1. OPEN MEETING  
2. ROLL CALL  
3. MINUTES  
   A. 07-26-2021, ZBA Regular Meeting Minutes  
4. AGENDA REVIEW AND APPROVAL  
5. ZBA BUSINESS  
For assistance with scheduling your site visits - see attached  
   A. AB-2021-38, Kyle Loveday, 820 Merritt Ave., 09-10-429-037  
      The petitioner is seeking 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 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).  
      3. 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 (north).  
   B. AB-2021-39, Julia Klee, 890 Buckhorn Dr., 09-11-454-007  
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-3  
      Article VI, Section 6.04  
      1. An 18-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 12-ft from the front property line (Buckhorn Dr.).  
      Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)  
      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 (south).  
   C. AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001 (postponed from the 7/12/2021 ZBA Meeting)  
      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. pole barn 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.  
   D. AB-2021-41, Orion Storage, 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002 (postponed from the 7/12/2021 ZBA meeting)  
      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).

E. **AB-2021-46, Diane & James Zawal, 733 Buckhorn, 09-11-456-019**
The petitioner is seeking 1 variance 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. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence on the side property line (north).

6. **PUBLIC COMMENTS**
7. **COMMUNICATIONS**
8. **COMMITTEE REPORTS**
9. **MEMBER COMMENTS**
10. **ADJOURNMENT**

*In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.*
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, July 26, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT (Board Member Location):
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:
Jim Keel  John Klein  Gary Sworek
Jeff Kunz  Craig Schneider  Sindja Schneider
Wade Sullivan  Roberta Meisner  Aaron Herbert
Mary Herbert  Richard Bowe

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 Board Member Dunaskiss, supported by Vice-Chairman Cook, to approve the minutes as presented.
Motion carried.

4. AGENDA REVIEW AND APPROVAL.

Moved by Board Member Walker, supported by Trustee Flood to approve the agenda as presented.
Motion carried.

5. ZBA BUSINESS
A. AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah Ln., sidwell numbers 09-04-042-033 & 034

Chairman Durham read the petitioner’s request as follows:
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.

Mr. Dan MacLeish, MacLeish Building, introduced himself to the Board. He stated that he spoke to Orion Township staff on Friday about tabling all requests to a later date.

Chairman Durham asked if they were working on a date that they would like to bring it back.

Mr. MacLeish responded yes; he didn’t know if they had to set the date tonight or wait to set the date.

Building Official Goodloe replied that they would have to postpone to a date certain or will have to re-advertise.

Chairman Durham confirmed that they have August 23rd or September 13th available.

Mr. MacLeish answered that they would like September 13th.

Trustee Flood asked if Mr. MacLeish is discussing the proposal with the neighbors who would be affected.

Mr. MacLeish answered, yes.

Moved by Trustee Flood, supported by Chairman Durham, in cases #AB-2021-15, #AB-2021-16, #AB-2021-17, #AB-2021-18, #AB-2021-19 and #AB-2021-45 to postpone until September 13, 2021 at the petitioner’s request.

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

B. AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., sidwell numbers 09-04-402-035 & 036

Chairman Durham read the petitioner’s request as follows:
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

Chairman Durham read the petitioner’s request as follows: 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. A .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

Chairman Durham read the petitioner’s request as follows:
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

Chairman Durham read the petitioner’s request as follows:
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

Chairman Durham read the petitioner’s request as follows:
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
Chairman Durham read the petitioner’s request as follows:

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.

Mr. Wade Sullivan, Builder, introduced himself as representing the petitioner. He explained the variance request.

Vice-Chairman Cook asked about the solarium. He asked if they were removing the glass but keeping the roofline.

Mr. Sullivan replied, no. The whole structure comes off and they are left with a patio.

Vice-Chairman Cook asked about the garage on the right side. He asked if it was the one on the right side that has a door and he asked why the address is on the garage.

Mr. Sullivan replied he doesn’t know.

Vice-Chairman Cook asked if they are putting a breezeway between the garage and the house.

Mr. Sullivan replied yes; it is conditioned space and they would attach the existing detached structure to the new home using all of the existing foundation.

Vice-Chairman Cook asked about the contaminate problems mentioned in the application.

Mr. Sullivan stated that the primary goal was to stay as far from the water as possible. But in doing so, when you build a retaining wall, they will get some erosion or silt. He was speaking about silt contaminates.

Chairman Durham read a letter from a neighbor, Timothy Albon, in support of the variance request. The neighbor requested that the proposed accessory structure will not be used for the kenneling of dogs.

Mr. Sullivan stated that the proposed structures will not be used for kenneling dogs.

Board member Cook asked where the other shed was that was being eliminated.

Mr. Sullivan replied that it is behind the garage in the southwest corner of the property and there is also one to the southeast. What appears to be a vacant lot is actually all one parcel.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Moved by Board Member Walker, supported by Board Member Dunaskiss, in the Case AB-2021-37, Craig Schneider, 301 Shady Oaks, 09-10-210-011 that the petitioner’s request for 2 variances from Zoning Ordinance #78 – R-3, Article VI, Section 6.04, 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 and from Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size up to ½ acre and for 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 and that they set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty; the complex of roads in this area and the limitation of this lake lot. Also, the petitioner is taking down the solarium and the sheds and is scaling back. It is not related to the general condition of the area but actually the unique characteristics of this property.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: based upon the configuration 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 and also there is a letter from a neighbor supporting the construction of the property and also has support of the builder who is also a neighbor.

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

5. The granting this variance would not impair an adequate supply of light and air to the adjacent property, 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 or in any other respect 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, yes; Flood, yes; Walker, yes. Motion carried 5-0.

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

Chairman Durham read the petitioner’s request as follows:

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.

Board Member Dunaskiss stated that she received a notice in regards to this case since she resides within 300 feet of the petitioner but added that she does not know the petitioner.

Board Members agreed to all Board Member Dunaskiss to participate in this case since there is no conflict of interest.

Mr. Jeff Kunz introduced himself to the Board and summarized the variance request.

Chairman Durham asked the petitioner if he was aware that he has two front yards.
Mr. Kunz replied yes. He reviewed the current measurements on the property. He has owned the property since 2005 and he plans to continue to live there.

Chairman Durham asked if the second story is going to be on top of the roof that is there or is it going to be cantilevered.

Mr. Kunz replied that he is going to re-use the roof trusses that are there. It will be the same roof line that is there. The original house was built in the 1930’s and in 1999, the roof was rebuilt and new trusses added which are the trusses that he is going to use. He had an engineer review the plan and structures and determined that it is okay.

Vice-Chairman Cook stated that they have received letters of support from five neighbors. He stated that they had one letter that was not signed.

Vice-Chairman Cook asked about the existing trees on the property.

