1. OPEN MEETING
2. ROLL CALL/PLEDGE OF ALLEGIANCE
3. MINUTES
   A. 10-11-2021 ZBA Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2021-52, Daryl & Amy Mulonas, 732 Lawson, 09-09-276-023
      (postponed from 9/13/2021 Meeting)
      The petitioners are 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 20-ft. front yard variance from the required 30-ft. for a 6-ft. privacy fence to be 10-ft, from
         the front property line.
      2. A 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft.
         from the side property line (north).
   B. AB-2021-53, Mark & Adele Muench/Matt Dunaskiss/Mike Riddle, Parcel #09-03-278-028
      (vacant parcel 3 parcels south of 576 Cushing)
      The petitioner is seeking 6 variances from Zoning Ordinance #78
      Article VI, Section 6.04, Zoned R-3
      1. A 14-ft front yard setback variance from the required 30-ft. to build a house with a deck 16-ft.
         from the front property line (lake side).
      2. A 15-ft. rear yard setback variance from the required 35-ft. to build a house 20-ft. from the rear
         property line (road side).
      3. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side
         property line (north).
      4. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side
         property line (south).
      5. A 16.32% lot coverage variance above the allowed 25% for a total lot coverage of 41.32%.
         Article XXVII, Section 27.17(B)
      6. A 9-ft wetland setback variance from the required 25-ft. to build a house with a deck 16-ft. from
         a wetland.
   C. AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014
      The petitioner is seeking 2 variances from Zoning Ordinance #78
      Article VI, Section 6.02(N)(3), Zoned R-3
      1. A 27-ft. front yard setback variance from the required 40-ft. to install an inground pool 13-ft.
         from the front property line along De Goff Ct.
      2. A 21.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 18.5-ft.
         from the front property line along Orion Ter.
   D. AB-2021-58, Christopher Adamski, 1781 Hopefield, 09-33-253-007
      The petitioner is seeking 2 variances from Zoning Ordinance #78 - Zoned R-1
      Article XXVII, Section 27.02(A)(8) - Lot Size 1 to 2.5 Acres
      1. A 200-sq. ft. variance above the allowed 1,000-sq. ft. maximum floor area of all detached
         accessory buildings to build a 1,200-sq. ft. pole barn.
      2. A 686-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all accessory
         buildings to build a 1,200-sq. ft. pole barn in addition to an existing 986-sq. ft. attached garage.
   E. AB-2021-59, Signs and More (ground sign for Silver Bell Village – located on the south side
      of E. Silverbell Road, east of Bald Mountain Road)
      The petitioner is seeking 1 variance from Sign Ordinance #153 - Zoned Residential
      Residential Zoned Areas – Ground Signs
1. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be located in the road right-of-way (in the entrance island on Village Drive).

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

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
***** MINUTES *****
REGULAR MEETING – MONDAY, October 11, 2021 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, October 11, 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
Tony Cook, Vice-Chairman
Mike Flood, BOT Rep to ZBA
Tony Kerby, Alternate

ZBA MEMBERS ABSENT:
Diane Dunaskiss, Board member

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Mat Dunaskiss
Richard Benoit
Pam & Bob Brenner
Barbara Schalk
Tim Petersen
Dawn Wallin
Steve Ova
Diane Dunaskiss
Trina Benoit
Deb Wylin
Dan VanHouzen
Joe Latozas
Matt Knoth
Mark Muench
Dave and Sue Kepsel
Audrey Sobia
Dave Dirven
Mike Riddle
Rick Knoth

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

2. ROLL CALL/PLEDGE OF ALLEGIANCE
As noted

3. MINUTES

A. 9-27-2021, ZBA Regular Meeting Amended Minutes

Moved by Board member Kerby, seconded by Vice-Chairman Cook, to approve the minutes as presented.
Motion carried.

4. AGENDA REVIEW AND APPROVAL

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

5. ZBA BUSINESS

A. AB-2021-50, Mike Riddle, Vacant Parcel 2 Parcels South of 576 Cushing St., 09-03-278-027.
Chairman Durham read the petitioner’s request as follows:

The petitioners are seeking to extend the expiration date for the approved AB-2020-08 ZBA case variances.

Mr. Mike Riddle introduced himself to the Board. He asked if they could table this request and move it to the following meeting.

Chairman Durham replied that they do not have any availability until November 22, 2021.

Mr. Riddle stated that he would like to table the request. He asked if they table it, will he get an extension. He would like the exact same thing that he had before. He doesn’t know if this is an extension or a new variance.

Chairman Durham stated that if he decides to try for a new variance, he risks being denied.

Building Official Goodloe stated that if the variance is not extended, he will have to apply for a completely new variance.

Vice-chairman Cook asked if it was a new request on the second lot.

Mr. Riddle stated that at the prior meeting when this was tabled, he started with lot 1, this is on the agenda. He stated that they would also like to talk about lot 2 but they want to push it out to the following meeting. Lot 1 is an extension and is C. on the agenda.

Vice-chairman Cook stated that he needs to think about why he needed to submit a new application for lot one and then apply that to lot two. Lot 1 was denied for an extension.

Mr. Riddle stated that he understood part of that denial was the fact that they were under the impression that they were coming back to get what they had before opposed to show everything that they had presented before.

Vice-chairman Cook urged the petitioner to take the minutes into account when he looks at presenting lot 2. The Board denied the extension for lot 1 and he now has a new application for lot 1 which they will hear tonight as a separate application. Apply this same logic to lot 2.

Mr. Riddle stated that he would like to withdraw the current application.

Vice-chairman Cook moved, and Board member Kerby supported, in the matter of ZBA Case AB-2021-50, Mike Riddle, Vacant Parcel 2 Parcels South of 576 Cushing St., 09-03-278-027 that the petitioner’s request to withdraw the petition to extend the expiration date for AB 2019-23 be accepted by the Board.

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

B. AB-2021-55, Tim Petersen, Vacant Parcel, #09-20-256-012, East of 2585 Browning

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-2
1. A 9.73-ft front yard setback variance from the required 35-ft. to build a house 25.27-ft. from the front property line.
2. A 12.85-ft. rear yard setback variance from the required 35-ft. to build a house 22.15-ft. from the rear property line.

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

3. A 1,146-sq. ft. variance from the allowed 1,150-sq. ft. total maximum floor area of all accessory buildings to construct a 1,484-sq. ft. attached garage and an 812-sq. ft. attached accessory building for a total of 2,296-sq. ft. total maximum floor area of all accessory buildings.

Mr. Petersen introduced himself and his architect, Joe Latozas, to the Board and explained the variance request and his history of owning the property.

Chairman Durham commented that the petitioner has a lot of stuff and needs a place to put it. He stated that if the house was built, it would elevate the neighborhood. He was surprised about the neighbors that were against the proposal.

Vice-chairman Cook stated that the petitioner mentioned that if it was not approved, it would be a smaller home and/or two homes. He asked for clarity.

Mr. Petersen stated that there can only be one house and the only thing that fits is the minimum size to the restrictions because there is not room for anything else. He provided a drawing showing the proposed home and if they have to abide to the R-2 zoning restrictions.

Board member Walker commented that the petitioner lives across the street and currently has a garage; he asked how big the garage is.

Mr. Petersen replied 24 ft by 22 ft.

Board member Walker asked if there were any additional accessory structures on the property.

Mr. Petersen replied no, it is not allowed.

Board member Walker commented that the difficulty is primarily the petitioner’s wife’s medical condition. He asked if it was his intention to build the house across the street as an inhabitable home and who would live in it.

Mr. Petersen replied yes. He might rent it for a while; he is considering having his daughter move in. The current house is 5700 square feet and three levels and he is finding it increasingly more difficult to navigate the stairs. The house that he is proposing has an elevator.

Chairman Durham asked who could afford rent on a house like that.

Mr. Petersen replied Ken Eaton who is a friend of his and currently lives in Rochester Hills.

Trustee Flood commented that without the first two variances, the petitioner could not get the third. He provided history of the Keatington subdivision. He has no problem with the first two variance requests. He stated that the problem that the neighbors have seem to be with the third variance request which is the garage.

Board member Walker asked if he would reduce the size of the house.

Mr. Petersen replied that he would consider anything, but he wants to make sure it meets their needs.

Board member Walker asked if the petitioner tried to talk to his neighbors about the proposal.

Mr. Petersen stated that he arranged an open meeting at his house and two people showed up. He has neighbors who support his proposal and commented on the neighbor next door who supports his request.
Chairman Durham asked if there was public comment in this case.

Barbara Schalk, 2590 Browning Drive, commented on why she does not support the variances being requested. She submitted a petition which was signed by 32 homeowners expressing their opposition to the variances being requested. She stated that the six car garage is not in harmony with the character of the neighborhood and the plan is unattractive. The need for the variances is self-created and not unique to the characteristics of the property and does not meet the standards for variances. The petitioner has other options to suit his needs. The size of the proposed structure is excessive and out of character for the size of the lot and homes in the neighborhood. The setbacks should not be granted because the applicant should design the home to suit the property. The presence of this large garage would leave it open for commercial use.

Chairman Durham asked if most of the houses in the subdivision were built around the same time.

Ms. Schalk replied no and she provided history of the building of the homes.

Chairman Durham asked about the concern about noise.

Ms. Schalk stated that there is nothing to stop all garage bays being open at one time and cars make noise when you work on them.

Debbie Wylin, 2398 Eaton Gate, expressed her concerns about the proposed variances. She stated that it would negatively affect the openness and the friendliness of the neighborhood. She stated that they are an open community without fences but the petitioner will be right on the property line and doesn’t match the neighborhood.

Sue Kepsel, 2406 Eaton Gate, expressed her concerns about the proposed variances. She stated that what will happen to this property when the current owners are no longer with us. There is nothing to prevent a body shop coming into this structure or another commercial business.

Chairman Durham commented that the Township does employ ordinance officers for zoning and land use issues.

Ms. Kepsel commented on the existence of a group home in the neighborhood.

Dave Kepsel, 2406 Eaton Gate, expressed his concerns about the proposed variances. He pointed out the deed restrictions in Keatington Shores that these variances are against. He commented on the presence of the group homes. He read from the deed restrictions of Keatington Shores.

Chairman Durham asked Building Official Goodloe if the Board deals with HOA deed restrictions.

Building Official Goodloe stated that the HOA signed off on the project so he assumes that they did their due diligence. The Township doesn’t regularly enforce deed restrictions.

Joe Latozas introduced himself to the Board as the architect for the project. There was a comment made that there are going to be tall walls like a blockade around the site. The petitioner actually mentioned tall windows in his description. The front and rear setbacks proposed do mirror the lots on both sides. He stated that they are asking for the variance based on the neighboring properties as per the ordinance. The back of the home is in line with the neighboring home and the front of the home is in line with the neighboring home. The use of the home is regulated by the zoning ordinance and the idea that another use would come into the R-2 zoning is not an option. He commented on the deed restrictions and pointed out that this lot has the ability for a 20 foot rear setback and a 25 foot front setback as per the deed restrictions. The current zoning is R-2, not R-3 and this lot is listed as one of the exceptions in the deed restrictions.
Trustee Flood commented that the Board has a letter from the Keatington Home Owners Association date stamped received August 31, 2021 which indicates that the proposed plan is approved for Tim Petersen. Trustee Flood read the letter into the record from Brian Curtis.

Mr. Petersen stated that many of the comments made are not true and he summarized his reasoning for wanting the proposed home.

Chairman Durham asked if there was a plan to add extra drywall to sound proof the garage.

Mr. Petersen replied that it would have 5/8’s drywall everywhere because of fire code.

Chairman Durham asked if there was any way to reduce the size of the larger building and still get what he wants.

Mr. Petersen replied not right here, but they could work on it. He stated that the lot is 191 feet long and the house he is proposing is 80 feet. He commented that there is a variety of houses on this street.

Board member Kerby stated that he doesn’t have a problem with the first two variance requests. The third for the accessory square footage seems to be an issue. He asked if they could move forward without that accessory building to bring it more in line with the ordinances.

Mr. Petersen replied that he would have to look at it in detail. It would change the house design.

Trustee Flood stated that he has no problem with a three car garage but five cars are excessive.

Dawn Wallin, neighbor, expressed her opposition to the excess accessory square footage being asked for. She stated that she doesn’t think the HOA looked at the deed restrictions when approving this plan, they were looking at the neighborhood and she read from an email that she received.

Dan VanHouzen, 2608 Browning, commented on his history in the neighborhood and the expert building ability of Tim Petersen. He stated that they are worried about the next guy. However, the guy that buys this house is going to be a collector and there will be a large barrier to entry. He commented on a past neighbor that had a landscaping business in the neighborhood. He added that he supports the petitioner and his proposed plan.

Andy Sonja, 2393 Eaton Gate Road, provided a history of ownership of his property. He expressed his concerns about the proposed plan including the view of a wall from the back and he will not have any sunlight through to his property.

Rick Knoth, 2559 Browning Drive, provided a history of ownership of his property. He commented on a former neighbor who operated a business out of the neighborhood. His concern is not with Tim Petersen; his concern is with the next person that owns the home. He commented on the design of the home and why he is opposed to this design.

Barb Schalk commented on her involvement on the architectural control committee and how the committee operated at that time. She stated that the deed restriction says that you can run a self-employed business out of your home.

Dave Kepsel commented that the petitioner’s current garage houses vehicles beneath the floor of the garage.

Mr. Petersen stated that he does not have any storage in the proposed home below grade. He commented that the back of the property is covered by 80 foot trees.

Board member Walker asked if the petitioner would be willing to cut back his request for the accessory square footage.
Mr. Petersen replied he would look at it, yes. He stated that he would not be able to cut back to 1150 square feet. He believes he meets the ordinance requirements and wants to know what he can have.

Chairman Durham stated that all of the neighborhood comment will be part of the record through the hard copies that the Board was given. He stated that he has to put weight on the neighbors’ concerns but the Board also has to review based on ordinance standards. He stated that he doesn’t have a problem with the variance requests.

Vice-chairman Cook stated that there are 24 neighbors that are against this. Mr. Petersen stated that he held a meeting and gave an invitation out and there were 2 that showed up. He asked the neighbors in the room if they received an invite to this meeting. He would like to know about the discussion and the information that took place at this meeting. There are a lot of heads that are shaking that did not receive an invite.

Mr. Petersen stated that on the day that the notice went out, he sent out an 11 page document explaining his position, the notice, the Board approval and the drawing to 16 of his neighbors that he had email addresses for. Nobody called regarding what he sent out; he knows that a petition was sent out and still doesn’t know what is in that petition. Last Thursday, he had an opposition party and asked Barb Schalk to send out to those that were signed on the petition to see what they could work out. He stated that 2 people that showed up that were opposed and a neighbor that was for it showed up.

Vice-chairman Cook stated that the petitioner will not answer a direct question as to whether or not he will take the extra accessory square footage into consideration.

Mr. Peterson stated that he will, but he needs time to do this.

Chairman Durham stated that the petitioner could withdraw his petition and come back before the Board on November 22, 2021.

Joe Latozas asked if they could vote on the first two requests and withdraw the third.

Board members and Building Official Goodloe discussed splitting the approval of the requests.

Mr. Petersen stated that he would like comment on the first 2 and he would go to work on the third.

Chairman Durham explained why the Board would not like to split up the requests.

**Board member moved, and Trustee Flood supported, in Case AB-2021-55, Tim Petersen, Vacant Parcel, #09-20-256-012, East of 2585 Browning to postpone until November 22, 2021 at the request of the petitioner. Roll call vote was as follows: Durham, yes; Flood, yes; Kerby, yes; Cook, yes; Walker, yes. Motion passes 5-0.**

**C. AB-2021-56, Steven Oja, Vacant Parcel #09-03-278-026, South of 576 Cushing**

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 4 variances from Zoning Ordinance #78

**Article VI, Section 6.04, Zoned R-3**

1. A 20-ft. rear yard setback variance from the required 35-ft. to build a house 15-ft. from the rear property line (road side).
2. A 2-ft. side yard setback variance from the required 9-ft. to build a house 7-ft. from the side property line (north).
3. A 1.2-ft. side yard setback variance from the required 9-ft. to build a house 7.8-ft. from the side property line (south).
4. A 13.72% lot coverage variance above the allowed 25% for a total lot coverage of 38.72%.

Steve and Nicole Oja introduced themselves to the Board.

Mr. Mike Riddle introduced himself to the Board and summarized the variance request. He provided a video to the Board showing how they came to the variance requests that are being presented tonight. He stated that there is no problem with police and fire and they are working on increasing the parking area in front. He provided a picture of the current houses and explained how the proposed would fit within the current neighborhood parameters.

Board member Kerby asked if they were asking for 7 foot side setback and the other houses have 5 foot setbacks.

Mr. Riddle pointed out other houses in the neighborhood with 5 feet side setbacks.

