1. **OPEN MEETING**

2. **ROLL CALL**

3. **MINUTES**
   A. 10-25-2021, ZBA Regular Meeting Minutes
   B. 10-11-2021, ZBA Regular Meeting Minutes

4. **AGENDA REVIEW AND APPROVAL**

5. **ZBA BUSINESS**
   A. **AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs), 3901 S. Lapeer Road, 09-26-452-017**
      The petitioner is seeking 1 variance from Sign Ordinance #153 – Zoned PUD
      Section 7, Non-Residential Wall Signs
      1. A variance for 4 additional wall signs for a total of 5 wall signs totaling 98.23-sq. ft.
   B. **AB-2021-55, Tim Petersen, Vacant Parcel, #09-20-256-012, East of 2585 Browning**
      The petitioner is seeking 3 variances from Zoning Ordinance #78
      Article VI, Section 6.04, Zoned R-2
      1. A 9.73-ft front yard setback variance from the required 35-ft. to build a house 25.27-ft. from the front property line.
      2. A 12.85-ft. rear yard setback variance from the required 35-ft. to build a house 22.15-ft. from the rear property line.
      Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size up to ½ acres
      3. A 1,146-sq. ft. variance from the allowed 1,150-sq. ft. total maximum floor area of all accessory buildings to construct a 1,484-sq. ft. attached garage and an 812-sq. ft. attached accessory building for a total of 2,296-sq. ft. total maximum floor area of all accessory buildings.
   C. **AB-2021-61, Tyler Downie, 4745 Jamm Rd., 09-33-426-017**
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-3
      Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
      1. A 10-ft. side yard setback variance from the required 10-ft. for a 6-ft. privacy fence to be 0-ft. from the side property line (south).
      2. A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line.
   D. **AB-2021-62, Brian Luck, 190 Eastview St., 09-12-201-028**
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-1
      Article XXVII, Section 27.02(A)(8) – Lot Size 1 to 2.5 Acres
      1. A 440-sq. ft. variance above the allowed 1,000-sq. ft. maximum floor area of all detached accessory buildings to build a 1,440-sq. ft. detached garage.
      2. A 576-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all accessory buildings to build a 1,440-sq. ft. detached garage in addition to an existing 636-sq. ft. attached garage.
   E. **AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014**
      The petitioner is seeking 2 variances from Zoning Ordinance #78
      Article VI, Section 6.02(N)(3), Zoned R-3
      1. A 27-ft. front yard setback variance from the required 40-ft. to install an inground pool 13-ft. from the front property line along De Goff Ct.
      2. A 21.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 18.5-ft. from the front property line along Orion Ter.

6. **PUBLIC COMMENTS**

7. **COMMUNICATIONS**
   A. 2022 Meeting Dates
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 25, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

**ZBA MEMBERS PRESENT:**
- Dan Durham, Chairman
- Don Walker, PC Rep to ZBA
- Tony Cook, Vice-Chairman
- Diane Dunaskiss, Board member
- Tony Kerby, Alternate
- JoAnn VanTassel, Alternate

**ZBA MEMBERS ABSENT:**
- Mike Flood, BOT Rep to ZBA

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

**OTHERS PRESENT:**
- Adele & Mark Muench
- Chris Adamski
- Sydney Zeney
- Mat Dunaskiss
- Larry Fostoc
- Mike Riddle
- Bob Frank

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

2. **ROLL CALL**
As noted

3. **MINUTES**

A. **10-11-2021, ZBA Regular Meeting Amended Minutes**

Moved by Vice-chairman Cook, [support of the motion was not given], to approve the minutes as amended: page 4, 6th paragraph, change “He” to “Mr. Riddle” where appropriate; change lot numbers to all numbers instead of written out to maintain consistency; page 8, change “petitioner could withdraw” to “petitioner could postpone”; page 8, motion for Item B, amend “Board member moved” to name actual Board member that moved the motion.

Motion carried.

4. **AGENDA REVIEW AND APPROVAL**

Moved by Board member Kerby, seconded by Vice-chairman Cook to approve the agenda as amended; Case #AB-2021-52 was withdrawn at the petitioner’s request, for Case AB-2021-53, Board member Dunaskiss will be recused and replaced by JoAnn Van Tassel, Alternate, will fill in for her; for Case AB-2021-57, Chairman Durham will be recused making Vice-Chairman Cook the Chairman for this case and JoAnn Van Tassel the alternate member for this case.

Motion carried.
5. **ZBA BUSINESS**

**A. AB-2021-52, Daryl & Amy Mulonas, 732 Lawson, 09-09-276-023**
 *(postponed from 9/13/2021)*

Case was withdrawn at the petitioner’s request.

The petitioners are seeking 2 variances from Zoning Ordinance #78 – Zoned R-3

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

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

**B. AB-2021-53, Mark & Adele Muench/Matt Dunaskiss/Mike Riddle, Parcel #09-03-278-028**
 *(vacant parcel 3 parcels south of 576 Cushing)*

Board member Dunaskiss recused herself.

Chairman Durham read the petitioner’s request as follows:

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

1. A 14-ft front yard setback variance from the required 30-ft. to build a house with a deck 16-ft. from the front property line (lake side).
2. A 15-ft. rear yard setback variance from the required 35-ft. to build a house 20-ft. from the rear property line (road side).
3. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (north).
4. A 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (south).
5. A 16.32% lot coverage variance above the allowed 25% for a total lot coverage of 41.32%.

**Article XXVII, Section 27.17(B)**

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

Mr. Mike Riddle introduced himself to the Board. He is here to introduce Lot 3 and he has been working with the owners to develop a house plan. He stated that he has changed the blueprint from what the property owners wanted taking off one of the rear decks and reduced the setback request. He provided an electronic presentation showing the elevation of the proposed home and he explained that plan. He explained the constraints based on the size and shape of the lot, proximity to the bay and the grade issues of the lot.

Mark and Adele Muench, property owners, introduced themselves to the Board. Mr. Muench provided an explanation of the proposed new house build. He explained the changes that they have made in the proposed plan based on trying to conform to the ordinances as much as possible and through working with Township staff.

Chairman Durham suggested that the house is reduced so the 2 foot side yard setbacks are not needed.

Mr. Riddle stated that they tried to reduce it and originally, the request was more. He stated that it is a ranch home and does not believe any of the rooms are oversized.

Mr. Muench commented that the garage is under 400 square feet.
Mr. Riddle added that they tried but they were building a ranch with nice elevations. Mr. Muench stated that the setback on the south side is a driveway leading back to an island home so there would be nothing built there and there would not be an impact. He stated that many of the homes in the area are existing with 5 foot side setbacks. There are only three points on the north side that come to the 5 foot distance; a lot of the other area down the side of the proposed house is further than five feet.

Vice-chairman Cook asked about the house design.

Mr. Muench replied that it is a walkout ranch with a first floor master.

Mrs. Muench provided details about the design.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Board member Kerby commented that the Fire Department has no concerns with the request.

Board member Van Tassel commented on the proposed house drawing. She asked about the stairway shown on the plan as going up and where does it go to.

Mr. Riddle stated that the stairs go up to a deck and gardening area on the top of the house which is an outside area.

Chairman Durham asked why they need two staircases.

Mr. Riddle stated that one would go from the deck up and one would go from the deck below.

Board member Kerby asked about the spiral staircase.

Mr. Riddle confirmed that the staircase that goes below is a spiral staircase which doesn’t require the run. This was an attempt to work within the guidelines and keep the home similar to others on the street.

Board member Kerby asked how far it is from the deck out to the edge of the staircase.

Mr. Riddle replied about eleven feet. This was as tight as they could keep it without going out further.

Mr. Muench commented on alternatives that they had looked at for the proposed plan.

Mr. Riddle stated that they could move the stairs back. Another option would be to move the stairs towards the dining room side. They could pick up 2.5 to 3.5 feet by relocating the stairs. He pointed out the options using the electronic projection.

Building Official Goodloe stated that all decks are required at 10 feet and structures are 25 feet. He stated that it really only needs a 3 foot variance from a wetland instead of 9 feet in order to get the requested footprint. A deck doesn’t require the 25 feet, only 10 feet.

Board member Kerby stated that he wasn’t certain on the setback for the deck.

Building Official Goodloe stated that the variance requested for the structure is 3 foot.

Board member Kerby stated that #6 should read a 3 foot variance from wetland.

Building Official Goodloe concurred.
Mr. Riddle stated that they wrote up the request based on what they had done on the prior lots and working with the engineer and Township staff. They wrote it up thinking that it is 25 feet. Board member Kerby stated that the last plan had a deck on the lake side.

Mr. Riddle agreed and added that it did not have stairs.

Chairman Durham commented on the petitioner’s demeanor and flexibility. He added that it is a lot of house for a small space but he comes from a different time. The home will fit in with neighboring properties and he has not seen anything come to light that causes him concern.

Mr. Riddle stated that originally they were trying to get 2000 square feet on the first floor and it is now 1884 square feet which is identical to the house next to Lot #1.

Vice-chairman Cook asked to see the second floor elevation again. He asked if there was a fireplace.

Mr. Riddle answered yes.

Vice-chairman Cook asked if this was an open fireplace.

Mr. Riddle stated that there is not a fireplace on the deck.

Chairman Durham asked who did the plan.

Mr. Muench replied the architect out of South Lyon, Michigan.

Chairman Durham commented that they have sealed plans and a representative that seems to be caught off guard from time to time during questioning. He asked if they know the same thing.

Mr. Riddle stated that they have been working with this and went through a lot of ideas to create a home that they would like. They are working with the architect and once they know the footprint, they can finalize the plan. There are still moving parts so if they have to make changes, they can.

Vice-chairman Cook stated that part of his hesitation is they are presenting a one bedroom house to the Board.

Mr. Riddle stated that there are two more bedrooms because of the finished walkout.

Vice-chairman Cook stated that the Board was not provided all of the information.

Mr. Riddle stated that he thought they submitted more than normal. Normally, it is just a foundation plan and a site plan. They provided details regarding the design of the house. The proposed house has one bedroom on the first floor and two on the lower level.

Vice-chairman Cook stated that he has hesitation because of the surprise that comes up on the potential owner’s face.

Mr. Muench stated that they thought what was required was the basement.

Building Official Goodloe confirmed that it has to be a walkout site because of the grade.

Mr. Riddle replied yes. It is a walkout and he confirmed using the displayed plans.

Building Official Goodloe asked if the petitioner had a water drainage plan.

Mr. Riddle described the water drainage plan.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – October 25, 2021

Board member Van Tassel asked how many exits there are from the lower level.

Mr. Riddle replied at least two door walls and they are within 10-12 feet of each other.

Board member Van Tassel commented that she was concerned about exits in case of fire.

Mr. Riddle confirmed that the lower level is glass and since there are bedrooms, ingress and egress would be required.

Vice-chairman Cook moved, and Board member Kerby supported, in the matter of ZBA AB-2021-53, Mark & Adele Muench/Matt Dunaskiss/Mike Riddle, Parcel #09-03-278-028 (vacant parcel 3 parcels south of 576 Cushing) that the petitioner’s request for six variances from Zoning Ordinance #78 Article VI, Section 6.04, Zoned R-3: a 14-ft front yard setback variance from the required 30-ft. to build a house with a deck 16-ft. from the front property line (lake side); a 15-ft. rear yard setback variance from the required 35-ft. to build a house 20-ft. from the rear property line (road side); a 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (north); a 2-ft. side yard setback variance from the required 7-ft. to build a house 5-ft. from the side property line (south); a 16.32% lot coverage variance above the allowed 25% for a total lot coverage of 41.32% and from Article XXVII, Section 27.17(B), a 3-ft wetland setback variance from the required 25-ft. to build a house with a deck 16-ft. from a wetland be granted because the petitioner did demonstrate the following standards for variances have been met in that set forth facts that show in this case:

1. The petitioner does show the following practical difficulties; this piece of property is uniquely shaped. The petitioner has worked to come more in conformance with the prior homes that were presented for Lot 1 and Lot 2.

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: it is a corner house because there is a driveway that leads out to an island so the one side yard setback while not large, is the 2 feet on the south side of the home. The other unique factors of the home are the slope and the grading on the lake side of the property.

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 unique topography of this piece of land.

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: while the plans are not finalized, the variances that will be granted will allow the petitioner to fit in and not be drastically different from the other homes in the area. The petitioner has also offered in reference to the Building Official’s questions about water runoff that the water runoff plan will be proper.

5. Based on the following findings of fact, granting this variance would not impair an adequate supply of light and air to adjacent properties, it would not unusually increase congestion on the public streets due to the fact that the home is going to be in line with the others. There is also not going to be an increase of fire or endanger public safety, as the Fire Marshall has reviewed the submitted item. The variance will not reasonably diminish or impair established property values within the surrounding area, or in any other respect, impact public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

C. AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014
Vice-Chairman Cook read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 Article VI, Section 6.02(N)(3), Zoned R-3
1. A 27-ft. front yard setback variance from the required 40-ft. to install an inground pool 13-ft. from the front property line along De Goff Ct.
2. A 21.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 18.5-ft. from the front property line along Orion Ter.

No petitioner appeared for this case.

Board member Dunaskiss moved, and Board member Kerby supported, to relocate this item to the end of the agenda, after item E.

D. AB-2021-58, Christopher Adamski, 1781 Hopefield, 09-33-253-007

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-1 Article XXVII, Section 27.02(A)(8) – Lot Size 1 to 2.5 Acres
1. A 200-sq. ft. variance above the allowed 1,000-sq. ft. maximum floor area of all detached accessory buildings to build a 1,200-sq. ft. pole barn.
2. A 686-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all accessory buildings to build a 1,200-sq. ft. pole barn in addition to an existing 986-sq. ft. attached garage.

Mr. Christopher Adamski introduced himself to the Board and summarized the variance request.

Chairman Durham stated that the lot drops off in the back and he asked the petitioner if he expects any water problems.

Mr. Adamski stated that his builder recommended this location especially since he would like to eventually run power to the structure. He ordered plans through Menards and will work with his neighbor who is his builder for the structure.

Board member Kerby asked about the practical difficulty that is not self-created.

Mr. Adamski replied that he inherited tools and right now all of the lawn equipment is stored outside and he would like to protect his equipment by storing it inside.

Board member Kerby commented that he understood but having too much stuff is not a practical difficulty. He asked why the petitioner couldn’t build a 30 X 30 building which is consistent with the neighbors.

Mr. Adamski replied that the neighbor across from him has a 30 X 40 building and this neighbor recommended that he goes for the larger structure.

Chairman Durham stated that the Board doesn’t know what the ordinance rules were at the time that other accessory buildings were built in the neighborhood. They can only apply the ordinances that are in effect now.

Board member Walker asked how big the existing garage is.

Mr. Adamski replied 960 square feet.

Board member Walker asked Building Official Goodloe what the petitioner is entitled to under the ordinance.
Building Official Goodloe replied 1200 square foot for single, 1500 square feet for total square footage allowed.

Board member Kerby confirmed that the existing garage on the property is 986 square feet.

Board members Walker asked if the petitioner was able to reduce the size of the pole barn.

Mr. Adamski replied that he would be willing to go 30 X 30 square feet.

Building Official Goodloe replied that the petitioner could have 514 square feet and be within the ordinance guidelines.

Chairman Durham explained the options to the petitioner.

Building Official Goodloe stated that this was part of the discussion at the Joint Meeting, this size parcel. At a future date, this might be allowed.

Board member Dunaskiss asked if there was a difference between attached and detached accessory buildings.

Building Official Goodloe stated that if it is attached by any means to the home then it is attached.

Board member Dunaskiss asked in terms of the amount of accessory square footage allowed, is there a difference between attached and detached.

Building Official Goodloe replied no; detached they allow for 1000 square feet that is why the variance request is written as it is. An attached garage is considered an accessory building.

Board member Kerby stated that the petitioner is looking for a 686 square foot variance and if he dropped to the 30 X 30, the petitioner would be asking for a 386 square foot and if he went to a 20 X 30, the petitioner would be asking for an 86 square foot variance.

Building Official Goodloe concurred.

Board member Kerby confirmed the options for the petitioner.

Mr. Adamski confirmed that he would like to ask for a 30 X 30 square foot accessory building.

Board member Kerby confirmed that he would be asking for a 386 square foot accessory variance request.

Building Official Goodloe confirmed the new variance request amounts.

Board member Kerby moved, and Board member Walker supported, in AB-2021-58, Christopher Adamski, 1781 Hopefield, 09-33-253-007 to grant 1 variance from Zoning Ordinance #78 – Zoned R-1, Article XXVII, Section 27.02(A)(8) – Lot Size 1 to 2.5 Acres including a 386-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all detached accessory buildings to build a 900-sq. ft. pole barn in addition to the existence of a 986 square foot attached garage be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty; the characteristic of the lot is large enough to support a building of this size and is within consistency of his neighbors in the area.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: the
lot size is larger than average in the area and therefore, the building is consistent with the neighbors.

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

E. AB-2021-59, Signs and More (ground sign for Silver Bell Village – located on the south side of E. Silverbell Road, east of Bald Mountain Road)

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 1 variance from Sign Ordinance #153 - Zoned Residential Residential Zoned Areas – Ground Signs
1. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be located in the road right-of-way (in the entrance island on Village Drive).

Ms. Sydney Janae, Signs in More, introduced herself to the Board and summarized the variance request. The new sign will be located in the same location as the existing sign. The existing sign was hit by a car and destroyed and this is an optimum viewing location and she explained. They have contacted Oakland County for approval and although it is technically on County property, they need permission from the Board to move forward.

Board member Dunaskiss asked about moving the sign back.

