The Charter Township of Orion Zoning Board of Appeals meeting will be held by VIDEO CONFERENCE ONLY via the GoToMeeting application, access code: 914-793-997. You may also phone into the video conference by dialing 1-(872) 240-3412 and entering the access code: 914-793-997. (The meeting is being conducted via video/telephone conference due to the health concern of COVID-19 and related orders or regulations).

1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 11-9-2020, ZBA Regular Minutes
   B. AB-2020-37, Mark Rossi, 2650 Wareing, 09-20-376-002
   The petitioner is requesting 3 variances from Zoning Ordinance #78 - Zoned R-2

   Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
   1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road.
   2. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north.
   3. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.
   B. AB-2020-36, Kristin Pawlowski, 2636 Wareing, 09-20-376-001
   The petitioner is requesting 4 variances from Zoning Ordinance #78 - Zoned R-2

   Article XXVII, Section 27.03(G)
   1. A 30-ft variance from the 30-ft. corner clearance requirement to erect a 6-ft. privacy fence within the corner clearance triangular area of the property (northwest corner).

   Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
   2. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Eaton Gate.
   3. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road.
   4. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.
   C. AB-2020-38, Douglas DeGhetto, 2668 Wareing, 09-20-376-003
   The petitioner is requesting 3 variances from Zoning Ordinance #78 - Zoned R-2

   Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
   1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road.
   2. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north.
   3. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.
   D. AB-2020-39, Brian Liekweg, 2674 Wareing, 09-20-376-004
   The petitioner is requesting 3 variances from Zoning Ordinance #78 - Zoned R-2
Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)  
1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.  
2. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north.  
3. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.  
E. AB-2020-40, Nick Beadles, 2680 Wareing, 09-20-376-005  
The petitioner is requesting 3 variances from Zoning Ordinance #78 - Zoned R-2  

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)  
1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.  
2. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north.  
3. A 10-ft side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.  

6. PUBLIC COMMENTS  
7. COMMUNICATIONS  
   A. Date Certain Memo  
   B. Email from Peter Smith  
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. Shufts, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
***** MINUTES *****
REGULAR MEETING – MONDAY NOVEMBER 9, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, November 9, 2020, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

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

ZBA MEMBER ABSENT:
Lucy Koscierzynski, Secretary

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Debra Goodall                     Jeff Parrish
John (Ioan) Codrean              Sarah Parrish

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

2. ROLL CALL
As noted

3. MINUTES
A. 10-26-200, ZBA Regular Meeting Minutes
Board Member Cook noted that the minutes needed to be amended to show the intent or the purpose of the discussion on pages 2, 5, 6 & 10.

Moved by Board Member Walker, seconded by Chairman Durham, to approve the minutes as amended.
Motion Carried

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

5. ZBA BUSINESS

A. AB-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034
Chairman Durham read the petitioner’s request as follows:

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

Article VI, Section 6.04, Zoned R-3
1) A 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0-ft. from the front property line along Summit Blvd.

Ms. Debra Goodall, 605 Birmingham, the applicant presented.

Chairman Durham noted that there was only four Board Member present and that all petitioners would need 3 votes to get their variance request passed.

Chairman Durham asked if the petitioner was going to put the carport at the end of the driveway on the cement? Ms. Goodall replied correct. Chairman Durham asked how she would be anchoring it? Ms. Goodall said that she was having people come out to give her a bid to do it now. She said she assumed they would either go through the cement or right outside of the cement dig down and have something there to support it.

Chairman Durham said that he read she had lived there 19-years. Ms. Goodall replied yes. Chairman Durham questioned why now instead of 15-years ago. Ms. Goodall said she didn’t have the money back then.

Chairman Durham said that the road Summit Blvd. didn’t really exist in a practical way. Ms. Goodall agreed. Ms. Goodall said she was surprised when she found out that it was a road. She stated that ever since she has lived there it has looked like woods but had heard back in the 1920’s it was a road. She added that it was plotted as a road and didn’t think it would ever be a road. Board Member Walker said that when he was at the property he kept asking where is the road. He added that there was nothing there that looked like a road.

Trustee Flood thought what was unique to him because it was considered a corner lot and there was no road, technically there existing but on a plot somewhere from the 1900’s it shows a road being there. Chairman Durham noted that the applicant then gets tagged with having two front yards. Trustee Flood thought the Practical Difficulty was because there technically is not a road there but at one time there was.

Ms. Goodall said she received letters from her neighbors saying that they had no problem with it. Ms. Goodall gave the letters to Chairman Durham.

Board Member Cook said that in light of the fact that they have that piece of property there, he questioned if they have made any efforts to locate an owner and asked if that was part of her plan at any point to try to see if they might be able to secure that piece of property? Ms. Goodall replied yes, she said that she had called Mr. Port, he was an attorney and he told her that it was actually a private road and was much more difficult to obtain that than if it was public. She said that with a public road it is an easier process to go through but it being that it is a private road it would be very difficult.

Board Member Cook stated in terms of the property because there is a slope there, he asked if they had considered the water management and how that would be addressed? Ms. Goodall replied that more dirt and if they need to put rocks or something up, she would. She stated that she has ivy growing in there to keep it up right now and for 19-years there was nothing there so if she needed to put more dirt or rocks to keep it there for the structure, she would definitely do that.

Board Member Cook asked why not a garage? Ms. Goodall said she didn’t think she would do a garage because she liked the openness of looking out into the water and just wanted something to cover the car.
Chairman Durham read into the record the letters received by neighbors. Mr. & Mrs. Charles Greiwe at 642 Highville Dr. had no objection to the variance. Mr. Todd Arnott at 600 Birmingham had no objection to the variance.

Trustee Flood said the way they have the carport staked out there will not be any impediment on a line of sight and will be well back off of Birmingham.

Board Member Walker asked if they were to grant this request would they be ok if they put the condition that if there was a need to adjust the water level, they would do that down the road if necessary? Ms. Goodall replied yes.

Chairman Durham asked how long that has the driveway been cement? Ms. Goodall replied ever since she bought it, she didn’t know when it was put in. She bought the house in September 2001, and it was there even before that. Her neighbor told her it was done prior to the person she bought the house from. She thought at least 20-years.

Chairman Durham asked if she has had any water issues? Ms. Goodall replied no.

Moved by Board Member Cook, seconded by Board Member Walker, in the matter of ZBA case #AB-2020-33, Debra Goodall, 605 Birmingham, 09-11-312-034, I move that he petitioner's request for 1 variance from Zoning Ordinance #78 – Zoned R-3: Article VI, Section 6.04, Zoned R-3: 1) a 30-ft. front yard setback variance from the required 30-ft. to erect a carport 0-ft. from the front property line along Summit Blvd., be granted because the petitioner did demonstrate that the following standards of variance have been met in this case in that they set forth fact which show that: the petitioner does show a Practical Difficulty because of the plotting of a private road that was done at some point well before she had purchased the home and before the home was built and she has made attempts to contact or learn who might have owned that and at this point there is no contact and it was deemed a public road; 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: the property is situated where it has two front yards which is going to be the requirement to have that 30-ft. setback and because that second frontage is not truly a road that is something that is exceptional to this case; 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: she would like to erect a carport in order to make it easier to get out to her vehicles and to protect the vehicles in the winter months and also in the summer when the sun can be beaming down quite heavily: 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 fact: that she is contacting builders and will be getting the approval from the Building Department prior to constructing anything on this property; further, based on the following findings of fact, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties nor to her own; unreasonably increase the congestion in the area: due to the fact of where the carport is going to be built the sightlines will not be impacted in any way; it will not increase the danger of fire or endanger the public safety: the Fire Marshal has ok this; unreasonably diminish or impair established property values within the surrounding area: due to the fact that it will be an improvement on the property.

Amended by Board Member Cook, re-supported by Board Member Walker, to include that the petitioner’s willingness to make any adjustment in the height of that and to make sure there are not any water issues caused by this new carport.

Roll call vote was as follows: Flood, yes; Cook, yes; Walker, yes; Durham, yes. Motion Carried 4-0

B. AB-2020-34, Jeffrey Parrish, 1050 Seabury, 09-01-460-037
Acting Chairman Durham read the petitioner’s as follows:

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

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

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

Mr. Jeffrey & Mrs. Sarah Parrish, 1050 Seabury, the applicants presented.

Chairman Durham asked if it was a 6-ft. stockade fence? Mr. Parrish replied that he didn’t know what stockade meant? Chairman Durham described a stockade fence as being a fence with points on the top and the wood right together. Mr. Parrish replied yes, like the ones you buy at Home Depot. Chairman Durham asked if they had 2x4’s on the back of them? Mr. Parrish replied yes. Chairman Durham asked why that instead of something else? Mr. Parrish replied that they have dogs and the less they see the less they will bark. Mrs. Parrish said that the back of the fence is already that material so they were looking to match that.

