The Charter Township of Orion Zoning Board of Appeals meeting will be held in-person at the above address. Due to ongoing health concerns arising out of COVID-19 and the possible need to comply with Covid related orders or regulations, pursuant to Public Act 228 of 2020, the Township may need to hold and reserves the right to convert the in-person public meeting to a video conference as explained below. All persons wishing to attend the meeting should plan on doing so in-person, but should monitor the Township’s website at oriontownship.org or contact the Township Planning & Zoning Department to obtain updates on the meeting status and whether in-person and/or video conferencing will be permitted.

The following is information IF the meeting is conducted via video conference - GoToMeeting - Access code 914-793-997 or VIA TELEPHONE 1-(872) 240-3412 Access Code 914-793-997.

1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 10-26-2020, ZBA Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034
      The petitioner is requesting 1 variance from Zoning Ordinance #78 - Zoned R-3
      Article VI, Section 6.04, Zoned R-3
      1. A 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0- ft. from the front property line along Summit Blvd.
   B. AB-2020-34, Jeffrey Parrish, 1050 Seabury, 09-01-460-037
      The petitioner is requesting 1 variance from Zoning Ordinance #78 - Zoned R-3
      Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
      1. A 10-ft rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the rear property line.
   C. AB-2020-35, John (Ioan) Codrean, 3800 Waldon, 09-19-400-008
      The petitioner is requesting 2 variances from Zoning Ordinance #78 - Zoned SF
      Article XXVII, Section 27.02 - Lot size over 2.5 acres
      1. An 830-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,750-sq. ft. pole barn in addition to an existing 480-sq. ft. detached garage.
      2. A 1,742-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 1,750-sq. ft. pole barn in addition to an existing 1,412 attached garage and an existing 480-sq. ft. detached garage.
6. PUBLIC COMMENTS
7. COMMUNICATIONS
   A. Date Certain Memo
   B. Joint Public Hearing Reminder Memo
8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT
In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, October 26, 2020, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

*Please note this meeting was also done virtually via a “Go to Meeting” #914-793-997*

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

**ZBA MEMBER ABSENT:**
None

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

**OTHERS PRESENT:**
Thomas Denton
Rebecca Denton
Peter Smith
Kate Fogg
Tim Fogg
Greg Morgan
Mario Gena
Jerry Sitarski (via GoToMeeting)
Gary Thompson (via GoToMeeting)

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

2. ROLL CALL
As noted

3. MINUTES
A. 09-28-2020, ZBA Regular Meeting Amended Minutes
Moved by Vice-Chairman Kosciierzynski, seconded by Board Member Cook, to approve the minutes as amended. Motion Carried
B. 10-12-2020, ZBA Regular Meeting Minutes
Moved by Vice-Chairman Kosciierzynski, seconded by Chairman Durham, to approve the minutes as presented.

4. AGENDA REVIEW AND APPROVAL
There were no changes to the agenda.

5. ZBA BUSINESS
A. AB-2020-29, Thomas Denton, 322 N. Baldwin Rd., 09-06-100-052
Chairman Durham read the petitioner’s request as follows:

The petitioner is requesting 1 variance from Zoning Ordinance #78 – Zoned SF
Article XXVII, Section 27.02 – Lot size over 2.5 acres

1.) A 280-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 1,350-sq. ft. pole barn in addition to an 830-sq. ft. attached garage.

Chairman Durham asked if the applicant was present?

Mr. Tom Denton 322 N. Baldwin Rd. the applicant presented.

Mr. Denton stated that he has been living with his wife in two kids for about 8-years. He added that they also own the adjacent lot of 4-acres so there is a 3-acre parcel and 4-acre parcel for a total of 7-acres. Over the years they have amassed enough equipment that it has become unsightly trying to keep it under tarps underneath the deck. They would like to expand and have a barn to hold a trailer, a compact tractor, a woodchipper, a splitter, and all the equipment it takes to maintain the property.

Chairman Durham stated that he had been back and forth in front of that driveway for years and he never knew that house was there. He noted that if he was successful tonight the addition that they want to make would not be obstructing any sightline. Mr. Denton agreed that it would not interfere with anyone’s sightlines.

Board Member Cook said that even once they were on the property it would be hard to see the pole barn for the first 25-50-ft. He noted that the layout of it and the stacks gave him a little bit of a problem but eventually he figured it out. He said overall he didn’t have any questions or issues with it.

Chairman Durham asked that the shed that they speak of them removing is that the metal shed? Mr. Denton replied no, the metal one is actually on the 4-acre lot in front, but wanted to remove that shed as well. The shed that is mentioned was the shed that came with the house when they purchased it the little red one.

Vice-Chairman Koscierzynski stated that she was reading the Practical Difficulty and it said it had been created by nature and the way the lots are platted. She thought that the Practical Difficulty was that he needed a safe place to put all the equipment to maintain the property. She asked what items they had? Mr. Denton replied, a compact tractor and the implements to go with that tractor to keep them out of the elements, lawn tractor, woodchipper, splitter, and a travel trailer. Right now, the travel trailer is parked out on an asphalt pad, in the summer there is a vintage trailer there. Vice-Chairman Koscierzynski asked how much property he had total? Mr. Denton replied just about 7-acres.

Trustee Flood asked if the shed was coming down? Mr. Denton replied yes. Trustee Flood noted that the shed was not included in the calculation so part of the motion would be if the motion is to be made, to remove the shed after the pole barn is built. Mr. Denton said he would happily remove the shed.

Trustee Flood added that the Fire Marshal has no concerns.

Board Member Walker asked of all his equipment, was there any work involved with this? Mr. Denton replied no. Board Member Walker asked if all the equipment was for just maintaining his property? Mr. Denton replied yes. Board Member Walker asked if he had 3-acres on his property and an additional 4-acres attached was his also? Mr. Denton replied yes.

Board Member Walker said they are back to this again where their ordinances say “XXX” and then we have someone here that has seven-acres and it doesn’t seem to fit.

Chairman Durham asked if anyone from the public wanted to speak.
Ms. Kate Fogg 4405 Rose Ct. said that if they were heading north on Baldwin right after they pass Libby Lane, and she was confused about how it worked, that is the house that sits back, that is his driveway there. They are on the next street Rose Ct. and there are a series of houses that line up there perpendicular. She wanted to understand how it was going to be. When they look out their door wall out into their back yard, they see his driveway coming across. She did know where the shed was and was sorry that she couldn’t get on and see how it was laid out for the houses, not just theirs, but also the houses past theirs because that is where the petitioner resides. The petitioner showed Ms. Fogg a diagram where the pole barn would go. Chairman Durham noted that by the look of where the stacks were at, the lot tails off some down there, and they are going to build it, it appears a bit lower than the level of the house so that should make it tend to disappear even more from their vantage point.