Trustee Flood provided a history of this property and its presentation before the Board at a prior meeting. He believes the Board did the right thing by postponing this property and he appreciates the changes that Mr. Riddle has done.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Vice-chairman Cook moved, and Board member Kerby supported, in the matter of ZBA case AB-2021-56, Steven Oja, Vacant Parcel #09-03-278-026, South of 576 Cushing for approval of the following 4 variances: Article VI, Section 6.04, Zoned R-3 including a 20-ft. rear yard setback variance from the required 35-ft. from the rear property line (road side), a 2-ft. side yard setback variance from the required 9-ft. to build a house 7-ft. from the side property line (north), a 1.2-ft. side yard setback variance from the required 9-ft. to build a house 7.8-ft. from the side property line (south) and a 13.72% lot coverage variance above the allowed 25% for a total lot coverage of 38.72–because the petitioner has demonstrated that the following standards for variance have been met in this case and they set forth facts in this case that show:

1. The petitioner does show the following practical difficulties; the topography of this site requires some adjustments in normal setbacks in order to maintain a reasonable living space as well as a foundation that will be solid and last for years to come.

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: similar to the other homes in the area, there are issues with the grade of the lot as well as issues with the width of the lot, as they average only 60 feet for this land.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following findings of fact: the topography and due to the narrowness of not only the lot, but also the street, requires the petitioner to reposition the home to accommodate for additional off street parking to make this safer for home occupants as well as the neighbors.

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the following: the petitioner has come back to the Board taking into account what was discussed and the lot coverage has been decreased.

5. Based on the following findings of fact, the granting of this variance would not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger of public safety, and is not
going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township. Roll call vote was as follows: Durham, yes; Flood, yes; Kerby, yes; Cook, yes; Walker, yes. Motion passes 5-0.

6. **PUBLIC COMMENTS**
Mark Muench, 11463 Clovis Point, stated that he will have a case come before the Board in 2 weeks. He asked if there was a preference to have the home farther away from the lake or farther away from the road, or does it depend on the lot itself.

Board members commented on this future case.

7. **COMMUNICATIONS**
A. Date Certain Memo

8. **COMMITTEE REPORTS**
None

9. **MEMBERS' COMMENTS**
Board member Kerby commented on how nice it was to have Trustee Flood back.

10. **ADJOURNMENT**
Moved by Trustee Flood, seconded by Board member Kerby to adjourn the meeting at 8:58 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: October 14, 2021  
RE: Case location for ZBA Meeting  

In order to help you with scheduling your site visits, below is the general location of the cases you will need to visit for the October 25, 2021 ZBA Meeting.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 13, 2021

SUBJECT: Staff Report for AB-2021-52, Daryl & Amy Mulonas

This case was postponed from the September 13, 2021 ZBA Meeting at the petitioner’s request. Attached are the minutes from that meeting.

No additional information has been obtained.

If the Board moves to grant the variances, you may want to consider adding to the motion that approval is based on the plan provided date stamped received August 16, 2021.

Please contact me if you have any questions.
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, sidewell numbers 09-04-402-067 & 068** (postponed from 7/26/2021 meeting)

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-2021-52, Daryl & Amy Mulonas, 732 Lawson, 09-09-276-023**

Chairman Durham read the petitioner’s request as follows:

The petitioners are 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 20-ft. front yard variance from the required 30-ft. for a 6-ft. privacy fence to be 10-ft, from the front property line.
2. A 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the side property line (north).

Mr. Daryl Mulonas introduced himself and his wife Amy Mulonas to the Board and summarized his variance request. They are looking for screening for heating and cooling units next door. They are currently waiting on a survey due to delays with COVID. They have talked to the neighbors and they do not have a problem with it.

Chairman Durham stated that the Board is in receipt of information that says that the neighbors are concerned about it. He asked why a 6 foot fence.

Mr. Mulonas replied that the 6 foot will block the sound more and will provide more privacy.

Chairman Durham stated that the spec sheet on the units show that the decibel level is low.

Mr. Mulonas replied that the units never shut off.

Trustee Flood stated that according to ordinance, they can put up a 4 foot fence without a variance and also they could add arborvitae without variance.

Mr. Mulonas replied that he doesn’t care for arborvitae due to damage their roots cause.

Trustee Flood reiterated that they could put up a 4 foot fence at the property line. He stated that they do not allow the fences to extend past the front part of the home.

Chairman Durham stated that the planning and zoning department requested information from the petitioner which they were never provided. He asked if the petitioner got repeat emails from the department.

Mr. Mulonas replied that they were in contact with the department.

Board member Walker asked how long they have lived in the house.
Mr. Mulonas replied for 3 years.

Board member Walker summarized letters from 3 neighbors all objecting to the variance request.

Mr. Mulonas asked if he could have copies of the letter.

Chairperson Durham confirmed that he could get the letter from the Township.

Board member Dunaskiss read the letters from the neighbors located at 636 Lawson Drive and 616 Lawson Drive expressing their objections to the variance request.

Chairman Durham stated that he received copies of emails from the zoning department to the petitioner and he read them aloud in which the department asked about the fence's location to the front property line. He asked if the information was ever received.

Mr. Mulonas commented that he provided the information to the department.

Chairperson Durham asked for public comment.

Linda Moran, Polly Ann Trail Manager, introduced herself. She explained her concern about having a cluttered looking area and that the property across the street is owned by the Polly Ann Trail. She doesn't have a problem with the 4 foot fence but explained how a 6 foot fence looked clutter and not aesthetically pleasing to look at.

Chairperson Durham stated that they have had many fence cases lately and he explained how each case is seen individually.

Board member Dunaskiss asked if the petitioner had considered any other options.

Mr. Mulonas replied that they have looked at other options including vegetation but they are concerned about the roots near the septic tank.

Board member Dunaskiss asked about the units on the other side.

Mr. Mulonas commented on how these units were different than the other side.

Chairperson Durham asked about the relationship with the neighbors.

Mr. Mulonas replied that they do not hang out, but they aren't enemies. They also wanted to cover up the trash and blight on the neighbor’s property.

Mrs. Mulonas commented that she had a conversation with the neighbors and thought it was fine but then they took action the next weekend and now they are objecting.

Mr. and Mrs. Mulonas commented on their neighboring properties. They knew they could put up a 4 foot fence and added that he really didn't know where the property line is. He added that he cannot get a survey because of COVID.

Board member Walker suggested other vegetation that could be planted to help with the noise. He asked if they knew they could do that.

Mr. Mulonas answered yes.

Chairman Durham commented that it sounds like he does not know where the property line is so why is he here without all of the information.
Mr. Mulonas replied that they thought they could get the survey done soon but wanted to get the fence up before winter.

Chairman Durham stated that he could not support the variance tonight because of the lot line.

Mr. Mulonas commented on the neighbor’s letter and probable lot line.

Chairman Durham commented that even with a 4 foot fence, they still need a survey.

Mr. Mulonas commented on the probable location of the fence.

Chairman Durham added that the petitioner could call ordinance enforcement with the Township regarding the condition of the neighbor’s property. He gave the petitioner the options for this case.

Mr. and Mrs. Mulonas commented on their interaction with the neighbors.

Chairman Durham added that the ordinance officer could possibly help this situation.

Vice-chairman Cook stated that the application causes some concerns for him and makes him question why the fence is being asked for. He stated that the options presented do not necessarily mean that if they come back, it will be granted; there are issues with the application.

Board member Walker agreed with Vice-Chairman Cook. The application is flawed and he cannot vote on it. There is not enough information here for him to vote in his favor.

Petitioner asked to be postponed to a later date to October 25, 2021.

**Board member Walker moved, and Trustee Flood supported, at the petitioner's request to adjourn Case #AB02021-52, Daryl & Amy Mulonas, 732 Lawson, 09-09-276-023 until October 25, 2021.**

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

Building Official Goodloe stated that the rules are in place for a reason and they can call the Planning and Zoning Department for help and guidance.

Trustee Flood suggested that they look at a 4 foot fence option.

**6. PUBLIC COMMENTS**
Donni Steele thanked the Board for their service.

**7. COMMUNICATIONS**

A. Date Certain Memo

**8. COMMITTEE REPORTS**
None

**9. MEMBERS’ COMMENTS**
Trustee Flood stated that the construction of the new facility is on schedule.

**10. ADJOURNMENT**
Moved by Chairman Durham, seconded by Trustee Flood to adjourn the meeting at 7:57 pm
Respectfully submitted,
Erin A. Mattice
Recording Secretary
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 1, 2021

SUBJECT: Staff Report for AB-2021-52, Daryl & Amy Mulonas

The petitioners are seeking a side and front yard setback for a 6-ft fence.

The required setback distance from the water’s edge will be met and they are not seeking to put a 6-ft. fence along the southeast property line.

If the Board moves to grant the variances, you may want to consider adding to the motion that approval is based on the plan provided date stamped received August 16, 2021.

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: August 31, 2021

RE: AB-2021-52, Daryl & Amy Mulonas, 732 Lawson

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-2021-52, Daryl & Amy Mulonas, 732 Lawson, 09-09-276-023, I would move that the petitioner’s request for:

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 20-ft. front yard variance from the required 30-ft. for a 6-ft. privacy fence to be 10-ft. from the front property line.
2. A 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the side property line (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-2021-52, Daryl & Amy Mulonas, 732 Lawson, 09-09-276-023, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned R-3

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(1)(2)

1. A 20-ft. front yard variance from the required 30-ft. for a 6-ft. privacy fence to be 10-ft. from the front property line.
2. A 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the side property line (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: DARYL & AMY MULONAS
Address: 732 LAWSON City/State/Zip: LAKE ORION, MI 48362
Phone: Cell: 248-212-9053-DARYL 248-505-1832-AMY
Email: SQUAREDNA@COMCAST.NET-DARYL DNAMULONAS@COMCAST.NET-AMY

PROPERTY OWNER(S)
Name(s): DARYL & AMY MULONAS
Address: 732 LAWSON City/State/Zip: LAKE ORION, MI 48362
Phone: Cell: 248-212-9053-DARYL 248-505-1832-AMY
Email: SQUAREDNA@COMCAST.NET-DARYL DNAMULONAS@COMCAST.NET-AMY

CONTACT PERSON FOR THIS REQUEST
Name: DARYL MULONAS Phone: 248-212-9053 Email: SQUAREDNA@COMCAST.NET

SUBJECT PROPERTY
Address: 732 LAWSON Sidwell Number: 09-09-276-023
Total Acreage: .75 Length of Ownership by Current Property Owner: 5 Years, 3 Months

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

Page 1 of 3
Version 5/10/18
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. REQUEST IS TO PUT A 6' FENCE ON THE 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. NONE THE WE ARE AWARE OF

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: REQUEST IS TO LIMIT NOISE AND ADD PRIVACY FROM NEIGHBORING HOUSE. IT WILL NOT AFFECT THE TOWNSHIP IN A NEGATIVE WAY.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: THERE ARE A FEW OTHER FENCES ON OUR BLOCK

5. Describe how the alleged practical difficulty has not been self-created. THE NEIGHBORING HOME INSTALLED

3 EXTERNAL SPLIT UNIT HEATING AND COOLING UNITS DIRECTLY ACROSS FROM OUR MASTER BEDROOM WINDOWS

6. The topography of said land makes the setbacks impossible to meet because: OUR PROPERTY LINE ON IS ONLY 14' FROM OUR HOME

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. Units are loud. Lost our peaceful setting.
8. Have there been any previous appeals involving this property? If so, when?  NO

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

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

Signature of Applicant:  
(must be original ink signature)  
Date:  1/23/21

Print Name:  

Signature of Property Owner:  
(must be original ink signature)  
Date:  7/23/21

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:  

Version 5/10/18
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  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.
AB-2021-52  732 Lawson  .792 acres
Zoned R-3

No relaxation on side yard setback

Setback from water's edge  OK

Setback from front yard  10-ft

Setback from Northwest property line  0-ft
The fence will not go all the way to the property line—there are pine trees there so we were hoping to just go to the pine trees if that’s ok!

Sent from my iPhone

On Aug 16, 2021, at 3:45 PM, Lynn Harrison <lharrison@oriontownship.org> wrote:

Yes, thank you. Regarding a corner clearance variance—I showed it to the Planning & Zoning Director and that actually will not apply in this situation, however it appears the fence will end/start at the front property line, is that correct? If not how far away from the front property line will it be?

Lynn Harrison
Coordinator
Planning & Zoning
<image001.png> 2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org

From: Amy Mulonas <dnamulonas@comcast.net>
Sent: Monday, August 16, 2021 3:30 PM
To: Lynn Harrison <lharrison@oriontownship.org>
Subject: Re: Variance Request

Just checking in to make sure you received the information from us about the variance.

Sent from my iPhone

On Aug 16, 2021, at 10:13 AM, Lynn Harrison <lharrison@oriontownship.org> wrote:

Just a reminder that I need the requested information as soon as possible.
Thanks,

Lynn Harrison  
Coordinator  
Planning & Zoning  
2525 Joslyn Road, Lake Orion, MI 48360  
O: 248.391.0304, ext. 5001  
W: www.oriontownship.org

From: Lynn Harrison  
Sent: Tuesday, August 10, 2021 1:14 PM  
To: squaredna@comcast.net; dnamulonas@comcast.net  
Subject: Variance Request

Daryl & Amy, I am working on the language for your variance request for a 6-ft. fence. Please indicate on the attached rendering with x’s along the property line(s) where you want the fence to go. Also, please let me know how far the fence will be from the front property line and from the lake.

Thanks,

Lynn Harrison  
Coordinator  
Planning & Zoning  
2525 Joslyn Road, Lake Orion, MI 48360  
O: 248.391.0304, ext. 5001  
W: www.oriontownship.org

<732_Lawson_8.5x11P_1628615249.pdf>
Debra Walton

From: Jeff Williams
Sent: Wednesday, August 25, 2021 8:36 AM
To: Debra Walton
Subject: RE: Residential ZBA Documents for the September 13, 2021 ZBA Meeting

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

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

From: Debra Walton <dwalton@orion township.org>
Sent: Tuesday, August 24, 2021 12:08 PM
To: Jeff Williams <jwilliams@orion township.org>
Subject: Residential ZBA Documents for the September 13, 2021 ZBA Meeting

Attached is one ZBA residential case that needs to be reviewed by you for the September 13, 2021 ZBA meeting.

Thanks,

Debra Walton
Clerk
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002
W: www.orion township.org
My name is Linda Thierry and I live at 686 Lawson Drive, Lake Orion Michigan. I am writing regarding the Zoning Variance requested by Daryl and Amy Mulonas for the property at 732 Lawson Drive, Lake Orion Michigan, Case number AB-2021-52. I have reviewed the Application for Appeal and request that the Zoning Board of Appeal decline the requested variance.

I have two reasons for this decision.

First, it is my understanding that the Mulonas requested the variance due to the noise generated by HVAC equipment on the property to the north of theirs. It is my understanding that the Mulonas residence has two HVAC units on the north side of their property. Since both properties have HVAC on a common side, if you will, I can’t see where putting a six-foot fence on the property line will control the noise.

Second, Lawson Drive has an open natural feel. Putting the fence on the property line will create a cluttered, “on top of each other” feeling that will detract from the beautiful natural setting of the street.

Thank you.
RE: Charter Township of Orion Board of Appeals

Application for Appeal- Single Family Residential

Applicant Daryl and Amy Mulonas

Case AB-2021-52

My name is Roger Buches and I reside at 696 Lawson Dr, Lake Orion, MI 48362. I have reviewed the captioned application and request that the Zoning Board reject the variance.

I’ve have visited (and now own) the 696 Lawson Dr property since around 1976. Even as Orion Township has grown in the last 45 years Lawson Drive has maintained its rural and relaxing atmosphere. Even though the houses are relatively close there is still a feeling of openness and spaciousness. If an individual feels the need for a privacy fence my understanding is one can be built with the appropriate setback. By building a fence on the property line I’m afraid this will take away from the open character of the street and give it a cluttered look.

One point of the application confuses me. Part of the response to question seven on page two is “Lost our peaceful setting”. I viewed the 732 Lawson property from a neighboring property and there are two air conditioning units on the north side of the building by or adjacent to the master bedroom, as shown in the diagram attached to the Application for Appeal. Why should the Zoning Board approve a variance to limit noise in the master bedroom when the owner has placed air conditioning units by the master bedroom which by their nature would eliminate a peaceful setting?

Thank you for your consideration.

Roger A Buches

696 Lawson Dr
Charter Township of Orion
Attn: Zoning Board of Appeals
2525 Joslyn Rd.
Lake Orion, MI 48360

Dear Zoning Board of Appeals:

This letter responds to Zoning Variance Application No. AB-2021-52 ("Mulonas’ Appeal") pending before this Board of Appeals ("this Board"). The Mulonas Appeal requests placement of a six (6) foot fence on a side property line of 732 Lawson Dr. The side property line is shared with our property, 724 Lawson Dr., and for the reasons below, we respectfully request this Board reject the requested variance.

