1. **OPEN MEETING**
2. **ROLL CALL**
3. **MINUTES**
   A. 6-14-2021, ZBA Regular Meeting Minutes
4. **AGENDA REVIEW AND APPROVAL**
5. **ZBA BUSINESS**
   A. **AB-2021-28, William L. Avery, 2722 Wareing Dr., 09-20-376-012**
      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 Rd.
      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-2021-29, Sadier Abro, 4749 S. Baldwin Rd., 09-32-376-002**
      The petitioner is requesting interpretation of Section 34.01 – Use Group B Permitted
      Uses; uses compatible to a laundromat.
   C. **AB-2021-30, Gerald McCabe, 3001 Yosemite, 09-17-104-009**
      The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned RM-
      1
      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.
      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-2021-31, Jeffrey Aisthorpe, 800 Golden Gate Ave., 09-12-326-002**
      The petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned R-1
      Article VI, Section 6.04, Zoned R-1
      1. A 14-ft. front yard setback variance from the required 40-ft. for a 96-sq.ft.
         shed to remain 26-ft. from the front property line.
      2. A 3.4-ft. side yard setback variance from the required 10-ft. for a 96- sq. ft.
         shed to remain 6.6-ft. from the side property line to the east.
   E. **AB-2021-32, Frank Cobb, 662 Porteous, 09-10-136-021**
      The petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned R-3
      Article 6.04 Zoned R-3
      1. A 5-ft. side yard setback variance from the required 10-ft. to construct a deck
5-ft. from the property line to the north.
Article 27.03(C)(3)(b)(ii)
2. A 15-ft. rear yard setback variance from the required 20-ft. to construct a deck
5-ft. from the rear property line.

6. PUBLIC COMMENTS
7. COMMUNICATIONS
   A. Date Certain Memo

8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, June 14, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

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

ZBA MEMBERS ABSENT:
None

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:

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

2. **ROLL CALL**
As noted

3. **MINUTES**

   A. 5-24-2021, ZBA Regular Meeting Amended Minutes

   Moved by Trustee Flood, seconded by Board member Walker, to approve the minutes as amended changing “Chairman Flood” to “Chairman Durham” on page 4.
   Motion carried.

4. **AGENDA REVIEW AND APPROVAL**
Chairman Durham read a letter from the attorney for MacLeish Building that indicated this petitioner would like to postpone all their business on this agenda until a later date to give them time to address concerns.

   Motion by Trustee Flood, seconded by Chairman Durham to approve the agenda review and approval as amended.
   Motion passes.

   Moved by Trustee Flood, seconded by Board member Walker to approve the agenda as amended postponing the following cases to a date determined by the Planning and Zoning Department: AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah Ln., Sidwell numbers 09-04-402-033 & 034; AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., Sidwell numbers 09-04-402-035 & 036; AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., Sidwell numbers 09-04-402-037 & 038; AB-2021-18,
MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln., Sidwell numbers 09-04-402-041 & 042; AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., Sidwell numbers 09-04-402-047 & 048.

Mr. Dan MacLeish introduced himself to the Board members. He stated that he would like it postponed to the July 12, 2021.

Trustee Flood stated that there are already five cases on this agenda.

Building Official Goodloe stated that he spoke to Planning & Zoning Director Girling and she was okay with the July 12th, 2021 date.

Trustee Flood stated that he would not be at that meeting. The By-Laws state that no more than five cases should be heard.

Chairman Durham stated that deliberating stacking on five more cases on July 12th would be excessive. They need to do background on all cases would be too much.

Trustee Flood concurred.

Vice Chairman Cook stated that he would support if Trustee Flood would amend the motion to include the date certain of July 26th, 2021.

Trustee Flood stated that he would not change the motion.

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

5. ZBA BUSINESS

A. AB-2021-27, Joshua & Jennifer Fricke, 755 Hemingway, 09-10-426-027

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

Article XXVII, Section 27.01(C)(1)(b)
1. A 3-ft. side yard setback variance from the required 9-ft. to construct a detached garage 6-ft from the side property line to the (south). Article XXVII, Section 27.02(A)(8) – Lot size ½ to 1 acre
2. A 401.26- sq.-ft. variance above the allowed 900-sq. ft. Maximum Floor Area of Detached Accessory Buildings to build a 1,200-sq. ft. detached garage in addition to an existing 101.26-sq. ft. shed for a total of 1,301.26-sq. ft.

Mr. Joshua Fricke introduced himself to the Board and explained the variance request. He provided a picture for the Board showing what is proposed.

Chairman Durham asked if the mature trees would remain.

Mr. Fricke answered yes.

Chairman Durham asked if the new garage would be at the same depth as the petitioner’s neighbor’s garage.
Mr. Fricke stated that the neighbor’s sits back a little farther than his.
Chairman Durham commented that the petitioner is not going to place the garage structure right next to the house and both would be deep on the property with no privacy issues.

Mr. Fricke answered yes.

Board member Walker asked if the neighbors were aware of the proposed project.

Mr. Fricke answered yes; the neighbor signed the paperwork saying that she was okay with the construction.

Trustee Flood stated that he is looking for the practical difficulty in this case. The lot is lacking being eighty feet wide which is the standard today. This petitioner is 67.8 feet which is part of the practical difficulty. He appreciates the petitioner keeping the trees. The height is okay and he commented that the petitioner is only going one foot further back.

Mr. Fricke stated that he is matching the house in height.

Trustee Flood stated that the Fire Marshall had no concerns with this project.

Chairman Durham asked if the house had a basement and what does the petitioner plan to use the second story of the garage for.

Mr. Fricke answered yes, the house has a basement. He plans on using the second story for storage. He would like to utilize the basement as a home office and not as storage.

Chairman Durham confirmed that there was no public comment for this case.

Chairman Durham stated that they did receive a letter of support from the neighbor of the petitioner and he read the letter into the record.

Trustee Flood commented that he appreciated the petitioner typing out his application because this made it easy to read and follow.

Board member Walker moved, seconded by Trustee Flood, that in the matter of Case #AB-2021-27, Joshua & Jennifer Fricke, 755 Hemingway, 09-10-426-027 to approve the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.01(C)(1)(b) including:

1. A 3-ft. side yard setback variance from the required 9-ft. to construct a detached garage 6-ft from the side property line to the (south). Article XXVII, Section 27.02(A)(8) – Lot size ½ to 1 acre

2. A 401.26- sq.-ft. variance above the allowed 900-sq. ft. Maximum Floor Area of Detached Accessory Buildings to build a 1,200-sq. ft. detached garage in addition to an existing 101.26-sq. ft. shed for a total of 1,301.26-sq. ft. because the petitioner did demonstrate that the following standards for variances have been met:

The petitioner does show the following practical difficulty; due to the unique characteristics of the property and also the existence of mature trees that the petitioner is saving.