Mr. Tim Fogg 4405 Rose Ct. said that a lot of stuff has happened. When they moved in it was a designated wetland and then 5-years later here comes all the gravel trucks and built the mound that his house is on and then formed this pond behind their house from the driveway. Chairman Durham understood why they would want to know what was happening.

Board Member Cook asked if the shed was on the 4-acre or the 3-acre parcel? Mr. Denton replied that there are two sheds, the shed that will be in the motion to be removed is on the 3-acre property but did plan on taking down the 4-acre shed too, as it had equipment in it that he will be moving into the barn.

Vice-Chairman Kosciierzynski asked if he was taking down both sheds? Mr. Denton replied yes.

Chairman Durham said for clarity that the red one will be coming down if he was successful. Mr. Denton replied correct, it has to come down. Chairman Durham questioned if the other one will come down after the pole barn is built and he has space to put his stuff? Mr. Denton replied yes.

Moved by Vice-Chairman Kosciierzynski, seconded by Trustee Flood, that in the matter of ZBA case #AB-2020-29, Thomas Denton, 322 N. Baldwin Rd., 09-06-100-052, the petitioner is requesting 1 variance from Zoning Ordinance #78 – Zoned SF, Article XXVII, Section 27.02 – Lot size over 2.5 acres: 1) a 280-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 1,350-sq. ft. pole barn in addition to an 830-sq. ft. attached garage be **granted** because the petitioner have demonstrated that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty: the compact tractor, lawn tractor, travel trailers, and other tools that are needed to keep up with a seven-acre property; 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: the property is on seven-acres, the way the house is situated, and where the new pole barn is going is not an issue, and the shed that is on the property will come down, the red shed will come down after the pole barn is built; 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 of facts: the property has a lot of trees, and the property owners have a lot of work, when she was there she noticed that there was a lot to do, and the pole barn is necessary for them to house their equipment, also the Fire Marshal does not have a problem with this; the granting of the variance or modification will not be materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings of facts: this property is on seven-acres, there is a lot of trees, the Fire Marshal doesn’t have a problem with the shed; the shed is not going to be an eyesore to any of the neighbors; the granting of this variance would not: impair an adequate supply of light and air to adjacent property due to: a seven-acre property parcel; unreasonably increase the congestion in public streets due to: not applicable in this situation, the house is way off of Baldwin Rd.; increase the danger of fire or endanger the public safety; unreasonably diminish or impair established property values within the surrounding areas; or in any other respect, impair the public health, safety comfort, morals, or welfare of the inhabitants of the Township.
Discussion on the Motion:

Trustee Flood wanted to clarify that the shed to be removed that the size of that shed is 8-ft. x 8-ft.

Building Official Goodloe noted that the property in question is not seven-acres but three-acres, he owns the additional four-acres.

Vice-Chairman Kosciierzynski amended her motion, Trustee Flood re-supported the motion to include that the granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other properties the pole barn is going on three-acres the other four-acres is not in question with regards to this variance.

Roll call vote was as follows: Durham, yes; Kosciierzynski, yes; Cook, yes; Walker, yes; Flood, yes. Motion Carried

B. AB-2020-30, Phillips Sign/G’s Pizza, 2775 S. Lapeer, 09-23-402-024
Acting Chairman Durham read the petitioner’s as follows:

The petitioner is requesting 1 variance from Sign Ordinance #153

Section 7, Non-Residential Wall & Ground Signs – Zoned GB

1) A variance to allow 1 additional wall sign for a total of 2 wall signs totaling 66.99-sq. ft.

Mr. Greg Morgan with Philips Sign Company the applicant presented.

Mr. Morgan stated that they are looking to replace an existing sign that is over the main entrance, it is 10-sq. ft. It would be a second sign on the building but it is a directional sign, directing the people from the parking lot into the main entrance of the building, not the entrance that is on the backside of the building. So, they would have to come around to the front where the main entrance is and is why it is a directional sign more than it is an advertising sign. He added that the property is set back quite a way and it is also in a depression off of Lapeer Rd. and said that there is no way that sign was going to be seen by any traffic that is on Lapeer Rd., it is strictly for the people in the parking lot indicating where the main entrance to G’s Pizza is.

Chairman Durham asked if the one they are talking about replacing is the one that looks like handwriting? Mr. Morgan replied that it was an existing old neon tubing sign. They want to take that down, it is not functional anymore, it will be lit with LED’s and is just a replacement sign over the door.

Board Member Walker asked if they put the sign in that they are taking down, it was up there before he purchased the property? Mr. Morgan replied yes it was an existing sign. He was confused because it says that they want two signs but they already have two signs and they are taking one of those two signs down and putting up a new sign in its place. Mr. Morgan said that they will be replacing the existing sign that doesn’t work anymore that was on the building with a new sign.

Chairman Durham said that it will be an LED lite sign. The ordinance has been massaged to the point that they don’t have to worry about light intensity.

Board Member Cook noted that Mr. Morgan had said it was a directional sign, but stated that it read established in 1983. He asked how is that is directional?
Mr. Mario Gena, G’s Pizzeria replied that it would replace the existing burnt-out sign and it would assist customers into coming into a more lite more welcoming entrance as opposed to a burnt-out sign. He added that it was two-fold, it cleans the building up and gives it more of a welcoming feeling when people come in and come up to the front of the building.

Board Member Cook asked from the standpoint of this sign and he understood that the one there doesn’t work but it says restaurant entrance? Mr. Gena replied that he thought the sign said Restaurant and Bar. Board Member Cook said they have the southern entrance and the western entrance, he questioned what the preferred method of ingress was? Mr. Gena said that they didn’t have a preferred but he thought that if they lightened one up it would kind of be preferred. He preferred that entrance being the main entrance just because when people are coming in, they are not just wandering around through the restaurant, they come right up to the hostess stand, which will be right there.

Board Member Cook said that the sign will not be seen from M24, he did the drive back and forth just to see, they have a monument sign, but looking at the building the way the sign is going to be, it will identify the name of the restaurant more quickly. So, they don’t have to figure out if that monument sign belonged to the Red Roof or does it belong to another building behind there. He thought it would be an advertisement but thought it would be a positive advertisement from that standpoint because it will show what the company is.

Chairman Durham asked if anyone from the public wanted to speak on this matter? There was not.