Mr. Kunz replied that the ones that are close to the house will be removed and the rest will be thinned out. He added that he will be coming back to the Board for renovations on the garage structure in the future.

Vice-Chairman Cook asked if they had communication from the Fire Marshall.

Mr. Kunz answered that there is 18 feet between him and the nearest neighbor and that would remain. His proposed house would be similar in shape to this neighbor. He did get a letter from 3 of the adjacent neighbors who reviewed the plan and supported them.

Chairman Durham stated that this is the form letters that were in the packets and he read the addresses and names of the letters that were included.

Mr. Kunz replied that there are 5 neighbors that touch his property and these are the 5 that he reached out to and all but one provided support.

Moved by Vice-Chairman Cook, supported by Trustee Flood, in the matter of case AB-2021-40, Jeff Kunz, 974 Highlander, 09-01-409-010 that the petitioner’s request for 1 variance from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04 for 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 the following standards for variance have been met in this case and set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty; it is a unique lot and where the original foundation is for the home does not take into account the 30 foot setback.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: this property does have two front yards as per the Township standards and rules.

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: the house right next door to the subject property does have a second story on it and is in line where the front of the subject property is.

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

5. Based on the following findings of fact, the granting this variance would not impair an adequate supply of light and air to the adjacent property, it would not unreasonably increase congestion on
the public streets, and in fact it would improve it with the cut back of the existing trees on the property. 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, nor in any other aspect 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, yes; Flood, yes; Walker, yes. Motion carried 5-0.

1. AB-2021-42, Wendy Hope, 796 Harry Paul, 09-11-379-091

Chairman Durham read the petitioner’s request as follows:

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).

Ms. Wendy Hope introduced herself to the Board and summarized the variance request. She stated that currently there is a rusted chain link fence present. She approached both neighbors about the request and they were in support. This request is to replace the existing fence and the reason she is asking for the 6 foot is that the neighbor has a pit bull type dog that tries to go at her autistic son. She is going to replace the existing fence in disrepair.

Chairman Durham asked if there were similar fences in the immediate area like the proposed.

Ms. Hope replied that there is one at the corner that was approved by this Board.

Board member Walker stated that he visited the property but he did not get out of his car because of the dog.

Ms. Hope commented on the issues that she has with the neighbor’s dog. She added that she will remove the old fence.

Trustee Flood stated that the only reason that the petitioner has to have the variance for the rear property line is so that the fence can go between the yards. He asked who owns the existing fence.

Ms. Hope replied she did not know but the existing fence will be taken down and removed. The neighbor is in support.

Vice-Chairman Cook commented that the dog might bark more because he won’t be able to see what is on the other side of the fence. He asked if not for the dog, would she still be requesting this variance.

Ms. Hope replied that she still would want the fence and the privacy. She explained where the fence would be located between the two houses.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Ms. Hope reconfirmed the location of the proposed fence.
Moved by Board Member Walker, supported by Trustee Flood, in the matter of case AB-2021-42, Wendy Hope, 796 Harry Paul, 09-11-379-091 that the petitioner's request for two variances from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) for 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 and 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 with the understanding that the fence is going between the houses. Also, petitioner will install the fence so that the nice side of the fence is facing outward and the existing fence will be removed. The petitioner did demonstrate that the following standards for variances have been met in this case and set forth facts that show that in this case:

1. The petitioner does show the following practical difficulty; there is a pit bull dog owned by the neighbor and there seems to be some interaction between the dog and the petitioner's son who is on the autistic spectrum and they are only talking about his house and the neighbor.

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

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.

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

5. The granting this variance would not impair an adequate supply of light and air to the adjacent property, and the neighbors have indicated that they support the petitioner's request. This variance request would not unreasonably increase congestion on the public streets, would not 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, nor in any other aspect 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, 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

10. ADJOURNMENT

Moved by Trustee Flood, seconded by Board Member Walker to adjourn the meeting at 7:49 pm

Respectfully submitted,

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

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 30, 2021

RE: Case locations for ZBA Meeting 8/9/2021

In an order to help you with scheduling your site visits, it was suggested that I provide some type of map which I am attempting to do here. The letters stand for the order in which the cases appear on the agenda.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 27, 2021
SUBJECT: Staff Report for AB-2021-38, Kyle Loveday, 820 Merritt

As the property is 60-ft. wide, it has relaxed side yard setbacks from 10-ft. to 8-ft.

The petitioner is seeking to add a 6-ft. fence along the rear property line and 20-ft up the property lines to the north and south.

Should your decision be to approve, you might want to consider a condition to the motion that the 6-ft. fence can only go the length of the property line to the north 20-ft. starting from the point of the rear property line and go the length of the property line to the south 20-ft. starting from the point 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 27, 2021
RE: AB-2021-38, Kyle Loveday, 820 Merritt

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-2021-38, Kyle Loveday, 820 Merritt Ave., 09-10-429-037, I would move that the petitioner’s request for:

3 variances from Zoning Ordinance #78 – R-2

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).

3. 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 (north).

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

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-38, Kyle Loveday, 820 Merritt Ave., 09-10-429-037, I would move that the petitioner’s request for:

3 variances from Zoning Ordinance #78 – R-2

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).

3. 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 (north).

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

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

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

3. The variance is *not* necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:
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: Kyle Lovejoy
Address: 820 Merrill Ave
City/State/Zip: Lake Orion MI 48362
Phone: 248-907-2743
Email: Kyle lovejoy@yahoo.com

PROPERTY OWNER(S)

Name(s): Kyle Lovejoy
Address: 820 Merrill Ave
City/State/Zip: Lake Orion MI 48362
Phone: 248-907-2743
Email: Kyle lovejoy@yahoo.com

CONTACT PERSON FOR THIS REQUEST

Name: Kyle Lovejoy
Phone: 248-907-2743
Email: Kyle lovejoy@yahoo.com

SUBJECT PROPERTY

Address: 820 Merrill Ave
Sidwell Number: 09-10-429-037
Total Acreage: 0.50
Length of Ownership by Current Property Owner: 5 Years, 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. **6 Foot privacy fence on back of property line**

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. **Closer to my property line than 8’ away**

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: **To keep my dogs from jumping the small fence. To not see my neighbors’ junk.**

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: **My neighbors have 6 ft privacy fences as well**

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

6. The topography of said land makes the setbacks impossible to meet because: **I don’t want to have a fence in the middle of my property**

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. **It’s not a reasonable setback for a fence 8 ft is too far from property line.**
Case #: ______________________  

8. Have there been any previous appeals involving this property? If so, when? [ ] Yes [X] No

9. Is this request the result of a Notice of Ordinance Violation? [ ] Yes [X] 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: 5-27-21
Print Name: ____________________________