This Board should reject the requested variance because the Mulonas’ Appeal fails to meet the standards for a variance, which are set forth in The Orion Charter Township Zoning Ordinance (hereinafter referred to and cited to as the “Ordinance”). Notably, a variance “shall only” be granted if the board finds an application for variance meets all standards set forth in Section 30.07(C) of the Ordinance. See Ordinance, Section 30.07(C). The Mulonas’ Appeal fails to satisfy the standards set forth in at least (C)(1), (2), and (3) of Section 30.07.

First, the Mulonas’ Appeal includes an admission that the requested variance is not a result of any special or unique circumstances. See Exhibit A, p.2, response to questions number 2. Specifically, when asked to identify any special or unique circumstances particular to its own property that are not applicable to other properties in the area, the Mulonas’ Appeal states: “None that we are aware of.” See Exhibit A, p.2. Section 30.07(C)(2) requires “there [be] exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.” The response of “None th[at] we are aware of” should be considered fatal to the Mulonas’ Appeal because it is an admission in the Mulonas’ Appeal that at least Section 30.07(C)(2) of the Ordinance cannot be met.

Second, the Mulonas’ Appeal justifies its request with, at the best, misleading facts. The Mulonas’ Appeal relies on an alleged (a) “Los[s] [in their] peaceful setting” and (b) that their “property line is only 14’ from our house.” See Exhibit A, p.2. The Mulonas’ Appeal, however, fails to complete the picture as it is void of notable facts.
Absurd Claim of “Los[eing] . . . peaceful setting”

The Mulonas’ Appeal blames the loss of the “peace” on “the neighboring home install[ing] 3 external split unit heating and cooling units directly across from our master bedroom”. This is misleading because the three (3) external heating and cooling units (a Fujitsu Halcyon Mini-Split System) create noise analogous to the ambient noise created by dishwasher and refrigerator. For example, the maximum noise rating of any unit in a Fujitsu Halcyon Mini-Split System is 48 db(A). See Exhibit B at p.9. For comparison, the decibel rating of an LG LoDecibel™ kitchen appliance is 48db. See Exhibit C, LG’s LDS5540 Dishwasher brochure. The Mulonas’ Appeal relies on a noise level equivalent to the noise level created in every American Kitchen at night.

Further showing the misleading nature of the statement in the Mulonas’ Appeal, the Mulonas’ Appeal failed to identify the twin air-conditioning units Mr. and Mrs. Mulonas installed no more than 5 feet from one of their bedroom windows (at least 30 feet closer than the complained of mini-split system). See FIG. 1, infra. It is our understanding the twin air-conditioning units are Rheem brand units. Rheem’s 2021 air-conditioning units have a maximum decibel rating of at least 76-79 db (depending on the unit, the min decibel rating of the Rheem units ranges from 54-73 db). See Exhibit D. A vacuum cleaner, while running, has a decibel rating of about 70 db. See Exhibit E. While the Mulonas’ Appeal complains of the noise of an American kitchen, their own air-conditioning units outside their bedroom windows are as loud as vacuum cleaners.

Mr. and Mrs. Mulonas’ cannot reasonably state that the Fujitsu Halcyon Mini-Split System destroyed the peaceful setting at their home. Frankly, Mr. and Mrs. Mulonas’ created a loss in their own peaceful setting by installing their own Rheem air-conditioners. As further illustrated in FIG. 1 below, if a loss in a peaceful setting was created to a neighboring home, it was our home that lost the peaceful setting when the Mulonas’ installed the Rheem air-conditioners adjacent to their daughter’s old room and the deck the Mulonas’ built and must have once resided on to enjoy the peaceful setting they reference. Accordingly, the Mulonas’ Appeal cannot rely on the premise that they “Lost [their] peaceful setting” to meet the requirements of Section 30.07(C)(1), (2), or (3) of the Ordinance.

---

1 The Fujitsu Halcyon Mini-Split System was installed because it was the ONLY option for heating and cooling the home. Mr. and Mrs. Mulonas’ knew of the lack of duct work in the home and the need for the Mini-Split System, as they previously owned the home at 724 Lawson Dr. It should also be noted that Mr. and Mrs. Mulonas’ claim of an “existing bedroom” is once again misleading. After selling the home at 724 Lawson Dr. to us, Mr. and Mrs. Mulonas did not live in the home for approximately 30 days while they continue renovations of their home. Those renovations continue today, and it is our understanding that a living area in the existing building was converted to their master bedroom. Additionally, the Fujitsu Halcyon Mini-Split System was installed prior to Mr. and Mrs. Mulonas completing the design of their addition, and completion of the renovations to the existing building.
LETTER CONCERNING ZONING VARIANCE
APPLICATION NO. AB-2021-52

FIG. 1: Image of Proposed Fence Location, taken September 10, 2021

Not the Complete Picture - “Our property line is only 14’ from our house.”

The Mulonas’ Appeal inadequately justifies the variance request by suggesting that their “property line is only 14’ from [their] house.” See Exhibit A, p.2, response to questions number 6 which states: “The topography of said land makes the setback impossible to meet because.” Once again, this is at best another misleading statement. Recent documents submitted to the Orion Township Building Department by the Mulonas show that the front edge of their house is about 22 feet (22’ 10 ¾”) from the property line. See Exhibit F, Issued for Construction Blueprints of the Mulonas’ Addition. In addition, the Mulonas’ house at approximately the cliff/halfway point (Note: The cliff is not visible from the street, but shown best in FIG. 2 infra), is about 19 feet (19’ 1 ½”) from the property line. See Id. Notably, there is no reference to 14-ft from any property line in the drawings, but it is presumed the Mulonas’ Application may (as it is the only reasonable inference from the drawings) refer to a distance between the back corner of the home and the property line.
LETTER CONCERNING ZONING VARIANCE
APPLICATION NO. AB-2021-52

Most notable about the reference to the 14-ft distance is that it provides an inference that there is not enough space for the fence to be spaced from the Mulonas’ home. The inference would be false. The Mulonas’ property provides at least 20-ft of spacing to abide by the zoning ordinance and from the Mulonas’ home. FIGS. 2 and 3 below provides further context to the currently request placement of the fence, as demonstrated by the Mulonas’ with the bucket and string they placed at the proposed location as of at least September 10, 2021. These FIGS. also indicate an approximation of the 10-ft side yard setback in accordance with the Ordinance.

**FIG. 2: Image of Proposed Fence Location, taken September 10, 2021**
Mr. and Mrs. Mulonas’ property has more than adequate spacing to abide by the Ordinance and to leave room between the fence and their home. Accordingly, the Mulonas’ Application cannot rely on inadequate spacing to justify a variance or to meet the requirements of Section 30.07(C). The Mulonas’ Application must be rejected.

**Promoting and Protecting the Public Morals and Character of the Township**

The Ordinance has a purpose of “promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability”. See Ordinance, Article 1 at Preamble. Given the facts set forth above, we believe it would be against the purpose of the Ordinance to grant the variance requested in the Mulonas’ Application. As clearly indicated above, the culpability of the Mulonas’ Application is questionable. The Mulonas’ Application left out key
LETTER CONCERNING ZONING VARIANCE
APPLICATION NO. AB-2021-52

facts that, at a minimum, provide an inference of the Mulonas’ Application misleading its reasons for the variance request.

In line with potential misleading nature of the Mulonas’ Application, we believe our interactions with the Mulonas’ regarding the fence are pertinent. Mrs. Mulonas initially informed Mrs. Driscoll of the Mulonas’ desire to place a fence on the property line between our properties and that the Mulonas’ had applied for a building permit on the same. Mrs. Driscoll’s initial response was “sure” because she figured it was in the best interest of being neighborly and that the fence was going up regardless of her response. Following the call, Mrs. Mulonas never spoke with, otherwise informed, or suggested Mrs. Driscoll discuss with, Mr. Driscoll the fence. The following day, Mrs. Mulonas took this “sure” to the Township and informed the Township that “we” okayed it. Taking it a step further, Mrs. Mulonas requested Mrs. Driscoll provide a letter to this Board that “we” okayed the fence application (To be clear, “we”, a.k.a., Mr. and Mrs. Driscoll, did not “okay” the fence). Below is a screenshot of the text communications between Mrs. Driscoll and Mrs. Mulonas on this topic:
LETTER CONCERNING ZONING VARIANCE
APPLICATION NO. AB-2021-52

In the initial phone call, Mrs. Mulonas failed to inform Mrs. Driscoll that the Mulonas’ were requesting a statement by us/our property in support of the variance. Prior to completing the letter that Mrs. Mulonas requested, Mr. Driscoll suggested to Mrs. Driscoll something seemed suspicious about the letter/request. Accordingly, Mrs. Driscoll reached out to Mrs. Mulonas asking that the two couples meet to discuss the fence and what they were asking. The Mulonas’ rejected the request.

Following the rejection, Mr. Driscoll sought more information from the Township on the matter and uncovered the Mulonas’ Application. Mr. and Mrs. Driscoll desired to visualize the property line and fence location and proceeded, relying on to-scale property drawings the Mulonas’ submitted to the health department for a septic repair, to stake an approximate property line. The following day, Mr. Mulonas approached Mr. Driscoll upset with the stake placement. Mr. Driscoll explained how without the Mulonas’ willingness to discuss with us, and the appearance of attempted deception, that we took the matter into our own hands. In response, Mr. Mulonas’ pointed out how the stakes were a bit “%$*$&$&$” and that he could be a real “$*%&(%&” if Mr. Driscoll wanted to continue. Mr. Driscoll ended the conversation amicably by agreeing to remove the stakes and requesting the Mulonas’ discuss the fence location upon completion of an alleged survey to take place or when they Mulonas’ decide where they would like it placed.

To date, neither Mr. or Mrs. Mulonas have again reached out to Mr. or Mrs. Driscoll to discuss the fence. The Driscolls first learned of the Mulonas’ proposed/desired fence placement when they saw the bucket and string on September 10, 2021 (Note: 3 days before the hearing by this Board). We regret waiting until the last minute to submit this letter to this Board, but we wanted to provide the Mulonas’ ample time to reach out and/or to cure the Mulonas’ Application. They have done neither. The morals and character of these exchanges are not consistent with the Ordinance and is just another reason this Board must reject the Mulonas’ Application.

Given the facts set forth above, we believe it is against the purpose of the Ordinance to grant the variance requested. Moreover, the Mulonas’ Application provides no evidence supporting the grant of a variance in accordance with Section 30.07 of the Ordinance. The Mulonas’ Application must be rejected.

Respectfully,

/s/ Keith and Erin Driscoll

724 Lawson Dr.
Lake Orion, MI 48362

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2 The property line had to be “approximate” because the Mulonas’ submitted two different applications to the Health Department; the first noted a lakefront property distance of 70-ft, and the second noted a lakefront property distance of 75-ft.
Exhibit A

Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: 248-391-0304 ext. 5001; F: 248-391-1454

Version 5/10/18

Checklist for Single Family Residential Zoning Board of Appeals Application

- Applications must be submitted no later than 30 days prior to a scheduled meeting. Meetings are held the second and forth Monday of every month, unless otherwise specified.
- The applicant (or a representative, with written permission from the property owner) must be present at the meeting.

All of the following must accompany your completed application:

☐ Completed application, including original ink signatures of property owner and the applicant.
☐ Application fee of $200.00, cash or check payable to Orion Township.
☐ Proof of ownership. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.
☐ One copy 8.5”x11” (if size is larger than 11”x17” provide eight copies or 1 copy + PDF copy), of a scaled plot plan, or mortgage survey showing:
  - Lot lines with dimensions, and the total square footage of the lot
  - Label north point
  - Scale used on plans
  - Location of all existing and future buildings (including sheds, decks, pools, etc.) and lot coverage.
  - Accurate dimensions of all buildings, and the distances between them and to the nearest lot line
  - Parking areas and driveway(s)
  - Setback from the road right-of-way
  - All adjoining properties within 100’
  - Any easements on or adjacent to the property
  - Centerlines and road right-of-way widths of all abutting streets
☐ Elevation drawings with dimensions of proposed buildings or additions.
☐ If you live in an area with an active homeowner’s association, please provide an additional copy of plans signed and dated by the association.

Please note:

- You must stake the corners of the proposed structure(s) at least one week prior to the meeting you are scheduled to attend. This allows members of the Zoning Board of Appeals to see the proposed location.
- The Zoning Board of Appeals may require a registered, staked survey to verify the location of property lines. If not required by the ZBA, the Building Inspector may require one prior to approving the initial inspection.
- Per Zoning Ordinance 78, Article XXIX, Section 29.03, H, 1: No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year from the date of such order, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
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: DARYL & AMY MULONAS
Address: 732 LAWSON City/State/Zip: LAKE ORION, MI 48362
Phone: 248-212-9053-Cell: 248-505-1832-AMY
Email: SQUAREDNA@COMCAST.NET-DARYL
DAMULONAS@COMCAST.NET-AMY

PROPERTY OWNER(S)
Name(s): DARYL & AMY MULONAS
Address: 732 LAWSON City/State/Zip: LAKE ORION, MI 48362
Phone: 248-212-9053-Cell: 248-505-1832-AMY
Email: SQUAREDNA@COMCAST.NET-DARYL
DAMULONAS@COMCAST.NET-AMY

CONTACT PERSON FOR THIS REQUEST
Name: DARYL MULONAS Phone: 248-212-9053 Email: SQUAREDNA@COMCAST.NET

SUBJECT PROPERTY
Address: 732 LAWSON Sidwell Number: 09-09-276-023
Total Acreage: .75 Length of Ownership by Current Property Owner: 5 Years, 3 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. REQUEST IS TO PUT A 6' FENCE ON THE 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. NONE THE WE ARE AWARE OF

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: REQUEST IS TO LIMIT NOISE AND ADD PRIVACY FROM NEIGHBORING HOUSE. IT WILL NOT AFFECT THE TOWNSHIP IN A NEGATIVE WAY.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: THERE ARE A FEW OTHER FENCES ON OUR BLOCK

5. Describe how the alleged practical difficulty has not been self-created. THE NEIGHBORING HOME INSTALLED 3 EXTERNAL SPLIT UNIT HEATING AND COOLING UNITS DIRECTLY ACROSS FROM OUR MASTER BEDROOM WINDOWS

6. The topography of said land makes the setbacks impossible to meet because: OUR PROPERTY LINE ON IS ONLY 14' FROM OUR HOME

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. Units are loud. Lost our peaceful setting.
Exhibit A

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: __________

*(must be original ink signature)*

Print Name: __________________________

**Signature of Property Owner:** __________________________ Date: __________

*(must be original ink signature)*

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: __________________________

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EXHIBIT B
For over 30 years, we have been making the hottest places cool and the coolest places more comfortable.
World-Class Manufacturing, Design and Engineering.

Fujitsu General Ltd. (FGL), the parent of Fujitsu General America, Inc., continues to pursue excellence in product design and engineering standards of heating and cooling products for both commercial and residential applications. Global production capacity of nearly 3 million and existing ventures into emerging cooling technologies assure a dedicated commitment to advanced product development.

Our manufacturing facilities have met ISO 9002 and ISO 14001 international standards that assure reliability and effectiveness. With advanced global procurement of key components, Fujitsu is positioned to stay at the forefront of leading dynamic corporations.

Seasoned in the global proving ground, we continue to meet expanding markets and the demand for high quality, innovative heating and cooling systems. Fujitsu prides itself on its leading market position in North America and throughout the world.

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For more information please visit our website at www.fujitsugeneral.com
For 30 years, we have been working hard to make the world a more comfortable place. We have produced and shipped millions of air conditioning systems throughout the world to make the hottest places cool and the coolest places comfortable.

As one of the top two mini-split air conditioner and heat pump manufacturers for North America, Fujitsu’s innovation drives the success of the Halcyon line.

These products have been designed to provide zoned comfort for residential and commercial applications. Engineered to install quickly and easily without ductwork, Halcyon systems provide preferred cooling and heating solutions where others cannot.

Halcyon by Fujitsu is a new way to think about air conditioning in the modern world. Now you can choose a high performance, permanent and easy to install air conditioning system that quietly blends with your environment.
How does a Fujitsu Ductless Mini-Split work?

Halcyon mini-split systems are a quiet and non-intrusive ductless solution for cooling and heating in the home or business. Because a mini-split is comprised of an indoor and outdoor unit, this allows for a quieter and peaceful inside environment by enabling your contractor to install louder components like compressors and motors outdoors.

Copper tubing running through a small 3-inch opening in the wall or ceiling easily connects the indoor and outdoor units. Refrigerant is cycled through the lines from the outdoor condensing unit to the indoor air handler, where the air is quietly distributed to the interior space.

Conventional air duct systems tend to be bulky and can require special structural attention while Halcyon system piping can often be routed through walls and joists to maintain aesthetics.

Keep cool the sensible way.

Hot air rises and cold air falls. We all remember this law of physics from our school days. Keep this in mind as we explain how Fujitsu’s Halcyon line of air-conditioners uses this principle to cool more efficiently.

