the same square footage of the older 1.5 story existing units. A large portion of the condominium market is looking for a single story, ranch style floor plan for ease of use, cleaning and maintaining the property. The newer proposed units are more likely to be sold than those with the prior design due to the popularity of this single story, open floor plan concept and style which resonates with condominium buyers today. This product will cost more than the existing units to construct but will enhance and add value to the existing condominium units upon completion. This design when built will likely have a greater taxable value for real property tax purposes. The proposed new floor plan is very consistent with the other properties in meeting the same or similar square footage; essential common rooms, i.e. kitchen, dining & great room, and laundry; along with 2-3 bedrooms (2 bedrooms with a flex room as optional 3rd bedroom). A similar development Applicant just completed in Rochester Hills was done successfully by similarly coming into an existing established development and providing a new, updated floor plan and elevation. The new condominium units were very well received by the association and community and added value to the existing condominiums by completing and finishing out the remaining building sites. An example of similar ranch condominium developments is Pulte’s duplex condominium development on M-24, South of Silverbell Rd.
5. The original developer built the existing units in the Royal Troon Development with some buildings having less than a 30ft. side yard setback requirement. The original developer configured and located buildings in a manner which made thirty foot set backs for the unbuilt areas impossible or impractical. Applicant bought the remaining units from a foreclosure. The market demands have changed since the condominium was first developed. One and a half story units are not sellable. See also the following paragraph.

6. The curvature of the access road mandates a variation in parallel side yard setbacks that are equal and consistent with the stated setbacks. The road curvatures were due to the practicality of developing on an existing golf course. In the past, in order to build on the vacant sites, “the stated side yard setbacks” of the existing condominiums had been reduced to accommodate an appropriate and desirable sized product for the new home buyers at the time. This was the practical resolution and still is due to the difficulty of creating a desirable product for practical living that would adhere to the stated setbacks.

7. The requested variances are dimensional rather than use variances. For the reasons given above Applicant faces practical difficulty if required to adhere to the prior thirty foot standard. It would be impossible today to comply with the current side yard setbacks. One would have to reduce the size of the units to an unmarketable first floor size, and then create a second story in order to provide enough square footage/space for additional bedrooms. This creates a detriment in selling this product to many of the “empty nesters” that make up the majority of condominium buying in this area. They do not want to climb stairs to clean, maintain or use the second level. Applicant’s 40 ft wide unit that has been built successfully in other developments is successfully overcoming this detriment. The size and proportions of the floor plan were well liked and helped make the project very desirable and saleable. In addition, Applicant has refined the floor plan, mechanical systems, and building structure, etc. to provide a more energy efficient and contemporary product which today’s market demands.
MEMORANDUM

TO:        Zoning Board of Appeals
FROM:  Lynn Harrison, Planning & Zoning Coordinator
DATE:    July 15, 2021
SUBJECT: Staff Report for AB-2021-37, Craig Schneider, 301 Shady Oaks

The petitioner is remodeling and adding an addition to his home, and an additional attached garage.

The two additions are the one connecting an existing garage to the house and a connection to the proposed new garage as indicated on plans in your packet with hash marks.

The front yard setback measurement is being taken from the closest point of the house and the proposed attached garage which is the addition between the existing garage and the house – variance #1.

The petitioner has indicated that the two sheds as shown on the plans will be removed and therefore maximum floor area of all accessory structures is the total of the two garages. – variance #2.

The existing garage and the new proposed garage do not need exceed 75% of the size of the principal structure.

A study of past cases showed that two attached accessory structures, in this case two garages, is permissible.

Maximum lot coverage of 25% is not exceeded.

The rear yard setback, from the lake, is met.

** If your motion is to approve, consider making it contingent upon the 2 existing sheds being removed.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 15, 2021
RE: AB-2021-37, AB-2021-37, Craig Schneider, 301 Shady Oaks

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-2021-37, Craig Schneider, 301 Shady Oaks, 09-10-210-011, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – R-3

Article VI, Section 6.04

1. A 7.5-ft. front yard setback variance from the required 30-ft. to build an addition 22.5-ft. from the front property line.

Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size up to ½ acre

2. A 455.6-sq. ft. variance above the allowed 1,150-sq. ft. of Total Maximum Floor Area of All Accessory Buildings to build a 748-sq. ft. attached garage in an addition to an existing 857.6 attached garage for a total of 1,605.6-sq. ft. of all accessory buildings.

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-2021-37, Craig Schneider, 301 Shady Oaks, 09-10-210-011, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – R-3

Article VI, Section 6.04

1. A 7.5-ft. front yard setback variance from the required 30-ft. to build an addition 22.5-ft. from the front property line.

   Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size up to ½ acre

2. A 455.6-sq. ft. variance above the allowed 1,150-sq. ft. of Total Maximum Floor Area of All Accessory Buildings to build a 748-sq. ft. attached garage in an addition to an existing 857.6 attached garage for a total of 1,605.6-sq. ft. of all accessory buildings.

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 $200.00 for a residential application.

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

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

APPLICANT
Name: Craig Schneider
Address: 301 Shady Oaks
City/State/Zip: Lake Orion, MI 48362
Phone: Cell: 281-253-1741 Fax:
Email: craigsch29@yahoo.com

PROPERTY OWNER(S)
Name(s): Craig & Sinija Schneider
Address: 301 Shady Oaks
City/State/Zip: Lake Orion, MI 48362
Phone: Cell: 281-253-1741 Fax:
Email: craigsch29@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: ____________________________ Phone: ____________________________ Email: ____________________________

SUBJECT PROPERTY
Address: 301 Shady Oaks
Sidwell Number: 09-10-210-011
Total Acreage: ____________________________ Length of Ownership by Current Property Owner: 5 Years, 9 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.

   **Remove and add an addition to our existing home that was damaged in a fire on 11/1/2021.**

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 lot is platted by the 1920’s and makes it difficult to adhere to current ordinances.**

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

   **If granted there will be no adverse impact to on street parking, views, fire safety, or emergency apparatus.**

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

   **The request is in order of requesting less than approvals at 264, 261 & 537 Shady Oaks of the corner of Shady Oaks & Olive Bog. The proposal maximizes use of existing structures & lot with little impact.**

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

   **The difficulty is as a result of original plots and current structures.**

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

   **Because the grade toward the lake would require retaining walls near the lake creating possible drainage and contaminant issues.**

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

   **Strict adherence would not allow the use of existing structural elements.**
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: ____________________  Date: 5/24/2021

Print Name: Craig Schneider

Signature of Property Owner: ____________________  Date: 5/24/2021

Print Name: Craig Schneider

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

OFFICE USE ONLY

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

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

Description of variance(s):

1. Front Setback of North Addition

2. Front Setback of Addition of Main Home

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

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

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

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

Section 6.05 – Sign Regulation  (amended 10.08.98, 02.21.06)

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

Section 6.06 – Tree Preservation Regulations  (amended 08.03.00)

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

Section 6.07 – Wetland Setbacks  (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
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 11.28.83):

<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 11.28.83 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.
### AB-2021-37, Craig Schneider, 301 Shady Oaks, 09-10-210-011

**Variance Calculations**

<table>
<thead>
<tr>
<th>Maximum Floor of All Accessory Buildings</th>
<th>1,150 sq. ft.</th>
<th>1,150 sq. ft.</th>
<th>1,150 sq. ft.</th>
<th>1,150 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Attached Garage</td>
<td>857.6-sq. ft.</td>
<td>857.6-ft.</td>
<td>857.6-ft.</td>
<td>857.6-ft.</td>
</tr>
<tr>
<td>Proposed Attached 2nd Garage</td>
<td>748-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>455.6-sq. ft.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Floor Area of Detached Accessory Buildings</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Detached Structure</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Not Applicable*
.381 acres = 16,596.36
25% = 4,149.09

New Garage 748
Existing Garage 837.4
Existing Residence 1105
New Kitchen 422
    Shed 120
    Shed 100

3,133.6
LOT CAVITY OK

All accessory structures allowed 1,150
Existing Garage 837.4
New Garage 748
    Shed 120
    Shed 100

435.6
\(3.445\) 748 - 2,771.75
Actual Garage = 1,604 OK
Charter Township of Orion
Planning Division
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 15, 2021
SUBJECT: Staff Report for AB-2021-40, Jeff Kunz, 974 Highlander

The petitioner is seeking to add a second story to his existing home. Note the property has two front yards therefore is held to two front yard setbacks – from Highlander and Haviland.

The property is 50-ft. wide so is entitled to relaxed side yard setbacks of 6-ft.

The current home is non-conforming as it does not meet the current front yard setback of 30-ft. along one of the front yards - Haviland.

The first story house has a porch/deck with stairs that is 14-ft. from the property line along Haviland therefore the second story proposed deck is acceptable but cannot protrude past the porch/deck below.

The proposed second story drawings show a 12” cantilever, or eave, that protrudes from the roof towards Haviland. The cantilever does not protrude past the deck/porch below and is also allowed per Zoning Ordinance #78 Article XXVII, Section 27.03 (C).

The side yard setback to the west is acceptable at 7-ft., lot coverage is not exceeded, and the front yard setback of 30-ft. from Highlander is met.