Ms. Janae explained that there were electric and other utilities in the way.

Chairman Durham asked if there was any public comment.

Board member Walker moved, and Board member Dunaskiss supported, in case AB-2021-59, Signs and More (ground sign for Silver Bell Village – located on the south side of E. Silverbell Road, east of Bald Mountain Road) to grant the petitioner’s request for 1 variance from Sign Ordinance #153 - Zoned Residential Zoned Areas – Ground Signs, 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be located in the road right-of-way (in the entrance island on Village Drive) because the petitioner did demonstrate the following standards for variances have been met in this case:

1. The petitioner does show the following practical difficulty; the previous existing sign was taken out by a vehicle and this is a replacement sign. The positioning of this sign is important because of the placement of the electrical conduit and other items behind the sign.

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

C. AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014

Chairman Durham recused himself.

Board member Van Tassel stated that it has been her experience that if a petitioner does not show up, he is contacted the next day by staff and given an opportunity to come to another meeting. If he does not show up to the next scheduled meeting, then the case if dismissed.

Board member Kerby asked if the Board chooses the date.

Building Official Goodloe stated that they have to postpone to a date certain.

Board members discussed the postponing the case.
Board member Kerby moved, and Vice-Chairman Cook supported, in the matter of ZBA Case AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014 that the petitioner's request for 2 variances from Article VI, Section 6.02(N)(3), Zoned R-3 including a 27-ft. front yard setback variance from the required 40-ft. to install an inground pool 13-ft. from the front property line along De Goff Ct. and a 21.5-ft. front yard setback variance from the required 40-ft. to install an inground pool 18.5-ft. from the front property line along Orion Ter. Be postponed to November 22, 2021.

Roll call vote was as follows: Dunaskiss, yes; Cook, yes; Kerby, yes; Walker, yes; Van Tassel, yes. Motion passes 5-0.

6. PUBLIC COMMENTS

Ms. Van Tassel stated that it has been her experience that when a Board member needs to recuse themselves, the action is for that member to ask to be recused and then for there to be a motion outlining that member being recused from that agenda item and she explained. She suggested that they have staff ask the Township Attorney to render an opinion.

Chairman Durham explained why he wanted to be recused from the case during this meeting.

Ms. Van Tassel stated that the Zoning Ordinance that the Board is working with was adopted in 1984. She provided her history with the Township. She suggested that the Board members talk to the Planning Commission because the number of toys that neighbors have has increased including equipment, etc. She suggested that since this is in style, maybe they need to give consideration for greater square footage accessory building.

7. COMMUNICATIONS

A. Date Certain Memo

8. COMMITTEE REPORTS

None

9. MEMBERS' COMMENTS

10. ADJOURNMENT

Moved by Board member Dunaskiss, seconded by Chairman Durham to adjourn the meeting at 8:26 pm.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
MEMORANDUM

TO: ZBA Members
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 9, 2021
SUBJECT: Approval of 10-11-2021 Minutes

At the 10-25-2021 ZBA meeting, the minutes for the 10-11-2021 meeting did not receive support for approval.

I need a member of the ZBA to make a motion to approve the 10-11-2021 meeting minutes as amended at the 10-25-2021 meeting – and a member to second that motion.

Please let me know if you have any questions.

Thank you,
In order to help you with scheduling your site visits, below is the general location of the cases you will need to visit for the 11/22/2021 ZBA Meeting.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 9, 2021
SUBJECT: Staff Report for AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs)

The Silver Spruce Plaza project is located on the northeast corner of Silverbell and Lapeer Roads. The development received approval as a Planned Unit Development (PUD) and consists of a gas station with a convenience store and a separate commercial component to the north.

This variance request is for additional signage for the gas station/convenience store.

The PUD plan was approved with 1 wall sign for the gas station/convenience store building tentant. They are seeking a total of 5.

The request is for 4 additional signs – the total square footage of all 5 wall signs is 98.23-sq. ft. which is under the maximum allowed of the 200-sq. ft.

Sign Ordinance #153 allows for 1 wall sign per tenant – as the gas station/convenience store may acquire an additional tenant, that tenant would be allowed 1 wall for their operation over and above what may be considered at this meeting for the gas station/convenience store.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 8, 2021
RE: AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs), 3901 S. Lapeer Road, 09-26-452-017

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs), 3901 S. Lapeer Road, 09-26-452-017, I would move that the petitioner’s request for:

1. variance from Sign Ordinance #153 – Zoned PUD
   Section 7, Non-Residential Wall Signs
   1. A variance for 4 additional wall signs for a total of 5 wall signs totaling 98.23-sq. ft.

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

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs), 3901 S. Lapeer Road, 09-26-452-017, I would move that the petitioner’s request for:

1. variance from Sign Ordinance #153 – Zoned PUD
2. Section 7, Non-Residential Wall Signs
3. A variance for 4 additional wall signs for a total of 5 wall signs totaling 98.23-sq. ft.

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 - Commercial

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

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

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

APPLICANT
Name: Fastsigns of Birmingham / Allen Chika
Address: 33322 Woodward Ave. City/State/Zip: Birmingham, MI 48009
Phone: 248-642-9911 Cell: 586-719-0462 Fax: 
Email: 212@fastsigns.com

PROPERTY OWNER(S)
Name(s): Fahmi Awdish
Address: 3901 S Lapeer Rd City/State/Zip: Lake Orion, MI 48360
Phone: 248-330-6121 Cell: 248-330-6121 Fax: 
Email: sean@ascrg.com, fahmi@ascrg.com

CONTACT PERSON FOR THIS REQUEST
Name: Sean Awdish Phone: 248-330-6121 Email: sean@ascrg.com

SUBJECT PROPERTY
Address: 3901 S. Lapeer Rd. Sidewell Number(s):
Total Acreage: ____________________ Length of Ownership by Current Property Owner: ____________ Years, ____________ Months

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

Ordinance Allowance/Requirement __________________________ Deviation requested
List additional ordinance requirements and deviations on a separate page

Case #: __________________
COMMERCIAL VARIANCE

1. Describe the nature of the request. Approval for New Signage for New Convenience Store to allow business Imaging to match A-Star Convenience Imaging for a more modern look while allowing business to be able to get visibility of goods and services given corner location and the odd shape of Convenience store.

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. It is a corner site but the shape of the building has one main front with additional sides that face the main streets being M24(Lapeer) & Silverbell Rd.

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 imaging and signage is an overall improvement to the site and offers a clean modern look, not too bright and not tacky or low grade in any way. All lighting is LED & our Rochester Hills site at Walton & Adams has had same exact signage without any issues to the public or other properties.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: The request for this many signs isn't inconsistent with other retailers in Lake Orion given the shape of the building and because the site is on the corner, the signage requested provides visibility to our good and services for each both M-24 & Silverbell.

5. Describe how the alleged practical difficulty has not been self-created. Due to the unique circumstances of the shape of the building as well as being on the corner of two major roadways, the request should not alter the essential character of the township given these circumstances and should not set a precedence for other local business.

6. The topography of said land makes the setbacks impossible to meet because: The main reason for the request is because the shape of the building and the two main roadways and providing adequate signage for drivers to safely be able to determine the good and services offered by the business.

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. Having limited signage on only the front of the main building which faces the corner intersection makes it difficult for drivers not heading North on Lapeer to be able to safely determine the goods and services offered and providing signage on the side of the building is essential to be viable.
Case #: __________________________

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

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

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

Signature of Applicant: __________________________ Date: 9/14/21

Print Name: Allen Chika

Property Owner:
If applicable: I the property owner, hereby give permission to Sean Awdish or Allen/FastSigns to represent me at the meeting.

Signature of Property Owner: __________________________ Date: 9/9/2021

Print Name: Fahmi Awdish

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: __________________________
SITE ADDRESS
3901 S. Lapeer
FRONT ELEVATION

140' BUILDING FRONT
15 sq. ft.
12.5 sq. ft.
10 sq. ft.
10 sq. ft.

100' FINE WINE
100' CRAFT BEER

34' BUILDING HEIGHT
22' CLEARANCE

Facade
30' x 140' = 4,200 sf
x 10 = 42,000 sf

200 sf maximum allowed

Orion Township Planning & Zoning
SEP 27 2021

RECEIVED

\[ 10^{\phi} + 15.17^{\phi} + 12.5^{\phi} + 10^{\phi} + 25.28^{\phi} + 25.28^{\phi} = 98.23^{\phi} \]
SIDE VIEW

TRIM CAP
EXISTING WALL
ALUMINUM RETURN
ALUMINUM BACK
3/16" SG ACRYLIC FACE
OUTDOOR DISCONNECT SWITCH
LOW VOLTAGE CABLE
PRIMARY ELECTRICAL SOURCE
CONDUIT
2X4 BACKER STUD
3/8" LAG SCREW 24" O.C.
LED POWER SUPPLY
LED MODULE
DRAIN HOLES

designed to withstand
115mpg wind load

FRONT VIEW

ALUMINUM RETURN
ALUMINUM BACK
3/16" SG ACRYLIC FACE
CONDUIT CONNECTOR
LED MODULE
DRAIN HOLES

STATE OF MICHIGAN
REGISTERED ARCHITECT

THEODOR C.
BURLINGTON
No. 12515-26131
Good Afternoon Lynn,

I'm writing on behalf of the KHA Board and Architectural Control Committee in regards to the matter of Tim Petersen's proposed home construction on Browning Drive. Due to the frustrating number of inaccuracies and misrepresentations shared throughout this process, I would like to offer the following in an attempt to help explain our position:

First and foremost, I would like to clarify the difference between the KHA Board and the KHA ACC in the context of this situation. Generally speaking, the KHA Board is a group of volunteers voted in by the residents to make community-related decisions on their behalf. The ACC is one of the committees in which the board assigns a chairperson to oversee relevant neighborhood matters, as outlined in our deed restrictions. The majority of architectural-related requests or issues are able to be addressed by the ACC Chairperson alone, through objective interpretation of clear and explicit deed restrictions. Occasionally, however, issues arise which require the interpretation of less clear or implicit deed restrictions. In such instances the individual members of the Board work as de facto members of the Committee to review, discuss, and ultimately vote, at the next scheduled board meeting, on how to address any such matter. Of course, the views or opinions of residents may be considered, but as a representative body, in no instance, despite the personal feelings of certain members of the community, do our bylaws or deed restrictions require us to solicit community feedback prior to making such decisions.

The above described process was followed when Mr. Petersen submitted his original plan in August, resulting in majority approval at our 8/10 Board meeting. This process was again followed when Mr. Petersen submitted his revised plan, via his architect, in the beginning of November. The difference, this time, being that the Board would not have an opportunity to formally vote at a scheduled meeting prior to the ZBA hearing on 11/22. Instead, the ACC reviewed, discussed, and convened a special meeting, ultimately voting as a majority to deny Mr. Petersen's updated request, which he was notified of on 11/10 (attached).

To date, the approval of the original plan has not been formally rescinded. This is due to the fact that it was the Board who approved the original plan, so despite the ACC's opinion on the updated plan, technically speaking, the ACC is not able to rescind a Board decision. This will require a motion and vote to take place at a formal board meeting. Per his request, Mr. Petersen has been added to the agenda of our next board meeting, at which time this matter will be discussed further.

Please let me know if you have any questions.

Best regards,

Brian Curtis
KHA ACC Chairperson
Lynn Harrison

From: Joe Fleming <tojfleming@yahoo.com>
Sent: Friday, November 19, 2021 4:52 PM
To: Lynn Harrison
Subject: Tim Peterson AB 2021-55

Lynn,

I would once again like to let you now that I am against the variance requests being proposed by Mr. Peterson. Having two accessory buildings attached, one on each end of the home makes the home appear as a duplex. Also, the total size of the accessory buildings are much too large for our neighborhood.

A building of this design, looking like a duplex, would diminish and/or impair the property values of other homes in the subdivision. This home is not suitable, or desirable for our subdivision.

The township has an ordinance that states "a garage designed and used for the storage of not more than 3 vehicles owned and used by the occupant of the primary residence".

Mr. Peterson does not meet these requirements. Mr. Peterson has no intention of occupying this home. Mr. Peterson does not own an adjoining property, as stated in his petition. He owns a home across the road.

Mr. Peterson made a few adjustments to his design, decreasing the garage door openings, and our homeowners association did not approve the new plans. I do not know why they did not approve the new plans, however I would tend to think that after hearing from some of us in the subdivision voice our concerns, they decided to vote against this building.

Considering the fact that the homeowners association board did not approve the latest plan, I have asked the homeowners association to rescind their approval of the original plan.

Regards,

Joe Fleming
2571 Browning Dr
Orion Township, MI 48360
Cell: (248) 505-7352
tojfleming@yahoo.com

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is legally privileged. This information is confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this electronic message to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by reply e-mail and destroy the original transmission and its attachments without reading them or saving them to disk or otherwise.
Lynn, we did create a revised plan (attached) that reduced the garage and accessory size to below the 1150 sq ft maximum floor area, reduced the number of car spaces to 3 and eliminated one garage door reducing the door count from 3 to 2. We also added additional windows in the rear that were overlooked and a belt of cultured stone on the sides and rear. The total foot print remained the same. All changes were at request of the Architectural Control Committee chair and residents who opposed the design in writing to the board. This plan identified as 2.1 was submitted for Architectural Control Committee on Nov 3rd. On Nov 10th, I was notified it was not approved in a split vote, sighting lack of harmony as the primary reason, along with an inappropriate comment about being setup as a multifamily home.

Since this design was not approved by our HOA, I did not send it to you to include in the ZBA package. I am on the next HOA agenda to talk about this decision and potential options. Being the last lot in a developed sub, I do not believe the current HOA board has ever had to make a determination on a new construction and is in need of a defined process which I have conveyed.

So for my time at the Nov 22nd ZBA meeting, I have been counseled to keep my time short. After a summary introduction, I will request an up or down vote on the original carriage house design and the three variances requested which the ZBA already has in hand AND an up or down ruling on whether the ZBA will honor the building covenants and restrictions as listed in the Keatington Shores Agreement and Restrictions recorded with the Oakland County Register of deeds on July 27, 1979. Liber 7575 page 872 document number 79-80018. The ZBA was supplied the page of interest (page 4) with my variance application and again by Barb Schalk with the petition, signed and recorded by the register of deeds clerk, Lynn Allen on July 27th, 1979. The reason for this request, should we decide to sell this LAST lot in the subdivision, I cannot in good conscious sell the lot as buildable with the township R2 front and rear setback restrictions vs the 25' front and 20' rear setbacks so noted for our vacant lot 9 in the covenants. So I believe the ZBA has everything needed for my case. I would ask that this email be sent to Dan Durham and others he deems necessary as a heads up.

I am sorry for the delay, I have been without a computer for 10 days or so. FYI, we will be leaving Michigan to our winter home on Dec 17th returning May 1st.

From: Lynn Harrison
Sent: Wednesday, November 17, 2021 12:35 PM
To: Tim K Petersen
Subject: ZBA Hearing, Monday, November 22nd

Mr. Petersen, please forward any documents related to the revisions to the plans for your vacant parcel on Browning. The case had been postponed to Monday’s meeting and I need to get the revisions to the ZBA members for their review prior to that meeting.

Thank you,
18. The owner of every lot in Keatington Shores shall automatically become a member of Keatington Home Owner's association, a Michigan Non-Profit Corporation, which membership confers privilege of the use of the beach facilities on Outlot "C", Keatington subdivision No. 2 as recorded in Liber 5325, Page 657, Oakland County Records; further said membership shall be subject to the imposition of such dues and such assessments as cost of maintenance and/or improvement of said Outlot "C". Such dues and assessments shall be due and payable within thirty (30) days of billing and shall not exceed Forty and 00/100 ($40.00) Dollars per lot annually. In the event any member shall fail or refuse to pay such dues or assessments when due, the Register of Deeds for Oakland County against the lot of such delinquent member, showing the amount due and owing as a lien on such lot until fully paid. Upon Payment, the Association shall issue an appropriate discharge of such lien in a form eligible for recording.

19. The owner of every lot in Keatington Shores shall, as a member in good standing of Keating Home Owner's Association, be entitled to and subject to all of the rights, privileges and obligations of said Association, as provided in its Articles of Incorporation and By-Laws.

20. Lots No. 1, 63, and/or 64 may be used as part of the beach facilities located on the aforementioned Outlot "C".

21. Except as otherwise provided herein, these covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the lots has been recorded, agreeing to change said covenants in whole or in part provided, however, no such amendment or change shall be binding upon Keating International Corporation, without its written consent.

22. Front, rear and sideyard setbacks for all lots in Keatington Shores shall conform to the requirements of the R-3 districts of the Orion Township Zoning Ordinance, except in the following respects:

(a) The front setback for Lots No. 1 through 64 may be reduced to 25 feet.

(b) Lot No. 1 rear setback may be reduced to 23 feet.

(c) Lots No. 2, 3, 4, 5, & 6; east sideyard may be reduced to 5 feet.

(d) Lot No. 7; east sideyard may be reduced to 5 feet and rear sideyard reduced to 25 feet.

(e) Lots No. 8&9; rear setbacks may be reduced to 20 feet.

(f) Lots No. 10, 11, & 12; west sideyard may be reduced to 5 feet.

(g) Lots No. 13; south sideyard may be reduced to 5 feet.

(h) Lot No. 14; south sideyard may be reduced to 5 feet and rear setback may be reduced to 20 feet.

(i) Lot No. 15; north sideyard may be reduced to 5 feet and rear setback may be reduced to 20 feet.

(j) Lots No. 16, 17, 18; the north sideyard may be reduced to 5 feet.