In a central air-conditioning system cold air originates many yards from its cooling destination, usually in a basement or a hot attic space. This means cold air, as it travels through ductwork begins to warm up and can lose up to 25% of its cooling capacity along the way. This adds up to extra money spent on energy bills cooling spaces you can’t enjoy.

Window air-conditioning units combine a noisy compressor section with the cooling coil and fan. This process transfers noise from the compressor section into the conditioned space. They may seem like a quick fix to the summer heat. But, they take up your window space and they deliver cold air across the middle of the room, not across the top where the heat is.
Mini-Split Solutions

Fujitsu ductless mini-split systems cool the air without ductwork. This is accomplished by mounting the cooling section compactly on the wall, near the ceiling. This allows the unit to remove heat more efficiently and deliver cooling directly into the space where you need it. The compressor section is mounted remotely outside, creating a quiet peaceful space inside. Fujitsu also has built in features you generally do not see on other types of systems. Automatic swing louvers and multiple fan speeds allow you to control the amount and direction of the airflow and maximize comfort.

Central Air Problems:
- Must cool entire home when only one room may need cooling.
- 18,000 BTU is typical minimum central air unit available.
- Typical 3-ton homes are not zoned or require complex zoning systems
- Energy wasted in long lengths of uninhabited ductwork means higher energy bills.
- Retrofitting homes requires cutting holes in walls, floors, ceilings or decreasing closet space with ducts.

Mini-Split Solutions:
- Cool only the areas you want and not the areas where you are not.
- Why oversize when only 9,000 or 12,000 BTUs may be required.
- Multiple evaporators make zoning as simple as setting a remote control.
- Less than 5% cooling loss occurs in insulated refrigerant lines compared with up to 25% through ducts.
- Requiring just a 3 or 4 inch diameter hole in the outside wall means less mess and better home aesthetics.

Window Unit Problems:
- Window units block the view from almost any window.
- Compromised security by providing easy access to intruders.
- Window units add little to your home’s resale value but, their inefficiency adds to your utility bill.
- They are noisy and unattractive.
- Almost all window units have inconvenient manual control knobs.

Mini-Split Solutions:
- Halcyon models mount high on the wall so they don’t disturb your view.
- Fujitsu provides security, requiring just a 3-4 inch opening to the outside.
- Fujitsu units add value to your home and are more efficient than old window units, saving you money.
- They are quiet and attractive.
- Wireless remote controller puts you in control of your own comfort.
Halcyon Product Line

FEATURES AND BENEFITS

- Ease of installation.
- Simple zone control for increased comfort and efficiency.
- Remote controls easily adjust indoor climates in multiple zones of your home or business.
- Reduced system energy losses because distribution takes place through insulated refrigeration lines rather than ductwork.

- Aesthetics are improved over window units and no windows need to be blocked.
- Smart environmental control through Artificial Intelligence Technology. The use of microcomputers enables our products to think and respond to changing conditions, allowing carefree operation and optimum comfort.

SINGLE-ZONE SYSTEMS

Air Conditioners
Perfect for controlling hard to cool areas for both residential and light commercial buildings.

Heat pumps
Excellent technology for supplemental heating and cooling applications.

12 SEER SINGLE-ZONE INDOOR AIR QUALITY SYSTEMS

Air Conditioners and Heat Pumps

Halcyon I.A.Q. controls not only room temperature, but also improves indoor air quality.

- Plasma air filter mechanism
- Easy maintenance
- More powerful air flow
DUAL-ZONE SYSTEMS
Fujitsu’s dual-zone system allows for two separate rooms to be cooled simultaneously yet independently through one connection to a single, outdoor condensing unit. It’s like having two systems in one.

TRI-ZONE SYSTEM
Independent Operation: This tri-zone system enables the user to modify three environmental zones independently, or simultaneously.

CEILING SUSPENDED SYSTEM
The cost-effective, attractive way to control any indoor climate, where wall space is limited and fresh air is needed.

UNIVERSAL SYSTEM
Approach various comfort conditioning problems with a flexible system that can be suspended from the ceiling, or placed low on the wall or floor.

CEILING CASSETTE SYSTEMS
An ideal alternative for areas with limited wall space or low ceilings. Recessed above a suspended ceiling, cassettes provide a flush mounting that blends with any décor.
Single-Zone Systems

Fujitsu brand ductless air conditioners can be used to solve various application-specific problems. Businesses and institutions such as schools, churches, nursing homes and hospitals, commercial office buildings, strip malls, motels and restaurants, apartments and condos, computer and telephone switching rooms, and even residences commonly use these systems. With more efficient zone control, “ductless mini-splits” are perfect for renovations, restorations, conversions, and add-ons.

ADDITIONAL AND EXCEPTIONAL FEATURES

- Auto Restart/Reset: In the event of a temporary power failure, these systems will automatically restart in the same operating mode as before once the power has been restored.
- Auto Louver Function: This feature enhances the air distribution by enabling the user to automatically set a gentle, “air sweep” motion in various patterns from the remote control. A vertical louvered motion for systems 9C1, 9R1A, 12C1 and 12R1A, and a “dual louvered” function for systems 18C1, 18R1A, 24C1, 24R1A and 30C1 provide vastly improved air flow.
- Power Diffuser: An additional feature triggered by the maximum auto louver function has been created with the “power diffuser.” This additional louver opens based on our AI technology (Artificial Intelligence) monitoring sensors to quickly enhance immediate comfort needs.
- Dry Mode: This setting helps to control humidity levels when cooling may not be needed.
- Sleep Function: This feature automatically adjusts the temperature while you sleep to make you more comfortable. Smaller models also incorporate an extra “Quiet” fan speed to be sure you are not disturbed.
- Moderate Low Ambient Operation: This additional feature allows the systems to operate indoors, even when outdoor ambient temperatures are 32°F, without any additional accessory.
- Energy Saver Mode: The Fujitsu system “energy saver” mode allows the unit to keep your room cool enough for comfort by using a relaxed thermostat setting, automatically reducing power consumption (Systems 18C1/18R1A/24C1/24R1A/30C1).
- Auto Change-Over: This feature provides a functional change from cooling to heating or vice-versa automatically depending on the desired temperature set and functional requirement. Auto Change-Over monitor operation range is ± 4°F relative to the set temperature (Systems 9R1A/12R1A/18R1A/24R1A).

AIR CONDITIONING SYSTEMS 9C1, 12C1
HEAT PUMP SYSTEMS 9R1A, 12R1A

AIR CONDITIONING SYSTEMS 18C1, 24C1
HEAT PUMP SYSTEMS 18R1A, 24R1A

AIR CONDITIONING SYSTEM 30C1

AIR CONDITIONING SYSTEM 36CX
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<td>8.2/8.9</td>
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<td>-</td>
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<td>-</td>
<td>-</td>
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<td>3 + Auto.</td>
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<td>Combined Max. Lgh</td>
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<td>49 (15)</td>
<td>65 (20)</td>
<td>65 (20)</td>
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<td>49 (15)</td>
<td>100 (50)</td>
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<td>280</td>
<td>530</td>
<td>320</td>
<td>643</td>
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<td>530</td>
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<td>26 (8)</td>
<td>26 (8)</td>
<td>26 (8)</td>
<td>49 (15)</td>
<td>100 (50)</td>
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<td>11</td>
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<td>25/8/12/32</td>
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<tr>
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<td>7</td>
<td>9/27/32</td>
<td>7/11/16</td>
<td>13/1/4</td>
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<td>250</td>
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<td>250</td>
<td>195</td>
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<td>195</td>
<td>336</td>
<td>195</td>
<td>336</td>
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</tbody>
</table>

Additional detail on page 19.
Halcyon I.A.Q. Systems control not only room temperature, but also improve indoor air quality.

The plasma air cleaner removes small dust particles and odors quickly.

```
10
mi
c
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H
H
H
H

10
mi
c
o
H
H
H
H

10
mi
c
o
H
H
H
H

10
mi
c
o
H
H
H
H
```

```
Dirty air

Clean air

"Plasma air filter" mechanism

Digester

Electric pole

Ground conductor

Electrostatic filter

Collects the dust

Odors absorbed by ozone

Plasma filter generates ions and ozone