Please contact me if you have any questions.
TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 15, 2021
RE: AB-2021-40, Jeff Kunz, 974 Highlander

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-2021-40, Jeff Kunz, 974 Highlander, 09-01-409-010**, I would move that the petitioner’s request for:

1. variance from Zoning Ordinance #78 – Zoned R-3

Article VI, Section 6.04

1. A 16-ft. front yard setback variance from the required 30-ft. to build a second story addition 14-ft. from the property line along Haviland.

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-2021-40, Jeff Kunz, 974 Highlander, 09-01-409-010, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned R-3

Article VI, Section 6.04

1. A 16-ft. front yard setback variance from the required 30-ft. to build a second story addition 14-ft. from the property line along Haviland.

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 $200.00 for a residential application.

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

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

APPLICANT

Name: JEFF KUNZ

Address: 974 HIGHLANDER City/State/Zip: LAKE ORION, MI 48362

Phone: 248 814 8178 Cell: Fax:

Email: CHAVEZC AMERITECH . NET

PROPERTY OWNER(S)

Name(s): SAME AS ABOVE

Address: City/State/Zip: 

Phone: Cell: Fax: 

Email: 

CONTACT PERSON FOR THIS REQUEST

Name: SAME AS ABOVE Phone: Email: 

SUBJECT PROPERTY

Address: 974 HIGHLANDER Sidewell Number: 09-01-409-060

Total Acreage: 6927.5 Length of Ownership by Current Property Owner: 13 Years 5 Months

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

Zoning Ordinance Allowance/Requirement

30' SET BACK FROM ROAD

10' SIDE SET BACK

Deviations requested MAINTAIN SIDE DEVIATION TO 20.75' ROAD SIDE

Version 5/10/18
Case #:  

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. **Adding second floor to existing home current structure is beyond today's setbacks, second floor will only occupy current home's footprint apart from a pyramidal 12" cantilever on 1st.**

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. **Lot is a corner lot so property has two "fronts", two "sides" and no "rear".**

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: **There is no material detriment, increasing this property value will lift other homes value nearby and increase tax base for Township.**

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: **New structure will now match adjacent home @ 964 Highlander. Setbacks are consistent and actually more than other homes on block and in subdivision. See attachment for some examples.**

5. Describe how the alleged practical difficulty has not been self-created. **Set back were either created after current home was built (1930's?) or not enforced.**

6. The topography of said land makes the setbacks impossible to meet because: **As this is a 50' corner, lot a 10' side setback and a 30' "front" setback would yield a 10' wide house! More Haviland rd averages 5 vehicles per day.**

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. **Lot was permitted for existing structure as recent as a 1999 update. Current setbacks would make this land unbuildable. If a brand new vacant lot built...**
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: ____________________________ Date: 6/3/21

Print Name: JEFF KUNZ

Signature of Property Owner: ____________________________ Date: 6/3/21

Print Name: JEFF KUNZ

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></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
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<tr>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
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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.
Property has 2 front yards - Highlander & Haviland Ct.

The property is 50' wide so it has a relaxed side yard setback of 6'

How far is the house setback from the property line along Haviland Ct. - 14' to the deck stairs

Side yard setback to the west OK at 7'

Is the 12" projection allowed? Yes, see Article XXVII Section 27.03(c)

Setback from Highlander 31.3' OK
Homes with similar conditions in same subdivision

974 Highlander St
6.2.21

Many more examples upon request
634 Johnson Dr - Corner lot

- Beardslee Dr setback less than 15’
- Actual road is much wider than dirt area
603 N Long Lake - Corner Lot

- Beardslee Dr setback approx. 17' and tapers closer at intersection
- Built within last year
- Corner stake still in place
Every house on just this section of the North side of S Long Lake Blvd. violates 30’ front setback (and side set backs)

- 959 S. Long Lake Blvd was built in 2003
Homes on Haviland

974 Highlander St

6.2.21
Approximately 15 feet of setback to Haviland
Date: 7/9/21

To whom it may concern,

I have no objection to the addition as planned for the home located at
974 Highlander St

Thank you,

Name: [Signature]

Address: 1001 McClellan
NOTICE OF PUBLIC HEARING

The Charter Township of Orion Zoning Board of Appeals will hold a public hearing on Monday, July 26, 2021, at 7:00 pm at the Orion Township Community Center, located at 1335 Joslyn Rd., Lake Orion, MI 48360, on the following matter:

**AB-2021-40, Jeff Kunz, 974 Highlander, 09-01-409-010**

The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned R-3

Article VI, Section 6.04

1. A 16-ft. front yard setback variance from the required 30-ft. to build a second story addition 14-ft. from the property line along Haviland Road.

