1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 10/24/2022, ZBA Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
      The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned R-3
      Article VI, Section 6.04
      1. A 9-ft. side yard setback variance from the required 10-ft. for a carport to be 1-ft. from the
         property line (west).
   B. AB-2022-45, Steven Oja, Vacant Parcel, #09-03-278-026, South of 576 Cushing St.
      The petitioner is seeking to extend the expiration date for the approved AB-2021-56 ZBA case
      variances.
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-3
      Article VI, Section 6.04
      1. A 12.7-ft. front yard setback variance from the required 30-ft. for an attached, side-entry, garage
         to be 17.3-ft. from the front property line.
      2. A 17.4-ft. side yard setback variance from the required 30-ft. for an attached, side-entry, garage
         to be 12.6-ft. from the side property line (north).
   D. AB-2022-47, Mark Stec, 3084 Judah Rd., 09-32-126-024
      The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned R-1
      Article VI, Section 6.04
      1. A 20-ft. front yard setback variance from the required 40-ft. for a home addition to be 20-ft.
         from the front property line.
   E. 2023 ZBA Meeting Dates
6. PUBLIC COMMENTS
7. COMMUNICATIONS
   A. Memo from Planning & Zoning Specialist
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 24, 2022, at 7:00 pm at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

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

**ZBA MEMBERS ABSENT:**

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

**OTHERS PRESENT:**
- Rick Rassel
- Timothy Foley
- Tracey Guaiana
- Anton Rozhanskiy
- Tom Williams
- Kimberly Parisek

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

2. **ROLL CALL**

3. ** MINUTES**
   A. **10-10-22, ZBA Regular Meeting Minutes**

   Trustee Flood moved, seconded by Board member Walker, to approve the 10-10-2022 minutes as presented.

   Vote was as follows: Cook, yes; Dunaskiss, yes; Walker, yes; Flood, yes; Durham; yes. Motion passes 5-0.

4. **AGENDA REVIEW AND APPROVAL.**

   Trustee Flood moved, seconded by Chairman Durham, to approve the agenda as presented.

   Vote was as follows: Walker, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Durham; yes. Motion passes 5-0.

5. **ZBA BUSINESS**
   A. **AB-2022-23, Tracey Guaiana, 1150 Hemingway, 09-15-201-028**

   (Returned to the Planning & Zoning Department for more information at the 6/27/2022 Mtg.)
   (Postponed from the 8/22/2022 meeting)

   Chairman Durham read the petitioners request as follows:
The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-2

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

1. A 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the side property line to the south.

2. A 10-ft. rear yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the rear property line to the west.

Ms. Tracey Guaniana introduced herself to the Board members and summarized the variance request. She described the need for the fence including safety concerns for animals and for children.

Board member Dunaskiss asked if she has tried to speak to the neighbor regarding the overgrowth that the petitioner described coming over onto her property.

Ms. Guaniana answered that it turns into an argument.

Vice-chairman Cook asked where the pictures were taken.

Ms. Guaniana replied that they were taken from her property looking down. The trash is located on the neighbor’s property.

Vice-chairman Cook asked if a survey has been done.

Ms. Guaniana replied yes; it was the middle of last summer. The picket fence has been up since then.

Vice-chairman Cook asked about the existing fence that is up.

Ms. Guaniana replied that the orange fence is still there; it is on the property line. The picket fence starts at the end of her home.

Board member Walker stated that the petitioner indicated there were safety concerns regarding her nieces and nephews. He asked for explanation as to why a 4 foot fence would not keep children safe.

Ms. Guaniana replied that a 4 foot fence would keep children safe but the weeds would billow over it. She needs to go out weekly and cut the weeds that come through the existing fence since 2014. These issues have been there since she moved in. The neighbors lived there when she moved in.

Chairman Durham asked what type of land is on the other side where the weeds come from.

Ms. Guaniana answered that it is wild and not maintained and she would expect it to be maintained.

Trustee Flood stated that the petitioner was ticketed by the ordinance officer in April 2022. The ticket is still outstanding and is still on record as a violation. He agreed with Board member Walker in that a 4 foot fence would be sufficient. There is Code Enforcement available for the weeds.

Board member Dunaskiss asked if she has had contact with the Township regarding the weed ordinance violation.

Ms. Guaniana replied that she has made numerous complaints, and nothing has been done. She also stated that Kirk came out accompanied by another man. She never heard anything else about it and the weeds are still growing.

Board member Dunaskiss asked if they indicated to the petitioner that this was a weed ordinance violation.

Ms. Guaniana replied that she was told it was a violation, but they are still growing.
Chairman Durham asked if Building Official Goodloe was aware of any weed violations on the neighboring property.

Building Official Goodloe replied that not enough to discuss it during this meeting.

Mr. Richard Rassel, Attorney, stated that he is there representing Tom Williams who is the neighbor directly to the south. He stated that there are two letters in the ZBA packets from David Plunkett, his partner that were written on behalf of Mr. Tom Williams. One letter was presented in June and the other was presented in August.

Board member Walker stated that his son is a partner in the same firm as Mr. Rassel and Mr. Plunkett and he is concerned that there is a conflict of interest. He asked the Board for permission to recuse himself.

Trustee Flood moved, seconded by Vice-chairman Cook, to recuse Board member Walker from this case due to the conflict of interest with Mr. Walker’s son working at the same law firm as Mr. Rassel and Mr. Plunkett. Board member Walker should be recused from this case and shall return when this case is completed.

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

Building Official Goodloe commented on several violations for the property over the last several years including junk vehicles, barbed wire fence and garbage. There are no outstanding violations.

Mr. Rassel described the property that Mr. Williams’ owns and the history of the ownership. There is a 6 foot privacy fence that has been installed along the property lines of the property in question. The application says that a court order is responsible for the location of the fencing which is not true. There has been a misrepresentation of this order since the beginning when this application was submitted. There is a March 2021 Consent Judgment that deals with property owned by the Darnells at 1136 Hemingway that has to do with the relocation of a fence on the north end of the applicant’s property. The entire justification for the location of this fence on the southern part of the applicant’s property has been incorrect from the beginning. The applicant has no basis for a hardship, no practical difficulty, no unique circumstances and has not attempted to demonstrate that she meets the four requirements for the granting of a variance. The ordinance states that a 4 foot fence can be located on the property line while a 6 foot fence has to be located 10 feet back. In order to locate the fence on the property line, the applicant must establish a practical difficulty and he explained. The private matters between the neighbors is unfortunate, but the location of the fence will need to be determined by a civil proceeding. This is not for this Board to determine. The entire misrepresentation is that it was resulting from a prior consent judgement of the Oakland County Circuit Court relative to an easement located along the north end of the applicant’s property. He does not believe there is any applicable law that would say that the applicant has met any standard for the granting of a practical difficulty. Mr. Williams and the Darnells are opposed to the 6 foot privacy fence that the applicant installed without permission and this is the subject of an ongoing code enforcement investigation and it should be remedied by the Township ordinance officials.