Board Member Cook asked if there was already a fence there now? Mrs. Parrish replied that there is a fence along the back property line but nowhere else. Board Member Cook said that when he was trying to get to their home, he asked if they were on the corner? Mr. Parrish replied that they were the last house on Detroit Blvd. it was the big yard. Mrs. Parrish stated that they have a bunch of lots, she added that there was a road next to their property but it was all grass. Mrs. Parrish said that you could not see the back fence-line from the front of the house where they want to put the straight line. Board Member Cook asked if it was their property that has a couple of sheds on it? Mr. Parrish replied that they have one shed in the back corner.

Trustee Flood said the neighbor to the rear of them, looking south, he said he didn’t see any fence in the back yard only way down in the corner. Mr. Parrish replied he said in front of the deck is where they have it, it starts right there, and then it goes down to the west. Trustee Flood said that the neighbor to the east they had their yard fenced in. Mrs. Parrish said that they didn’t want to add on to the fence they just want to meet it. She added that there is also a big hill in the back yard when they go past the deck and there is a tree there so it would be difficult to put a fence there.

Chairman Durham asked if there were going to fence the entire backyard? Mr. Parrish replied no, just a piece of it. Mrs. Parrish said they want it to go from the back of the deck straight to where the fence is approximately 34-ft. wide and then from the back corner of the front part of the house past the trees to the fence like an “L” shape. Mrs. Parrish said there was an addition and they just want to meet the addition not the front of the house.

Trustee Flood asked if they would be putting in gates? Mr. Parrish replied yes, there will be a gate over by the deck.

Trustee Flood noted that their Practical Difficulty was a child and dogs and trying to keep them in the yard. Mrs. Parrish said that they have a Dalmatian that is very loud and they wanted to put up a privacy fence because the less she sees the quieter she will be.

Trustee Flood asked if they are successful, will they be putting the good side on the outside of the fence? Mrs. Parrish replied yes. Trustee Flood if they will be putting the posts on the inside of their property? Mrs. Parrish replied yes.
Chairman Durham read a letter from Steve Babcock at 997 Ferguson St. His letter stated that he was concerned because he lived directly behind the petitioner. He currently has a 6-ft high privacy fence that sits six inches off of his property line. If his neighbor is allowed to put up a new fence on his property line the amount of space between their fences will be 6-inches. He added that his fence is over 10 years old and will eventually need repairs and would be hard with 6-inches. He asked if they could leave 2-3-ft. between fences so that he can get between them and make needed repairs.

Chairman Durham asked if they had a problem with stopping six inches short of the back fence? Mr. & Mrs. Parrish said she didn’t see that being a problem. Mrs. Parrish asked it would just be a 6-inch gap? Chairman Durham replied yes. Mr. Parrish said the dogs wouldn’t be able to get out.

Chairman Durham asked if they were to put the fence up, will the neighbor allow them to tie to the fence? Mrs. Parrish said she was not aware that the neighbor put their fence 6-inches off of the property line. Chairman Durham noted the relief the neighbor would like to have would torpedo what it is they would like to have and would be something that the Board would need to take into consideration.

Trustee Flood said that he contacting Planning & Zoning after reading the letter from the neighbor and asked if they got a variance for their fence and they had no record of it. He thought they have an applicant that is coming here to do the right thing and for them to give up 2-3-ft. of their property for someone else that possibly didn’t follow the rules. Board Member Walker asked if it was possible that they put the fence up so long ago there was no ordinance? Trustee Flood noted that the neighbor said it was 10-years old. He added that neighbors need to work with neighbors to resolve issues.

Chairman Durham said the one thing that concerned him was the neighbor having to repair his fence. He could see this starting off well but going sideways down the road, the neighbor can’t repair anything with 6-inches, they would have to allow the neighbor access to their property. Mr. Parrish said that he thought it would work out for both of them because they could split the cost of the new fence because they would be using it too. Commissioner Walker said the problem is the neighbor is not here to agree to this.

Trustee Flood said that they had every right to ask for this variance.

Mrs. Parrish noted that the biggest thing was it was for their dogs and because they can’t run around the yard. They understood that if they need to have a conversation with the neighbor they will and will comply with whatever needs to be done. Board Member Walker asked if they had the dog before they bought the house? Mrs. Parrish said yes but they inherited the house.

Trustee Flood said he noticed in that neighborhood that there was a lot of privacy fences.

Board Member Cook stated that he knew that they were willing to go back and talk to the neighbor. He asked if splitting the cost of the fence meant that they were going to be removing the existing fence? Mr. Parrish replied no; when the neighbor said that they would need to repair the fence that is when they would split the cost because they would both be using it. He added that he would not do anything to the fence without the neighbor’s approval. Board Member Cook wanted clarity, he said there was a fence there and they want to put a fence in front of it on their property, but you will help with repairs of the neighbor’s fence? Mrs. Parrish replied that they don’t want to put a fence matching where the neighbor’s fence is, they just want to come along the side and line up to it, which is where they would need a variance. She added that from the neighbor’s letter, and the fence does look like it is 10-years old, she wouldn’t mind helping pay to fix that. Board Member Cook said that is what he was trying to understand why they would commit themselves to that cost because if they needed to repair it and they are allowing them onto their property to repair it. He didn’t understand why they were going to commit themselves to repair something that belongs to their neighbor if they are willing to give them access to fix it. Mr. Parrish replied just to be neighborly because essentially, they would be using it as part of their
fence too. He added that they will be living there for a long time and wanted to be neighborly and friendly with everybody. Mr. Parrish said that it will be saving them money leaving the fence there.

Board Member Walker stated the fence that they build he couldn’t imagine in any way that fence impeding their neighbor from repairing his fence. He couldn’t see how that fence would be in the neighbor’s way. Mrs. Parrish said that they put the nicer side of the fence on their side because the neighbor built the fence.

Chairman Durham noted that the neighbor could work on his side of the fence if that is what he wanted to do. He added that prior to them moving in, the neighbor would have had to have used that side of the property anyway.

Trustee Flood asked Building Official Goodloe when they put these privacy fences in, do they come out and check when they put the posts in? Building Official Goodloe replied no; they only check to see what was specified in the motion, like the nice side out.

Chairman Durham asked that if they were successful with the variance, and their neighbor wanted to repair their fence, and he gets turned down for access to the fence, he would be very disappointed. Mrs. Parrish replied that they had no problem with the neighbor accessing either side of the fence.

Trustee Flood stated that the Fire Marshal had no concerns. He added that they did address that the gate has to go in there for access to the rear of the property. Mrs. Parrish replied yes; they are planning on putting the gate on the side where the deck is.

Moved by Board Member Walker, seconded by Trustee Flood, that in the matter of ZBA case #AB-2020-34, Jeffrey Parrish, 1050 Seabury, 09-01-460-037, I move that the petitioner’s request for: one variance from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.02(A)(4) and Article XXVII, Section 27.05(H)(2); 1) a 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case the petitioner does show the following Practical Difficulty: this is due to the unique characteristics of this property, in addition, the petitioner inherited this property from his mother and these are not related to the general conditions in this area; there are exceptional and extraordinary circumstances or conditions as indicated that do not apply generally to other properties in the same district or zone: the petitioner is willing to work with the neighbor who sent the letter in with the concerns about the fence being 6-inches from his perhaps non-conforming fence that he has already, and the petitioner has explained to the board that this fence will not be erected parallel to the neighbors fence but perpendicular, and hopefully the petitioner will be able to tie on to neighbors fence, but will have to be an agreement by the neighbor; the granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone; it will not impair an inadequate supply of light or air to the adjacent property; it will not unreasonably increase the congestion in pubic streets; in that there will no traffic influence on this whatsoever; it will not increase the danger of fire or endanger the public safety: the Fire Department has indicated that they have no problem with this fence; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Amended by Board Member Walker, re-supported by Trustee Flood to include that the good side of the fence will face out towards the neighbors and that a gate will be installed for emergency access.

Roll call vote was as follows: Durham, yes; Cook, yes; Flood, yes; Walker, yes. Motion Carried 4-0
C. AB-2020-35, John (loan) Codrean, 3800 Waldon, 09-19-400-008
Chairman Durham read the petitioner’s as follows:

The petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned SF

Article XXVII, Section 27.02 – Lot size over 2.5 acres

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

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

Mr. John Codrean 3800 Waldon Rd., the applicant presented.

Chairman Durham asked if the 480-sq. ft. building has been removed? Mr. Codrean replied yes.

Mr. Codrean said he wanted to build a barn 35x50 to store his boat, RV, and trailer that he wants to keep inside in the summer and wintertime.

Chairman Durham asked how far the property went back? Mr. Codrean replied he thought it was 17,000-ft. all the way down, almost 5-acres. Chairman Durham said that he went down what the neighbor’s driveway had to be all along the line there. Mr. Codrean stated that all the neighbors have the same size lots. He added that all his neighbors have been here for bigger barns on the left and right of him and he had no problem with them. Chairman Durham asked if the neighbor built their house way at the back of their property and yours is way in the front? Mr. Codrean replied the neighbor on the east side split his property in half so he has two houses on the property.