Moved by Board Member Cook, seconded by Trustee Flood, that in the matter of ZBA case #AB-2020-30, Phillips Sign/G’s Pizza, 2775 S. Lapeer, 09-23-402-024, the petitioner’s request for one variance from Sign Ordinance #153, Section 7 Non-Residential Wall & Ground Signs – Zoned GB 1) a variance to allow 1 additional wall sign for a total of 2 wall signs totaling 66.99-sq. ft. be granted because the petitioner did demonstrated the following standards for variances have been met in this case in that they set forth fact which show that in this case the petitioner does show the following Practical Difficulty: due to the property sitting in a depression that the additional wall sign would allow folks to identify what the building is more readily as they go by on M24 or Greenshield; 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: it is in a depression and it is basically the traffic speed is posted at 50MPH but probably goes closer to 65MPH down Lapeer Rd.; the variance is necessary for the preservation and enjoyment of a substantial property rights possessed by other property in the same zone or vicinity based on the following findings of facts: he did notice that there are currently two signs there and that seems to be normal within that area, the property next door to him, the Red Roof Inn does have two signs; 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 of fact: that the current sign that is above the door today will be removed and replaced with the new one that was listed in the package so it will keep it at two signs on the building; further, based on the following findings of facts, the granting of this variance would not; it will not impair an adequate supply of light or air to adjacent properties; it would not unreasonably increase the congestion on the public streets; it will not increase the danger of fire or endanger the public safety; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township: because it is actually going to make it a little bit safer because now people will know what the building is from that eastern side.

Roll call vote was as follows: Walker, yes; Kosciaczynski, yes; Flood, yes; Cook, yes; Durham, yes.
Motion Carried 5-0
C. AB-2020-31, Future Design/Powers/Leasing Company, 3700 Giddings 09-27-301-052

Chairman Durham read the petitioner’s as follows:

The petitioner is requesting 2 variances from Sign Ordinance #153

Section 7, Non-Residential Wall & Ground Signs – Zoned LI

1) A variance to allow 1 additional ground sign for a total of 2 ground signs.

2) A 28.79-sq. ft. variance above the approved existing ground sign of 498-sq. ft. to allow two
ground sings that total 526.79-sq. ft.

Mr. Jerry Sitarski with Future Designs & Sales, & Mr. Gary Thompson with Powers Distributing, the
petitioners were present via GoToMeeting.

Chairman Durham said he was out there early before any markers were up. He asked if the sign was
going to go on the island basically in the middle of the front driveway? Mr. Sitarski replied yes.
Chairman Durham asked if they were counting on those big long trucks to be able to cut in and out of
there without creasing the sign? Mr. Sitarski replied yes.

Board Member Walker asked why they needed the sign? Mr. Sitarski replied that they didn’t have any
addresses on Giddings Rd., so when they are traveling north and south on Giddings Rd., they don’t see
any of the addresses. He said they had three addresses that they would propose putting on the sign,
one for Powers, Powers Distributing, and Powers Leasing.

Vice-Chairman Koscierzynski said that the sign off of Giddings they can hardly see, it is just a wooden
sign. She asked if the sign was going in front of their building? Mr. Sitarski yes.

Vice-Chairman Koscierzynski asked if the big bottle sign that was put up in 2016 was still there? Mr.
Sitarski yes. Mr. Thompson said that the bottle was related to a different company. He added that the
problem that they run into is that Powers Leasing in Orion sign has addresses 3710 & 3720, Powers
Distributing has address 3700 and folks do not realize there is some confusion when they plan to work
with address 3710 & 3720. The new sign that goes up will have 3700, 3710, & 3720 and numbers on
the sign and it will be lit up so that deliveries and their folks can find them relatively easy.

Trustee Flood noted that the sign was needed to put the three separate addresses and the three
separate facilities in that one building back there. Mr. Thompson said that there were two buildings
there. The two separate numbers are in separate buildings.

Chairman Durham said that he understood that it would help them because he remembers back when
they brought the beer bottle in, he remembered asking them questions then how that beer bottle was
going to help them. As it turned out that they have expanded their operation some or it didn’t do quite
everything they wanted. He did see why they would like that sign giving people some direction.

Board Member Cook said he knew they had a solar sign on the rear of the property. He asked if this
sign be solar operated? Mr. Thompson said the 16,000-sq. ft. of solar panels that they have up there
replaced their use of electricity in general. This particular sign will have a photoelectric eye and is
ground lite so the people at night can see the three addresses. From that perspective since the 16,000-
sq. ft. of solar panels help them not use the grid whatever they use on this particular ground lighting on
this sign so people can see the addresses will be somewhat offset but they are not powered by the
solar panels directly.
Board Member Cook said that there is a wooden sign there now, and asked what is the plan for that sign? Mr. Thompson said the wooden sign was up before COVID-19 started for hiring. They can remove the wooden sign it was to let people know that they were trying to hire folks and trying to get full employment. Very much like the Federal Express sign down the road.

Board Member Cook asked if the new sign allowed them to put “now hiring” on the new sign? Mr. Thompson replied that yes, they can, in-fact with the sign-making product that they have they can make a coroplast or outdoor vinyl sign that they can attach to the top that just says now hiring, and will be more beneficial to them.

Board Member Walker asked if the wooden sign was their official sign? Mr. Thompson replied no, he would be removing the wooden sign tomorrow.

Vice-Chairman Koscierezyński said she didn’t see a problem with the sign. She said she knew there was a sign ordinance but the building is situated and if they drive by at a certain time, and they have those gates there they can hardly see anything. That sign on Giddings they need because there is a site issue because of the way the building is situated and the gates.

Board Member Cook said his question about the wooden sign was more for clarity in terms of once this permanent monument sign is in place and was it going to stay.

Moved by Board Member Walker, seconded by Vice-Chairman Koscierezyński, in the matter of ZBA case #AB-2020-31, Powers Leasing Company, 3700 Giddings, 09-27-301-052, the petitioner request for 2 variances from Sign Ordinance #153, Section 7 – Non-Residential Wall & Ground Signs – Zoned LI; 1) a variance to allow 1 additional ground sign for a total of 2 ground signs; 2) A 28.79-sq. ft variance above the approved existing ground sign for 498-sq. ft. to allow two ground signs that total 526.79-sq. ft. be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set facts that show in this case: there is a Practical Difficulty: the location of Powers is setback by itself except for the FedEx folks and there is lots of room back there, even though it is zoned LI it is a very distant LI with lots of opening back there, and it is due to the unique characteristics of the property and not related to general condition in the area of that property; 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: there is very little things to compare it to, the petitioner has indicated that they would be willing to take down the wooden sign, the hiring sign as part of their agreeing to their request here today; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zone or area: further, there would be no impairment of light or air supplied to adjacent property; no unreasonable increase in congestion; no danger of fire or endangering the public safety: The Fire Marshal indicated that he has no problem with this

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

D. AB-2020-32, Peter Smith, 500 N. Conklin, 09-01-277-004
Chairman Durham read the petitioner’s as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-3

Article XXVII, Section 27.01 (C)(1)(a):

1) A 20-ft. lot width variance from the required minimum 50-ft. lot width

Article VI, Section 6.04 Zoned R-3
Mr. Peter Smith 500 N. Conklin Rd. the applicant presented.

