CHARTER TOWNSHIP OF ORION
ZONING BOARD OF APPEALS AGENDA
MONDAY, JULY 12, 2021 - 7:00 PM
ORION COMMUNITY CENTER
1335 JOSLYN ROAD
LAKE ORION, MI 48360

1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 06-28-2021, ZBA Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2021-26, Good Shepherd Lutheran Church, 1950 S. Bladwin Road, 09-20-101-014 (postponed from the May 24th meeting)
      The petitioner is requesting 4 variances from Sign Ordinance 153 Zoned Residential Section 7 – Residential Zoned Areas; Ground Signs
      1. A 1-ft. height variance from the allowed 6-ft. for a ground sign to be 7-ft. tall.
      2. A 10-sq. ft. sign area variance from the allowed 35-sq. ft. for a ground sign to be 45-sq. ft.
      3. A 25.6% EMC sign area variance from the allowed 30% (13.5-sq. ft.) for the EMC portion of a ground sign to be 55.6% (25-sq. ft.) of the total ground sign area (45-sq. ft.).
      4. A 1mm EMC resolution variance above the maximum 25mm to allow a maximum EMC resolution of 26mm.
   B. AB-2021-33, Eric J. Kaiser, 2925 Walmsley Circle, 09-20-452-010
      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 Waldon 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 east.
      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 west.
   C. AB-2021-34, Theodore R. Young, 3980 Maybee Road, 09-30-200-033
      The petitioner is requesting 1 variance from Zoning Ordinance #78 Article V, Section 5.04, Zoned SF
      1. A 12-ft. side yard setback variance from the required 20-ft. to build a shed 8-ft. from the side property line (east).
   D. AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015
      The petitioner is requesting 4 variances from Zoning Ordinance #78 – Zoned R-3 Article XXVII, Section 27.01 (C)(1)(a):  
      1. A 10-ft. lot width variance from the required minimum 50-ft. lot width Article VI, Section 6.04, Zoned R-3
      2. A 2-ft. side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (east)
      3. A 2-ft. side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (west)
      4. A 9.7% lot coverage variance above the allowed 25% for a total lot coverage of 34.7%.
   E. AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001
      The petitioner is requesting 1 variance from Zoning Ordinance #78 -Zoned R-1 Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size 1 to 2.5 acres
      1. A 461.46 sq. ft. variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings to build a 720 sq. ft. detached shed in addition to an existing 741.46
sq. ft. detached garage for a total of 1,461.46 sq. ft. Maximum Floor Area of All Detached Accessory Buildings.

F. AB-2021-41, Orion Investment Group, Orion Storage, 1761 W. Clarkston Rd., 09-16-226-001 & .648 acres of 09-16-200-002
The petitioner is seeking 8 variances from Zoning Ordinance #78 – Zoned LI

   Article XVI, Section 16.04 – Area and Bulk Requirements
   1. A 20-ft. side yard setback variance, from the required 25-ft., for a building to be 5-ft. from the property line (east).
   2. A 12.52-ft. side yard setback variance, from the required 25-ft., for a building to be 12.48-ft. from the property line (west).
   3. A 7.2% lot coverage variance, above the allowed 30%, for a total lot coverage of 37.20%.
   Article XVI, Section 16.03(C)(3)
   4. A 15-ft. off-street parking setback variance, from the required 20-ft., for parking to be 5-ft. from the property line (east).
   Article XVI, Section 16.03(D)(2)
   5. A 39-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 11-ft. (south).
   6. A 37.52-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 12.48-ft. (west).
   7. Interpretation of Zoning Ordinance #78, Section 16.03(D)(2), what width of greenbelt applies when adjacent to REC-2, if any?
   8. A 45-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 5-ft. from a recreational use (east).

G. AB-2021-43, Kay Industrial, unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.)
The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned IP

   Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)
   1. An 8-ft. off-street parking setback variance, from the required 20-ft., for parking to be 12-ft. from the property line (south).
   Article XVIII & Article XXXV
   2. Section 18.03(D)(2), an 8-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 12-ft. (south) & Section 35.04(A)(8)(6), a 3-ft. greenbelt width variance, from the required 15-ft., (Lapeer Road Overlay District), for the greenbelt with to be 12-ft.

H. AB-2021-44, Kay Industrial, 50 Kay Industrial Dr., 09-35-400-033
The petitioner is seeking 6 variances from Zoning Ordinance #78 – Zoned IP

   Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)
   1. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east).
   2. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south).
   Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b)
   3. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east).
   4. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south).
   Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a)
   5. Seeking a variance, for a covered trash area to be in a side yard (east) instead of the required rear yard.
   Article XVIII, Section 18.04
   6. A 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive).

6. PUBLIC COMMENTS
7. COMMUNICATIONS
   A. Date Certain Memo
8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT
In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 29, 2021
SUBJECT: Staff Report for AB-2021-26, Good Shepherd Lutheran Church 1950 S. Baldwin Road

The petitioner’s request was heard at the May 24th ZBA meeting at which time it was postponed at the petitioner’s request.

At the meeting, there was concern about the pixel resolution associated with the EMC portion of the proposed new sign. As the new sign is being purchased second-hand, that documentation was not available. The petitioner was to come back with more information on the pixels as it relates to brightness and focus.

Attached are the minutes from the May 24th ZBA meeting.

Please contact me if you have any questions.
1. The petitioner does show the following practical difficulty: a unique characteristic to this property as having two front yards, one facing on Walmsley Circle and one facing on Baldwin Road, widening of Baldwin Road and the complete safety path system all the way starting south at I-75 road to Indianwood Road. The following are exceptional or extraordinary circumstances or condition attributed to the property involved and do no generally apply to other properties in the same district or zone. In the last several years, Baldwin Road traffic and volume and emitted road noise has tremendously increased due to residential and commercial expansion both to the north and south of this well-established subdivision community.

2. 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 based on the following findings of fact. Due to the abovementioned findings of fact, the property owner did no longer enjoy the peace and tranquility, privacy and safety that they once possessed.

3. 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 findings of fact. The Keatington Home Owners Association Architectural Control Committee review letter date stamped April 20, 2021 has formally accepted the proposal with exceptions as noted: ZBA approval of requested variances and fence to be constructed of the same material and style, shadowbox, as previously approved fencing along Baldwin Road only.

4. Based on the following findings of fact, granting this variance would not impair an adequate supply of light and air to adjacent properties due to installation of this fence will protect the subject property owner from vehicle headlights on Baldwin Road from spilling onto their property and privacy. The variances will not unusually increase congestion in the public streets. There is also not going to be an increase of fire, or endanger of the public safety. Granting the variance also will not reasonably diminish or impair established property values within the surrounding area. Granting this variance will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

Chairman Durham stated that he has had a connection with this church for some time, but not heavily for the last 7-10 years. He was married in the building so has a connection to it. He doesn't know the applicant but will recuse himself if the Board deems it appropriate.

Board members agreed that there was no conflict of interest.

Chairman Durham read the petitioner's request as follows:
Petitioner is requesting 4 variances from Sign Ordinance 153 Zoned Residential

Section 7 – Residential Zoned Areas; Ground Signs
1. A 1-ft. height variance from the allowed 6-ft. for a ground sign to be 7-ft. tall.
2. A 10-sq. ft. sign area variance from the allowed 35-sq. ft. for a ground sign to be 45-sq. ft.
3. A 25.6% EMC sign area variance from the allowed 30% (13.5-sq. ft.) for the EMC portion of a ground sign to be 55.6% (25-sq. ft.) of the total ground sign area (45-sq. ft.).
4. A 1mm EMC resolution variance above the maximum 25mm to allow a maximum EMC resolution of 26mm.

Mr. Mike Kickbush, 829 Rustic Village Lane, introduced himself as representing the petitioner.

Chairman Durham asked if the 1 mm EMC resolution was brightness or focus.
Mr. Kickbush replied he couldn’t answer that. The reason they are applying for the variance is they have the opportunity to buy a used sign for about 1/3 the cost of a new one and they are not able to get paperwork to verify the exact pixel. They have been told what the pixel is by the seller, but they do not have anything in writing.

Chairman Durham asked Building Official Goodloe about the 1 mm EMC resolution variance request.

Building Official Goodloe replied that the resolution was both brightness and focus.

Trustee Flood stated that the Board does not take financial information into account when reviewing a variance. He understands the church’s predicament. The request is not unreasonable for the height of the signage. This sign used to be ground level with Baldwin Road. If you drive down there now, it is 3-4 feet below road grade. He has no problem with the request and the practical difficulty is because they are buying a used sign and want to make sure they are within the legal requirements.

Chairman Durham asked if it would occupy the same space as the current sign.

Mr. Kickbush replied no, they will be 95 feet from the center line. The future road right of way is 75 feet and they have to be 20 feet from that. They will be further back from the current sign. They have 700 foot of frontage on the road.

Board member Walker asked if there were any set line issues.

Building Official Goodloe replied no.

Trustee Flood stated that they are moving the sign back further from the road and towards the church. The only thing next to them is a general store which has a drive through lane and to the south is a residential community.

Mr. Kickbush clarified that the subdivision is north of the church, park on the east side and residential south of them. The Dollar General is south of the church. Orion Wine store is south of the church.

Secretary Brackon asked the price difference between the old and the new sign. Mr. Kickbush replied that a new sign would be $13,000 and this used sign is $3,000.

Secretary Brackon stated what happens if the Board grants them a variance and the new sign is above the request, what will be done then.

Mr. Kickbush stated that that is why they aired on the side of too much.

Secretary Brackon stated that they only asked for 1 mm. What happens if it comes back higher?

Mr. Kickbush stated that they cannot verify in writing what the sign is. The sign manufacturer is in New York and the owner is in Tennessee and it has not been used in the last couple of years.

Secretary Brackon asked if it was a measuring of the brightness and resolution?