Trustee Flood stated that the property was 4.763 acres. He said he went out there and didn’t see the detached building and then noticed that it had been removed. Mr. Codrean said that he bought the house and invested a lot of money in the house because he liked the privacy. He said that they did the house in and out and he wants it to look nice and the value will go up.

Trustee Flood asked if he was using the barn for storage? Mr. Codrean replied yes.

Board Member Walker asked if he was going to run any kind of business out of the barn? Mr. Codrean replied no. He stated that he works for Chrysler.

Board Member Cook asked where the crushed concrete is and where the red stakes are is that where the new building is going to go? Mr. Codrean replied yeah, originally it was going to be 30x50 and they said they can only have 1,400-sq. ft. and he said he decided to go 35x50. Before it was 1,400-sq. ft. now it is 1,700-sq. ft. Board Member Cook asked what was staked out there is that the new footprint? Mr. Codrean replied yes, they are going to put crushed concrete out there too. Board Member Cook asked if he has already made that adjustment? Mr. Codrean replied yes. Board Member Cook asked how would they be accessing the barn? Mr. Codrean replied straight from the driveway. Board Member Cook asked if he was going to extend his driveway? Mr. Codrean replied he was going to be grass because it is just for storage.

Trustee Flood noted that he will be meeting all the setbacks because he has almost 5-acres, and met the criteria on the height of the building.
Chairman Durham asked if he was going to have cement and electricity? Mr. Codrean replied no, he is using crushed concrete not cement. Chairman Durham said what he means by cement is that he will be laying a cement pad down. Mr. Codrean replied no it will crushed-concrete.

Chairman Durham asked Building Official if they can build a building that large without a cement pad? Building Official replied yes if it is a pole barn.

Chairman Durham asked if he will be putting power in the pole barn? Mr. Codrean replied no. Chairman Durham said that if he does decide to do that down the road, he would need to contact Building Official Goodloe in the Building Department so that he knows what needs to be done.

Moved by Trustee Flood, seconded by Board Member Walker, in the matter of ZBA case #AB-2020-35, John (Ioan) Codrean, 3800 Waldon Rd., 09-19-400-008, I move that the petition’s request for 2 variances from Zoning Ordinance #78 – Zoned SF, Article XXVII, Section 27.02 – Lot size over 2.5 acres; 1) A 350-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,750-sq. ft. pole barn; 2) a 1,262-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 1,750-sq. ft. pole barn in addition to an existing 1,412-sq. ft. attached garage be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which shows the following Practical Difficulty, due to the unique characteristics of the property and related to the general conditions in the area: the gentleman removed the 480-sq. ft. detached garage and is replacing it with the 1,750-sq. ft. pole barn and he is requesting to be able to store what was in the detached garage into the new facility in order to maintain his acreage; the following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone: the gentleman has 4.763 acres of property and these lots in the area are long and narrow; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity: these are 5-acre lots that require equipment and they need to be kept undercover; the granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings of fact: granting this variance will not be detrimental to the property values due to the size of the lots; further, based on the following findings of facts, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties: it meets all the setback and height requirements of the ordinance; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety: the Fire Marshal has reviewed this and has no concerns; it would not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Roll call vote was as follows: Walker, yes; Flood, yes; Cook, yes; Durham, yes.  
Motion Carried 4-0

6. PUBLIC COMMENTS
None

7. COMMUNICATIONS

Informational Memo from Planning & Zoning Coordinator Harrison dated October 6, 2020, regarding the Joint meeting on 11/12/2020 6p-8p.

Memo from Planning & Zoning Coordinator Harrison dated October 29, 2020, Dates which cases can be postponed to.
Memo from Planning & Zoning Coordinator Harrison dated November 6, 2020, that November 23, 2020, ZBA meeting has been canceled.

8. COMMITTEE REPORTS
None

9. MEMBERS’ COMMENTS
Trustee Flood wanted to give credit with regards to the election to the Township Clerks office and all the residents, including Board Member Walker, for an excellent job doing the poll work. He also congratulated all of the local people that ran for office.

Board Member Cook noted that there were a lot of requests for variances for properties over 2.5 acres and he thought that the ordinance needed to be amended.

Board Member Walker said that Vice-Chairman Koscierzynski also worked the election for 15-hours.

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Board Member Cook to adjourn the meeting at 7:58 pm.

Respectfully submitted,

Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

Zoning Board of Appeals Approval
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: December 2, 2020
SUBJECT: Staff Report for AB-2020-36, 37, 38, 39 & 40

The applicants are asking for variances to allow a 6-ft privacy fence to run the length of their property lines along Baldwin Road. Because the properties involved have property lines on Wareing and on Baldwin Road, they have two-front yards and are being held to a front yard setback along the Baldwin Road property line which is 35-ft. Also, as each property owner is proposing the fence to end at the side property lines to the north and south – they need to ask for variances from the side yard setback of 10-ft. on each side.

As provided in the packet documents – each homeowner has a letter from the Keatington Home Owner’s Association who has indicated their approval of a 6-ft fence as long as the Township approves the variances.

Also, as explained in an email from Mark Rossi who lives at 2650 Wareing and has been representing the 4 other homeowners – the fences are being requested due to the increased busyness of Baldwin Road, improvements to that road, and security concerns with the addition of the safety path.

AB-2020-36, Kristin Pawlowski who resides at 2636 Wareing, is seeking a couple slightly different variances as her property has property lines along Wareing, Eaton Gate and Baldwin Road (3 front yards) – her setback to the north along Easton Gate is therefore 35-ft. (a front yard setback) instead of 10-ft. (a side yard setback). Also, because she is proposing that the fence runs to the property line on Eaton gate – the Zoning Ordinance has a “Corner Clearance” requirement that is noted in Article XXVII, Section 27.03 (G)(1) and is attached. As depicted on Exhibit B, the gray shaded areas indicate road right-of-way and therefore the Corner Clearance is the triangular section noted on this property. A corner clearance is required so that structures are not put in that area potentially blocking the view of vehicles. Mr. Rossi has indicated that Eaton Gate is divided by a boulevard (known as Outlot B), vehicles only enter the subdivision along Ms. Pawlowski’s property and exit on the other side of the boulevard. A corner clearance variance is permitted if approved by the ZBA.

Keep in mind if you grant the side yard setbacks, or in the case of AB-2020-36, the setback
long Eaton Gate, you are potentially allowing a 6-ft. fence to run the length of the side property lines as long as it is the distance away you determine. If you decide the side yard setback should only be for the fence that runs along Baldwin Road, it should be indicated as such in each motion – example - “the setback variances from the property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only.”

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

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 2, 2020

RE: AB-2020-37, Mark Rossi, 2650 Wareing, 09-20-376-002

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-37, Mark Rossi, 2650 Wareing, 09-20-376-002, I move that the petitioner’s request for:

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

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

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

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:

or

be granted conditioned upon the setback variances from the side property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only as the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show:

or

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

Please be specific how the petitioner meets this criteria

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

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

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

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

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

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

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

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

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

4. Unreasonably diminish or impair established property values within the surrounding area due to:
5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-37, Mark Rossi, 2650 Wareing, 09-20-376-002, I move that the petitioner's request for:

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

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road.

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

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

Please be specific how the petitioner does not meet this criteria

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

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

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

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


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

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


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


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


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


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


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

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

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

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

APPLICANT
Name: Mark Rossi
Address: 2650 Waring Dr. City/State/Zip: Lake Orion, MI 48360
Phone: 248-343-1775 Cell: Same Fax: 
Email: mark74v@gmail.com

PROPERTY OWNER(S)
Name(s): Mark & Antonio Rossi
Address: 2650 Waring Dr. City/State/Zip: Lake Orion, MI 48360
Phone: 248-343-1775 Cell: Same Fax: 
Email: mark74v@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Mark Rossi Phone: 248-343-1775 Email: mark74v@gmail.com

SUBJECT PROPERTY
Address: 2650 Waring Dr, Lake Orion, MI 48360
Sidwell Number: 09-20-376-002
Total Acreage: 2.39 Length of Ownership by Current Property Owner: 33 Years, ___ Months

Does the owner have control over any properties adjoining this site? Yes
Zoning Ordinance Allowance/Requirement Variance for fence to be 10 feet from rear property line Deviation requested 10 feet
Case #: ____________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. I would like to be able to install a 6 foot fence on my back property line. 4 foot fences are already allowed.

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 security, visual and access privacy as well noise level from the increased traffic resulting from township growth and the new round-a-bouts has severely diminished our safety and quality of life.

3. If the appeal is granted, please explain how the variance will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: as described above, it will improve our "health, safety and welfare" and in no way be detrimental to other properties or improvements in the Township.