Board member Dunaskiss asked if Mr. Rassel’s client has done anything to the property in response to anything that the ordinance officers have discussed with him.

Mr. Rassel answered no. Mr. Williams has not been cited for any ordinance violations. He described the topography of the property.

Vice-chairman Cook asked if the Code Enforcement officers have spoken to Mr. Williams about the weeds.

Mr. Rassel answered no.

Vice-chairman Cook stated that 1160 is a vacant piece of property. If it is vacant, what is the problem with having a fence up, 4 foot or 6 foot, since it is not maintained currently.
Mr. Rassel stated that it changes the character of the surrounding area. It imposes a fence that violates the Township ordinance and was put up along Mr. Williams’ border. They are trying to focus on the fact that the applicant does not have the basis to establish a unique circumstance that demonstrates a practical difficulty.

Vice-chairman Cook stated that a 4 foot fence is still an option.

Mr. Rassel answered that they understand that.

Mr. Tom Williams introduced himself to the Board. He made a correction in that the address of 1160 does have a home and there is also a home on 1180 and 1198. When he bought 1212, there was a house on it and he had to tear it down. This is a 40 acre parcel and he described the property’s dimension. It would be impossible for him to have weed control on such an immense property. It is wetlands and he cannot do anything with it.

Chairman Durham stated that this appears to be a property dispute between neighbors with large properties that should not run into conflict with one another and he is having trouble understanding how this evolved to this point.

Mr. Tom Williams stated that he owns all of the property along the petitioner’s southern property line. He went up there one day and there was a picnic table, umbrella, dog cage all on his property. He pushed the items back off of his property. They continued to move the items back and mow the property. He wanted them to stop mowing his property so he got a survey and put up a barbed wire fence. The Oakland County Sheriff came out and told him that he needed to take the barbed wire down because he did not know it was illegal in Oakland County. He asked about a plastic snow fence and the Sheriff told him that was okay. He got it surveyed and put up a snow fence. The neighbors then pulled out the stakes that he paid a crew to put in and put this privacy fence over on his property. He doesn’t care about a 6 foot fence but he cares about stuff being put on his property on which he pays taxes. He is trying to resolve it through attorneys and will next go to court and they will win because he has surveys that establish the property lines. He has had the property surveyed four times and still the petitioner has pulled up stakes and thrown them away. The area is a swamp and is black peat and soft ground.

The petitioner commented that the variance requests are not for anything on the north.

Vice-chairman Cook asked if the petitioner mowed the section that Mr. Williams was talking about.

The petitioner replied yes.

Vice-chairman Cook asked Mr. Williams if they were okay with the petitioner mowing the area to get the weeds back from their property but not allowing anything on it.

Mr. Williams replied no, they need to mow their own property.

Chairman Durham explained that he is not able to see practical difficulty in this case. He does not see the weeds as being something this Board considers.

Trustee Flood asked the petitioner if she knew that she is allowed a 4-foot fence on the property line without variance.

Ms. Guaniana replied yes.

Trustee Flood asked the petitioner if she knew that she is allowed a 6-foot fence if she brings it to the setback line of 10 feet.
Ms. Guaniana replied that she did not know that. She asked how she would clean the 10 foot behind the fence.

Trustee Flood replied that she would have to get behind it, but she could clean it out because it is her property.

Vice-chairman Cook moved, seconded by Trustee Flood, that in the matter of ZBA Case AB-2022-23, Tracey Guaniana, 1150 Hemingway, 09-15-201-028AB-2022-38, that the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05 (H)(2) including a 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the side property line to the south and a 10-ft. rear yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the rear property line to the west be denied because the petitioner did not demonstrate the follow standards for variances have been met in this case and that they set forth facts that show:

1. The petitioner did not demonstrate a practical difficulty: when they discussed the various evidence that was presented, it does not meet the standard in terms of the reasons that were given that a 4-foot fence or a 6-foot fence moved in 10 feet would not solve those difficulties.

2. The petitioner did not demonstrate unique or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone because they did not present anything that was unique from a topographic standpoint.

3. The variance is not necessary for the preservation and enjoyment of a substantial property right posed by others in the same zone or vicinity based on the following facts: they do have a substantial amount of yard they can utilize and the areas mentioned where the topography slopes off, the petitioner stated that was not her property, it is the neighbor’s property.

4. Granting of the variances or modification will be materially detrimental to public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the fact that there is nothing topographic or unique to the property that would require a 6-foot fence.

5. Granting this variance would not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, based on the report from the Fire Marshall. It is not going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township. The applicant should know and understand that this does not preclude her from putting up a 4-foot fence and/or moving a 6-foot fence in as long as the setback is met.

Board member Dunaskiss commented that the weeds are extremely high, and they would grow over the 4-foot fence. She is sorry that there is not a more amendable solution to this problem.

Roll call vote was as follows: Cook, yes; Dunaskiss, no; Flood, yes; Durham, yes. Motion passes 3-1
B. AB-2022-42, Timothy Foley (for Orion Commerce Center Ground Signs), 315-325 W. Silverbell Rd., 09-35-100-020

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 4 variances from Zoning Ordinance #153 – Section 7 Non-Residential Ground Signs Zoned IP

1. A 2.17-ft. height variance above the allowed 8-ft. for a ground sign to be 10.17-ft. tall (to be located at the east entrance off W. Silverbell Road).
2. A 2.17-ft. height variance above the allowed 8-ft. for a ground sign to be 10.17-ft. tall (to be located at the west entrance off W. Silverbell Road).
3. A 24.21-sq. ft. variance above the allowed 35-sq. ft. for a ground sign to be 59.21-sq. ft. (to be located at the east entrance off W. Silverbell Road).
4. A 24.21-sq. ft. variance above the allowed 35-sq. ft. for a ground sign to be 59.21-sq. ft. (to be located at the west entrance off W. Silverbell Road).

And, seeking 2 variances from Zoning Ordinance #78 – Zoned IP

1. A 20-ft. front yard setback variance from the required 50-ft. for a ground sign to be located 30-ft. from the front property (east entrance off W. Silverbell Road).
2. A 20-ft. front yard setback variance from the required 50-ft. for a ground sign to be located 30-ft. from the front property line (west entrance off W. Silverbell Road).

Mr. Tim Foley introduced himself and summarized the variance request for placement of signage.

Chairman Durham commented that there are 14 tenants in the building.

Mr. Foley concurred.

Trustee Flood commented on his familiarity with this site and provided some historical information. He stated that he sees the practical difficulty due to the speed of the cars on the roadway. Also, GM is moving their plant right up to the roadside and the property to the east is being developed as an industrial park.

Mr. Foley stated that when truck drivers can locate the business, it makes it much easier and safer.

Trustee Flood stated that addresses need to be on the ground sign.

Mr. Foley confirmed that the addresses will be present on the signs.

Board member Walker asked if there were any wall signs.

Mr. Foley replied no. They want to remove the existing signs and replace them with something slightly taller to accommodate the tenant names.