NOTE: This is not an official copy of the Agreement and Restrictions Keatington Shores. It is a PDF made from a Microsoft Word manual recreation of the KHA master
Hi, Lynn,

I'm unable to attend the meeting on the 22nd as we have our grand opening for my company, so I wanted to explain from a real estate perspective what approving this plan means to my neighbors.

As a life-long real estate broker and investor who owns several properties, I firmly believe that property owners have the right to use their property as they legally see fit. I thought long and hard and wrestled a bit before opposing the current building plan. Setback variances aside, my main concern is the current plan for a 4-car garage with two double doors flanking each end of the house.

In researching our MLS, I found 31 homes with four or more car garages sold in 19 different municipalities in Oakland County over the past year. Of those 31, not a single house had more than 3-car doors front-facing; most commonly, one double and one single door.

I believe builders and the other municipalities do not favor more than 3-car doors front-facing in residential communities because these structures look like commercial, non-conforming, multi-family properties--undesirable in residential neighborhoods.

Simply said, Mr. Petersen’s design with two double doors facing the front looks like a duplex crammed between two single-family homes. Several colleagues who saw the plan also thought it was a duplex.

A two-story structure of this size, with already reduced setbacks, will not only loom over their neighbors but, in my professional opinion, will diminish the look of our residential neighborhood and make the adjoining properties less desirable, if not less valuable, to future buyers.

Mr. Petersen references his personal situation and that of his friends, who he is trying to help by building the included second garage. I feel for them both, but personal situations have no place in this context. Mr. Petersen has a home across the street. He has no intention of moving in here. Further, Mr. Petersen was well aware of the limitations of the lot and the HOA bylaws restricting such a structure when he bought the property; this is no surprise.

I understand after a more careful review of the bylaws, the HOA has subsequently withdrawn its approval of the current plan. I ask the board to decline every design that the owner submits with more than three car entries facing front. It doesn’t belong in a residential sub. The other 19 cities can’t all be wrong. More than 3 car doors should be side or rear entry unless you’re on acreage in the country.

I hope Mr. Petersen enjoys his property and builds a beautiful home with a three-car garage, as is common in this sub and in accordance with the bylaws. It’s certainly buildable just as it is and without these variances.

Thank you, Lynn, for your time in reading this far. I appreciate your consideration.
Gwen Daubenmeyer
2638 Browning Drive
Lake Orion, MI 48360

Gwen Daubenmeyer
Team Leader
Keller Williams Paint Creek & Somerset

p. 248-850-1436
m. 248-840-3434
e. gwen@theintegrityteam.com
w. http://www.theintegrityteam.com
a. 901 Wilshire Dr #125, Troy, MI 48084

Read More Reviews Here!

Two locations to serve you!
No communication contained in these emails by either agents or employees is binding without written confirmation.
Lynn Harrison

From: Rick Knoth <richard.knoth@sbcglobal.net>
Sent: Thursday, November 18, 2021 10:32 AM
To: Lynn Harrison
Cc: Barb Schalk; Tim Petersen; Joe Flemming; gwen@theintegrityteam.com; debbiewylin@att.net; dwallin2000@aol.com
Subject: Proposed home construction - Notice of Public Hearing Tim Petersen Nov 22, 2021

Lynn per the sketchy info available the latest design of proposed house is a concern because the building design is not in keeping with “the harmony thereof with the surroundings and the effect of the building and other structure as planned". Nor is it in “harmony of external design with existing structures” (Paragraph 5 of our deed restrictions). As the Bloomfield Township building department told someone who was building a new home, there is never a reason to seek a variance on new construction because you have full control.

I have never seen a residential building with even a single 18 foot wide by 10 foot tall garage door let alone two doors, both the west side and east side of the house, of this size for a house. That size of garage doors is usually for a commercial building and likely will attract the next occupant as one that would use the "house" as to run a business from the "house".

The latest design seems to be a minor modification from the original design, the single car garage door was eliminated from the east side of the house and a wall is shown to reduce the original east garage size from 1443 (39 x 37) to a garage area of approx. 700 sq feet and a "multi purpose room" (living space?) area of approx. 740 sq feet. The total garage combined east and west garage size would be 1,500 sq feet. This wall could easily be removed or omitted during the construction phase restoring the east garage to the original 1443 sq feet.

Please consider the above issues when reviewing the plans for the construction at 09-20-256-012 Browning Dr.

Sincerely,

Rick Knoth
2559 Browning Dr.
Hm 248-391-4326
2590 Browning Dr.
Lake Orion, MI 48360-1814
November 16, 2021

Ms. Lynn Harrison
Coordinator, Planning & Zoning Department
Charter Township of Orion
2525 Joslyn Road
Lake Orion, MI 48360

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

Dear Lynn:

Once again I am writing to express my concern with regard to plans being submitted for a variance on the above vacant parcel.

Any plans submitted by Tim Petersen that include a garage designed and used for the storage of more than three (3) vehicles owned and used by the occupants of the primary residence should be denied, regardless of whether one of these garages is being referred to as an “attached” accessory building. I would hope that the Zoning Board can see beyond the ruse that Mr. Petersen is doing. The latest plans, which showed the removal of the single garage door, were denied by the KHA Architectural Committee, after they realized the concerns of the neighbors when they approved the previous request assuming the Zoning Board would deny if not allowed.

Any variances should be denied but not limited to the following reasons:

- Violates Article VI of the Orion Township Single Family Residential: R-1, R-2 & R-3 Accessory Land Use Ordinance which states that “A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the PRIMARY residence”. This is a rental property, not Mr. Petersen’s primary residence.
- Labeling a previous garage area as a multi-purpose area is just a ruse and will be repurposed into a garage as soon as the home is built, if not before completion; the multi-purpose area has an intended purpose of being used as a garage thereby creating two (2) garages.
- Multi-purpose room is strictly a ruse to get by the need for a variance.
- Is not in keeping with the harmony of external design with existing structures of our neighborhood. (Paragraphs 5 and 16 highlighted in Agreement and Restrictions Keatington Shores as recorded in Liber 7575 Pages 872-882.) The Architectural Committee never notified the adjacent neighbors prior to approval of the request. I am attaching a listing of all of the homes in Keatington Shores No. 7, their square footage, year built and garage orientation and storage capacity to aid in your review and answer the question of the age of the existing homes.
- The need is a self-created need and not unique to the characteristics of the property. There are a lot of people living with Type 1 diabetes, and though I feel sorry for Tim’s wife, Pam, her condition is not unique.
- May violate the single private residential dwelling requirements.
Tim keeps trying to say that there is a difference between a four (4) car garage and two double garage doors, or a five (5) car garage and three garage doors. For example, a typical 3-car garage has one double door and one single door. It is still a 3-car garage even though there are two doors. The original plans submitted by Tim had two double doors and a single door—still five front-facing garage doors accommodating five cars even though he is attempting to use semantics to refer to one of the double doors as an accessory building and not a garage.

To quote Gwen Daubenmeyer, a real estate agent who lives in Keatington Shores No. 7, "I've shown your plan to other agents without explaining the situation, most thought it was a duplex; that is due to the number of garages.

Researching our MLS, 31 homes with 5+ car garages were sold in more than 19 different municipalities in Oakland County over the past year. Of those, not a single house had more than 3-car doors [one single and one double] front-facing."

I have a previously planned vacation and will only be returning the night of the Nov. 22nd planning meeting, so I am submitting my letter based on the latest plans submitted by Mr. Petersen to the Keatington Homeowners’ Association and subsequently denied by them. New plans were not available for review prior to my leaving town. My plane lands at 5:01 p.m. at DTW on November 22nd and I plan on making every effort to get to the meeting.

Thanking you in advance,

Sincerely,

[Signature]
Barbara A. Schalk
248.391.1279
b_schalk@msn.com

CC: Keatington Homeowners’ Association Board
<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Lot #</th>
<th>No.</th>
<th>Address</th>
<th>Year Built</th>
<th>Sq. Ft.</th>
<th>Stories</th>
<th>Garage Size</th>
<th>Zoning Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brenner, Bob and Pam</td>
<td>188</td>
<td>2</td>
<td>2385 Eaton Gate Rd</td>
<td>1970</td>
<td>2,227</td>
<td>2 + B</td>
<td>2 - Side</td>
<td>0</td>
</tr>
<tr>
<td>Sonia, John</td>
<td>189</td>
<td>2</td>
<td>2393 Eaton Gate Rd</td>
<td>1969</td>
<td>2,004</td>
<td>2 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Paquette, Steven</td>
<td>190</td>
<td>2</td>
<td>2401 Eaton Gate Rd</td>
<td>1970</td>
<td>2,053</td>
<td>2 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Talaga, Bryan and Whitney</td>
<td>191</td>
<td>2</td>
<td>2409 Eaton Gate Rd</td>
<td>1969</td>
<td>2,674</td>
<td>2 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Kepsel, David</td>
<td>208</td>
<td>2</td>
<td>2406 Eaton Gate Rd</td>
<td>1970</td>
<td>1,696</td>
<td>1 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Wylin, Deborah R.</td>
<td>209</td>
<td>2</td>
<td>2398 Eaton Gate Rd</td>
<td>1971</td>
<td>2,447</td>
<td>2 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Nagy, Ronald</td>
<td>1</td>
<td>7</td>
<td>2545 Browning Dr</td>
<td>1992</td>
<td>2,233</td>
<td>1 + B *</td>
<td>2 - Side</td>
<td>S1</td>
</tr>
<tr>
<td>Wilson, Deborah</td>
<td>2 &amp; 3</td>
<td>7</td>
<td>2551 Browning Dr</td>
<td>1985</td>
<td>2,142</td>
<td>2 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Knoth, Richard</td>
<td>3 &amp; 4</td>
<td>7</td>
<td>2559 Browning Dr</td>
<td>1990</td>
<td>3,036</td>
<td>2 + B</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Weidman, James</td>
<td>4 &amp; 5</td>
<td>7</td>
<td>2567 Browning Dr</td>
<td>1985</td>
<td>2,135</td>
<td>2 + B</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Fleming, Joseph</td>
<td>5 &amp; 6</td>
<td>7</td>
<td>2571 Browning Dr</td>
<td>1980</td>
<td>1,998</td>
<td>1 + B *</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Zimmerman, Jane</td>
<td>6 &amp; 7</td>
<td>7</td>
<td>2579 Browning Dr</td>
<td>1980</td>
<td>1,806</td>
<td>2 + B</td>
<td>3 - Side</td>
<td>S1</td>
</tr>
<tr>
<td>Walker, Paul</td>
<td>8</td>
<td>7</td>
<td>2585 Browning Dr</td>
<td>1981</td>
<td>2,078</td>
<td>1 + B</td>
<td>2 - Side</td>
<td>0</td>
</tr>
<tr>
<td>Kendziorski, Mel and Beth</td>
<td>10 &amp; 11</td>
<td>7</td>
<td>2605 Browning Dr</td>
<td>1993</td>
<td>2,885</td>
<td>2 + B</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Pich, Chester</td>
<td>11 &amp; 12</td>
<td>7</td>
<td>2625 Browning Dr</td>
<td>1986</td>
<td>2,584</td>
<td>2 + B</td>
<td>2 - Side</td>
<td>0</td>
</tr>
<tr>
<td>Jones, Doug and Heather</td>
<td>44452</td>
<td>7</td>
<td>2647 Browning Dr</td>
<td>1997</td>
<td>3,119</td>
<td>2 + B</td>
<td>3</td>
<td>S1</td>
</tr>
<tr>
<td>Heath, Don and Rita</td>
<td>14</td>
<td>7</td>
<td>2653 Browning Dr</td>
<td>1980</td>
<td>2,236</td>
<td>2 + B</td>
<td>2 - Side</td>
<td>0</td>
</tr>
<tr>
<td>Wrighton, Kathleen</td>
<td>15 &amp; 16</td>
<td>7</td>
<td>2665 Browning Dr</td>
<td>1993</td>
<td>2,040</td>
<td>1 + B *</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Carlon-rosales, Miguel</td>
<td>16 &amp; 17</td>
<td>7</td>
<td>2675 Browning Dr</td>
<td>1980</td>
<td>2,008</td>
<td>1 + B *</td>
<td>2 - Side</td>
<td>S1</td>
</tr>
<tr>
<td>Miller, Gayle</td>
<td>17 &amp; 19</td>
<td>7</td>
<td>2683 Browning Dr</td>
<td>1985</td>
<td>1,675</td>
<td>B/L + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Swatosh, Jennifer</td>
<td>19 - 20</td>
<td>7</td>
<td>2687 Browning Dr</td>
<td>1984</td>
<td>2,538</td>
<td>2 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Clouse, Karen</td>
<td>20</td>
<td>7</td>
<td>2693 Browning Dr</td>
<td>1986</td>
<td>1,812</td>
<td>1 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Hurst, David</td>
<td>21</td>
<td>7</td>
<td>2801 Keats Ln</td>
<td>1998</td>
<td>3,406</td>
<td>1 + B</td>
<td>3 - Side</td>
<td>S1</td>
</tr>
<tr>
<td>Trumbore, Kim</td>
<td>22</td>
<td>7</td>
<td>2835 Keats Ln</td>
<td>1992</td>
<td>2,259</td>
<td>1 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Boyd, Sheryl</td>
<td>23</td>
<td>7</td>
<td>2851 Keats Ln</td>
<td>1990</td>
<td>2,264</td>
<td>1 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Lowler, Stephen</td>
<td>24</td>
<td>7</td>
<td>2861 Keats Ln</td>
<td>1988</td>
<td>1,728</td>
<td>1 + B</td>
<td>2</td>
<td>S1</td>
</tr>
<tr>
<td>Fedorinick, Stephanie</td>
<td>25</td>
<td>7</td>
<td>2858 Keats Ln</td>
<td>2014</td>
<td>3,219</td>
<td>2 + B</td>
<td>3</td>
<td>L1</td>
</tr>
<tr>
<td>Richards, John and Deb</td>
<td>26</td>
<td>7</td>
<td>2842 Keats Ln</td>
<td>1985</td>
<td>2,290</td>
<td>1 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Daprari, Paul and Carol</td>
<td>27</td>
<td>7</td>
<td>2826 Keats Ln</td>
<td>1986</td>
<td>3,172</td>
<td>1 + B *</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Borowicz, Robert</td>
<td>28</td>
<td>7</td>
<td>2812 Keats Ln</td>
<td>1980</td>
<td>1,979</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Mosher, David</td>
<td>29</td>
<td>7</td>
<td>2719 Browning Dr</td>
<td>1980</td>
<td>1,908</td>
<td>1 + B</td>
<td>2 - Side</td>
<td>S1</td>
</tr>
<tr>
<td>Husk, Troy and Lindsay</td>
<td>30</td>
<td>7</td>
<td>2725 Browning Dr</td>
<td>1978</td>
<td>2,760</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Hart, Robert and Barbara</td>
<td>31</td>
<td>7</td>
<td>2731 Browning Dr</td>
<td>1986</td>
<td>2,517</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Linnell, Margaret Trust</td>
<td>32</td>
<td>7</td>
<td>2737 Browning Dr</td>
<td>1987</td>
<td>2,413</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Schaldenbrand, Andrea Rae and Michael</td>
<td>33</td>
<td>7</td>
<td>2740 Browning Dr</td>
<td>1979/1999</td>
<td>4,382</td>
<td>1 + B</td>
<td>3 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Falahae, Margaret L.</td>
<td>34</td>
<td>7</td>
<td>2734 Browning Dr</td>
<td>1998</td>
<td>2,710</td>
<td>1 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Galuardi, Kenneth</td>
<td>35</td>
<td>7</td>
<td>2728 Browning Dr</td>
<td>1980</td>
<td>2,581</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Magnotta, Dr. Craig and Jennifer</td>
<td>36</td>
<td>7</td>
<td>2722 Browning Dr</td>
<td>1992</td>
<td>2,518</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Kloostra/Patreello, Diane</td>
<td>37</td>
<td>7</td>
<td>2716 Browning Dr</td>
<td>1986</td>
<td>2,717</td>
<td>2 + B</td>
<td>3</td>
<td>L1</td>
</tr>
<tr>
<td>Planta, Daniel and Susan</td>
<td>38</td>
<td>7</td>
<td>2710 Browning Dr</td>
<td>1980/2005</td>
<td>2,540</td>
<td>1 + B *</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Mansour, Dr. Sabry</td>
<td>39</td>
<td>7</td>
<td>2704 Browning Dr</td>
<td>1987</td>
<td>3,368</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Kosmalski, Dan and Alice</td>
<td>40</td>
<td>7</td>
<td>2698 Browning Dr</td>
<td>1981</td>
<td>1,928</td>
<td>1 + B</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Perazza, Marilyn</td>
<td>41</td>
<td>7</td>
<td>2692 Browning Dr</td>
<td>1979</td>
<td>1,831</td>
<td>1 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Nice, Elizabeth and James</td>
<td>42</td>
<td>7</td>
<td>2686 Browning Dr</td>
<td>1979</td>
<td>1,835</td>
<td>1 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>McLean, Jay and Teresa</td>
<td>43</td>
<td>7</td>
<td>2680 Browning Dr</td>
<td>1979</td>
<td>2,173</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Ryba, Robert and Terrie</td>
<td>44</td>
<td>7</td>
<td>2674 Browning Dr</td>
<td>1980</td>
<td>2,460</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Schramm, Bill and Judy</td>
<td>45</td>
<td>7</td>
<td>2668 Browning Dr</td>
<td>1980</td>
<td>3,082</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
</tbody>
</table>