4. Explain how the request is consistent with other properties in the immediate area, please site examples if possible: The request is a result of specific changes along Baldwin road in a relatively short period of time.

5. Describe how the alleged practical difficulty has not been self-created. They "difficulty" is in no way the making of us – It is a result of Baldwin road growth and development as well as the addition of a walking path.

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. Our "quality of life" and security is compromised by constant extreme noise, visual disturbance and security concerns - we cannot comfortably enjoy our backyard.
Case #: 

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

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

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

Signature of Applicant:  

(print must be original ink signature)  

Date: 11-10-2020

Print Name: Mark Rossi

Signature of Property Owner: 

(print must be original ink signature)  

Date: 11-10-2020

Print Name: Mark Rossi

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

OFFICE USE ONLY

Zoning Classification of property:  

Adjacent Zoning: N. S. E. W.

Total Square Footage of Principal Structure:  

Total Square Footage of Accessory Structure(s):

Description of variance(s):

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

Date Filed:  
Fee Paid:  
Receipt Number:  

Page 3 of 3

Version 5/10/18
Lot, Corner: A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.) (See Illustration 2.5)

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

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

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

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

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

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

A. Front Lot Line. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and on the request for a building permit. For the purpose of determining setbacks, front yard setbacks shall be required for each lot line that abuts a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04/21/03)

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

C. Side Lot Line. Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
27.05 Landscaping, Fences and Walls

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

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

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

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

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

H. Residential Fence and Wall Regulations

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

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

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

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

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

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

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

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

8. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.
construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofore existing building.

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

**Section 27.02 – Buildings, Structures, and Uses**

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

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

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

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

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

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

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

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Monday, November 23, 2020 10:15 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, will you please look at these. Basically they are 5 houses in a row that want to add a privacy fence along their property line along Baldwin Road for privacy and security since the Baldwin Road widening and added roundabouts.

Thanks,

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

Date: 11-4-2020

KHA-Architectural Control Committee

Proposal submitted by:
Name Mark Rossi
Address 2650 Wareing Dr
Phone 248-343-1775

Proposal:
Install fencing on lot line at back of my property that borders Baldwin Road. Seeking to use the shadow box fencing already approved at the house entrance from Waldon, closest to Kroger at Walmsley Circle Drive/ Waldon Road intersection.

Action of Committee:

Accept Proposal as Submitted
Accept Proposal with Exceptions as Noted
Proposal Incomplete - Requires Additional Information - See Below
Reject Proposal - Against Township Zoning Regulations - See Below
Reject Proposal - Against Subdivision Deed Restrictions - See Below
Other- See Below

Explanation of Action:

Height is restricted to 48" per Township Ordinance. Approved at 6' if Township approves variance.

Action of committee does not imply compliance with Municipal and Building Regulations. Said regulations should be checked prior to construction.

For a Better Community
KHA-Architectural Control Committee

By: Alex H. Jablonowski 11/05/2020
KHA ACC Chairperson
To whom it may concern,

My name is Mark Rossi. I live at 2650 Wareing Drive in the Keatington subdivision. The rear of our property borders Baldwin Road, one house south of the Eaton Gate / Baldwin Road intersection.

Over the years, this has become an extremely busy, loud and disrupting, nuisance behind our house. We dealt with it. Then a walking path was added which caused a constant lack of privacy with all the activity. Not to mention the related security issue it caused.

Now, with the addition of all the “round-a-bouts that have been added, it is intolerable. The constant vehicles accelerating, the emergency vehicle sirens and lights at all hours and now, the stopped vehicles behind our house caused by the light at Baldwin and Clarkston road from about 4:00 pm until about 6:30 pm, has made it even more intolerable. This is caused by the poor planning and the inability of the light to handle the increased traffic caused by the round-a-bouts south of the intersection.

Myself and four of my adjacent neighbors have received permission to install a fence to reduce the effects of Baldwin Road but per Township guidelines restrict us to only a 4 foot high fence. That is not enough. Four noise deflection, sight line blockage, privacy and quality of life, we need a six foot fence. Put yourself in our situation. What would you want? What would you do?

We need a variance. We did not move here to have to deal with this. We did not have a say in putting in the round-a-bouts. We are not asking you to pay for this,
just to approve the variance. There is precedence. My prior neighbor to the North, 2636 Wareing Drive, requested and received a variance for a 6 foot fence some years ago for the same reason for his fence on the Eaton Gate / Baldwin entrance for essentially the same reasons. The problem is now exponentially worse.

Please approve this waiver for my neighbors and I. It is the right thing to do. Our quality of life depends on it. As I asked earlier, if you lived here, “what would you do”?

Thanks in advance,

Mark Rossi
2650 Wareing Drive
Lake Orion, MI 48360
248-343-1775
Hi Chris, Tammy & Lynn,

Below is the letter I handed Chris at our meeting this afternoon at 2 pm. Chris thought it would be helpful if you had it electronically.

I also just wanted to thank all of you for taking the time to advise and instruct me on how to file for the variance for my neighbors and I. I (we) really appreciate it!

I will get with my neighbors and get this in process.

Again, thank you all!

Mark Rossi

Begin forwarded message:

From: Mark Rossi <mark74vette@yahoo.com>
Date: November 2, 2020 at 8:59:27 AM EST
Subject: Fence at black of property bordering Baldwin Road

Orion Township offices
2525 Joslyn Road
Lake Orion, MI 48360

November 2nd, 2020

To whom it may concern,

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Over the years, this has become an extremely busy, loud and disrupting, nuisance behind out house. We dealt with it. Then a walking path was added which caused a constant lack of privacy with all the activity. Not to mention the related security issue it caused.

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DATE: December 2, 2020
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Also, as explained in an email from Mark Rossi who lives at 2650 Wareing and has been representing the 4 other homeowners – the fences are being requested due to the increased busyness of Baldwin Road, improvements to that road, and security concerns with the addition of the safety path.

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-36, Kristin Pawlowski, 2636 Wareing, 09-20-376-001, I move that the petitioner’s request for:

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

Article XXVII, Section 27.03(G)

1. A 30-ft variance from the 30-ft. corner clearance requirement to erect a 6-ft. privacy fence within the corner clearance triangular area of the property (northwest corner).

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

2. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Eaton Gate.

3. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

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:

or

be granted conditioned upon the setback variances from the side property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only as the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show:

or

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

Please be specific how the petitioner meets this criteria

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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


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


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

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


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


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


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


39
5. Or, in any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-36, Kristin Pawlowski, 2636 Wareing, 09-20-376-001, I move that the petitioner’s request for:

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

Article XXVII, Section 27.03(G)

1. A 30-ft variance from the 30-ft. corner clearance requirement to erect a 6-ft. privacy fence within the corner clearance triangular area of the property (northwest corner).

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

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3. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

Please be specific how the petitioner does not meet this criteria

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

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

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

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

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

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

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $200.00 for a residential application.

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

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

APPLICANT
Name: Kristin J. Pawlowski
Address: 21631 Wareing Dr., City/State/Zip: Lake Orion
Phone: 586.350.8745 Cell: 586.350.8745 Fax: 
Email: teampawlowski@gmail.com

PROPERTY OWNER(S)
Name(s): Kristin J. Pawlowski
Address: 21631 Wareing Dr., City/State/Zip: Lake Orion
Phone: 586.350.8745 Cell: 586.350.8745 Fax: 
Email: teampawlowski@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Kristin Pawlowski Phone: 586.350.8745 Email: teampawlowski@gmail.com

SUBJECT PROPERTY
Address: 21631 Wareing Dr. Sidwell Number: 09-30.3710-001
Total Acreage: 0.254 Length of Ownership by Current Property Owner: 2 Years, 2 Months

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

Zoning Ordinance
Allowance/Requirement  Deviation requested 10 Feet

Variance for fence to be 6 feet from rear property line
Case #:  

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request: I would like to be able to install a 10-foot fence on my back property line. 4-foot fences are already allowed.

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 security, visual access, privacy as well as noise level from the increased traffic resulting from town growth and the new roundabouts has severely diminished our safety and quality of life.

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: As described above, it will improve our health, safety and welfare, and not be detrimental to other properties or improvements in the township.

4. Explain how the request is not consistent with other properties in the immediate area, please site examples if possible: The request is a result of specific changes along Baldwin road in a relatively short period of time.

5. Describe how the alleged practical difficulty has not been self-created: They "difficulty" is in no way the making of us. It is a result of Baldwin road growth and development as well as the addition of a walking path.

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: Our "Quality of life" and security is compromised by constant extreme noise, visual disturbance and security concerns - we cannot comfortably enjoy our backyard.
Case #: __________________________

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

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

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

Signature of Applicant: [Signature]  Date: 11-8-20

Print Name: [Name]  

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

Print Name:  

If applicable:  
I, the property owner, hereby give permission to [Name] 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:  __________________________
3. Lots that are peculiar in shape, topography, or site configuration.