The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: the saving of the mature trees on the property and the Board received correspondence from the neighbor on the affected side who has no objections to the proposed plans.

The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity.
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 improvement in such zone or district in which the property is located based on the following: the Fire Marshall has said that there is no problem getting to the rear of the property if needed.

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

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

B. **AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah Ln., sidwell numbers 09-04-402-033 & 034 (postponed from 5/10/2021 ZBA Meeting)**

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 4 variances from Zoning Ordinance #78

1. A 9.39-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20.61-ft from the adjacent condominium unit (south).
2. A 9-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21-ft from an adjacent condominium unit (north).
3. A 1-ft. rear yard setback variance from the required 30-ft. to construct unit 33, 29-ft from the rear property line
4. A 1.5-ft. rear yard setback variance from the required 30-ft. to construct unit 34, 28.5-ft. from the rear property line.

*The applicant requested the case be postponed – motion was made and carried under item #4*

C. **AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., sidwell numbers 09-04-402-035 & 036 (postponed from 5/10/2021 ZBA Meeting)**

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 3 variances from Zoning Ordinance #78

1. A 9-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21-ft from an adjacent condominium unit (south).
2. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from an adjacent condominium unit (north).
3. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 36, 29.5-ft. from the rear property line.

*The applicant requested the case be postponed – motion was made and carried under item #4*

D. **AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., sidwell numbers 09-04-402-037 & 038 (postponed from 5/10/2021 ZBA Meeting)**

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 4 variances from Zoning Ordinance #78

1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from an adjacent condominium unit (south).
2. An 8.66-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21.34-ft from an adjacent condominium unit (north).
3. An 8.5-ft. rear yard setback variance from the required 30-ft. to construct unit 38, 21.5-ft. from the rear property line.
4. A 5-ft. rear yard setback variance from the required 30-ft. to construct unit 37, 29.5-ft from the rear property line.

The applicant requested the case be postponed – motion was made and carried under item #4

E. **AB-2021-18, MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln., sidwell numbers 09-04-402-041 & 042 (postponed from 5/10/2021 ZBA Meeting)**

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 2 variances from Zoning Ordinance #78
1. A 2.5-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 27.5-ft from an adjacent condominium unit (south).
2. A 2.6-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 27.4-ft from an adjacent condominium unit (north).

The applicant requested the case be postponed – motion was made and carried under item #4

F. **AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidwell numbers 09-04-402-047 & 048 (postponed from 5/10/2021 ZBA Meeting)**

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 4 variances from Zoning Ordinance #78
1. A 9.85-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20.15-ft from an adjacent condominium unit (south).
2. An 8.35-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21.65-ft from an adjacent condominium unit (north).
3. A 10-ft. rear yard setback variance from the required 30-ft. to construct unit 48, 20-ft. from the rear property line.
4. A 17.5-ft. rear yard setback variance from the required 30-ft. to construct unit 47, 12.5-ft. from the rear property line.

The applicant requested the case be postponed – motion was made and carried under item #4

6. **PUBLIC COMMENTS**
None

7. **COMMUNICATIONS**
A. Date Certain Memo
B. Memo regarding Upcoming Workshop

8. **COMMITTEE REPORTS**
None

9. **MEMBERS' COMMENTS**

Trustee Flood stated that he has attended many of these workshops and commented that is always something to learn. The Township Board makes the training available and it is worthwhile.

Chairman Durham commented on the abundance of cases recently.
Board member Walker stated that the Board is working on the Master Plan update and they are holding a public input session on Wednesday, June 16th at 4:00 pm.

Vice Chairman Cook stated he is happy with development of lots which are the size of the above petitioner’s.

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Chairman Durham to adjourn the meeting at 7:25 pm.
Motion passes.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 21, 2021

SUBJECT: Staff Report for AB-2021-28, William Avery, 2722 Wareing

The applicant is asking for variances to allow a 6-ft privacy fence to run the length of their property line along Baldwin Road. Because the property involved has 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 the applicant 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 well.

As provided in the packet documents, the applicant has a letter from the Keatington Home Owner’s Association indicating their approval of a 6-ft fence as long as the Township approves the variances.

Keep in mind if you grant the side yard setbacks, you are potentially allowing a 6-ft. fence to run the length of the side property lines at the distance determined. 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 the – 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: June 21, 2021

RE: AB-2021-28, William L. Avery, 2722 Wareing Dr., 09-20-376-012

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. Also, if more information is needed, a motion to postpone would be in order.

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

** If motion is to approve, conditions can be added to the motion if appropriate. If the variances are modified, use the modified numbers in the motion. **

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-28, William L. Avery, 2722 Wareing Dr., 09-20-376-012, 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 Rd.

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 that in this case:

Please be specific how the petitioner meets this criteria

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

   

   

   


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

   

   

   


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

   

   

   


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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-28, William L. Avery, 2722 Wareing Dr., 09-20-376-012, 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 Rd.

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:

1. The petitioner did not demonstrate Practical Difficulty because:

   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________

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: William L. Avery
Address: 2722 Wareing Dr. City/State/Zip: Orion TWP, MI, 48360
Phone: 248-391-4929 Cell: 248-420-4625 Fax: 
Email: AveryB224@gmail.com

PROPERTY OWNER(S)
Name(s): William L. & Sarah E. Avery
Address: 2722 Wareing Dr. City/State/Zip: Orion TWP, MI, 48360
Phone: 248-391-4929 Cell: 248-420-4625 Fax: 
Email: AveryB224@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: William L. Avery Phone: 248-391-4929 Email: AveryB224@gmail.com

SUBJECT PROPERTY
Address: 2722 Wareing Dr. Sidwell Number: 09-20-376-012
Total Acreage: Length of Ownership by Current Property Owner: 31 Years, 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 INSTALL A 6' FENCE AT THE BACK (BALDWIN RD.) SIDE OF MY PROPERTY AT THE PROPERTY LINE. CURRENTLY, 4' 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 INCREASING VOLUME OF TRAFFIC, AS WELL AS THE SAFETY PATH INSTALLATION, THE LOSS OF PRIVACY, AND INCREASED NOISE HAS DIMINISHED OUR QUALITY OF LIFE AND 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 DETERMINAL EFFECT ON ANY NEIGHBORING PROPERTIES, AND WILL ENHANCE THE APPEARANCE 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: HOMEOWNERS ALONG BALDWIN RD. HAVE AGREED TO INSTALL THE SAME FENCING WHICH WILL MAKE FOR A CONSISTANT APPEARANCE.

5. Describe how the alleged practical difficulty has not been self-created. CURRENTLY THE APPEARANCE ALONG BALDWIN RD. IS INCONSISTENT DUE TO AGING LANDSCAPES. THE UNDESIRABLE SITUATION HAS BEEN CREATED OVER TIME, WITH THE SAFETY PATH AND INCREASED TRAFFIC FLOW.