AB-2021-55 Distribution.xlsx/KHA Data Revised
<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Lot #</th>
<th>No.</th>
<th>Address</th>
<th>Year Built</th>
<th>Sq. Ft.</th>
<th>Stories</th>
<th>Garage Size (## of Cars)</th>
<th>Zoning Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fleming, John and Linda</td>
<td>46</td>
<td>7</td>
<td>2662 Browning Dr</td>
<td>1980</td>
<td>1,991</td>
<td>2 + B</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>McDonald, Gerald</td>
<td>47</td>
<td>7</td>
<td>2656 Browning Dr</td>
<td>1980</td>
<td>2,470</td>
<td>1 + B *</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Stewart, Nancy</td>
<td>48</td>
<td>7</td>
<td>2650 Browning Dr</td>
<td>1980</td>
<td>2,517</td>
<td>1 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Kruszewski, Ron and Robin</td>
<td>49</td>
<td>7</td>
<td>2644 Browning Dr</td>
<td>1986</td>
<td>3,422</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Daubenmeyer, Valerie G.</td>
<td>50</td>
<td>7</td>
<td>2638 Browning Dr</td>
<td>1979</td>
<td>2,066</td>
<td>1 + B</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Smith, Douglas</td>
<td>51</td>
<td>7</td>
<td>2632 Browning Dr</td>
<td>1980</td>
<td>2,526</td>
<td>B/L + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Sipes, Paul and Mary</td>
<td>52</td>
<td>7</td>
<td>2626 Browning Dr</td>
<td>1988</td>
<td>2,551</td>
<td>1 + B *</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Andreuzzi, Ron and Lynn</td>
<td>53</td>
<td>7</td>
<td>2620 Browning Dr</td>
<td>1979</td>
<td>1,705</td>
<td>1 + B</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Dirven, Dave</td>
<td>54</td>
<td>7</td>
<td>2614 Browning Dr</td>
<td>1985</td>
<td>1,833</td>
<td>1 + B</td>
<td>2 - Side</td>
<td>0</td>
</tr>
<tr>
<td>VanHouzen, Daniel</td>
<td>55</td>
<td>7</td>
<td>2608 Browning Dr</td>
<td>1984</td>
<td>3,580</td>
<td>2 + B</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Petersen, Timothy</td>
<td>56</td>
<td>7</td>
<td>2602 Browning Dr</td>
<td>1984</td>
<td>3,060</td>
<td>1 + B *</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Wallin, Dawn</td>
<td>57</td>
<td>7</td>
<td>2596 Browning Dr</td>
<td>1984</td>
<td>2,020</td>
<td>1 + B</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Schalk, Barbara A.</td>
<td>58</td>
<td>7</td>
<td>2590 Browning Dr</td>
<td>1984</td>
<td>2,959</td>
<td>2 + B</td>
<td>3</td>
<td>L1</td>
</tr>
<tr>
<td>Black, Michael J.</td>
<td>59</td>
<td>7</td>
<td>2584 Browning Dr</td>
<td>1984</td>
<td>2,546</td>
<td>1 + B *</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Angelos, Timothy</td>
<td>60</td>
<td>7</td>
<td>2578 Browning Dr</td>
<td>1981</td>
<td>1,808</td>
<td>1 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Maiuri, Robert</td>
<td>61</td>
<td>7</td>
<td>2572 Browning Dr</td>
<td>1986</td>
<td>2,875</td>
<td>2 + B</td>
<td>2 - Side</td>
<td>L1</td>
</tr>
<tr>
<td>Knoth, Matthew</td>
<td>62</td>
<td>7</td>
<td>2566 Browning Dr</td>
<td>1988</td>
<td>2,373</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
<tr>
<td>Lusk, Howard and Anna</td>
<td>63</td>
<td>7</td>
<td>2560 Browning Dr</td>
<td>1982/2000</td>
<td>2,440</td>
<td>2 + B</td>
<td>2</td>
<td>L1</td>
</tr>
</tbody>
</table>

Number of Homes with 2-Car Side Entrance Garages: 16
Number of Homes with 3-Car Side Entrance Garages: 3
Number of Homes with Road Facing 2-Car Garages: 41
Number of Homes with Road Facing 3-Car Garages: 5
Number of Homes in Keatington Shores No. 7: 59
Number of Homes in Keatington Sub No. 2 within 100 feet of proposed home: 6

* All information as shown in https://www.countyoffice.org/mi-oakland-county-property-records/
  These descriptions are incorrect; really 2 + B
Ms. Harrison

It is my understanding that Mr. Peterson's second request for variances is on the ZBA November 22 meeting agenda. I am not able to attend the meeting. I am requesting that the board deny the variances that Mr. Peterson is asking for. Thank you.

Robert Stewart
2650 Browning
Lake Orion

On Friday, October 8, 2021, 07:57:40 AM EDT, Lynn Harrison <lharrison@oriontownship.org> wrote:

Yes, I did receive your correspondence and it is part of the ZBA meeting packet.

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360

O: 248.391.0304, ext. 5001
W: www.oriontownship.org
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: September 30, 2021
SUBJECT: Staff Report for AB-2021-55, Tim Petersen, Vacant Parcel #09-20-256-012, East of 2585 Browning

The applicant is proposing to build a home on the vacant parcel. The submitted plans indicate there are two attached accessory structures to the home which is permitted by the Zoning Ordinance.

The total square footage of the two accessory structures do not exceed the 75% maximum floor area of attached accessory buildings allowed.

Also, the 25% maximum lot coverage is not exceeded.

In the packet is a copy of approval from the Keatington Home Owner’s Association and a copy of the “Agreement and Restrictions” for Keatington Shores. The document indicates reduced setbacks for lots 1 thru 64 (the subject lot is 9). The Township does not regulate Home Owner’s Association criteria therefore the applicant has to adhere to the Township Zoning Ordinance which, in this case, is more restrictive.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: September 29, 2021

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-55, Tim Petersen, Vacant Parcel, #09-20-256-012, East of 2585 Browning, I would move that the petitioner’s request for:

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

Article VI, Section 6.04, Zoned R-2

1. A 9.73-ft front yard setback variance from the required 35-ft. to build a house 25.27-ft. from the front property line.
2. A 12.85-ft. rear yard setback variance from the required 35-ft. to build a house 22.15-ft. from the rear property line.

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

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

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:


51
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-55, Tim Petersen, Vacant Parcel, #09-20-256-012, East of 2585 Browning, I would move that the petitioner’s request for:

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

Article VI, Section 6.04, Zoned R-2

1. A 9.73-ft front yard setback variance from the required 35-ft. to build a house 25.27-ft. from the front property line.

2. A 12.85-ft. rear yard setback variance from the required 35-ft. to build a house 22.15-ft. from the rear property line.

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

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

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

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

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

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

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

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

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

APPLICANT
Name: Tim K. Petersen
Address: 2602 Browning Dr. City/State/Zip: Lake Orion, MI 48360
Phone: 248-863-6940 Email: timk.petersen@comcast.net

PROPERTY OWNER(S)
Name(s): Tim K. Petersen & Pamela L. Petersen Living Trust
Address: 2602 Browning Dr. City/State/Zip: Lake Orion, MI 48360
Phone: N/A Email: timk.petersen@comcast.net

CONTACT PERSON FOR THIS REQUEST
Name: Tim Petersen Phone: 248.863.6940 Email: timk.petersen@comcast.net

SUBJECT PROPERTY
Address: 2602 Browning Dr. Lake Orion
Total Acreage: 4
Length of Ownership by Current Property Owner: 21 years, 4 months

Does the owner have control over any properties adjoining this site? Yes, Home across the street
Zoning Ordinance Allowance/Requirement

Deviation requested
Case #:

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. ________________
   REQUEST FRONT + REAR
   SETBACK VARIANCE COMMENSURATE WITH
   VARIANCES GRANTED NEIGHBORS.

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. LARGE, 4 ACRE PIE-SHAPED LOT

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. ________________
   NO DETRIMENTS ENVISIONED.
   THIS PLANNED HOME WILL BE THE LAST HOME
   CONSTRUCTED ON BROWNING DR, I, THE MOST EXPENSIVE,
   ATTRACTIVE BACK LOT HOME.

4. Explain how the request is not consistent with other properties in the immediate area, please cite examples if possible. ________________
   SEE 3 ATTACHED EXAMPLES (OF MANY)
   WHERE VARIANCES WERE GRANTED
   BEYOND THIS REQUEST

5. Describe how the alleged practical difficulty has not been self-created. ________________
   N/A

6. The topography of said land makes the setbacks impossible to meet because. ________________
   NO TOPO ISSUES

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. ________________
   STRICT COMPLIANCE WOULD REQUIRE
   A HOME DESIGN THAT IS SHORT ON THE ROAD SIDE,
   A DEEP PLACED ON THE EAST SIDE OF
   THE LOT. THIS WOULD HAVE POOR AESTHETIC
   PROPORTIONS + WIPE OUT THE EASTERN
   TREE LINE.
Case #: ____________________________

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

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

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

Signature of Applicant: ____________________________ Date: 8/31/21

Print Name: ____________________________

Signature of Property Owner: ____________________________ Date: 8/31/21

Print Name: ____________________________

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

OFFICE USE ONLY

Zoning Classification of property: ____________________________

Adjacent Zoning: N. S. E. W.

Total Square Footage of Principal Structure: ____________________________

Total Square Footage of Accessory Structure(s): ____________________________

Description of variance(s): ____________________________

Date Filed: ____________________________ Fee Paid: ____________________________ Receipt Number: ____________________________

Page 3 of 3

Version 5/10/18
6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner’s living or sleeping area where windows and/or doors would be exposed to the nuisance.

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11/30/85):

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

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11/30/85 06/15/15):

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

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

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

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

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
Article VI  Single Family Residential: R-1, R-2 & R-3

Section 6.04 – Area and Bulk Requirements  (amended 01.03.87, 02.17.04, 02.07.05, 07.16.18)

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

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</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</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Accessory Buildings</td>
<td></td>
<td></td>
<td>See Section 27.02, A, 8</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-2021-55, Tim Petersen, vacant parcel
09-20-256 012, east of 2585 Browning
.404 acres = 17,598.24 \( \varphi \)  25% = 4,399.56 \( \varphi \)

Front yard setback required 35-ft is 25, 27-ft variance of 9.73 ft
Side yard setbacks required 10-ft west is 106.3' East is 20' OK
Rear yard setback required 35-ft is 22.15-ft variance of 12.85-ft.

Lot Coverage:

House 1st Floor = 1,285.5 \( \varphi \)

Attached Garage = 1,484 \( \varphi \) (see 9/14/2021 email)

Attached Accessory Structure = 812 \( \varphi \) (see 9/14/2021 email)

\[
\text{Lot Coverage OK}
\]

Accessory Structure Variance:

Allowed 1,150 \( \varphi \)

Attached Garage = 1,484 \( \varphi \)

Attached Accessory Structure = 812 \( \varphi \)

\[
1,146 \varphi \text{ Variance}
\]

Attached accessory structure maximum 75% OK

Total house square footage 3,915.5 \( \varphi \)

75% = 2,936.64 \( \varphi \)

Attached Accessory Structures = 2,296 \( \varphi \) OK
Lynn, I doubt it matters but I remeasured and calculated the square footage of the two garages including the walls. The west (smaller) garage is 812 sq ft and the larger east garage is 1484 sq ft, for a total of 2296 sq ft. Only slightly smaller than the footages below. The variance request would therefore be for 1146 vs the 1210 below. The front and rear setback requests are correct. thank you, tim

On 09/14/2021 4:02 PM Lynn Harrison <lharrison@oriontownship.org> wrote:

Tim, below is the variance language I am proposing for you to build on the vacant parcel known as sidwell #09-20-256-012 per the plans provided. Please review it and let me know, via this email, whether you agree with it or if it needs to be revised. I need your response by Friday morning, 9/17, as that is the deadline to get the public hearing notice to the paper for the October 11, 2021 ZBA meeting.

**AB-2021-55, Tim Petersen, Vacant Parcel, 09-20-256-012 Browning**

The petitioner is seeking 3 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-2

1. A 9.73-ft front yard setback variance from the required 35-ft. to build a house 25.27-ft. from the front property line.

2. A 12.85-ft. rear yard setback variance from the required 35-ft. to build a house 22.15-ft. from the rear property line.

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

3. A 1,218-sq. ft. variance from the allowed 1,150-sq. ft. total maximum floor area of all accessory buildings to construct a 1,520-sq. ft. attached garage and a 640-sq. ft. attached accessory building for a total of 2,300-sq. ft. total maximum floor area of all accessory buildings.

Thank you,

Lynn Harrison

Coordinator
Planning & Zoning
AB-2021-55, Tim Petersen, Vacant Parcel 09-20-256-012, East of 2585 Browning

Variance Calculations

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of All Accessory Buildings</th>
<th>1,150 sq. ft.</th>
<th>1,150 sq. ft.</th>
<th>1,150 sq. ft.</th>
<th>1,150 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>1,484-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached Accessory Building</td>
<td>812-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>1,146-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Detached Accessory Buildings</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>Not Applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Detached Structure</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The fire department has reviewed the proposed documentation and has no concerns at this time.

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

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Thursday, September 23, 2021 9:16 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the October 11, 2021 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 2 ZBA residential cases that need to be reviewed by you for the October 11, 2021 ZBA Meeting.

Thank you,

Courtney Keisman
Clerk
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5003  F: 248.391.1454
W: www.oriontownship.org
Sept 1, 2021

To: Orion Township Zoning Board of Appeals

From: Tim K Petersen

2602 Browning Dr, Lake Orion

Subject: front and rear setback variance request parcel # 09-20-256-012 Keating Shores Sub

We have owned the lot across the street from our home since 2000 and have decided to build a Frank Lloyd Wright prairie style carriage house on the property. When Keatington Shores was developed, there were many odd shaped lots created along Browning Drive. This lot #9, parcel # 09-20-256-012, is a long pie shaped lot with 199’ frontage feet on Browning. It is the last undeveloped lot in this subdivision. When purchased, we were provided a copy of the Keatington Shores Agreement and Restrictions (liber 7575 pages 872-877). On page 875 (attached), it lists the acceptable setbacks by lot number by the developer. Specifically in our case, the document states all front setbacks on Browning Dr (lots 1-64) may be reduced to 25 feet and the rear setback for lot #8 and 9 reduced to 20 feet. The document also lists side setback reductions for many other lots that do not apply to our situation due to the very long lot.

We are requesting a front and rear setback variance consistent with the Keatington Shores Agreement and Restrictions document. We have submitted just 3 examples where homes on our street have been built to these variances and in some cases beyond what was allowed.

The most relevant example is my neighbor to the west (lot #8, parcel # 09-20-328-016), who has a mirror image of our pie shaped lot, but smaller. We are requesting less variance than what was granted for that home. Our request is a 22’ rear setback and a 25’ front. The side setbacks are in excess of the R-2 and R-3 10’ requirement and the home is placed E-W to retain many mature trees. This home will be a positive addition to the sub and compliments the surrounding homes of various styles.

Thank you for your consideration. I may be traveling when this request is scheduled for discussion, but can be contacted by phone or zoom if there are questions. If this is not acceptable, the designer Joseph Lastozas, cell 248 462 5421 will represent me. Tim K Petersen 248 863 6940
8/12/2021

Re: HOA Construction Plan Approval

To Whom It May Concern,

At our monthly board meeting on August 10, 2021 the KHA Board voted in support for Tim Petersen to proceed with his home construction plan for his property at 26XX Browning Dr. It is the opinion of the board that his plan, as submitted, meets the requirements of the KHA bylaws and is not in violation of any deed restrictions or architectural guidelines.

Please let me know if you have any questions.

Regards,

[Signature]

Brian Curtis
Keatington Homeowners’ Association
Architectural Control Committee Chairperson
Email: architecture@khalivingisavacation.com
AGREEMENT AND RESTRICTIONS

KEATINGTON SHORES

WHEREAS, the undersigned, Hilltop Company, as owner, has executed a plat for Keatington Shores, a subdivision of part of Section 20, T4N, R1OE, Orion Township, Oakland County, Michigan, which plat is recorded in Liber 167 of Plats, Pages 34, 35, 36 & 37 Oakland County Records; and

WHEREAS, it is the intent and purpose of said party to subject the said Subdivision to certain building and use restrictions, covenants, conditions, obligations, reservations, rights, powers and charges, as hereinafter set forth;

NOW, THEREFORE, for a valuable consideration and in consideration of the agreement of others and of the plan and purpose of said Subdivision and to the end that it may be restricted in its use so that it will develop into a residential community of the highest type, and in order to make said building restrictions, covenants, conditions, obligations, reservations, rights, powers and charges, binding and of full force and effect on all the above described premises, and upon the present and future owners and occupants of the same, the undersigned hereby certifies, declares and agrees that all of the above described premises shall if and when conveyed, be subject to and charged with all of the building and use restrictions, covenants, and charges, hereinafter set forth in this instrument and the record of this instrument in the Office of the Register of Deeds for Oakland County, Michigan, shall be notice of said restrictions to all purchasers of said premises.

1. With the exception of Lot 64, all of the said lots shall be used only for private residence purposes and no structure shall be erected, altered, or permitted to remain on any residential lot other than one single private family dwelling with attached private garage for not less than two (2) cars. No detached garages shall be permitted. No dwelling shall exceed two stories except that a three-level may be allowed in the discretion of the Architectural Control Committee.

2. Trailers, mobile homes, tents, shacks, barns, or any temporary building of any design whatsoever, are expressly prohibited within this Subdivision and temporary residence shall not be permitted in unfinished residential buildings. This shall not prevent the erection of a temporary storage building for materials and supplies to be used in the construction of a dwelling which shall be removed from the premises on completion of the building. Boats shall be stored with proper and adequate coverings in the rear of residences except as may be otherwise permitted by the Architectural Control Committee.