G. Corner Clearance.

No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the view of drivers in vehicles approaching the intersection. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to exceed a height of thirty (30) inches above the lowest point of the intersecting road. The unobstructed triangular area referred to above may consist of either:

1. The area formed at the corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along abutting public rights-of-way lines, and the third side being a line connecting these two (2) sides, or

2. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of a triangular area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.

Section 27.04 – Parking and Loading Regulations

A. Off-Street Parking.

1. Scope and Application.

   a. Scope of Requirements. The off-street parking provisions of this Ordinance shall apply as follows:

      i. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, off-street parking shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date and diligently pursued to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.

      ii. If the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking, additional off-street parking shall be provided for such increase in intensity of use.

      iii. Whenever the existing use of a building or structure is changed to a new use, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which might have been in effect prior to the change of use.

   b. Existing Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this Ordinance.

   An area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

   c. Additional Off-Street Parking. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve any existing use or land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

   d. Submission of Plot Plan. No off-street parking facilities shall be constructed unless a building permit is first obtained from the Building Department. Any application for a building permit shall include a plot plan showing any off-street parking facilities proposed in accordance with the provisions of this Ordinance. Calculations for required parking shall be submitted on the plot plan or site plan and shall indicate the proposed use, building square footage and required number of parking spaces. Whenever a
**Lot, Corner:** A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.) (See Illustration 2.5)

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

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

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

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

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

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

A. **Front Lot Line.** In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and on the request for a building permit. For the purpose of determining setbacks, front yard setbacks shall be required for each lot line that abuts a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04.21.03)

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

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

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**Revised 07/02/20**

*Charter Township of Orion Zoning Ordinance 78* 49  Page 2 - 13
Article XXVII: Landscaping, Fences and Walls

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

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

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

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

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

H. Residential Fence and Wall Regulations

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

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

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

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

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

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

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

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

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

27.01 Nonconformities

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

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

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

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

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

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

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

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

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

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Monday, November 23, 2020 10:15 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, will you please look at these. Basically they are 5 houses in a row that want to add a privacy fence along their property line along Baldwin Road for privacy and security since the Baldwin Road widening and added roundabouts.

Thanks,

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Date: 11/10/2020

KHA-Architectural Control Committee

Proposal submitted by:
Name Kristin Pawlowski
Address 2636 Wareing Drive
Phone 586-3508745

Proposal:
Install fencing on lot line at back of my property that borders Baldwin Road. Seeking to use the shadow box fencing already approved at the house entrance from Waldon, closest to Kroger at Walmsley Circle Drive/ Waldon Road intersection.

Action of Committee:
Accept Proposal as Submitted
Accept Proposal with Exceptions as Noted
Proposal Incomplete - Requires Additional Information - See Below
Reject Proposal - Against Township Zoning Regulations - See Below
Reject Proposal - Against Subdivision Deed Restrictions - See Below
Other- See Below

Explanation of Action:
Height is restricted to 48" per Township Ordinance. Approved at 6' if Township approves variance.

Action of committee does not imply compliance with Municipal and Building Regulations. Said regulations should be checked prior to construction.

For a Better Community
KHA-Architectural Control Committee

By: Alex H. Jablonowski 11/10/2020
KHA ACC Chairperson
Hi Chris, Tammy & Lynn,

Below is the letter I handed Chris at our meeting this afternoon at 2 pm. Chris thought it would be helpful if you had it electronically.

I also just wanted to thank all of you for taking the time to advise and instruct me on how to file for the variance for my neighbors and I. I (we) really appreciate it!

I will get with my neighbors and get this in process.

Again, thank you all!

Mark Rossi

Begin forwarded message:

From: Mark Rossi <mark74vette@yahoo.com>
Date: November 2, 2020 at 8:59:27 AM EST
Subject: Fence at black of property bordering Baldwin Road

Orion Township offices
2525 Joslyn Road
Lake Orion, MI 48360

November 2nd, 2020

To whom it may concern,

My name is Mark Rossi. I live at 2650 Wareing Drive in the Keatington subdivision. The rear of our property borders Baldwin Road, one house south of the Eaton Gate / Baldwin Road intersection.

Over the years, this has become an extremely busy, loud and disrupting, nuisance behind out house. We dealt with it. Then a walking path was added which caused a constant lack of privacy with all the activity. Not to mention the related security issue it caused.

Now, with the addition of all the “round-a-bouts that have been added, it is intolerable. The constant vehicles accelerating, the emergency vehicle sirens and lights at all hours and now, the stopped vehicles behind out house caused by the light at
Baldwin and Clarkston road from about 4:00 pm until about 6:30 pm, has made it even more intolerable. This is caused by the poor planning and the inability of the light to handle the increased traffic caused by the round-a-bouts south of the intersection.

Myself and four of my adjacent neighbors have received permission to install a fence to reduce the effects of Baldwin Road but per Township guidelines restrict us to only a 4 foot high fence. That is not enough. Four noise deflection, sight line blockage, privacy and quality of life, we need a six foot fence. Put yourself in our situation. What would you want? What would you do?

We need a variance. We did not move here to have to deal with this. We did not have a say in putting in the round-a-bouts. We are not asking you to pay for this, just to approve the variance. There is precedence. My prior neighbor to the North, 2636 Wareing Drive, requested and received a variance for a 6 foot fence some years ago for the same reason for his fence on the Eaton Gate / Baldwin entrance for essentially the same reasons. The problem is now exponentially worse.

Please approve this waiver for my neighbors and I. It is the right thing to do. Our quality of life depends on it. As I asked earlier, if you lived here, “what would you do”?

Thanks in advance,

Mark Rossi
2650 Wareing Drive
Lake Orion, MI 48360
248-343-1775
Charter Township of Orion
Planning Division
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: December 2, 2020
SUBJECT: Staff Report for AB-2020-36, 37, 38, 39 & 40

The applicants are asking for variances to allow a 6-ft privacy fence to run the length of their property lines along Baldwin Road. Because the properties involved have property lines on Wareing and on Baldwin Road, they have two-front yards and are being held to a front yard setback along the Baldwin Road property line which is 35-ft. Also, as each property owner is proposing the fence to end at the side property lines to the north and south – they need to ask for variances from the side yard setback of 10-ft. on each side.

As provided in the packet documents – each homeowner has a letter from the Keatington Home Owner’s Association who has indicated their approval of a 6-ft fence as long as the Township approves the variances.

Also, as explained in an email from Mark Rossi who lives at 2650 Wareing and has been representing the 4 other homeowners – the fences are being requested due to the increased busyness of Baldwin Road, improvements to that road, and security concerns with the addition of the safety path.

AB-2020-36, Kristin Pawlowski who resides at 2636 Wareing, is seeking a couple slightly different variances as her property has property lines along Wareing, Eaton Gate and Baldwin Road (3 front yards) – her setback to the north along Easton Gate is therefore 35-ft. (a front yard setback) instead of 10-ft. (a side yard setback). Also, because she is proposing that the fence runs to the property line on Eaton gate – the Zoning Ordinance has a “Corner Clearance” requirement that is noted in Article XXVII, Section 27.03 (G)(1) and is attached. As depicted on Exhibit B, the gray shaded areas indicate road right-of-way and therefore the Corner Clearance is the triangular section noted on this property. A corner clearance is required so that structures are not put in that area potentially blocking the view of vehicles. Mr. Rossi has indicated that Eaton Gate is divided by a boulevard (known as Outlot B), vehicles only enter the subdivision along Ms. Pawlowski’s property and exit on the other side of the boulevard. A corner clearance variance is permitted if approved by the ZBA.

Keep in mind if you grant the side yard setbacks, or in the case of AB-2020-36, the setback
long Eaton Gate, you are potentially allowing a 6-ft. fence to run the length of the side
property lines as long as it is the distance away you determine. If you decide the side yard
setback should only be for the fence that runs along Baldwin Road, it should be indicated as
such in each motion – example - “the setback variances from the property lines to the north
and south of said property is for the 6-ft. fence that runs along Baldwin Road only.”

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

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 2, 2020

RE: AB-2020-38, Douglas DeGhetto, 2668 Wareing, 09-20-376-003

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-38, Douglas DeGhetto, 2668 Wareing, 09-20-376-003, I move that the petitioner’s request for:

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

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

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

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:

or

be granted conditioned upon the setback variances from the side property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only as the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show:

or

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

Please be specific how the petitioner meets this criteria

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

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

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

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

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

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

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

4. Unreasonably diminish or impair established property values within the surrounding area due to:
5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-38, Douglas DeGhetto, 2668 Wareing, 09-20-376-003, I move that the petitioner’s request for:

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Road.