Signature of Property Owner: ____________________________ Date: 5-27-21
Print Name: ____________________________

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

OFFICE USE ONLY

Zoning Classification of property: ____________________________ Adjacent Zoning: N. S. E. W.
Total Square Footage of Principal Structure: ____________________________ Total Square Footage of Accessory Structure(s): ____________________________
Description of variance(s):
__________________________
__________________________
__________________________
__________________________
__________________________

Date Filed: ____________________________ Fee Paid: ____________________________ Receipt Number: ____________________________
Article XXVII  General Provisions

27.01 Nonconformities

(i) Nonconforming structures, other than buildings, such as signs, billboards, fences and other structures;

(ii) Buildings not in conformance with dimensional requirements such as lot area, yards, lot coverage, and height;

(iii) Buildings not in conformance with parking, loading, and/or landscaping requirements;

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

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

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

C. Nonconforming Lots.

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

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

   a. The lot is at least fifty (50) feet in width.
   
   b. Side yard setbacks as set forth in the following chart are complied with:

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

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

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

3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance,
Article XXVII

General Provisions

27.01 Nonconformities

construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofor 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

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.
AB - 2021-38, Kyle Loveday, 820 Merritt

Property is 60' wide therefore has a relaxed side yard setback of 8'.

The proposed fence is only going 20' up the south property line and the north property line.
The fire department has reviewed the 3 cases and has no concerns at this time.

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

Attached are three ZBA residential cases that need to be reviewed by you for the August 9, 2021 ZBA meeting.

Thanks,
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 27, 2021
SUBJECT: Staff Report for AB-2021-39, Julia Klee, 890 Buckhorn

Please note that the address for this property is Buckhorn, therefore the rear property line is opposite that or the property line to the west. That being said, the 6-ft. fence is proposed to run along the side property line, or the property line to the south, variance #2.

The petitioner has indicated that the fence will end 12-ft. from the front property line. In that zoning location, the front yard setback is 30-ft., variance request #1.

Should your decision be to approve, you might want to consider a condition to the motion that the 6-ft. fence needs to end 12-ft. from the front property line along Buckhorn.

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 27, 2021

RE: AB-2021-39, Julia Klee, 890 Buckhorn

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-2021-39, Julia Klee, 890 Buckhorn Dr., 09-11-454-007, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – R-3

Article VI, Section 6.04

1. An 18-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 12-ft from the front property line (Buckhorn Dr.).

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

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 (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:

   ___________________________________________
   ___________________________________________
   ___________________________________________
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-2021-39, Julia Klee, 890 Buckhorn Dr., 09-11-454-007, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – R-3

Article VI, Section 6.04

1. An 18-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 12-ft from the front property line (Buckhorn Dr.).

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

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 (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: Julia Klee
Address: 890 Buckhorn Dr. City/State/Zip: Lake Orion / MI / 48362
Phone: 248-795-3919 Cell: 248-795-3919 Fax: 
Email: 

PROPERTY OWNER(S)
Name(s): Julia Klee
Address: 890 Buckhorn Dr. City/State/Zip: Lake Orion / MI / 48362
Phone: 248-795-3919 Cell: 248-795-3919 Fax: 
Email: jklee@umich.edu

CONTACT PERSON FOR THIS REQUEST
Name: Julia Klee Phone: 248-795-3919 Email: jklee@umich.edu

SUBJECT PROPERTY
Address: 890 Buckhorn Dr. Sidwell Number: 09-11-454-007
Total Acreage: 0.27 Length of Ownership by Current Property Owner: 1 Years, 5 Months

Does the owner have control over any properties adjoining this site? No
Zoning Ordinance
Allowance/Requirement Privacy fence within yard setback Deviation requested
Installation of fence on property line

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

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Due to home proximity to property line, it is impossible to install a privacy fence 10 ft. past the property line / within the yard setback. Request is to install a 6 ft. solid white vinyl privacy fence along the south side of the property. All other sides of the lot will have 4 ft. vinyl picket fencing that follow standard township fence rules.

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 two homes behind 890 Buckhorn face into 890 Buckhorn’s kitchen, bedroom, bathroom, and yard. Home was built 12 ft. from the property line and on a hill, so a 4 ft. fence would not provide additional privacy. Both neighboring homes have outdoor dogs that bark at passing traffic / walkers / myself in my yard.

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: Will reduce noise to / from neighbors while enhancing privacy for all three homes. Variance that allows for construction on the property line would ensure safe exit throughout the backyard in case of fire or another emergency.

4. Explain how the request is/ is not consistent with other properties in the immediate area, please site examples if possible: Neighboring homes on all have 6 ft. solid wood fencing, so this would be consistent with neighboring fence heights and style. There is no HOA on the streets of the property.

5. Describe how the alleged practical difficulty has not been self-created. I did not build my home or have it built so close to property line and do not have dogs that stay outdoors throughout the day / night.

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. As mentioned, my property line is 12 ft. from the siding of my house. You would be unable to walk in the backyard with 10 ft. setback.

______________________________________________

Page 2 of 3

Version 5/10/18
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: May 27, 2021

Print Name: Julia Klee

Signature of Property Owner: ___________________________ Date: May 27, 2021

Print Name: Julia Klee

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

27.05 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.
Article XXVII

27.01 Nonconformities

construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofor 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)
The front yard is along Buckhorn therefore the rear is opposite or West) and the property line to the South is a Side property line.

The length is 140-ft and ends/starts 12-ft. from Buckhorn or the front property line.

The property is considered to have 2-front yards - Buckhorn and Philadelphia. However no fence is proposed along Philadelphia.

Rear yard is opposite of where the address is - in this case it is Buckhorn.
The fire department has reviewed the 3 cases and has no concerns at this time.

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

Attached are three ZBA residential cases that need to be reviewed by you for the August 9, 2021 ZBA meeting.

Thanks,
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 28, 2021  
SUBJECT: Staff Report for AB-2021-36, Lawrence Sak, 980 Indianwood Rd. – 8/9/2021 Meeting  

The petitioner’s case was postponed from the July 12, 2021 ZBA Meeting.  

Per mention of a previous variance received for a detached structure to see if it would apply to the petitioner’s current request – a search found a variance granted in 1998. However, the variance granted was determined not to be “apples to apples” or for the same request the petitioner was seeking which was for Maximum Floor Area of All Detached Accessory Buildings.  

The petitioner has changed the location and size of the proposed pole barn. Originally the pole barn was to be 30-ft. from the property line to the west as indicated as #1 on “slide 2”, and 720-sq. ft. The petitioner has moved the location further south and to be 12-ft. from the east property line as indicated as #2 on “slide 2”, and reduced the size to 704-sq. ft.  