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 PRIVACY HAS DIMINISHED ANY POSSIBILITY OF USING OUR PATIO/REAR YARD, OR EVEN HAVING NORMAL CONVERSATIONS DURING HEAVY TRAFFIC PERIODS.
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: William L. Avery
Print Name: William L. Avery
Date: 05/11/21

Signature of Property Owner: William L. Avery
Print Name: William L. Avery
Date: 05/11/21

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

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

Version 5/10/18
27.05 Landscaping, Fences and Walls

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

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

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

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

H. Residential Fence and Wall Regulations.

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

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

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

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

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

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

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

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

8. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.
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)
LOT 134, KEATINGTON SUBDIVISION, ORION TOWNSHIP, OAKLAND COUNTY MICHIGAN.
AS RECORDED IN LIBER 116 PAGES 39–41 OF PLATS, OAKLAND COUNTY RECORDS.

WILLIAM L. & SARAH E. AVERY  SURVEY # 277083  MARCH 20, 1990
Lynn Harrison

From: Jeff Williams
Sent: Wednesday, June 2, 2021 8:46 AM
To: Lynn Harrison
Cc: Robert Duke
Subject: RE: ZBA Cases

The fire department has reviewed all 4 ZBA cases and has no concerns at this time.

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Tuesday, June 1, 2021 2:28 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, these are cases going to the ZBA June 28th. Do you see any issues from a fire fighting standpoint. A response to this email is fine.

Thanks,
Date: 03/18/2021

KHA-Architectural Control Committee

Proposal submitted by:
Name William Avery
Address 2722 Wareing Dr
Phone 248-420-4625

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 Rd 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:

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:

KHA ACC Chairperson
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 21, 2021
SUBJECT: Staff Report for AB-2021-29, Sadier Abro, 4749 Baldwin Road

Generally, a determination of use is conducted by the Planning Commission. In the case of determining a use in the BIZ district, it is determined by the ZBA. A land use that is not contained in a specific use group may permitted by an interpretation by the ZBA (please see Section 34.01 and 34.01(E) which has been provided in your packet which shows the uses allowed in Use Group B and the characteristics you should use to make your determination).

The petitioner is looking for a determination as to whether a laundromat is a similar use to those allowed in BIZ (Brown Road Innovation Zone) Use Group Type B - a laundromat is not specifically listed as a use.

The Public Works Department has indicated they have no issues with that use in that location however if the project goes forward there might be additional water/sewer fees for a laundromat that would be addressed when the petitioner pulls a permit.

We also consulted with the Township Engineer regarding potential traffic generation and their studies do not have a comparison for a laundromat but believe that use would be a small trip generator.

**When reviewing the uses listed under Use Group B, note there are uses that are “Permitted by Right” ie: Restaurants, Credit Unions, etc., and uses that require a “Special Land Use” ie: Drive-thru uses, Convenient Stores (with gas sales), etc. Those uses that are a Special Land Use will require a Planning Commission public hearing and deliberation for approval – the petitioner would then have to apply to the Planning Commission**

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 21, 2021
RE: AB-2021-29, Sadier Abro, 4749 S. Baldwin Road., 09-32-376-002

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

Please consider and deliberate on each of the criteria listed which the petitioner should meet in order to consider the requested interpretation. These are known as the Findings of Fact and need to be included in a motion.

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

Zoning Board of Appeals Interpretation of Use Group Type B of Article XXXIV, Brown Road Innovation Zone

In the matter of ZBA case # AB-2021-29, Sadier Abro, 4749 S. Baldwin Road, 09-32-376-002, I move that the petitioner’s request for an interpretation if whether a laundromat is similar to a use or uses listed under use group type B of Article XXXIV, Brown Road Innovation Zone. Please list your findings below and be specific:

1. A laundromat is/is not similar to the following Use Group Type B use or uses:

________________________________________________________________________________________

a. If you find the use is similar to one listed under use group B, is it a use that requires a Special Land Use?

________________________________________________________________________________________

The petitioner’s explanation and provided materials showed/did not show the following specific characteristics of a proposed laundromat to be similar to those in Use Group B because of the following:

2. Daily traffic generation:

________________________________________________________________________________________

________________________________________________________________________________________

3. Types of merchandise or service provided:

________________________________________________________________________________________

________________________________________________________________________________________

4. Types of goods produced:

________________________________________________________________________________________

________________________________________________________________________________________

5. Expected hours of operation:

________________________________________________________________________________________

________________________________________________________________________________________
6. Building characteristics:


7. Other similar characteristics that apply:


Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: 248-391-0304 ext. 5001; F: 248-391-1454

Case #: A8-2021-29
Meeting Date: 6/28/2021

Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Commercial

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

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

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

APPLICANT
Name: Sadier Abro
Address: 3807 Beechcrest City/State/Zip: Rochester Hills, MI 48307
Phone: 248-722-4444 Cell: Fax: Email: management@abroproperty.com

PROPERTY OWNER(S)
Name(s): Sadier Abro
Address: 3807 Beechcrest City/State/Zip: Rochester Hills, MI 48307
Phone: 248-722-4444 Cell: Fax: Email: management@abroproperty.com

CONTACT PERSON FOR THIS REQUEST
Name: Sadier Abro Phone: 248-722-4444 Email: management@abroproperty.com

SUBJECT PROPERTY
Address: 4749 Flat S. Baldwin Rd., Orion Charter Twp.

Bldg/Structure Number(s): 09-32-376-002

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

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

Ordinance Allowance/ Deviation requested
Requirement

List additional ordinance requirements and deviations on a separate page

Case #: ____________________________
COMMERCIAL VARIANCE

1. Describe the nature of the request. We want to build a laundromat. Which is a essential services.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. The building is own by us. We have enough parking.

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. We feel that a brand new laundromat will be an asset to the community.

4. Explain how the request is not consistent with other properties in the immediate area, please site examples if possible: The closest laundromat is in Auburn Hills. It is about 3 to 4 miles away.

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

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. We are an essential business.
8. Have there been any previous appeals involving this property? If so, when? 