Mr. Kickbush replied yes.

Secretary Brackon asked again if it comes back higher, what do they do?

Mr. Kickbush answered that they would have to dim it down.

Secretary Brackon asked if the sign was going to be used for advertising other than church.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – May 24, 2021

Mr. Kickbush replied no, just church events.

Trustee Flood clarified the location of the petitioner’s church.

Building Official Goodloe stated that brightness is measured in lumens. The variance request deals with clarity.

Secretary Brackon asked why there would be a limit on clarity.

Building Official Goodloe clarified the ordinance requirements.

Secretary Brackon stated that if the brightness and clarity continue to be exceeded through variances, then Baldwin Road begins to look like Las Vegas and he is concerned about that.

Trustee Flood stated that if they find someone in violation, the Township goes out to inspect. If they do not meet the ordinance, they shut the sign off.

Building Official Goodloe concurred.

Trustee Flood agreed with Secretary Brackon.

Chairman Durham stated that the subdivision to the north is behind them. They would not have to worry about light leakage.

Mr. Kickbush confirmed that they are heavily wooded all around the property.

Building Official Goodloe commented that some signs that are used and become inoperable become very difficult to repair.

Trustee Flood provided history on Township signage.

Chairman Durham stated that a discounted sign sounds like a good deal. He asked if someone from the organization had seen it.

Mr. Kickbush replied that it was a referral from a resident of Tennessee that used to live up here. When they get ownership, they will test it and make sure it works.

Board member Walker stated that this petitioner’s story is real; this petitioner’s issues are created by the widening of Baldwin Road.

Chairman Durham asked if there was any public comment on this item.

No public comment was heard.

Vice Chairman Cook stated that his problem with this is they are down to mm’s and questioned the petitioner as to what he has done to find out the information.

Mr. Kickbush commented on what he has tried to do to get the information.

Vice Chairman Cook stated that initially it won’t be an issue but when the road is widened, it will become an issue and they do not know because they do not know the characteristics of the sign. The sign ordinance is at 25 mm because of what they had before.

Mr. Kickbush commented on the history of the sign. He has the serial number and has tried to contact the company.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – May 24, 2021

Chairman Durham commented that the petitioner can choose to postpone to a later date to try to get the information.

Trustee Flood asked if they would take the 1 mm off the variance request and take a gamble that it will be 25.

Mr. Kickbush stated that if they remove it, would they have to change it.

Trustee Flood stated that if it were over, they would have to come back to the ZBA and get the one variance for the brightness. The brightness seems to be an issue for the Board members.

Mr. Kickbush asked if they could go on the agenda in two weeks if they choose to postpone.

Trustee Flood stated that July 12, 2021 would be the next available date.

Mr. Kickbush stated that he would like to postpone the vote to the next available date, July 12, 2021.

Trustee Flood moved and Chairman Durham seconded, to postpone case AB-2021-26, Good Shepherd Lutheran Church, 1950 S. Baldwin Road, 09-20-101-014, to July 12, 2021 at the petitioner’s request.

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

A. AB-2021-05, Robert Cavanagh, 893 Indianwood, 09-03-252-010 (postponed from 4/12/2021 meeting)

Chairman Durham read the petitioner’s request as follows:
Petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned R-3

Article XXVII, Section 27.02 – Lot size over 2.5 acres
1. A 1,183.5-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of All Detached Accessory Buildings for a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 180.5-sq. ft. gazebo, and a 120-sq. ft. greenhouse.

2. A 1,339-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of All Accessory Buildings for a 576-sq. ft. attached portico, a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 180.5-sq. ft. gazebo, and a 120-sq. ft. greenhouse.

Mr. Robert Cavanagh introduced himself to the Board members. He summarized how the request has changed since the last time he was in front of the Board. The gazebo is 180.5 square foot and he explained how it was measured.

Chairman Durham confirmed that Mr. Cavanagh had been meeting with folks to try to come together and reach an agreement. He asked if there was forward momentum from these meetings.

Mr. Cavanagh answered not as much as he would have liked. He postponed the vote at the last meeting and took into account the neighbors’ perspectives. He submitted an agenda a week in advance and thanked the Orion staff for their willingness to be mediators. He summarized the interaction with the neighbors and how he read the statement that he provided to the neighbors that met.

Chairman Durham asked about the fill placed on Indianwood side and if it is where it needs to be yet.

Mr. Cavanagh stated that he hasn’t brought any more fill in this year. He leveled off what was there and is pretty close, but it is not all leveled. He has an updated timing chart that he provided to the Board.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 30, 2021

RE: AB-2021-26, Good Shepherd, 1950 S. Baldwin Road, 09-20-101-014.

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-2021-26, Good Shepherd Lutheran Church, 1950 S. Baldwin Road, 09-20-101-014, I move that the petitioner’s request for:

4 variances from Sign Ordinance #153 - Zoned Residential

Section 7 - Residential Zoned Areas; Ground Signs

1. A 1-ft. height variance from the allowed 6-ft. for a ground sign to be 7-ft. tall.
2. A 10-sq. ft. sign area variance from the allowed 35-sq. ft. for a ground sign to be 45-sq. ft.
3. A 25.6% EMC sign area variance from the allowed 30% (13.5-sq. ft.) for the EMC portion of a ground sign to be 55.6% (25-sq. ft.) of the total ground sign area (45-sq. ft.).
4. A 1mm EMC resolution variance above the maximum 25mm to allow a maximum EMC resolution of 26mm.

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-2021-26, Good Shepherd Lutheran Church, 1950 S. Baldwin Road, 09-20-101-014, I move that the petitioner's request for:

4 variances from Sign Ordinance #153 - Zoned Residential
Section 7 - Residential Zoned Areas; Ground Signs
1. A 1-ft. height variance from the allowed 6-ft. for a ground sign to be 7-ft. tall.
2. A 10-sq. ft. sign area variance from the allowed 35-sq. ft. for a ground sign to be 45-sq. ft.
3. A 25.6% EMC sign area variance from the allowed 30% (13.5-sq. ft.) for the EMC portion of a ground sign to be 55.6% (25-sq. ft.) of the total ground sign area (45-sq. ft.).
4. A 1mm EMC resolution variance above the maximum 25mm to allow a maximum EMC resolution of 26mm.

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:
Good Shepherd Lutheran Church & Preschool

Proposed monument sign with electronic message center

Business Name: Good Shepherd Lutheran
Address: 1950 S Baldwin, Orion Twp
Contact: Mike
Phone #: 48.765.1195
Fax #: 
Email: mike58fire@gmail.com
Date of Proposal: 6.1.20

Artwork Proposal

NORTHERN SIGN CO., INC.
2181 E. Walton Auburn Hills, MI 48326
248.333.7733
www.northernsign.com

Northern Sign Representative
RICK LEWIS JUSTIN

Designer: Justin

Road Side
EMC = 25°
Allowed 13.5° (300°)

Base not included in sq footage calculation up to 30°

Proposed monument sign with electronic message center

50% deposit will be required prior to any fabrication, with balance to be paid in full on date of completion. Any artwork/sketches shall remain the property of Northern Sign Co., Inc. and shall not be duplicated or used without approval and purchase from Northern Sign Co., Inc. Any designs/time and or logo artwork cost incurred prior to acceptance or proposal shall be that of the customer. Any expenses incurred for changes made after artwork approval shall be that of the customer.

Acceptance of Artwork Proposal: The above artwork is satisfactory and are hereby accepted. You are authorized to do the work as indicated.
Variance #1 — Needed for overall height of sign, proposal is for 7’, ordinance allows 6’

Variance #2 — Needed for sign area, proposal is for 45 sq ft., ordinance allows 35 sq ft.

Variance #3 — Needed for sign area, the proposed EMC sign would be at 60% of the Total square footage, ordinance allows 30%.

Variance #4 — Needed for resolution of EMC sign, we are planning to purchase A used sign that is manufactured by 5 Star LED from New York, We have been unable to get a spec sheet on this sign. We have been Told from the current seller that the resolution is 26 mm, ordinance Allows 25 mm.
30 sq ft variance

\[ \text{Emc} = 30'' \times 120'' = 3,600 \div 144 = 25 \text{ ft}^2 \]

Allowed: 13.5

\[ -13.5 \text{ ft}^2 \]

11.5 variance

Distance from Rev OK
Residential Zoned Areas
EMC Ground Signs

To protect the health, safety, peace and enjoyment of Township residents, EMC ground signs are prohibited in residential zoned areas, except for institutional uses (i.e. churches, schools, public buildings etc.), and shall comply with all the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance. Further, a residentially zoned EMC ground sign shall also comply with the regulations governing sign use, area, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Signs</td>
<td>1 sign</td>
</tr>
<tr>
<td>Height</td>
<td>The maximum height of an electronic message center shall conform to the maximum height regulations of signs allowed in each zoning district.</td>
</tr>
<tr>
<td>Sign Area</td>
<td>The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.</td>
</tr>
<tr>
<td>Color</td>
<td>Multiple colors on a black background</td>
</tr>
<tr>
<td>Movement</td>
<td>Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.</td>
</tr>
<tr>
<td>Restrictions</td>
<td>See Section 15 - Construction Requirements</td>
</tr>
<tr>
<td>Resolution</td>
<td>Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.</td>
</tr>
<tr>
<td>Restrictions</td>
<td>All EMC signs are required to be shut off between the hours of 11 PM and 6 AM. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township. The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</td>
</tr>
</tbody>
</table>
# Residential Zoned Areas

## Ground Signs

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Signs</td>
<td>1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park</td>
</tr>
<tr>
<td>Overall Height</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Sign Area</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
</tr>
<tr>
<td>Setback - shall be measured at existing ROW or as req’d by RCOC</td>
<td>20 ft. from ROW</td>
</tr>
<tr>
<td>Footnotes</td>
<td>3</td>
</tr>
</tbody>
</table>

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

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 29, 2021
SUBJECT: Staff Report for AB-2021-33, Eric J. Kaiser, 2925 Walmsley

This property is located in the Keatington Sub and the petitioner is requesting to erect a 6-ft. fence along the property line that abuts Waldon Road. This request is similar to those that came in for 6-ft. fences along Baldwin Road in the same subdivision.

