1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 11-22-2021, ZBA Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2021-63, Lifted Industrial Partners, 4611 Liberty Drive, 09-34-300-018
      The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned IP
      Article XVIII, Section 18.04
      1. A 22.5-ft. rear yard setback variance from the required 50-ft. for a structure (CO2 tank and
         shroud) to be 27.5-ft. from the rear property line.
   B. AB-2021-64. Kevin Dougherty (Storage Sense wall sign), 100 Premier Dr., 09-35-452-001
      The petitioner is seeking 1 variance from Sign Ordinance #153
      Non-Residential Wall Signs – Zoned IP
      1. A variance to allow 1 additional wall sign in addition to the 1 allowed for a total of 2 wall signs
         totaling 94.92-sq. ft.
   C. AB-2021-65, Shane Richardson, Vacant Parcel located directly behind 2701 Judah Road
      The petitioner is seeking 2 variances from Zoning Ordinance #78 – R-1
      Article VI, Section 6.04
      1. A 37-ft. front yard setback variance from the required 40-ft. to build a home 3-ft. from a private
         road (north).
      2. A 39-ft. front yard Setback variance from the required 40-ft. to build a home 1-ft. from a private
         road (west).
   D. AB-2021-66, Phillips Sign & Lighting (Oxford Bank Ground Sign), 1115 S. Lapeer Rd., 09-
      14-226-004
      The petitioner is seeking 1 variance from Sign Ordinance #153
      Non-Residential Ground Signs – Zoned OP
      1. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be
         0-ft. from the Road Right-of-Way.
      And seeking 1 variance from Zoning Ordinance #78 – Zoned OP
      2. A 30-ft. front yard setback from the required 30-ft. for a ground sign to be 0-ft. from the front
         property line.
   E. AB-2021-67, Anton Rozhanskiy, 592 Cushing St., 09-03-278-006
      The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned R-3
      Article VI, Section 6.04, Zoned R-3
      1. A 23-ft. front yard setback variance from the required 30-ft. to build a home with an attached
         garage 7-ft. from the front property line.
      2. A 2-ft. side yard setback variance from the required 6-ft. to build a home with an attached
         garage 4-ft. from the side property line (south).
      3. A 12.36% lot coverage variance above the allowed 25% for a total lot coverage of 37.36%.
6. PUBLIC COMMENTS
7. COMMUNICATIONS
8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT
In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, November 22, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

**ZBA MEMBERS PRESENT (Board Member Location):**
Dan Durham, Chairman
Don Walker, PC Rep to ZBA
Mike Flood, BOT Rep to ZBA
Tony Cook, Vice-Chairman
Diane Dunaskiss, Board Member
Tony Kerby, Alternate

**ZBA MEMBERS ABSENT:**
None

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

**OTHERS PRESENT:**
Barbara Schalk  Tim Petersen  Brian Luck
Mel Kendzierski  Richard Benoit  Tina Benoit
Dawn Wallin  Debbie Wylin  Sue Kepsel
Meg Galuaidi  Rick Knoth  Joe Fleming
Matt Knoth  Andy Solina  Seam Audish

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

**2. ROLL CALL**
As noted

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

Moved by Board Member Walker, seconded by Chairman Durham, to approve the minutes as presented. **Motion carried.**

B. 10-11-2021, ZBA Regular Meeting Amended Minutes

Moved by Board Member Walker, seconded by Chairman Durham, to approve the minutes as presented. **Motion carried.**

**4. AGENDA REVIEW AND APPROVAL**

Moved by Board Member Dunaskiss, seconded by Trustee Flood to approve the agenda as presented. **Motion carried.**

**5. ZBA BUSINESS**
A. AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs), 3901 S. Lapeer Road, 09-26-452-017

Chairman Durham read the petitioner’s request as follows:

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.

Board Member Walker moved, and Trustee Flood supported, to move Item A, Fastsigns, to the last item under New Business to allow the petitioner time to present at this meeting.

Motion carried.

B. AB-2021-55, Tim Petersen, Vacant Parcel, #09-20-256-012, East of 2585 Browning (postponed from 10/11/2021 Meeting)

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78

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

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

Mr. Peterson introduced himself to the Board. He summarized the changes that he made since the last meeting and the variances requested.

Chairman Durham asked about the statement asking if the Board would approve something that was on a plat from 1979 recorded deed. He asked if this falls into the request for variances. If the petitioner is successful with the variances, would he be successful with everything.

Mr. Peterson replied that he thinks so. He is asking for less now.

Chairman Durham asked the petitioner if he thinks the neighbors that were here before are still opposed.

Mr. Petersen explained his interaction with the neighbors.

Chairman Durham stated that the Board isn’t here to say what the house should look like; they are here to look at the boundary lines that exist on the property.

Vice-chairman Cook agreed with Chairman Durham. The Board is looking at the rules of the zoning and the covenants are a separate matter since they consider the Township’s zoning only. He asked about the petitioner’s comment that he is not going to build now. The Board is being asked to vote on something that the petitioner is not going to do.

Mr. Petersen stated he has not decided for sure.
Vice-chairman Cook asked if the petitioner wanted the Board to vote on what was presented.

Mr. Petersen replied yes.

Chairman Durham asked if the variances being asked for are the same as the last meeting.

Mr. Petersen replied yes.

Board Member Kerby confirmed that they are.

Building Official Goodloe stated that the covenant that the petitioner referred to in his presentation is the Master Deed of the plat from 1979. He stated that the petitioner may want to ask an opinion as to whether or not this Master Deed was approved by the Township. He explained how the setbacks were described in the covenant.

Mr. Petersen commented on the setbacks of other houses in the neighborhood.

Board Member Kerby stated that he would like to request that they get a legal opinion as to whether the setbacks are binding or whether they use current Township ordinances.

Chairman Durham stated that this would push it back.

Building Official Goodloe stated that if they find that the Master Deed is binding then the variances being asked for are irrelevant because they are all in compliance of the deed. This is why Mr. Petersen is asking for a vote tonight and then he will follow up.

Mr. Petersen agreed.

Board Member Walker stated that he doesn’t understand what this has to do with the third request for a variance. The Board doesn’t need a legal opinion on this request.

Board Member Kerby stated that he would request a legal opinion on the setbacks only, not the third request.

Chairman Durham stated that when the Township attorney comes back with his opinion, they would have a hard starting point.

**Board Member Kerby moved, and Chairman Durham seconded, that the Board asks the Township Attorney to look at the Master Deed and render his opinion on the deed restrictions and how it applies to this case.**

Board Member Walker suggested that they ask for public opinion.

A resident asked if they could address the third variance request. She provided history on her case with the Zoning Board regarding extending their sun porch in which they were denied because the square footage would exceed the amount for their lot.

Dawn Wallen stated that she opposes the third variance request because it is too large for the neighborhood.

Barb Schalk stated that she submitted a four page speech at the last meeting. She is opposed to the variance request. She did submit information regarding the houses that make up sub #7 and the years that they were built. She also summarized how many three car garages and she provided details on the garage sizes in the neighborhood.
Rick Knoth asked about the variance request that is next on the agenda as compared to the lot size and variance request being requested by Mr. Petersen. He has never seen a garage with four double sized doors. This variance request for the accessory structure will not fit the neighborhood.

Chairman Durham suggested that they split the variance requests, the setback request and the size request. He asked if the petitioner will have to come back for the size variance request once the attorney’s opinion comes back.

Board Member Kerby stated that they could vote on the third variance request which is the accessory building size but he doesn’t know if they are allowed to.

Trustee Flood stated that his experience has been if the applicant wants to remove something, this is up to the applicant, not the Board.