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

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

Signature of Applicant: 
(must be original ink signature) 

Sadier Abro

Date: 5/14/2021

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

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

Date: 

Print Name: 

OFFICE USE ONLY

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

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

Description of variance(s):

Date Filed: ____________________ Fee Paid: ____________________ Receipt Number: ____________________
To Whom It May Concern,

My name is Sadier Abro. I own the shopping center on 4761 S Baldwin Rd. I want to open a laundromat in one of my units that is vacant in that shopping center. I own six laundromats in Michigan called Skylar’s Laundromat. They are very clean, all up to date energy efficient machines and very well kept by my employees. During the Pandemic we were considered an essential business and were kept open. I know that we are considered a “Type B Commercial” zone. Our laundry mat relates to any other business in that category. It has the same traffic as a restaurant. Whereas people come in for about 1 hour in half to two hours. The traffic moves very well. It has the same utilities as if there was an Auto wash. Both businesses use water and electricity about the same. I know this because I also own four car washes called “Ace Car Washes”. As I said before all our machines are brand new and all up to date technology. Our Hours would relate to any retail store that would open there as well. We try to accommodate our customers as much as we can. I also know once we open the laundry mat in the shopping center it will boost traffic for our business around us.

Thank you,
Sadier Abro
### Article XXXIV

**Brown Road Innovation Zone**

<table>
<thead>
<tr>
<th>USE GROUPS</th>
<th>EXAMPLES OF USES (cont.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type A</strong> (cont.)</td>
<td>Residential, Child Care, Health Care, and Public Uses (including or similar to the following) amended 06.13.20:</td>
</tr>
<tr>
<td></td>
<td>Hospitals, medical office, clinics</td>
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<td></td>
<td>Radio, TV, Telephone Trans. Towers</td>
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<td></td>
<td>Colleges/Commercial Schools</td>
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<td></td>
<td>Churches</td>
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<tr>
<td><strong>Ancillary or Support Uses Allowed:</strong></td>
<td></td>
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<tr>
<td></td>
<td>Restaurants</td>
</tr>
<tr>
<td></td>
<td>Banks / Credit unions (with or without drive-thru)</td>
</tr>
<tr>
<td></td>
<td>Convenience store (without gas sales)</td>
</tr>
<tr>
<td></td>
<td>Upper floor residential</td>
</tr>
<tr>
<td></td>
<td>Outdoor Patio</td>
</tr>
<tr>
<td><strong>Ancillary Uses requiring Special Land Use Approval:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Drive-thru uses except banks/credit unions</td>
</tr>
<tr>
<td></td>
<td>Convenience store (with gas sales)</td>
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<tr>
<td></td>
<td>Auto Wash</td>
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<tr>
<td></td>
<td>Outdoor Café</td>
</tr>
<tr>
<td><strong>Type B</strong></td>
<td>Commercial (including or similar to the following):</td>
</tr>
<tr>
<td></td>
<td><strong>Ancillary or Support Uses Allowed without Special Land Use Approval:</strong></td>
</tr>
<tr>
<td></td>
<td>Restaurants</td>
</tr>
<tr>
<td></td>
<td>Banks / Credit Unions</td>
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<tr>
<td></td>
<td>Convenience Store (with or without gas sales)</td>
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<tr>
<td></td>
<td>Upper Floor Residential</td>
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<tr>
<td></td>
<td>Office and Retail Uses</td>
</tr>
<tr>
<td></td>
<td>Multi-tenant Shopping Centers</td>
</tr>
<tr>
<td></td>
<td>Outdoor Patio</td>
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<tr>
<td><strong>Ancillary Uses requiring Special Land Use Approval:</strong></td>
<td></td>
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<tr>
<td></td>
<td>Drive-thru Uses</td>
</tr>
<tr>
<td></td>
<td>Convenience Store (with gas sales)</td>
</tr>
<tr>
<td></td>
<td>Auto Wash</td>
</tr>
<tr>
<td></td>
<td>Outdoor Café</td>
</tr>
<tr>
<td><strong>Type C</strong></td>
<td>Regional Commercial (including or similar to the following):</td>
</tr>
<tr>
<td></td>
<td>Auto dealerships</td>
</tr>
<tr>
<td></td>
<td>Large-scale retail establishments (over 55,000 sq. ft.)</td>
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<tr>
<td></td>
<td>Multi-tenant shopping centers (over 55,000 sq. ft.)</td>
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<tr>
<td></td>
<td>Building &amp; lumber supply / Garden centers</td>
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<td></td>
<td>Office buildings</td>
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<td></td>
<td>Hospitals / Medical complexes</td>
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<tr>
<td></td>
<td>Hotels / Motels with conference rooms, banquet facilities and/or a restaurant with a combined minimum area of five thousand (5,000) square feet</td>
</tr>
<tr>
<td><strong>Ancillary or Support Uses Allowed without Special Land Use Approval:</strong></td>
<td></td>
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<tr>
<td></td>
<td>Restaurants</td>
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<td></td>
<td>Office and Retail Uses</td>
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<td></td>
<td>Banks / Credit unions (with drive-thru)</td>
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<td></td>
<td>Convenience store (without gas sales)</td>
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<td></td>
<td>Upper floor residential</td>
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<td></td>
<td>Outdoor Patio</td>
</tr>
<tr>
<td><strong>Ancillary Uses requiring Special Land Use Approval:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Drive-thru uses</td>
</tr>
<tr>
<td></td>
<td>Auto service / Body repair</td>
</tr>
<tr>
<td>USE GROUPS</td>
<td>EXAMPLES OF USES (cont.)</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Type C (cont.)</td>
<td>Regional Commercial (including or similar to the following) (amended 06.15.20):</td>
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<tr>
<td></td>
<td>Convenience store (with gas sales)</td>
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<td></td>
<td>Auto wash</td>
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<tr>
<td></td>
<td>Animal kennel boarding or pet day care/Grooming</td>
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<tr>
<td></td>
<td>Outdoor Café</td>
</tr>
<tr>
<td>Type D</td>
<td>Research and Development/Industrial (including or similar to the following):</td>
</tr>
<tr>
<td></td>
<td>Computer/Information Technology and Design, Data Processing, and other Computer-Related Services</td>
</tr>
<tr>
<td></td>
<td>Corporate Offices</td>
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<tr>
<td></td>
<td>Experimental Research, Development &amp; Testing Labs</td>
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<tr>
<td></td>
<td>Life Science Technology and Medical Laboratories</td>
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<tr>
<td></td>
<td>Incubator Workshops</td>
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<tr>
<td></td>
<td>Manufacturing, Processing, Stamping, etc.</td>
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<tr>
<td></td>
<td>Printing</td>
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<td></td>
<td>Tool &amp; Die, Gauge &amp; Machine Shops</td>
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<tr>
<td></td>
<td>Truck Rental / Truck Terminal / Distribution</td>
</tr>
<tr>
<td></td>
<td>Warehousing / Wholesale</td>
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<tr>
<td></td>
<td>Indoor mini-storage facilities with centralized access</td>
</tr>
<tr>
<td></td>
<td>Indoor Commercial Recreation</td>
</tr>
<tr>
<td></td>
<td>Ancillary Uses requiring Special Land Use Approval:</td>
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<tr>
<td></td>
<td>Contractor's Equipment Storage / Storage Yards</td>
</tr>
<tr>
<td></td>
<td>RV Storage</td>
</tr>
<tr>
<td></td>
<td>Indoor mini-storage facilities without centralized access (added 06.15.20)</td>
</tr>
</tbody>
</table>