The petitioner’s variance request has therefore been reduced from a 461.46 sq. ft. variance to a 445.46-sq. ft. variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings.  

** There is a 400-sq. ft. shed on the property that the petitioner has indicated he will be removing and is not part of the variance calculation. If there is a motion to approve, you might make it contingent upon this shed being removed. **  

Please contact me if you have any questions.
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 27, 2021
RE: AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001

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.

** The figures in red in the motion option language are the numbers you would be approving or denying per the petitioner’s revised documents unless lesser variances are agreed upon during deliberation with the petitioner. **

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-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001, I would move that the petitioner’s request for:

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 445.46-sq. ft. 461.46 sq. ft. variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings to build a 704-sq. ft. 720-sq. ft. pole barn in addition to an existing 741.46 sq. ft. detached garage for a total of 1,445.46-sq. ft. 1,461.46 sq. ft. Maximum Floor Area of All Detached 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-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001, I would move that the petitioner’s request for:

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 445.46-sq.ft. 461.46 sq.-ft variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings to build a 704-sq. ft. 720 sq.-ft. pole barn in addition to an existing 741.46 sq. ft. detached garage for a total of 1,445.46-sq. ft. 1,461.46 sq.-ft. Maximum Floor Area of All Detached 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, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Update to Variance Request AB-2021-36

Lawrence J Sak, 980 Indianwood Rd
09-03-251-001

1. Revised proposed location for new outbuilding (see slide 2) and staked property

2. Finalized design plans for new outbuilding (see slide 3)

3. Received approval of new location and design from individuals who expressed concern during July 12, 2021 ZBA meeting – Bob & Kathy Brent at 80 Chippewa Trail and Pete & Wendy Mikula at 996 Indianwood Road (see slides 4 – 6)

Lawrence & Debra Sak
July 26, 2021
#1 – Original proposed location for new outbuilding

#2 – Revised location for new outbuilding

#3 – Bob & Kathy Brent home at 80 Chippewa Trail

#4 – Pete & Wendy Mikula home at 996 Indianwood Rd
Proposed out building at 980 Indianwood Road

Revised location staked on property July 20, 2021

704 square feet
From Pete & Wendy Mikula
996 Indianwood Road
July 20, 2021

Walked property and reviewed new proposed location as staked

Provided Pete & Wendy with graphics of proposed building

---

Message
Today 1:09 PM

Thanks Pete. This is my mobile, 248-296-2869. Deb and I appreciate you working with us on this!

Today 4:43 PM

Hi Larry, Wendy and I are good with your building and we both think it looks great. Good luck!

Thank you Pete. Talk to you soon!
From Bob & Kathy Brent
80 Chippewa Trail
July 18-20, 2021

Walked property and reviewed new proposed location as staked

Provided Bob & Kathy with graphics of proposed building

Hi Bob. If we locate our new building on the east side of our driveway, as was suggested at the Board meeting, would you and Kathy drop your objection to the variance request? Deb and I think we can make that work. Let us know – thanks. Larry S

Absolutely and we thank you both!
From Bob & Kathy Brent
80 Chippewa Trail
July 18-20, 2021 (continued)

Hi again Bob. This morning I spoke with Lynn Harrison from the Zoning Office. I let her know it looks like we might have an agreeable alternative. I've staked the new location, and I've also got a photo of the actual building planned (since it had to change shape to fit on that new spot and still meet setback and functional requirements). Would you and Kathy like to take a look? If so, just let me know. Also, if Pete could join us that would be good, but I don't have his phone number to reach out to him.

Hi Larry, just picked up your message we have been down in Ohio for a couple days. Would like to stop by tomorrow if that is ok? I can text you to see if you're available in morning, maybe after gym or whenever you get a chance. Thanks, Bob

Great! I have an appointment in the morning but should be home by about 11 or 11:30. I'll text you when I get home. See you then. Thanks.

Sounds good.
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: Lawrence J. (and Debra L.) Sak
Address: 980 Indianwood Rd. City/State/Zip: Lake Orion, MI 48362
Phone: Cell: 248-296-2869 Fax:
Email: LJSAKE@COMCAST.NET

PROPERTY OWNER(S)
Name(s): Same as Applicant above
Address: City/State/Zip:
Phone: Cell: Fax:
Email:

CONTACT PERSON FOR THIS REQUEST
Name: Lawrence J. Sak Phone: 248-296-2869 Email: LJSAKE@COMCAST.NET

SUBJECT PROPERTY
Address: 980 Indianwood Rd
Sidwell Number: 08-03-251-001
Total Acreage: 1.6 acres Length of Ownership by Current Property Owner: 4 Years, 6 Months

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

Zoning Ordinance Allowance/Requirement
1,000 sq ft max floor area of detached out buildings
Deviation requested 461.5 sq ft
Case #: 

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Replace existing 20' x 20' out building with new 20' x 36' out building (will obtain demo permit and demo existing out building first). Will have 30' set back from west property line.

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. Existing out building is on east lot line so modifications not possible, and building is in poor structural condition.

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: New out building will be more aesthetically pleasing, not visible from Indianwood Rd. No trees will be removed. Have reviewed plans with HOA and both neighbors and all concur with plans.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: There are other similar sized out buildings in general area.

5. Describe how the alleged practical difficulty has not been self-created. Purchased home in 2016. Existing out building is not of sufficient size to store specific items inside e.g. tractor to plow drive, class B camper van, etc.

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

N/A. Proposed new out building will have 30' set back from west property line.

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. Existing out building is not of sufficient size to store specific items inside e.g. tractor to plow drive, mower, class B camper van, etc.
Case #: __________________

8. Have there been any previous appeals involving this property? If so, when? ☐ Yes ☒ No

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

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

Signature of Applicant: ____________________________ Date: 5-25-2021

Print Name: LAURENCE J. SAK

Signature of Property Owner: ____________________________ Date: 5-25-2021

Print Name: LAURENCE J. SAK

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

27.02 Buildings, Structures, and Uses

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

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

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

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

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

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

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

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

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

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

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

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
Lot Coverage

House 1691
Porch 47
Deck 265

Detached 728.741.46 (26.2 x 28.3) be (400 - Foremost removed)
Proposed shed 720.704 (20 x 36) one-story

3,451 ² 0K
3,448.46

Detached Accessory Buildings ¹ 1,000 ²
Existing detached 741.46
Proposal detached shed 720.704
Pole Barn 461.46 variance needed
445.46

1.26 acres 72, 701.64 ² 25% = 18, 175.41 ²

Front yard setback 40' OK
Rear yard setback 35' OK
Side yard setbacks 10' OK

50' from west prop line
12' from east prop line

Height = Email stating that structure will be more than 150' away from house.
**AB-2021-36, Lawrence J. Sak, 980 Indianwood Road**

**Variance Calculations**

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of All Detached Accessory Structures</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Detached Accessory Building</td>
<td>704-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>445.46-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</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>
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<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>
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<td></td>
</tr>
</tbody>
</table>

*Not Applicable*
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – July 12, 2021

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 Cock 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 Cock 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.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – July 12, 2021

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.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 30, 2021
SUBJECT: Staff Report for AB-2021-41, Orion Investment Group (Orion Self Storage)

This case was postponed from the July 12, 2021 ZBA meeting. Postponement was to seek the Township Attorney’s opinion on the Interpretation request (item #7) for this ZBA case.