```

```
Results of Dust Reduction

Results of Odor Reduction

Easy maintenance

*Based on JEM1417, 1467 measured at Fujitsu General lab Place: Closed test room 796.32 cu. ft. Particle: Tobacco smoke particle 0.3 micron per cu. ft.

Room is always clean even when many people are inside. Indoor air is always clean by removing health-damaging materials such as dust, pet hair, etc. You can also remove pollen and other allergy aggravating elements from the air. You can keep the indoor air clean even when you’re not home, by setting “24 hour timer operation.”

Compact body makes it possible to install above the window where installation of conventional models has been difficult.

12 SEER

High-powered airflow realized through advanced motor technology

Current Wall Mounted Type Model

Line of ceiling

NEW

Fan speed

HIGH 1,400rpm

900 1000 1100 1200 1300 1400 (rpm)
**Indoor Air Quality Systems**

<table>
<thead>
<tr>
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<th>18CXQ</th>
<th>18RXQ</th>
<th>24CXQ</th>
<th>24RXQ</th>
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<td>18,000/17,500</td>
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<td>—</td>
<td>24,000/23,500</td>
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<td>HSPF BTU/kW</td>
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<td>5.3 (2.5)</td>
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<td>230/208/60/1</td>
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<td>Recommended Fuse Size (A)</td>
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<td>20</td>
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<tr>
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<td>620 (1,050)</td>
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<tr>
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<td>460 (780)</td>
<td>460 (780)</td>
<td>510 (870)</td>
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<td>Low</td>
<td>380 (650)</td>
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<td>460 (780)</td>
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<td>—</td>
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<td>1,180</td>
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<td>9.2/10.0</td>
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<td>—</td>
<td>9.9/10.4</td>
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<td>1.65/1.62</td>
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<td>2.09/2.05</td>
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<td>Air Direction : Vertical</td>
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<td>Flare</td>
<td>Flare</td>
<td>Flare</td>
<td>Flare</td>
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<td>Combined Max. Lgh (ft.)</td>
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<td>285</td>
<td>285</td>
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</table>

Additional detail on page 19.
With Fujitsu’s new line of multi-zone air conditioners and heat pumps you can now do more than you ever thought possible with a conventional A/C system.

Built in features like: Auto Swing Louver, power Diffuser and four fan speeds; help create true Zone Conditioning rather than single room cooling.

With this onboard computer it even knows when to turn on, when to change fan speeds and even when to turn itself off; all to optimize efficiency.

ADDITIONAL AND EXCEPTIONAL FEATURES

- **Removable & Washable Front Grilles:** Due to user friendly design in cosmetic engineering, the front grilles are removable without tools.
- **Independent Operation:** This “dual zone” system comes with two remotes, two independent circuits, and two separate compressors, allowing the user to control multiple zones simultaneously or individually.

**DUAL-ZONE AIR CONDITIONING SYSTEMS 18CD, 24CD1**

**DUAL-ZONE HEAT PUMP SYSTEM 18RD**

**DUAL-ZONE APPLICATIONS**

This illustration shows the flexibility of our “dual zone” system and the space savings gained by having only one condenser for two zones. Installation costs are reduced as well.

When two individual zones have separate functions or comfort requirements, a space saving way to fulfill those requirements is by using a “dual zone” system that has a single outdoor condensing unit.
### DUAL-ZONE SYSTEMS

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<td>HSPF BTU/hW</td>
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<td>20</td>
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<td>241 (410)</td>
<td>241 (410)</td>
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<td>218 (370)</td>
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<td>—</td>
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<td>Air Filter</td>
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<td>Front Grille</td>
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<td>Connection Method</td>
<td>Drain</td>
<td>Drain</td>
<td>Drain</td>
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<tr>
<td>Combined Max. Lgh (ft)</td>
<td>49 (15) Each</td>
<td>49 (15) Each</td>
<td>49 (15) Each</td>
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<tr>
<td>Conn. Pipe Diameter (inch)</td>
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<td>Suc. 3/8 Dis. 1/4</td>
<td>Suc. 3/8 Dis. 1/4</td>
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<tr>
<td>Net Weight lbs.</td>
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<td>143 (65)</td>
<td>22 (10)</td>
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<td>Width (inch)</td>
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<td>33</td>
<td>32-1/8</td>
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<tr>
<td>Depth (inch)</td>
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<td>840</td>
<td>815</td>
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<tr>
<td>net Weight lbs.</td>
<td>179</td>
<td>335</td>
<td>179</td>
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</tbody>
</table>

Additional detail on page 19.
Tri-Zone System

By offering a large 3-ton “tri-zone” system, Fujitsu multi-zone products now encompass a myriad of possible applications for use in town-homes, strip malls, private offices, and other large or divided spaces. Independent circuits assure more specific controls for environments both large and small, with generous standard features.

**ADDITIONAL AND EXCEPTIONAL FEATURES**

- **Independent Operation:** This tri-zone system enables the user to modify three environmental zones independently or simultaneously.
- **Auto Louver Function:** By redirecting airflow automatically, cooling large areas efficiently is simplified. The two smaller units use a 7-stage up/down motion. The larger unit has a 4-way directional air sweep.

**TRI-ZONE AIR CONDITIONING SYSTEM 36CT**

**TRI-ZONE APPLICATIONS**

By strategically placing the three air handlers where airflow is maximized, a more extensive area may be cooled. You can also choose to cool only certain zones that are in use, thanks to independent controls. For the ultimate in quiet operation, and for energy conscious users, the tri-zone is the perfect solution.

---

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<th>TRI-ZONE 36CT</th>
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<td>Nominal Heating BTU/h</td>
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<tr>
<td>HSPF BTU/hr</td>
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<td>SEER</td>
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<tr>
<td>Moisture Removal Pt./h</td>
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<td>Voltage/Frequency/Phase</td>
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<td>Recommended Fuse Size (A)</td>
</tr>
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<td>Air Circ. c.F.M. : Hi</td>
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<td>Medium</td>
</tr>
<tr>
<td>Low</td>
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<tr>
<td>Quiet</td>
</tr>
<tr>
<td>Noise Level dBA : Hi</td>
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<td>Medium</td>
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<tr>
<td>Low</td>
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<tr>
<td>Quiet</td>
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<td>Indoor Fan Speed (rpm) : Hi</td>
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<tr>
<td>Low</td>
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<tr>
<td>Quiet</td>
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<td>Outdoor Fan Speed (rpm)</td>
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<td>Outdoor Noise Level dBA</td>
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<td>Power Use (kw) : Cooling</td>
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<td>Air Direction : Horizontal</td>
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<td>Max. Vertical Diff. ft</td>
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<td>Conn. Pipe Diameter in</td>
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<td>Dimensions :Height in</td>
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<td>Depth in</td>
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Additional detail on page 19.
Universal / Ceiling Suspended Systems

Fujitsu has an attractive way to accommodate “difficult to cool” indoor areas with a slim line “universal” system that can be suspended from the ceiling, placed low on the wall or rested on the floor. For large areas, when floor and wall space is restricted, Fujitsu has a larger ceiling suspended system that can be “partially recessed”. All systems can access “fresh air”, and come with “energy saver mode” and “auto restart” functions (see features chart on page 19).

ADDITIONAL AND EXCEPTIONAL FEATURES

- **Unique 3 in 1 Flexibility**: The user has the option of installing our System 22U either on the floor, wall, or ceiling depending on the desired or necessary installation requirement.

- **Double Auto Louver**: All systems have horizontal and vertical automated air sweeps that are operable from the remote control. You can also choose varying degrees of air flow angles.

- **Sleep Function**: This feature automatically adjusts the temperature while you sleep to make you more comfortable.

- **Dry Mode**: This setting helps to control humidity levels when cooling may not be needed.

### UNIVERSAL SYSTEM 22U

### CEILING MOUNT SYSTEM 36CS
Ceiling Cassette Systems

Fujitsu has added to its line of ceiling cassette systems. The new ceiling 36RC and 42RC cassettes add a new dimension to the already sleek line of cassettes. Mounting flush with a suspended ceiling our 18RC and 24RC cassettes can recess above with a clearance of just 9-1/4 inches. The new slender fit feature offered on the 36RC and 42RC allows the cassette to be recessed in as little as 9-7/8 inches making them one of the slimmest cassettes available. Couple that with advanced design features like: fresh air intake, a built in condensate pump, available branch ducts and automatic change-over from cooling to heating. Now you have Fujitsu innovation and quality.

ADDITIONAL AND EXCEPTIONAL FEATURES

- **Condensate Pump**: Built in condensate pump allows for drainage from the unit up to 31-1/2” allowing condensate to then be drained by gravity to another point.

- **Branch Ducts**: These recessed ceiling systems come with 2 branch ducts providing cooling access to smaller rooms; such as bathrooms, closets, etc.

CEILING CASSETTE SYSTEMS
18RC, 24RC, 36RC, AND 42RC

SYSTEM APPLICATIONS

- **Wired Controller**
  - Weekly timer
  - Set on-off time twice a day
  - Set different on-off time by day
  - Set time in 5 minute intervals
  - Control up to 16 indoor units

- **Slender Fit, 36/42**
  - Cassette body can be moved downward into the room 1-3/8” to accommodate limited ceiling space.

- **Wide Air Flow**
  - Large louvers distribute the air flow further into the room. Auto swing louvers help circulate air more evenly at all levels.
Fujitsu provides knock-outs on all ceiling cassettes where contractors can:

- Install one or two optional field supplied 4” branch ducts to supply 25% or 50% of the cooling or heating capacity respectively to an adjoining space up to 16 feet away.

CEILING CASSETTE SYSTEMS

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<tr>
<th></th>
<th>18RC</th>
<th>24RC</th>
<th>36RC</th>
<th>42RC</th>
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Additional detail on page 19.
Digital Wireless Remotes

SMALL SYSTEM CONTROL 9 AND 12

- Timer
- Sleep Timer
- Fan Control
- Temp./Time Set
- Air Flow Direction
- Master Control
- Start/Stop
- Swing Louver

I.A.Q. REMOTE CONTROL
(18CXQ, 18RXQ, 24CXQ, 24RXQ)

- Timer
- Air Clean
- Fan Control
- Temp./Time Set
- Air Flow Direction
- Master Control
- Start/Stop
- Swing Louver

LARGE NON-I.A.Q. SYSTEMS CONTROL 18 AND LARGER

- Timer
- Sleep Timer
- Fan Control
- Temp./Time Set
- Start/Stop
- Master Control
- ACL
- Air Flow Direction
- Test Run
- Energy Save
- Time Adjustment
- Battery

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## MODEL FEATURE CHART

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<th>Feature</th>
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<th>12 SEER</th>
<th>9R1A</th>
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</tr>
<tr>
<td>Low Ambient</td>
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<tr>
<td>Cold Prevention</td>
<td>✓</td>
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<tr>
<td>Slender Fit</td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

### Accessories and Recommendations

**Supplemental Air Filter:** Three stage air filter includes Activated charcoal filter which helps to remove odors, an Electrostatic type filter removes more particulate dust, and a Pleated filter to remove extra fine particles. Available for all wall mount systems.

**Condensate Pumps:** Fujitsu condensate pump is available for System 36CS. All other models can be fitted with a Micro-pump, field supplied.

**Low Ambient Operation:** All Fujitsu systems are capable of operating in ambient conditions down to 32°F. If operation below 32°F is required a field installed low ambient control must be installed, field supplied.

For more information, contact your local representative or distributor; or contact Fujitsu General America, Inc.

**Complete System Warranty**
- **1 Year – Parts**
- **5 Years – Compressor**
- **NOTE:** Condensing units come pre-charged from factory. Additional refrigerant may be required, be sure to check installation manual for more details.
- **Cooling capacity is based on the following conditions.**
  - Indoor temperature: 80°F DB/67°F WB (26.7°C DB/19.4°C WB)
  - Outdoor temperature: 95°F DB/75°F WB (35°C DB/23.9°C WB)

- **Heating capacity is based on the following conditions.**
  - Indoor temperature: 70°F DB (21.1°C DB)
  - Outdoor temperature: 47°F DB/43°F WB (8.3°C DB/6.1°C WB)

- **Specifications and design are subject to change without notice for further improvement.**

### BTU Rating vs Square Footage

<table>
<thead>
<tr>
<th>BTU Rating</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>9,000 - 12,000</td>
<td>350 - 675</td>
</tr>
<tr>
<td>18,000 - 24,000</td>
<td>700 - 1,350</td>
</tr>
<tr>
<td>30,000</td>
<td>1,200 - 1,700</td>
</tr>
<tr>
<td>36,000 - 42,000</td>
<td>1,500 - 2,375</td>
</tr>
</tbody>
</table>

Estimated square footages may be more, or less depending upon ceiling height, insulation, building materials, climate zones, and other factors affecting “heat loads” such as appliances, window area, and electronics. Figures used in this catalog supercede all other previous references.

Consult your engineer or HVAC professional.

### MEA #’s
- “C” Series: 173-95-E IV
- “R” Series: 108-96-E II

- **ISO 9002**
- **ISO 14001**
For 30 years we’ve been working hard to make the world a more comfortable place.

We’ve produced and shipped millions of air conditioning systems all over the world to make the hottest places cool and the coolest places comfortable.

**Engineering Solutions**
Halcyon goes where ducts can’t.

**Architectural Freedom**
Open, airy designs not a problem with Halcyon ductless mini-splits.

**Cost Savings**
Ease of installation saves time and money.

**COMFORT BY DESIGN**

Floor level heating
When required, the power diffuser automatically opens, concentrating airflow down to the floor level.

Large, wide airflow
Large louvers distribute airflow further into the room. Auto-Swing movement helps circulate air more evenly at all levels.

Distributed by:

Fujitsu General America, Inc.
353 Route 46 W., Fairfield, NJ 07004
Tel. (973) 575-0380 Fax. (973) 836-0429
E-Mail Address: hvac@fujitsugeneral.com
www.fujitsugeneral.com

A subsidiary of
Fujitsu General Limited
EXHIBIT C
QUIET... THERE’S A GENIUS AT WORK

Thanks to LG’s brilliant LoDecibel™ Operation, you can look forward to a dishwasher that’s among the quietest in its class. The 48dB rating might not mean much to you, but to your ears it’s pure nirvana. Since it has fewer moving parts, LG’s exclusive Inverter DirectDrive motor ensures “tip-toe” quiet load after load… along with utmost operating efficiency. No surprise, our motor is backed with a 10-Year Limited Warranty. And that’s something to shout about!

SPECIFICATIONS
• 14 Place Settings
• 5 Cycles
• NeveRust™ Stainless Steel Tub
• Self-Cleaning Filtration System
• BPA-Free Nylon Coated Tines

INNOVATIONS
• EasyRack™ Plus with Fully Adjustable Color-coded Tines
• One-touch Height Adjustable Upper Rack
• 48 dB LoDecibel™ Quiet Operation
• Slim DirectDrive Motor
• Safety Water Overflow Detector
• 19-Hour Delay Start
• LoDecibel™ Quiet Operation
• SenseClean™ Wash System
• Upper Only Wash Mode
• NSF-Certified Sanitary Rinse
• Hybrid Condensing Drying System

STYLISH DESIGN
• Semi-Integrated SmoothTouch™ Controls
• Time-Remaining LED Display

EasyRack™ Plus
The newly-enhanced EasyRack™ Plus system provides outstanding flexibility and convenience, adjusting to just about any load of dishes to insure optimal cleaning performance. Convenient innovations include adjustable tines, flip-up stemware racks, and unique utensil basket. Easy to adjust on-the-fly, this racking system can shift to handle any challenge your dishes can serve up.

10-Year Limited Warranty on Inverter Direct Drive Motor
When you buy a dishwasher, you want something reliable that you can count on. Because the Direct Drive Motor uses fewer moving parts and operates more efficiently, LG confidently backs the motor with a 10-year limited warranty.

LoDecibel™ Operation
LG’s technological advances, like the Inverter DirectDrive motor and the advanced self-cleaning filtration system, were designed with quiet in mind. At 48dB, this dishwasher is among the quietest dishwashers in its class.
### Semi-Integrated Dishwasher w/ Flexible EasyRack™ Plus System

**LDS5540_**

#### CAPACITY

<table>
<thead>
<tr>
<th>Feature</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Place Settings</td>
<td>14</td>
</tr>
<tr>
<td>Upper Rack Dish Height Limit</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Lower Rack Dish Height Limit</td>
<td>14&quot;</td>
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#### RACKS AND BASKETS

<table>
<thead>
<tr>
<th>Feature</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cutlery Baskets</td>
<td>3-in-1 Detachable Baskets</td>
</tr>
<tr>
<td>Stemware Holders</td>
<td>•</td>
</tr>
<tr>
<td>Racks and Tines</td>
<td>Nylon Coated with Rounded Tips</td>
</tr>
<tr>
<td>EasyRack™ Plus System</td>
<td>•</td>
</tr>
<tr>
<td>Upper Rack Color-Coded Foldable Tines</td>
<td>•</td>
</tr>
<tr>
<td>Lower Rack Color-Coded Foldable Tines</td>
<td>•</td>
</tr>
<tr>
<td>Height Adjustable Upper Rack</td>
<td>•</td>
</tr>
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</table>

#### STYLE AND DESIGN

<table>
<thead>
<tr>
<th>Feature</th>
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<tbody>
<tr>
<td>Electronic Controls</td>
<td>Semi-Integrated SmoothTouch™ Controls with LED Display</td>
</tr>
<tr>
<td>Time Remaining Indicator</td>
<td>•</td>
</tr>
<tr>
<td>Rinse-Aid Indicator</td>
<td>•</td>
</tr>
<tr>
<td>Tub Material</td>
<td>NeveRust™ Stainless Steel</td>
</tr>
<tr>
<td>Available Colors</td>
<td>White (WW), Black (BB), Stainless Steel (ST)</td>
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#### FEATURES

<table>
<thead>
<tr>
<th>Feature</th>
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</thead>
<tbody>
<tr>
<td>LoDecibel™ Quiet Operation</td>
<td>•</td>
</tr>
<tr>
<td>Slim Direct Drive Motor</td>
<td>•</td>
</tr>
<tr>
<td>Overflow Detector</td>
<td>•</td>
</tr>
<tr>
<td>120°F Inlet Water Capability</td>
<td>•</td>
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<tr>
<td>Self-Cleaning Filtration System</td>
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</tr>
<tr>
<td>Delay Start</td>
<td>Up To 19 Hours</td>
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<tr>
<td>Child Lock</td>
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#### PERFORMANCE

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<th>Feature</th>
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</thead>
<tbody>
<tr>
<td>Number of Wash Cycles</td>
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<tr>
<td>Wash Cycles</td>
<td>Power Scrub, Normal, Delicate, Quick, Upper Only</td>
</tr>
<tr>
<td>SenseClean™ Wash System</td>
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</tr>
<tr>
<td>Sanitary Rinse Cycle</td>
<td>•</td>
</tr>
<tr>
<td>Extra Rinse Option</td>
<td>•</td>
</tr>
<tr>
<td>Multi-Level Water Direction</td>
<td>5</td>
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<tr>
<td>Hybrid Condensing Drying System</td>
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<tr>
<td>Noise Level</td>
<td>48 dB</td>
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#### POWER SOURCE/RATING

<table>
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<th>Feature</th>