Because the property has property lines along Walmsley Circle and Waldon Road, it is considered to have two front yards and therefore has two front yard setbacks. In this case it is 35-ft. from Walmsley Circle and 35-ft. from Waldon Road. Also, the fence is proposed to run the length of Waldon Road and end at the property lines to the east and west so the request includes variances to have 0-ft. side yard setbacks from the required 10-ft. on both sides.

Please keep in mind that if you choose to approve a variance or variances from the side property lines to the east and west, that would potentially allow the petitioner to run a 6-ft. fence the length of the side property lines 0-ft. from the property line. If you approve and you only are allowing the variance(s) for a 6-ft. fence along the Waldon Road property line – it should be indicated as such in the motion – example – “the setback variances from the property lines to the east and west of said property is for the 6-ft. fence that runs along Waldon Road only.”

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 29, 2021

RE: AB-2021-33, Eric J. Kaiser, 2925 Walmsley Circle, 09-20-452-010

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-33, Eric J. Kaiser, 2925 Walmsley Circle, 09-20-452-010. I would 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 Waldon 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 east.

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 west.

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

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

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

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


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

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


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


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


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


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


23
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-33, Eric J. Kaiser, 2925 Walmsley Circle, 09-20-452-010, I would 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 Waldon 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 east.

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 west.

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

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

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

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

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

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

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
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: Eric J. Kaiser
Address: 2925 Walmsley Cir. City/State/Zip: Lake Orion, MI 48360
Phone: 248-410-8087 Cell: 248-410-8087 Fax: 
Email: eric.j.kaiser@gmail.com

PROPERTY OWNER(S)
Name(s): Eric J. Kaiser
Address: 2925 Walmsley Cir. City/State/Zip: Lake Orion, MI 48360
Phone: 
Cell: 248-410-8087 Fax: 
Email: eric.j.kaiser@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Eric Kaiser Phone: 248-410-8087 Email: eric.j.kaiser@gmail.com

SUBJECT PROPERTY
Address: 2925 Walmsley Circle Dr. Sidewell Number: 09-20-452-010
Total Acreage: 1/4
Length of Ownership by Current Property Owner: 6 Years, 7 Months

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

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

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Install 6' Shadowbox Fence on rear of property along Walden Rd. The same fence that has already been approved & installed at houses on Warner Dr along Baldwin

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 exit for Kentington Condos is directly behind our house resulting in headlights shining through rear windows of house at night

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: Proposing to install fence, the same that has already been approved for other property owners in Kentington who's houses back up to Walden & Baldwin

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Other fences in Kentington are on property line. Our Neighbor to the east side already has chain link fence @ property line

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

6. The topography of said land makes the setbacks impossible to meet because: the fence would be located 10'-15' from our back door if we had to set back 35'

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. Same as above

Page 2 of 3

Version 5/10/18
Case #: 

8. Have there been any previous appeals involving this property? If so, when? [ ] Yes [ ] 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]
(must be original ink signature) Date: 5/21/21

Print Name: [Print Name: Eric Kaiser]

Signature of Property Owner: [Signature]
(must be original ink signature) Date: 5/21/21

Print Name: [Print Name: Eric Kaiser]

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

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

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

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

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

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

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

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

Detached accessory buildings or structures in residential districts shall not exceed the height of the principal building or structure as constructed. However, the height of a detached accessory building or structure may exceed the height of the principal building or structure, if said accessory building or structure is located at least one hundred fifty (150) feet distant 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.
HP=2021-33  Eric Kaiser  2925 Walmsley Circle
09-20-452-010   .257 acres = 11,194.72
25% = 2,798.73

The property has 2 front yards - Walmsley Circle and Waldon Road.

Seeking a 6' fence along the Waldon Road property line.

Applicant needs a variance of 35' to be 0' from Waldon Road and a 10' variance from each side to be 0' feet from the east and west property lines.
Debra Walton

From: Jeff Williams
Sent: Thursday, June 24, 2021 8:24 AM
To: Debra Walton
Cc: Robert Duke; John Pender
Subject: RE: Residential ZBA Documents for the July 12, 2021 ZBA Meeting

The Fire Department has reviewed all four 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: Debra Walton <dwalton@oriontownship.org>
Sent: Wednesday, June 23, 2021 12:01 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the July 12, 2021 ZBA Meeting

Attached are four ZBA residential cases that need to be reviewed by you for the July 12, 2021 ZBA meeting.

Thanks,

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

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 29, 2021
SUBJECT: Staff Report for AB-2021-34, Theodor Younk, 3980 Maybee Road

The petitioner is seeking to add a 504-sq. ft. detached shed to the west side of his property closer to the side property line than allowed.

The proposed shed meets both the rear and front yard setbacks and the side yard setback to the east. Also, adding the proposed shed will not exceed the 20% lot coverage maximum or maximum square footage of detached accessory buildings or the square footage 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 29, 2021
RE: AB-2021-34, Theodore R. Younk, 3980 Maybee Road, 09-30-200-033

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-34, Theodore R. Younk, 3980 Maybee Road, 09-30-200-033, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78

Article V, Section 5.04, Zoned SF

1. A 12-ft. side yard setback variance from the required 20-ft. to build a shed 8-ft. from the side property line (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:

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-2021-34, Theodore R. Younk, 3980 Maybee Road, 09-30-200-033, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78

Article V, Section 5.04, Zoned SF

1. A 12-ft. side yard setback variance from the required 20-ft. to build a shed 8-ft. from the side property line (east).

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

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

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

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

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

5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Single Family Residential

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

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

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

APPLICANT
Name: Theodore R. Younk
Address: 3980 Maybee Rd, City/State/Zip: Orion Township, MI 48359
Email: bjy24@att.net

PROPERTY OWNER(S)
Name(s): Theodore & Bonnie Younk
Address: 3980 Maybee Rd, City/State/Zip: Orion Twp, MI 48359
Email: bjy24@att.net

CONTACT PERSON FOR THIS REQUEST
Name: Ted Younk Phone: 248-391-3615 Email: bjy24@att.net
dave@davesiglobal.net

SUBJECT PROPERTY
Address: 3980 Maybee Rd
Sidwell Number: 09-30-200-033
Total Acreage: 2.54
Length of Ownership by Current Property Owner: 28 Years, 6 Months

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

1. Describe in detail the nature of the request. We are requesting one variance from zoning ordinance #78. A 12-foot side yard setback variance from the required 20-foot to build a detached shed 8-foot from the east property line.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. Although we have over 2.5 acers our property is only 82.5 feet wide. The small width of our property combined with the current setbacks prevents us from building on almost 50% of our property. Anything we do build would have to be centrally located on the property and that would block our views of both nature and the wildlife that our property has to offer.

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. If the appeal is granted the variance will allow us to secure, protect and remove various recreational items that are currently stored out in the open, and in public view.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Our request to build 8 feet from the side set back is actually much better than what is consistent on several of the neighboring properties. Our house is currently only 2 feet from the east property line. The garage located on 3960 Maybee is actually only 6 inches from the property line. The garage located at 4010 Maybee is located only 3 feet from the property line.

5. Describe how the alleged practical difficulty has not been self-created. The narrow width of the property was not created by us, it was obviously approved or allowed by the Township well before we ever owned it. We knowingly purchased the property like this, due to our love for the scenery and views that the suburban farms setting has to offer.

6. The topography of said land makes the setbacks impossible to meet because: Not Applicable.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. Strict compliance with the ordinance prevents us from building on approximately 50% of our property. Anything we do build would be located centrally on our property blocking all views of nature from our house, windows and exterior deck. In addition, the variance will allow us to build in line with existing structures providing a more natural and uniform look to our property. Structures will be inline and not just staggered presenting a hap hazard appearance.
8. Have there been any previous appeals involving this property? If so, when?

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

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

Signature of Applicant: ___________________________ Date: 5-1-2021
Print Name: ___________________________

Signature of Property Owner: ___________________________ Date: 5-1-2021
Print Name: ___________________________

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

OFFICE USE ONLY

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

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

Description of variance(s): ___________________________

Date Filed: ___________________________ Fee Paid: ___________________________ Receipt Number: ___________________________
Section 5.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)

Please see the Matrix Chart in Section 5.01 for variations to these requirements by use.

<table>
<thead>
<tr>
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<th>SF</th>
<th>SE</th>
<th>SR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>2.5 acres or 108,900 sq. ft. of gross area</td>
<td>1.5 acres or 65,340 sq. ft. of gross area</td>
<td>30,000 sq. ft. or gross area</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>165 ft.</td>
<td>165 ft.</td>
<td>120 ft.</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard*</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Each Side Yard**</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/Unit</td>
<td>1,200 sq. ft.</td>
<td>1,200 sq. ft.</td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>20% - all structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A. 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>Habitable structure - 2 stories, up to 30 feet. Any existing structures higher than this maximum shall remain conforming to Zoning Ordinance requirements in reference to height.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* 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 5.05 – 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 5.06 – Tree Preservation Regulations (amended 08.03.00)

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

Section 5.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
SF

Ab 20-21-34, Theodore Yunk, 3980 Maybee, 09-30-200-033
2.543 acres 110,773.08 #2 25% 27,693.27 #

Property is zoned SF - Sideyard setbacks are 20'

Proposed shed will be 8' from east property line needing a 12' variance
distance from west, north & south property lines OK

House 1,478
Porch 162
Porch 96
Deck 280
Deck 160
Attached garage 504
Detached shed 293.4

Proposed detached shed 504 (No Second Story)

Lot coverage OK

Detached buildings 1,400
All accessory buildings 1,900
Attached garage 293.4
Detached shed 293.4
Proposed shed 504

797.40 ok

Proposed detached shed 504
1,301.40 ok
Debra Walton

From: Jeff Williams
Sent: Thursday, June 24, 2021 8:24 AM
To: Debra Walton
Cc: Robert Duke; John Pender
Subject: RE: Residential ZBA Documents for the July 12, 2021 ZBA Meeting

The Fire Department has reviewed all four 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: Debra Walton <dwalton@oriontownship.org>
Sent: Wednesday, June 23, 2021 12:01 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the July 12, 2021 ZBA Meeting

Attached are four ZBA residential cases that need to be reviewed by you for the July 12, 2021 ZBA meeting.