Table 34-2

<table>
<thead>
<tr>
<th>USES NOT PERMITTED</th>
<th>DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult regulated uses</td>
<td>NP</td>
</tr>
<tr>
<td>Salvage/junk yards</td>
<td>NP</td>
</tr>
<tr>
<td>Asphalt plants</td>
<td>NP</td>
</tr>
<tr>
<td>Cement plants</td>
<td>NP</td>
</tr>
<tr>
<td>Extractive uses</td>
<td>NP</td>
</tr>
<tr>
<td>Commercial/industrial incinerators</td>
<td>NP</td>
</tr>
<tr>
<td>Slaughterhouse/ rendering</td>
<td>NP</td>
</tr>
<tr>
<td>Waste processing facilities</td>
<td>NP</td>
</tr>
<tr>
<td>Composting facilities</td>
<td>NP</td>
</tr>
<tr>
<td>Bulk petroleum</td>
<td>NP</td>
</tr>
</tbody>
</table>

Key: NP = NOT PERMITTED

8. Uses not otherwise listed within a use group. Land uses which are not contained by name or by association in the use group may be permitted upon a positive recommendation of the Building Department that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district. The Building Department may also refer a request for an interpretation to the Board of Zoning Appeals in accordance with Section 30.08.

The Building Department shall consider specific characteristics of the use in question. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics.
The fire department has reviewed the proposed documentation and has no concerns at this time.

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

Jeff, this will also be on the June 28, 2021 ZBA Meeting. They are asking for an interpretation of the Zoning Ordinance as it relates to Use Group B in the BIZ Zoning District – they want to put in a Laundry Mat in the plaza where Patty Burger used to be. Please look at it as you do with other ZBA cases I send you. Let me know if you have any questions.

Thanks,
Lynn Harrison

From: Elizabeth Guzanek
Sent: Monday, June 21, 2021 10:04 AM
To: Lynn Harrison; Jeff Stout
Subject: RE: ZBA Interpretation

Lynn,

We do not have issue with that type of business going into that location.

If the project goes forward there might be additional water / sewer fees for a laundromat but that would be something we would address when a permit is pulled.

Thanks,
Liz

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Monday, June 21, 2021 9:49 AM
To: Jeff Stout <jstout@oriontownship.org>
Subject: ZBA Interpretation

Jeff, we have a case going to the ZBA on June 28th. They are seeking an interpretation as to whether a laundromat is similar to one of the uses in “Use Groups Type B” in the BIZ district (a copy of those uses are attached). The applicant wants to put a laundromat in the small strip mall where Patty Burger used to be in front of Baldwin Square. From a Public Services standpoint, do you see any issues with that type of use in that location?

Thanks,

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

Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

From: Mark Landis <Mark.Landis@ohm-advisors.com>
Sent: Monday, June 21, 2021 12:28 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: FW: Orion Twp - laundry mat

Tammy,

See below in regards to the laundry mat trip generation. Based on the below information, it would seem they would not exceed the threshold for a TIS. It would however be appropriate for the applicant to provide their own trip generation calculations to support this assumption.

Mark

From: Taryn Juidici <taryn.juidici@ohm-advisors.com>
Sent: Monday, June 21, 2021 12:21 PM
To: Mark Landis <Mark.Landis@ohm-advisors.com>
Subject: RE: Orion Twp - laundry mat

I checked ITE and it looks like they do not have a laundromat (or anything similar). My guess is that laundromats are usually a small trip generator, often accessed via walking or transit and/or part of a larger development so the process of getting rates developed for ITE would be hard. It may make the most sense to consider how many machines are proposed and how long the cycles would potentially run to get an idea of what could be expected.

TARYN JUIDICI, PE, LEED AP, CPSI | OHM Advisors®
From: Mark Landis <Mark.Landis@ohm-advisors.com>
Sent: Monday, June 21, 2021 11:50 AM
To: Taryn Judici <taryn.judici@ohm-advisors.com>
Subject: Orion Twp - laundry mat

Taryn,

Does ITE give typical rates for a laundry mat? Are they similar to a car wash? The ZBA has to review a case for a laundry mat at are asking.

Thanks
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 21, 2021

SUBJECT: Staff Report for AB-2021-30, Gerald McCabe, 3001 Yosemite

The applicant is seeking to install a 6-ft. privacy fence along the north, south, and east property lines. The applicant has an inground pool which is required to be surround by a 4-ft. fence.

The applicant’s rear yard backs up to Webber Elementary School and there is also a public walking path along the south side of the property.

The property is zoned RM-1 and is subject to the area and bulk requirements of the R-2 Single Family Residential District.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 21, 2021

RE: AB-2021-30, Gerald McCabe, 3001 Yosemite, 09-17-104-009

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. Also, if more information is needed, a motion to postpone would be in order.

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

** If motion is to approve, conditions can be added to the motion if appropriate. If the variances are modified, use the modified numbers in the motion. **

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-30, Gerald McCabe, 3001 Yosemite, 09-17-104-009, I move that the petitioner’s request for:

The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned RM-1

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.

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 that in this case:

Please be specific how the petitioner meets this criteria

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-30, Gerald McCabe, 3001 Yosemite, 09-17-104-009, I move that the petitioner’s request for:

The petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned RM-1

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.
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:

1. The petitioner did not demonstrate Practical Difficulty because:

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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: Gerald McCabe
Address: 3001 Yosemite Drive City/State/Zip: Lake Orion, MI 48360
Phone: 248-249-3775 Cell: 218-249-3775 Fax: 
Email: mac.mccabe81@gmail.com

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

CONTACT PERSON FOR THIS REQUEST
Name: Gerald McCabe Phone: 248-249-3775 Email: mac.mccabe81@gmail.com

SUBJECT PROPERTY
Address: 3001 Yosemite Drive Sidwell Number: 09-17-104-009
Total Acreage: 
Length of Ownership by Current Property Owner: 5 Years, ___ Months

Does the owner have control over any properties adjoining this site? Yes/No
Zoning Ordinance Allowance/Requirement: 10 Foot Setback Deviation requested: 0 Foot Setback
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. To erect a 6' vinyl privacy fence on the property line surrounding a pool.

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. We are adjacent to Weber Elementary on the east and a public walkway on the south. The pool creates a safety concern. There is an existing 6' cyclone fence to the east.

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: A 6' fence increases safety from pool related accidents.

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible:
There are 2 pools in subdivision that have 6' privacy fences, within the 10' setback: 2881 Yosemite and 3293 Gilacier

5. Describe how the alleged practical difficulty has not been self-created. The walkway and parking lot were here when we purchased the property.