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<tbody>
<tr>
<td>Ratings/Requirements/Type</td>
<td>UL Listed/120 V, 12 Amps/60 Hz</td>
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<tr>
<td>Circuit Breaker Size</td>
<td>15 Amps</td>
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<tr>
<td>Energy Star</td>
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#### DIMENSIONS

<table>
<thead>
<tr>
<th>Feature</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>Unit Dimensions (WxHxD)</td>
<td>23 3/4&quot; x 33 1/2&quot; x 24 5/8&quot;</td>
</tr>
<tr>
<td>Required Clearances (WxHxD)</td>
<td>24&quot; x 24&quot; x 33 1/2&quot;</td>
</tr>
<tr>
<td>Carton Dimensions (WxHxD)</td>
<td>27 1/5&quot; x 35 1/10&quot; x 29 3/5&quot;</td>
</tr>
<tr>
<td>Weight (Unit/Carton)</td>
<td>90.8 lbs / 97 lbs</td>
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#### LIMITED WARRANTY

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<tr>
<th>Feature</th>
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<tbody>
<tr>
<td>1 Year Labor, 2 Year Parts, 5 Years on Control Board and Rack Parts, 10 Years Direct Drive Motor Lifetime on the Stainless Steel Tub and Door Liner</td>
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#### UPC CODES

<table>
<thead>
<tr>
<th>Feature</th>
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</thead>
<tbody>
<tr>
<td>LDS5540WW (Smooth White)</td>
<td>048231 013079</td>
</tr>
<tr>
<td>LDS5540BB (Smooth Black)</td>
<td>048231 013086</td>
</tr>
<tr>
<td>LDS5540ST (Stainless Steel)</td>
<td>048231 013062</td>
</tr>
</tbody>
</table>

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**LG Electronics U.S.A., Inc.**

1000 Sylvan Avenue Englewood Cliffs, NJ 07632

Customer Service and Technical Support: (800) 243-0000

LG.com

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Design, features and specifications are subject to change without notice. Non-metric weights and measurements are approximate.

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EXHIBIT D
Rheem makes 6 central air conditioners with efficiency from 15.5 to 20.5 SEER. It’s one of the first brands to stop making inefficient 13 and 14 SEER models.

Rheem air conditioner cost is $4,995 to $9,695 for installed ACs. Cost factors include...
Note: If you’re just beginning your research into central air conditioners, then our Central AC Prices Guide is the best place to start. It has in-depth information about AC performance, size, efficiency and how these factors allow you to choose the right AC for your climate and indoor comfort preferences.

This Rheem central air conditioner review provides comprehensive research on all Rheem models – their efficiency, performance and cost. It will give you details needed to decide which Rheem model is your best choice – or whether Rheem is the right brand for you.

We’ve completed full reviews of major AC brands Bryant, Carrier, American Standard, Trane, Goodman, Lennox, York and others that allow for quick comparison.

About Rheem – Is Rheem the Same as Ruud?

Rheem is one of America’s best-selling brands. It makes a full line of HVAC equipment plus water heaters and more.
Did you know? The HVAC/central AC industry has consolidated like all others. While there are 30+ brands, they are owned by less than 10 manufacturers. For the most part, those manufacturers make just one lineup of ACs but still sell them under multiple brand names such as Ingersoll-Rand brands Trane and American Standard or UTC brands Carrier and Bryant.

Rheem ACs – What’s Available?

This overview table shows the 6 air conditioner models and a few key details.

<table>
<thead>
<tr>
<th>Model</th>
<th>SEER</th>
<th>Compressor</th>
<th>Thermostat</th>
<th>Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classic Plus Series - RA20</td>
<td>20.5</td>
<td>Variable-speed</td>
<td>EcoNet</td>
<td>54-76</td>
</tr>
<tr>
<td>Classic Plus Series - RA17</td>
<td>17</td>
<td>2-stage</td>
<td>EcoNet</td>
<td>72-77</td>
</tr>
<tr>
<td>Classic Series - RA17</td>
<td>17</td>
<td>2-stage</td>
<td>Any</td>
<td>72-77</td>
</tr>
<tr>
<td>Classic Series - RA16</td>
<td>16</td>
<td>Single-stage</td>
<td>Any</td>
<td>71-76</td>
</tr>
<tr>
<td>Classic Series - RA**14 &amp; RA14</td>
<td>16</td>
<td>Single-stage</td>
<td>Any</td>
<td>73-77</td>
</tr>
<tr>
<td>Classic Series - RA13</td>
<td>15.5</td>
<td>Single-stage</td>
<td>Any</td>
<td>73-79</td>
</tr>
</tbody>
</table>

As you can see, you have a full-range of options: Single-stage, two-stage, variable capacity.

A few top Rheem AC models stand out.

The **Rheem RA17** is made in two versions. The **Classic Plus RA17 is communicating** – meaning that instead of simply being controlled by the thermostat, the unit sends data back to the thermostat – communicates with the thermostat – to determine which stage to run on, low (67% of capacity) or high (100%), and when the cycle should end.

There’s more on communicating technology below under Comfort Control and...
The **RA**14 and RA14 are identical single-stage models with one difference. The RA**14 is available in 1.5 to 3.5 ton units, or 18K to 42K BTUs, not larger sizes up to 5 tons/60,000 BTUs like the RA14. Sound levels are 73-75 decibels.

Also, the RA**14 is meets efficiency requirements for the Southwest region of the US. The larger sizes of the RA14 do not.

**Rheem Air Conditioner Pros & Cons**

What sets Rheem apart, if anything, from major competitors like Trane, Carrier and Lennox?

**Pros – Unique Features**

*Improved quality and higher efficiencies are the two changes to Rheem in the last 5 years that are most impressive.*

Rheem was rated in the lower half of brands for quality for some time. But a re-invigoration of R&D – plus using better third-party parts – has improved overall durability and reliability.

For example, the variable speed Copeland Scroll compressor is used on the RA20. Both versions of the RA17 feature the 2-stage Copeland Scroll UltraTech, which is considered right at the top of the chart for quality along with the Trane/American Standard ClimaTuff compressor.
The Copeland Scroll Variable Speed compressor has been available since about 2016, so long-term reliability isn’t known. So far, so good, as they say.

Copeland is a division of Emerson Climate Technologies, one of the largest manufacturers of HVAC parts and equipment in the world.

The improvement in efficiency has occurred recently too. Apart from a few really efficient ACs from Lennox and Daikin/Amana, Rheem’s RA20 at 20.5 SEER rates alongside the most efficient from Carrier, Heil and Armstrong Air.

*Here are four ways to look at Rheem advantages and what is offered.*

**Energy Management**

Like all major brands but Goodman (at this writing), Rheem offers three performance levels – single-stage, two-stage and variable capacity.

Cost rises with each upgrade in performance, but efficiency and the ability of the system to dehumidify the air in summer increases too.

It’s important to match the performance with your climate. A single-stage unit is fine for regions with cool summers. But where your AC gets a real workout, then having a more efficient model with better performance controls energy use and makes indoor climate more comfortable.

The variable speed RA20 is most efficient because the compressor operates like a vehicle’s cruise control. If you want to maintain a speed of 70mph, set the cruise control there. The engine will work harder while going uphill and work easier when going downhill to maintain that speed. It’s an inverter-driven compressor similar to those used in mini split systems.

Variable speed compressors modulate in small increments between about 30% and 100% capacity. They run at the lowest capacity needed to maintain the indoor
Cycles are longer – almost continuous on the hottest days. This strategy is more efficient than running at 100% capacity (single-stage unit) and then shutting off – on/off, on/off – or at running at low speed and then kicking into high speed and then back again (two-stage).

As with efficiency, temperature and humidity control improve with better compressor performance.

**Comfort Management**

The thermostat is at the heart of comfort management. They control what stage variable speed and two-stage units run on.

The RA20 with its variable capacity compressor keeps temperatures more precisely balanced and removes more humidity with its long cooling cycles than either two-stage or single-stage models.

If you live where summers are moderate, then a single-stage model might be sufficient to keep you comfortable. It will cost less too.

In warm climates, consider a two-stage model. In the hottest, a variable speed AC might be worth the money.

**Now to thermostats.**

The Rheem EcoNet thermostat with WiFi and communicating technology can be used with the RA20 variable speed and RA17 two-stage models.

**There are two versions.** The EcoNet Smart Thermostat works with Alexa, has a 4.3” LCD touchscreen and a motion sensor – so, like the NEST thermostat, its display lights up when you approach.

It’s also available as an EcoNet Control Center that controls both HVAC and a Rheem water heater.
Before you choose the EcoNet thermostat and the communicating option, consider reading our FAQ Guide to Communicating vs Non-communicating technology. You’ll pay more for a communicating system – and with it might come more headaches, not just improved efficiency and climate control.

We recommend reading the Comments at the bottom of the page to get communicating AC technology pros and cons from homeowners like you.

**Humidity Management**

If your climate is really humid – the SE or South – then humidity management is important.

The long, low cycles of a variable speed AC move air more consistently over the indoor coil. There, moisture from the air condenses and is drained away. This makes the air drier and more comfortable.

A 2-stage model running on low most of the time does the same thing, though not as effectively, but at lower cost for the equipment.

We don’t recommend a single-stage AC for a humid environment. You’ll have to turn down the thermostat to 68-72 to remove as much humidity as you would at 74 with a two-stage model and 76 with a variable speed AC. Your energy costs will be much higher than necessary.

**Sound Management**

The modulating Copeland Scroll compressor in the RA20 is one of the quietest in the industry, running as quietly as 54db much of the time. That’s the value of variable capacity or modulating performance – the compressors run at a very low speeds – and lower noise levels too.

Rheem uses similar features as other brands to limit noise – a composite (non-metal) base pan quiets vibration noise, a fan orifice designed to reduce noise while optimizing airflow and compressor sound covers, aka blankets, to dampen noise.
A few years ago, the poor-performing Rheem 13 SEER and 14 SEER ACs were the biggest “con” with this brand. They’re gone, replaced by better quality and efficiency.

The RA20 is fairly new – so is its compressor, the Copeland Scroll Variable Speed compressor. Copeland is a proven brand – but this compressor hasn’t been in use nearly as long as the variable speed compressors from Trane/American Standard and Carrier/Bryant. If you’re committed to a variable speed AC, consider those brands first. For 2-stage performance, the Rheem RA17 is an excellent choice.

The biggest concern now is having an unqualified installer do the installation. There’s more information below under Who Installs Rheem?

2020 Rheem Air Conditioner Prices by Model

Here are the cost ranges for the 6 Rheem AC models. Keep in mind that the RA**14 is available in models from 1.5 tons (18K BTUs) to 3.5 tons (42K BTUs). The others start at 1.5 or 2.0 tons and range to 5.0 tons.

We’ve produced these tables for most other brands including American Standard, Goodman, York and Bryant. They allow you to compare models, specifications and cost head to head.

The System Only column is equipment cost – condensing unit, indoor coil, refrigerant line set and thermostat.

The Installed Cost includes labor costs, supplies needed, installer overhead costs and profit.

<table>
<thead>
<tr>
<th>Model</th>
<th>System Only</th>
<th>System Installed</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA20</td>
<td>$4,750 - $7,170</td>
<td>$6,200 - $10,080</td>
</tr>
<tr>
<td>RA17</td>
<td>$4,510 - $6,560</td>
<td>$5,950 - $9,240</td>
</tr>
<tr>
<td>RA17</td>
<td>$4,210 - $6,280</td>
<td>$5,680 - $9,160</td>
</tr>
<tr>
<td>RA14</td>
<td>$3,820 - $5,850</td>
<td>$5,240 - $8,340</td>
</tr>
<tr>
<td>RA14**14</td>
<td>$3,810 - $5,100</td>
<td>$5,310 - $7,080</td>
</tr>
<tr>
<td>RA16</td>
<td>$4,080 - $6,100</td>
<td>$5,430 - $8,780</td>
</tr>
</tbody>
</table>
2020 Rheem Air Conditioner Cost by Size

The chart shows the mid-range costs for Rheem ACs – somewhere between the Rheem RA17 two-stage, non-communicating model and the 16 SEER RA16.

<table>
<thead>
<tr>
<th>AC Unit Size</th>
<th>Home Size</th>
<th>System Only</th>
<th>System Installed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5 ton</td>
<td>600-1000 sf</td>
<td>$4,130</td>
<td>$6,510</td>
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<tr>
<td>2.0 ton</td>
<td>1001 - 1300 sf</td>
<td>$4,380</td>
<td>$6,690</td>
</tr>
<tr>
<td>2.5 ton</td>
<td>1301 - 1600 sf</td>
<td>$4,680</td>
<td>$7,310</td>
</tr>
<tr>
<td>3 ton</td>
<td>1601 - 1900 sf</td>
<td>$5,000</td>
<td>$7,520</td>
</tr>
<tr>
<td>3.5 ton</td>
<td>1901 - 2200 sf</td>
<td>$5,510</td>
<td>$7,950</td>
</tr>
<tr>
<td>4.0 ton</td>
<td>2201 - 2600 sf</td>
<td>$5,640</td>
<td>$8,120</td>
</tr>
<tr>
<td>5.0 ton</td>
<td>2601 - 3200 sf</td>
<td>$6,230</td>
<td>$8,430</td>
</tr>
</tbody>
</table>

Speaking of size, sizes in the chart are approximate only.

Getting the right size AC is vital to energy efficiency, performance and durability. When you get Rheem air conditioner cost estimates, talk to the dealers about doing a load calculation such as a Manual J.

A load calculation takes 15+ factors into account such as your climate, home size, home layout, insulation, windows and doors, etc.

It’s the best way to know what size air conditioner is right for your home.

Rheem Warranties
the first decade, Rheem will replace the entire condensing unit, not just the compressor.

This change reflects increased competition with brands like Goodman and Heil that also offer unit replacement warranties on the compressor. Goodman offers a Lifetime compressor warranty on top models.

Rheem backs all units with a 10-year general parts. That’s average for the industry – the same as Carrier, Bryant, Heil, Armstrong and most Lennox models.

Who Installs Rheem?

Any air conditioning and heating company can be a Rheem dealer. No particular certifications, other than a basic HVAC license, is required.

Is that a good thing?

If the dealer is NATE-certified, it might be fine. NATE is the North American Technician Excellence certification that is highly respected throughout the industry. It carries more weight than being certified by a brand.

Your other option for Rheem installation is to choose a Rheem Pro Partner. According to Rheem, these installers are “elite contractors” dedicated to excellence in installing Rheem equipment.” About 20-40% of the companies that install Rheem are Pro Partners. For example, in the Atlanta area, 20 of 58 AC companies that install Rheem are Pro Partners.

Many of them are NATE-certified too.

Find a Quality Installer – We Can Help

Correct installation is vital to the proper functioning and durability of a central air conditioner.

Most of the professionals that use our Free Local Quotes service are NATE-certified

https://www.pickhvacom/central-air-conditioner/rheem/
There's no obligation or cost to use the service. Filling out a short form or making a quick call is all it takes. And you can get your questions answered by the pros that contact you.

We recommend you check out the online reviews of the installers that provide you with free, written estimates. Ask about certification.

This approach is the best way to ensure your Rheem – or any brand – air conditioner is installed properly to give you 15-20+ years of reliable service.

### 2019-2020 Submitted Prices and Reviews

We will not edit any words from submitted feedback information. We will update this table every 3-6 months and you may not see your submitted review immediately.

<table>
<thead>
<tr>
<th>Brand &amp; Model &amp; Size</th>
<th>Price</th>
<th>Home Location</th>
<th>Home Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rheem RA14</td>
<td>$13,692</td>
<td>Gaithersburg, MD</td>
<td>2400 sq ft</td>
</tr>
<tr>
<td><strong>Rheem RA14 16 seer single stage gas furnace TL92</strong></td>
<td><strong>$16,791 (Include Ductwork)</strong></td>
<td>San bernadino, ca</td>
<td>2 bedroom single family home</td>
</tr>
</tbody>
</table>

This estimate was for a 2 zone system. 3 Ton and 2 Ton respectively.

| Rheem RA1448AJ       | $14,000    | El Dorado Hills, CA | 2520 sq ft |

Replace outside AC and attic gas furnace. Includes moving Outdoor AC 15 feet (attic run for electrical and set) - new pad. Reseal ducts and 16 MERV charcoal filter with ionizer. Permits...

| Rheem RA1342AJINA    | $2,900     | Chicago, IL         | 1800 sq ft |

Rheem makes outstanding products and this is just one of them. I got it to replace an old one I had that broke down a few times and just couldn't get its old form back. The utility bill has since gone down and I haven't had any issues with repairs.

| Rheem RGEA16         | $3,800     | Rio Rancho          | 1850 sq ft |

Works great, better than one I had before. It couldn't cool the house properly and after a few expensive repairs, I decided it's time I replaced it. I've had the unit for almost a year now and I like it, you can't go wrong with Rheem.
Firstly, keep in mind that installation quality is always the most important thing for air conditioner project. So never sacrifice contractor quality for lower price.

Secondly, remember to look up the rebates.

Thirdly, ask for at least 3 bids before you make the decision. You can click here to get 3 free estimates for your local contractor, and this estimate already takes rebates and tax credit into consideration and filter unqualified contractors automatically.

At last, once you chose the right contractor, remember to use the tactics from this guide: homeowners tactics when negotiating with HVAC dealer to get the final best price.

Feel free to ask any question by leaving a comment, we will answer any question with actionable tips.

Other Related Articles:

Rheem Central Air Conditioner Prices and Installtion Cost
Share Your HVAC Quote/Cost

We rely on readers like you to share your HVAC system cost or quote. It really helps other visitors to estimate the cost of a new HVAC unit.

Name
Optional

Email
Optional

Home Size *

AC Brands and Model *
ie: Tranx XR13, Lennox xp15

City and State

Total Cost With Installation *

Include Ductwork Replacement? *
○ Yes
○ No

More Details About Your HVAC Project *


EXHIBIT E
### Decibel Level Comparison Chart

<table>
<thead>
<tr>
<th>Environmental Noise</th>
<th>dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jet engine at 100’</td>
<td>140</td>
</tr>
<tr>
<td>Pain Begins</td>
<td></td>
</tr>
<tr>
<td>Pneumatic chipper at ear</td>
<td>120</td>
</tr>
<tr>
<td>Chain saw at 3’</td>
<td>110</td>
</tr>
<tr>
<td>Power mower</td>
<td>107</td>
</tr>
<tr>
<td>Subway train at 200’</td>
<td>95</td>
</tr>
<tr>
<td>Walkman on 5/10</td>
<td>94</td>
</tr>
<tr>
<td>Level at which sustained exposure may result in hearing loss</td>
<td>80-90</td>
</tr>
<tr>
<td>City Traffic</td>
<td>85</td>
</tr>
<tr>
<td>Telephone dial tone</td>
<td>80</td>
</tr>
<tr>
<td>Chamber music, in a small auditorium</td>
<td>75-85</td>
</tr>
<tr>
<td>Vacuum cleaner</td>
<td>75</td>
</tr>
<tr>
<td>Normal conversation</td>
<td>60-70</td>
</tr>
<tr>
<td>Business Office</td>
<td>60-65</td>
</tr>
<tr>
<td>Household refrigerator</td>
<td>55</td>
</tr>
<tr>
<td>Suburban area at night</td>
<td>40</td>
</tr>
<tr>
<td>Whisper</td>
<td>25</td>
</tr>
<tr>
<td>Quiet natural area with no wind</td>
<td>20</td>
</tr>
<tr>
<td>Threshold of hearing</td>
<td>0</td>
</tr>
</tbody>
</table>

Note: dBA = Decibels, A weighted
EXHIBIT F
**General Notes:**

1. See Sheet A-000.1 for structural notes and framing legends.
2. Structural Member Designation
3. Mechanical System Design by Contractor
4. Electrical Systems Design by Contractor
5. Solid wood blocking 2(2x4) or 2(2x6) for load bearing of structural members.

**Foundation Permits:**
- Issued for construction: 12/08/2019
- Foundation revisions: 11/13/2019, 12/01/2019

**Structural Members:**
- I-Level Truss Joist Floor: 210 x 11 7/8" @ 16" O.C.
- W8x18

**Slab on Grade:**
- 4" concrete slab with 6x6, 10/10 w/w. on 6 mil vapor barrier on min. 6" compacted gran fill.

**Existing Basement:**
- 2x6 standard eastern white pine floor joist from existing basement wall to new steel beam.

**New Basement Addition:**
- 1" - 2" height difference.

**Existing V.I.F.:**
- T 95' - 0" B 94' - 0"

**Additional Notes:**
- See Sheet A-000.1 for structural notes and framing legends.
- EXISTING V.I.F.: T 95' - 0" B 94' - 0"

**Floor Plan:**
- New Addition 732 Lawson Drive
- Lake Orion, MI 48362
Exterior Elevation (West + South)

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>WEST ELEVATION</td>
<td>12/8/2019 3:39:13 PM</td>
</tr>
<tr>
<td>2</td>
<td>SOUTH ELEVATION</td>
<td>12/8/2019 3:39:13 PM</td>
</tr>
</tbody>
</table>

Project number: 2019-004

Scale: 1/8" = 1'-0"
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 14, 2021

SUBJECT: Staff Report for AB-2021-53, Mark & Adele Muench/Mike Riddle, Vacant Parcel 09-03-278-028 (Cushing Street)