After reviewing the opinion letter, you may or may not elect to address items #7 & ultimately #8 requests for this case.

** When making a motion, if to approve, please include that the motion is contingent upon the purchase of the portion of the property that belongs to Lake Orion Schools. **

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: June 29, 2021
RE: AB-2021-41, Orion Investment Group (Orion Storage), 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002

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

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

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

**NOTE** – if it is determined that item #7 & #8 of the request are no longer necessary, make sure it is noted in the motion that they have been removed and the Interpretation and subsequent variance are not needed. **

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-2021-41, Orion Investment (Orion Storage), 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002**, I would move that the petitioner’s request for:

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).

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:

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-2021-41, Orion Investment Group (Orion Storage), 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002, I would move that the petitioner’s request for:

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).

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 Minutes
Regular Meeting – July 12, 2021

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.


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).

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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.
Charter Township of Orion Zoning Board of Appeals Minutes
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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.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – July 12, 2021

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 50% 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.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – July 12, 2021

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. Clarkson 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)(3)(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.
Charter Township of Orion Zoning Board of Appeals

Application for Appeal - Commercial

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

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

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

APPLICANT

Name: Orion Investment Group LLC
Address: 1328 Wheaton Troy, Mi. 48083

Email: Ken@landscape-gardens.com

PROPERTY OWNER(S)

Name(s): Orion Investment Group LLC
Address: 1328 Wheaton Troy, Mi 48083

Email: Ken@landscape-gardens.com

CONTACT PERSON FOR THIS REQUEST

Name: Ken Zmijewski Phone: 248-425-3448 Email: Ken@landscape-gardens.com

SUBJECT PROPERTY

Address: 1761 W. Clarkston Rd Sidwell Number(s): L1 89-16-226-001
Total Acreage: 3.51 Length of Ownership by Current Property Owner: 28 Years, _______ Months

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

Ordinance Allowance/ Requirement ____________ Deviation requested ____________

List additional ordinance requirements and deviations on a separate page

Case #: _______________
COMMERCIAL VARIANCE

1. Describe the nature of the request.  

SEE ATTACHED PAGES

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? [No]

9. Is this request the result of a Notice of Ordinance Violation? [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)

[Signature]

Print Name: Kenneth Zmijewski

Date: 01/11/21

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

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

Date: _______________________________

Print Name: _______________________________

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: ______________________________
COMMERCIAL VARIANCE

1. Describe the nature of the request:

The applicant is presenting to the Orion Township Planning Commission on Wednesday, June 16, 2021. After that meeting, we anticipate the following variances will be requested from the zoning Board:

- Side yard setbacks of 25 feet (site plan is 5 feet to east; 12.48 feet to the west)
- Maximum lot coverage of 30% (site plan is 37.20%)
- Parking setback of 20 feet (site plan is 5 feet to the east)
- Greenbelt of 50 feet (site plan is 12.48 feet to the west)
- Loading berth requirement for industrial (mini-storage units have direct access)

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

The property is situated between several properties that feature natural landscapes not subject to change. To the west and south, the applicant's property abuts a large Lake Orion Community School parcel which has just been redeveloped. The school district property near applicant's property, which is a substantial area, is designated to remain natural. The property to the east is the Polly Ann Trail, which features a zone of natural landscape between the trail and applicant's property. To the north is Clarkston Road. The zoning ordinances at issue here are designed to provide a beneficial natural buffer with adjacent properties. Here, that natural buffer already exists in all directions, and for far greater distances than the setbacks in the ordinance. The ordinance is one of general application. This property is unique for the foregoing reasons, and strict application of the ordinance would impose a burden without a benefit.

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

The property is currently being used as a public storage business, but only for vehicles. The improvements would create mini-storage units for public use. If the appeal is granted, there would be aesthetic improvements to the site and a new storage facility to serve market demand in the area. None of the neighbors will experience any detrimental impact, because there are no neighbors, only natural features. The improvements will also include a new water main and fire hydrants on Rhodes Road, which is benefit to the public. This main potentially
may also be extended in the future to nearby developments currently on well
water.

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

Other properties have neighbors, the applicant's property does not.

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

The applicant has owned the property since 1993 and consistently has used the
property for public and private storage. Mini-storage is a use permitted by right
under the ordinance. The applicant seeks to make improvements to the property
consistent with the current state of the mini-storage industry. This request is
not caused by a new owner or change of use.

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

The topography does not make the setbacks impossible, rather, the
circumstances of this property and its surrounding parcels make the setbacks
completely unnecessary to meet the spirit and purposes of the zoning
ordinance.

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

The ordinance was written with a purpose, to create natural and beneficial
buffers between properties. Here, the buffers already exist in all directions, and
the buffers are natural and substantial. The ordinance was not written with the
circumstances of this property in mind. In this case, the benefit sought by the
policy is not obtained through application of the ordinance. Because the
ordinance in this case provides no benefit, strict compliance only creates a
burden upon the property owner. The applicant believes it is unreasonable to
require the property owner suffer a substantial burden when the neighbors and
community receive no benefit. A variance is the mechanism to address these
circumstances, and we respectfully request your consideration of all the relief
requested.
Site Plan Review #2
Orion Storage

Case No: PC-2019-04
Site: 1761 W. Clarkston Road (east of Joslyn Road)
Applicant: Thomas C. Reed, Orion Investment Group, LLC
Plan Date: 5/24/2021
Zoning: Li (Limited Industrial)
Parcel ID: 09-16-226-001

Dear Planning Commissioners:

We have completed a review of the application and site plan referenced above and a summary of our findings are below. Items in **bold** require specific action. Items in *italics* can be addressed administratively.
SUMMARY OF REVIEW

1. **Zoning.** Upon submittal and review of this application, a 40-foot wide strip of property along Clarkston Road ran the depth of the west boundary of the site and was zoned SF, Suburban Farms. As “mini-storage and warehousing” is not a permitted use in the SF district, an application for rezoning the strip to LI was submitted and approved by the Township Board of Trustees on 6/7/2021.

2. **Setback Variance.** The proposed side yard setbacks of 5 feet for the east property line and 12.48 feet for the west property line are less than the district’s requirement of 25 feet.