3. No lot shall be reduced in size by any method whatsoever. Lots may be enlarged by consolidation with one or more adjoining lots under one ownership. In the event one or more lots are developed as a unit, all restrictions herein contained shall apply as to a single lot. In any event no dwelling shall be erected, altered, placed or permitted to remain on any site smaller than one lot as shown on the recorded plat.

4. No residence shall be erected or constructed on any lot which has
18. The owner of every lot in Keatington Shores shall automatically become a member of Keatington Home Owner’s association, a Michigan Non-Profit Corporation, which membership confers privilege of the use of the beach facilities on Outlot “C”, Keatington subdivision No. 2 as recorded in Liber 5325, Page 657, Oakland County Records; further said membership shall be subject to the imposition of such dues and such assessments as cost of maintenance and/or improvement of said Outlot “C”. Such dues and assessments shall be due and payable within thirty (30) days of billing and shall not exceed Forty and 00/100 ($40.00) Dollars per lot annually. In the event any member shall fail or refuse to pay such dues or assessments when due, the Register of Deeds for Oakland County against the lot of such delinquent member, showing the amount due and owing as a lien on such lot until fully paid. Upon Payment, he Association shall issue an appropriate discharge of such lien in a form eligible for recording.

19. The owner of every lot in Keatington Shores shall, as a member in good standing of Keating Home Owner’s Association, be entitled to and subject to all of the rights, privileges and obligations of said Association, as provided in its Articles of Incorporation and By-Laws.

20. Lots No. 1, 63, and/or 64 may be used as part of the beach facilities located on the aforementioned outlot “C”.

21. Except as otherwise provided herein, these covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the lots has been recorded, agreeing to change said covenants in whole or in part provided, however, no such amendment or change shall be binding upon Keatington International Corporation, without its written consent.

22. Front, rear and sideyard setbacks for all lots in Keatington Shores shall conform to the requirements of the R-3 districts of the Orion Township Zoning Ordinance, except in the following respects:

(a) The front setback for Lots No. 1 through 64 may be reduced to 25 feet.
(b) Lot No. 1 rear setback may be reduced to 23 feet.
(c) Lots No. 2, 3, 4, 5, & 6; east sideyard may be reduced to 5 feet.
(d) Lot No. 7; east sideyard may be reduced to 5 feet and rear sideyard reduced to 25 feet.
(e) Lots No. 869; rear setbacks may be reduced to 20 feet.
(f) Lots No. 10, 11, & 12; west sideyard may be reduced to 5 feet.
(g) Lots No. 13; south sideyard may be reduced to 5 feet.
(h) Lot No. 14; south sideyard may be reduced to 5 feet and rear setback may be reduced to 20 feet.
(i) Lot No. 15; north sideyard may be reduced to 5 feet and rear setback may be reduced to 20 feet.
(j) Lots No. 16, 17, 18; the north sideyard may be reduced to 5 feet.
Lynn Harrison

From: Joe Fleming <tojfleming@yahoo.com>
Sent: Friday, October 1, 2021 12:54 PM
To: Lynn Harrison
Subject: AB-2021-55 Tim Peterson

Lynn,

We would like to voice our opinion opposing the variance request from Mr. Peterson. Our neighborhood is designed to be an open space neighborhood. We have many mature trees, and as much "green space" as possible. We do not allow fences so that the area seems more open. This was one important factor we considered when purchasing our home.

Both setback variance requests (1 and 2), are too extreme. The request for the front yard setback reduces the setback by more then 25%, and the rear yard setback variance reduces the setback by 35%.

We also oppose the request in Variance #3. Having two garages, totaling 2,296 square feet is unreasonable. Our deed restrictions state that buildings need to keep "the harmony thereof with the surroundings and the effect of the building and other structure as planned on the outlook from adjacent or neighboring property". The deed restrictions also state that the building should be in "harmony of external design with existing structures".

This size of attached accessory buildings belong on a much larger lot then the one in this variance request. None of the buildings in our neighborhood have two separate garages/accessory buildings with a total of 5 bay openings from the front driveway. Having multiple large attached accessory buildings such as this will also invite a small business to occupy the building, causing even more problems in the future.

Mr. Peterson lived in this neighborhood prior to him purchasing this lot which is across the street from his current home. He was aware of the deed restrictions prior to purchasing this lot.

The three variance requests do not meet the requirements listed in Article XXX Administrative Procedures and Standards Section 30.07 C. Charter Township of Orion Zoning Ordinance 78 Page 30-51.

Joe Fleming
Michelle Fleming
2571 Browning Dr
Lake Orion MI 48360

Cell: (248) 505-7352
tojfleming@yahoo.com

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is legally privileged. This information is confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this electronic message to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by reply e-mail and destroy the original transmission and its attachments without reading them or saving them to disk or otherwise.
I am not able to attend the Oct. 11 public hearing. I am letting you know via this email that I am not in favor of granting any of the 3 variances from the Zoning Ordinance. Please confirm that you received this email. Thank you.

Robert Stewart
2650 Browning
To The Charter Township of Orion Board of Appeals,

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

Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size up to 1/2 acres

Mr. Petersen is asking for a variance of 1,146-sq. ft from the allowed 1,150 sq. ft. I believe this request is over and beyond what is needed in a neighborhood. Mr. Petersen is planning on using this “garage/attached accessory building as his personal storage unit. It is so big he needs 3 variances. Taking no consideration of what his storage unit would look from his neighbors backyards...3 small windows on a 40ft wall. There goes their natural sunlight, the natural setting of seeing your neighbor in their yard waving “hi” or talking...it will be a wall and I think a plant to look at. Mr. Petersen is only thinking of himself. I’m not sure how those neighbors property values will hold when they are looking into a wall and the only sun they will see is the setting sun.

R-2 zoning ordinances allows for a 3 stall garage and 3 vehicles owned and used by the occupants of the primary residence. It is my understanding that Mr. Petersen doesn’t plan on living at the above address. Plus, he plans on storing his six classic cars there. The additional 812 foot accessory building is for the renters vehicles. I believe that isn't allowed in the ordinance.

The “garage/attached accessory” building has a “man cave” with a sliding wall that opens into the 2 door car “garage”. I don’t think you can have that listed as part of “living” space. Also, the plans have the 812 foot space listed as garage.

The storage unit/house is located 23 1/2 feet from the street. Again, this house doesn’t fit the integrity of the neighborhood. There are 2 slabs of cement for 1 car length to park on, no front porch....a wall of garage doors and one entry door. There is a balcony on the second level....it’s a fortress. We are a tight knit neighborhood and Mr. Petersen has decided that he needs all his toys right across the street from him and hasn’t taken into consideration of his neighbors what this will look like. There are11 houses in the neighborhood with 3 car garages and the rest are 2 car garages. Which all sit back from the street the allotted length.

There are many different style of homes in the neighborhood but none with a storage facility on the street level then an elevator to the second level with a balcony looking down onto the street.

The Keatington bylaws have a provision for these odd lots to allow for the front and back variations, but this doesn’t fit that. Mr. Petersen is asking for his neighbors to give up the openness of our neighborhood, a natural view, and the flow so he can have all his toys housed in a storage facility right across the street.

Sincerely,

[Signature]

Deborah R Wylin
2398 Eaton Gate Rd
248.739.2673
Zoning Board of Appeals  
Charter Township of Orion  
2525 Joslyn Rd.  
Lake Orion, MI 48360

RE: Vacant Parcel #09-20-256-012

To Dan Durham,

As a home owner for over 50 years I urge the Zoning Board of Appeals to reject the lot owners variance request. The lot sizes are approx. 1/4 acre. Since my home abuts this property, the requested variance would place a structure much closer than that protected by our zoning laws. This would destroy the areas intended zoning and could adversely effect the value of my property.

Sincerely,

[Signature]

John W. Sonia  
2393 Eaton Gate Rd.
Zoning Board of Appeals
Charter Township of Orion
2525 Joslyn Rd.
Lake Orion, MI 48360

RE: AB-2021-55, Tim Peterson

To Dan Durham,

I am writing to express my opposition to the variance requested by Tim Peterson, vacant parcel, #09-20-256-012, East of 2585 Browning. My property is directly behind the vacant parcel in question. I believe that this structure will de-value my property and infringe on the zoning ordinance put in place by the board that I believe provides the opportunity for our residents to have the best of both worlds, the space of a rural area to grow but still have the close community of a subdivision.

Multiple boundary joining neighbors, share in my concern, that this would also negatively effect the views from our homes. The structure would likely take up the entire lot, leaving us to look at a garage wall from all angels that would come too close to our property lines. I also fear that this could set a precedence for others to build beyond the zoning barriers inadvertently altering the unique space that Keatington offers to future residents.

Sincerely,

[Signature]

Andrew Sonia
2393 Eaton Gate Rd.
October 7, 2021

Charter Township of Orion
2525 Joslyn Road
Lake Orion, MI 48360

Attn: Zoning Board of Appeals

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

The petitioner is seeking 3 variances from Zoning Ordinance #78

Article VI, Section 6.04, Zoned R-2

1. A 9.73 front yard setback variance from the required 35 ft. to build a house 25.27 ft. from the front property line
2. A 12.85 ft. rear yard setback variance from the required 35 ft. to build a house 22.15 ft from the rear property line

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

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

Dear Zoning Board of Appeals,

We reside at 2596 Browning Drive directly across from Vacant Parcel, #09-20-256-012. We recently received notice of the 3 variance requests as listed above from the petitioner, Tim Peterson. We are writing to express our opposition to the 3rd variance request regarding Article XXVII, Section 27.02 (A) (8) Buildings, Structures and Uses, for lot size up to ½ acres. Specifically, we are opposed to the 1,146 sq. feet variance request from the allowed 1,150 for building for a total of 2,296 sq. ft. total maximum floor area of all accessory buildings. We are asking the Township of Orion Zoning Board of Appeals to deny the variance request.

We are asking the Board to deny the 1,146 square feet of attached accessory and garage space variance request for the following reasons: substantially larger than the 1,150 of maximum floor space as allowed under the township ordinances and much too large for such a small lot (.4 acres), is an unusual request for the neighborhood, violates township ordinances including the R-2 garage design limit of not more than three (3) vehicles, the intended usage does not conform to township ordinances and definitions, is not in keeping with the harmony and character of our neighborhood, the need is self-created by the property owner and not unique to the characteristics of the property, and does not comply with single private residential home storage space needs as the intent is to provide storage for two homes, both the owner and the occupant. Approval of this variance would adversely affect nearby properties and bring an undesirable change to the character of the neighborhood. The combined space of these two garages can accommodate parking for 5+ vehicles. Many residents of this neighborhood object to this proposal. We will be submitting an opposition petition signed by many of the neighbors. Several others are sending letters and/or will attend the public hearing scheduled on October 11, 2021 to voice their objections.
1. **Violates Ordinances:**

   Article VI of the Orion Township Single Family Residential: R-1, R-2 & R-3 Accessory Land Use Ordinance states that “A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence”

   **Article XXVII, Section 27.02 (A) (9) Buildings, Structures and Uses (a) (iii) and (iv)**

   **Article II Construction of Language & Definitions**

   **Garage, Private:** An accessory building designed or used for the storage of not more than three (3) motor vehicles owned and used by the occupants of the building to which it is accessory.

   **Garage, Storage:** Any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles where such vehicles are not repaired.

   The proposed home violates the above ordinances and definitions as the has the space to park well over 3 vehicles, has two garage structures and intends to use them in ways that violate the ordinances. The 1,484 square feet of space for the East attached garage alone can park more than 3 vehicles as it has a depth of 37'-1". The accessory building on the West side of the home has an additional 812 sq. feet which can store at least 2 probably 3 more vehicles. Hence two large garages with one to be use by the tenants and one for the owner’s usage. He has stated that the West garage, the accessory storage, is for tenant parking not indoor storage as defined in the referenced articles above. The East Garage is to park his own vehicles, trailers, collectible cars, tractor, kayaks, etc. On the architectural drawing both structures are labelled as garages, both have driveways leading to them with direct access from the street, the elevator can only be accessed by walking through one of the garages. The intended purpose of these structures is to use them both as private garages, one for the owner and one for the occupant.

   We also feel that to achieve <75% of maximum area of attached accessory building to meet zoning requirements, he simply slapped up a wall on the back of the East Side garage and labelled the area behind it a “man cave”. This area is nothing more than accessory storage space, a tool storage area, and should not have been included as living space in the square footage calculation. It is additional garage storage. It can only be accessed by an exterior rear door or by going through the garage, or walking through a bathroom. It is not part of the continuous living space of the building. It has a sliding door that opens directly to the garage and effectively is part of the garage. No home in this neighborhood has “living space” like that. We have dining rooms, living rooms, and kitchens on our first level. When the 400 sq. feet of the “man cave” is included in the calculation, the ratio would be 76.4% and exceed the 75% of the principal structure as required under the ordinance.

2. **Harmony & Character of the Neighborhood:** We believe a home with 3 garage doors facing the street and 2,296 sq. ft. of garage and accessory storage space is excessive and not in keeping with the harmony and character of the neighborhood. There are 168 homes in the immediate 3 subdivisions of these, only 11, or 6.5%, have 3 vehicle garages with no more than 2 garage doors. The rest of the homes, or 93.5%, are 2 vehicle garages with 1 to 2 garage doors. Within Sub #7, where Lot #9 is located, there are 52 homes and 5, or 9.6%, with 3 vehicle garages and 1 to 2 garage doors, not 3 (see attachment). There are 10 foot commercial garage doors on a least two of the garages, this is not in keeping with our neighborhood character. Furthermore, there is not one home in this subdivision that has 2,296 sq feet or 64% of garage and storage space on the first level and only 1,226 square feet or 36% of living space. In fact, the reverse of this would be the standard.
3. **Self-created:** The 2,296 sq. ft. requested for the attached garage and the attached accessory space is more than double the square footage of any garage and accessory space within this neighborhood and double the 1,150 allowed under the township ordinances. We believe that the need for such a variance is self-created and is not unique to the property itself. The intent by the petitioner is to use this house to store everything that he owns and that of his tenant under one roof. This is a single residential home and should be treated as such. It should have storage and parking commensurate with a single residential home. The total maximum square footage of 1,150 as allowed by the township for both the attached garage and the attached accessory building is more than adequate to meet the needs of one house. It is a choice to own 6 cars, boats, jet skis, kayaks, tractors, trailers, etc. and the problem is not created by or unique to this property. In fact, most of us in this lake community own boats and trailers and kayaks and jet skis, etc. In this neighborhood, we store our recreational vehicles on our property in accordance with the Keatington Homeowners Association bylaws and/or the Lake Orion Township Ordinances, within our 2-3 car garages, or in our basements. Everything else is stored in off-site storage. The homeowner was aware of these rules when he bought property within this subdivision. We all have the same problem and he is asking for property rights above and beyond what is enjoyed by others in neighborhood with similar lot sizes. Limiting the home to 1,150 square feet of garage and storage space would not cause the owner undue hardship and would only limit him to the same property rights possessed by others in this community.

We have lived next door to the petitioner for over 20 years. They have been wonderful neighbors and we are sorry to have to be put in this position. We are not opposed to a single private residential dwelling being built on this lot but it should be in keeping with the character and harmony of structure within our neighborhood and be limited to the same property rights as possessed by others in this neighborhood. It should be limited to the allowable 1,150-sq. ft. total maximum floor area and have not more than three (3) vehicles owned and used by the occupants of the primary residence as intended under township ordinances. Additionally, there are other feasible alternate storage solutions such as a basement that could be explored that would be in keeping with the character and harmony of the neighborhood. We feel this is a reasonable request and would still allow the property owner to build on and enjoy their property and not cause any undue hardship.

In summation, we feel that the variance request as proposed is way too big for such a small lot, violates township ordinances, would cause an undesirable change to the character of the neighborhood, will be a detriment to the nearby properties, would set a precedent for the neighborhood, could lead to other violations when storing vehicles and equipment by this and future owners of this property, is a self-created need and not unique to the property itself, and that feasible alternate solutions can be found. We ask that you deny this variance request.

Thank you for your time and consideration.

Sincerely,

Dawn & Dave Wallin
2596 Browning Drive
Lake Orion, MI 48360

Attachment
Sub 2, 3 & 7 = 168 homes
11 have 3 vehicle garages or 6.590

Sub 7 = 52 homes
5 have 3 vehicle garages or 9.690
2590 Browning Dr.
Lake Orion, MI 48360-1814
October 8, 2021

Ms. Lynn Harrison
Coordinator, Planning & Zoning Department
Charter Township of Orion
2525 Joslyn Road
Lake Orion, MI 48360

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

Dear Lynn:

The need for the requested variances above is a self-created need and not unique to the characteristics of the property. Therefore, I am requesting denial of variances Number 2 and Number 3 as requested in AB-2021-55 by Tim Petersen and listed on Notice of Public Hearing that I received from your office.

Article VI, Section 7.04, Zoned R-2
2. A 12.85-ft. rear yard setback variance from the required 35-ft. to build a house 22.15-ft. from the rear property line.

Tim is requesting a rear yard setback variance without knowing specifically where his four corners are on the property. If he would relocate the lot to a 10’ side yard setback on the east side of the lot, where it is the deepest, he would be able to build a home without need of a setback at all. Everyone likes natural areas, however, we have all had to remove trees to build our dream homes. The large tree near the southeast corner of the property could be saved and while removing some of the other trees.