The petitioner has declared the lake side of the property as the front. At the front setback from the lake the property measures approximately 55-ft. wide and therefore the side yard setbacks are reduced to 7-ft.

As the deck is proposed on the front of the house, or the lake side, both the house and the deck need to meet the wetland setback requirement of 25-ft. or be granted the requested variance of 9-ft. The floor plan date stamped received Sept. 29, 2021 shows the setback from the lake to the stairs of the deck to be 16-ft.

Also, the plans date stamped received Sept. 29, 2021 indicates the First Floor Plan, or footprint, used to calculate the lot coverage.

The attached garage square footage is under the maximum allowed for the property and the petitioner has indicated that the height of the house will be under the 30-ft. maximum allowed.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 13, 2021

RE: AB-2021-53, Mark & Adele Munch, Vacant Parcel #09-03-278-028, Cushing Street

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-2021-53, Mark & Adele Muench/Matt Dunaskiss/Mike Riddle, Parcel #09-03-278-028, I would move that the petitioner’s request for:

6 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 14-ft front yard setback variance from the required 30-ft. to build a house with a deck 16-ft. from the front property line (lake side).

2. A 15-ft. rear yard setback variance from the required 35-ft. to build a house 20-ft. from the rear property line (road side).

3. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (north).

4. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (south).

5. A 16.32% lot coverage variance above the allowed 25% for a total lot coverage of 41.32%.

Article XXVII, Section 27.17(B)

6. A 9-ft wetland setback variance from the required 25-ft. to build a house with a deck 16-ft. from a wetland.

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: 

______________________________________________________________________

______________________________________________________________________

______________________________________________________________________

105
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-53, Mark & Adele Muench/Matt Dunaskiss/Mike Riddle, Parcel #09-03-278-028, I would move that the petitioner’s request for:

6 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3

1. A 14-ft front yard setback variance from the required 30-ft. to build a house with a deck 16-ft. from the front property line (lake side).

2. A 15-ft. rear yard setback variance from the required 35-ft. to build a house 20-ft. from the rear property line (road side).

3. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (north).

4. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (south).

5. A 16.32% lot coverage variance above the allowed 25% for a total lot coverage of 41.32%.

Article XXVII, Section 27.17(B)

6. A 9-ft wetland setback variance from the required 25-ft. to build a house with a deck 16-ft. from a wetland.

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: Mark + Adele Muench
Malt Dunaskiss
Mike Riddle
Address: 15299 Pine Ridge Dr. City/State/Zip: Holly, MI 48442
Phone: (248) 627-2188 Cell: (248) 318-9584 Fax: (248) 627-5642
Email: Mm2885@AOL.com

PROPERTY OWNER(S)
Name (s): Matthew Dunaskiss
Address: 535 Cushing Rd. City/State/Zip: Lake Orion, MI 48362
Phone: (248) 623-1341 Cell: (248) 790-1341 Fax: 
Email: Mat@Dunaskiss.Biz

CONTACT PERSON FOR THIS REQUEST
Name: Mike Riddle Phone: (248) 318-9584 Email: Mm2885@AOL.com

SUBJECT PROPERTY
Address: Lot 3 Cushing Street Sidwell Number: 09-03-278-028
Total Acreage: 6.098.4# Length of Ownership by Current Property Owner: 60 Years, 0 Months

Does the owner have control over any properties adjoining this site? __________ Deviation requested __________
Case #: ____________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request.


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.


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:


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


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


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


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

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

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

If/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: 8-25-21
Print Name: Mike Riddle

Signature of Property Owner: ___________________________ Date: 8-25-21
Print Name: Matthew Dunaskiss

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

______________________________

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

Date Filed: ___________ Fee Paid: ___________ Receipt Number: ___________
1. Asking for a variance because of the narrow width of the lot and steep grades. We are asking for the following:

**HOUSE/STRUCTURE:**
- A 5’ side variance on the north side (5’ from the property line to the house vs. 8’ required)
- A 7’ side variance on the south side (5’ from property line to the house vs. 8’ required)
- A 14’ variance on the front side (E side) (23.86’ from the house to the property line vs. 30’ required)
- A 15’ variance on the rear side (W side) (20’ from the house to the property line vs. 35’ required)

2. The lot is approximately 64.36’ wide by 116.7’ feet deep. Because of this, we need adequate space for a driveway at the road side for safe parking.

3. If this appeal is granted, it will reduce parking in the street and conform to normal parking. It will also be a positive impact to the community and surrounding neighbors because of the proposed home we would like to construct on the lot.

4. It appears that this lot is in uniform with neighboring lots and how the homes were constructed on that street as well as other areas on the lake - This will conform with the rest of the lake and neighborhood.

5. A new lot was created and approved. Because of the grades, width and depth of the property, we are respectfully asking for a variance so that we may build a home on this lot. We intend to meet, exceed and conform to the other structures around the lake.

6. Because of the depth of the lot, the narrow width of the lot and the steep grades, the setbacks are impossible to meet.

7. Strict compliance with the ordinance unreasonably prevents the owner from using the property because due to the grades, width and depth of the property, we would have lack of space to build an adequate sized home and provide safe parking.
Article VI  Single Family Residential: R-1, R-2 & R-3

Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.01, 02.07.03, 07.16.18)

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

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

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

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

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

Section 6.05 – Sign Regulation (amended 10.08.98, 02.21.06)

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

Section 6.06 – Tree Preservation Regulations (amended 08.03.00)

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

Section 6.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
Article XXVII
General Provisions

27.17 Wetland Setbacks

Section 27.17 – Wetland Setbacks (added 09.17.07)

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

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

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

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

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

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

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

Section 27.18 - Wind Energy Conversion Systems (added 02.01.10)

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

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

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

2. Commercial WECs: A special land use has been obtained pursuant to Section 30.02 and this Section.
Zoned R-3
AB-2021-53 vacant parcel 3 parcels South of 576 Cushing (#09-03-278-028)
.140 acres 6,098.4 sq. 25% = 1,524.6 sq.

Front yard setback 30'
Rear yard setback 25'
Structure to wetland setback 25'
Deck to rear property line setback 20'
Deck to shore line setback 20'
Side yard setback 7' if front is lake side (55' at front setback)
Side yard setback 8' if front is road side (60' at front setback)

Lot Coverage
House 1886 sq.
Garage 386 sq.
Deck 216 sq.
Porch 32 sq.
2520 sq. 41.32% 16.32% variance

Max floor area of accessory structures - OK
Height Under 30'
## Lot Coverage Calculations for ZBA Cases

**Case:** AB-2021-53, Mark & Adele Muench, Vacant Parcel #09-03-278-028

0.140 Acres \( \times \) 6,098.4 Sq. Ft. = 25% = 1,524.6 Sq. Ft.

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<td>Deck</td>
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<td><strong>Total</strong></td>
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<td><strong>41.32%</strong></td>
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<td>= 41.32%</td>
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</table>

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Courtney Keisman

From: Jeff Williams
Sent: Wednesday, October 6, 2021 9:35 AM
To: Courtney Keisman; Tammy Girling
Cc: Robert Duke; John Pender
Subject: RE: Residential ZBA Documents for the October 25, 2021 ZBA Meeting

The fire department has reviewed the 4 ZBA cases and has no concerns at this time.

Tammy, can you give me a call when you have a chance. I have a question in regards to one of these applications.

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

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, October 4, 2021 11:08 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the October 25, 2021 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 4 ZBA residential cases that need to be reviewed by you for the October 25, 2021 ZBA Meeting.

Thank you,
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 15, 2021

SUBJECT: Staff Report for AB-2021-57, James Garris, 215 N. Conklin

The property is considered to have 3 front yards – N. Conklin Dr., De Goff Ct., and Orion Ter. The front yard setback for a pool is 40-ft. to the pool wall. The petitioner does not meet that setback from De Goff Ct. or Orion Ter.

The Fire Marshal has looked at the plans and asked if the 10-ft. distance from the power lines is acceptable. My research could not find a recorded easement on the subject property for the power lines however I spoke to Tim London, Building Inspector, and Building Code requires that the power lines need to be 10-ft. horizontally from the pool wall.

I calculated the lot coverage including the proposed inground pool and the lot coverage maximum will not be exceeded.

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: October 13, 2021
RE: AB-2021-57, James Garris, 215 N. Conklin Road

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-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

Article VI, Section 6.02(N)(3), Zoned R-3

1. A 27-ft. front yard setback variance from the required 40-ft. to install an inground pool 13-ft. from the front property line along De Goff Ct.

2. A 21.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 18.5-ft. from the front property line along Orion Ter.

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-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

Article VI, Section 6.02(N)(3), Zoned R-3

1. A 27-ft. front yard setback variance from the required 40-ft. to install an inground pool 13-ft. from the front property line along De Goff Ct.

2. A 21.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 18.5-ft. from the front property line along Orion Ter.

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:
   
   
   
   
   

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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: James Garris
Address: 215 N. Conklin Rd. City/State/Zip: Lake Orion, MI. 48362
Phone: Cell: 863-234-3098 Fax:
Email: james@dmsdb.com

PROPERTY OWNER(S)
Name(s): James Garris
Address: 215 N. Conklin Rd. City/State/Zip: Lake Orion, MI. 48362
Phone: Cell: 863-234-3098 Fax:
Email: james@dmsdb.com

CONTACT PERSON FOR THIS REQUEST
Name: James Garris Phone: 863-234-3098 Email: james@dmsdb.com

SUBJECT PROPERTY
Address: 215 N. Conklin Rd
Sidwell Number: 09-01-703-014
Total Acreage: 
Length of Ownership by Current Property Owner: 3 Years, 6 Months

Does the owner have control over any properties adjoining this site? NO
Zoning Ordinance
Allowance/Requirement Deviation requested
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request:

   To be allowed to build the pool 10' from overhead power lines and 13' from property line to the south 18'6" to the 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.

   I was told it's because I have 2 roads that surround my property, house address in on Cotton Rd road to the south is De Goff Ct, and to the west is Orion Ter.

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:

   Pool has a power safety cover and a privacy fence.

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

   As far as I know no one else has an inground pool in the area.

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

   House was built in 1995 and I had no control of specs or location I bought the house 2019.

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

   The size of the lot but the pool will be at least 10' from any power 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.

   I own DRS Pools and Install in 4 different counties and have never have run into a 30' setback most are 10' set backs.
8. Have there been any previous appeals involving this property? If so, when?  

No

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

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

Signature of Applicant:  
(must be original ink signature)  
Date:  9/21/21  

Print Name:  James Garris  

Signature of Property Owner:  
(must be original ink signature)  
Date:  9/21/21  

Print Name:  James Garris

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:  

Page 3 of 3
2. No more than two (2) identifiable off-street parking spaces for shall be provided for employees, in addition to the two (2) required for the residence.

3. Compliance with all requirements set forth by the state for the issuance of a daycare license, including, but not limited to, the enclosure of any play areas with a four (4) foot high fence.

M. Subject to the following conditions:

1. Any such activity shall not constitute a nuisance and only be permitted on a parcel of land not less than two and one-half (2.5) acres in area.

2. All animals shall be adequately housed and fenced and shall not be permitted closer to any abutting property line than seventy (70) feet.

3. All manure shall be stored at least seventy (70) feet from any property line and removed from the premises once per week.

N. Shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:

1. There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.

2. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.

3. No swimming pool shall be located less than forty (40) feet to any front lot line.

4. No swimming pool shall be located less than ten (10) feet from any side street or alley right-of-way, or the distance required for side yard by the Township Zoning Ordinance, whichever is greater.

5. No swimming pool shall be located in an easement.

6. For the protection of the general public, all pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be securely locked when the pool is not in use.

O. The maximum height of any farm structure, such as a barn, silo, or similar structure, shall be forty (40) feet.

Section 6.03 – Safety Path and Sidewalk Requirements (amended 01.05.87, 02.03.03)

Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required of all developers in conjunction with the development of parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. The sidewalks shall conform to the requirements of Ordinance No. 97.
Ab-2021-57, 215 N. Conklin 09-01-403-014
.204 acres 8,886.24 25% = 2,221.56
Zoned R-3

The property has 3 front yards - N. Conklin, De Goff ct.
& Orion Terrace and therefore held to 3 front
yard setbacks

Front yard setback for a pool is 40’ to the pool wall

Setback from De Goff ct is 13’ need a variance of 27’ (south)
Setback from Orion Ter is 18.5’ need a variance of 21.5’
(west)

Pool only allowed in rear yard - OK

Lot Coverage

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<td>Porch</td>
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<td>Deck</td>
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<td>Garage</td>
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<tr>
<td>Pool</td>
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\[ 1,822 \text{ ft}^2 \text{ OK} \]
no main drains
skimmer suction
only pool elevation
704 12x24 vinyl
tliner pool

Equipment
cad

pool has power cover meeting MI
residential builders code listed
by UL file E236584. Meets
requirements for file ASTM
standard F1346-91

no septic or well in back yard
As the property owner adjacent to Mr. Garris, I am in full support of his petition for variances (2).

L. K. Dawley
236 Orion Terrace
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: October 14, 2021
SUBJECT: Staff Report for AB-2021-58, Christopher Adamski, 1781 Hopefield

The petitioner is seeking to build a pole barn larger than what is allowed based on the size of the property.

The proposed pole barn will meet all required setbacks and will not exceed lot coverage.

The petitioner has indicated the there will be no storage above the main floor of the pole barn and will be approximately 12-ft tall which does not exceed the height of the house.

Please contact me if you have any questions.
I am providing motion options for the above-mentioned case.

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-58, Christopher Adamski, 1781 Hopefield, 09-33-253-007, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned R-1

Article XXVII, Section 27.02(A)(8) – Lot Size 1 to 2.5 Acres

1. A 200-sq. ft. variance above the allowed 1,000-sq. ft. maximum floor area of all detached accessory buildings to build a 1,200-sq. ft. pole barn.

2. A 686-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all accessory buildings to build a 1,200-sq. ft. pole barn in addition to an existing 986-sq. ft. attached garage.

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

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

   ____________________________
   ____________________________
   ____________________________

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-2021-58, Christopher Adamski, 1781 Hopefield, 09-33-253-007, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned R-1
Article XXVII, Section 27.02(A)(8) – Lot Size 1 to 2.5 Acres

1. A 200-sq. ft. variance above the allowed 1,000-sq. ft. maximum floor area of all detached accessory buildings to build a 1,200-sq. ft. pole barn.
2. A 686-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all accessory buildings to build a 1,200-sq. ft. pole barn in addition to an existing 986-sq. ft. attached garage.

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

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

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

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

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

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

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

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

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

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


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


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


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


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


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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: Christopher Adamski
Address: 1781 Hopefield City/State/Zip: Orion Township, MI 48359
Phone: 586-549-1198 Cell: 586-549-1198 Fax: 
Email: csadamski@yahoo.com

PROPERTY OWNER(S)
Name(s): Christopher/Trisha Adamski
Address: 1781 Hopefield City/State/Zip: Orion Township, MI 48359
Phone: 586-549-1198 Cell: 
Fax: 
Email: csadamski@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: Chris Adamski Phone: 586-549-1198 Email: csadamski@yahoo.com

SUBJECT PROPERTY
Address: 1781 Hopefield Orion Twp. MI 48359 Sidwell Number: 09- 33-253-007
Total Acreage: 1 Length of Ownership by Current Property Owner: 16 Years,
Zoning Ordinance
Allowance/Requirement 

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

Deviation requested
Case #: ____________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. I would like to erect a 30' x 40' x 12' pole barn. This exceeds the allowable square footage allowed with out a variance.

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.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: This pole barn will allow me to store my lawn equipment and atv's inside a building, vs. the portable tent that they are currently in. Also I have recently inherited a 2 classic vehicles and a large amount of tools, and would allow me a place to store them.

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible: This is consistent with other properties around me, as 5 of my current neighbors have outbuildings that are 30' x30' or larger.

5. Describe how the alleged practical difficulty has not been self-created. I inherited most of these tools and vehicles, and my hobby is working on cars, and fabricating, and as my hobby grew, so has my tool collection.

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. This would force me to put up more unsightly tents, to protect my equipment and investment.