Board Member Walker agreed.

Trustee Flood stated that he heard the applicant ask for a vote on what is being presented but there is a motion on the floor.

Chairman Durham stated that he is concerned about getting an attorney’s opinion on the first two variances and not hearing again about the size of the garage. This needs to come back to the Board unless it is going to be voted on tonight.

Building Official Goodloe stated that he would refer to the applicant as to whether or not he wants to remove it.

**Roll call vote was as follows:** Durham, yes; Cook, no; Flood, yes; Kerby, yes; Walker, no. Motion passes 3-2.

Chairman Durham stated that they still have the size issue to deal with.

Board Member Kerby stated that they can vote on the third request and the petitioner can wait on the legal opinion regarding the first two.

Board Member Walker stated that it is up to the petitioner

Mr. Petersen stated that the building cannot be built without the variances

Board Members explained the options to Mr. Petersen.

Building Official Goodloe stated that they can have the attorney’s opinion back by January 10, 2022.

**Board Member Kerby moved, Board Member Walker supported, to postpone Case # AB-2021-55, Tim Petersen, Vacant Parcel, #09-20-256-012, East of 2585 Browning to a date certain, January 10, 2022.**

**Roll call vote was as follows:** Durham, yes; Cook, no; Flood, yes; Kerby, yes; Walker, yes. Motion passes 4-1.
C.  AB-2021-61, Tyler Downie, 4745 Jamm Rd., 09-33-426-017

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-3

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 10-ft. 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.

Mr. Downie introduced himself to the Board and summarized the variance request. The request is primarily to keep the neighbor’s dogs in their own yard and out of the subject property.

Chairman Durham asked how the neighbors feel about the fence.

Mr. Downie stated that he talked to them about it and they were supportive.

Chairman Durham asked how tall the gate is next to the garage.

Mr. Downie replied he does not know.

Chairman Durham stated that if the gate stays there, no one will see the fence.

Board Member Walker asked if the petitioner had reported any of the dog incidents to animal control at the Township.

Mr. Downie replied no.

Chairman Durham stated that the Board hears these requests often. He asked if any other measures, like underground fences, have been looked at. He asked how many dogs the neighbors have.

Mr. Downie replied two and they are Rottweilers.

Chairman Durham stated that there are other ways to fix this but he understands how calling animal control affects the neighborhood.

Board Member Dunaskiss stated that there are wireless systems that do not require installation to prevent animals from leaving their property.

Board Member Walker stated that he could put up a four-foot fence without going in front of the Board.

Mr. Downie stated that there is already a four-foot fence and the animals jump it.

Board Member Walker stated that he could also move a fence of this height off of the property line but the petitioner does not want to do that.

Vice-chairman Cook stated asked if the neighbors installed the existing chain link fence.

Mr. Downie stated that he moved in earlier in the year and it was existing.

Vice-chairman Cook asked if the neighbors were okay with him taking it down.

Mr. Downie replied that he talked to the neighbors and they were okay with taking it down.
Vice-chairman Cook asked about the fence on the northern side of the lot. He asked if the petitioner thought about cutting the poles off and making it neater.

Mr. Downie stated that it was existing.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Vice-chairman Cook asked why the petitioner did not report the animal incidents.

Mr. Downie stated that they like their neighbors and they like the dogs; they just don’t want them in their yard. He has a Great Dane and Lab mix dog.

Vice-chairman Cook asked if there had been any other incidents besides the occasional dog incidents.

Mr. Downie stated that his dog does not get along with other dogs so that is why it is an issue for the other dogs to come into his yard. He cannot let his dog out in the backyard because there is the chance that the other dogs might jump the fence.

Board Member Walker moved, and Trustee Floor supported, in Case # AB-2021-61, Tyler Downie, 4745 Jamm Rd., 09-33-426-017 that the petitioner’s request for two variances from Zoning Ordinance #78 – Zoned R-3 Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) for: 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) and 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 and that they set forth facts in this case that show:

1. There is no practical difficulty. The petitioner has indicated that there have been no incidents with the dogs next door. Practical difficulty goes to the fact that there is nothing particular to this property and is like every other property in this Township. Every neighbor could have a dog that they are not fond of, but this does not meet the practical difficulty and the granting of this variance would be detrimental to the public welfare for that reason.

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

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

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 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.

Mr. Brian Luck introduced himself and summarized the variances requested. He explained the construction of the proposed accessory building.

Chairman Durham stated that he understood the comments about the neighbors behind him. He asked about the obligation of taking care of the private road.

Mr. Luck explained how the neighbors all share the responsibility of this road area.
Chairman Durham asked what type of equipment the petitioner has that he needs to store.

Mr. Luck explained all of the equipment that he currently has and wants to store in the proposed building.

Trustee Flood stated that the area is just over one acre. There is no setback requirement. The lot coverage is acceptable so there are two variances being requested. He doesn’t see these variances as being overbearing and he understands the practical difficulty as taking care of his one acre and also maintaining the section of a private road. He confirmed that the petitioner is tearing down an existing 400 square foot shed.

Mr. Luck explained that the shed was only 8’ X 10” and he is planning to give it to his neighbor if that is allowed.

Building Official Goodloe confirmed that anything under 200 square feet does not require a permit.

Trustee Flood confirmed that the 400 square feet wasn’t in the calculations for square footage allowed.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Board Member Dunaskiss moved, and Trustee Flood supported, in Case # AB-2021-62, Brian Luck, 190 Eastview St., 09-12-201-028 to approve the petitioner’s request for two variances from Article XXVII, Section 27.02(A)(8) – Lot Size 1 to 2.5 Acres for: 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 and 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. The petitioner did demonstrate that the following standards for variances have been met in this case and that they set forth facts in this case that show in this case:

1. The petitioner does show the practical difficulty of safely and properly storing machines necessary to maintain his property, the private road that he lives on, and to assist neighbors in those efforts.

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 large piece of property that does require a great deal of equipment for maintenance and the private road does need to be maintained by the residents in the area.

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.

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

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

It is understood that as part of this approval, the existing shed will be removed.
Roll call vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

E. AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014
(postponed from 10/25/2021 Meeting)

Chairman Durham 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.

Board Members discussed that the petitioner asked for another postponement to January 10, 2022.

Chairman Durham stated that he will not be at the January meeting and will not vote.

Trustee Flood moved, and Board Member Kerby supported, that Chairman Durham will be recused from Case #AB-2021-57 at Chairman Durham’s request.

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

Trustee Flood moved, and Board Member Kerby supported, to postpone Case #AB-2021-57, James Garris, 215 N. Conklin Road, 09-01-403-014 at the petitioner’s request to January 10, 2022. The Chairman has been recused formally from addressing this case.

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

F. AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs), 3901 S. Lapeer Road, 09-26-452-017

Chairman Durham read the petitioner’s request as follows:

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.

Mr. Sean Audish introduced himself to the Board as being the owner.

Chairman Durham stated that the building is set at an angle and the roads run across. He is asking for extra signage because there are so many sightlines, the petitioner wants the signage to be able to be seen from whatever angle it is seen from.

Mr. Sean Audish commented on the shape of the building and the location on the corner. It is an on-street sign. The signs are separated into individual signs instead of cramming everything onto one sign. He stated that this is the same setup that they have at the Rochester Hills location. It doesn’t look cluttered or has too many signs but makes sense for the location and shape of the building. There will be no additional signage on the building or the windows.

Chairman Durham stated that it is important that motorists do not get confused at the intersection.
Trustee Flood pointed out that there are two entrances for this location and the location is at an angle.

Mr. Audish stated that if they did not have signage facing Silverbell, motorists would never know the location and the fact that they carry liquor, wine, and beer.