Thanks,

Debra Walton
Clerk
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002
W: www.oriontownship.org
05/25/2021

To: Ted & Bonnie Younk

Orion Township Zoning Board of Appeals

We own the property immediately to the east of the Younk’s, that would be directly affected by the approval of the requested variance. The Younk’s contacted us prior to submitting the variance to the Township and we discussed the request and what it would look like from our view. We agree with them, that building 8 feet off the property line would keep the new building uniform and in line with the existing building on their property. We appreciate their time and concern for our view and agree with their request. We have no issues or concerns with the proposed requested variance near our west property line.

Respectfully,

David & Melissa Ostertag
3970 Maybee
Orion Township, MI 48359

[Signatures]
5/25/2021

To: Ted & Bonnie Younk

Orion Township Zoning Board of Appeals

I (we) live at 3960 Maybee Road, which is located two (2) properties directly to the east of the Younk’s. We have no issues or concerns with the proposed required variance.

Respectfully,

[Signature]

Randall B. Howard
05/25/2021

To:    Ted & Bonnie Younk

Orion Township Zoning Board of Appeals

I (we) live at 7950 Maybee Rd, Lake Orion, 48359, which is located 1 (2) or (3) properties directly to the east (west) of the Younk's. We have no issues or concerns with the proposed requested variance.

Respectfully,

Misha Zaderej  Meghan Kowalski

[Signature]
05/25/2021

To:  Ted & Bonnie Younk
      Orion Township Zoning Board of Appeals

I (we) live at 4020 Maybell Rd which is located 1(2) or (3) properties directly to the east (west) of the Younk’s. We have no issues or concerns with the proposed requested variance.

Respectfully,

MICHAEL BRYANT

[Signature]

50
05/25/2021

To:       Ted & Bonnie Younk

Orion Township Zoning Board of Appeals

I (we) live at 4000 MAYBEE RD, which is located 1 (2 or 3) properties directly to the east (west) of the Youk's. We have no issues or concerns with the proposed requested variance.

Respectfully,

Paul Richardson

Paul Richardson
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 29, 2021

SUBJECT: Staff Report for AB-2021-35, Gloria Sosa, 461 Heights

The petitioner is seeking to build a home with an attached garage and deck on the subject property.

Because the lot width is 40-ft. and required per Ordinance #78 is at least 50-ft., the petitioner needs variance #1 – a 10-ft. lot width variance from the required 50-ft. lot width. If the ZBA does not grant this variance, all others cannot be granted.

Please note the property consists of the property south of Heights Road and north of Heights Road for a total of 6,054.84-sq. ft. The maximum lot coverage is based only on the property south of Heights Road which is 5,515.7-sq. ft., a 25% lot coverage of 1,378.93.

The proposed house, attached garage, and deck equal 1,914-sq. ft. or 34.7% lot coverage based on the property south of Heights Road. (1,914-sq. ft. divided by 5,515.7 = 34.7%). The existing shed near Summit Blvd. will be removed.

The property has two fronts – one along Heights and one along Summit Blvd. and therefore is subject to two front yard setbacks. The proposed structures meet both these front yard setbacks.

The size of the attached garage is less than the maximum floor area of all accessory buildings allowed which is 1,150-sq. ft. so no variances is needed for maximum floor area.

Per the documents provided by the petitioner, to build the proposed house, deck & garage will require a 2-ft. side yard setback from each side property line. There is no relaxation from the 10-ft. side yard setback requirement.

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 29, 2021

RE: AB-2021-35, Gloria Sosa, 461 Heights

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 the ZBA is inclined to deny variance #1 for a 10-ft lot width variance from the required 50-ft., please use the Suggested Motion for Denial and site the findings of fact why you are denying variance #1.***

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-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015, I move that the petitioner’s request for:

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

Article XXVII, Section 27.01 (C)(1)(a):

1. A 10-ft. lot width variance from the required minimum 50-ft. lot width

Article VI, Section 6.04, Zoned R-3

2. A 2-ft side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (east)

3. A 2-ft. side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (west)

4. A 9.7% lot coverage variance above the allowed 25% for a total lot coverage of 34.7%.

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:


54
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:


55
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015, I move that the petitioner’s request for:

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

Article XXVII, Section 27.01 (C)(1)(a):

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3. A 2-ft. side yard setback variance from the required 10-ft. to build a house & deck 8-ft. from the side property line (west)

4. A 9.7% lot coverage variance above the allowed 25% for a total lot coverage of 34.7%.

5. 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:
Chartter 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: Gloria Sosa
Address: 585 Lakeshore Circle Apt# 204 City/State/Zip: Auburn Hills, MI 48326
Phone: (248) 830-6410 Cell: (248) 830-6410 Fax: __________________________
Email: gloria.sosa2011@gmail.com

PROPERTY OWNER(S)

Name(s): Charles and Gail Sherman
Address: 461 Heights Rd City/State/Zip: Lake Orion, MI 48359
Phone: (248) 230-1188 Cell: __________________________ Fax: __________________________
Email: __________________________

CONTACT PERSON FOR THIS REQUEST

Name: Gloria Sosa Phone: (248) 830-6410 Email: gloria.sosa2011@gmail.com

SUBJECT PROPERTY

Address: 461 Heights Rd, Lake Orion MI 48362 Sidwell Number: 09-11307015
Total Acreage: 0.15 Length of Ownership by Current Property Owner: 37 Years, _____ Months
Does the owner have control over any properties adjoining this site? NO
Zoning Ordinance Allowance/Requirement Deviation requested

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

**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request.  **Potential buyer is looking to build a small cabin-like home on this lot.**

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.  **Other larger homes on the street have structures much closer than the parameters allotted for in the Lake Orion ordinance. For example 485, 481, 475 heights rd we believe are also much closer than allowed.**

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

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

   **There was a home on this lot at one time - it has since burned down.**

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

   **Existing home was burned down - looking for a bit larger of a home then what is currently allowed. Under the current zoning only a tiny home under 20ft wide could be built without a variance.**

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

   **Under the current zoning - the home must be less than 20 ft wide without a variance. We are looking to build slightly larger.**

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.

   **Under the current ordinance - this lot does not appeal for anyone looking to build simply because the parameters dont allow for something reasonable to be built.**
8. Have there been any previous appeals involving this property? If so, when?

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

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

Signature of Applicant: ____________________________ Date: 5-26-2021

Print Name: Gloria A. Sosa

Signature of Property Owner: ____________________________ Date: 5-17-21

Print Name: CHARLES A SHERMAN GAIL A SHERMAN

If applicable: I the property owner, hereby give permission to Gloria Sosa 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: ____________
5,515.7 Sq Feet (US)
Article XXVII

27.01 Nonconformities

i. Nonconforming structures, other than buildings, such as signs, billboards, fences and other structures;

ii. Buildings not in conformance with dimensional requirements such as lot area, yards, lot coverage, and height;

iii. Buildings not in conformance with parking, loading, and/or landscaping requirements;

iv. All other nonconformities arising from failure to meet any of the requirements imposed by this Ordinance.

3. Nonconforming Site or Lot. A nonconforming site or lot is a site or lot or portion thereof existing on the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

4. Administrative Nonconformity. An administrative nonconformity is any building, structure or use which was in existence at the time of adoption of this Ordinance and which is required by this Ordinance to have special administrative approval such as special land use approval, cluster housing development approval, or Zoning Board of Appeals approval.

C. Nonconforming Lots.

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or an amendment thereto:

1. Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:

   a. The lot is at least fifty (50) feet in width.

   b. Side yard setbacks as set forth in the following chart are complied with:

<table>
<thead>
<tr>
<th>Lot Width</th>
<th>Each Side Yard Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 to 54 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>55 to 59 feet</td>
<td>7 feet</td>
</tr>
<tr>
<td>60 to 65 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>66 to 69 feet</td>
<td>9 feet</td>
</tr>
<tr>
<td>70 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

   c. The lot is in conformance with all other applicable yard and lot requirements.

2. Variance to Yard Requirements. If the use of a nonconforming lot requires a variation of the front or rear setback or front or rear yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals under the terms of this Ordinance.

3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance,
Article VI  Single Family Residential: R-1, R-2 & R-3

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

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

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

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

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

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

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

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.
66

66

Variance

Needs variance for lot size under 50'

Property has 2 front yards - Heights Rd & Summit Blvd

Front yard setback is 30'

Both front yards meet the 30' setback requirement

Side yard setback is 16'

Will need a variance for 2' to be 8' on the east side

Will need a variance for 2' to be 8' on the west side

Deck meets 30' front yard setback

Lot coverage

House 1300

Attached Garage 440 sq (20 x 22)

Deck 174 sq (14.5 x 12) includes stairs 1104

1,914 sq

Existing shed to be removed

Parcel area of Heights 5,515.7

25% = 1,378.93 34.7% 9.7 variance
Lot Coverage Calculations for ZBA Cases  
AB-2021-35, Gloria Sosa, 461 Heights  
5,515.7- sq. ft. (property south of Heights)  

25% = 1,378.93sq. ft.