Mr. Smith said that his son Joshua was with him as well as part of the project that they are building.

Mr. Smith said that they bought the place a couple of years ago anticipating getting back into shape and getting it back up to code. It had 8 tons of garbage that they move out and after they moved the garbage they began to tear-off the drywall and look at the floors. The floors were awful, downstairs there was carpet over wood that was on top of dirt, there was no slab. They ran into a situation that was unheard of. This was from 1915 or 1920s when the house was built. The more they got into it the more they realized things were looking bad and thought that a simple rebuild would what they would be doing. They initially were told by the City Official that the front wall to the west was bowing and so they built a temporary wood wall to support the house on the west side to re-block the whole front and ended up as they got into that they saw more and more going on. They indicated that they would be able to build on the same footprint which they were glad for that they could salvage at least what was there. They suggested it had 42” through the frost line would need to be underpinned in which they dug down and then they suggested that they move it in 6” to get a full strength of the dig to underpin the foundation to the east. They did that and in the process of that, they became aware of the need for a variance at that point. They were surprised by that but they wanted to comply so they are in the process and they realized that three issues were going on because of the differences at this point from when the house was built back in the 1920s. He noted that less than 25% of their property is covered by a structure it is 10.4% that is built upon. Also, the position of their house, the footprint, is 30.3” from the street of Conklin, which meets code, so they were not asking for any variance there in terms of their west build. The three variances for which they are requesting; the first one 20-ft. lot width variance from the required minimum of 50-ft. width they don’t meet because of the nature of the lot as they purchased it. The second two are related and they are similar. The 6-ft. side yard setback variance from the required 10-ft. to rebuild the house 4-ft. from the side property to the north. He said the Practical Difficulty to meet the current 10-ft. requirements since their lot is exceptionally narrow it is 30-ft., they can’t change that, the only thing that they could do is buy from the neighbors, he has inquired, and they are not interested in selling. The neighbors to the north, their front door faces Conklin not towards their house. If the ZBA grants this rebuild on the existing footings as they are proposing they would want to build like a living hedge arborvitae on that side where there is less than the required 10-ft. He noted that the house was 12-ft. away from where their property line is and so they are not building right on line. The third variance a 5.33-ft. side yard setback variance from the required 10-ft. to rebuild a house 4.67-ft. from the side property to the south. This is because of the 10-ft. requirement and their lot is only 30-ft. in width. To meet the 10-ft. requirement on both sides of their property would mean that they would only have a maximum of 10.6-ft. width of their house. They tried to sell the lot and no one was interested in buying an empty lot. Their commitment is to do what is best for the community. The neighbor on the south is 30-ft. away from their property line where his house is standing. So, there is not a near sense that there are a driveway and a yard between his house and their house. He read a
letter from his neighbor: To Whom It May Concern: I just wanted to express his support for Peter Smith and the project that he has taken on at 500 N. Conklin. He is a man of excellent character and great intention. He has discussed with him the proposed dimensions and plans for the new house that he is building on the lot. He likes what he is intending to do and is looking forward to the new build that will be next to us.

Mr. Smith added that he hoped that if these variances are granted, they would be able to build on the original footings. They have underpinned them so they meet code 42” frost line concern and being sensitive to the neighbors with the whole process as they move along. He has a close friend that is a contractor and they would like to have everything up to code and to work with them in the process.

Chairman Durham asked if the first variance would have to be a separate motion and pass before the other two could be granted? Because it is a substandard size, would they have to agree to a substandard size first because if they don’t agree to the substandard size the other two really don’t matter? Building Official Goodloe replied no.

Building Official Goodloe said that he has worked with Mr. Smith and the original house was dilapidated. He didn’t know about the setbacks and told the applicant that they could build on the existing footprint per what the ordinance allows. Once they got past the demo permit and got the building permit is when this situation arose with the setbacks.

Chairman Durham asked if he had a foundation with blocks coming up. Mr. Smith replied yes.

Chairman Durham said that he had been working with Building Official Goodloe until it became apparent that they needed some movement. Mr. Smith said at that point they waited in terms of the variances.

Trustee Flood said that these lake lots and a lot of people have combined parcels together, and if they look at the sketch, they have 35 widths on Conklin and then they get down to the lake and it angles out to 67-ft. He added that this was quite common on some of these old lots that were plotted long ago. His understanding was they are staying on the same footprint and they want to go up, which is quite common when they get restricted on that. He noted that the Fire Marshal had no concern on the side yard setbacks. He thought it would be a great improvement over there. And the neighbor that lives next door that the applicant has read the letter already Mr. Constantino at 490 N. Conklin. He had no problem with it.

Commissioner Walker asked when the applicant purchased the property? Mr. Smith replied 1 ½ years ago. Commissioner Walker asked what his intent was when he bought it? Mr. Smith replied that they thought they could fix it up and make it livable without destroying the framing, but the more they began to opening up they realized it was a whole different animal. They were not going to flip it they were going to keep it a while and see. Two of his boys just got married in the last 2 years and they were hoping to keep it in the family for a while. Commissioner Walker asked if Mr. Smith had intended to move into the house. Mr. Smith said not personally no. Commissioner Walker said that the proposal is going to be built right on the same footprint as the original house? Mr. Smith replied that it was 6” shorter on the east side just because of wanting to make stronger footings but basically yes. Commissioner Walker said these variances they are asking for had to be asked for 1925 if such a thing existed back then. They are giving variances but they are not giving variances because had he just rebuilt that house, he would not need these variances. Building Official Goodloe said that he doubted that those zoning ordinances were in place back then.

Commissioner Walker asked if they were going to put a second story on? Mr. Smith replied yes. And the second story will be the same dimensions as the first story. Mr. Smith said according to the plans, which they submitted outback which is the open area goes all the way to Bunny Run Lake, have a 6-ft.
anticipated just to have a little bit of a deck and an overhang on a porch. Nothing would go to the sides nor front.