Trustee Flood reiterated that the hardship was the location and the speed of the traffic traveling on M-24. The total of the signage is still less than 100 square feet.

Board Member Walker asked what the signs would say.

Mr. Audish provided prints showing the proposed signage to the Board Members.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Board Member Dunaskiss asked if there would be future tenants in the building.

Mr. Audish stated that there could be a future tenant in the drive-thru and they would need additional signage too. He stated that they would need to come back to the Board at that point.

Vice-chairman Cook asked if this petitioner would be coming back to the Board.

Mr. Audish replied that there is 3000 square feet of additional tenant space for a drive-thru.

Vice-chairman Cook commented that none of the signs say “gas” even though this is a gas station.

Mr. Audish replied that the gas prices are on the street sign; he doesn’t put this on the building.

Vice-chairman Cook asked the petitioner if he owned that gas station that was there before.

Mr. Audish replied yes.

Vice-chairman Cook stated that the petitioner said he wasn’t going to be putting signage on the windows; the station prior had lots of things on the windows.

Mr. Audish stated that this is because they outgrew the space. They only did that to hide the shelving.

Board Member Dunaskiss asked if the drive-thru was going to be food.

Mr. Audish replied yes.

Vice-chairman Cook stated that he drove around the building picturing where the signs were going to be. He thinks the signs on the side are a little too much. The most advantageous sign is on the M-24 sign with the one on Silverbell not needed because motorists could clearly see it while approaching. He is not approving the signs that say liquor.

Board Member Walker stated that the signs are to get the motorists in the first time. Once they visit the store, they know they sell liquor.

Mr. Audish replied that most people look for liquor signs to know if the store has it or not. It was important to have at the Rochester site because they didn’t have liquor signs for an extended period.

Vice-chairman Cook asked the petitioner asked where the proposed signage for the drive-thru restaurant go.
Mr. Audish explained where the proposed signage would go for the restaurant and he provided drawings. He added that signs showing that they have craft beer and fine wines are needed for the business and he explained why.

Vice-chairman Cook asked if the petitioner would amend his request to eliminate the liquor signs on the sides.

Mr. Audish replied no.

Board Member Walker stated that they are now talking about five signs with another two signs for the drive-thru. This would be seven signs for the building.

Chairman Durham asked if this petitioner would come before the Board for the drive-thru signs or would it be the tenant.

Mr. Audish replied he didn’t know.

Vice-chairman Cook commented that he is looking at the total of the signage after the drive-thru signage gets added and that is why he asked if the petitioner would amend his request.

Mr. Audish replied that the signs on the side are more important than the ones in the front.

Chairman Durham commented on whether or not the Board should even look at possible signs in the future.

Board Member Walker stated that he asked because he sees that coming. He would be reluctant to grant this request and then grant two more at a future date.

Vice-chairman Cook commented that he brought it up to see if the petitioner would amend his request knowing that that future request was coming.

Trustee Flood moved, and Chairman Durham seconded, in the matter of Case # AB-2021-60, Fastsigns of Birmingham (Silver Spruce wall signs), 3901 S. Lapeer Road, 09-26-452-017 that the petitioner’s request for 1 variance from Sign Ordinance #153 – Zoned PUD Section 7, Non-Residential Wall Signs for 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 and that they set forth facts which show that in this case:

1. The petitioner does show the following practical difficulty: due to the characteristics of the property, this being a newly approved building on a major congested area in the Township along M-24 (Lapeer Road) and Silverbell Road.

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 petitioner is requesting 5 total signs totaling 98.23 square feet where the ordinance allows up to 200 square feet.

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: along this stretch of M-24 the signage is necessary with a set speed limit in this area that it is a safety concern that people can see this signage as they travel down this road.

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the following findings of fact regarding the location as previously stated.
5. The granting of this variance will not impair an adequate supply of light and air to the adjacent property, it would not unusually increase congestion on the public streets, in fact, it would probably decrease congestion knowing where the traffic is going to see this new business. There is also not going to be an increase of fire, or endanger of the public safety, and is not going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impact the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Roll call vote was as follows: Cook, no; Flood, yes; Dunaskiss, no; Durham, yes; Walker, no. Motion fails 3-2.

Trustee Flood asked why the signage isn’t approved through the PUD process and part of the PUD agreement.

6. PUBLIC COMMENTS

Tyler Downie asked why his case was denied.

Chairman Durham explained the Board’s position and how practical difficulty was determined.

Board Member Dunaskiss commented on this situation with the dogs.

Building Official Goodloe stated that the petitioner should have brought up that he does not have 10 foot on this side to put up a fence 10 foot from the line.

Mrs. Downie asked if they were allowed to appeal the decision of the Board.

Trustee Flood answered yes in Oakland County Circuit Court.

7. COMMUNICATIONS

A. Date Certain Memo

Chairman Durham stated that the memo from the Zoning Department regarding the dates for the meetings in 2022 only showed one possible conflict and this was December 26, 2022. The recommendation is to only have one meeting in December 2022.

Trustee Flood moved, and Vice-chairman Cook seconded, to accept the 2022 ZBA meeting dates removing December 26, 2022 date and to forward the amended resolution to the Township Board.

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

Chairman Durham commented on the language required to recuse himself from a case and he commented that this language will be used.

Chairman Durham informed the Board Members about a holiday get-together on December 8, 2021.

8. COMMITTEE REPORTS

None

9. MEMBERS’ COMMENTS

Trustee Flood wished everyone a Happy Thanksgiving.
Chairman Durham thanked the Board for their continued support.

10. ADJOURNMENT

Moved by Trustee Flood, seconded by Chairman Durham to adjourn the meeting at 8:44 pm.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 1, 2021

SUBJECT: Staff Report for AB-2021-63, Lifted Industrial Partners

This project was denied by the Planning Commission at its October 20, 2021 meeting as the structure does not meet the required 50-ft. rear yard setback.

Per the Planning Commission motion, if the ZBA grants the setback deviation, the site plan will be deemed approved.

Included in the packet is the October 20, 2021 meeting minutes and the Planner’s Review for this project which notes the setback deviation.

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: December 1, 2021
RE: AB-2021-63, Lifted Industrial Partners, 4611 Liberty Drive, #09-34-300-018

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-2021-63, Lifted Industrial Partners, 4611 Liberty Drive, #09-34-300-018 I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned IP

Article XVII, Section 18.04

1. A 22.5-ft. rear yard setback variance from the required 50-ft. for a structure (CO2 tank and shroud) to be 27.5-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:
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-2021-63, Lifted Industrial Partners, 4611 Liberty Drive, #09-34-300-018, I would move that the petitioner’s request for:

1. variance from Zoning Ordinance #78 – Zoned IP

Article XVII, Section 18.04

1. A 22.5-ft. rear yard setback variance from the required 50-ft. for a structure (CO2 tank and shroud) to be 27.5-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 - 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: LIFTED INDUSTRIAL PARTNERS, LLC

Address: 155 ROMEO RD., SUITE 300 City/State/Zip: ROCHESTER, MI 48307

Phone: 248-650-9850 Cell: 248-909-7697 Fax: 

Email: JEFF.SCHMITZ@JSCAPITOL.COM

PROPERTY OWNER(S)

Name(s): LIFTED INDUSTRIAL PARTNERS, LLC

Address: 155 ROMEO RD., SUITE 300 City/State/Zip: ROCHESTER, MI 48307

Phone: 248-650-9850 Cell: 248-909-7697 Fax: 

Email: JEFF.SCHMITZ@JSCAPITOL.COM

CONTACT PERSON FOR THIS REQUEST

Name: JEFF SCHMITZ Phone: 248-909-7697 Email: JEFF.SCHMITZ@JSCAPITOL.COM

SUBJECT PROPERTY

Address: 4611 LIBERTY DR., LAKE ORION, MI 48360 Sidewell Number(s): 09-34-300-018

Total Acreage: 2.993 Length of Ownership by Current Property Owner: 1 Years, 0 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. The request involves the addition of a 14’ x 14’ reinforced slab and ~ 18’ ft. high x 36 dia CO2 tank within the 50’ rear (North) set back (27’-6”).