<table>
<thead>
<tr>
<th>Sq. Ft.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>1,300</td>
</tr>
<tr>
<td>Attached Garage</td>
<td>440</td>
</tr>
<tr>
<td>Deck</td>
<td>174</td>
</tr>
<tr>
<td>Total</td>
<td>1,914</td>
</tr>
<tr>
<td>%</td>
<td>34.7%</td>
</tr>
</tbody>
</table>

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<th></th>
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<tr>
<td>%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Coverage</th>
<th>Lot Size</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,914 sq. ft. + 5,515.7 sq. ft. = 34.7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>_______ sq. ft. + 5,515.7 sq. ft. = _______%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>_______ sq. ft. + 5,515.7 sq. ft. = _______%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>_______ sq. ft. + 5,515.7 sq. ft. = _______%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Property Size = 140' on East / 136' on West
40' on South / 41' on North

East Side House Including Garage = 63' L x 25'
West Side House Including Garage = 61' L x 25'
Deck/Porch Including Stairs = 14'5" L x 12' (on North Heights)

Garage = 20' L x 22' on South (summit)

This Leaves 8' on East
8' on West
30' on North
30' on South

Existing shed on property on North West
will be demolished

Signed

461 Heights Road, Lake Orion, MI
Summit Blvd

2 Car Garage

71
Hi Lynn! I hope this helps! Thanks for the call as a heads up! I appreciate it!

- Will there be any type of second floor storage in the garage? No there will not be.
- How tall will the house be - Ordinance allows for 2-stories, a maximum of 30-ft. tall to the mid-point; will the house meet this? Yes it will.
- The Ordinance says an attached garage can not be taller than the house? Will the attached garage be taller than the house? No it will not.

All the best,

On Wed, Jun 16, 2021 at 12:32 PM Lynn Harrison <lharrison@oriontownship.org> wrote:

Gloria, just a couple more questions:

1. Will there be any type of second floor storage in the garage?
2. How tall will the house be - Ordinance allows for 2-stories, a maximum of 30-ft. tall to the mid-point; will the house meet this?
3. The Ordinance says an attached garage can not be taller than the house? Will the attached garage be taller than the house?
Hello, Lynn! Hope you are having a great day.
Sorry for the missing information.

- The square footage will be 1200 sq ft
- There will be a 20 x 20 garage that is attached and face summit drive
- The plot plan is coming...when must it be submitted to meet the July 12 hearing date?

Also, does the house need to be staked out or will the plot plan suffice?

Thank you!

On Mon, Jun 7, 2021 at 1:50 PM Lynn Harrison <lharrison@oriontownship.org> wrote:

Gloria, I finally got a chance to look through your request and there are several things missing. Please provide the following:

1. I need to know the square footage of the footprint of the proposed house?
2. Will there be a garage?
3. If there will be a garage, will it be attached or detached from the house?
4. What size will the garage be?
5. Please provide a drawing or use the plot plan to draw where the house will be on the property and note the setback from each property line? This doesn’t have to be elaborate, you can just draw a square on the property and show the distances to each property line.

Thank you,
The Fire Department has reviewed all four 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: Debra Walton <dwalton@oriontownship.org>
Sent: Wednesday, June 23, 2021 12:01 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the July 12, 2021 ZBA Meeting

Attached are four ZBA residential cases that need to be reviewed by you for the July 12, 2021 ZBA meeting.

Thanks,

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

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 30, 2021

SUBJECT: Staff Report for AB-2021-36, Lawrence Sak, 980 Indianwood Rd.

The petitioner is proposing to add a 720-sq. ft. detached accessory building to the subject property. There is an existing 741.46-sq. ft. detached garage, and an existing 408.04-sq. ft. shed. The 408.4-sq. ft. shed will be removed. It is suggested that if there is a motion to approve, that it be contingent upon the 408.4-sq. ft. shed being removed as that is not part of the square footage calculation for the variance.

The petitioner has indicated the proposed accessory building will be one-story and will meet required setbacks. Also, adding the proposed accessory building will not exceed maximum lot coverage of 25%.

The petitioner has also indicated that the proposed accessory building will be 150-ft. away from the house in which is case it can be taller than the house – the petitioner implied it may be slightly taller than 18-ft. Per the Zoning Ordinance it cannot be taller than 30-ft. – the petitioner is not seeking a height variance.

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 29, 2021

RE: AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned R-1

Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size 1 to 2.5 acres

1. A 461.46 sq. ft. variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings to build a 720 sq. ft. detached shed in addition to an existing 741.46 sq. ft. detached garage for a total of 1,461.46 sq. ft. Maximum Floor Area of All Detached Accessory Buildings.

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

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001, I would move that the petitioner’s request for:

1 variance from Zoning Ordinance #78 – Zoned R-1

Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size 1 to 2.5 acres

1. A 461.46 sq. ft. variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings to build a 720 sq. ft. detached shed in addition to an existing 741.46 sq. ft. detached garage for a total of 1,461.46 sq. ft. Maximum Floor Area of All Detached Accessory Buildings.

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

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

   ____________________________________________
   ____________________________________________
   ____________________________________________

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

   ____________________________________________
   ____________________________________________
   ____________________________________________

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

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

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

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

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: 248-391-0304 ext. 5001; F: 248-391-1454

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

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

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

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

APPLICANT
Name: Lawrence J. (and Debra L.) Sak
Address: 980 Indianwood Rd. City/State/Zip: Lake Orion, MI 48362
Phone: Cell: 248-296-2869 Fax: 83
Email: LJSAK@COMCAST.NET

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

CONTACT PERSON FOR THIS REQUEST
Name: Lawrence J. Sak Phone: 248-296-2869 Email: LJSAK@COMCAST.NET

SUBJECT PROPERTY
Address: 980 Indianwood Rd
Sidewell Number: 09-03-251-001
Total Acreage: 1.6 acres Length of Ownership by Current Property Owner: 4 Years, 6 Months

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

Zoning Ordinance
Allowance/Requirement

1000 sq ft max floor area of detached out buildings

Deviation requested 461.5 sq ft

Page 1 of 3
Version 5/10/18
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Replace existing 20.2' x 20.2' out building with new 20' x 36' out building (will obtain demo permit and demo existing out building first). Will have 30' set back from west property line.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. Existing out building is on east lot line so modifications not possible, and building is in poor structural condition.

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: New out building will be more aesthetically pleasing, and not visible from Indianwood Rd. No trees will be removed. Have reviewed plans with HOA and both neighbors and all concur with plans.

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible: There are other similar sized out buildings in general area.

5. Describe how the alleged practical difficulty has not been self-created. Purchased home in 2016. Existing out building is not of sufficient size to store specific items inside, e.g., tractor to plow drive, class B camper van, etc.

6. The topography of said land makes the setbacks impossible to meet because: N/A. Proposed new out building will have 30' set back from west property line.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. Existing out building is not of sufficient size to store specific items inside, e.g., tractor to plow drive, mower, class B camper van, etc.
Case #: _______________________

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

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

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

Signature of Applicant: ___________________________ Date: 5-25-2021

Print Name: LAWRENCE J. SAK

Signature of Property Owner: ___________________________ Date: 5-25-2021

Print Name: LAWRENCE J. SAK

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

OFFICE USE ONLY

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

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

Description of variance(s):__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11.28.85):

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

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11.28.85 06.15.13):

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

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

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

   iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. (amended 07.15.18)

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
AB-2021-36 Lawrence Saik, 980 Indianwood 09-03-251-001
1.66 acres
250 =
72,701.64
18,175.41

Front yard setback 40' OK
Rear yard setback 35' OK
Side yard setbacks 10' OK 30' from west prop line

Lot Coverage

House 169
Porch 47
Deck 265
Detached 728 741.46 (26.2 x 28.3) be removed
Detached 400 (for removed)
Proposed Shed 720 (20 x 36) one-story

3,451 OK

Detached Accessory Buildings ≤ 1,000
Existing detached 741.46
Proposal detached Shed 720.

- 461.46 variance needed
**AB-2021-36, Lawrence J. Sak, 980 Indianwood Road**

**Variance Calculations**

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of All Detached Accessory Structures</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Detached Accessory Building</td>
<td>720-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td>461.46-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Allowed Max Sq. Ft. of All Accessory Structures**

<table>
<thead>
<tr>
<th></th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Detached Structure</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Not Applicable*
Certified to: FRANKLIN TITLE AGENCY
Applicant: DEBRA SAK

Property Description:
Land in the Township of Orion, Oakland County, Michigan, described as:
Part of the West 1/2 of the Northeast Fractional 1/4 of Section 3, Township 4 North, Range 10 East, described as: Beginning at a point distant East 1400.60 feet and North 86 degrees 27 minutes 00 seconds East 941.65 feet and North 43 degrees 02 minutes 00 seconds East 641.02 feet from the West 1/4 corner; thence North 786.05 feet; thence South 79 degrees 00 minutes 00 seconds East 101.87 feet; thence South 675.09 feet; thence South 47 degrees 32 minutes 00 seconds West 135.68 feet to the point of beginning.

Note: The property description is as taken from Oakland County Tax Rolls.
Subject to any part taken, used or deeded or street, road, or highway purposes.

NOTE: A COMPLETE CURRENT TITLE POLICY HAS NOT BEEN FURNISHED, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY NOT BE SHOWN AT THIS TIME.

NOTE: THIS PROPERTY MAY BE SUBJECT TO AND/OR INCLUDE THE RIPPARIAN RIGHTS ASSOCIATED WITH INDIANWOOD LAKE.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the aforementioned applicant, 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. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

JOB NO: 16-03148 SCALE: 1"=100' 
DATE: 08/23/16 DR BY: LAG
April 22nd, 2021

To whom it may concern,

The Indianwood Improvement Association Board has reviewed and approved the attached building relocation plans submitted by Larry and Deb Sak of 980 Indianwood Road. In addition, the Association is also aware that both adjoining neighbors (950 Indianwood Road and 80 Chippewa Trail) have also approved the building relocation plans as well.