Vice-chairman Cook commented that the proposed signs are much more attractive.

Board member Walker commented on all the driveways in the parking lot.

Chairman Durham asked if there was public comment.

No public comment was heard.
Trustee Flood moved, seconded by Vice-chairman Cook, that in the matter of ZBA Case AB-2022-42, Timothy Foley (for Orion Commerce Center Ground Signs), 315-325 W. Silverbell Rd., 09-35-100-020, that the petitioner’s request for 4 variances from Zoning Ordinance #153 – Section 7 Non-Residential Ground Signs Zoned IP including a 2.17-ft. height variance above the allowed 8-ft. for a ground sign to be 10.17-ft. tall (to be located at the east entrance off W. Silverbell Road); a 2.17-ft. height variance above the allowed 8-ft. for a ground sign to be 10.17-ft. tall (to be located at the west entrance off W. Silverbell Road); a 24.21-sq. ft. variance above the allowed 35-sq. ft. for a ground sign to be 59.21-sq. ft. (to be located at the east entrance off W. Silverbell Road) and a 24.21-sq. ft. variance above the allowed 35-sq. ft. for a ground sign to be 59.21-sq. ft. (to be located at the west entrance off W. Silverbell Road). And, for 2 variances from Zoning Ordinance #78 – Zoned IP including a 20-ft. front yard setback variance from the required 50-ft. for a ground sign to be located 30- ft. from the front property (east entrance off W. Silverbell Road) and a 20-ft. front yard setback variance from the required 50-ft. for a ground sign to be located 30-ft. from the front property line (west entrance off W. Silverbell Road) be granted because the petitioner did demonstrate that the following standards for variances have been met in this case and that they set forth facts that show:

1. The petitioner does show the following practical difficulty: mainly due to the characteristics of the layout of this building and this parking lot and the two entrances. It is located along a busy and fast stretch of road with the posted speed limit of 50 miles per hour and the wayfinding for delivery of numerous semi-trucks trying to get into the complex.

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: the applicant is only replacing two existing signs and these two signs will be in the exact same place and will not be going into any roadway. The petitioner is asking for relief of their front yard setback. The signs will not be in the road right of way.

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following facts: this complex has two entrances on a very long building on a very busy commercial development and there will also be further development to the west by General Motors and to the east with another IP property being developed.

4. The granting of the variances or modification will not be materially detrimental to public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the findings of fact already stated in previous statements.

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

Roll call vote was as follows: Walker, yes; Flood, yes; Dunaskiss, yes; Cook, yes; Durham, yes. Motion passes 5-0.
C.  AB-2022-43, Anton Rozhanskiy, 592 Cushing, 09-03-278-006

Chairman Durham read the petitioner's request as follows:

The petitioner is seeking to extend the expiration date for the approved AB-2021-67 ZBA case variances.

Building Official Goodloe stated that a ZBA variance expires after one year if you do not pull a building permit and that is why the petitioner is asking for an extension.

Board member Dunaskiss stated that this property is on the same street as her home and she received a notice of the case. She has no interest in the case but disclosed that she is within the area of notification.

Board members commented that Board member Dunaskiss will sit on the Board for this case.

Trustee Flood stated that he appreciates the fact that the petitioner came in a head of time before it expired.

Mr. Anton Rozhanskiy introduced himself and summarized the reasoning for the variance extension that is needed. He is wanting to start the project in the spring.

Trustee Flood stated that once he comes in and applies for a building permit, that is when the clock stops.

Vice-chairman Cook asked once the building permit is issued, does it have a time limit?

Building Official Goodloe replied 6 months. He commented that they are looking at allowing extensions with administrative approval.

Mr. Rozhanskiy stated that he wants to start the permitting process in the winter and begin construction in the spring.

Vice-chairman Cook stated that if he starts the process in December, that would give him the time needed.

Chairman Durham stated that he doesn't have a problem with an extension, but they need a timeline.

Mr. Rozhanskiy replied that he would like an additional year ideally. The current variance goes until December.

Building Official Goodloe suggested extending the approval for one year from December 13, 2022, to December 13, 2023.

Board members and Building Official Goodloe discussed the proposed timeline of the extension.

Mr. Rozhanskiy reiterated how and why the extension is needed.

Trustee Flood moved, seconded by Board member Dunaskiss, that in the matter of ZBA Case AB-2022-43, Anton Rozhanskiy, 592 Cushing, 09-03-278-006 that the petitioner's request to extend the expiration date for the approved AB-2021-67 ZBA case variances for one year which would expire on December 13, 2023.

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

7. COMMUNICATIONS

8. COMMITTEE REPORTS

Trustee Flood commented on the Fence Ad Hoc Committee activity.

9. MEMBER COMMENTS

Trustee Flood stated that he fully supports Donni Steele to be the 54th District Representative to the State House. He also fully supports Michael Gingell to be elected as County Commissioner. He also supports Steve Drakos for his re-election to Lake Orion School Board. He also supports Michael Warren for Court of Appeals.

Chairman Durham commented on the first case of this meeting and neighbor disputes.

Board member Walker commented on the health of Loren Yaros and the upcoming Library Holiday Auction.

Vice-chairman Cook commented on the last case of this meeting.

Board member Walker commented that frequently the Board doesn’t have a unanimous vote and that is a good thing.

10. ADJOURNMENT

Moved by Trustee Flood, seconded by Chairman Durham, to adjourn the meeting at 8:14 pm.

Motion Carried

Respectfully submitted,

Erin A. Mattice
Recording Secretary
TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 2, 2022
RE: Case location for ZBA Meeting 11/14/2022

Below are the locations of the ZBA cases for the November 14, 2022 meeting.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: November 3, 2022

SUBJECT: Staff Report for AB-2022-44, Deena Nguyen, 184 W. Clarkston

The applicant is requesting to add a carport to her property between the house and the property line to the west. The Planning & Zoning Department reviews carports with the same criteria as a detached accessory structure.

The setback required for a detached accessory structure from a side property line in this zoning is 10-ft. – the carport is proposed to be 1-ft. off the property line therefore the applicant is seeking a 9-ft. setback variance from the west property line.