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. Based on required accessibility from service vehicles and building parking the proposed location provides the least obtrusive access point.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. This location is strategically placed allowing safe point for service/filling while also blocking views toward the required infrastructure.

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

Similar to the neighboring "Society C' building the CO2 unit will be located at the rear of the building behind compliant dumpster enclosure.

5. Describe how the alleged practical difficulty has not been self-created. With associated piping radius and associated drive aisles, front/side setback criteria this proposed rear location coincides with parking area in set back.

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. The CO2 apparatus is a key component to the confirmed cultivation process/typology which would be adversely affected without the specific infrastructure.
Case #: ____________________

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

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

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

Signature of Applicant:
(must be original ink signature) ______________________ Date: 10/28/2021

Print Name: __________________________

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

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

Print Name: __________________________

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date Filed: ____________________ Fee Paid: ____________________ Receipt Number: ____________________
Section 18.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)

Please see the chart in Section 18.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>Item</th>
<th>IP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>50 ft. *</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>20 ft. on each side *</td>
</tr>
<tr>
<td>Minimum Lot Area for Total Industrial Park</td>
<td>20 acres</td>
</tr>
<tr>
<td>Minimum Lot Area for Each Principal Structure or Use Within Industrial Park</td>
<td>2 acres</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
</tr>
<tr>
<td>Maximum Heights of All Structures</td>
<td>40 ft. *</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

* Within the Lapeer Road Overlay District, building height shall not exceed fifty (50) feet. However, if a building exceeds forty (40) feet in height, rear yard and side yard setbacks shall increase by ten (10) feet for a total of thirty (30) feet side yard and sixty (60) feet rear yard. *(amended 02.01.16)*
CHAIRMAN TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING, OCTOBER 20, 2021

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to approve the agenda as presented. Motion carried

Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-78, The Woodlands Planned Unit Development (PUD), located on a vacant parcel located east of 310 Waldon Road, Sidwell #09-23-351-024. The applicant Detroit Riverside Capital is proposing to rezone the property from Suburban Estates (SE) & Single Family Residential-2 (R-2) to Planned Unit Development (PUD) to construct a 190 multi-family unit development, at 7:08 pm and closed the public hearing at 8:41.

Chairman Reynolds then opened the public hearing for PC-2021-78, public hearing for PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance, #78, Industrial Park (IP), Article 18, Section 18.01 – Land Uses, at 8:44 pm and closed the public hearing at 8:46 pm.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
None

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2021-79, Lifted Industrial Site Plan Modification, located at 4611 Liberty Dr., (parcel 09-34-300-018).

Chairman Reynolds asked the applicant to make a brief presentation and to state their name and address for the record.

Mr. Ron Rader, 3009 Grand Park, Rochester Hills, represents TDG Architects, the architects on record for the Lifted Industrial Partner project.

Mr. Rader said they were there to request assistance from the Planning Commission to consider the addition of some infrastructure that is key to the operations of the Lifted Industrial project. What they are looking at is basically adding in some CO2 equipment that will assist in the cultivation activities for the program.

Mr. Rader showed them a site plan amendment review that they received from Giffels Webster. He stated that the project is in compliance with all aspects of the overall review that was submitted on October 14, 2021, and it was recommended that they come before the Planning Commission to request assistance with the introduction of a 14x14 footpad that would house a CO2 tank within the 50-ft. setback at the back of the property.

Mr. Rader said that they have added in a dumpster that is compliant, they have added in the pad for the potential future use of a generator, these provide strategic blockers to what would become the CO2 tank infrastructure that then services the adjacent building.

Mr. Rader noted that the pad itself is still 27-ft. 6-inches off of the subsequent lot line, looking toward the north. To the north of them is an existing cannabis grow facility and their parking lot.
and their dumpster are in the same location to the northwest of where they plan on placing this unit.

Mr. Rader stated that they already have adjacent parking in the setback area. The location of this is key for the service team that will come and fill the unit, which would typically be done after hours so that they can use these parking spaces to fill it and this location works out very well for them.

Planner Arroyo read through his review date stamped received October 14, 2021.

Chairman Reynolds said that the motion could be to deny with conditional approval based on receiving a variance from the Zoning Board of Appeals.

Chairman Reynolds noted that they did have one review from the Fire Marshal who recommends approval without any additional comments.

Commissioner Brackon asked why wasn't this considered in the initial plans? Mr. Rader said based on the type of cultivation that the team was doing, they weren't sure exactly what infrastructure would be required. Once they brought the grower on board this came to light, so this was added as part of the cultivation program.

Commission Brackon said nothing changed, was it just missed, or not pondered? Mr. Rader said it wasn't necessarily missed it was just an item that was added as part of the type of grow that is going to be taking place within the facility.

Chairman Reynolds asked if this was being placed in the rear based on space, mitigating, safety, risk, or regulation? Mr. Rader said it is being placed in the rear based on space and also providing the least possible obstruction to any of the view corridors to the site. They wanted it to keep it as far from the street views as possible.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission since this does require action by the Zoning Board of Appeals they have no alternative but to deny the site plan approval for PC-2021-79, Lifted Industrial Partners, LLC, Site Plan Modification, located at 4611 Liberty Dr. (parcel 09-34-300-016) for plans date stamped received 9/23/2021 denial is based on the following reasons: that the plans show a structure within the required 50-ft. rear yard setback; the concrete pad with the CO2 tank; however if the variance is received from the Zoning Board of Appeals then the plan would be deemed approved as submitted this evening and plans date stamped 9/22/2021.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Gingell, yes; Brackon, yes; Reynolds, yes. Motion carried 7-0.

8. UNFINISHED BUSINESS

Chairman Reynolds stated if the applicant would like to make a presentation, state your name and address for the record

Mr. Jeff Klatt with Kreger Klatt Architects 2120 E. 11 Mile Royal Oak.

Mr. Klatt stated that he was here with the owner/developer Jeff Schmitz with JS Capital.
October 13, 2021

Orion Township Planning Commission
2525 Joslyn Road
Lake Orion, MI, 48360

Site Plan Amendment Review
Lifted Industrial

Case Number: PC-2021-79
Address: NW corner of Liberty Drive
South @ Astra Ct.
Parcel ID: 09-34-300-018
Applicant: Jeff Schmitz

Approved Plan: 06/28/2021
Revised Plan: 09/01/2021
Reviewer: Matt Wojciechowski
Rod Arroyo

Summary of PC-2020-39

March 10, 2021 PC Motion Review: Giffels Webster reviewed plans dated 02/18/2021, which were submitted to address comments from the PC motion that were required to be addressed before approval. Those plans were complaint and approval was granted, as all PC conditions were met.

Our responses to each requested revision, based on the letter submitted TDG Architects on 09/21/2021, are as follows:

Summary of site plan review amendments:

1. Marijuana Facilities. The applicant stated at the 12/26/2020 PC meeting that the development would be in compliance with all Medical Marijuana location requirements (Ordinance No. 154), which was reviewed and approved by the attorney.