If there is any additional information needed by this Association, please feel free to contact me.

Regards,

John F. Reimann
President
Indianwood Improvement Association, Inc.
john.reimann@gmail.com
248-408-9087
New Out Building Proposal
980 Indianwood Rd
Lawrence & Debra Sak

Revision 1: 20 April 2021
Sak property at 980 Indianwood Rd is 1.69 acres and currently has 26.2’ x 28.3’ detached garage adjacent to house along with old 20.2’ x 20.2’ out building adjacent to east lot line. House has city water (no well) with septic tank and drain field located north of house.

Existing 26.2’ x 28.3’ detached garage (741.46 sq ft)

Existing 20.2’ x 20.2’ out building – to be demolished

Proposed location for new 20’ x 36’ out building (720 sq ft)

Intent is to replace existing 20.2’ x 20.2’ out building with new 20’ x 36’ out building. Since current out building location does not have required 10’ set back to east lot line, plan is to demo old 20.2’ x 20.2’ out building and construct new one story out building at location shown west of driveway with 30’ set back from west lot line.

Total floor area square footage of detached garage and new out building of 1461.46 sq ft will be 461.46 sq ft over Orion zoning limit of 1000 sq ft for out buildings, so Orion zoning variance will be pursued once the IIA approves this proposal.
Photo 1: Old out building - to be demolished before starting project – will require demo permit from Orion Township
Photo 2: Old out building – showing proximity to east Lot Line
Photo 3: Detached garage and residence – for reference only
Photo 4: Proposed location of new out building – looking north
Photo 5: Proposed location of new out building – looking south
New Out Building Proposal Details
• Building to be contracted through Lester Buildings (www.lesterbuildings.com) who will provide all materials and arrange for local project management and construction.

• Enclosed floor area square footage will be 20’ wide (east to west) and 36” deep (north to south) or 720 square feet. As discussed previously this will require 461.46 square foot zoning variance from Orion Township, which will be pursued once the IIA approves these plans.

• Photograph on page following shows design intent. **Note:** This photograph is a building by Lester Buildings recently constructed in Hadley Township. **It is larger than we are proposing so actual plans for 20’ x 36’ building from builder will be finalized once IIA approval and Orion zoning variances are granted.

• Building will be one story as shown and fabricated with concrete slab flooring. It will be insulated and have electrical service (no water). Siding will be dark grey vertical board and batten (Hardie-Plank or similar) and roof will be black metal with a cupola and likely two skylights.

• At the north end (facing the residence) will be an overhead door for tractor access, etc. Overhang as shown in photograph will be on east side (facing driveway).

• Trees and brush on the property minimize views of the proposed building from Indianwood Rd or from west lot line. No trees or brush will need to be removed for construction or access, only slight leveling of grass building location.
• Plans have been reviewed by us with neighbors on both sides who have view of old and/or new out buildings and they have no issues with these plans as shown.

• Todd & Jean Rachel
  • 950 Indianwood Rd
  • (248) 505-9348

• Bob & Kathy Brent
  • 80 Chippewa Trail
  • (586) 350-1264
Photo 6: Design intent for proposed 20” wide x 36” deep out building
Thank you for your consideration of this proposal!

Please advise if any questions or additional detail is required (cell 248-296-2869).

The proposed location is staked so stop by to review at your convenience.
Hi again Lynn,

Yes this verbiage looks good to us. Thank you!

A couple things that don’t directly affect this request but we wanted you to be aware of:

1. As we previously discussed the existing detached shed on the east lot line will be removed prior to starting any work on this project. Of course we will obtain the demo permit from the township before proceeding with that.

2. We plan to move the location for the new structure slightly to the south from what we indicated in our note to you yesterday, so it will be more than 150 feet from the house. We will adjust the stakes to reflect this. This will allow us the flexibility to put a cupola on the building which may be slightly higher than the 18 foot height of the house.

Thanks again for all your assistance!

Looking forward to the meeting on July 12 and proceeding with this project.

Larry & Deb Sak
(248) 296-2869

Sent from my iPhone

On Jun 10, 2021, at 9:34 AM, Lynn Harrison <lharrison@oriontownship.org> wrote:

Lawrence, please review the proposed variance language below for your request for a detached shed. Please respond by Wednesday, June 16th to this email whether you agree with the language or if it needs to be revised. This will go to the Lake Orion Review for their June 23rd publication and to everyone within 300-ft of your property.

**AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001**

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

Article XXVII, Section 27.02 (A)(8) Buildings, Structures, and Uses, for lot size 1 to 2.5 acres

1. A 461.46 sq. ft. variance above the allowed 1,000 sq. ft. Maximum Floor Area of All Detached Accessory Buildings to build a 720 sq. ft. detached shed in addition to an existing 741.46 sq. ft. detached garage for a total of 1,461.46 sq. ft. Maximum Floor Area of All Detached Accessory Buildings.

Thank you,

Lynn Harrison
Coordinator
The Fire Department has reviewed all four 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: Debra Walton <dwalton@oriontownship.org>
Sent: Wednesday, June 23, 2021 12:01 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the July 12, 2021 ZBA Meeting

Attached are four ZBA residential cases that need to be reviewed by you for the July 12, 2021 ZBA meeting.

Thanks,

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

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 30, 2021
SUBJECT: Staff Report for AB-2021-41, Orion Investment Group (Orion Self Storage)

The project, Orion Self Storage, is a Planning Commission project. The site plan was denied at the June 16th Planning Commission meeting because the requested variances were needed.

The variances needed are outlined in the Giffels Webster Planner Review dated June 8, 2021 and is included in the packet.

Please note a portion of property belonging to Lake Orion Schools is needed to complete this project and the developer is in the process of purchasing that portion. The variances were determined based on that property’s purchase and becoming part of the site plan.

Additionally, the school property piece has received rezone approval to match that of the Self-Storage property from the Township Board on June 7th.

Some of these variances will not be familiar to you because they are associated with a commercial site plan and related to greenbelts and parking area and driveways. The agenda references the specific section of Ordinance #78 the developer is deviating from and maybe helpful in understanding what is being asked for.

Note that variance #7 is an interpretation of Ordinance #78 as the project borders property zoned REC-2 and Ordinance #78 does not call out a required greenbelt width for that situation. Please make the appropriate motion per the attached options for Interpretation prior to a motion for the dimensional variances.

When making a motion, if to approve, please include that the motion is contingent upon the purchase of the portion of the property that belongs to Lake Orion Schools.

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 30, 2021

RE: AB-2021-41, Orion Investment Group (Orion Self Storage), 1761 W. Clarkston

I am providing motion options for the interpretation, variance #7.

Please note the distance from the east property line that borders the REC-2 property is 12.48-ft.
SAMPLE MOTION FOR

Zoning Board of Appeals Interpretation of Zoning Ordinance #78, Section 16.03(D)(2)

I move that the Zoning Board of Appeals has interpreted that a landscaped greenbelt width of _____-ft is required along an LI zoned property abutting REC-2 for the following reasons (be specific):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Or

I move that the Zoning Board of Appeals has interpreted that a landscaped greenbelt width is not required along an LI zoned property abutting REC-2 for the following reasons, be specific:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 29, 2021

RE: AB-2021-41, Orion Investment Group (Orion Storage), 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-41, Orion Investment (Orion Storage), 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002, I would move that the petitioner’s request for:

8 variances from Zoning Ordinance #78 – Zoned LI

Article XVI, Section 16.04 – Area and Bulk Requirements

1. A 20-ft. side yard setback variance, from the required 25-ft., for a building to be 5-ft. from the property line (east).

2. A 12.52-ft. side yard setback variance, from the required 25-ft., for a building to be 12.48-ft. from the property line (west).

3. A 7.2% lot coverage variance, above the allowed 30%, for a total lot coverage of 37.20%.

Article XVI, Section 16.03(C)(3)

4. A 15-ft. off-street parking setback variance, from the required 20-ft., for parking to be 5-ft. from the property line (east).

Article XVI, Section 16.03(D)(2)

5. A 39-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 11-ft. (south).

6. A 37.52-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 12.48-ft. (west).

7. Interpretation of Zoning Ordinance #78, Section 16.03(D)(2), what width of greenbelt applies when adjacent to REC-2, if any?

8. A 45-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 5-ft. from a recreational use (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:

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):

____________________________________
____________________________________
____________________________________

110
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-2021-41, Orion Investment Group (Orion Storage), 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002, I would move that the petitioner’s request for:

8 variances from Zoning Ordinance #78 – Zoned LI

Article XVI, Section 16.04 – Area and Bulk Requirements

1. A 20-ft. side yard setback variance, from the required 25-ft., for a building to be 5-ft. from the property line (east).

2. A 12.52-ft. side yard setback variance, from the required 25-ft., for a building to be 12.48-ft. from the property line (west).

3. A 7.2% lot coverage variance, above the allowed 30%, for a total lot coverage of 37.20%.

Article XVI, Section 16.03(C)(3)

4. A 15-ft. off-street parking setback variance, from the required 20-ft., for parking to be 5-ft. from the property line (east).

Article XVI, Section 16.03(D)(2)

5. A 39-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 11-ft. (south).

6. A 37.52-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 12.48-ft. (west).

7. Interpretation of Zoning Ordinance #78, Section 16.03(D)(2), what width of greenbelt applies when adjacent to REC-2, if any?

8. A 45-ft. greenbelt width variance, from the required 50-ft., for the greenbelt width to be 5-ft. from a recreational use (east).