3. **Lot Coverage.** The calculated lot coverage is 37.20%. The ordinance requires 30% lot coverage. A variance or site plan revision to reduce the amount of impervious cover is required.

4. **UPDATED - Parking Area & Driveways Setback.** The proposed parking lot is 5 feet from the east property line. A variance to permit this reduced setback from 20 feet is required as the Zoning Ordinance does not specify that this standard may be reduced through a waiver. We recommend the parking lot be redesigned to provide the required setback given the location of the trailhead.

5. **UPDATED - Greenbelts.** Section 16.03 D. requires a landscaped greenbelt of 20 feet in width along the north property line, abutting Clarkston Road, and 50 feet in width along the south and west property lines abutting residential zoning for the school property. This section does not specifically address the east boundary of the site that is adjacent to recreation use and zoning for the trail.
   a. A variance to permit the reduced greenbelt width along the east, south, and west property lines is required as the Zoning Ordinance does not specify that greenbelts may be reduced through a waiver when abutting residential or recreational property.

6. **Off-Street Parking.** The off-street parking requirement is 57 spaces. 8 parking spaces are proposed – a deficiency of 49 spaces, or 86%. The site plan indicates 1 ADA space is provided, where 3 are required. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates another standard would be more reasonable.

7. **UPDATED - Loading and Unloading.** The LI district requires that loading areas be located in the rear or side yard, not interfere with parking or access, and be in conformance with Section 27.04. Section 27.04 B.3. C. states that loading berths are required for “warehousing, storage and wholesale establishments” based on the gross floor area of building(s). It is our interpretation of the Zoning Ordinance that a loading berth may not be required for “mini-storage and warehousing” uses, which is the term the proposed use is under, as this is a different use than the “warehousing, storage and wholesale establishments” term provided in Section 27.04.
   a. Mini-storage facilities typically have a less-intensive function than industrial “wholesale establishments” as there would be no bulk sale or other transfer of goods or materials from a mini-storage facility as it is simply a personal storage use for numerous individuals.
   b. Additionally, it is not typical for mini-storage facilities to provide individual loading berths for each building as loading and unloading would occur at each storage unit, rather than at a centralized loading area that you would see for a single-user commercial or industrial building. If the Planning Director or Planning Commission disagrees with this interpretation, the applicant should seek a variance to this section, which may be included with other variance

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requests that are needed. We have no objection to a determination that a variance to this section is needed.

8. **Lighting.** The proposed lighting fixtures comply with the non-residential ordinance standards of 27.11.

9. **Fencing.** A 6' tall, decorative, aluminum security fence is proposed at the front of the development and chain link fence segments will link the storage buildings around the perimeter of the site. The detention basin at the rear of the property will be fenced with a 6' tall chain link fence.

10. **Outdoor Storage.** Outdoor storage is not shown to be included in the proposed development.

**Project Summary**

The applicant requests site plan approval to construct five self-storage facilities and one office facility on the property located at 1761 W. Clarkston Road, east of Joslyn Road. The applicant is under contract to purchase a 40-foot strip of undeveloped land along the entire west property line which is owned by Lake Orion Community Schools. The rezoning of this 40’ strip was approved on June 7, 2021 and is included within the site plan boundary. Patrons will access the site from Clarkston Road but may only access the fenced storage buildings through a security gate. The exterior of the proposed buildings will consist of wall-mounted lighting and the perimeter of the development will include landscaping for additional screening from adjacent properties.

**Existing Conditions**

1. **Existing site.** The subject site consists of 3.02 acres and is identified as "Lot 35 of Supervisor’s Plat of Randell Beach Park Addition". The site is bound by Clarkston Road to the north, the Polly Ann Trailway to the east, and Orion Oaks Elementary School to the west and south. The site is currently used as a landscape and outdoor storage company which are permitted uses within the LI District.
2. **Zoning.** Upon submittal and review of this application, a 40-foot wide strip of property along Clarkston Road ran the depth of the west boundary of the site and was zoned SF, Suburban Farms. As “mini-storage and warehousing” is not a permitted use in the SF district, an application for rezoning the strip to LI was submitted and approved by the Township Board of Trustees on 6/7/2021.

3. **Adjacent Zoning & Land Uses.**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>LI – Limited Industrial</td>
<td>The Complete Companies Automation</td>
</tr>
<tr>
<td>South</td>
<td>SF – Suburban Farms Residential</td>
<td>Lake Orion Community Schools</td>
</tr>
<tr>
<td>East</td>
<td>REC-2 – Recreation 2</td>
<td>Polly Ann Trailway</td>
</tr>
<tr>
<td>West</td>
<td>SF – Suburban Farms Residential</td>
<td>Lake Orion Community Schools</td>
</tr>
</tbody>
</table>
Zoning Ordinance Compliance
All proposed development and construction within the Limited Industrial Zoning District shall comply with the following standards:

4. LI District Area and Bulk Requirements.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Parcel Size</td>
<td>2 acres</td>
<td>3.02 acres – Met</td>
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<tr>
<td>Front Yard Setback</td>
<td>50 ft</td>
<td>73 ft – Met</td>
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<tr>
<td>Rear Yard Setback</td>
<td>25 ft</td>
<td>Met</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>25 ft each side</td>
<td>5.00 ft (east); 12.48 ft (west)</td>
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<td></td>
<td></td>
<td><strong>VARIANCE NEEDED</strong></td>
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<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td><strong>37.20% – Not Met</strong></td>
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<td></td>
<td></td>
<td><strong>VARIANCE NEEDED or reduce coverage</strong></td>
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<tr>
<td>Maximum Height of All Structures</td>
<td>40 ft</td>
<td>Office building: 15 ft – Met</td>
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<td></td>
<td>Storage buildings: Not Provided</td>
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<tr>
<td>Minimum Clear Space Around Structures</td>
<td>25 ft</td>
<td>Defer to Fire Dept. Review</td>
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<tr>
<td>Parking &amp; Driveways Setback</td>
<td>20 ft</td>
<td><strong>5.00 ft (east of parking lot)</strong></td>
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<td></td>
<td></td>
<td><strong>VARIANCE NEEDED</strong></td>
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<tr>
<td>Landscaped Greenbelt</td>
<td></td>
<td>8 spaces – Not met (see #5)</td>
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<td></td>
<td></td>
<td>Waiver may be considered</td>
</tr>
<tr>
<td>Wetland Setbacks</td>
<td>25 ft</td>
<td>No wetlands apparent</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>57 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1 spc / 1,000 sf GFA)</td>
<td></td>
</tr>
</tbody>
</table>