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: [Signature] Date: 9-22-21
Print Name: Christopher Adamski

Signature of Property Owner: [Signature] Date: 9-22-21
Print Name: Christopher Adamski

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

OFFICE USE ONLY

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

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

Description of variance(s):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following *(amended 11.28.83)*:

| LOT SIZE         | MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS | MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS | TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *
<table>
<thead>
<tr>
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</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>
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</tbody>
</table>

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals *(amended 11.28.83 06.15.15)*:

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

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

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

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

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
### AB-2021-58, Christophher Adamski, 1781 Hopefield

#### 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 Pole Barn</td>
<td>1,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>200-sq. ft.</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>986</td>
<td>986</td>
<td>986</td>
<td>986</td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td>1,200</td>
<td></td>
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<tr>
<td>Variance</td>
<td>686-sq. ft.</td>
<td></td>
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</tbody>
</table>
AB-2021-58, 1781 Hopefield 09-33-253-007
Zoned R-1 1 acre, 43,560 $ 2590 = 10,890$

Front yard setback ok (134')
Rear yard setback ok (156')
Side yard setback east ok (20')
Side yard setback west ok
Height 12'

Maximum floor area allowed of detached structures
1 acre to 2.5 acres = 1,000 $  Proposed 1,200 $ (30x40)

Variance 200 $

Maximum floor area allowed for all accessory structures for
lot size 1 acre to 2.5 acres = 1,500 $

Attached garage = 986
Proposed Pole Barn = 1,200

\[ \frac{2,186}{7} \] variance needed 686 $

Applicant has indicated that there will be no additional storage above the main floor.

Lot coverage
House 1,008
Deck 320
Attached garage 986
Proposed Pole Barn 1,200

\[ \frac{3,514}{7} \] OK
Certified to: MACOMB SCHOOLS AND GOVERNMENT CREDIT UNION
Applicant: CHRISTOPHER S. ADAMSKI AND TRISHA R. ADAMSKI

Property Description:
Lot 53; SUPERVISOR’S PLAT OF LAKEVIEW SUBDIVISION, a subdivision of S.E. 1/4 of N.W. 14 and S. 1/2 of N.E. 1/4 of Sec. 33, T.4 N., R.10 E., Orton Township, Oakland County, Michigan, as recorded in Liber 53 of Plats, Page 21 of Oakland County Records.
The fire department has reviewed the 4 ZBA cases and has no concerns at this time.

Tammy, can you give me a call when you have a chance. I have a question in regards to one of these applications.

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

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, October 4, 2021 11:08 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the October 25, 2021 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 4 ZBA residential cases that need to be reviewed by you for the October 25, 2021 ZBA Meeting.

Thank you,
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: October 14, 2021
SUBJECT: Staff Report for AB-2021-59, Signs & More (ground sign for Silver Bell Village), Silverbell Road East of Bald Mountain Road

The Homeowners Association for the Silver Bell Village subdivision has requested to replace their ground sign at the entrance to the sub off of Silver Bell Road. The sub dates back to the late 80s, early 90s. My research could not find approval of the ground sign they are replacing.

The ground sign proposed meets the size allowed however it will be replacing the sign which was located in an Oakland County road right-of-way. Per Ordinances structures can not be placed in a road right-of-way.

The sign company has received permit approval from Oakland County (attached) for the new sign to be placed in the median in their road right-of-way.

The ZBA now needs to deliberate as to whether to allow the new sign to deviate from the requirement of being setback 20’ from a road right-of-way to being in the road right-of-way.

If the ZBA chooses to approve the request, it will constitute “city approval” which the sign company can use to obtain the approved permit.

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: October 13, 2021

RE: AB-2021-59, Signs and More (ground sign for Silver Bell Village), Silverbell Road East of Bald Mountain Road

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 FOR A SIGN VARIANCE

In the matter of ZBA case #AB-2021-59, Signs and More (ground sign for Silver Bell Village), Silverbell Road East of Bald Mountain Road, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153 - Zoned Residential Residential Zoned Areas – Ground Signs

1. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be located in the road right-of-way (in the entrance island on Village Drive).

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 SIGN VARIANCE

In the matter of ZBA case # AB-2021-59, Signs and More (ground sign for Silver Bell Village), Silverbell Road East of Bald Mountain Road, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153 - Zoned Residential
Residential Zoned Areas – Ground Signs

1. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be located in the road right-of-way (in the entrance island on Village Drive).

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

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

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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

__________________________________________________________________________

__________________________________________________________________________

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

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

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

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

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

5. Or, In any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
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: Signs and More - Molly Smith
Address: 1371 Souter Dr
City/State/Zip: Troy, MI 48083
Phone: 248-852-0683
Cell: 248-930-2200
Fax: 248-852-0804
Email: Signsandmore@gmail.com

Property Owner(s)

Name(s): Bob Frank (HOA President - Silver Bell)
Address: 4122 Gatwick
City/State/Zip: Lake Orion, MI 48359
Phone: 248-933-3868
Cell: _____________________________
Fax: _____________________________
Email: 727f80@yahoo.com

Contact Person For This Request

Name: Molly Smith
Phone: 248-852-0683
Email: Signsandmore@gmail.com

Subject Property

Address: ____________________________
Sidwell Number: 09-

Total Acreage: ____________
Length of Ownership by Current Property Owner: ________ Years, ________ Months

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

Zoning Ordinance
Allowance/Requirement ____________________________
Deviations requested ____________________________
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. The purpose of this request is to request the replacement of an existing post entrance sign for Silver Bell Village. The sign meets current ordinance.

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 sign is located on the County's easement.

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 appeal is granted. The sign will not be materially detrimental to public health, safety and welfare, or to other properties or improvements.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Other similar signs are located on Township property.

5. Describe how the alleged practical difficulty has not been self-created. The location of the former entry signs is within the island. We plan to place the new sign in the same location.

6. The topography of said land makes the setbacks impossible to meet because: the sign is on County 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. The placement of the is not on Township property and has achieved approval by the County. 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? □ 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: 9/24/21

Print Name: Molly Smith

Signature of Property Owner: ___________________________ Date: __________

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: ___________________________
2 - Single Sided sign faces mounted to
2- 4" X 4" posts 36" X 72" Aluminum
Faces with routed/paint filled border.
Raised Letters/Border - 1/4" thick
aluminum individually mounted with
stainless steel studs and bolts.
All painted automotive paint.
PLEASE READ AND FOLLOW CAREFULLY

THE ENCLOSED ROAD COMMISSION FOR OAKLAND COUNTY PERMIT APPLICATION NUMBER 21-1189 HAS BEEN APPROVED.

PERMIT ISSUANCE IS CONTINGENT UPON THE FOLLOWING REQUIREMENTS BEING MET AND DELIVERED IN PERSON TO THE DEPARTMENT OF CUSTOMER SERVICES - PERMITS, AS THE PERMIT MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE.

**CHECK REMITTER OR CREDIT CARD HOLDER, PRINCIPAL ON BOND, AND INSURED MUST ALL BE IN THE SAME NAME!**

1. CONSTRUCTION BOND AMOUNT OF: $1,000.00
   EITHER by your insurance or bonding company on enclosed FORM 75 (must have an embossed or sticker seal and power of attorney attached); OR a cash bond using a company check, cashier's check, certified check, money order, credit card or cash.

2. FEES
   A. PERMIT FEE $50.00
   B. DEPOSIT $100.00
   C. ESTIMATED INSPECTION FEE $200.00
   D. PAINT FEE $0.00
   E. SIGN FEE $0.00
   F. SIGNAL FEE $0.00
   TOTAL FEES DUE AT PERMIT ISSUANCE $350.00

3. METHOD OF PAYMENT:
   COMPANY CHECK - NAME MUST BE THE SAME AS PRINCIPAL ON BOND AND NAMED INSURED
   CASH - EXACT CASH ONLY, WE ARE UNABLE TO MAKE CHANGE
   MONEY ORDER - BANK MUST SUPPLY COMPANY NAME AS REMITTER
   CASHIERS CHECK - BANK MUST SUPPLY COMPANY NAME AS REMITTER
   CERTIFIED CHECK - BANK MUST SUPPLY COMPANY NAME AS REMITTER
   CREDIT CARD - PICTURE ID REQUIRED (ENHANCED ACCESS FEES APPLY)

MAKE CHECKS PAYABLE TO: Road Commission for Oakland County

4. CERTIFICATE OF INSURANCE:
   A current, valid certificate of insurance on an ACORD form is required. The certificate must name "The Road Commission for Oakland County" as a certificate holder and as an additional insured. The insurance must include the following coverage:

   General Liability Coverage

<table>
<thead>
<tr>
<th>Bodily Injury and Property Damage Liability:</th>
<th>or: Combined Single Limit (CSL):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Person $1,000,000</td>
<td>Aggregate $2,000,000</td>
</tr>
<tr>
<td>Each Occurrence $1,000,000</td>
<td></td>
</tr>
<tr>
<td>Aggregate $2,000,000</td>
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</tbody>
</table>

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PERMIT APPLICATION

MAKE CHECK PAYABLE TO ROAD COMMISSION FOR OAKLAND COUNTY

FOR R.C.O.C. USE ONLY

Application No. 21-1189
Date Received 7-22-21
Permit E No. 
Date of Issuance 

DEPARTMENT OF CUSTOMER SERVICES PERMITS

APPLICANT: Signs & More
Orion Township Planning & Zoning

APPLICANT hereby makes APPLICATION for a permit to CONSTRUCT, OPERATE, USE and/or MAINTAIN or to TEMPORARILY CLOSE a COUNTY ROAD within the part of the right-of-way of road(s) S. Lapeer Rd. & E. Silverbell Rd.

under the jurisdiction of the Board: a detailed description of the desired facility and/or activity is required in the space provided below: (include size, length, type of facility, if parallel to road, indicate distance from inside edge of facility to edge of pavement, if crossing under roadway, describe method). THE FOLLOWING MUST BE ATTACHED TO THE APPLICATION WHEN APPLICABLE:

1. Plans, specifications and location of facility
2. Traffic plan and detour route in cases of street closures.

PLEASE CHECK THE APPROPRIATE BOX(ES) THAT APPLY TO THE TYPE OF WORK YOU WISH TO OBTAIN A PERMIT FOR:

- Annual
- Approach/Private Road Access
- Cable TV
- Community Event
- Landscaping/Grazing
- Pathway/Sidewalk
- Public Utility (ie. electric, gas, telephone)
- Sanitary/Storm Sewer
- Sign/Subdivision Entrance Marker
- Soil Boring/Monitoring Well
- Watermain
- Other Signs

We have been contracted by the Home Owner's Association of Bloomfield Crossing to replace their existing ground sign located on the easement at S. Lapeer Rd. & E. Silverbell Rd. Their sign was hit by a car and not repairable. Attached are the photos that show former place. The sign has been there as long as the subdivision has been in place and there are no records of permitting at the City. The new sign is being approved by the city but county approval is pending. Since it is not a repair we are seeking a letter of authorization from the county.

Need copy of City Approval to pull permit.

City or Township: Orion Charter Township

The above activities will be carried out in accordance with plans, specifications, maps and statements filed with the R.C.O.C. as part of this application and if said application is approved, the above named applicant agrees to abide by the CONDITIONS contained on the reverse side. Since a permit will have to be secured from the Board prior to the start of any construction or maintenance operations proposed by this application, it is intended that the SUPPLEMENTAL SPECIFICATIONS, on the reverse side, are to be incorporated as part of the plans or specifications required for this proposed work.

FOR R.C.O.C. USE ONLY

<table>
<thead>
<tr>
<th>Design:</th>
<th>Right-of-Way:</th>
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<tr>
<th>Traffic:</th>
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<tr>
<th>Planning:</th>
<th>Construction:</th>
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<tr>
<th>Subdivision:</th>
<th>Permits:</th>
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<tr>
<th>Environmental Concerns:</th>
<th>Permits:</th>
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Application Fee: $1000
Permit Fee: $50

Deposit: $100
Estimated Inspection Fee: $200

Paint Fee: $1
Sign Fee: $1
Signal Fee: $1

BOND:
(RCOC Form 75)

TOTAL FEES DUE AT TIME OF PERMIT ISSUANCE:

Proof of Insurance Required: [ ] Yes [ ] No
Pollution Liability Required: [ ] Yes [ ] No

The application is approved subject to CONDITIONS and SUPPLEMENTAL SPECIFICATIONS contained on the reverse side of this application.

Approval of this application does not relieve applicant from meeting any applicable requirements or duties of law or other public bodies or agencies including but not limited to the Michigan Department of Natural Resources.

APPROVAL OF THIS APPLICATION EXPIRES IN ONE YEAR IF A PERMIT HAS NOT BEEN ISSUED. RESUBMITTAL OF CURRENT PLANS, PERMIT APPLICATION REVIEW FEES AND PERMIT APPLICATION IS REQUIRED IF APPROVAL OF THIS APPLICATION HAS EXPIRED.

REFER ALL INQUIRIES TO (248) 858-4835
DEPARTMENT OF CUSTOMER SERVICES / PERMITS
2420 PONTIAC LAKE ROAD
WATERFORD, MI 48328

APPLICATION APPROVED

By: Signs & More

APPLICANT PRINT OR TYPE

[Signature]

Date: 7-22-21

Molly Smith

[Title]

[Address]

[City], [State]  [Zip Code]

[Permission code]

Fax or Email Address

signsandmore@gmail.com

Form 64A (12098)
PERMIT DESCRIPTION

The following is a permit description ONLY. It shall not be construed to be a permit and shall become valid only after the permit is acquired.

This is a permit to:

***APPROVAL LETTER/PERMIT IS REQUIRED FROM ORION TOWNSHIP***
REPLACE EXISTING DAMAGED SUBDIVISION ENTRANCE SIGN IN EXISTING ISLAND WITHIN VILLAGER DR (SOUTH OF E SILVERBELL RD & EAST OF S LAPEER RD) WITH SINGLE SIDED SIGN FACES MOUNTED TO 2-4”X4” POSTS FOR SILVERBELL VILLAGE SUBDIVISION. RESTORE ALL DISTURBED AREAS WITHIN THE ROAD RIGHT-OF-WAY.

SIGNING AND LANDSCAPING WILL NOT BE MAINTAINED BY THE ROAD COMMISSION FOR OAKLAND COUNTY. IN THE EVENT LANDSCAPING BECOMES A TRAFFIC OR SIGHT DISTANCE PROBLEM, OR INTERFERES WITH MAINTENANCE OF THE ROAD OR RIGHT-OF-WAY, OR IF THE RIGHT-OF-WAY IS REQUIRED FOR FUTURE IMPROVEMENTS BY THE ROAD COMMISSION FOR OAKLAND COUNTY OR OTHER PUBLIC AGENCY OR UTILITY, APPLICANT WILL PERFORM MAINTENANCE ON, RELOCATE OR REMOVE THE LANDSCAPING AND SIGNS AT THE REQUEST OF THE ROAD COMMISSION FOR OAKLAND COUNTY AT NO COST TO THE ROAD COMMISSION FOR OAKLAND COUNTY OR OTHER PUBLIC AGENCY.

PROVIDE SUFFICIENT CORNER SIGHT DISTANCE, AS PER RCOC'S, "GUIDE TO CORNER SIGHT DISTANCE."

PROPER SIGNING IS REQUIRED BEFORE BEGINNING WORK WITHIN THE RIGHT-OF-WAY. MAINTAIN TWO-WAY TRAFFIC AT ALL TIMES. LANE CLOSURES SHALL BE RESTRICTED TO THE HOURS OF 9 AM TO 3 PM MONDAY THROUGH FRIDAY, OR DURING DAYLIGHT HOURS ON WEEKENDS.

NOTIFY INSPECTOR OR PERMIT SUPERVISOR 48 HOURS PRIOR TO BEGINNING WORK.

All construction shall be in accordance with the attached approved plan and application on file for SIGNS & MORE.

as prepared by SIGNS & MORE

and with the RCOC Supplementary Permit Specifications as follows:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ATTACHED APPROVED PLAN AND APPLICATION ON FILE WITH THE ROAD COMMISSION FOR OAKLAND COUNTY PERMIT RULES, SPECIFICATIONS, AND GUIDELINES DATED MARCH 14, 2013.
CONSTRUCTION BOND

SURETY BOND \\

KNOW ALL MEN BY THESE PRESENTS:
That

_______________________________

of

_______________________________

duly authorized to transact business in the State of Michigan, as surety, are held and firmly bound unto the BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND, a Michigan public body corporate, in the penal sum of

($ ________________ ) DOLLARS, lawful money of the United States of America, to be paid to the said BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND, or to its attorney, successor or assigns, to which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns and each and every one of them firmly be these presents.

SEALED with our seals and dated this _______________________ day of ____________________, 20 ___.

WHEREAS, The above bounden _________________ has made application to the BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND for a permit for construction within the right-of-way as stated in the application for said permit.

NOW, THEREFORE, The condition of this obligation is such that in case said permit is granted, if the said _________________ shall construct and maintain such work in the manner prescribed in the permit therefor issued by said BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND and shall well and truly pay all damages on account of such construction and maintenance, and all other damages, fines and penalties which he shall become liable to pay, and shall save said BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND harmless from all suits, claims, damages and proceedings of every kind arising out of the construction and maintenance of said work, and shall observe all the terms and conditions of the permit to be issued, then this obligation to be void, otherwise of full force and virtue.

THIS BOND SHALL NOT EXPIRE UNTIL SUCH TIME AS THE PERMIT, FOR WHICH THIS BOND IS REQUIRED, IS RELEASED.

Signed, sealed and delivered in the presence of

Principal

Principal’s Signature

Printed Name & Title

P.O. Box, Address, Street

City, State, Zip

Telephone

Surety

Surety’s Signature

P.O. Box, Address, Street

City, State, Zip

Telephone

Witness

Witness

Witness

NOTE: INCOMPLETE OR INVALID SURETY ADDRESSES DELAYS RELEASE OF BOND, IN WHICH CASE WE WILL RELEASE TO THE PRINCIPAL FOR THEIR RECORDS.

FORM 75 (Rev. 1/2011)
## Payment Receipt

**Receipt #: 17526**  
**Date: 7/24/2021**

<table>
<thead>
<tr>
<th>Invoice #</th>
<th>Case Type</th>
<th>Case Number</th>
<th>Sub Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COMMAPPS</td>
<td>21-1189</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tender Type / Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHECK- Check</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Sub Total:** 100.00

<table>
<thead>
<tr>
<th>Fee Codes / Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMAPPFEE- Commercial Application Fee</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Sub Total:** 100.00

**Total Amount Due:** 100.00  
**Total Payment:** 100.00
2 - Single Sided sign faces mounted to 2- 4" X 4" posts 36" X 72" Aluminum Faces with routed/paint filled border. Raised Letters/Border - 1/4" thick aluminum individually mounted with stainless steel studs and bolts. All painted automotive paint.
### Residential Zoned Areas

**Ground Signs**

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Signs</td>
<td>1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park</td>
</tr>
<tr>
<td>Overall Height</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Sign Area</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
</tr>
<tr>
<td>Setback - shall be measured at existing ROW or as req'd by RCOC</td>
<td>20 ft. from ROW</td>
</tr>
<tr>
<td>Footnotes</td>
<td>3</td>
</tr>
</tbody>
</table>

1. The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.
The fire department has reviewed the 4 ZBA cases and has no concerns at this time.

Tammy, can you give me a call when you have a chance. I have a question in regards to one of these applications.

---

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

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From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, October 4, 2021 11:08 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the October 25, 2021 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 4 ZBA residential cases that need to be reviewed by you for the October 25, 2021 ZBA Meeting.

Thank you,