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

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

Please be specific how the petitioner does not meet this criteria

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

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

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

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

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

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

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


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

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


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


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


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


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


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

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

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

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

APPLICANT
Name: Douglas J. DeGhetto
Address: 2668 Wareing Drive City/State/Zip: Lake Orion, MI 48360
Phone: 248 391 9915 Cell: 248 895 9654 Fax:
Email: DouglasDeGhetto@outlook.com

PROPERTY OWNER(S)
Name(s): Douglas and Gina DeGhetto
Address: 2668 Wareing Drive City/State/Zip: Lake Orion, MI 48360
Phone: 248 391 9915 Cell: 248 895 9654 Fax:
Email: DouglasDeGhetto@outlook.com

CONTACT PERSON FOR THIS REQUEST
Name: Douglas DeGhetto Phone: 248 895 9654 Email: DouglasDeGhetto@outlook.com

SUBJECT PROPERTY
Address: 2668 Wareing Drive, Lake Orion MI 48360 Sidewell Number: 09- 20-376-003

Total Acreage: 0.239 Length of Ownership by Current Property Owner: 27 Years, 4 Months

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

Zoning Ordinance Variance for fence to be 0 feet from Deviation requested 10 Feet
Allowance/Requirement rear property line
Case#: 

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. I would like to install a 6 foot fence at the back (Baldwin Rd.) side of my property at the property line. Currently, 4 foot fences are allowed.

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 an ever increasing volume of traffic, as well as the safety path installation, the loss of privacy, and increased noise had diminished our quality of life as well as sense of security.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: It will have no detrimental concenquence on any neighboring properties, and will actually enhance the appearence once installed and area maintained.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Most of us now have inconsistant/dying trees and shrubs in failed attempt to remedy issue. Twice for me.

Currently, there only a handful of 6 foot fences in the immediate area (Pools, Entrances). There is 1, 2 doors down, which was previously approved years ago at the entrance on Eaton Gate.

5. Describe how the alleged practical difficulty has not been self-created. The undesireable situation has been created over time, and especially since the installation of the safety path, as well as an exponential increase of traffic flow.

This was nothing like it is now when I moved in 27 years ago.

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. The noise as well as loss of any privacy has diminished any possibility of relaxing on our back deck, or even having a normal conservation during heavy traffic periods.
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: [Signature]  Date: 11-09-2020
Print Name: Douglas James DeGhetto

Signature of Property Owner: [Signature]  Date: 11-09-2020
Print Name: Douglas James DeGhetto

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

OFFICE USE ONLY

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

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

Description of variance(s):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Date Filed: __________________________  Fee Paid: __________________________  Receipt Number: __________________________

Page 3 of 3  
Version 3:10/18
Lot, Corner: A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.) (See Illustration 2.5)

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

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

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

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

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

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

A. Front Lot Line. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and on the request for a building permit. For the purpose of determining setbacks, front yard setbacks shall be required for each lot line that abuts a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04/21/03)

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

C. Side Lot Line. Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
Article XXVII
27.05 Landscaping, Fences and Walls

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

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

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

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

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

H. Residential Fence and Wall Regulations

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

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

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

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

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

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

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

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

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

27.01 Nonconformities

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

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 - Buildings, Structures, and Uses

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

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

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

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

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

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

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

From: Jeff Williams
Sent: Monday, November 30, 2020 7:28 AM
To: Lynn Harrison
Subject: RE: ZBA Cases

The fire department has reviewed and has no concerns

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Monday, November 23, 2020 10:15 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, will you please look at these. Basically they are 5 houses in a row that want to add a privacy fence along their property line along Baldwin Road for privacy and security since the Baldwin Road widening and added roundabouts.

Thanks,

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

P.O. BOX 143 - LAKE ORION, MICH. 48361

Date: 11/08/2020

KHA-Architectural Control Committee

Proposal submitted by:
Name  Douglas DeGhetto
Address  2668 Wareing Drive
Phone  248-895-9654

Proposal:
Install fencing on lot line at back of my property that borders Baldwin Road. Seeking to use the shadow box fencing already approved at the house entrance from Waldon, closest to Kroger at Walmsley Circle Drive/ Waldon Road intersection.

Action of Committee:

Accept Proposal as Submitted
Accept Proposal with Exceptions as Noted
Proposal Incomplete - Requires Additional Information - See Below
Reject Proposal - Against Township Zoning Regulations - See Below
Reject Proposal - Against Subdivision Deed Restrictions - See Below
Other- See Below

Explanation of Action:
Height is restricted to 48” per Township Ordinance. Approved at 6’ if Township approves variance.

Action of committee does not imply compliance with Municipal and Building Regulations. Said regulations should be checked prior to construction.

For a Better Community
KHA-Architectural Control Committee

By: Alex H. Jablonowski  11/08/2020
KHA ACC Chairperson
Hi Chris, Tammy & Lynn,

Below is the letter I handed Chris at our meeting this afternoon at 2 pm. Chris thought it would be helpful if you had it electronically.

I also just wanted to thank all of you for taking the time to advise and instruct me on how to file for the variance for my neighbors and I. I (we) really appreciate it!

I will get with my neighbors and get this in process.

Again, thank you all!

Mark Rossi

Begin forwarded message:

From: Mark Rossi <mark74vette@yahoo.com>
Date: November 2, 2020 at 8:59:27 AM EST
Subject: Fence at black of property bordering Baldwin Road

Orion Township offices
2525 Joslyn Road
Lake Orion, MI 48360
November 2nd, 2020

To whom it may concern,

My name is Mark Rossi. I live at 2650 Wareing Drive in the Keatington subdivision. The rear of our property borders Baldwin Road, one house south of the Eaton Gate / Baldwin Road intersection.

Over the years, this has become an extremely busy, loud and disrupting, nuisance behind out house. We dealt with it. Then a walking path was added which caused a constant lack of privacy with all the activity. Not to mention the related security issue it caused.

Now, with the addition of all the “round-a-bouts that have been added, it is intolerable. The constant vehicles accelerating, the emergency vehicle sirens and lights at all hours and now, the stopped vehicles behind out house caused by the light at
Baldwin and Clarkston road from about 4:00 pm until about 6:30 pm, has made it even more intolerable. This is caused by the poor planning and the inability of the light to handle the increased traffic caused by the round-a-bouts south of the intersection.

Myself and four of my adjacent neighbors have received permission to install a fence to reduce the effects of Baldwin Road but per Township guidelines restrict us to only a 4 foot high fence. That is not enough. Four noise deflection, sight line blockage, privacy and quality of life, we need a six foot fence. Put yourself in our situation. What would you want? What would you do?

We need a variance. We did not move here to have to deal with this. We did not have a say in putting in the round-a-bouts. We are not asking you to pay for this, just to approve the variance. There is precedence. My prior neighbor to the North, 2636 Wareing Drive, requested and received a variance for a 6 foot fence some years ago for the same reason for his fence on the Eaton Gate / Baldwin entrance for essentially the same reasons. The problem is now exponentially worse.

Please approve this waiver for my neighbors and I. It is the right thing to do. Our quality of life depends on it. As I asked earlier, if you lived here, “what would you do”?

Thanks in advance,

Mark Rossi
2650 Wareing Drive
Lake Orion, MI 48360
248-343-1775
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: December 2, 2020
SUBJECT: Staff Report for AB-2020-36, 37, 38, 39 & 40

The applicants are asking for variances to allow a 6-ft privacy fence to run the length of their property lines along Baldwin Road. Because the properties involved have property lines on Wareing and on Baldwin Road, they have two-front yards and are being held to a front yard setback along the Baldwin Road property line which is 35-ft. Also, as each property owner is proposing the fence to end at the side property lines to the north and south – they need to ask for variances from the side yard setback of 10-ft. on each side.

As provided in the packet documents – each homeowner has a letter from the Keatington Home Owner’s Association who has indicated their approval of a 6-ft fence as long as the Township approves the variances.

Also, as explained in an email from Mark Rossi who lives at 2650 Wareing and has been representing the 4 other homeowners – the fences are being requested due to the increased busyness of Baldwin Road, improvements to that road, and security concerns with the addition of the safety path.

AB-2020-36, Kristin Pawlowski who resides at 2636 Wareing, is seeking a couple slightly different variances as her property has property lines along Wareing, Eaton Gate and Baldwin Road (3 front yards) – her setback to the north along Easton Gate is therefore 35-ft. (a front yard setback) instead of 10-ft. (a side yard setback). Also, because she is proposing that the fence runs to the property line on Eaton gate – the Zoning Ordinance has a “Corner Clearance” requirement that is noted in Article XXVII, Section 27.03 (G)(1) and is attached. As depicted on Exhibit B, the gray shaded areas indicate road right-of-way and therefore the Corner Clearance is the triangular section noted on this property. A corner clearance is required so that structures are not put in that area potentially blocking the view of vehicles. Mr. Rossi has indicated that Eaton Gate is divided by a boulevard (known as Outlot B), vehicles only enter the subdivision along Ms. Pawlowski’s property and exit on the other side of the boulevard. A corner clearance variance is permitted if approved by the ZBA.