   Planner Comments: The applicant has confirmed that none of those conditions have been altered, and the site remains in compliance; this standard is met

2. Lot coverage. The total building coverage has been added to the site plan indicating complaint with the 35% maximum (33% provided)

   Planner Comments: This standard is met

3. On-site parking. Parking space length and widths have been added to confirm angled (one way) parking aisle along the north side of the site is complaint

   Planner Comments: The parking spaces are complaint. We also note that one space was removed, and the site remains complaint in regards to required parking (53 required vs. 55 proposed).
4. **Dumpster enclosure.** A dumpster enclosure had been provided outside the building in the northwest corner of the site. The previous plans included an indoor dumpster. The materials, 8” split face block, will match the building materials.

**Planner Comments:** The proposed dumpster enclosure is compliant.

5. **Concrete pad.** A 7'-6” x 17'-2” concrete generator pad is proposed in the northwest corner of the parking lot adjacent to the dumpster.

**Planner Comments:** The applicant should provide the dimensions of any equipment proposed on this pad.

6. **Concrete pad (2).** A 14’ x 14’ reinforced concrete pad to support an 18’ tall CO2 tank and shroud (19’) is proposed approximately 27’ 6” away from the rear (north) property line.

**Planner Comments:** The location of all accessory structures shall be shown on the site plan submitted to the Planning Commission for approval. **The applicant should add the setback measurement to the proposed structure to the site plan.** The proposed equipment is considered a structure and is required to meet the rear yard setback of 50’. A **dimensional variance is required to permit the structure in the proposed location.**

**Summary**

The proposal to locate the CO2 tank and shroud in the required rear yard require a variance from the ZBA. The dimensions and setbacks of the structure should be added to the site plan.

Respectfully,

Giffels Webster

[Signatures]

Rodney L. Arroyo, AICP

Matt Wojciechowski

www.GiffelsWebster.com
Narrative

Date: 9-21-2021
To: Charter Township of Orion Planning Department
From: Ron Rader - TDG Architects
CC: Jeff Schmitz – Lifted Industrial Partners
TDG Project Name: Lifted Industrial Partner’s Facility
TDG Project #: 20-127

Site Plan Approval Submittal - Revised Narrative for Lifted Industrial Partner’s Cultivation Facility:

The following information provides a secondary, revised overview of the proposed new construction that Lifted Industrial Partners (LIP), LLC is planning for the LIP Brand in Orion Township, Michigan. This uniquely designed building will provide an enhanced cultivation experience for the expanding cannabis/marijuana industry. With consideration of the adaptation of the cultivation facility being integrated into the existing Liberty Industrial Park, this newly constructed facility will further enhance the Charter Township of Orion’s efforts further enhance the associated approved zone and increase the industrial base.

This document will serve as a supplemental submittal to the original Site Plan Approval provided back in February for the Lifted Industrial Partners Project. The Lifted has requested the integration of CON2 Equipment (being provided by Air Gas Systems), the along with the relocation of a six-yard dumpster to the northwest corner of the property. The LIP Team would also like to alter a portion of the parking lot to potentially accept a generator system at a later date. A concrete pad is proposed for this alteration. Lastly, the Lifted Team has made final selection of the HVAC system through a specialized contractor. The drawings have been updated to reflect the revised RTU systems and associated shrouds.

The collective team supporting the Lifted Industrial Partners Cultivation looks forward to the strong collaboration with the Charter Township of Orion, Fire Marshal, and the associated agencies. We welcome your review and any associated feedback/guidance that the Orion Township Planning can offer.

Associated Conditional SPA Document Enhancements (Resubmittal Dated 9/21/21) include the following:

Giffels Webster
1. Marihuana Facilities – Conditions of Ordinance 154 Met on Documents – Including:
   Zoning Compliance, setbacks, drive aisle widths, turning radius for service vehicles, etc.
2. Lot Coverage – Indicated on Site Plan (33% out of possible 35%)
3. Onsite Parking – 55 Spaces Provided, 53 Required (Angled at north based on one way traffic). Continuous curbs have been confirmed within the Civil Package.
4. Dumpster Enclosure shifted to exterior of Building located at Northwest Corner of Site/Drive Area.
5. Lifted Industrial Partners to provide performance guarantee prior to permitting.
6. Concrete pad added to “Future-proof” building with consideration of potential future integration an industrial generator system (Diesel with Belly Tank would be a consideration in the Future)
7. Added 14' X 14' concrete pad to accommodate CO2 Tank system and pump apparatus. Bollards and a contractor provided shroud / access gate to be included to extend 1'-0" above tank.
8. Updated RTU Sizing and shrouds indicated on plan to extend 1’ above roof top HVAC units and match metal system of pre-engineered building

**OHM**
1. No Action Required

**RCOC**
1. No Action Required

This included summary covers the modifications to the associated revised SPA package. Enhancements have been provided based on the request from the Lifted Industrial Team. This document will also serve as a sworn statement that no additional modifications other than those outlined in this scope have been included in the revised submittal package. The collective team appreciates the consideration and guidance coming from Orion Township Planning Authorities. The Lifted Industrial Partners Team looks forward to the final administrative approval to move on to the next phase of the project.

Ron Rader
79 Oakland Avenue
Pontiac, Michigan 48342
(248) 874-1420 ext. 222
www.TDGArchitects.com
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: December 1, 2021
SUBJECT: Staff Report for AB-2021-64, Kevin Dougherty (Storage Sense)

The applicant is asking for an additional wall sign on the southwest corner of the building (noted as “2 Channel Letters” on the Site Map). This building was formerly Premier Storage and had signage in that location.

Research could not find where a variance was ever granted for Premier Self Storage to have 2 wall signs.

Also, the applicant did receive approval for the window signage – they were replacing what was already there with new. Window signs are permitted as long as they do not exceed 25% of the total window and door area on the front façade of the building.

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: December 1, 2021
RE: AB-2021-64. Kevin Dougherty (Storage Sense wall sign), 100 Premier Dr., 09-35-452-001

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

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

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

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-2021-64, Kevin Dougherty (Storage Sense wall sign), 100 Premier Dr., 09-35-452-001, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153

Non-Residential Wall Signs – Zoned IP

1. A variance to allow 1 additional wall sign in addition to the 1 allowed for a total of 2 wall signs totaling 94.92-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-2021-64. Kevin Dougherty (Storage Sense wall sign), 100 Premier Dr., 09-35-452-001**, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153

Non-Residential Wall Signs – Zoned IP

1. A variance to allow 1 additional wall sign in addition to the 1 allowed for a total of 2 wall signs totaling 94.92-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, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Zoning Board of Appeals

Application for Appeal - 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: Kevin Dougherty

Address: 8720 W. Nine Mile Rd

City/State/Zip: Oak Park, MI 48237

Phone: (248) 532-0013

Cell: ___________________________ Fax: ___________________________

Email: kevin@salientsignstudio.com

PROPERTY OWNER(S)

Name(s): Rick Schontz

Address: One Presidential Blvd., Ste. 201

City/State/Zip: Bala Cynwyd, PA 19004

Phone: (610) 664-1496

Cell: ___________________________ Fax: ___________________________

Email: ___________________________

CONTACT PERSON FOR THIS REQUEST

Name: Kevin Dougherty

Phone: (248) 532-0013

Email: kevin@salientsignstudio.com

SUBJECT PROPERTY

Address: 100 Premier Dr, Orion Charter Township, MI 48359

Sidewell Number(s): 09-35-452-001

Total Acreage: 2.4

Length of Ownership by Current Property Owner: 0 Years, 1 Months

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

Ordinance Allowance/Requirement: 1 Wall Sign

Deviation requested: 1 Additional Wall Sign

List additional ordinance requirements and deviations on a separate page

Case #: _______________
1. Describe the nature of the request. 1 additional wall sign.