5. Off-street Parking.

a. Parking requirements shall be based upon the following schedule, except as modified for a specific use within Section 16.02 (amended 08.06.07):
   i. One (1) parking space per one thousand (1,000) square feet of gross floor area or one (1) space per employee, whichever is greater. The proposed development requires 57 parking spaces. The Conceptual Site Plan on Sheet C1.0 states seven (7) off-street parking spaces and one (1) ADA space will be provided. (1 / 1,000 sq ft GFA = .001 x 56,909 sq ft). This results in a parking deficit of 49 spaces, or 86%.
   ii. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift. Within the parking analysis, the applicant should provide a statement addressing this requirement and include the additional number of parking spaces required and provided, if this subsection applies.

b. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. (amended 01.30.86) We agree that this use typically does not generate the same parking demand as a traditional industrial use, but additional information should be provided to the Planning Commission with appropriate documentation that supports a reduced parking requirement.

c. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. (amended 06.15.89) The proposed surface parking spaces are setback 27’ from the Clarkston Road right-of-way line but
only 5’ from the east property line. The east property line is adjacent to a land parcel identified as “Grand Trunk Railroad” on the site plan, which is currently used as the Polly Ann Trailway. A variance to permit this reduced setback from 20 feet is required as the Zoning Ordinance does not specify that this standard may be reduced through a waiver. We recommend the parking lot be redesigned to provide the required setback given the location of the trailhead.

The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. (amended 09.16.93) See 5.c above. A variance to permit the reduced setback along the east property line would be required. The adjacent property consists of recreational open space as a component of the Polly Ann Trailway facility. A north-south overhead power line blanket easement creates an additional buffering between the site and the active pathway and its amenities.

Section 27.04.A. – Parking and Loading Regulations

e. 1.D. Submission of Plot Plan. No off-street parking facilities shall be constructed unless a building permit is first obtained from the Building Department. Any application for a building permit shall include a plot plan showing any off-street parking facilities proposed in accordance with the provisions of this Ordinance. Calculations for required parking shall be submitted on the plot plan or site plan and shall indicate the proposed use, building square footage and required number of parking spaces. Whenever a site plan is required in accordance with the provisions of Section 30.01, said site plan shall meet the requirements of this section. (amended 11.14.85, 08.06.07) The applicant should provide an analysis, with supporting documentation, identifying the amount of parking suitable for the proposed facility if less spaces than the ordinance requires are proposed.

f. Access. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient means of vehicular access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Backing directly onto a street shall be prohibited. Ingress and egress to an off-street parking area lying in the area zoned for other than residential use shall not be across land zoned for residential use.

6. Loading and Unloading. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04. The applicant should explain the loading and unloading operation and logistics of the proposed self-storage facility. All designated loading and unloading areas should be shown, labeled, and dimensioned on the site plan in a manner that demonstrates compliance of the above-mentioned requirements as well as those specified below.

Section 27.04.B.3.C. Industrial Districts. Off-street loading facilities accessory to uses allowed in districts zoned for industrial uses shall be provided in accordance with the following minimum requirements:

a. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing three thousand five hundred (3,500) to twenty thousand (20,000) square feet of gross floor area.

b. For buildings containing twenty thousand (20,000) to forty thousand (40,000) square feet of gross floor area, two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional forty thousand (40,000) square feet of gross floor area or fraction thereof.

i. Warehousing, storage, and wholesale establishments.

7. Lighting. The proposed lighting fixtures comply with the non-residential ordinance standards of 27.11.
8. **Fencing.** Fences required for screening purposes shall be a minimum of six (6) feet in height, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, vinyl or other materials approved by the Planning Commission or Building Official, with posts sunk into the ground at least three (3) feet. Chain link fences shall not be permitted for screening purposes. viii. 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. A 6’ high, aluminum, ornamental fence is proposed parallel to the front property line, between the office and storage buildings in the rear. The fence will include separate 6’ tall vehicular and pedestrian gates adjacent to the office building. A 6’ tall chain link fence, with gate, is proposed around the detention basin at the rear of the property. Small segments of chain link fencing are also shown between the storage buildings near the periphery of the site.

9. **Outdoor Storage (§27.19).** Outdoor storage is not shown to be included on the site plan.

10. **Safety Paths.** Required pathways for pedestrian and bicycle use shall be constructed in conformance with the following specifications:
   
a. **Location and Width.** Required pathways shall be eight feet in width and shall be located in the road right-of-way, with a setback of one (1) foot from the property line. The Planning Commission may modify this requirement in consideration for the location of utilities, existing landscaping, or other site improvements. The existing safety path along Clarkston Road is shown to be located within the boundaries of the subject property. A pedestrian access easement may be required. The width should be called out on the site and landscape plans. We defer to the Township Engineer on compliance with Ordinance No. 97.

b. **Design Standards.** Required pathways shall be constructed of asphalt or concrete in accordance with adopted engineering standards for the Township. Applicant should demonstrate compliance upon permitting and inspection.

c. **Alignment with Adjacent Pathways.** Required pathways shall be aligned horizontally and vertically with existing pathways or sidewalks on adjacent properties. The Planning Commission may waive this requirement if existing adjacent pathways or sidewalks are not constructed in conformance with the standards set forth herein. The existing safety path ties into the Poly Ann Trail at the subject site. Additionally, a proposed connector of the Poly Ann Trail with the Point Creek Trail to the east, falls along the Clarkston Road corridor to the east. Trail access amenities, such as vehicle and bicycle parking, bicycle repair, maps, and resting facilities, underscore the importance of pathway connectivity at this specific site.

d. **Signage.** The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the pathways.

e. **Maintenance.** The owner of the property which fronts on the required pathway shall be responsible for maintenance of the pathway, including patching cracked or deteriorated pavement and removal of glass and other debris. The site plan indicates the existing safety path will be replaced where needed.
Respectfully,
Giffels Webster

Rod Arroyo, AICP
Partner

Eric Pietsch
Senior Planner
Section 16.03 – Required Conditions (amended 02.01.16)

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. (amended 01.30.86)

A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.

B. Minimum Parcel Size. The minimum lot area shall be two (2) acres.

C. Off-Street Parking.

1. Parking requirements shall be based upon the following schedule, except as modified for a specific use within Section 16.02 (amended 08.06.07):

   a. One (1) parking space per one thousand (1000) square feet of gross floor area or one (1) space per employee whichever is greater.

   b. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift.

2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. (amended 01.30.86)

3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. (amended 06.15.89)

4. All internal roadways and driveways in the front yard area shall be continuously curbed. Driveways and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, crushed concrete or gravel, as approved by the Planning Commission.

5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.

6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. (amended 09.16.93)

D. Landscaping.

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of an LI District, except where ingress and egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts any residentially used or zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. (amended 06.15.89)

3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.