Keep in mind if you grant the side yard setbacks, or in the case of AB-2020-36, the setback
long Eaton Gate, you are potentially allowing a 6-ft. fence to run the length of the side property lines as long as it is the distance away you determine. If you decide the side yard setback should only be for the fence that runs along Baldwin Road, it should be indicated as such in each motion – example - “the setback variances from the property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only.”

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

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 2, 2020

RE: AB-2020-39, Brian Liekweg, 2674 Wareing, 09-20-376-004

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-39, Brian Liekweg, 2674 Wareing, 09-20-376-004, I move that the petitioner’s request for:

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

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

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

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:

or

be granted conditioned upon the setback variances from the side property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only as the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show:

or

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

Please be specific how the petitioner meets this criteria

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

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

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

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

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

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

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

4. Unreasonably diminish or impair established property values within the surrounding area due to:
5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-39, Brian Liekweg, 2674 Wareing, 09-20-376-004, I move that the petitioner's request for:

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

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

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

Please be specific how the petitioner does not meet this criteria

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

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

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

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

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

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

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

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

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

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

Application for Appeal - Single Family Residential

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

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

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

APPLICANT

Name: Brian Liekweg
Address: 2674 Wareing Dr
City/State/Zip: Lake Orion/MI/48360
Phone: 810-874-6212
Cell: 810-874-6212
Fax: __
Email: Brian.liekweg@gmail.com

PROPERTY OWNER(S)

Name(s): Brian & Sarah Liekweg
Address: 2674 Wareing Dr
City/State/Zip: Lake Orion/MI/48360
Phone: 810-874-6212
Cell: 810-874-6212
Fax: __
Email: Brian.liekweg@gmail.com

CONTACT PERSON FOR THIS REQUEST

Name: Brian Liekweg
Phone: 810-874-6212
Email: Brian.liekweg@gmail.com

SUBJECT PROPERTY

Address: 2674 Wareing Dr
Sidwell Number: 09-20-376-004
Total Acreage: 0.239
Length of Ownership by Current Property Owner: 2 Years, 2 Months

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

Zoning Ordinance

Allowance/Requirement: Variance for fence to be 0 feet from rear property line
Deviation requested: 10 Ft
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. I would like to be able to install a 6-foot fence on my back property line. 4-foot fences are already allowed.

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 security, visual, and access privacy as well as noise level from the increased traffic resulting from township growth and the new roundabouts have severely diminished our safety and quality of life.

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: As described above, it will improve our "health, safety, and welfare" and in no way be detrimental to other properties or improvements in the township.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: The request is a result of specific changes along Baldwin Road in a relatively short period of time.

5. Describe how the alleged practical difficulty has not been self-created. The "difficulty" is in no way the making of us. It is a result of Baldwin Rd growth and development as well as the addition of the walking path.

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. Our "quality of life" and security is compromised by constant noise, visual disturbance and security concerns. We cannot comfortably enjoy our backyard.
Case #: ______________________

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

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

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

Signature of Applicant: ____________________________ Date: 11-9-2020

Print Name: Brian J. Liekweg

Signature of Property Owner: ____________________________ Date: 11-9-2020

Print Name: Brian Liekweg

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

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

27.05 Landscaping, Fences and Walls

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

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

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

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

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

H. Residential Fence and Wall Regulations

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

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

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

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

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

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

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

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

8. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.
**Lot, Corner:** A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.) (See Illustration 2.5)

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

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

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

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

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

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

A. **Front Lot Line.** In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and on the request for a building permit. For the purpose of determining setbacks, front yard setbacks shall be required for each lot line that abuts a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04 21 03)

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

C. **Side Lot Line.** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofore existing building.

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

A. Accessory Buildings, Structures and Uses. (amended 02.17.06)

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

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

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

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

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

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

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

Jeff, will you please look at these. Basically they are 5 houses in a row that want to add a privacy fence along their property line along Baldwin Road for privacy and security since the Baldwin Road widening and added roundabouts.

Thanks,

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

Date: 11-4-2020

KHA-Architectural Control Committee

Proposal submitted by:
Name: Brian Liekweg
Address: 2674 Wareing Dr
Phone: 810-84-6212

Proposal:
Install fencing on lot line at back of my property that borders Baldwin Road. Seeking to use the shadow box fencing already approved at the house entrance from Waldon, closest to Kroger at Walmsley Circle Drive/ Waldon Road intersection.

Action of Committee:

- Accept Proposal as Submitted
- Accept Proposal with Exceptions as Noted
- Proposal Incomplete - Requires Additional Information - See Below
- Reject Proposal - Against Township Zoning Regulations - See Below
- Reject Proposal - Against Subdivision Deed Restrictions - See Below
- Other- See Below

Explanation of Action:

Height is restricted to 48" per Township Ordinance. Approved at 6' if Township approves variance.

Action of committee does not imply compliance with Municipal and Building Regulations. Said regulations should be checked prior to construction.

For a Better Community
KHA-Architectural Control Committee

By: Alex H. Jablonowski 11/05/2020
KHA ACC Chairperson
Hi Chris, Tammy & Lynn,

Below is the letter I handed Chris at our meeting this afternoon at 2 pm. Chris thought it would be helpful if you had it electronically.

I also just wanted to thank all of you for taking the time to advise and instruct me on how to file for the variance for my neighbors and I. We really appreciate it!

I will get with my neighbors and get this in process.

Again, thank you all!

Mark Rossi

Begin forwarded message:

From: Mark Rossi <mark74vette@yahoo.com>
Date: November 2, 2020 at 8:59:27 AM EST
Subject: Fence at black of property bordering Baldwin Road

Orion Township offices
2525 Joslyn Road
Lake Orion, MI 48360

November 2nd, 2020

To whom it may concern,

My name is Mark Rossi. I live at 2650 Wareing Drive in the Keatington subdivision. The rear of our property borders Baldwin Road, one house south of the Eaton Gate / Baldwin Road intersection.

Over the years, this has become an extremely busy, loud and disrupting, nuisance behind out house. We dealt with it. Then a walking path was added which caused a constant lack of privacy with all the activity. Not to mention the related security issue it caused.

Now, with the addition of all the “round-a-bouts that have been added, it is intolerable. The constant vehicles accelerating, the emergency vehicle sirens and lights at all hours and now, the stopped vehicles behind out house caused by the light at
Baldwin and Clarkston road from about 4:00 pm until about 6:30 pm, has made it even more intolerable. This is caused by the poor planning and the inability of the light to handle the increased traffic caused by the round-a-bouts south of the intersection.

Myself and four of my adjacent neighbors have received permission to install a fence to reduce the effects of Baldwin Road but per Township guidelines restrict us to only a 4 foot high fence. That is not enough. Four noise deflection, sight line blockage, privacy and quality of life, we need a six foot fence. Put yourself in our situation. What would you want? What would you do?

We need a variance. We did not move here to have to deal with this. We did not have a say in putting in the round-a-bouts. We are not asking you to pay for this, just to approve the variance. There is precedence. My prior neighbor to the North, 2636 Wareing Drive, requested and received a variance for a 6 foot fence some years ago for the same reason for his fence on the Eaton Gate / Baldwin entrance for essentially the same reasons. The problem is now exponentially worse.

Please approve this waiver for my neighbors and I. It is the right thing to do. Our quality of life depends on it. As I asked earlier, if you lived here, “what would you do”?

Thanks in advance,

Mark Rossi
2650 Wareing Drive
Lake Orion, MI 48360
248-343-1775
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 2, 2020

SUBJECT: Staff Report for AB-2020-36, 37, 38, 39 & 40

The applicants are asking for variances to allow a 6-ft privacy fence to run the length of their property lines along Baldwin Road. Because the properties involved have property lines on Wareing and on Baldwin Road, they have two-front yards and are being held to a front yard setback along the Baldwin Road property line which is 35-ft. Also, as each property owner is proposing the fence to end at the side property lines to the north and south – they need to ask for variances from the side yard setback of 10-ft. on each side.

As provided in the packet documents – each homeowner has a letter from the Keatington Home Owner’s Association who has indicated their approval of a 6-ft fence as long as the Township approves the variances.

Also, as explained in an email from Mark Rossi who lives at 2650 Wareing and has been representing the 4 other homeowners – the fences are being requested due to the increased busyness of Baldwin Road, improvements to that road, and security concerns with the addition of the safety path.