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 front entrance sits at an angle to the road. The main sign is above the front entrance doors making it completely hidden from traffic travelling northbound.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: The property already has two wall signs. We are asking to replace what is already there with a new business name.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: We do not have a monument sign at this property. We would forgo a monument sign in place of a second wall sign keeping the property consistent with 2 total signs, the same as all other businesses in the area.

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

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. Strict compliance will create a potentially dangerous situation for drivers attempting to locate the business. They would not be able to identify the business until they were on top of the hill.
8. Have there been any previous appeals involving this property? If so, when? Unknown

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: 11/8/2021
(printed ink signature)  Kevin Dougherty

Print Name: __________________________

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

Signature of Property Owner: __________________________  Date: 11/4/2021
(must be original ink signature)  Richard Schontz

Print Name: __________________________

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Date Filed: __________________________  Fee Paid: __________________________  Receipt Number: __________________________
Non-Residential Zoned Areas

Wall Signs

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

EMC signs are not permitted in wall signs.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>BIZ Use Groups</th>
<th>SP-1/SP-2</th>
<th>REC-1/REC-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10% of the façade area on which the sign is to be placed, or 200 sq. ft. per establishment whichever is less.</td>
<td>40 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Footnotes</td>
<td>4, 8</td>
<td>4, 8</td>
<td>4, 8</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4, 8</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

* Note Wall signs are not permitted in RFY

4 Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:
   a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
   b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
   c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of “Sign Area” in Section 3.

8 Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.
PERMIT PACK - CHANNEL LETTER SET 2

New Material + Installation Method

Storage Sense

Proposed Signage

Existing Signage

New Size: 34" H x 20" W - 47.45 Sq Ft

New Artwork

Original Material: Individually Mounted Channel Letters

Original Size: 44" H x 16.7" W - 49.5 Total Sq Ft

Raceway mounted channel letters, installed on wall.
Client: Storage Sense
Location: 100 Premier Dr, Ocean Charter Township, MI 48359
Designer: Jessica Johnson

PERMIT PACK - Channel Letter Set 1

3543.8 Sqft
136.3W
26.0H

NEW SIZE: 34.0H x 20.1W - 47.46 Sqft

Storage Sense

PROPOSED SIGNAGE
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: December 2, 2021
SUBJECT: Staff Report for AB-2021-65, Shane Richardson, Vacant Parcel on Judah

The applicant owns the property directly behind 2701 Judah Road. To develop the property, a private road needs to be put in from Judah Road through 2701 Judah Road to the applicant’s property ending in “T” turnaround.

Once that private road is installed, the applicant’s proposed home will need the requested variances from the said road. The 2 portions of the proposed home that will front on that private road are considered front yards and therefore the variances are for 2 front yard setbacks.

Via an email from the applicant, he has indicated the setback from the private road that will front the west side of the proposed home will be 1-ft.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 1, 2021

RE: AB-2021-65, Shane Richardson, Vacant Parcel located directly behind 2701 Judah 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-2021-65, Shane Richardson, Vacant Parcel located directly behind 2701 Judah Road, I would move that the petitioner’s request for:
2 variances from Zoning Ordinance #78 – R-1
  Article VI, Section 6.04

  1. A 37-ft. front yard setback variance from the required 40-ft. to build a home 3-ft. from a private road (north).
  2. A 39-ft. front yard Setback variance from the required 40-ft. to build a home 1-ft, from a private road (west).

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

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

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

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

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

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case AB-2021-65, Shane Richardson, Vacant Parcel located directly behind 2701 Judah Road, I would move that the petitioner’s request for:
2 variances from Zoning Ordinance #78 – R-1
   Article VI, Section 6.04

1. A 37-ft. front yard setback variance from the required 40-ft. to build a home 3-ft. from a private road (north).
2. A 39-ft. front yard Setback variance from the required 40-ft. to build a home 1-ft. from a private road (west).

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

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

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

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

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

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

   
   
   

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

   
   
   

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

   
   
   

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

   
   
   

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

   
   
   

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

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $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: Shane Richardson
Address: 26686 Southwestern Highway City/State/Zip: Redford, MI 48239
Phone: ___________________________ Cell: (248) 875-6792 Fax: ___________________________
Email: shanesrich1994@aol.com

PROPERTY OWNER(S)
Name(s): Gregory Richardson
Address: 1199 Heights Road City/State/Zip: Lake Orion, MI 48362
Phone: ___________________________ Cell: (248) 640-3465 Fax: ___________________________
Email: catrich1964@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Shane Richardson Phone: (248) 875-6792 Email: shanesrich1994@aol.com

SUBJECT PROPERTY
Address: Vacant lot, Judah Road, Orion Township, MI Sidwell Number: 09-32-400-092
Total Acreage: 5 Length of Ownership by Current Property Owner: 1 Years, ________ Months
Does the owner have control over any properties adjoining this site? no
Zoning Ordinance
Allowance/Requirement setback Deviation requested setback
Case #: ________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. **Encroaching on private road setback**

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. **Due to private road easement location as it enters proposed property, it is right at the location of the natural grade of the property that is needed to build a ranch home with a walkout basement.**

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 is a private road to my proposed house so it does not affect any other homeowners**

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: **It is not consistent as it is a private road on my property that no one else has access to**

5. Describe how the alleged practical difficulty has not been self-created. **It was created at the time of the original division of the property, before I purchased it**

6. The topography of said land makes the setbacks impossible to meet because: **due to the natural grade of property, the home with a walk out basement needs to be built on the private road easement**

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 makes it difficult to build the home in the desired location for a walk-out ranch home. Also, it is a private road.**
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: 11/7/2021
Print Name: Shane Richardson

Signature of Property Owner: ___________________________ Date: 11/7/2021
Print Name: Gregory S. Richardson

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

OFFICE USE ONLY

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

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

Description of variance(s):
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________

Date Filed: ________________ Fee Paid: ________________ Receipt Number: ________________
Section 6.04 – Area and Bulk Requirements  (amended 01.05.87, 02.17.94, 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>25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Maximum Floor Area</td>
<td></td>
<td>See Section 27.02, A, 8</td>
<td></td>
</tr>
<tr>
<td>All Accessory Buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

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

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

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

Section 6.05 – Sign Regulation  (amended 10.08.98, 02.21.06)

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

Section 6.06 – Tree Preservation Regulations  (amended 08.03.00)

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

Section 6.07 – Wetland Setbacks  (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
Zoned R-1

.258 Acres  \(11,238.48 \times 25\% = 2,809.62\) 

Meets the rear setback and setback from the side property line to the east.

Front yard setback is 40'.

37' variance from north property line (front).
37.89' variance from west property line (front).
The fire department has reviewed all 3 cases and have no concerns at this time.

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

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, November 22, 2021 10:33 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the December 13, 2021 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 3 ZBA cases that need to be reviewed by you for the December 13, 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
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 3, 2021

SUBJECT: Staff Report for AB-2021-66, Phillips Sign & Lighting (Oxford Bank Monument Sign)

The applicant is seeking to install a new monument/ground sign at Oxford Bank. The proposed location falls near the front property line of the bank and the road right-of-way. Therefore, they are seeking a variance to be 0-ft. from the front property line and 0-ft. from the road right-of-way. The current sign sits approximately 8-ft. from the road right-of-way and the front property line – I could not find a variance for it to be at that location however the sign has been there for many years. The existing sign was updated in 2019 however it was a change of copy only therefore no variance was needed.

The height and size proposed meets the Sign Ordinance for the Zoning District.