Adding the carport would not exceed maximum lot coverage allowed nor does will exceed the maximum size of all detached accessory structures. All other setbacks will be met.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: November 2, 2022

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-44, Deena Nguyen, 184 W. Clarkston Rd., 09-11-455-004, I would move that the petitioner’s request for:

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

1. A 9-ft. side yard setback variance from the required 10-ft. for a carport to be 1-ft. from the property line (west).

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

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-44, Deena Nguyen, 184 W. Clarkston Rd., 09-11-455-004, I would move that the petitioner’s request for:
1 variance from Zoning Ordinance #78 – Zoned R-3 Article VI, Section 6.04

1. A 9-ft. side yard setback variance from the required 10-ft. for a carport to be 1-ft. from the property line (west)

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

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

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

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

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

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

______________________________________________________________
________________________________________________________________
________________________________________________________________

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

______________________________________________________________
________________________________________________________________
________________________________________________________________

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

______________________________________________________________
________________________________________________________________
________________________________________________________________

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

______________________________________________________________
________________________________________________________________
________________________________________________________________

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

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

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

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

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

APPLICANT
Name: DEENA D NGUYEN
Address: 184 W. CLARKSTON RD City/State/Zip: Lake Orion, MI 48362
Phone: 248-693-7660 Cell: 248-981-3489 Fax: 
Email: deenanguyen999@gmail.com

PROPERTY OWNER(S)
Name (s): Deena Nguyen
Address: 184 W. CLARKSTON RD City/State/Zip: Lake Orion, MI 48362
Phone: 
Cell: 248-981-3489 Fax: 
Email: Same as above

CONTACT PERSON FOR THIS REQUEST
Name: Deena Nguyen Phone: 248-981-3489 Email: 

SUBJECT PROPERTY
Address: 184 W. CLARKSTON RD Sidewell Number: 09-11-455-004
Total Acreage: .194 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 Deviation requested
Case #: AB-222-44

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. **Asking permission to install a 20’ x 20’ carport which will violate side lot line set backs. Property drops off approx. 10 feet in back yard not allowing a garage.**

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. **The elevation from the front of the house to the back drops 10 feet causing a “no build” for a garage in the back yard.**

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: **The carport is only made of steel framing and an aluminum roof.**

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: **Some other properties do not have such an elevation change and were able to construct a garage & abide by the setbacks.**

5. Describe how the alleged practical difficulty has not been self-created. **The elevation change was there when the property was purchased and is evident in the surrounding properties.**

6. The topography of said land makes the setbacks impossible to meet because: **The residence is only approx. 21 feet from the west side lot line.**

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. **It would not allow a carport to be constructed.**
I/We, the undersigned, do hereby request action by the ZBA on the variance or specified matter above, in accordance with Sections 30.06, 30.07, 30.08, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application), I hereby grant the Zoning Board of Appeals members permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant:  ____________________________  Date:  9/29/22

Print Name:  DEENA NGUYEN

Signature of Property Owner:  ____________________________  Date:  9/29/22

Print Name:  DEENA NGUYEN

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: __________________________
Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.01, 02.07.05, 07.16.18)

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

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td><strong>Minimum Width of Lot</strong></td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td><strong>Minimum Lot Setbacks (in feet)</strong></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><strong>Minimum Floor Area/Unit</strong></td>
<td>1,320 sq. ft.</td>
<td>1,080 sq. ft.</td>
<td>960 sq. ft.</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td></td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Maximum Floor Area of All Accessory Buildings</strong></td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Height of Structures</strong></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 08.03.06)

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.
AB-2022-44, Deena Nguyen, 184 W. Clarkston 09-11-455-004
1.94 acres 8,450.64 2580 2,112.66

Front yard setback 35' OK
Side yard setback (east) OK
* Side yard setback (west) 1' Needs variance of 9'
Rear yard setback (ok)
Height 8' OK

Lot Coverage
House 660
Porch 50
Deck 1 252
Deck 2 96
Shed 125
Proposed carport 400
\[ \frac{1,583 \text{}" }{\text{OK}} \]

Floor Area allowed total 750"

Shed 125
Proposed carport 400
\[ \frac{525 \text{"}}{\text{OK}} \]

No previous variances
Classic Carport - 20'W x 20'L x 8'H - Carport or Shelter - Building Kits
versatube.com

RECEIVED
SEP 9 2022
Orion Township
Planning & Zoning
The fire department has reviewed the proposed cases and has no concerns at this time.

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

From: Courtney Keisman <cKeisman@oriontownship.org>
Sent: Monday, October 17, 2022 3:48 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the November 14, 2022 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 4 ZBA cases that needs to be reviewed by you for the November 14, 2022 ZBA Meeting.

Thank you,

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

Re:
Case AB-2022-444

Deena Nguyen
184 W Clarkston
PID: 09-11-455-004

My husband and I live 2 doors west at 204 W Clarkston Road. We have no objections to your final approval of this request.

Sincerely,

Susan and Jack Stone
248-693-3156

cc: Deena Nguyen
Charter Township of Orion
Planning Division
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 3, 2022
SUBJECT: Staff Report for AB-2022-45, Steve Oja, Vacant Parcel south of 576 Cushing St.

The applicant is seeking to extend the expiration of the variances he received to build a home on the above vacant property. The variances were granted at the October 11, 2021 ZBA Meeting, the minutes from the meeting are attached.

As the result of previous requests to extend variances by other applicants, we verified that even though a variance or variances have expired, an extension can still be granted by the ZBA (see attached email from Attorney Kelly).

The applicant submitted plans with his extension request, and per a request by the Fire Marshall, supplied a second set and email verifying the proposed house will not exceed the 30-ft. height restriction as measured by the Planning & Zoning Department.

Below are the variances that were granted:

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

Please contact me if you have any questions.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – October 11, 2021

Mr. Petersen replied he would look at it, yes. He stated that he would not be able to cut back to 1150 square feet. He believes he meets the ordinance requirements and wants to know what he can have.

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 4 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-3
1. A 20-ft. rear yard setback variance from the required 35-ft. to build a house 15-ft. from the rear property line (road side).
2. A 2-ft. side yard setback variance from the required 9-ft. to build a house 7-ft. from the side property line (north).
3. A 1.2-ft. side yard setback variance from the required 9-ft. to build a house 7.8-ft. from the side property line (south).
4. A 13.72% lot coverage variance above the allowed 25% for a total lot coverage of 38.72%.

Steve and Nicole Oja introduced themselves to the Board.

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

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

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

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

Chairman Durham asked if there was any public comment.

No public comment was heard.

Vice-chairman Cook moved, and Board member Kerby supported, in the matter of ZBA case AB-2021-56, Steven Oja, Vacant Parcel #09-03-278-026, South of 576 Cushing for approval of the following 4 variances: Article VI, Section 6.04, Zoned R-3 including a 20-ft. rear yard setback variance from the required 35-ft. to build a house 15-ft. from the rear property line (road side), a 2-ft. side yard setback variance from the required 9-ft. to build a house 7-ft. from the side property line (north), a 1.2-ft. side yard setback variance from the required 9-ft. to build a house 7.8-ft. from the side property line (south) and a 13.72% lot coverage variance above the allowed 25% for a total lot coverage of 38.72—because the petitioner has demonstrated that the following standards for variance have been met in this case and they set forth facts in this case that show:

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

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone; similar to the other homes in the area, there are issues with the grade of the lot as well as issues with the width of the lot, as they average only 80 feet for this land.

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

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

5. Based on the following findings of fact, the granting of this variance would not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger of public safety, and is not
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – October 11, 2021

going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township. Roll call vote was as follows: Durham, yes; Flood, yes; Kerby, yes; Cook, yes; Walker, yes. Motion passes 5-0.

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

Board members commented on this future case.