Board Member Cook noted that Mr. Smith said that the front is going to come off Conklin, but when he was looking at the property, he assumed there would be a pad there for a vehicle, he took the drive on Gay Ct. down until. Their property starts where the gravel ends. From the standpoint of the house and most times with lakefront property, the back is the front. He was wondering in this particular case and the way he is seeing being built, why they have opted to say that the Conklin side would be the front versus the lakeside. Mr. Smith said, in reality, the backside is used more but the way it was initially the front door was facing Conklin when people would drive by. That is part of the dilemma is where people would park and wanted to be sensitive to that because the smallest of the front 30’ wide so they don’t want to put cement in the front because it would just narrow the space. There will be a walkout on the bottom floor. He said that they were open to suggestions and if there was something that would impinge upon something that would look nice for the neighborhood, they are open to change it. Board Member Cook said it was just a question from the standpoint of it seemed like it was a safer way to get into the house. Mr. Smith said it is a dirt road, it is muddy and there are holes.

Board Member Cook said his concern was the Fire Marshal and the space between the existing house particularly the one as they are facing it, to the left. Board Member Cook asked if they made the neighbor an offer. Mr. Smith said that they have been trying to work with them, there are some difficulties in the family he thought he was in intensive care, and are just trying to work with them. Mr. Smith noted that his father was a Fire Captain in Lake City for 25 years so there was a sensitivity to that fire concern. They will not plan to have a chimney on either side, just so there is more space.

Board Member Cook noted that they are here only because of the second story, and to make sure that follow the rules or the guidelines of the Township today. Building Official Goodloe said yes, that is why they were there. He thought that they were going to rebuild the same house and that is allowed per the ordinance. When he on the drawings the second story that is when he said they have to make sure they are covered on all bases and not building a nonconforming house and may not be able to get a loan from the bank because it was nonconforming. Once he added that second story than that brought in a lot of other factors.

Moved by Board Member Cook, seconded by Vice-Chairman Koscierzynski, that in the matter of ZBA case #AB-2020-32, Peter Smith, 500 N. Conklin, 09-01-277-004, I move that the petitioners request for 3 variances from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.01 (C)(1)(a): 1) a 20-ft. lot width variance from the required minimum 50-ft. lot width; Article VI, Section 6.04 Zoned R-3: 2) a 6-ft. side yard setback variance from the required 10-ft. to rebuild a house 4-ft. from the side property line (north); 3) a 5.33-ft. side yard setback variance from the required 10-ft. to rebuild a house 4.67-ft. from the side property line (south) be granted because the petitioner did demonstrate that the following standards of variance have been met in this case in that set forth facts which show that in this case: the petitioner does show that the following Practical Difficulty due to the unique characteristics of the property: being that when it was platted it was platted on a narrow basis and at the front of the property the width is 30-ft. and it does taper down to a little over 60-ft. in the rear of the property, as far as other properties in the area that is the general condition of the lots in that area; 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: they are using the original footprint less 6”, and so he is here before us because the requirement of asking for a second story but it still within the same footprint of the same property; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity base on the following fact: he is in the process of replacing the home that was not livable and he is going to definitely improve that with replacing that home that is livable and will meet today’s standards; 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 upon the
fact: he is going to build a home to today standards, he has also gone in and did the underpinnings according to the codes of today, when this property was originally built, these zoning ordinances that they are working with did not exist nor did the construction standards that they currently have; the property will not impair adequate light or air to adjacent properties; it doesn’t unreasonably increase the congestion in public: due to the fact that he will be parking both in the front and the rear of the property; it does not increase the danger of fire or endanger the public safety: they have support of the Fire Marshal; it does not unreasonably diminish or impair established property values within the surrounding area; in any other aspect it doesn’t impar the public health, safety, comfort, mortals, or welfare of the inhabitants of the Township: what he is going to put in place of that is going to meet today’s standards.

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

6. PUBLIC COMMENTS
None

7. COMMUNICATIONS

Memo from Planning & Zoning Coordinator Harrison dated October 20, 2020, Dates which cases can be postponed to.

Memo from Planning & Zoning Coordinator Harrison dated October 19, 2020, regarding the 2021 ZBA meeting calendar. Chairman Durham said that she would like us to look it over and they can act on it at the next meeting. Trustee Flood said he thought the December 27, 2021 date should be removed. He added that if she knew it now maybe she could take care of it for the next meeting. Chairman Durham asked if everyone felt comfortable moving on this? They all did.

Moved by Trustee Flood, seconded by Vice-Chairman Kosciaczynski, to approve the 2021 ZBA dates to be forwarded on to the Township Board, and also remove the December 27, 2021 meeting.

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

Memo from Planning & Zoning Coordinator Harrison dated October 26, 2020, regarding canceling the November 23, 2020 meeting due to lack of agenda items.

Moved by Vice-Chairman Kosciaczynski, seconded by Chairman Durham, to cancel November 23, 2020, Zoning Board of Appeal meeting due to a lack of agenda items. Motion carried.

8. COMMITTEE REPORTS
None

9. MEMBERS’ COMMENTS
Board Member Walker said to get out and vote.

10. ADJOURNMENT
Moved by Board Member Cook, seconded by Chairman Durham to adjourn the meeting at 8:15 pm.
Respectfully submitted,

Debra Walton  
Planning & Zoning Coordinator  
Charter Township of Orion  

Zoning Board of Appeals Approval
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: October 29, 2020
SUBJECT: Staff Report for AB-2020-33, Debra Goodall, 605 Birmingham

The subject property is a corner lot that has frontage along Birmingham and Summit Blvd. It is therefore held to two front yard setbacks. Please note that even though Summit Blvd. does not appear to be traveled by vehicles at the point along the subject property, it is a road right-of-way and has to be treated as such.

Per the definition of “Carport” under Article II of the Zoning Ordinance – they shall comply with all yard requirements applicable to garages.

Adding the carport where the applicant indicates meets all other required setbacks and will not exceed maximum lot coverage or maximum floor area of detached or all accessory buildings.

Please let me know if you have any questions.
TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: October 29, 2020
RE: AB-2020-33, Debra Goodall, 605 Birmingham

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-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034, I move that the petitioner's request for:

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

Article VI, Section 6.04, Zoned R-3

1.  A 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0- ft. from the front property line along Summit Blvd.

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:

Please be specific how the petitioner meets this criteria

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:


17
Further, based on the following findings of fact, 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-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034, I move that the petitioner’s request for:

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

Article VI, Section 6.04, Zoned R-3

1. A 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0- ft. from the front property line along Summit Blvd.

Please be specific how the petitioner does not meet this criteria

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: Debra Goodall
Address: 605 Birmingham City/State/Zip: Lake Orion MI 48362
Phone: 248-425-4517 Cell: Fax: 
Email: Debby.Goodall6@gmail.com

PROPERTY OWNER(S)
Name(s): Debra Goodall
Address: 605 Birmingham City/State/Zip: Lake Orion MI 48362
Phone: 248-425-4517 Cell: Fax: 
Email: Debby.Goodall6@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Debby Goodall Phone: 248-425-4517 Email: Debby.Goodall6@gmail.com

SUBJECT PROPERTY
Address: 605 Birmingham Sidwell Number: 09-11-312-034
Total Acreage: Length of Ownership by Current Property Owner: 19 Years, _____ Months

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

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request.  I would like to build a carport

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area.  My driveway abuts an easement. Other properties do not and are able to have a structure to protect their car

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:  It will not be detrimental because it will not restrict visibility, water drainage, nor impede any existing property or function. It will raise the value of my home, this raise the value of surrounding

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible:  The easement runs adjacent with my driveway where as it runs across the back of my neighbors property. It will not impact or hinder their view or property.