Prior to the meeting you may send correspondence regarding this case to the Charter Township of Orion, 2525 Joslyn Rd., Lake Orion, MI 48360 to the attention of the Zoning Board of Appeals or send an email to lharrison@orientontownship.org. You may also attend the public hearing in-person to express your views and/or concerns.

A complete copy of the proposed ZBA application is on file in the Planning & Zoning Department and may be examined during normal business hours, 8:30 am to 4:30 pm, Monday through Friday, until the date of the public hearing.

Orion Township will provide necessary and reasonable auxiliary aids, and services for individuals with disabilities at the public hearing upon advance notice by writing or calling Penny S. Shults, Township Clerk, 2525 Joslyn Road, Lake Orion, Michigan 48360; (248) 391-0304, ext. 4001. Please contact the Clerk’s office at least 72 hours in advance of the public hearing.

Dan Durham, Chairman
Zoning Board of Appeals
Charter Township of Orion
Date: 7-06-21

To whom it may concern,

I have no objection to the addition as planned for the home located at
974 Highlander St

Thank you,

Name: James A. Vratis

Address: 10141 Highlander Ln. 48362

[Signature]
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Dan Durham, Chairman
Zoning Board of Appeals
Charter Township of Orion
Date: 7/10/21

To whom it may concern,

I have no objection to the addition as planned for the home located at
974 Highlander St

Thank you,

Name: Karin Miller

Address: 1012 Highlander, L.O. 48362
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Dan Durham, Chairman
Zoning Board of Appeals
Charter Township of Orion

1017 HIGHLANDER
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 15, 2021

SUBJECT: Staff Report for AB-2021-42, Wendy Hope, 796 Harry Paul

The petitioner is seeking to erect a 6-ft. privacy fence along the south property line. From the plot map submitted, the fence will run from the rear property line to about halfway up the side property line and then run towards the house.

Because the property is 60-ft. wide, there is a relaxation to the side yard setback from 10-ft. to 8-ft. – variance #2

Also, as the fence begins/ends at the rear property line, a variance is needed to be 0-ft. from the rear property line from the required 10-ft. – Variance #1

If the motion is to approve, you might want to consider a stipulation in the motion that the fence cannot run the length of the rear property line.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 15, 2021

RE: AB-2021-42, Wendy Hope, 796 Harry Paul

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 the motion is to approve, you might want to consider a stipulation in the motion that the fence cannot run the length of the rear property line. **

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # **AB-2021-42, Wendy Hope, 796 Harry Paul, 09-11-379-091**, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

1. A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line.

2. An 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (south).

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

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:

   __________________________________________________
   __________________________________________________
   __________________________________________________

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

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-2021-42, Wendy Hope, 796 Harry Paul, 09-11-379-091, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78
Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

1. A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line.

2. An 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (south).

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 $200.00 for a residential application.

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

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

APPLICANT
Name: Wendy Hope
Address: 794 Harry Paul
City/State/Zip: 
Phone: (248) 904-6485 Cell: 
Fax: 
Email: ykoops3@yahoo.com

PROPERTY OWNER(S)
Name(s): Wendy Hope
Address: 794 Harry Paul City/State/Zip: Lake Orion
Phone: (248) 904-6485 Cell: Fax: 
Email: ykoops3@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: Wendy Hope Phone: (248) 904-6485 Email: ykoops3@yahoo.com

SUBJECT PROPERTY
Address: 794 Harry Paul 
Sidwell Number: 09-11-379-091
Total Acreage: 
Length of Ownership by Current Property Owner: 6 Years, 10 Months

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

Page 1 of 3
Version 5/10/18
Case #:

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. I want to install a 6 ft. privacy fence along side of property to replace existing fence and repair gate. It will be inside property line by 3-4 in.

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. My son is autistic and their are larger dogs on other side of fence. It is for safety reasons plus fence needs replacing.

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: It will add to value of property. It will be nice new fence and offer privacy. Nothing will be damaged. It is only 2 feet higher.

4. Explain how the request is not consistent with other properties in the immediate area, please cite examples if possible: Other properties in area are surrounded by privacy fences. There are several in neighborhood.

5. Describe how the alleged practical difficulty has not been self-created. This is basically to replace existing fence and insure privacy and safety.

6. The topography of said land makes the setbacks impossible to meet because: I am just asking to fix existing fence with this fence for privacy and place it within 2-4 inches of property line. It will not hinder or detract in any way.