Article XXVII, Section 27.02(A)(8) Buildings, Structures, and Uses, for lot size up to ½ acres
3. A 1,146-sq. ft. variance from the allowed 1,150 sq. ft. total maximum floor area of all accessory buildings to construct a 1,484-sq. ft. attached garage and an 812-sq. ft. attached accessory building for a total of 2,296-sq.ft. total maximum floor area of all accessory buildings.

Tim is requesting a variance to build a five car garage with a home above the garage that he plans to rent out. I own an 837 sq. ft. three car garage across from this property and I have been able to store three cars and a boat at one time, so the 1,150 sq. ft. allowed on less than half an acre is ample room to park cars. All of the property owners in Keatington have boats, cars, trailers, kayaks, canoes, and other “toys” associated with living on the lake, so storage of this type of “accessories” is not unique to Tim.
This is the last buildable lot in the Keatington Shores subdivision and there are homes with three car garages. Any garage larger than a three car garage would not only violate Article VI of Accessory Land Uses which states that a garage designed and used for the storage of NOT MORE THAN three (3) vehicles owned and used by the occupants of the primary residence. Tim plans to rent out this residence, so, by the Article, he could not park any of his vehicles in this garage.

Per the proposed drawings that were shared with me by Tim, the three car garage area on the east side of the property is 38’11” x 37’1” or 1,484 sq. ft., more than enough area to park three vehicles.

Tim refers to this home as “The Carriage House” but in reality it is a “Barndominium” and not in keeping with the harmony of external design with existing structures of our neighborhood as stated in Keatington Shores No. 7 deed restrictions. When the Keatington Homeowners’ Association Board was asked why they approved, they said they didn’t think they could stop someone from building a home and assumed the Zoning Board would perform that function for them.

If approved, not only would I face a five car garage across from my home, but all three garage doors are 10’ high doors, again, not in keeping with the harmony of the adjacent homes or the entire neighborhood.

Finally, with the intent of renting out this home while maintaining usage of the three car garage area and mancave for himself, I fear this violates the single private residential dwelling requirements in our deed restrictions.

This lot is not unique to Keatington Shores and the other similar lots have been able to build beautiful homes with attached two car garages.

I ask that you deny this request.

Sincerely,

[Signature]
Barbara A. Schalk
b_schalk@msn.com
2590 Browning Dr.
Lake Orion, MI 48360-1814
October 8, 2021

Ms. Lynn Harrison
Coordinator, Planning & Zoning Department
Charter Township of Orion
2525 Joslyn Road
Lake Orion, MI 48360

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

Dear Lynn:

Please find attached a petition (6 pages) signed by homeowners in Keatington Shores No. 7 and Keatington No. 3 Subdivisions requesting that the above variance request be denied but not limited to the following reasons:

- Violates Article VI of the Orion Township Single Family Residential: R-1, R-2 & R-3 Accessory Land Use Ordinance which states that “A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence”.
- The 1,484 sq. ft. requested can park more than 3 cars; the 812 sq. ft. accessory building requested has an intended purpose of being used as a garage thereby creating two (2) garages.
- Is substantially larger than the 1,150 sq. ft. of total maximum floor area of all accessory buildings allowed under the township ordinance.
- Is not in keeping with the harmony of external design with existing structures of our neighborhood. (Paragraphs 5 and 16 highlighted in Agreement and Restrictions Keatington Shores as recorded in Liber 7575 Pages 872-882, copy attached.) The Architectural Committee never notified the adjacent neighbors prior to approval of the request.
- The need is a self-created need and not unique to the characteristics of the property.
- May violate the single private residential dwelling requirements.

Sincerely,

[Signature]
Barbara A. Schalk
248.391.1279
b_schalk@msn.com

CC: Keatington Homeowners’ Association Board
Petition to Oppose Variance Request AB-2021-55

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

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

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

We the undersigned are opposed to the above referenced variance request and ask the Charter Township of Orion Zoning Board of Appeals to DENY for the reasons stated below but not limited to:

- Violates Article VI of the Orion Township Single Family Residential: R-1, R-2 & R-3 Accessory Land Use Ordinance which states that “A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence”.
- The 1,484 sq. ft. requested can park more than 3 cars; the 812 sq. ft. accessory building requested has an intended purpose of being used as a garage thereby creating two (2) garages.
- Is substantially larger than the 1,150 sq. ft. of total maximum floor area of all accessory buildings allowed under the township ordinance.
- Is not in keeping with the harmony of external design with existing structures of our neighborhood.
- The need is a self-created need and not unique to the characteristics of the property.
- May violate the single private residential dwelling requirements.

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>Lot #</th>
<th>Address</th>
<th>Signature</th>
<th>Phone Number</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbara A. Schalk</td>
<td>58</td>
<td>2590 Browning Dr.</td>
<td>Barbara B. Schalk</td>
<td>248.391.1279</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Michael J Black</td>
<td>59</td>
<td>2584 Browning Dr.</td>
<td>Michael J Black</td>
<td>248 391 4220</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Timothy Angeles</td>
<td>60</td>
<td>2578 Browning Dr.</td>
<td>Ted J. Angeles</td>
<td>248 397 1085</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Robert Matsum</td>
<td>61</td>
<td>2572 Browning Dr.</td>
<td>D. Daren</td>
<td>248 990 490</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Matthew Minton</td>
<td>62</td>
<td>2566 Browning Dr.</td>
<td>Matthew Minton</td>
<td>249 397 476</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Joe Fleming</td>
<td>516</td>
<td>2571 Browning Dr.</td>
<td>Ash F.</td>
<td>248 505 7352</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Paul Walker</td>
<td>8</td>
<td>2585 Browning Dr.</td>
<td>D. Walker</td>
<td>248 653 5134</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Jane Zimmerman</td>
<td>647</td>
<td>2579 Browning Dr.</td>
<td>Jane A. Zimmerman</td>
<td>248 882 4160</td>
<td>11/6/21</td>
</tr>
<tr>
<td>Property Owner(s)</td>
<td>Lot #</td>
<td>Address</td>
<td>Signature</td>
<td>Phone Number</td>
<td>Date</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------</td>
<td>------------------</td>
<td>-----------</td>
<td>-----------------</td>
<td>--------</td>
</tr>
<tr>
<td>James Weidman</td>
<td>445</td>
<td>2567 Browning Dr</td>
<td>248-391-3168</td>
<td>10-6-21</td>
<td></td>
</tr>
<tr>
<td>Deborah Wilson</td>
<td>443</td>
<td>2551 Browning Pl</td>
<td>248-391-2716</td>
<td>10-6-21</td>
<td></td>
</tr>
<tr>
<td>Ronald Nagy</td>
<td>445</td>
<td>2545 Browning Dr</td>
<td>248-481-9302</td>
<td>10-6-21</td>
<td></td>
</tr>
<tr>
<td>Richard Knoth</td>
<td>344</td>
<td>2559 Browning</td>
<td>248-391-4326</td>
<td>10-7-21</td>
<td></td>
</tr>
</tbody>
</table>
Petition to Oppose Variance Request AB-2021-55

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

Article XXVII, Section 27.02 (A) (8) Buildings, Structures and Uses, for lot size up to 1/2 acres

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

We the undersigned are opposed to the above referenced variance request and ask the Charter Township of Orion Zoning Board of Appeals to DENY for the reasons stated below but not limited to:

- Violates Article VI of the Orion Township Single Family Residential: R-1, R-2 & R-3 Accessory Land Use Ordinance which states that "A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence”.
- The 1,484 sq. ft. requested can park more than 3 cars; the 812 sq. ft. accessory building requested has an intended purpose of being used as a garage thereby creating two (2) garages.
- Is substantially larger than the 1,150 sq. ft. of total maximum floor area of all accessory buildings allowed under the township ordinance.
- Is not in keeping with the harmony of external design with existing structures of our neighborhood.
- The need is a self-created need and not unique to the characteristics of the property.
- May violate the single private residential dwelling requirements.

Property Owner(s) Lot # Address Signature Phone Number Date

Stefan Pajo 170 2401 Eaton Gate 248-874-9741 10/1/21

Whitney Talaga 2409 Eaton Gate Rd, Whitmore Lake (248) 499-6093 10-5-2021

Bryan Talaga 2409 Eaton Gate Rd, White Lake (248) 207-2455 10-5-2021

David Keisel 2406 Eaton Gate Rd, Perry (248) 931-3252 10-5-2021

John Avara 9393 Eaton Gate Rd (248) 391-2099 10/5/20

Deborah K Wylin 2398 Eaton Gate Rd 248-739-2673 10/5/2021

Property Owner(s) Lot # Address Signature Phone Number Date
Petition to Oppose Variance Request AB-2021-55

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

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

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

We the undersigned are opposed to the above referenced variance request and ask the Charter Township of Orion Zoning Board of Appeals to DENY for the reasons stated below but not limited to:

- Violates Article VI of the Orion Township Single Family Residential: R-1, R-2 & R-3 Accessory Land Use Ordinance which states that “A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence”.
- The 1,484 sq. ft. requested can park more than 3 cars; the 812 sq. ft. accessory building requested has an intended purpose of being used as a garage thereby creating two (2) garages.
- Is substantially larger than the 1,150 sq. ft. of total maximum floor area of all accessory buildings allowed under the township ordinance.
- Is not in keeping with the harmony of external design with existing structures of our neighborhood.
- The need is a self-created need and not unique to the characteristics of the property.
- May violate the single private residential dwelling requirements.

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>Lot #</th>
<th>Address</th>
<th>Signature</th>
<th>Phone Number</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Smith</td>
<td>51</td>
<td>2632 Browning Dr.</td>
<td>DD Smith</td>
<td>248-391-4677</td>
<td>10-5-21</td>
</tr>
<tr>
<td>Valerie G. Daukenmeyer</td>
<td>50</td>
<td>2638 Browning Dr.</td>
<td>Valerie J. Klausermeyer</td>
<td>248-840-3434</td>
<td>10-5-21</td>
</tr>
<tr>
<td>Kathleen Witting</td>
<td>15</td>
<td>2605 Browning Dr.</td>
<td>Kathleen</td>
<td>248-3072384</td>
<td>10-5-21</td>
</tr>
<tr>
<td>Linda Fleming</td>
<td>46</td>
<td>2602 Browning Dr.</td>
<td>Linda Fleming</td>
<td>248-391-3839</td>
<td>10-5-21</td>
</tr>
<tr>
<td>John Fleming</td>
<td>46</td>
<td>3662 Browning Dr.</td>
<td>John Fleming</td>
<td>548-227-0160</td>
<td>10/5/21</td>
</tr>
<tr>
<td>Jennifer Grabisch</td>
<td>45</td>
<td>2608 Browning Dr.</td>
<td>Jennifer</td>
<td>12-561-3238</td>
<td>10/15/21</td>
</tr>
<tr>
<td>Dawn Wallin</td>
<td>57</td>
<td>3596 Browning Dr.</td>
<td>Dawn Wallin</td>
<td>586-245-5551</td>
<td>10/6/21</td>
</tr>
<tr>
<td>Property Owner(s)</td>
<td>Lot #</td>
<td>Address</td>
<td>Signature</td>
<td>Phone Number</td>
<td>Date</td>
</tr>
<tr>
<td>-------------------</td>
<td>------</td>
<td>--------------</td>
<td>-----------</td>
<td>--------------</td>
<td>---------</td>
</tr>
<tr>
<td>Nancy Stewart</td>
<td>48</td>
<td>2650 Browning</td>
<td>Nancy</td>
<td>3560</td>
<td>10-7-21</td>
</tr>
</tbody>
</table>


Petition to Oppose Variance Request AB-2021-55

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

Article XXVII, Section 27.02 (A) (B) Buildings, Structures and Uses, for lot size up to ¾ acres

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

We the undersigned are opposed to the above referenced variance request and ask the Charter Township of Orion Zoning Board of Appeals to **DENY** for the reasons stated below but not limited to:

- Violates Article VI of the Orion Township Single Family Residential: R-1, R-2 & R-3 Accessory Land Use Ordinance which states that “A garage designed and used for the storage of not more than **three (3) vehicles owned and used by the occupants of the primary residence**”.
- The 1,484 sq. ft. requested can park more than 3 cars; the 812 sq. ft. accessory building requested has an intended purpose of being used as a garage thereby creating two (2) garages.
- Is substantially larger than the 1,150 sq. ft. of total maximum floor area of all accessory buildings allowed under the township ordinance.
- Is not in keeping with the harmony of external design with existing structures of our neighborhood.
- The need is a **self-created need** and not unique to the characteristics of the property.
- May violate the **single private residential dwelling requirements**.

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>Lot #</th>
<th>Address</th>
<th>Signature</th>
<th>Phone Number</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Ryba</td>
<td>43</td>
<td>2680 Browning Dr</td>
<td>Robert Ryba</td>
<td>248-391-1728</td>
<td>10-7-21</td>
</tr>
<tr>
<td>Terrie Ryba</td>
<td>43</td>
<td>2680 Browning Dr</td>
<td>Theresa Ryba</td>
<td>248-391-1728</td>
<td>10-7-21</td>
</tr>
<tr>
<td>Marilyn Sicluzza</td>
<td>40</td>
<td>2698 Browning Dr</td>
<td>Marilyn Atteny</td>
<td>248-391-1808</td>
<td>10-7-21</td>
</tr>
<tr>
<td>Elizabeth Nise</td>
<td>41</td>
<td>2692 Browning</td>
<td>Elizabeth Nise</td>
<td>248-391-394</td>
<td>10-7-21</td>
</tr>
<tr>
<td>James Nise</td>
<td>61</td>
<td>2692 Browning</td>
<td>James Nise</td>
<td>11</td>
<td>10-7-21</td>
</tr>
</tbody>
</table>
AGREEMENT AND RESTRICTIONS
KEATING SHORES

WHEREAS, the undersigned, Hilltop Company, as owner, has executed a plat for Keating Shores, a subdivision of the Section 20, T 4N, R10E, Orion Township, Oakland County, Michigan, which plat is recorded in Librer 167 of Plats, Pages 34,35,36 & 37, Oakland County Records; and

WHEREAS, it is the intent and purpose of said party to subject the said Subdivision to certain building and use restrictions, covenants, conditions, obligations, reservations, rights, powers and charges, as hereinafter set forth.

NOW, THEREFORE, for a valuable consideration and in consideration of the agreement of others and of the plan and purpose of said Subdivision and to the end that it may be restricted in its use so that it will develop into a residential community of the highest type, and in order to make said building restrictions, covenants, conditions, obligations, reservations, rights, powers and charges, binding and of full force and effect on all of the above described premises, and upon the present and future owners and occupants of the same, the undersigned hereby certifies, declares and agrees that all of the above described premises shall, if and when conveyed, be subject to and charged with all of the building and use restrictions, rights, powers, easements and charges, hereinafter set forth in this instrument and the record of this instrument in the office of the Register of Deeds for Oakland County, Michigan, shall be notice of said restrictions to all purchasers of said premises.

1. With the exception of Lot 64, all of the said lots shall be used only for private residence purposes and no structure shall be erected, altered, or permitted to remain on any residential lot other than one single private family dwelling with attached private garage for not less than two (2) cars. No detached garages shall be permitted. No dwelling shall exceed two stories except that a tri-level may be allowed in the discretion of the Architectural Control Committee.

2. Trailers, mobil homes, tents, shacks, barns, or any temporary building of any design whatsoever, are expressly prohibited within the Subdivision and temporary residence shall not be permitted in unfinished residential buildings. This shall not prevent the erection of a temporary storage building for materials and supplies to be used in the construction of a dwelling which shall be removed from the premises on completion of the building. Boats shall be stored with proper and adequate coverings in the rear of the residences except as may be otherwise permitted by the Architectural Control Committee.

3. No lot shall be reduced in size by any method whatsoever. Lots may be enlarged by consolidation with one or more adjoining lots under one ownership. In the event one or more lots are developed as a unit, all restrictions herein contained shall apply as to a single lot. In any event, no dwelling shall be erected, altered, placed or permitted to remain on any site smaller than one lot as shown on the recorded plat.

4. No residence shall be erected or constructed on any lot which has
a living floor space exclusive of garage and porches of less than the following:

(a) 1 - Story Ranch 1,300 sq. ft.
(b) 2 - Story 800 sq. ft. on first floor (provided the total square footage shall be not less than 1,500 sq. ft.)
(c) 1 1/2 Story 1,000 sq. ft. on first floor (provided the total square footage shall not be less than 1,400 sq. ft.)
(d) Tri-Level Not less than 1,200 sq. ft. exclusive of basement and lower level

5. No residence shall be erected, placed, or altered, on any lot until the construction plans and specifications, and a plan showing the location of the structure, have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location.

Subject to the provisions hereinafter set forth, the Architectural Control Committee shall consist of one (1) or more persons appointed by the owner and proprietors of said Subdivision, its successors and assigns, and the said owner and proprietor shall have the right to assign this power of appointment in such form as it desires, to any person or corporation which it may by an instrument in writing designate.

6. No trees which exceed six (6) inches in diameter shall be removed or cut without permission from the Architectural Control Committee, nor shall surface soil be dug or removed from any lot for purposes other than building and landscaping on said lot without the prior consent of the Architectural Control Committee.

7. No buildings may be moved onto any lot or lots in this Subdivision.

8. The erection of any new building, or repair of any building damaged by fire or otherwise, shall be completed as rapidly as possible and should the owner leave such building in an incomplete condition: for a period of more than six (6) months, then the Architectural Control Committee, or its authorized representative, is authorized and empowered either to tear down and clear from the premises the uncompleted portion of such structure, or to complete the same at its discretion, and in either event, the expense incurred shall be charged against the owner’s interest therein and shall be a lien upon said lands and premises.