6. The topography of said land makes the setbacks impossible to meet because: The size of the lot following the setback on this lot would be unsightly, impractical (maintenance) and negatively impact the enjoyment of the property.

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. Following the setback rules would prevent the enjoyable use of the pool.
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:  5/12/21
Print Name:  Gerald McCabe

Signature of Property Owner:  [Signature]  Date:  5/12/21
Print Name:  Gerald McCabe

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

OFFICE USE ONLY

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

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

Description of variance(s):
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

27.01 Nonconformities

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

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

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

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

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

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

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

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

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

27.05 Landscaping, Fences and Walls

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

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

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

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

H. Residential Fence and Wall Regulations.

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

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

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

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

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

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

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

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

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

Revised 05/21/20

Charter Township of Orion Zoning Ordinance 78
AB-2021-39 301 Yosemite  Zoned RM-1 Follows
property 70' wide       R-2 Zoning
sideyard setback relaxation? NO

Front setback 35' OK
side yard setback 10' will be 0' variance of 10' North & South
rear yard setback 10' will be 0' variance of 10'

Lot coverage OK
Approved by: Creekside Village
Shane Serra - President
6' cyclone fence

PROPOSED 6'
White Vinyl Fence

Pool

HOUSE

Shane Serra 5/12/21
CREEKSDIE HOA PRESIDENT
The fire department has reviewed all 4 ZBA cases and has no concerns at this time.

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

From: Lynn Harrison <lharrison@oriontownship.org>  
Sent: Tuesday, June 1, 2021 2:28 PM  
To: Jeff Williams <jwilliams@oriontownship.org>  
Subject: ZBA Cases

Jeff, these are cases going to the ZBA June 28th. Do you see any issues from a fire fighting standpoint. A response to this email is fine.

Thanks,
5/12/2021

To whom it may concern,

I reside at 3021 Yosemite Drive and I am Mr. McCabe’s direct neighbor to the South. My property is on the other side of the walkway to Weber elementary. I fully support installing a 6’ white vinyl privacy fence on the lot line.

Sincerely,

Ashokkumar Jadeja

[Signature]

5/12/2021
5/12/2021

To whom it may concern,

I reside at 2981 Yosemite Dr and I am Mr. McCabe’s direct neighbor to the North. When Mr. McCabe decided to install a pool, he asked for my opinion on the type of fence to install. After talking it over with my wife, we suggested that he install a 6’ privacy fence as opposed to the 4’ aluminum fence. He offered to install a gate on the north side of the fence so we would have easy access to the pool. We declined the gate offer but appreciated being part of the decision. We support his efforts in installing a 6’ white vinyl privacy fence on the lot line.

Sincerely,

[Signature]

John Weber
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 21, 2021
SUBJECT: Staff Report for AB-2021-31, Jeffery Aisthorpe, 800 Goldengate

The applicant has an existing 96-sq. ft. shed located in the northeast corner of the property which does not meet the front yard setback along Golden Gate or the side yard setback to the east. A search of ZBA Case history did not find where setback variances were granted.

The shed does not exceed the maximum floor area of a detached accessory building nor the maximum floor area of all accessory buildings.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 21, 2021

RE: AB-2021-31, Jeffrey Aisthorpe, 800 Golden Gate Ave., 09-12-326-002

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. Also, if more information is needed, a motion to postpone would be in order.

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

** If motion is to approve, conditions can be added to the motion if appropriate. If the variances are modified, use the modified numbers in the motion. **

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-31, Jeffrey Aisthorpe, 800 Golden Gate Ave., 09-12-326-002, I move that the petitioner’s request for:

The petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned R-1

Article VI, Section 6.04, Zoned R-1

1. A 14-ft. front yard setback variance from the required 40-ft. for a 96-sq.ft. shed to remain 26-ft. from the front property line.
2. A 3.4-ft. side yard setback variance from the required 10-ft. for a 96-sq. ft. shed to remain 6.6-ft. from the side property line to the east.

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

Please be specific how the petitioner meets this criteria

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-31, Jeffrey Aisthorpe, 800 Golden Gate Ave., 09-12-326-002, I move that the petitioner’s request for:

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2. A 3.4-ft. side yard setback variance from the required 10-ft. for a 96-sq. ft. shed to remain 6.6-ft. from the side property line to the east.

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:

1. The petitioner did not demonstrate Practical Difficulty because:

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

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: Jeffery Aisthorpe
Address: 800 Goldengate St. City/State/Zip: Lake Orion, MI 48362
Phone: ___________________________ Cell: (248) 904-6469 Fax: ___________________________
Email: aisthorpe1@comcast.net

PROPERTY OWNER(S)
Name(s): Michelle Aisthorpe
Address: 800 Goldengate St. City/State/Zip: Lake Orion, MI 48362
Phone: ___________________________ Cell: (586) 295-3438 Fax: ___________________________
Email: aisthorpe1@comcast.net

CONTACT PERSON FOR THIS REQUEST Name: Jeffery Aisthorpe

SUBJECT PROPERTY Phone: (248) 904-6469 Email: aisthorpe1@comsact.net
Address:

Total Acreage: 5 acres Sidewell Number: 09- 12326002

____________________ Length of Ownership by Current Property Owner: 10 Years, _______ Months

Does the owner have control over any properties adjoining this site? Zoning Ordinance
Allowance/Requirement _____________________________ Deviation requested Set Back Allowance

Page 1 of 3
Version 5/10/18
Case #:  

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. The previous property owner added a shed in 2007 to the property. The shed is 6.5' from the East lot line and 26' from the North lot line. We are asking to keep the shed in the current location as it poses no issue to property access from any of the adjacent properties. Additionally we exit the property from the South side (true front).

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. This property is adjacent to a subdivision on the East and North side. The subdivision has no need for access to those sides of the property. Additionally the property driveway access is to the South side.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. The shed is located in a corner of the property that has no other use than this space for a shed. It is in excellent condition and visually appealing. There is no negative impact to any other properties.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: There are multiple sheds/barns in the area, most are not in as good of appearance as this one is. I would say this is above average in condition and below average in size.

5. Describe how the alleged practical difficulty has not been self-created. The previous owners placed the shed in this location.

6. The topography of said land makes the setbacks impossible to meet because: If we move it to meet the 10' side and 40' front setbacks the locations would be too close to the driveway and would not allow for snow management in the winter.

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. To move this shed will cost around $2,000 to do it properly, this is an expense we are not prepared to take on. Additionally, I store items in the shed that I use in that area specifically gardening implements, etc.