5. Describe how the alleged practical difficulty has not been self-created.  The driveway existed when I purchased the property. I was not aware of the limitations the easement brought with future building.

6. The topography of said land makes the setbacks impossible to meet because:  Topography is not an issue

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 am unable to protect my car from the elements. Strict compliance would require me to tear out over 60' of concrete driveway, remove a large tree, to push it closer to the house.
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:  
(must be original ink signature) ___________________________  Date: 10/6/2020

Print Name: ___________________________

Signature of Property Owner:  
(must be original ink signature) ___________________________  Date: 10/6/2020

Print Name: ___________________________

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

OFFICE USE ONLY

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

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

Description of variance(s):

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

Date Filed: ____________  Fee Paid: ____________  Receipt Number: ____________
**Article II**

**Construction of Language & Definitions**

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

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

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

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

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

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

A. **Front Lot Line.** In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and on the request for a building permit. For the purpose of determining setbacks, front yard setbacks shall be required for each lot line that abuts a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 50. *(amended 04-21-03)*

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

C. **Side Lot Line.** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A lot which is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded and is considered as such for tax purposes.

**Lot Width:** The horizontal, straight line distance between the side lot lines measured at the two points where the minimum building line or setback intersects the side lot lines. The width of a private road right-of-way shall not be included in the calculation of frontage necessary to achieve the minimum lot width requirements. *(amended 04-21-03)*

**Lot, Zoning:** A single tract of land, located within a single block, which at the time of filing for a permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot shall satisfy zoning ordinance requirements with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record. *(amended 08-06-94)*
Section 6.04 – Area and Bulk Requirements *(amended 01.05.87, 02.17.04, 02.01.05, 07.16.18)*

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

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

<table>
<thead>
<tr>
<th>Height of Structures</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
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<tbody>
<tr>
<td></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 II

Construction of Language & Definitions

Building Permit: The written authority issued by the Building Official of Orion Township or his authorized agent permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Bulk: Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes:

A. Height and area of buildings.
B. Location of exterior walls in relation to lot lines, streets, and other buildings.
C. Gross floor area of buildings in relation to lot area.
D. All open spaces allocated to buildings.
E. Amount of lot area required for each dwelling unit.

Bungalow Court Residential: The bungalow court is a multiple family residential dwelling unit type consisting of detached structures, each containing one dwelling unit, surrounded by yard space on all four sides. More than one dwelling unit is placed on a single lot. Each dwelling unit has separate housekeeping, cooking and bathroom facilities. All units front upon a common landscaped court that contains pedestrian paths, and the common pathways connect to the front entry of each dwelling unit. (Added 06.15.20)

Business Establishment: A business establishment is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same lot.

Carport: A partially open shelter or structure for housing automobiles. Such structures shall comply with all yard requirements applicable to garages.

Cemetery: Any land used or intended to be used for the burial of the human dead or animal dead, and dedicated for such purposes.

Center: A child care center or day care center which is a facility other than a private residence, which receives one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, child kindergarten, play group, or drop-in center. (Amended 10.26.00)

Child Day-Care Facilities: (Amended 08.06.07)

A. Child Family Day-Care Home. A private home in which one (1) to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

B. Child Group Day-Care Home. A private residence in which between seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

C. Child Day-Care Center. A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, child kindergarten, play group, or drop-in center.
AB-2020-33  605 Birmingham  Zoned R-3

.238 Acres  10,367.28  25% = 2,591.82'

House  1,014
Porch  35
Deck  568
Proposed Carport  400

2,017 Lot Coverage OK

Has 2 Front yards - Manhattan & Summit Blvd
So has to meet 2-Front yard setbacks

Birmingham

will be 34' from Birmingham - Setback OK

will be 0' ft from the lot line along
Summit Blvd.
The fire department has reviewed the 3 applications and has no concerns.

Thanks

Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3355 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

At your convenience, will you please look over the attached ZBA cases. Again, just for potential problems with fire department accessibility.
It will be right on the property line because that is how my driveway was put in when I bought my house.

On Mon, Oct 12, 2020 at 3:19 PM Lynn Harrison <lharrison@oriontownship.org> wrote:

Debby, will the carport be right on the property line that runs along Summit Blvd. or will it setback a specific distance from it, if so, what is that distance? Please let me know as soon as possible so that I know how to write up the language for the request.

Thanks,

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
The variance is needed to put a car port along the side property line along Summit Blvd. My driveway abuts Summit Blvd which has not been a road for years but is a wooded area.

I just reread what you wrote so if it is a 30' required setback variance, then that would be correct. However, Summit Blvd is currently not a road, but an overgrown brush and wooded area. The wooded area here is the "private Road" Summit blvd which has not been a road for years.
On Tue, Oct 13, 2020 at 9:33 AM Lynn Harrison <lharrison@oriontownship.org> wrote:

Debra, thank you for your quick response. Based on that, below is the language I propose to use for the variance request to add a carport to your property. I need to know if this language is ok or if it needs to be revised by this Thursday afternoon, October 15th. This will be the language that will be advertised in the Lake Orion Review and will go to all property owners within 300-ft of your property. Please respond to this email.

AB-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034

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

Article VI, Section 6.04, Zoned R-3

1. A 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0-ft. from the front property line along Summit Blvd.

Thank you,
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 29, 2020

SUBJECT: Staff Report for AB-2020-34, Jeffery Parrish, 1050 Seabury

The applicant is proposing to add a 6-ft fence from the rear of the house to the rear property line. The applicant noted that there is an existing 6-ft. fence already along the rear of the property which he believes belongs to the neighbor behind him.

The fence as proposed will meet the front yard setback of 30-ft. and side yard setback requirement of 10-ft. (as noted by the applicant, the distance from the side yard to the west will be 12-ft.).