9. No outbuildings of any nature whatsoever shall be permitted, said provision being intended to exclude tool and equipment sheds, buildings appurtenant to swimming pools, and any structure or structures other than the main residence building itself.

10. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers
properly concealed from public view. Outdoor burning of trash shall be restricted to the rear twenty (20) feet of any lot.

11. Swimming pools shall not be constructed without submission of plans therefor showing dimensions, locations on lot, etc., to the Architectural Control Committee for approval. Plans shall include proposed safety fencing. The said Committee in passing on such plans shall be governed by the same principles as set forth in Paragraph 16 herein.

12. (a) No trailers or commercial vehicles, other than those present for business, may be parked in the Subdivision.

(b) No laundry shall be hung for drying in such a way as to be readily visible from the street on which lots front.

(c) All mail boxes shall be of uniform size, color and name design, and shall be located uniformly with reference to the dwellings.

13. The raising, keeping, or maintaining of livestock, poultry, and the like, is strictly prohibited, except that dogs, cats, or pets of like character can be kept or maintained as such on the premises, when such keeping or maintaining does not constitute a neighborhood nuisance.

14. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five (5) square feet advertising the property for sale or rent. With the approval of the Architectural Control Committee a builder or developer may install a sign not more than 200 square feet to advertise the property during the construction and sales period. Such signs as are allowed must be maintained in good condition at all times and must be removed on the termination of their use.

15. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

16. No building, fence, wall or other structure shall be commenced, erected or maintained on any lot nor shall any additions to or change or alteration therein be made, except interior alterations, until the plans and specifications showing the nature, kind, shape, height, materials, color scheme, location on lot and approximate cost of such structure and the grading plan on the lot, including grade elevations of buildings to be built upon shall have been submitted to and approved in writing by the Architectural Control Committee or its authorized agent, and a copy thereof as finally approved, lodged permanently with the Committee. The Committee shall have the right to refuse to approve any such plans or specifications or grading plans which are not suitable or desirable in its opinion for aesthetic or other reasons. In no passing upon such plans, specifications and grading plans, it shall have the right to take into consideration suitability of the proposed buildings or other structures to be built, the harmony thereof with the surroundings and the effect of the building or other structure as planned on the outlook from adjacent or neighboring property.

It is understood that the purpose of this paragraph is to cause the Subdivision to develop into a beautiful, harmonious, private residence section.

17. MILLTOP COMPANY reserves the right to dredge, fill, and construct canals upon other land in "Kastington", and to perform such other work in connection with Voorhees Lake as it in its sole discretion shall determine. Any owner of a lot in this Subdivision does hereby waive his right to object to such work or to the extension of use of Voorhees Lake resulting therefrom.
18. The owner of every lot in Keatington Shores shall automatically become a member of Keatington Home Owner's Association, a Michigan Non-Profit Corporation, which membership confers the privilege of the use of the beach facilities on Outlot "C", Keatington Subdivision No. 2, as recorded in Liber 5325, Page 657, Oakland County Records; further, said membership shall be subject to the imposition of such dues and such assessments as cost of maintenance and/or improvement of the said Outlot "C". Such dues and assessments shall be due and payable within thirty (30) days of billing and shall not exceed Forty and 00/100 ($40.00) Dollars per lot annually. In the event any member shall fail or refuse to pay such dues or assessments when due, the Register of Deeds for Oakland County against the lot of such delinquent member, showing the amount due and owing as a lien on such lot until fully paid. Upon payment, the said Association shall issue an appropriate discharge of such lien in a form eligible for recording.

19. The owner of every lot in Keatington Shores shall, as a member in good standing of Keating Home Owner's Association, be entitled to and subject to all of the rights, privileges and obligations of said Association, as provided in its Articles of Incorporation and By-Laws.

20. Lots No. 1, 63, and/or 64 may be used as part of the beach facilities located on the aforementioned outlot "C".

21. Except as otherwise provided herein, these covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the lots has been recorded, agreeing to change said covenants in whole or in part provided, however, no such amendment or change shall be binding upon Keating International Corporation, without its written consent.

22. Front, rear and sideyard setbacks for all lots in Keatington Shores shall conform to the requirements of the R-3 districts of the Orion Township Zoning Ordinance, except in the following respects:

(a) The front setback for Lots No. 1 through 64 may be reduced to 25 feet.

(b) Lot No. 1; rear setback may be reduced to 23 feet.

(c) Lots No. 2, 3, 4, 5, & 6; east sideyard may be reduced to 5 feet.

(d) Lot No. 7; east sideyard may be reduced to 5 feet and rear sideyard reduced to 25 feet.

(e) Lots No. 859; rear setbacks may be reduced to 20 feet.

(f) Lots No. 10, 11, & 12; west sideyard may be reduced to 5 feet.

(g) Lot No. 13; south sideyard may be reduced to 5 feet.

(h) Lot No. 14; south sideyard may be reduced to 5 feet and rear setback may be reduced to 20 feet.

(i) Lot No. 15; north sideyard may be reduced to 5 feet and rear setback may be reduced to 20 feet.

(j) Lots No. 16, 17, 18; the north sideyard may be reduced to 5 feet.
(k) Lot No. 20; the rear setback may be reduced to 25 feet.

(l) Lot No. 21; the west side yard may be reduced to 5 feet.

(m) Lot No. 24; the east side yard may be reduced to 5 feet.

(n) Lots No. 27, 28, & 29; the rear yards may be reduced to 25 feet.

(o) Lots No. 21 & 32; the rear yards may be reduced to 20 feet.

(p) Lots No. 34, 51, 52, 53, 54, & 64; the rear yards may be reduced to 25 feet.

23. Enforcement shall be by proceedings in a civil action against any person or persons violating or attempting to violate any covenant either to restrain violations or to recover damages. Failure to enforce any of the covenants herein contained shall in no event be deemed a waiver of the right to do so hereafter, as to the same breach or as to a breach occurring prior or subsequent thereto.

24. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Violation of any condition or restriction or breach of any covenant herein contained shall give the parties hereto in addition to all other remedies, the right to enter upon the land as to which such violations or breach exists, and summarily to abate and remove, at the expense of the owner thereof, any erection or other violation that may be or exist thereon contrary to the intent and provision hereof, and the parties hereto shall not thereby become liable in any manner for trespass, abatement or removal.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands this 6th day of June, 1979.

In the Presence of:

Marilyn P. Davis

Patricia Beebe

HILLTOP COMPANY
A Michigan Corporation

Kevin J. Keating, President

Douglas P. Keating, Secretary

Joseph E. Zimmer

Susaen E. Zimmer

R. Murray Rice

M. Dorothy Rice

CAPITOL SAVINGS AND LOAN

Robert E. Clark, President

Harry J. Chambers, Vice President
STATE OF MICHIGAN)

COUNTY OF OAKLAND)


On this 6th day of June, 1979, before me the subscribed, a Notary Public in and for said County, appeared KEVIN J. KEATING and DOUGLAS P. KEATING, to me personally known, who being by me duly sworn did say they are the PRESIDENT AND SECRETARY of HILLTOP COMPANY, A Michigan Corporation, and that the seal affixed to said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and KEVIN J. KEATING and DOUGLAS P. KEATING acknowledged said instrument to be the free act and deed of said corporation.

Marilyn J. Davis
Notary Public, County of Oakland
My Commission expires: 8-6-80
KEATING SHORES
SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS

HILLTOP COMPANY, a Michigan corporation, whose address is 10 W. Long Lake Road, Bloomfield Hills, Michigan, 48013, being the owners of the following described lands, herewith form this Supplemental Declaration of Covenants and Restrictions this 6th day of June 1979, and they shall run with and bind the land hereinafter described and shall inure to the benefit of and be enforceable by the owner of any land subject thereto, their respective legal representatives, heirs, successors and assigns, and in accordance with the provision of Act No. 285, Public Act 462 of 1967 of the State of Michigan ("Subdivision Control Act of 1967").

A. Land Covered by this Supplemental Declaration of Covenants and Restrictions:

Lots 1 thru 64 Keating Shores, a subdivision of part of Section 20, Town 4 North, Range 10 East, Orion Township, Oakland County, Michigan, according to the Plat thereof as recorded in Liber—, Pages—— of Plat, Oakland County Records;

B. Covenants and Restrictions:

1. No lower floor, including basements shall be constructed below the flood plain elevation of 986.2 USGS Datum as established by the Department of Natural Resources.

2. There shall be no filling or occupation of the flood plain area without the approval of the Department of Natural Resources.

3. The provisions of the flood plain area shall remain in effect in perpetuity and may not be amended.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands this 6th day of June 1979.

HILLTOP COMPANY
a Michigan Corporation

Marilyn J. Davis
Patricia Bebe

Kevin J. Keating, President
Douglas F. Keating, Secretary
Joseph E. Zimmer
Susan E. Zimmer
F. Murray Nice
M. Dorothy Nice

CAPITOL SAVINGS AND LOAN

Robert E. Clark, President
Harry M. Chambers, Vice President
On this 5th day of June, 1979, before me the subscribed, a Notary Public in and for said County, appeared KEVIN J. KEATING and DOUGLAS P. KEATING, to me personally known, who being by me duly sworn did say they are the PRESIDENT and SECRETARY of HILLTOP COMPANY, a Michigan Corporation, and that the seal affixed to said instrument was signed in behalf of said corporation, by authority of its Board Of Directors, and KEVIN J. KEATING and DOUGLAS P. KEATING acknowledged said instrument to be the free act and deed of said corporation.

Marilyn J. Davis
Notary Public, County of Oakland
My Commission expires: 8-6-80
STATE OF MICHIGAN) ss.
COUNTY OF OAKLAND)

On this 6th day of June in the year One Thousand Nine Hundred Seventy Nine before me, the subscriber, a Notary Public in and for said County, appeared F. MURRAY NICE and M. DOROTHY NICE, husband and wife to me known to be the person described in and who executed the foregoing instrument and respectively acknowledged the execution thereof to be THEIR free act and deed, and who have sworn that they are over 21 years of age.

[Signature]
Marilyn J. Davis
Notary Public, County of Oakland

My commission expires: 8-6-80
STATE OF MICHIGAN)  
COUNTY OF OAKLAND) ss.

On this 6th day of June in the year One Thousand Nine Hundred Seventy Nine before me, the subscriber, a Notary Public in and for said County, appeared JOSEPH E. ZIMMER and SUSAN E. ZIMMER, husband and wife to me known to be the person described in and who executed the foregoing instrument and respectively acknowledged the execution thereof to be THEIR free act and deed, and who have sworn that they are over 21 years of age.

[Signature]
Marilyn J. Davis
Notary Public, County of Oakland

My Commission expires: 8-6-80
On this 4th day of \underline{June} in the year One Thousand Nine Hundred \underline{1899} before me, the subscriber, a Notary Public in and for said County, personally appeared ROBERT E. CLARK and HARRY W. CHAMBERS, to me personally known, who being by me duly sworn did say that they are the PRESIDENT and VICE PRESIDENT of the CAPITOL SAVINGS AND LOAN ASSOCIATION, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its board of directors, and ROBERT E. CLARK and HARRY W. CHAMBERS acknowledged said instrument to be the free act and deed of said corporation.

MARILYN J. DAVIS
Notary Public, County of Oakland

My Commission expires: 8-6-80
Dear Ms. Harrison – I live at 2409 Eaton Gate, and my property is located behind (southwest) of the vacant property that Mr. Peterson is seeking variances on. I was in attendance at the 10/11 meeting, and was very pleased that the Zoning Board encouraged Mr. Petersen to take the neighbors concerns into consideration and resubmit at the 11/22 meeting. There is one point I would like to make for the record. During the meeting last night, one of the Zoning board members read aloud a letter from the Keating Homeowners Association (KHA), Architectural Control Committee, approving the Mr. Petersen proposed design/build. I would like it to be known, I, as a board member of Keatington Homeowners Association, oppose this proposed design. It is my feeling that we are not keeping a “HARMONIOUS” look throughout the neighborhood by allowing such a design to be built, which KHA deed restrictions require. Nowhere throughout the neighborhood is there a 5 car garage. Lastly, these setback variances being sought infringe on what already is a very tight lot arrangement if no variance was granted. My neighbors directly behind the proposed build will no doubt feel their space invaded.

Further clarification, the roles of being board members at KHA is strictly a volunteer position. I (due to my work and travel schedule) along with a couple other board members were not present at the KHA board meeting when this was discussed or voted on. Point being, this was not a unanimous decision made by the KHA board.

Thank you for time.

Regards,

Bryan Talaga
President

AUTOMOTIVE

A: 1000 N Opdyke Rd, Suite J, Auburn Hills, MI 48326
O: 248-721-9751
M: 269-207-2655
www.amecompanies.com
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 9, 2021
SUBJECT: Staff Report for AB-2021-61, Tyler Downie, 4745 Jamm Rd.

The applicant is asking to put up a 6-ft fence along the property line to the south 0-ft. from the property line. The fence will run from the gate located on the south side of the house and run to the rear property line indicated on the plot map in yellow.

The applicant has indicated on the application that the existing chain link fence will be removed.

When making a motion, if to approve, consider specifying in the motion that the variance from the rear property line is only for the 6-ft. fence that will run along the south property line. If that is not in the motion, the applicant could possibly run a 6-ft. fence 0-ft. along the rear property line.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: November 8, 2021

RE: AB-2021-61, Tyler Downie, 4745 Jamm Rd., 09-33-426-017

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

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

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

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-61, Tyler Downie, 4745 Jamm Rd., 09-33-426-017, I would move that the petitioner’s request for:

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

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

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

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:

   _____________________________________________________________
   _____________________________________________________________
   _____________________________________________________________
   _____________________________________________________________
   _____________________________________________________________
   _____________________________________________________________

   110
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:

111
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-61, Tyler Downie, 4745 Jamm Road, 09-33-426-017, I would move that the petitioner’s request for:

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

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

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

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

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

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

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

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

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

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

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

APPLICANT
Name: Tyler Downie
Address: 4745 Jamm Rd City/State/Zip: Lake Orion, MI 48359
Phone: (248) 202-8733 Cell: Fax:
Email: tylerdownie143@gmail.com

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

CONTACT PERSON FOR THIS REQUEST
Name: Tyler Downie Phone: (248) 202-8733 Email: tylerdownie143@gmail.com

SUBJECT PROPERTY
Address: 4745 Jamm Rd Sidwell Number: 09-33-426-017
Total Acreage: 0.74 Length of Ownership by Current Property Owner: 0 Years, 6 Months
Does the owner have control over any properties adjoining this site? NO
Zoning Ordinance Allowance/Requirement Deviation requested
Case #: ____________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. We are hoping to build a 6' privacy fence on the right side of our back yard. It will extend from the existing gate and go be 34 1/2 feet long. The current chain link will be removed.

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 dogs next door often jump the existing fence. We have a dog as well, and we'd like to avoid any issues if they were to fight.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: It will actually be beneficial for our dog as well as our neighbor's dogs. We do not believe it will be detrimental in any way, especially since we have the permission of our neighbors.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: There are other privacy fences in the neighborhood (our neighbor on the other side of us has one).

5. Describe how the alleged practical difficulty has not been self-created. Our dog does not jump the fence.

6. The topography of said land makes the setbacks impossible to meet because: We don't have 10 feet on that side of the house to set the fence 10 feet off the property line/edge.

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 is unnecessarily burdensome because a 4 foot fence does not prevent the dogs from jumping over. A 6 foot wooden fence would.
Case #:    

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

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

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

Signature of Applicant:  [Signature]  Date:  10/06/21
Print Name:  Tyler Downie

Signature of Property Owner:  [Signature]  Date:  10/06/21
Print Name:  Tyler Downie

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:    


116
construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofore existing building.

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

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

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

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

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

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

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

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

27.05 Landscaping, Fences and Walls

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

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

2. Construction and Design. Any entranceway structure shall be constructed of permanent, durable materials and shall be designed so as to be compatible with the architecture of surrounding development.

3. Site Plan. Prior to issuance of a building permit for any entranceway structure, a site plan shall be submitted to the Planning Commission for review and approval. The site plan shall include an elevation drawing and a cross-section of the proposed structure. The site plan shall show the relationship of the entranceway to the right-of-way of the intersecting roads and/or driveways.

H. Residential Fence and Wall Regulations.

   Where permitted or required in this Ordinance, fences and walls in residential districts shall be subject to the provisions set forth in this section:

   1. Lot Enclosures. Fences and walls used to enclose a lot shall be no higher than four (4) feet in height and shall be located on the lot line.

   2. Privacy or Decorative Fences and Walls. Fences and walls erected primarily for privacy or decoration shall not be located within any required yard setback area and shall not exceed six (6) feet in height.

   3. Corner Clearance. No fences or walls shall be erected, established or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 shall be complied with.

   4. Large Lots Excluded. Fences and walls shall be excluded from the provisions of this section if such lots have an area of more than two (2) acres, have frontage of at least two hundred (200) feet, and are not part of a recorded plat.

   5. Fences Enclosing Public Areas. Fences, walls or other protective barriers that enclose parks, playgrounds, or other public landscaped areas shall not exceed ten (10) feet in height. The Planning Commission may authorize a fence, wall, or protective barrier of additional height, with or without barbed wire, where necessary, to protect public utility or municipal installations in a residential district.

   6. Wall Specifications. Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below grade. The foundation shall be at least four (4) inches wider than the wall to be erected.

   7. Fence Specifications. Fences constructed of chain link, wood, vinyl or other similar materials are permitted. Posts shall be sunk into the ground at least three (3) feet.