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. I want fence placed within ten feet of property line, like existing fence. It would be a waste of space to install ten feet in and have to navigate around for upkeep. This is for privacy and safety regarding dogs next door and behind.
Case #: ______________

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

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

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

Signature of Applicant: [______________________]
(must be original ink signature) [Wendy Hope]
Date: 6/14/21

Print Name: [______________________]
[Wendy Hope]

Signature of Property Owner:
(must be original ink signature) [______________________]
[Wendy Hope]
Date: 6/14/21

Print Name: [______________________]
[Wendy Hope]

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 XXVII  General Provisions
27.01 Nonconformities

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

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

A. Accessory Buildings, Structures and Uses. (amended 02.17.04)

1. An accessory building, structure or use shall not be located on a parcel unless there is a principal building,
structure, or use already located on the same parcel of land.

2. An accessory building or structure shall not be constructed prior to the commencement of construction of the
principal building or structure or the establishment of the principal use.

3. A building, structure or use which is accessory to a single-family dwelling and attached to it shall, for the
purposes of location and setbacks, be considered part of the principal building.

4. A building, structure or use which is accessory to a single-family dwelling and detached from it shall meet
the same front and side yard setback requirements as the principal structure, as set forth in the applicable
zoning district of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all
detached accessory buildings. All accessory buildings and structures shall be included in the computation of
total maximum area of all accessory buildings, and together with the principal building or structure shall not
exceed the percentage of lot coverage requirements. (amended 07.16.18)

5. Detached accessory buildings or structures in non-residential districts shall conform to the height
requirements for the principal building or structure, as set forth in the applicable zoning district, except as
specifically permitted otherwise in this Ordinance. However, detached accessory buildings or structures in
non-residential districts that exceed the height of the principal building or structure, as constructed, shall not
be located in the front yard. (amended 07.16.18)

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

27.05 Landscaping, Fences and Walls

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

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

2. Construction and Design. Any entranceway structure shall be constructed of permanent, durable materials and shall be designed so as to be compatible with the architecture of surrounding development.

3. Site Plan. Prior to issuance of a building permit for any entranceway structure, a site plan shall be submitted to the Planning Commission for review and approval. The site plan shall include an elevation drawing and a cross-section of the proposed structure. The site plan shall show the relationship of the entranceway to the right-of-way of the intersecting roads and/or driveways.

H. Residential Fence and Wall Regulations.

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

1. Lot Enclosures. Fences and walls used to enclose a lot shall be no higher than four (4) feet in height and shall be located on the lot line.

2. Privacy or Decorative Fences and Walls. Fences and walls erected primarily for privacy or decoration shall not be located within any required yard setback area and shall not exceed six (6) feet in height.

3. Corner Clearance. No fences or walls shall be erected, established or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 shall be complied with.

4. Large Lots Excluded. Fences and walls shall be excluded from the provisions of this section if such lots have an area of more than two (2) acres, have frontage of at least two hundred (200) feet, and are not part of a recorded plat.

5. Fences Enclosing Public Areas. Fences, walls or other protective barriers that enclose parks, playgrounds, or other public landscaped areas shall not exceed ten (10) feet in height. The Planning Commission may authorize a fence, wall, or protective barrier of additional height, with or without barbed wire, where necessary, to protect public utility or municipal installations in a residential district.

6. Wall Specifications. Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below grade. The foundation shall be at least four (4) inches wider than the wall to be erected.

7. Fence Specifications. Fences constructed of chain link, wood, vinyl or other similar materials are permitted. Posts shall be sunk into the ground at least three (3) feet.

8. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.
Lot Coverage Not an issue

Sideyard Setback Variance (South) 8' to be 0' from property line
Rear yard Setback Variance 10' to be 0' from rear property line
INFORMATIONAL ONLY

TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 15, 2021
RE: Dates which cases can be postponed to

If the Zoning Board of Appeals makes a motion to postpone a case to an actual future meeting date (date certain), vs. requiring them to return within a certain number of days the Township does not have to re-advertise or re-mail notices to surrounding properties. By postponing a case to a “date certain”, the Township avoids incurring advertising costs and, in many cases, assists the applicant in returning in a timelier manner. The ZBA By-Laws state the postponement of a case shall not exceed sixty (60) days from the date the matter was first scheduled on a ZBA agenda.

Listed below are upcoming ZBA meetings. When a case needs to be postponed, if the applicant can commit to one of these dates, they should be used to postpone to a “date certain” within the motion, whenever possible. If a case is postponed to a “date certain” please be sure to keep all the information from your packet for that case until the future date.

Please keep in mind, per the ZBA Bylaws, the Chairman has the authority to accept additional cases to any given meeting.

August 23, 2021
September 13, 2021