Please let me know if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 29, 2020

RE: AB-2020-34, Jeffery Parrish, 1050 Seabury

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-2020-34, Jeffery Parrish, 1050 Seabury, 09-01-460-037, I move that the petitioner’s request for:

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

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

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

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

Please be specific how the petitioner meets this criteria

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-2020-34, Jeffery Parrish, 1050 Seabury, 09-01-460-037, I move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned R-3
Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

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

Please be specific how the petitioner does not meet this criteria

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

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

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

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

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

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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

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

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

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

APPLICANT
Name: Jeffery Thomas Parrish
Address: 1050 Seabury Dr. City/State/Zip: Lake Orion, MI 48362
Phone: 248-909-9731 Cell: Same Fax: 
Email: jefferythomasparrish@yahoo.com

PROPERTY OWNER(S)
Name (s): Jeffery Thomas Parrish
Address: 1050 Seabury Dr. City/State/Zip: Lake Orion, MI 48362
Phone: 248-909-9731 Cell: Same Fax: 
Email: jefferythomasparrish@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: Jeffery Parrish Phone: 248-909-9731 Email: jefferythomasparrish@yahoo.com

SUBJECT PROPERTY
Address: 1050 Seabury Sidwell Number: 09-01-460-037
Total Acreage: .455 Length of Ownership by Current Property Owner: ________ Years, ________ Months

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

Zoning Ordinance Allowance/Requirement
10 ft from property line Deviation requested 10 ft deviation

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

1. Describe in detail the nature of the request. Seeking permission to add 6' privacy fence connecting to privacy fence already on property line, and additional panels. Need fenced in yard for dogs.

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. Wooden garden structures, shed, trees, and a rear property line fence all within 10 ft of property line. Need fenced in yard for dogs.

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: No site lines or access restricted by proposed 6' fence.

4. Explain how the request is not consistent with other properties in the immediate area, please site examples if possible: Hilly terrain, trees + garden structures prevent a 10 ft closer structure, from rear only.

5. Describe how the alleged practical difficulty has not been self-created. We did not create hills, trees, or garden structures, or neighbor fence on back property line.

6. The topography of said land makes the setbacks impossible to meet because: Hill, tree, shed, garden structures won't allow a 10' clearance. Rear fence (neighbors) already built.

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. Need decent sized yard for dogs and child to safely enjoy. Without variance, no secure area provided.
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: 10-9-2020
Print Name: ___________________________

Signature of Property Owner: ___________________________ Date: 10-9-2020
Print Name: ___________________________

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

OFFICE USE ONLY

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

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

Description of variance(s): ___________________________

Date Filed: ___________________________ Fee Paid: ___________________________ Receipt Number: ___________________________
Article XXVII  

27.01 Nonconformities

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

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

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

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

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

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

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

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

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

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. Signage. Signage on entranceway structures shall be limited only to the name and address of the subdivision, park, or development.

3. 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.

4. 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. WallSpecifications. 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.

Charter Township of Orion Zoning Ordinance 78

Revised 07/26/18

Page 27 - 35
From: Jeff Williams
Sent: Friday, October 23, 2020 11:18 AM
To: Lynn Harrison
Subject: RE: ZBA Cases

The fire department has reviewed the 3 applications and has no concerns

Thanks

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Tuesday, October 20, 2020 2:32 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

At your convenience, will you please look over the attached ZBA cases. Again, just for potential problems with fire department accessibility.

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

Hi! My name is Sarah Parrish. My husband, Jeff, my daughter, Anna, and I just moved into 1050 Seabury Dr. Lake Orion, MI 48362 after the recent passing of my mother in law, Joann Archer. We are so excited to be here and looking forward to building neighborly relationships with all of you!

I am writing to you because we need to build a fence, and in order to do that, we need your help! We are planning on building a privacy fence that connects to the fence already built along our back property line. (I have attached a picture of where the fence will be and the dementsions). We have to stand before a city zoning panel to get permission to connect the fence to the current back fence, as the city ordinance says a new fence must be 10’ off the property line. We are asking the city for a variance so we can attach it to the back fence. It would be EXTREMELY helpful if we could get your signatures saying that you are ok with where we have proposed the fence to be built. We are desperately in need of a fenced in back yard because we have dogs that would love an area to safely enjoy, and also for my daughter and her friends to have a safe place to play. We are taking every step seriously and hoping our efforts result in permission to make this space our HOME for many years to come.

Would you please consider signing this paper in support of us putting up a 6’ privacy fence in our backyard? We would be so greatly appreciative! If you have any questions or concerns, please let me know! I’d be more than happy to address anything you have in mind!
Thank you!

Sarah Parrish  
248-892-5756  
savedbythelord03@yahoo.com

Printed Name: Susan Vaillancourt  
Signature: [Signature]  
Date: 10-9-20
October 23, 2020
Zoning Board of Appeals
Subject: Variance of zoning ordinance #78

I am responding to the letter I received yesterday, see attached, where my neighbor is requesting a variance to zoning ordinance #78 where he wants to put up a privacy fence directly on his property line. My house is on Ferguson St and I am directly behind the person wanting to change the ordinance. I currently have a six foot high privacy fence that sits six inches off my property line. If my neighbor is allowed to put up a new fence on his property line the amount of space between our fences will be six inches.

My fence is more than ten years old and eventually it will need repairs. If I only have a six inch gap between fences, repairs will be very hard to make. I have no objection to him getting some relief from the ordinance, but please leave me two or three feet between fences so that I can get between them and make needed repairs as they come up.

I am not able to attend the meeting on November 9th, but please will you take my concerns into consideration when making your decision? I really appreciate your attention to this.

Thank You

Steve Babcock
997 Ferguson St
Lake Orion
248 941 1152
NOTICE OF PUBLIC HEARING

The Charter Township of Orion Zoning Board of Appeals will hold an in-person public hearing on Monday, November 9, 2020, at 7:00 pm, at the Orion Township Community Center, located at 1335 Joslyn Rd., Lake Orion, MI 48360. Due to ongoing health concerns arising out of COVID-19 and the possible need to comply with Covid related orders or regulations, the Township may need to hold the public meeting via a video conference as explained below. Persons wishing to attend the meeting in-person, should monitor the Township’s website at OrionTownship.org or contact the Township Planning and Zoning Department to obtain updates on the meeting status. The following matter will be considered:

AB-2020-34, Jeffrey Parrish, 1050 Seabury, 09-01-460-037
The petitioner is requesting 1 variance from Zoning Ordinance #78 – Zoned R-3

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

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

In the event the in-person meeting is held by video conference or video conferencing is simultaneously made available, the video conference can be accessed by downloading the app GoToMeeting. The meeting number is 914793997. Live comments and questions will be accepted during the meeting at an appropriate time that will be explained by the Chair of the Meeting. Your comments may be given live via the GoToMeeting app, which allows both audio and written comments, by phoning in to 1-(872) 240-3412 and entering the meeting number above, or by email to zba@oriontownship.org during the meeting. Regardless of whether the meeting is held in-person or via video conference or both, prior to the meeting you may also send correspondence regarding this case to the Orion Township Hall, 2525 Joslyn Rd., Attention Zoning Board of Appeals, Lake Orion, MI 48360 or to lharrison@oriontownship.org. A complete copy of the proposed application is on file in the Planning & Zoning Department and may be examined during normal business hours, 8:30 am to 4:30 pm, Monday through Friday, until the date of the public hearing.