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

113
2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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


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


NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $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: Orion Investment Group LLC
Address: 1328 Wheaton City/State/Zip: Troy, Mi. 48083
Email: Ken@landscape-gardens.com

PROPERTY OWNER(S)
Name(s): Orion Investment Group LLC
Address: 1328 Wheaton City/State/Zip: Troy, Mi. 48083
Email: Ken@landscape-gardens.com

CONTACT PERSON FOR THIS REQUEST
Name: Ken Zmijewski Phone: 248-425-3448 Email: Ken@landscape-gardens.com

SUBJECT PROPERTY
Address: 1761 W. Clarkston Rd Sidewell Number(s): L1 89-16-226-001
Total Acreage: 3.51 Length of Ownership by Current Property Owner: 20 Years, ______ Months

Does the owner have control over any properties adjoining this site? 
Ordinance Allowance/ Requirement ____________________________________________________________________________

Case #: ________________

Deviations requested ____________________________________________________________________________
List additional ordinance requirements and deviations on a separate page
COMMERCIAL VARIANCE

1. Describe the nature of the request. 

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

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

4. Explain how the request is consistent with other properties in the immediate area, please site examples if possible: 

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

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

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

SEE ATTACHED PAGES

SEE ATTACHED

SEE ATTACHED

SEE ATTACHED

SEE ATTACHED

SEE ATTACHED

SEE ATTACHED
COMMERCIAL VARIANCE

1. Describe the nature of the request:

The applicant is presenting to the Orion Township Planning Commission on Wednesday, June 16, 2021. After that meeting, we anticipate the following variances will be requested from the zoning Board:

- Side yard setbacks of 25 feet (site plan is 5 feet to east; 12.48 feet to the west)
- Maximum lot coverage of 30% (site plan is 37.20%)
- Parking setback of 20 feet (site plan is 5 feet to the east)
- Greenbelt of 50 feet (site plan is 12.48 feet to the west)
- Loading berth requirement for industrial (mini-storage units have direct access)

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 property is situated between several properties that feature natural landscapes not subject to change. To the west and south, the applicant's property abuts a large Lake Orion Community School parcel which has just been redeveloped. The school district property near applicant's property, which is a substantial area, is designated to remain natural. The property to the east is the Polly Ann Trail, which features a zone of natural landscape between the trail and applicant’s property. To the north is Clarkston Road. The zoning ordinances at issue here are designed to provide a beneficial natural buffer with adjacent properties. Here, that natural buffer already exists in all directions, and for far greater distances than the setbacks in the ordinance. The ordinance is one of general application. This property is unique for the foregoing reasons, and strict application of the ordinance would impose a burden without a benefit.

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

The property is currently being used as a public storage business, but only for vehicles. The improvements would create mini-storage units for public use. If the appeal is granted, there would be aesthetic improvements to the site and a new storage facility to serve market demand in the area. None of the neighbors will experience any detrimental impact, because there are no neighbors, only natural features. The improvements will also include a new water main and fire hydrants on Rhodes Road, which is benefit to the public. This main potentially
may also be extended in the future to nearby developments currently on well water.

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

Other properties have neighbors, the applicant's property does not.

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

The applicant has owned the property since 1993 and consistently has used the property for public and private storage. Mini-storage is a use permitted by right under the ordinance. The applicant seeks to make improvements to the property consistent with the current state of the mini-storage industry. This request is not caused by a new owner or change of use.

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

The topography does not make the setbacks impossible, rather, the circumstances of this property and its surrounding parcels make the setbacks completely unnecessary to meet the spirit and purposes of the zoning ordinance.

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 ordinance was written with a purpose, to create natural and beneficial buffers between properties. Here, the buffers already exist in all directions, and the buffers are natural and substantial. The ordinance was not written with the circumstances of this property in mind. In this case, the benefit sought by the policy is not obtained through application of the ordinance. Because the ordinance in this case provides no benefit, strict compliance only creates a burden upon the property owner. The applicant believes it is unreasonable to require the property owner suffer a substantial burden when the neighbors and community receive no benefit. A variance is the mechanism to address these circumstances, and we respectfully request your consideration of all the relief requested.
Case #: 

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

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

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

Signature of Applicant:
(must be original ink signature)

[Signature]
Date: 01/11/21

Print Name: Kenneth Zmijewski

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

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

[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: 

120
June 8, 2021

Charter Township of Orion
Planning Commission
2424 Joslyn Road
Lake Orion, MI 48360

Site Plan Review #2
Orion Storage

Case No: PC-2019-04
Site: 1761 W. Clarkston Road (east of Joslyn Road)
Applicant: Thomas C. Reed, Orion Investment Group, LLC
Plan Date: 5/24/2021
Zoning: LI (Limited Industrial)
Parcel ID: 09-16-226-001

Dear Planning Commissioners:

We have completed a review of the application and site plan referenced above and a summary of our findings are below. Items in **bold** require specific action. Items in *italics* can be addressed administratively.
SUMMARY OF REVIEW

1. **Zoning.** Upon submittal and review of this application, a 40-foot wide strip of property along Clarkston Road ran the depth of the west boundary of the site and was zoned SF, Suburban Farms. As “mini-storage and warehousing” is not a permitted use in the SF district, an application for rezoning the strip to LI was submitted and approved by the Township Board of Trustees on 6/7/2021.

2. **Setback Variance.** The proposed side yard setbacks of 5 feet for the east property line and 12.48 feet for the west property line are less than the district’s requirement of 25 feet.

3. **Lot Coverage.** The calculated lot coverage is 37.20%. The ordinance requires 30% lot coverage. A variance or site plan revision to reduce the amount of impervious cover is required.

4. **UPDATED - Parking Area & Driveways Setback.** The proposed parking lot is 5 feet from the east property line. A variance to permit this reduced setback from 20 feet is required as the Zoning Ordinance does not specify that this standard may be reduced through a waiver. We recommend the parking lot be redesigned to provide the required setback given the location of the trailhead.

5. **UPDATED - Greenbelts.** Section 16.03 D. requires a landscaped greenbelt of 20 feet in width along the north property line, abutting Clarkston Road, and 50 feet in width along the south and west property lines abutting residential zoning for the school property. This section does not specifically address the east boundary of the site that is adjacent to recreation use and zoning for the trail.
   a. A variance to permit the reduced greenbelt width along the east, south, and west property lines is required as the Zoning Ordinance does not specify that greenbelts may be reduced through a waiver when abutting residential or recreational property.

6. **Off-Street Parking.** The off-street parking requirement is 57 spaces. 8 parking spaces are proposed – a deficiency of 49 spaces, or 86%. The site plan indicates 1 ADA space is provided, where 3 are required. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates another standard would be more reasonable.

7. **UPDATED - Loading and Unloading.** The LI district requires that loading areas be located in the rear or side yard, not interfere with parking or access, and be in conformance with Section 27.04. Section 27.04 B.3. C. states that loading berths are required for "warehousing, storage and wholesale establishments" based on the gross floor area of building(s). It is our interpretation of the Zoning Ordinance that a loading berth may not be required for "mini-storage and warehousing" uses, which is the term the proposed use is under, as this is a different use than the "warehousing, storage and wholesale establishments" term provided in Section 27.04.
   a. Mini-storage facilities typically have a less-intense function than industrial “warehouses establishments” as there would be no bulk sale or other transfer of goods or materials from a mini-storage facility as it is simply a personal storage use for numerous individuals.
   b. Additionally, it is not typical for mini-storage facilities to provide individual loading berths for each building as loading and unloading would occur at each storage unit, rather than at a centralized loading area that you would see for a single-user commercial or industrial building. If the Planning Director or Planning Commission disagrees with this interpretation, the applicant should seek a variance to this section, which may be included with other variance
requests that are needed. We have no objection to a determination that a variance to this
section is needed.
8. Lighting. The proposed lighting fixtures comply with the non-residential ordinance standards of
27.11.
9. Fencing. A 6’ tall, decorative, aluminum security fence is proposed at the front of the development
and chain link fence segments will link the storage buildings around the perimeter of the site. The
detention basin at the rear of the property will be fenced with a 6’ tall chain link fence.
10. Outdoor Storage. Outdoor storage is not shown to be included in the proposed development.

Project Summary

The applicant requests site plan approval to construct five self-storage facilities and one office facility on
the property located at 1761 W. Clarkston Road, east of Joslyn Road. The applicant is under contract to
purchase a 40-foot strip of undeveloped land along the entire west property line which is owned by Lake
Orion Community Schools. The rezoning of this 40’ strip was approved on June 7, 2021 and is included
within the site plan boundary. Patrons will access the site from Clarkston Road but may only access the
fenced storage buildings through a security gate. The exterior of the proposed buildings will consist of
wall-mounted lighting and the perimeter of the development will include landscaping for additional
screening from adjacent properties.

Existing Conditions

1. Existing site. The subject site consists of 3.02 acres and is identified as “Lot 35 of Supervisor’s Plat of
Randell Beach Park Addition”. The site is bound by Clarkston Road to the north, the Polly Ann Trailway
to the east, and Orion Oaks Elementary School to the west and south. The site is currently used as a
landscape and outdoor storage company which are permitted uses within the LI District.

September 2018 Google Street View image of the site looking south from Clarkston Road. Land is currently vacant.

September 2018 Google Street View image of the site looking southwest from Polly Ann Trail. Land is currently vacant.
2. **Zoning.** Upon submittal and review of this application, a 40-foot wide strip of property along Clarkston Road ran the depth of the west boundary of the site and was zoned SF, Suburban Farms. As "mini-storage and warehousing" is not a permitted use in the SF district, an application for rezoning the strip to LI was submitted and approved by the Township Board of Trustees on 6/7/2021.