Page 2 of 3

Version 5/10/18
Case #: 

8. Have there been any previous appeals involving this property? If so, when? Not that we are aware of

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

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

Signature of Applicant: ______________________ Date: 5/4/21

Print Name: Jeffrey A. Airthage

Signature of Property Owner: ______________________ Date: 5/4/21

Print Name: Jeffrey A. Airthage

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: ______________________
AB-2021-31 800 Golden Gate 5.008 Acres
218.148.48'  25'  54,537.12'

Shed is existing and is 8' x 12' (96 sq ft)

Front setback required is 40' providing 26' variance of 14'.

Side yard setback required (east) is 10' providing 6.6' variance of 3.4'.

Side yard setback required (west)  OK

Rear yard setback required  OK

Lot coverage  OK

Garage 870

Maximum Square footage of accessory building OK
Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)

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

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

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

Section 6.05 – Sign Regulation (amended 10.08.98, 02.21.06)

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

Section 6.06 – Tree Preservation Regulations (amended 08.03.00)

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

Section 6.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Land situated in the Township of Orion, Oakland County, Michigan, described as follows:

Port of the South West 1/4 of Section 12, Town 4 North, Range 10 East, Township of Orion, Oakland County, Michigan, described as beginning at a point located South 81 degrees 19 minutes East along the East and West 3/4 line 539.7 feet and South 03 degrees 17 minutes West 887 feet and North 81 degrees 21 minutes 50 seconds West 1154.22 feet and South 02 degrees 43 minutes 10 seconds West 56 feet from the center of said Section 12; thence South 81 degrees 19 minutes East 299.28 feet; thence South 01 degrees 41 minutes West 786 feet to the Northeasternly right of way line of the New York Central Railroad; thence North 62 degrees 45 minutes 30 seconds West along the railroad right of way 329.27 feet; thence North 01 degrees 41 minutes East 680.42 feet to the point of beginning, together with rights of ingress and egress over an existing driveway running from the centerline of Goldengate Avenue as shown on John Winter Land and Home Subdivision, as recorded in Liber 29, on Page 3 of Plats, Oakland County Records, Northeasterly and Easterly to the Northeast corner of the above described parcel.

HOUSE DETAIL
SCALE: 1" = 30'

CERTIFICATE: We hereby certify to:

that we have inspected the above-described property in accordance with the description furnished and confirmed to be correct by mortgagee or mortgagee's title company for the purpose of a new mortgage loan to be made by

SHAMMA MARCOLO

mortgagee, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property herefore described, except as shown. The location of fences, driveways, other buildings, and non-permanent structures shown are only approximate. Any easements shown are either recorded in the subdivision plat or appear in the instrument referenced in the title policy, if both have been furnished to us. This report does not locate or identify the existence or absence of utilities entering into or crossing above or below the property. This report is to be used for mortgage purposes only and not for the purpose of establishing property lines, nor for construction purposes. No property lines were established and no property corners were set. This is not an ALTA type survey. This cannot be used for future refinancing purposes or transferred to any future property owners.

REVISED

DRAWN BY MVP

SCALE 1" = 150'

PROFESSIONAL LAND SURVEYOR

NO. 19837

JOB NO. 230721
The fire department has reviewed all 4 ZBA cases and has no concerns at this time.

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Tuesday, June 1, 2021 2:28 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, these are cases going to the ZBA June 28th. Do you see any issues from a fire fighting standpoint. A response to this email is fine.

Thanks,
Good afternoon,

Please be advised that we would like to express our approval of the petitioner's request for both variances Re: AB-2021-31, Jeffrey Aisthorpe, 800 Golden Gate Ave., 09-12-326-002. We live at 992 Ridgeview Circle, Lake Orion, MI 48362, and we have no problem at all with this request.

Best regards,

Richard and Kelly Comeau
992 Ridgeview Circle
Lake Orion, MI 48362
To whom it may concern,

I received a notice of a hearing regarding the setback of a structure located on 800 Goldengate.

I have lived at 985 Ridgeview Circle since 1999. The previous owner of 800 Goldengate erected the structure in 2007 and it has never been an issue for me or Adam Hendricks of 993 Ridgeview Circle. Both of us are the only two properties that the setback affects and neither of us have an issue with the structure location.

You may reach me at 313-363-0261

I look forward to seeing the structure remaining in its location for many years to come!

 Regards,  
Gary Patterson  
985 Ridgeview Circle  
Lake Orion, MI 48362  
313-363-0261
MORTGAGE REPORT

KIEFT ENGINEERING, INC.
REG. PROF. ENGINEER AND REG. LAND SURVEYOR
5852 S. MAIN ST.  CLARKSTON, MICHIGAN 48346
623-3231

REVISIONS

SCALE
AS NOTED.

CHECKED BY
JJS

DATE
6-9-99

SHEET NO.
1 of 1

ORDER No.
MM020-61

882198

539.72' W

S. 82°19' E 39.72' N

SNE 1/2

SE 1/4

Lot 1

S 82°19' E 539.72' W and S 83°17' N 887.00' E and N 81°21' 50" W 1154.22' E and S 02°43' 10" W 66.00' E to the center of Section 12; Th S 82°19' E 299.28' W; Th S 01°41' W 786.00' E to a point on the NE'ly right-of-way line of the New York Central R.R.; Th N 82°45' 30" W 329.27' E along said right-of-way; Th N 01°41' W 690.42' to the point of beginning. Containing 5.00 acres of land, more or less. Also the right of ingress and egress on a certain private road held in common; the centerline of which is described as beginning at the intersection of the centerline of Golden Gate in "Winters Land and Home Subdivision", extended NE'ly to the NE'ly right-of-way of the New York Central R.R.; Th N 80°27' 56.53' E to a point of curve; Th on this curve which bears to the left (Radius = 151.82 ft, central angle = 30°49') a distance of 79.94' W to a point of reverse curve; Th on a curve which bears to the right (Radius = 207.26 ft, central angle = 88°29') a distance of 174.84' E to the NE'ly line of the above described 5.00 acre parcel.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 21, 2021

SUBJECT: Staff Report for AB-2021-32, Frank Cobb, 662 Porteous

The applicant is seeking a rear yard setback variance and a side yard setback variance. Note Exhibit A shows the side yard and the rear yard property line is the same. Enclosed in the packet is page 2-23 from Zoning Ordinance #78 that gives the definition of “Yard, Rear” and “Yard, Side” and a diagram showing an example of each.

Also, “Exhibit A” shows that the applicant’s property and his neighbor’s property to the northwest, 640 Porteous, are irregularly shaped and both houses were built close to the property line separating the two.

As noted in the application and as shown in one of the photos, there is a second-floor door wall and a main floor door wall that have little or no connection to outdoor space.

Exhibit B shows the property iron that separates the applicant’s property from his neighbor’s property to the northwest, 640 Porteous.

The application notes some of the difficult topography associated with the subject lot.