7. COMMUNICATIONS
A. Date Certain Memo

8. COMMITTEE REPORTS
None

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

10. ADJournMENT
Moved by Trustee Flood, seconded by Board member Kerby to adjourn the meeting at 8:58 pm.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: November 2, 2022

RE: AB-2022-45, Steven Oja, Vacant Parcel, #09-03-278-026, South of 576 Cushing St.

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-45, Steven Oja, Vacant Parcel, #09-03-278-026, South of 576 Cushing St., I would move that the petitioner’s request for:

To extend the expiration date for the approved AB-2021-56 ZBA case variances.

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

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

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

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

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

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

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

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-45, Steven Oja, Vacant Parcel, #09-03-278-026, South of 576 Cushing St., I would move that the petitioner’s request for:

To extend the expiration date for the approved AB-2021-56 ZBA case variances.

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

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

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

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

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

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

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

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

Application for Appeal - Single Family Residential

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

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

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

APPLICANT
Name: STEVEN OJA
Address: 26934 BLUEGRASS CT  City/State/Zip: SOUTH LYON, MI 48178
Phone: 313-318-0589  Cell: 313-318-0589  Fax: 
Email: STEVEN OJA @ COMCAST.NET

PROPERTY OWNER(S)
Name(s): STEVEN & NICOLE OJA
Address: 26934 BLUEGRASS CT  City/State/Zip: SOUTH LYON, MI 48178
Phone: 313-318-0589  Cell: 313-318-0589  Fax: 
Email: STEVEN OJA @ COMCAST.NET

CONTACT PERSON FOR THIS REQUEST
Name:  Phone:  Email: 

SUBJECT PROPERTY
Address: V/L CUSHING ST  LAKE ORIN, MI  
Sidwell Number: 09-03-278-026
Total Acreage:  Length of Ownership by Current Property Owner: 1 Years, 10 Months

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

Page 2 of 4
Case #: ____________________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. ____________________________________________
   ____________________________________________
   ____________________________________________

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

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

4. Explain how the request is/is not consistent with other properties in the immediate area, please 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. ____________________________________________
   ____________________________________________
   ____________________________________________
1. Asking for a variance because of the narrow width of the lot, steep grades and losing area of the lot due to the waters edge. We are asking for the following:

**HOUSE:**
- A 3’ side variance on the north side (7’ from the property line to the house vs 10’ required)
- A 4’ side variance on the south side (6’ from property line to the house vs 10’ required)
- A 6’ variance on the front side (SE corner) (24’ from the house corner to the waters edge vs 30’ required)
- A 15’ variance on the rear side (NW corner) (20’ from the garage corner to the property vs 35’ required)
- A 1’ variance on the rear side (SW Corner) (34’ from the house to the property line vs 35’ required)

**DECK:**
- A 19’ variance on the SE corner of the deck (11’ from the deck SE corner to the waters edge vs 30’ required)
- A 6.5’ variance on the NE corner of the deck (23.5’ from the deck NE corner to the property line vs 30’ required)

2. The lot is approximately 66’ wide by 121’ feet deep which includes 4’ +/- past the waters edge. Because of this, we need adequate space for a driveway at the road side for safe parking.

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

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

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

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

7. Strict compliance with the ordinance unreasonably prevents the owner from using the property because due to the grades, width and depth of the property, we would have lack of space to build an adequate sized home and provide safe parking.
8. Have there been any previous appeals involving this property? If so, when? 

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

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

**Signature of Applicant:**  
(must be original ink signature)  

Date:  

**Print Name:**  

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

Date:  

**Print Name:**  

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

**OFFICE USE ONLY**

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

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

Description of variance(s):  

Date Filed:  
Fee Paid:  
Receipt Number:  

Version 1/4/2022
OAKLAND COUNTY TREASURERS CERTIFICATE

This is to certify that there are no encumbrances on the undersigned above described real property

DEC 11 2000

ANDREW M. WESSNER, County Treasurer
Sec. 30, Act 209, 1893 as amended

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That Mathew Dunaskiss

whose address is 535 Cushing St., Lake Orion, MI 48362

Convey(s) and Warrant(s) to Steve Oja and Nicole Oja, husband and wife

whose address is 26934 Bluegrass Ct., South Lyon, MI 48178

the following described premises situated in the Township of Orion, County of Oakland, and State of Michigan to-wit:

SEE ATTACHED EXHIBIT "A"

Commonly known as: W/L Cushing St., Lake Orion, MI 48362
Tax Parcel # 09-03-278-026

for the consideration of: Two Hundred Seventy Thousand and 00/100 Dollars ($270,000.00)

subject to easement, use, building, and other restrictions of record, if any.

OAKLAND COUNTY
Registrar of Deeds

DEC 10 AM 11:50

REAL ESTATE TAX

STATE OF MICHIGAN

41
Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)

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

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Width of Lot</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</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>
</tbody>
</table>

Maximum Lot Coverage 25%

Total Maximum Floor Area of All Accessory Buildings See Section 27.02, A, 8

Height of Structures 30 ft. 30 ft. 30 ft.

*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.
Thank you, fire department has no concerns after reviewing

Jeff Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3385 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

Jeff, I believe we sent you documents for ZBA case AB-2022-45, Steve Oja, Vacant parcel on Cushing for your review for the ZBA. The applicant is asking for an extension of his variances that were granted last year.

We then had discussion as to the height of the proposed house at our counter prior to giving your response. Attached are renderings of the proposed house and an email giving the measurements we asked for that show the house to be 21.46-ft.

Thanks,
Hi Lynn,
Please see measurements referenced below and let me know if you need something else.

On 10/24/2022 8:59 AM Lynn Harrison <lharrison@oriontownship.org> wrote:

Thank you, unfortunately I am not seeing the 3 measurements on each of the four sides. Can you please add each height to the elevations below (attached as how we measure the mid-point height):

<table>
<thead>
<tr>
<th>Front Elevation</th>
<th>Rear Elevation</th>
<th>South (side) Elevation</th>
<th>North (side) elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 16ft 1/2&quot;</td>
<td>1. 23ft 3 7/8&quot;</td>
<td>1. 16ft 3/8&quot;</td>
<td>1. 15ft 6&quot;</td>
</tr>
<tr>
<td>2. 17ft 2 5/8&quot;</td>
<td>2. 23ft 6&quot;</td>
<td>2. 23ft 6&quot;</td>
<td>2. 18ft 10 3/8&quot;</td>
</tr>
<tr>
<td>3. 18ft 10 3/8&quot;</td>
<td>3. 28ft 2 3/4&quot;</td>
<td>3. 28ft 2 3/4&quot;</td>
<td>3. 28ft 2 3/4&quot;</td>
</tr>
</tbody>
</table>

Lynn Harrison
Specialist
Planning & Zoning
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Lynn Harrison

From: I put in the <ammdmuench@netscape.net>
Sent: Monday, November 7, 2022 6:08 PM
To: Lynn Harrison
Subject: Notice of Public Hearing AB-2022-45

Lynn,

After receiving the above notice of public hearing, we are writing in support of Steven Oja’s request to extend the expiration date for the approved AB-2021-56 variances.