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: December 1, 2021

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-2021-66, Phillips Sign & Lighting (Oxford Bank Ground Sign), 1115 S. Lapeer Rd., 09-14-226-004, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153:

Non-Residential Ground Signs – Zoned OP

A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the Road Right-of-Way.

And 1 variance from Zoning Ordinance #78 – Zoned OP

A 30-ft. front yard setback from the required 30-ft. for a ground sign to be 0-ft. from the front property line.

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

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-66, Phillips Sign & Lighting (Oxford Bank Ground Sign), 1115 S. Lapeer Rd., 09-14-226-004, I would move that the petitioner’s request for:

1 variance from Sign Ordinance #153:

Non-Residential Ground Signs – Zoned OP

A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the Road Right-of-Way.

And 1 variance from Zoning Ordinance #78 – Zoned OP

A 30-ft. front yard setback from the required 30-ft. for a ground sign to be 0-ft. from the front 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 - 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: Phillips Sign & Lighting Inc. for Oxford Bank
Address: 40920 Executive Drive       City/State/Zip: Harrison Township MI 48045
Phone: 586-468-7110        Cell:                Fax: 586-468-7441
Email: stephanie@philpissign.com

PROPERTY OWNER(S)

Name(s): Oxford Bank - Representative Rich Miller
Address: 1115 S Lapeer Road       City/State/Zip: Lake Orion, MI 48360
Phone: 248-572-2012        Cell:                Fax:              
Email: rmillerv@oxfordbank.com

CONTACT PERSON FOR THIS REQUEST

Name: Ed Phillips      Phone: 586-468-7110        Email: stephanie@philpissign.com

SUBJECT PROPERTY

Address: 1115 S Lapeer Road
Sidwell Number(s): 09-14-226-004
Total Acreage: ___________________ Length of Ownership by Current Property Owner: 49 Years, _____ Months

Does the owner have control over any properties adjoining this site? n/a

Ordinance Allowance/ Requirement

seeking 5’ setback from required 30’ from property line

Deviation requested approx a 25’ variance in setback

List additional ordinance requirements and deviations on a separate page

Case #: ____________________
COMMERCIAL VARIANCE

1. Describe the nature of the request. We are asking that the new conforming monument sign be allowed to be installed in the same place as existing sign. This poses no issues or safety concerns. We are well outside the 25' clear vision triangle. We pose no visual impairment.

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. Our situation is unique in that the right-of-way line and the property line are one in the same and a 30’ setback from either puts sign in our parking 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. The appeal, if granted, will in no way be a health or safety issue. It's safer for the new sign to be installed in the existing sign location. The ordinance with a 30’ setback from ROW line puts the new location in the parking lot.

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible: Some nearby properties' signs are set closer than the ordinance allows. If they were to replace their sign, many would be in the same predicament we are. Our neighbor Meijer was recently granted a zero “0” setback variance.

5. Describe how the alleged practical difficulty has not been self-created. We don't believe this has been self created as South Lapeer Road has a very large right of way and the bank was established 1972.

6. The topography of said land makes the setbacks impossible to meet because: The parking lot is where the sign would have to be installed if we are not granted this variance.

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. Again, if we put the sign where the ordinance allows, our sign would be in the parking lot creating a visibility and safety issue.
8. Have there been any previous appeals involving this property? If so, when?  

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

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

Signature of Applicant:  
(must be original ink signature)  

Print Name:  

Date:  

Property Owner:  
If applicable:  
I the property owner, hereby give permission to  

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

Print Name:  

Date:  

OFFICE USE ONLY

Zoning Classification of property:  

Adjacent Zoning:  

Total Square Footage of Principal Structure:  

Total Square Footage of Accessory Structure(s):  

Date Filed:  

Fee Paid:  

Receipt Number:  

Version 5/10/18
### Non-Residential Zoned Areas

**Ground Signs**

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

*Ground signs shall be subject to all the standards of either Alternate A or Alternate B.*

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>RFY</th>
<th>BIZ Use Groups A (Non-Residential), B, C &amp; D</th>
<th>SP-1 &amp; SP-2</th>
<th>REC-1/REC-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signs</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 1</td>
<td>per zoning lot, 1 multi-tenant sign or 1</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
<td></td>
</tr>
<tr>
<td>Sign area: Alternate A, overall height up to 6 ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Sign area: Alternate B, overall height over 6 ft up to 8 ft.</td>
<td>32 sq. ft. per side; maximum 64 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>25 sq. ft. per side; maximum 50 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Setback shall be measured at existing ROW or as req’d by RCOC</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td></td>
</tr>
<tr>
<td>Footnotes</td>
<td>3, 5</td>
<td>3, 5, 6</td>
<td>3, 5</td>
<td>3, 5</td>
<td>3, 5</td>
<td>3, 5, 7</td>
<td>3</td>
<td>3, 5, 6</td>
<td>3, 5</td>
<td></td>
</tr>
</tbody>
</table>

### Footnotes

3 The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

5 Additional ground signs may be permitted for each zoning lot if the following conditions apply:

a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.

b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.

c. Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.

d. On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

6 The following additional ground signs may be permitted:

a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.

b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.
H. Utilities. All utilities servicing the business structure shall be buried underground.

I. Covered Trash Areas.

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

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

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

J. Loading and Unloading.

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

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

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

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

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

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

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

**Section 9.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses) (amended 07.16.18)**

Please see the chart in section 9.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>OP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>30 ft.*</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>30 ft.**</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>20 ft. on each side **</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
</tr>
<tr>
<td>Maximum Height of All Structures</td>
<td>25 ft.**</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

**Within the Lapeer Road Overlay Zone, building height shall not exceed fifty (50) feet. However, if a building exceeds twenty-five (25) feet in height, rear yard and side yard setbacks shall increase****
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: December 2, 2021
SUBJECT: Staff Report for AB-2021-67, Anton Rozhanskiy, 592 Cushing

The applicant is proposing to demolish the existing house and build a new house with an attached garage.

The road side of the property has been declared the front and the lake side as the rear. All setbacks for the house from the rear property line and water's edge will be met.

As the property measures 50-ft. at the front yard setback – there is a side yard setback relaxation from 10-ft. to 6-ft.

Per the application and an email from the applicant dated 11/15/2021 – he is proposing a front yard setback of 7-ft.

Also, per email from the applicant dated 11/15/2021 – he indicates the footprint of the house will be 1,850-sq. ft. and the attached garage will be 900-sq. ft. for a total of 2,750-sq. ft. As the proposed house has a walk-out basement and the proposed decks are off the main and second levels – they are not counted towards lot coverage.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: December 1, 2021
RE: AB-2021-67, Anton Rozhanskiy, 592 Cushing St., 09-03-278-006

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-2021-67, Anton Rozhansky, 592 Cushing St., 09-03-278-006, I would move that the petitioner’s request for:

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

Article VI, Section 6.04, Zoned R-3

1. A 23-ft. front yard setback variance from the required 30-ft. to build a home with an attached garage 7-ft. from the front property line.

2. A 2-ft. side yard setback variance from the required 6-ft. to build a home with an attached garage 4-ft. from the side property line (south).

3. A 12.36% lot coverage variance above the allowed 25% for a total lot coverage of 37.36%.

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-2021-67, Anton Rozhanskiy, 592 Cushing St., 09-03-278-006, I would move that the petitioner’s request for:

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

Article VI, Section 6.04, Zoned R-3

1. A 23-ft. front yard setback variance from the required 30-ft. to build a home with an attached garage 7-ft. from the front property line.

2. A 2-ft. side yard setback variance from the required 6-ft. to build a home with an attached garage 4-ft. from the side property line (south).