5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. (amended 01.30.86, 09.16.93)

E. Lighting Regulations. (amended 04.27.00)

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.

2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

F. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or proposed right-of-way of at least eighty-six (86) feet.

G. Utilities. If possible, all utilities servicing the business structure shall be buried underground.

H. Covered Trash Areas.

1. Covered trash receptacles, surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle shall be provided in the rear yard of the building or principal use structure.

2. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.

3. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. (amended 01.30.86)

I. Loading and Unloading.

1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.

2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.

3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

J. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. (amended 08.15.16)

K. General. All activities and uses within this District shall conform to the following:

1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:
Article XVI

Limited Industrial (LI)

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

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

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

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

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

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

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

L. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. (amended 10.08.98, 02.21.06)

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

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

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

Section 16.04 - Area and Bulk Requirements (Applies to Principal and Accessory Uses) (amended 02.01.16, 07.16.18)

Please see the chart in Section 16.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>LI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
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<tr>
<td>Side Yard Setback</td>
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<tr>
<td>Minimum Lot Area</td>
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<tr>
<td>Maximum Lot Area</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
</tr>
<tr>
<td>Maximum Heights of All Structures</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
</tr>
</tbody>
</table>

* Within the Lapeer Road Overlay District, building height shall not exceed fifty (50) feet. However, if a building exceeds forty (40) feet in height, rear yard and side yard setback shall increase by ten (10) feet for a total of thirty-five (35) feet side yard and thirty-five (35) feet rear yard. (added 02.01.16)
### Lumen Schedule

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Qty</th>
<th>Label</th>
<th>LF</th>
<th>Description</th>
<th>Lum. Watts</th>
<th>Lum. Lumens</th>
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<tbody>
<tr>
<td>L2</td>
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<td>LUMARK PRV-ASE-D-UNV-T4-BZ</td>
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### Calculation Summary

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<td>Property Line near SF Rare Zone</td>
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<td>Storage Drive Areas</td>
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**NOTE:**
- WALL PACK TYPE L2 SHALL BE MOUNTED 7'-4" A.F.G. AS MEASURED FROM BOTTOM OF LUMINAIRE.
- AREA POLE HEIGHT AT 15'-0" A.F.G.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: July 28, 2021
SUBJECT: Staff Report for AB-2021-46, Diane & James Zawal, 733 Buckhorn

The petitioners are seeking to put a 6-ft. fence along the north property line. They have indicated to me that it will stop 25-ft. from the waters edge which is required by Zoning Ordinance #78 and will also meet the front yard setback of at least 30-ft.

The property appears to narrow from the road down to the lake. When measuring a lot width, it is taken from the front yard setback. In the R-3 Zoning District, the front yard setback is 30-ft. At that point on the property, the width measures at least 70-ft. and therefore the side yard setback is 10-ft.

** Please consider if the motion is to approve, that it be a conditioned upon the fence along the north property line ending at least 25-ft. from the water’s edge and be no closer to the property line along Buckhorn than 35-ft.**

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: July 27, 2021

RE: AB-2021-46, Diane & James Zawal, 733 Buckhorn,

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-2021-46, Diane & James Zawal, 733 Buckhorn, 09-11-456-019, I would move that the petitioner’s request for:

1 variance 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. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence on the side property line (north).

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

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

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

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

__________________________________________________________________________________
__________________________________________________________________________________
__________________________________________________________________________________

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

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


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

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


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


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


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


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


101
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-46, Diane & James Zawal, 733 Buckhorn, 09-11-456-019, I would move that the petitioner’s request for:

1 variance 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. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence on the side property line (north).

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

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

   1. 
   2. 
   3. 
   4. 

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:

   1. 
   2. 
   3. 
   4. 

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:

   1. 
   2. 
   3. 
   4.
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: Diane & James Zawal
Address: 733 Buckhorn Dr. City/State/Zip: Lake Orion 48360
Email: dianejames733@comcast.net

PROPERTY OWNER(S)
Name (s): Same as above
Address: Same as above City/State/Zip:
Phone: Cell: Fax:
Email:

CONTACT PERSON FOR THIS REQUEST
Name: Diane Zawal Phone: 586-216-1427 Email: dianejames733@comcast.net

SUBJECT PROPERTY
Address: 733 Buckhorn Dr. Sidewell Number: 09-11-456-019-F-3
Total Acreage: 1/2 Acre Length of Ownership by Current Property Owner: 8 Years, 0 Months

Does the owner have control over any properties adjoining this site? NO
Zoning Ordinance Allowance/Requirement Deviation requested
Case #: __________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. 
   WANT TO PUT A 6' PRIVACY FENCE 
   ON PROPERTY LINE

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. 
   WHEN I BOUGHT THE HOUSE THERE IS A 
   SHED 2' FROM PROPERTY LINE AND GARAGE IS PROBABLY 
   LESS THAN 10' FROM PROPERTY LINE

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: 
   WILL NOT ADVERSELY AFFECT 
   ANYTHING.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible:
   THE NEIGHBORS DOGS HAVE PREVIOUSLY JUMPED OVER 
   THE 4' FENCE INTO OUR YARD AND WE ALSO HAVE 
   DOGS WE WOULDN'T WANT JUMPING THE FENCE INTO THEIR YARD

5. Describe how the alleged practical difficulty has not been self-created. 
   PURCHASED THE HOUSE AND 
   THE HOUSE IS TOO CLOSE FOR 10' VARIANCE AND A LINE OF 
   TREES THAT BARES ON THE PROPERTY LINE IN ADDITION TO SHED

6. The topography of said land makes the setbacks impossible to meet because: 
   LAND SLOPES DOWN 
   TO NEIGHBOR ON THE NORTH

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. 
   TRYING TO KEEP DOGS IN YARDS

   WILL BE REPLACING THE CURRENT 4' FENCE 
   ON PROPERTY LINE WITH 6' FENCE

Page 2 of 3
Version 5/10/18
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:  

(Diane Laval)  

Print Name:  

Diane Laval  

Date: 6-24-21

Signature of Property Owner:  

(James Laval)  

Print Name:  

James Laval  

Date: 6-24-21

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  

27.01 Nonconformities

Construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, 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

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.
Fence will be 25' from water's edge and will meet front yard setback - Buckhorn.

Property measures 80' feet at front yard setback so side yard setback is 10'.
The fire department has reviewed the 3 cases and has no concerns at this time.

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

Debra Walton
From: Debra Walton <dwalton@oriontownship.org>
Sent: Monday, July 26, 2021 10:47 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the August 9, 2021 ZBA Meeting

Attached are three ZBA residential cases that need to be reviewed by you for the August 9, 2021 ZBA meeting.

Thanks,

Debra Walton
Clerk
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002
W: www.oriontownship.org