Please provide this letter to the ZBA Board members for their consideration at the November 14, 2022 meeting.

Please also reply to confirm that you received this e-mail.

Thanks in advance and best regards,

Mark & Adele Muench
552 Cushing Street (Lot 3)
Orion Township, MI 48362
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: November 3, 2022

SUBJECT: Staff Report for AB-2022-46, Joel Carrier, 1143 S. Long Lake

The applicant is seeking to add an attached side-entry garage with additional living space to the north side of his house. The proposed attached garage portion is 476.15-sq. ft. which includes a vestibule area.

Because the proposed garage is a side entry, the side yard setback required is 30-ft. The applicant is proposing a distance from the property line to the north of 12.6-ft. or a variance of 17.4-ft.

The applicant will also need a front yard setback variance of 12.7-ft. for the garage to be 17.3-ft. from the front property line – required is 30-ft.

All other setbacks will be met, the maximum size of all detached and attached accessory structures will not be exceeded nor will lot coverage.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: November 2, 2022


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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-46, Joel Carrier, 1143 S. Long Lake Blvd., 09-01-264-011, I would move that the petitioner’s request for:

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

1. A 12.7-ft. front yard setback variance from the required 30-ft. for an attached, side-entry, garage to be 17.3-ft. from the front property line.
2. A 17.4-ft. side yard setback variance from the required 30-ft. for an attached, side-entry, garage to be 12.6-ft. from the side property line (north).

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

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


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


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


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


63
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 #AB-2022-46, Joel Carrier, 1143 S. Long Lake Blvd., 09-01-264-011, I would move that the petitioner’s request for:

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

1. A 12.7-ft. front yard setback variance from the required 30-ft. for an attached, side-entry, garage to be 17.3-ft. from the front property line.
2. A 17.4-ft. side yard setback variance from the required 30-ft. for an attached, side-entry, garage to be 12.6-ft. from the side property line (north).

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

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

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

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

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

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

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

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

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

65
Further, based on the following findings of facts, the granting of this variance would:

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

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

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

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

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

APPLICANT
Name: Joel Carrier
Address: 1143 South Long Lake Blvd
City/State/Zip: Lake Orion MI 48362
Phone: 586 770 6559
Cell: 586 770 6559
Fax:
Email: JoelCarrier@comcast.net

PROPERTY OWNER(S)
Name(s): Joel and Amy Carrier
Address: 1143 South Long Lake Blvd
City/State/Zip: Lake Orion MI 48362
Phone: 586 770 6559
Cell: 586 770 6559
Fax:
Email: JoelCarrier@comcast.net Oldporchswing@comcast.net

CONTACT PERSON FOR THIS REQUEST
Name: Joel Carrier
Phone: 586 770 6559
Email: JoelCarrier@comcast.net

SUBJECT PROPERTY
Address: 1143 South Long Lake Blvd
Sidewall Number: R-3
Total Acreage: ____________________ Length of Ownership by Current Property Owner: 12 Years, 8 Months

Does the owner have control over any properties adjoining this site? No
Zoning Ordinance Allowance/Requirement
Front 16’ Deviation requested
Side 17½’
Case #: 

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request.  
   
   addition of garage and First Floor bedroom
   

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area.  
   
   Existing Home located next to parking lot and 
   
   inside setback already

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township:  
   
   the proposed addition would not 
   
   infringe line of sight or encroach on parking lot in detrimental 
   
   way and would correct property drainage issues.

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

5. Describe how the alleged practical difficulty has not been self-created.  
   
   existing home is inside setbacks 
   
   which limits garage placement

6. The topography of said land makes the setbacks impossible to meet because:  
   
   a standard size garage 
   
   attached to house fits and is within commonly found distances of other 
   
   homes in area

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome.  
   
   a garage attached to house using strict 
   
   compliance would route water drainage twoord house foundation and 
   
   block line of sight of current property

68

Page 3 of 4
Case #: 

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

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

☐ Yes  ☐ No

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

Signature of Applicant:  

(must be original ink signature)  

Date:  9-28-22

Print Name:  Joel Carrier

Signature of Property Owner:  

(must be original ink signature)  

Date:  9-28-22

Print Name:  Joel Carrier

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 4 of 4
AB-2022-46, Joel Carrier, 1143 S. Long Lake, 09-01-264-001
Zoned R-3 1.202 acres 8,799.12# 25% = 2,199.78#

Adding a side entry garage and a main floor bedroom.
The garage totals 450.07# or 476.15# w/ vestibule entry
Entire addition is 852.14#

Note: Side entry garages need to be 30' from a side property line

Front yard setback needs to be 30' is 17.3' a variance of 12.7'
Rear yard setback needs to be 35' OK
Side yard setback (North) for side entry garage needs to be 30' will be 12.6'
a variance of 17.4'
Side yard setback (North) for bedroom addition 8' will be 12.6' OK
Side yard setback (South) needs to be 8' OK

Property width 60'
75% Garage to current house OK 725 75% = 543.75
Lot coverage: OK

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>725</td>
</tr>
<tr>
<td>Porch</td>
<td>173</td>
</tr>
<tr>
<td>Porch</td>
<td>36</td>
</tr>
<tr>
<td>Deck</td>
<td>112</td>
</tr>
<tr>
<td>Shed</td>
<td>75.8</td>
</tr>
<tr>
<td>Shed</td>
<td>202</td>
</tr>
<tr>
<td>Addition (Garage &amp; bedroom) 852.14</td>
<td>36.33' x 12.08' = 438.87 34.67' x 11.92' = 413.27</td>
</tr>
</tbody>
</table>

Allowed detached Structures 750#
Sheds = 277.8 OK

Allowed All Structures 1,150#
Sheds 277.8
Proposed Garage 476.15 (w/ vestibule)

753.95# OK
Article VI  
Single Family Residential: R-1, R-2 & R-3

Section 6.04 – Area and Bulk Requirements  *(amended 01.05.87, 02.17.01, 02.07.05, 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>
<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

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

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

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

---

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

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

Section 6.06 – Tree Preservation Regulations  *(amended 08.03.06)*

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.
PROPERTY DESCRIPTION: PARCEL 08-01-264-006
LOT 1 and 2 from SEC 22 of TARRY LAKE COUNTRY CLUB, being a description of land
in the Northeast 1/4 part of the Southeast 1/4 and part of the Southeast 1/4 of
Section 33, TARRY LAKE TWP., Lenawee County, Michigan.
As recorded in Lot 26 of Plat on Plat No. 16 of Oakland County Records.