** The applicant shows a 6-ft. setback from the rear property line, we advertised that it would be 5-ft. just in case the measurement was slightly off.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 21, 2021
RE: AB-2021-32, Frank Cobb, 662 Porteous, 09-01-136-021

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. Also, if more information is needed, a motion to postpone would be in order.

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

** If motion is to approve, conditions can be added to the motion if appropriate. If the variances are modified, use the modified numbers in the motion. **

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-32, Frank Cobb, 662 Porteous, 09-01-136-021, I move that the petitioner's request for:

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

Article 6.04 Zoned R-3

1. A 5-ft. side yard setback variance from the required 10-ft. to construct a deck 5-ft. from the property line to the north.

Article 27.03(C)(3)(b)(ii)

2. A 15-ft. rear yard setback variance from the required 20-ft. to construct a deck 5-ft. from the rear property line.

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

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, 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-2021-32, Frank Cobb, 662 Porteous, 09-01-136-021, I move that the petitioner's request for:

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

Article 6.04 Zoned R-3

1. A 5-ft. side yard setback variance from the required 10-ft. to construct a deck 5-ft. from the property line to the north.

Article 27.03(C)(3)(b)(ii)

2. A 15-ft. rear yard setback variance from the required 20-ft. to construct a deck 5-ft. from the rear property line

Please be specific how the petitioner does not meet this criteria

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

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: Frank Cobb
Address: 662 Porteous Dr. City/State/Zip: Lake Orion, MI 48362
Phone: 248-802-9334 Cell: 31
Email: Charityamott@yahoo.com

PROPERTY OWNER(S)

Name(s): Frank Cobb
Address: 662 Porteous Dr City/State/Zip: Lake Orion, MI 48362
Phone: 248-802-9334 Cell: 248-802-9334
Email: Charityamott@yahoo.com

CONTACT PERSON FOR THIS REQUEST

Name: Frank Cobb Phone: 248-802-9334 Email: Revereldove@hotmail.com

SUBJECT PROPERTY

Address: 662 Porteous Dr Sidewell Number: 09-01-136-021
Total Acreage: Length of Ownership by Current Property Owner: 11 Years, 1 Months

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

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Requesting a variance to build a deck on/off the back of my house to not having a usable back yard and to be able to use the pre-existing doorwall already built onto the house.

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. Side yard is a hill and back yard is a prop off.

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. There is a wet land to the rear. This will not block views or air flow for neighbors.

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

   All the House's have yard space for kids & animals to play. My property has very little space to do anything. The rear yard is very small and has a hill with a big drop off.

5. Describe how the alleged practical difficulty has not been self-created. I purchased house as is and the property was not change and cannot be changed.

6. The topography of said land makes the setbacks impossible to meet because: Shape of lot placement of house downward slope of back yard.

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 back yard is very small & there is no usable space, a deck will provide more usable space for our family.
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

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

Signature of Applicant:  
(must be original ink signature)  
Date: 5/17/2021

Print Name:  FRANK COBB

Signature of Property Owner:  
(must be original ink signature)  
Date: 5/17/2021

Print Name:  FRANK COBB

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
A. **Private WECS**: Any WECS that is accessory to a principal use located on the same lot, and is designed and built to serve the needs of the principal use which may provide some electricity back into the power grid when needs of principal use are exceeded.

B. **Commercial WECS**: Any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise and/or for profit.

C. **Temporary WECS**: Any WECS not permanently affixed to a structure or the ground and will serve a need for no more than 365 days.

**Manual and Automatic Controls**: A device that gives protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.

**Authorized Factory Representative**: An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

**Professional Engineer**: Any licensed engineer registered in the State of Michigan.

**Utility Scale Wind Farm**: All wind farms that produce greater than fifty (50) kilowatts of energy.

**Facility Abandonment**: Out of production for a period of time more than 365 days.

**Shadow Flicker**: A term used to describe what happens when rotating wind turbine blades pass between the viewer and the sun, causing an intermittent shadow.

**Yard**: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure. (See Illustration 2.3)

**Yard, Front**: An open space extending the full width of the lot. The depth of the front yard shall be the minimum horizontal distance between the front lot line and the nearest line of the building on the lot.

**Yard, Rear**: An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line or zoning district line, whichever is closer to the building and the nearest point of the main building.

**Yard, Side**: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line or zoning district line, whichever is closer to the building and the nearest point of the main building.

![Illustration 2.3](image-url)
The following projections shall be permitted when located in the required yards as specified:

1. **In all yards.** Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions.

2. **In front yards.** Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.

3. **In rear yards.**
   a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard.
   
   **b. Decks** may be permitted to project into a required rear yard when the following conditions are met:
   (amended 06.15.87, 07.06.97)
   i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
   ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.
   iii. A deck shall be at least twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
   iv. Setbacks for decks shall be measured from the leading edge of the deck surface.

4. **In side yards.** One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

D. **Required Yards - Existing Buildings.**

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

E. **Location of Required Open Space.**

All yards and other open spaces allocated to a building or group of buildings shall be located on the same zoning lot as such building or group of buildings.

F. **Variances to Yard Regulations.**

The Zoning Board of Appeals may modify yard regulations by granting a variance for individual cases where literal enforcement of the provisions of the Ordinance would not be reasonably possible or would result in unnecessary hardship. Examples where such variances from yard regulations would be appropriate include:

1. A planned development in a multiple-family district;
2. Cases where the applicability of the regulations on lots existing and of record at the time this Ordinance became effective cannot be determined;
**Section 6.04 – Area and Bulk Requirements** *(amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)*

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

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</td>
<td></td>
<td></td>
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<td>Front Yard**</td>
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<td>1.320 sq. ft.</td>
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<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A. 8</td>
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<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
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<td>30 ft.</td>
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*In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided.
** Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.
*** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

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

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

**Section 6.06 – Tree Preservation Regulations** *(amended 08.03.00)*

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

**Section 6.07 – Wetland Setbacks** *(added 09.17.07)*

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
AB-2021-32  662 Perleous Dr.  R-3
2.65 acres   11,543.70'²  25% = 2,885.85

Front setback OK
Side yard setback (South) OK
Side yard setback (North) = needs to be 10' will be 5' variance
Rear yard setback  = needs to be 20' will be 5' variance

House - 1,635
Porch - 16

Garage - 625
Proposed Deck 481.75'² (11’9” x 41’ = 481.75'²)
    2,757.75
Lot coverage OK
The fire department has reviewed all 4 ZBA cases and has no concerns at this time.

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Tuesday, June 1, 2021 2:28 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, these are cases going to the ZBA June 28th. Do you see any issues from a fire fighting standpoint. A response to this email is fine.

Thanks,

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

TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 21, 2021
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.

Please keep in mind, per the ZBA Bylaws, the Chairman has the authority to accept additional cases to any given meeting.

August 9, 2021
August 23, 2021