3. A 12.36% lot coverage variance above the allowed 25% for a total lot coverage of 37.36%.

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:

   __________________________________________
   __________________________________________
   __________________________________________
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: Anton Rozhanskiy
Address: 592 Cushing St  City/State/Zip: Lake Orion, MI 48362
Phone: (248) 933-1757  Cell: (248) 933-1757  Fax:
Email: olexinc@gmail.com

PROPERTY OWNER(S)
Name(s): Anton Rozhanskiy
Address: 592 Cushing St  City/State/Zip: Lake Orion, MI 48362
Phone: (248) 933-1757  Cell: (248) 933-1757  Fax:
Email: olexinc@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Anton Rozhanskiy  Phone: (248) 933-1757  Email: olexinc@gmail.com

SUBJECT PROPERTY
Address: 592 Cushing St  Sidewell Number: 09-03-278-006
Total Acreage: .17  Length of Ownership by Current Property Owner: Years, 3 Months

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

Zoning Ordinance
Allowance/Requirement  Deviation requested
1. Describe in detail the nature of the request.
   Variance #1: The Charter Township of Orion requires 30 feet for the front setback and I am requesting 7 feet (the existing detached garage currently is 10 feet).
   Variance #2: The Charter Township of Lake Orion requires a minimum of 6 feet for the side setbacks and I am requesting 4 feet on the South side of the structure. The 4 feet will only be for the garage and the remainder of the home will be setback 10 feet on the South side.
   Variance #3: The Charter Township of Lake Orion requires a maximum of 25% lot coverage and I am requesting 36.8%.

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.
   Variance #1: Other properties in the surrounding area/same street are 10 feet away from the property line. Attached and detached garages.
   Variance #2: The lot is rather narrow (50 feet). The garage width is designed to hold multiple vehicles and a boat in order to limit potential obstruction on the narrow dirt road out front.
   Variance #3: This home is designed to be a multi-generational home which will house my parents who are easing into retirement as well as my own family and children.

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 variances I am requesting will assist in limiting outdoor parking on the side of the home which has been how the existing structure was built. On the South side of the home there are challenges with wash out and flooding because of the downward slope from the South to North. This has resulted in consistent puddling and mud compiling from the neighbors washout. By limiting outdoor parking and making the garage larger I will be able to preserve the current landscape.

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible.
   Variance #1: The front setback is currently (according to surveys identical to both adjacent neighbors) (10 feet). My request is a front setback of 7 feet.
   Variance #2: The house itself will be setback 10 feet like the neighbors. The variance will be 4 feet on the South side only where the garage is located. For additional parking/boat storage 
   Variance #3:

5. Describe how the alleged practical difficulty has not been self-created.
   Without limiting the rooms needed to house 3 generations on such a narrow lot I have done my due diligence by building up but the extra 3 feet will allow me to keep both my boat and large vehicles (due to my profession) out of the sight of the neighbors and passersby.

6. The topography of said land makes the setbacks impossible to meet because:
   Lot size is smaller than Matrix Chart in section 6.01. Minimum lot size is 8,400 sq ft and this lot is only 7,400 sq ft. Also, the minimum width of the lot is set to 70 feet and this lot is 50 foot wide.
This makes it difficult to meet the setback requirements while keeping it a comfortable structure for everyone in the family while building a dream home.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. The home is sized for comfortable living for a multi-generational family. With a garage to house multiple vehicles and out of the narrow street. This is my dream and forever home since I was young and would like to build a dream home with minimal discomfort and restrictions.
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

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: ____________________________
 (must be original ink signature)

 Print Name: ____________________________ Date: 11/12/21

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

 Print Name: ____________________________ Date: 11/12/21

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

 OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________________________________________________________________________________________

Date Filed: ____________________________ Fee Paid: ____________________________ Receipt Number: ____________________________
Article VI  Single Family Residential: R-1, R-2 & R-3

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

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

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

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

Section 6.05 – Sign Regulation (amended 10.08.98, 02.21.06)

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

Section 6.06 – Tree Preservation Regulations (amended 08.03.00)

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

Section 6.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
Lot width 50'
Relaxed side yard setback to 6'

The road side is the front yard

Front yard setback 7' Needs to be 30' variance 24.2'
Side yard setback (south) 4' Needs to be 6' variance 2'
Side yard setback (north) 6' OK
Rear yard setback to house 47.1 OK
Rear yard Setback to deck 37.4 OK
Height - will not exceed 30'

Lot Coverage
House 1,860 1,850

Attached Garage 900 2,750 OK 37.36% variance 12.36%
Raised Deck 5'5
Lot Coverage Calculations for ZBA Cases

**Case:** AB-2021-67, Anton Rozhanskiy, 592 Cushing St.

.169 Acres 7,361.64-Sq. Ft. 25% = 1,840.41-Sq. Ft.

<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>SQ. FT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>1,850</td>
</tr>
<tr>
<td>Attached Garage</td>
<td>900</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,750</strong></td>
</tr>
<tr>
<td><strong>%</strong></td>
<td><strong>37.36%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>SQ. FT.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<th>Lot Coverage</th>
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<tr>
<td>2,750</td>
<td>7,361.64</td>
<td>37.36 %</td>
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Lynn Harrison

From: Olax Inc <olaxinc@gmail.com>
Sent: Monday, November 15, 2021 12:21 PM
To: Lynn Harrison
Subject: Re: Variances for 592 Cushing St.

Lynn,
- I am completely demolishing the home.
- yes it’s 7 feet. 5.8 feet to the sofit and sofit is 1 foot so makes it 6.8 feet but rounded up to 7 feet. Will adjust the drawing prior to permits.
- deck is elevated, is deck included in the coverage as well? Lot is 7,362 sqft is what I have on my end. House is proposed to be 1,850 sqft (basement foot print) garage is 900 sqft. 1,850+900 = 2,750 sqft Which would be 37.35%
The building might shrink a little after we do final design. We designed it and paused it pending variance decision. That’s also exterior dimensions if that’s how you need it calculated.

On Mon, Nov 15, 2021 at 9:32 AM Lynn Harrison <lharrison@oriontownship.org> wrote:

Anton, I reviewed the information you provided for the variances needed for the subject property and have a couple questions:

- Are you completely demolishing what is existing on the property now and building new?
- The application states that the front yard setback to the attached garage is 7-ft. but the site plan sheet shows it at 5.8-ft. to the overhang. Per Zoning Ordinance #78, Section 27.03 ( C ) (2) – overhanging eaves and gutters are allowed to project three (3) feet or less into a front yard. Do you want me to write the variance for the 7-ft or the 5.8-ft.

Regarding lot coverage:

The Site Info indicates the main floor is 1,860-sq. ft., the garage is 900-sq. ft., and the deck is 515-sq. ft. for a total of 3,275-sq. ft.

- Are you not including the square footage of the deck because it is raised in your lot coverage calculation?
- If so, then the lot coverage would be 2,760-sq. ft. (1,860 + 600) or 37.49%. The application indicates the lot coverage is 36.8%. Our records indicate the property is .169 acres or 7,361.64-sq. ft.

Please get back to me as soon as possible as I am preparing the language for the public hearing notice that needs to get to the paper this Friday, November 19th.

Thanks,
The fire department has reviewed all 3 cases and have no concerns at this time.

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

From: Courtney Keisman <ckeisman@oriontownship.org>
Sent: Monday, November 22, 2021 10:33 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the December 13, 2021 ZBA Meeting

Mr. Williams,

Hello Jeff. Attached is 3 ZBA cases that need to be reviewed by you for the December 13, 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