NOTICE: The information that was recorded in the above mentioned plat reporting the
property description may or may not be complete. The information that is
recorded may be subject to error or may be outdated. It is the buyer's
responsibility to verify the information. Dated: 10/10/2022

SCALE: 1 - 600

EQUIPMENT

SQUARED BUILDS
INC.
800-427-1974
11454 W. Long Lake Rd
Lapeer, MI 48446

POST Construction, Inc.
Custom Homes & Remodeling
248.249.7235

DESIGN

JOEL KARRER
11454 W. Long Lake Rd
Lapeer, MI 48446
Phone: (810) 774-4050

KENDRICK SURVEYS, INC
14670 S. Oakwood Dr.
Lakeville, MN 55024
Phone: (952) 937-4030
Fax: (952) 937-4031

Sheet 1

CE-1
23.417 \times 20.333 = 476.146
\begin{align*}
12.083 \times 1.917 &= 23.159 \\
0.833 \times 3.5 &= 2.915
\end{align*}
\begin{align*}
476.146 - 23.159 &= 452.987 \\
452.987 - 2.915 &= 450.072
\end{align*}
\text{S Q F T}
\text{G A R A G E}

\text{RECEIVED}
\text{OCT 10 2022}
Orion Township
Planning & Zoning

\text{FLOOR PLAN}
SCALE: 1/4" = 1'-0"
The fire department has reviewed the proposed cases and has no concerns at this time.

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

Mr. Williams.

Hello Jeff. Attached is 4 ZBA cases that needs to be reviewed by you for the November 14, 2022 ZBA Meeting.

Thank you,

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

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: November 3, 2022

SUBJECT: Staff Report for AB-2022-47, Mark Stec, 3084 Judah Road

The applicant is proposing to remove an existing covered porch from the front of his home and adding a bedroom addition and new porch.

Currently the porch is 20-ft. from the front property line and therefore is considered to be non-conforming since I could not find that a variance was ever granted – it could be the house was built prior to the current Zoning Ordinance. Since the proposed addition will be the same distance from the front property line of 20-ft., the non-conformity is not being increased and the requested variance can be considered by the ZBA.

On the applicant’s plans you will note that he is proposing on overhanging eave 19-ft. from the front property line however overhanging eaves and gutters are permitted to project 3-ft. or less into a front yard setback.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: November 2, 2022


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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2022-47, Mark Stec, 3084 Judah Rd., 09-32-126-024, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned R-1 Article VI, Section 6.04

1. A 20-ft. front yard setback variance from the required 40-ft. for a home addition to be 20-ft. from the front property line.

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

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

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

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

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

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
DENIAL OF A NON-USE VARIANCE

In the matter of ZBA #AB-2022-46, Joel Carrier, 1143 S. Long Lake Blvd., 09-01-264-011, I would move that the petitioner’s request for:
2 variances from Zoning Ordinance #78 – Zoned R-3 Article VI, Section 6.04

1. A 12.7-ft. front yard setback variance from the required 30-ft. for an attached, side-entry, garage to be 17.3-ft. from the front property line.
2. A 17.4-ft. side yard setback variance from the required 30-ft. for an attached, side-entry, garage to be 12.6-ft. from the side property line (north).

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

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

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

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

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

Further, based on the following findings of facts, the granting of this variance would:
1. Impair an adequate supply of light and air to adjacent property due to:

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

__________________________________________________________

__________________________________________________________

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

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

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

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

APPLICANT
Name: Mark Stec
Address: 3084 Judah Road  City/State/Zip: Orion Twp.
Phone: (586)295-2407  Cell: (586)295-2407  Fax: ____________
Email: mstec18@gmail.com

PROPERTY OWNER(S)
Name(s): Mark & Susan Stec
Address: 3084 Judah Road  City/State/Zip: Orion Twp.
Phone: ___________________  Cell: (586)295-2407  Fax: ____________
Email: mstec18@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Mark Stec  Phone: (586)295-2407  Email: mstec18@gmail.com

SUBJECT PROPERTY
Address: 3084 Judah Road.  Sidwell Number: 09-32-116-024
Total Acreage: 2.5  Length of Ownership by Current Property Owner: 6 Years, 3 Months

Does the owner have control over any properties adjoining this site? No
Zoning Ordinance Allowance/Requirement 40' min front yard setback. Deviation requested maintain existing 20' front yard setback.

Page 2 of 4
RESIDENTIAL VARIANCE - See Attached Responses

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.
8. Have there been any previous appeals involving this property? If so, when? None

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: 10/6/22

Print Name: Mark Stec

Signature of Property Owner: ___________________________ Date: 10/6/22

Print Name: Mark Stec

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: ____________
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request:

The request is to allow for the removal of the existing covered wood deck front porch and permit the construction of an 8’ W X 6’ D (48 sf) addition to an existing 8’W x 8.5’ D (68 sf) bedroom located at the front of the home. The width of the new front porch is proposed to extend 13’ to the west of the new bedroom. The new surface of the deck will be composite wood. The new porch cover will be gable style and will project 6’-8” into the front yard. The requested projection into the front yard is equal to the projection of the existing porch cover. The existing front yard setback of the covered porch is 20 feet.

The owner-occupied home is located within the R-1 zoning district which requires a minimum 40’ front yard setback. The minimum side yard setback in R-1 district is 10 feet. The existing side yard setbacks are 16’ on the east side and 13’-6” on the west side. The proposed addition will maintain the 16’ eastern side yard setback. No alteration(s) are proposed for the west side of the home.

The exterior materials for the proposed addition and improvements will match those used for the recent additions and improvements to the rear of the home. Please see attached photos of the existing rear façade of the home.

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

The home at 3084 Judah Road was constructed in 1945 when this area was a farming community and the current zoning regulations likely did not exist. With the exception of two neighboring homes to the east (3066 and 3050 Judah Road) which were constructed prior to 1940 with similar setbacks as the subject property, the vast majority of the homes in the immediate area of 3084 Judah were constructed at a later date meeting the minimum 40-foot setback. It appears that the home at 3071 Judah, across the street from the subject parcel was also constructed prior to 1940 but does appear to meet the minimum front yard setback.

In total all but 6 (including 3084 Judah) of the 60 homes located on Judah Road appear to meet or exceed the minimum 40’ front yard setback.

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

The requested variance will not increase the existing front yard setback deficiency. It will allow for an improvement to the aesthetic of the home and will modernize the home to provide a larger bedroom. There is no perceivable way that granting the requested variance will be materially detrimental to the public health, safety, and welfare or to other properties or improvement in the Township.
4. **Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible.**

The removal and replacement of the existing covered porch with a new gable roof covered porch will be consistent with the two easterly neighboring homes (3066 and 3050 Judah) on the north side of Judah constructed in a similar time period with similar setbacks as 3084 Judah.

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

As detailed in item #2 above, the home at 3084 Judah Road is one of the oldest homes in the area and was constructed when the current zoning standards likely did not exist. The small size of the bedroom (68 sf) was existing prior to the purchase of the home. It is likely that this may not have even been a bedroom when the home was originally constructed and may have been converted over time. There is no way to replace and improve the existing porch and cover without removing it.

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

While the topography in front of the home does not play a factor in preventing the setback from being met, the topography at the rear of the home has a steep drop in grade which may be part of the reason the home was constructed in the location it was.