AB-2020-36, Kristin Pawlowski who resides at 2636 Wareing, is seeking a couple slightly different variances as her property has property lines along Wareing, Eaton Gate and Baldwin Road (3 front yards) – her setback to the north along Easton Gate is therefore 35-ft. (a front yard setback) instead of 10-ft. (a side yard setback). Also, because she is proposing that the fence runs to the property line on Eaton gate – the Zoning Ordinance has a “Corner Clearance” requirement that is noted in Article XXVII, Section 27.03 (G)(1) and is attached. As depicted on Exhibit B, the gray shaded areas indicate road right-of-way and therefore the Corner Clearance is the triangular section noted on this property. A corner clearance is required so that structures are not put in that area potentially blocking the view of vehicles. Mr. Rossi has indicated that Eaton Gate is divided by a boulevard (known as Outlot B), vehicles only enter the subdivision along Ms. Pawlowski’s property and exit on the other side of the boulevard. A corner clearance variance is permitted if approved by the ZBA.

Keep in mind if you grant the side yard setbacks, or in the case of AB-2020-36, the setback...
long Eaton Gate, you are potentially allowing a 6-ft. fence to run the length of the side property lines as long as it is the distance away you determine. If you decide the side yard setback should only be for the fence that runs along Baldwin Road, it should be indicated as such in each motion – example - “the setback variances from the property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only.”

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

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 2, 2020

RE: AB-2020-40, Nick Beadles, 2680 Wareing, 09-20-376-005

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-40, Nick Beadles, 2680 Wareing, 09-20-376-005. I move that the petitioner’s request for:

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

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

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

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:

or

be granted conditioned upon the setback variances from the side property lines to the north and south of said property is for the 6-ft. fence that runs along Baldwin Road only as the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show:

or

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

Please be specific how the petitioner meets this criteria

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

   __________________________________________

   __________________________________________

   __________________________________________

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

   __________________________________________

   __________________________________________

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


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


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

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


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


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


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


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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-40, Nick Beadles, 2680 Wareing, 09-20-376-005. I move that the petitioner’s request for:

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

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

1. A 35-ft front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Road.

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

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

Please be specific how the petitioner does not meet this criteria

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

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

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

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

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

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

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

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

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

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

104
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: Nick Beadles
Address: 2680 Wareing Dr City/State/Zip: Lake Orion MI 48360
Phone: 248-921-9617 Cell: 248-921-9617 Fax: 
Email: deadlesnicker@yahoo.com nbeadles82@gmail.com

PROPERTY OWNER(S)
Name(s): Nick Beadles
Address: 2680 Wareing Dr City/State/Zip: Lake Orion MI 48360
Phone: 248-921-9617 Cell: 248-921-9617 Fax: 
Email: deadlesnicker@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: Nick Beadles Phone: 248-921-9617 Email: deadlesnicker@yahoo.com

SUBJECT PROPERTY
Address: 2680 Wareing Dr Lake Orion MI 48360
Sidewalk Number: 09-20-376-005
Total Acreage: 0.240 Length of Ownership by Current Property Owner: 1 Years, 6 Months

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

Zoning Ordinance Allowance/Requirement: Variance for fence to be 0 feet from rear property line
Deviation requested: 10 feet
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. I would like to be able to install a 6 foot fence on my back property line. 4 foot fences are already allowed.

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 security, visual and access privacy as well as noise level from the increased traffic resulting from Township growth and the new roundabouts has severely diminished our safety and quality of life.

3. If the appeal is granted, please explain how the variance will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: As described above, it will improve our health, safety and welfare and in no way be detrimental to other properties or improvements in the Township.

4. Explain how the request is not consistent with other policies in the immediate area, please cite examples if possible: The request is a result of specific changes along Baldwin Rd in a relatively short period of time.

5. Describe how the alleged practical difficulty has not been self-created. The difficulty is in no way the making of us. It is a result of Baldwin Rd growth and development as well as the addition of a walking path.

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. Our quality of life and security is compromised by constant extreme noise, visual disturbance and security concerns - we cannot comfortably enjoy our backyard.
Case #: ____________________

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

9. Is this request the result of a Notice of Ordinance Violation? [ ] Yes [X] 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: 11-10-2020

Print Name: Nick Beadles

Signature of Property Owner: ___________________________ Date: 11-10-2020

Print Name: Nick Beadles

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: ___________________________
Lot, Corner: A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.) (See Illustration 2.5)

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

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

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

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

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

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

A. Front Lot Line. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and on the request for a building permit. For the purpose of determining setbacks, front yard setbacks shall be required for each lot line that abuts a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04/21/03)

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

C. Side Lot Line. Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofore existing building.

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

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

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

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

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

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

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

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

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

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

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

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

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

4. Residential Fence and Wall Regulations

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

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

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

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

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

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

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

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

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

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

Jeff, will you please look at these. Basically they are 5 houses in a row that want to add a privacy fence along their property line along Baldwin Road for privacy and security since the Baldwin Road widening and added roundabouts.

Thanks,

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

P.O. BOX 143 - LAKE ORION, MICH. 48361

Date: 11-4-2020

KHA-Architectural Control Committee
Proposal submitted by:
Name Nick Beadles
Address 2680 Wareing Dr
Phone 248-921-9617

Proposal:
Install fencing on lot line at back of my property that borders Baldwin Road. Seeking to use the shadow box fencing already approved at the house entrance from Waldon, closest to Kroger at Walmsley Circle Drive/ Waldon Road intersection.

Action of Committee:
Accept Proposal as Submitted
Accept Proposal with Exceptions as Noted
Proposal Incomplete - Requires Additional Information - See Below
Reject Proposal - Against Township Zoning Regulations - See Below
Reject Proposal - Against Subdivision Deed Restrictions - See Below
Other- See Below

Explanation of Action:
Height is restricted to 48" per Township Ordinance. Approved at 6' if Township approves variance.

Action of committee does not imply compliance with Municipal and Building Regulations. Said regulations should be checked prior to construction.

For a Better Community
KHA-Architectural Control Committee

By: Alex H. Jablonowski 11/05/2020
KHA ACC Chairperson
Hi Chris, Tammy & Lynn,

Below is the letter I handed Chris at our meeting this afternoon at 2 pm. Chris thought it would be helpful if you had it electronically.

I also just wanted to thank all of you for taking the time to advise and instruct me on how to file for the variance for my neighbors and I. I (we) really appreciate it!

I will get with my neighbors and get this in process.

Again, thank you all!

Mark Rossi

Begin forwarded message:

From: Mark Rossi <mark74vette@yahoo.com>
Date: November 2, 2020 at 8:59:27 AM EST
Subject: Fence at black of property bordering Baldwin Road

Orion Township offices
2525 Joslyn Road
Lake Orion, MI 48360

November 2nd, 2020

To whom it may concern,

My name is Mark Rossi. I live at 2650 Wareing Drive in the Keatington subdivision. The rear of our property borders Baldwin Road, one house south of the Eaton Gate / Baldwin Road intersection.

Over the years, this has become an extremely busy, loud and disrupting, nuisance behind out house. We dealt with it. Then a walking path was added which caused a constant lack of privacy with all the activity. Not to mention the related security issue it caused.

Now, with the addition of all the “round-a-bouts that have been added, it is intolerable. The constant vehicles accelerating, the emergency vehicle sirens and lights at all hours and now, the stopped vehicles behind out house caused by the light at
Baldwin and Clarkston road from about 4:00 pm until about 6:30 pm, has made it even more intolerable. This is caused by the poor planning and the inability of the light to handle the increased traffic caused by the round-a-bouts south of the intersection.

Myself and four of my adjacent neighbors have received permission to install a fence to reduce the effects of Baldwin Road but per Township guidelines restrict us to only a 4 foot high fence. That is not enough. Four noise deflection, sight line blockage, privacy and quality of life, we need a six foot fence. Put yourself in our situation. What would you want? What would you do?

We need a variance. We did not move here to have to deal with this. We did not have a say in putting in the round-a-bouts. We are not asking you to pay for this, just to approve the variance. There is precedence. My prior neighbor to the North, 2636 Wareing Drive, requested and received a variance for a 6 foot fence some years ago for the same reason for his fence on the Eaton Gate / Baldwin entrance for essentially the same reasons. The problem is now exponentially worse.

Please approve this waiver for my neighbors and I. It is the right thing to do. Our quality of life depends on it. As I asked earlier, if you lived here, “what would you do”?

Thanks in advance,

Mark Rossi
2650 Wareing Drive
Lake Orion, MI 48360
248-343-1775
INFORMATIONAL ONLY

TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: December 2, 2020

RE: Dates which cases can be postponed to

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

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

January 11, 2021
January 25, 2021
February 8, 2021
Thank you Debra for sending those minutes. I enjoyed reading them and am very impressed by the professional dealings of the Orion Township with a personal touch. Feel free to pass that on to them!

Gratefully, Peter (and Sonya) Smith

On Fri, Nov 13, 2020 at 12:43 PM Debra Walton <dwalton@oriontownship.org> wrote:

Attached are the minutes from the October 26, 2020, Zoning Board of Appeals meeting.

Thanks,

Debra Walton

Clerk
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002  F: 248.393.1454
W: www.oriontownship.org