   8. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.

Revised 05/21/20

Charter Township of Orion Zoning Ordinance 78

Page 27 - 35
AB-2021-61, Tyler Downie, 4745 Jamm
09-33-4126-017 .735 Acres 32,016.64#
25% = 8,009.15 Zoned R-3

The property is 70' wide which is the
Minimum for this Zoning - No relaxation on the
10' side yard setback

Side yard setback to the North will be met

Need a 10' variance on the South to be
0' from the property line

Need a 10' variance from the rear property line
for a 6' fence to end 0' from the property line.
Site Plan For
4745 Jamm Rd Lake Orion
Mi. 48359

Material
Pressure Treated Lumber
6'4" TALL PICKETS DOG EAR
4x4x8 POST
2x4x8 CROSS MEMBERS

Scale 1"=40'4"

Style
Shadow Box

Shadow Box 6'4" Fence

Chain Link Fence

Existence Gate

House

10'
The fire department has reviewed both applications 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

Jeff, will you please look at these 3 cases for the ZBA. A response to this email would be sufficient.

Thanks,

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

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: November 9, 2021

SUBJECT: Staff Report for AB-2021-62, Brian Luck, 190 Eastview

The applicant is seeking to add a detached garage (accessory structure) to his property.

The proposed garage will meet all setback requirements, will not exceed lot coverage, and be a one-story with no storage area above the main floor.

The applicant has indicated that he will remove the 400-sq. ft. shed.

Please consider adding to the motion, if the motion is to approve, that the 400-sq. ft. shed is to be removed (as that square footage is not part of the variance calculations).

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: November 8, 2021

RE: AB-2021-62, Brian Luck, 190 Eastview St., 09-12-201-028

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-62, Brian Luck, 190 Eastview St., 09-12-201-028, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned R-1
Article XXVII, Section 27.02(A)(8) – Lot Size 1 to 2.5 Acres
1. A 440-sq. ft. variance above the allowed 1,000-sq. ft. maximum floor area of all detached accessory buildings to build a 1,440-sq. ft. detached garage.
2. A 576-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all accessory buildings to build a 1,440-sq. ft. detached garage in addition to an existing 636-sq. ft. attached garage.

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

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

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

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

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

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

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

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

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

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

   ______________________________________
   ______________________________________
   ______________________________________
   ______________________________________

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

   ______________________________________
   ______________________________________
   ______________________________________
   ______________________________________

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

   ______________________________________
   ______________________________________
   ______________________________________
   ______________________________________

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

   ______________________________________
   ______________________________________
   ______________________________________
   ______________________________________

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

   ______________________________________
   ______________________________________
   ______________________________________
   ______________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-62 Brian Luck, 190 Eastview St., 09-12-201-028, I would move that the petitioner’s request for:

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

1. A 440-sq. ft. variance above the allowed 1,000-sq. ft. maximum floor area of all detached accessory buildings to build a 1,440-sq. ft. detached garage.
2. A 576-sq. ft. variance above the allowed 1,500-sq. ft. maximum floor area of all accessory buildings to build a 1,440-sq. ft. detached garage in addition to an existing 636-sq. ft. attached garage

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

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

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

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

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

127
Further, based on the following findings of facts, the granting of this variance would:

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

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

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

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

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

APPLICANT
Name: BRIAN LUCK
Address: 190 EASTVIEW ST  City/State/Zip: LAKE ORION MI 48362
Phone: Cell: 586-770-4827  Fax: 
Email: BRIAN.LUCK@COMCAST.NET

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

CONTACT PERSON FOR THIS REQUEST  (SAME)
Name:  Phone:  Email: 

SUBJECT PROPERTY
Address: 190 EASTVIEW ST  Sidwell Number: 09-12-201-028
Total Acreage: 1.01  Length of Ownership by Current Property Owner: Years, 2  Months

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

Zoning Ordinance
Allowance/Requirement UP TO 864 SQ. FT  Deviation requested SIZE ONLY

(W/HED REMOVED)  (1440 SQ. FT)

Page 1 of 3
Case #: 

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request. **INCREASE IN SIZE OF ALLOCABLE DETACHED GARAGE, WHILE MEETING ALL VARIANCE REQUIREMENTS OF ARTICLE XXVIII, 27.02, SECTIONS 9-11**

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. **NEIGHBORING PROPERTIES OF SIMILAR SIZE (09-12-127-003; 09-12-127-007) HAVE SIMILAR OR LARGER BUILDINGS THAN BEING REQUESTED AND STILL APPEAR "BLIGHTED"**

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: **VARIANCE REQUESTED WILL ACTUALLY ENHANCE AREA AND BENEFIT NEIGHBORING PROPERTIES, BY ALLOWING "IN "INSIGHTLY" ITEMS TO BE STORED INSIDE.**

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible: **WOULDN'T BE CONSISTENT ("SHARDS DESCRIBED IN #2) EXCEPT THERE WERE NO "BLIGHT" OR "INSIGHTLY" ITEMS; I KEEP MY PROPERTY CLEAN AND PRISTINE.**

5. Describe how the alleged practical difficulty has not been self-created. **NEW OWNER; I ALREADY OWN EQUIPMENT (AND WILL USE TO HELP MOUNTAIN PRIVATE ROAD SECTION); WE ARE DOWNSIZING.**

6. The topography of said land makes the setbacks impossible to meet because: **N/A - ALL SETBACKS WILL BE MET**

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. **OWNER DOES NOT WISH TO STORE OTHERWISE ALLOWABLE ITEMS OUTSIDE, TO THE DETRIMENT OF THE NEIGHBORS. THIS WILL BE A STICK-BUILT, BEAUTIFUL GARAGE, WHILE KEEPING PROPERTY AESTHETICALLY PLEASING, AND NOT EXPOSING EXPENSIVE EQUIPMENT TO THE ELEMENTS.**
8. Have there been any previous appeals involving this property? If so, when?  

UNKNOWN OR NA

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

☐ Yes  ☑ No

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

Signature of Applicant:  
[Signature]
Date: 10-19-21

Print Name:  
BRIAN LOCK

Signature of Property Owner:  
[Signature]
Date: 10-19-21

Print Name:  
BRIAN LOCK

If applicable:  
I the property owner, hereby give permission to  
[Signature]  
N/A  
to represent me at the meeting.

OFFICE USE ONLY

Zoning Classification of property:  

Adjacent Zoning:  
N.  
S.  
E.  
W.  

Total Square Footage of Principal Structure:  

Total Square Footage of Accessory Structure(s):  

Description of variance(s):  

Date Filed:  
Fee Paid:  
Receipt Number:  

Page 3 of 3
Version 3/10/18
AB-2021-62, Brian Luck, 190 Eastview St.
09-12-201-028 1.016 acres 44,256.96 $
25% = 11,663.24 $

Front yard setback 40’ OK

Rear yard setback 76.8’ OK

Side yard setback (North) 52.7’ OK

Side yard setback (South) A10+ OK

Lot Coverage

House 1,400 $

Porch 120 $

Deck 352 $

Attached garage 636 $

Shed 400 $ - To be removed

Proposed detached garage 1,440 $

3,948 $ Lot coverage OK

Attached Accessory Structures Allowed 1,500

Attached garage 636

Proposed detached garage 1,440

576 $ variance

All Detached Accessory Structure Allowed 1,000 $

Proposed detached garage 1,440

-440 $ variance
Article XXVII

General Provisions

27.02 Buildings, Structures, and Uses

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

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11.26.83):

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

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11.26.83):

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

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

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

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

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
### AB-2021-62, Brian Luck, 190 Eastview St.

#### Variance Calculations

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of All Detached Accessory Structures</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed detached garage</td>
<td>1,440-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Shed to be removed</td>
<td>400-sq.-ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>440-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>1,500-sq. ft.</th>
<th>1,500-sq. ft.</th>
<th>1,500-sq. ft.</th>
<th>1,500-sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed detached garage</td>
<td>1,440-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing shed to be removed</td>
<td>400-sq.-ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>576-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STANDARD CONSTRUCTION NOTES

General:
1. All construction, planting, electrical and mechanical shall comply with the IRC and the two Family Dwelling Code and State, County and Municipal Codes.
2. Construction shall comply with all Covenants, Conditions and Restrictions recorded against the land.
3. Building contractor and all subcontractor shall review plans for accuracy and verify all dimensions and compliance with above codes (See 40) prior to the start of construction. Blueprints submitted will be according to such review.
4. Safely care of adjacent properties during construction, and compliance with all applicable safety regulations is, and shall be the responsibility of the contractors and subcontractors respectively.
5. All lines to be protected from damage by construction process and machinery unless approved for removal by owner.
6. Storm water gulleys within 5' of foundation wall shall be of material as specified for sanitary drainage work. (Culvert-HDPE storm water sewer, 5' and beyond foundation shall be of material specified in Sec. 105.7 [4-105])

Concrete:
1. Concrete shall be 5,700 psi or greater with a minimum compressive strength of 3000 psi for basement walls and foundations not exposed to weather and for basement walls and interior walls on a grade.
2. 5000 psi for basement foundation and exterior walls and other vertical work exposed to weather.
3. Poured concrete and garage floor slabs for porches and slabs exposed to weather. (Table 4503.2.5)
4. All concrete form work to be adequately tied together and braced to form a true tee, square corner and pump rocks.
5. All reinforcing bars shall conform to ASTM spec. A 615. Deformed bars with minimum yield strength of 40,000 psi instead weld fabric to be 603.050, conforming to ASTM spec. 603.
6. Poured footing to be poured on level (less than 1 in 12o slope), stabilized soil.
7. Install backer on all foundation bolts.
8. Crawl space venting minimum 0.25 sq ft. for each 100 sq ft. of foundation area.

Metal:
1. Flashing to be 24 ga. 60 mil. down stands and beam caps to be 22 ga. 50 mil. metal.
2. Roofing connections to be Simpson Company, or approved equivalent, Simpson H to be used at each line to lap plate connection.

Framing:
1. Untaped plywood to be exterior grade CDX, 1/2" or edge. 1/2" in field.
2. All dimension lumber to be Douglas Fir-Larch, 2X4 standard or better all other 2X4 or better unless noted otherwise.
3. All wall to be double plated, and plated joints will not be less than 48" apart. Top plates of exterior portions shall be full the exterior wall plate.
4. Provide operable transom windows at every sleeping room with a minimum net clear opening of 5.1 sq ft. (framed floor egress window 5.1 sq ft.) located above height, 24" clear opening width. 30" minimum. 48" (W-20-03.2).
5. Level changes of entries to be minimum 1/2".
6. Exterior bearing wall headers to be 4" x 4" DL 1 w/ 2" rigid isolation.
7. Interior bearing wall headers to be 4" unless noted.
8. All pre-wiring for telephony, TV, stereo, etc. to be coordinated with owner.
9. RAW traces to be per manufacturers engineering specifications. These details to be provided prior to framing operation. RAW Tracing system to be certified to all spans.
10. Trusses shall not bear on interior partitions unless so designed.
11. Insulation baffles to be 1/2" CDX plywood (or approved equal), no felt paper allowed. Use scrap if available.

Thermal Protection-Optional at unconditioned spaces:
1. Insulation required as follows:
   a. Exterior walls R-22
   b. Roofing R-20
   c. Gables R-20 up to R-30 sloped (max 50% of floor area)
   d. Foundation walls R-20
   e. Foundation walls R-20
   f. Roof deck R-20
   g. R-20 on glass, R-20
2. 2.5 mm thick black polyethylene (reinforced) if under slab ground cover required at foundation.
3. Vapor barriers at exterior walls (one dry cup rating or less).
4. Doors and windows to be weather-stripped.
5. All windows, including skylights to be double glazed insulated glass, or equipped with storm windows, R-2 (double rated)

Finish:
1. All finishes to be identified by owner, including cabinets, doors, and finish in R-20.
2. Paint all exterior doors, windows, and horizontal wood trim as required.
3. Countertops to be well edged, and covered for use.
4. All open frames and glaze elements to be minimum 1/8" above garage floor.
5. The garage shall be completely separated from the residence and its attic area by means of type IV board or equivalent applied to the garage side. Where the separation is a floor-rating assembly, the structure supporting the separation shall be protected by type IV board or equivalent. R-20 (W-20-03.2)
6. Minimum bay width 8 ft. finish wall to finish wall. R-20 (W-20-03.2)
The fire department has reviewed both applications 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: Lynn Harrison <lharrison@oriontownship.org>
Sent: Tuesday, November 16, 2021 9:01 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, will you please look at these 3 cases for the ZBA. A response to this email would be sufficient.

Thanks,

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

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 9, 2021
SUBJECT: Staff Report for AB-2021-57, James Garris, 215 N. Conklin

This case was postponed from the 10/25/2021 ZBA meeting as the applicant was not available.

Please contact me if you have any questions.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 15, 2021

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

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

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

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

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 13, 2021

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

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

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

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

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

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

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

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

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

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

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

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

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

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

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

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

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

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

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

145
Charter Township of Orion Planning & Zoning
2525 Joslyn Rd., Lake Orion, MI 48360
P: 248-391-0304 ext. 5003; F: 248-391-1454

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

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

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

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

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

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

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

SUBJECT PROPERTY
Address: 215 N. Conklin Rd. Sidwell Number: 09-01-403-014
Total Acreage: Length of Ownership by Current Property Owner: 6 Years, 6 Months
Does the owner have control over any properties adjoining this site? NO
Zoning Ordinance Allowance/Requirement Deviation requested
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request: To be Allowed to Build the pool 10' from overhead Power lines and 13' from property line to the south 18'6" to the west Property line.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. I was told it's because I have 3 roads that surround my property, house address in on Canton Rd, road to the south is De Gaff Ct, and to the west is Orion Ter.

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

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: As far as I know no one else has a inground pool in the area.

5. Describe how the alleged practical difficulty has not been self-created. House was built in 1995 and I had no control of specs or location. I bought the house 2019.

6. The topography of said land makes the setbacks impossible to meet because: The size of the lot but the pool will be at lease 10' from any power line.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. I own DRS Pools and Install in 4 different counties and have never have run into a 30' setback most are 10' setbacks.
Case #: ____________________________

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

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

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

Signature of Applicant: ____________________________ Date: 9/21/21

Print Name: ____________________________

Signature of Property Owner: ____________________________ Date: 9/21/21

Print Name: ____________________________

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

OFFICE USE ONLY

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

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

Description of variance(s):
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Date Filed: ____________________________ Fee Paid: ____________________________ Receipt Number: ____________________________
2. No more than two (2) identifiable off-street parking spaces for shall be provided for employees, in addition to the two (2) required for the residence.

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

M. Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pool only allowed in rear yard - OK

Lot Coverage

<table>
<thead>
<tr>
<th>House</th>
<th>890</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porch</td>
<td>36</td>
</tr>
<tr>
<td>Deck</td>
<td>175</td>
</tr>
<tr>
<td>Garage</td>
<td>385</td>
</tr>
<tr>
<td>Pool</td>
<td>336</td>
</tr>
</tbody>
</table>

1,822 ft² OK
no main drains
skimmer suction
only pool elevation
704 12x24 vinyl liner pool

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

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

L. K. Dawley
236 Orion Terrace
MEMORANDUM

TO: ZBA Members
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 9, 2021
SUBJECT: 2022 ZBA Meeting Dates

I have reviewed the possible meeting dates for 2022 and the only possible conflict I see with the holidays and potential office closings is December 26, 2022. As of yet, I do not know what days the Township offices will be closed in observances the 2022 holidays. However, in the past, you have elected to only hold 1 meeting in December.

Please review the attached draft Resolution – you may either elect to act on it with a motion during this meeting or at the December 13th meeting.

Below are possible motions to approve:

To accept the 2022 ZBA meeting dates and to forward the Resolution to the Township Board as presented.

Or

To accept the 2022 ZBA meeting dates removing the December 26, 2022 date and to forward the amended Resolution to the Township Board.

Thank you,
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

2022 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 10, 2022 and ending on December 26, 2022.

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 Hall, 2323 Joslyn Road, Lake Orion, Michigan:

<table>
<thead>
<tr>
<th>Month</th>
<th>Date 1</th>
<th>Date 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>10 &amp; 24</td>
<td>July</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11 &amp; 25</td>
</tr>
<tr>
<td>February</td>
<td>14 &amp; 28</td>
<td>August</td>
</tr>
<tr>
<td></td>
<td></td>
<td>08 &amp; 22</td>
</tr>
<tr>
<td>March</td>
<td>14 &amp; 28</td>
<td>September</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 &amp; 26</td>
</tr>
<tr>
<td>April</td>
<td>11 &amp; 25</td>
<td>October</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 &amp; 24</td>
</tr>
<tr>
<td>May</td>
<td>09 &amp; 23</td>
<td>November</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14 &amp; 28</td>
</tr>
<tr>
<td>June</td>
<td>13 &amp; 27</td>
<td>December</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 &amp; 26</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.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: November 10, 2021
SUBJECT: Meeting Procedure

After reading the minutes from the October 25\textsuperscript{th} meeting and Ms. VanTassel’s comments about the procedure for recusing yourself from a case – I did some follow-up research.

A member should offer to recuse themselves from acting on a case if they feel there is a conflict of interest. A conflict of interest relates to: if you are the applicant, if the applicant is a relative, if your firm works for the applicant, or the applicant is a business associate. There has been some discussion on whether it is a conflict of interest if an applicant is a neighbor – I would suggest you disclose that and let the other members decide if you should be recused.

A motion should be made to recuse a member if members decide it is warranted they be recused.

Please contact me if you have any questions.