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

Zoning Board of Appeals
Charter Township of Orion
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 29, 2020

SUBJECT: Staff Report for AB-2020-35, John (loans) Codrean, 3800 Waldon

The applicant is proposing a 1,750-sq. ft. pole barn 60-ft. away from his house on the subject property. On the aerial view of the property, he indicated the proposed pole barn will be going in the same area as an existing detached structure. Please verify with the applicant whether or not that existing structure will be removed. Per Oakland County Assessing records, that detached structure is 480-sq. ft. – if it being removed, that needs to be noted in the motion and the variances requested modified accordingly. I have included a calculation sheet that should help you with modifying the request if needed.

Please note the calculations also include an attached garage of 1,412-sq. ft.

The applicant did indicate when he submitted the application that the height of the pole barn will be 14-ft. and will be single story. He was informed that the proposed pole barn can not be taller than the house unless it is 150-ft. away from the house.

The request as proposed does not exceed lot coverage maximum and meets setback requirements.

Please let me know if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 29, 2020

RE: AB-2020-35, John (Ioan) Codrean, 3800 Waldon 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 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-2020-35, John (Joan) Codrean, 3800 Waldon Road, 09-19-400-008, I move that the petitioner's request for:

Two (2) variances from Zoning Ordinance #78 – Zoned SF

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1. An 830-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,750-sq. ft. pole barn in addition to an existing 480-sq. ft. detached garage.

2. A 1,742-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 1,750-sq. ft. pole barn in addition to an existing 1,412 attached garage and an existing 480-sq. ft. detached 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:

Please be specific how the petitioner meets this criteria

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-2020-35, John (Ioan) Codreanu, 3800 Waldon Road, 09-19-400-008**, I move that the petitioner’s request for:

Two (2) variances from Zoning Ordinance #78 – Zoned SF

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1. An 830-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,750-sq. ft. pole barn in addition to an existing 480-sq. ft. detached garage.

2. A 1,742-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 1,750-sq. ft. pole barn in addition to an existing 1,412 attached garage and an existing 480-sq. ft. detached garage.

Please be specific how the petitioner does not meet this criteria

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: John Cochrane
Address: 3800 Woldon Rd.
City/State/Zip: Lake Orion 48360
Phone: 313-529-6102
Cell: Fax:
Email: 

PROPERTY OWNER(S)
Name(s): John Cochrane
Address: Woldon Rd.
City/State/Zip: Lake Orion 48360
Phone: 313-529-6102
Cell: Fax:
Email: 

CONTACT PERSON FOR THIS REQUEST
Name: John Cochrane
Phone: 313-529-6102
Email: 

SUBJECT PROPERTY
Address: 3800 Woldon Rd.
Sidwell Number: 09-19-400-008
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 Deviation requested 

Case # AB-20-35
Meeting Date: 11/19/2020

Page 1 of 3
Version 5/10/18
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 site 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? 

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: John Code Date: 10-10-2020
Print Name: John Code

Signature of Property Owner: John Code Date: 10-10-2020
Print Name: John Code

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
**AB-2020-35, John Codrean, 3800 Waldon Road**

### Variance Calculations

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of All Detached Accessory Structures</th>
<th>1,400 sq. ft.</th>
<th>1,400 sq. ft.</th>
<th>1,400 sq. ft.</th>
<th>1,400 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Detached Structure</td>
<td>480-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td>1,750-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>830-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>1,900 sq. ft.</th>
<th>1,900 sq. ft.</th>
<th>1,900 sq. ft.</th>
<th>1,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>1,412-sq. ft.</td>
<td>1,412-sq. ft.</td>
<td>1,412-sq. ft.</td>
<td>1,412-sq. ft.</td>
</tr>
<tr>
<td>Existing Detached Structure</td>
<td>480-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td>1,750-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>1,742-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
AB2020-35  3800 Walden Rd.  Zoned SF

4.763 Acres  207,476.28 SF
20% = 41,495.26 SF

Pool - 576 inground
House - 2542
Porch - 330
Deck - 345
Garage - 1412 Remaining?
Detached Garage 780
Proposed Pole Barn 1750

7,435 SF  OK

Setbacks - OK
Lot coverage - OK

Detached Accessory Buildings 1750 + 780 = 2230 variance 830 SF
1750 - variance 350 SF

All Detached Accessory Buildings 1412 + 1750 + 780 = 3642 variance 742 SF
1412 + 1750 = 3162 variance 1262 SF

Height variance? No

Garage not more than 75% of house
Article XXVII
General Provisions

27.02 Buildings, Structures, and Uses

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

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

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

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

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

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

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

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

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

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

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

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
The fire department has reviewed the 3 applications and has no concerns

Thanks

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Tuesday, October 20, 2020 2:32 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

At your convenience, will you please look over the attached ZBA cases. Again, just for potential problems with fire department accessibility.

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

TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 29, 2020

RE: Dates which cases can be postponed to

If the Zoning Board of Appeals makes a motion to postpone a case to an actual future meeting date (date certain), vs. requiring them to return within a certain number of days the Township does not have to re-advertise or re-mail notices to surrounding properties. By postponing a case to a “date certain”, the Township avoids incurring advertising costs and, in many cases, assists the applicant in returning in a timelier manner. The ZBA By-Laws state the postponement of a case shall not exceed sixty (60) days from the date the matter was first scheduled on a ZBA agenda.

Listed below are upcoming ZBA meetings. When a case needs to be postponed, if the applicant can commit to one of these dates, they should be used to postpone to a “date certain” within the motion, whenever possible. If a case is postponed to a “date certain” please be sure to keep all the information from your packet for that case until the future date.

November 23, 2020 - Cancelled
December 14, 2020
December 28, 2020 - Cancelled
INFORMATIONAL ONLY

TO: Charter Township of Orion Planning Commission and Zoning Board of Appeals

FROM: Tammy Girling, Planning & Zoning Director

DATE: October 6, 2019

RE: PC, ZBA, CIA, and Board of Trustees Joint Meeting

The Joint Meeting of the ZBA, PC, CIA, and Board of Trustees is scheduled for Thursday, November 12, 2020 at 6-8 p.m.

Please contact me if you would like to include something on that agenda by October 26, 2020.

If you have any questions regarding this matter, please contact my office at (248) 391-0304 x 5000.