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

The inability to make to addition to the home is unnecessarily burdensome because it prevents even a minor addition to a 68-sf bedroom. The 8’ x 8.5’ room was adequate when the home was purchased 6 years ago, and our daughter was only 5 years old. However, as she has now entered middle school, she needs a quiet space of her own where she can have a small desk to do her schoolwork and get away from her younger brother. While a 48-sf addition may seem minor, when the total resulting 116 sf floor area is compared to the existing 68-sf floor area, the benefit to the quality of life is apparent.

In addition to preventing the expansion of the bedroom, compliance with the ordinance also prevents the removal of the outdated minimal front porch cover with a much aesthetically pleasing updated gable roof covered porch that is harmonious with the rest of the home. The construction of the addition will allow us to continue to improve the home to match the improvements we have made to the rear of the home (see attached photo).
Article VI  Single Family Residential: R-1, R-2 & R-3

Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.01, 02.07.05, 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>25%</td>
<td></td>
</tr>
<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

* In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided.
** Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.
*** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

Section 6.05 – Sign Regulation (amended 10.08.98, 02.21.06)

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

Section 6.06 – Tree Preservation Regulations (amended 08.03.00)

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

Section 6.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
AB-2022-47, Mark Stec, 3084 Judah Rd., 09-32-126-024
2.433 acres  $105,981.48  $2580 = $26,495.37

Applicant is removing the front porch and adding an addition to a front bedroom and replacing the porch.

Front yard setback needs to be 40' will be 20' variance of 20'
Rear yard setback needs to be 35' OK
Side yard setback needs to be 10' will be 16' (east) OK
Side yard setback needs to be 10' (west) OK

Lot Coverage:
House 1581
Decks 227 (66 + 16 + 145)
Attached garage 322
Shed 100
Porch to be removed - 66
Addition 126
2,290 $ OK

Accessory Structures
Maximum Floor area of detached - not applicable
Maximum Floor area of all Accessory Structures - not applicable
Proposed Site Plan
3084 Judah Road

Lot area = 106,172 sf

Existing Home FA = 1,381
Existing Lot Cover = 1.57

Proposed Home FA = 1,707
Proposed Lot Cover = 1.7

Existing Shed = 100 sf

Note: addition to room will be at existing 20' setback
eave to extend 1 foot

RECEIVED
OCT 12, 2022
Orion Township
Planning & Zoning
The fire department has reviewed the proposed cases and has no concerns at this time.

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

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, October 17, 2022 3:48 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the November 14, 2022 ZBA Meeting

Mr. Williams.

Hello Jeff. Attached is 4 ZBA cases that needs to be reviewed by you for the November 14, 2022 ZBA Meeting.

Thank you,

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

RE: Zoning Variance Request – 3084 Judah Road

Members of the Board,

I am in favor of the granting of the dimensional zoning variance request from the minimum front yard setback submitted by our neighbors at 3084 Judah Road. I support the Stec Family’s request because it will provide a better living situation for them in their home here in Orion Township. I understand that granting the request will allow for a modest 48 square foot addition permitting them to increase the overall square footage of their child’s bedroom from its current area of 68 square feet to 116 square feet. I also believe that the proposed new covered front porch portion of the project will improve the overall aesthetic of the home. Finally, I also understand that they are not requesting to project any further into the front yard setback than the existing covered front porch already does.

Sincerely,

KARI LOPEZ 3087 Judah Rd 10-10-22

Herb Gittner 3050 Judah Rd 10-6-22

Colette Tait 3116 Judah Rd 10-10-22

Nancilee Gregg 3066 Judah Rd 10-11-2022
MEMORANDUM

TO: Planning Commission Members
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: October 27, 2022
SUBJECT: 2023 ZBA Meeting Dates

Attached is a proposed Resolution for the possible Zoning Board of Appeals meeting dates for 2023. As of yet, we do not know which days will be designated as 2023 Holidays so I did not include Tuesday, December 26th as an alternate date for Monday, December 25th. As in the past, you have adopted the meeting dates with only 1 meeting in December.

Please review the attached proposed Resolution – you may either elect to act on it with a motion during the meeting on November 14th or at the next available ZBA meeting.

Below are possible motions to approve:

To approve the 2023 Zoning Board of Appeals meeting dates as presented and to forward the Resolution to the Board of Trustees for adoption.

Or

To approve the 2023 Zoning Board of Appeals meeting dates as amended and to forward the Resolution to the Board of Trustees for adoption.
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

2023 MEETING DATES RESOLUTION

WHEREAS, the By-Laws of the Charter Township of Orion Zoning Board of Appeals provides for the scheduling of meetings on the second and fourth Monday of each month; and,

WHEREAS, the State of Michigan has enacted Public Act No. 267 of 1976, Open Meetings Act, which requires the specific designation of the dates, times, and places of all regular meetings of the Zoning Board of Appeals; and,

WHEREAS, it is the desire of the Charter Township of Orion Zoning Board of Appeals to conduct all of its business in an open forum, in compliance with said Act; and,

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Orion Zoning Board of Appeals will hold its Regular Meetings on the second and fourth Monday of each month of the calendar year, beginning on January 9, 2023 and ending on December 11, 2023.

The following are the dates of the regularly-scheduled meetings, which will begin at 7:00 p.m. and will be held at the Orion Township Municipal Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan:

<table>
<thead>
<tr>
<th>January</th>
<th>09 &amp; 23</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>13 &amp; 27</td>
</tr>
<tr>
<td>March</td>
<td>13 &amp; 27</td>
</tr>
<tr>
<td>April</td>
<td>10 &amp; 24</td>
</tr>
<tr>
<td>May</td>
<td>08 &amp; 22</td>
</tr>
<tr>
<td>June</td>
<td>12 &amp; 26</td>
</tr>
<tr>
<td>July</td>
<td>10 &amp; 24</td>
</tr>
<tr>
<td>August</td>
<td>14 &amp; 28</td>
</tr>
<tr>
<td>September</td>
<td>11 &amp; 25</td>
</tr>
<tr>
<td>October</td>
<td>09 &amp; 23</td>
</tr>
<tr>
<td>November</td>
<td>13 &amp; 27</td>
</tr>
<tr>
<td>December</td>
<td>11</td>
</tr>
</tbody>
</table>

AND, BE IT FURTHER RESOLVED, that a copy of this notice of meeting dates are to be published in The Lake Orion Review and to be posted at the Orion Township Hall.

ZBA approved

102
TO: Zoning Board of Appeals Members

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: November 3, 2022

RE: ZBA Motions

Tammy and I have been reviewing variance criteria and the motion options I give you and we will be providing something in the future to help you deliberate on variance requests and to better streamline the wording of motion options.

In the meantime, when forming a motion, please try and include when “granting/approving” or “denying” plans, the language “Date Stamped (and whatever that date is)”.

Going forward, I will make sure plans are “Date Stamped” and will reference the date in the motion options.

Thank you