3. **Adjacent Zoning & Land Uses.**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>LI – Limited Industrial</td>
<td>The Complete Companies Automation</td>
</tr>
<tr>
<td>South</td>
<td>SF – Suburban Farms Residential</td>
<td>Lake Orion Community Schools</td>
</tr>
<tr>
<td>East</td>
<td>REC-2 – Recreation 2</td>
<td>Polly Ann Trailway</td>
</tr>
<tr>
<td>West</td>
<td>SF – Suburban Farms Residential</td>
<td>Lake Orion Community Schools</td>
</tr>
</tbody>
</table>
Zoning Ordinance Compliance

All proposed development and construction within the Limited Industrial Zoning District shall comply with the following standards:

4. Li District Area and Bulk Requirements.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Parcel Size</td>
<td>2 acres</td>
<td>3.02 acres – Met</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>50 ft</td>
<td>73 ft – Met</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>25 ft</td>
<td>Met</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>25 ft each side</td>
<td>5.00 ft (east); 12.48 ft (west)</td>
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<tr>
<td></td>
<td></td>
<td>VARIANT NEEDLED</td>
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<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>37.20% – Not Met</td>
</tr>
<tr>
<td></td>
<td></td>
<td>VARIANT NEEDeed or reduce coverage</td>
</tr>
<tr>
<td>Maximum Height of All Structures</td>
<td>40 ft</td>
<td>Office building: 15 ft – Met</td>
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<tr>
<td></td>
<td></td>
<td>Storage buildings: Not Provided</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>25 ft</td>
<td>Defer to Fire Dept. Review</td>
</tr>
<tr>
<td>Parking &amp; Driveways Setback</td>
<td>20 ft</td>
<td>5.00 ft (east of parking lot)</td>
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<td></td>
<td></td>
<td>VARIANT NEEDeed</td>
</tr>
<tr>
<td>Landscaped Greenbelt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Setbacks</td>
<td>25 ft</td>
<td>No wetlands apparent</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>57 spaces (1 spc / 1,000 sf GFA)</td>
<td>8 spaces – Not met (see #5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waiver may be considered</td>
</tr>
</tbody>
</table>

5. Off-street Parking.

a. Parking requirements shall be based upon the following schedule, except as modified for a specific use within Section 16.02 (amended 08.06.07):

i. One (1) parking space per one thousand (1,000) square feet of gross floor area or one (1) space per employee, whichever is greater. The proposed development requires 57 parking spaces. The Conceptual Site Plan on Sheet C1.0 states seven (7) off-street parking spaces and one (1) ADA space will be provided. (1 / 1,000 sq ft GFA = .001 x 56,909 sq ft). This results in a parking deficit of 49 spaces, or 86%.

ii. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift. Within the parking analysis, the applicant should provide a statement addressing this requirement and include the additional number of parking spaces required and provided, if this subsection applies.

b. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. (amended 01.30.86). We agree that this use typically does not generate the same parking demand as a traditional industrial use, but additional information should be provided to the Planning Commission with appropriate documentation that supports a reduced parking requirement.

c. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. (amended 06.15.89) The proposed surface parking spaces are setback 27’ from the Clarkston Road right-of-way line but...
only 5' from the east property line. The east property line is adjacent to a land parcel identified as “Grand Trunk Railroad” on the site plan, which is currently used as the Polly Ann Trailway. A variance to permit this reduced setback from 20 feet is required as the Zoning Ordinance does not specify that this standard may be reduced through a waiver. We recommend the parking lot be redesigned to provide the required setback given the location of the trailhead.

d. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. (amended 09.16.93) See 5.c above. A variance to permit the reduced setback along the east property line would be required. The adjacent property consists of recreational open space as a component of the Polly Ann Trailway facility. A north-south overhead power line blanket easement creates an additional buffering between the site and the active pathway and its amenities.

Section 27.04.A. – Parking and Loading Regulations

e. 1.D. Submission of Plot Plan. No off-street parking facilities shall be constructed unless a building permit is first obtained from the Building Department. Any application for a building permit shall include a plot plan showing any off-street parking facilities proposed in accordance with the provisions of this Ordinance. Calculations for required parking shall be submitted on the plot plan or site plan and shall indicate the proposed use, building square footage and required number of parking spaces. Whenever a site plan is required in accordance with the provisions of Section 30.01, said site plan shall meet the requirements of this section. (amended 11.14.85, 08.06.07) The applicant should provide an analysis, with supporting documentation, identifying the amount of parking suitable for the proposed facility if less spaces than the ordinance requires are proposed.

f. Access. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient means of vehicular access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Backing directly onto a street shall be prohibited. Ingress and egress to an off-street parking area lying in the area zoned for other than residential use shall not be across land zoned for residential use.

6. Loading and Unloading: All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04. The applicant should explain the loading and unloading operation and logistics of the proposed self-storage facility. All designated loading and unloading areas should be shown, labeled, and dimensioned on the site plan in a manner that demonstrates compliance of the above-mentioned requirements as well as those specified below.

Section 27.04.B.3.C. Industrial Districts. Off-street loading facilities accessory to uses allowed in districts zoned for industrial uses shall be provided in accordance with the following minimum requirements:

a. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing three thousand five hundred (3,500) to twenty thousand (20,000) square feet of gross floor area.

b. For buildings containing twenty thousand (20,000) to forty thousand (40,000) square feet of gross floor area, two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional forty thousand (40,000) square feet of gross floor area or fraction thereof.

i. Warehousing, storage, and wholesale establishments.

7. Lighting. The proposed lighting fixtures comply with the non-residential ordinance standards of 27.11.
8. **Fencing.** Fences required for screening purposes shall be a minimum of six (6) feet in height, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, vinyl or other materials approved by the Planning Commission or Building Official, with posts sunk into the ground at least three (3) feet. Chain link fences shall not be permitted for screening purposes. 

   viii. 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. A 6' high, aluminum, ornamental fence is proposed parallel to the front property line, between the office and storage buildings in the rear. The fence will include separate 6' tall vehicular and pedestrian gates adjacent to the office building. A 6' tall chain link fence, with gate, is proposed around the detention basin at the rear of the property. Small segments of chain link fencing are also shown between the storage buildings near the periphery of the site.

9. **Outdoor Storage (§27.19).** Outdoor storage is not shown to be included on the site plan.

10. **Safety Paths.** Required pathways for pedestrian and bicycle use shall be constructed in conformance with the following specifications:

   a. **Location and Width.** Required pathways shall be eight feet in width and shall be located in the road right-of-way, with a setback of one (1) foot from the property line. The Planning Commission may modify this requirement in consideration for the location of utilities, existing landscaping, or other site improvements. The existing safety path along Clarkston Road is shown to be located within the boundaries of the subject property. A pedestrian access easement may be required. The width should be called out on the site and landscape plans. We defer to the Township Engineer on compliance with Ordinance No. 97.

   b. **Design Standards.** Required pathways shall be constructed of asphalt or concrete in accordance with adopted engineering standards for the Township. Applicant should demonstrate compliance upon permitting and inspection.

   c. **Alignment with Adjacent Pathways.** Required pathways shall be aligned horizontally and vertically with existing pathways or sidewalks on adjacent properties. The Planning Commission may waive this requirement if existing adjacent pathways or sidewalks are not constructed in conformance with the standards set forth herein. The existing safety path ties into the Poly Ann Trail at the subject site. Additionally, a proposed connector of the Poly Ann Trail with the Paint Creek Trail to the east, falls along the Clarkston Road corridor to the east. Trail access amenities, such as vehicle and bicycle parking, bicycle repair, maps, and resting facilities, underscore the importance of path connectivity at this specific site.

   d. **Signage.** The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the pathways.

   e. **Maintenance.** The owner of the property which fronts on the required pathway shall be responsible for maintenance of the pathway, including patching cracked or deteriorated pavement and removal of glass and other debris. The site plan indicates the existing safety path will be replaced where needed.
Respectfully,
Giffels Webster

Rod Arroyo, AICP
Partner

Eric Pietsch
Senior Planner
Article XVI

Limited Industrial (LI)

Section 16.03 – Required Conditions (amended 02.01.16)

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. (amended 01.30.86)

A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.

B. Minimum Parcel Size. The minimum lot area shall be two (2) acres.

C. Off-Street Parking.

1. Parking requirements shall be based upon the following schedule, except as modified for a specific use within Section 16.02 (amended 08.06.07):  
   a. One (1) parking space per one thousand (1000) square feet of gross floor area or one (1) space per employee whichever is greater.
   b. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift.

2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. (amended 01.30.86)

3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. (amended 06.15.89)

4. All internal roadways and driveways in the front yard area shall be continuously curbed. Driveways and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, crushed concrete or gravel, as approved by the Planning Commission.

5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.

6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. (amended 09.16.93)

D. Landscaping.

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of an LI District, except where ingress and egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts any residentially used or zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. (amended 06.15.89)

3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.

5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. (amended 01.30.86, 09.16.93)

E. Lighting Regulations. (amended 04.27.00)

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.

2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

F. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or proposed right-of-way of at least eighty-six (86) feet.

G. Utilities. If possible, all utilities servicing the business structure shall be buried underground.

H. Covered Trash Areas.

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

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

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

I. Loading and Unloading.

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

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

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

J. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. (amended 08.15.10)

K. General. All activities and uses within this District shall conform to the following:

1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:
Article XVI

Limited Industrial (LI)

a. No wastes shall be discharged into the public sewer system which are dangerous to the public health and safety.

b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.

c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.

d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.

e. Wastes shall not have chlorine demand greater than 15 p.p.m.

f. Wastes shall not contain phenols in excess of .005 p.p.m.

g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

L. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. (amended 10.08.98, 02.21.06)

M. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. (amended 01.03.87, 02.03.03)

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

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

Section 16.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses) (amended 02.01.16, 07.16.18)

Please see the chart in Section 16.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>LI</th>
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<tbody>
<tr>
<td>Front Yard Setback</td>
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<tr>
<td>Rear Yard Setback</td>
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<tr>
<td>Side Yard Setback</td>
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<tr>
<td>Minimum Lot Area</td>
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<tr>
<td>Maximum Lot Area</td>
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<tr>
<td>Maximum Lot Coverage</td>
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<tr>
<td>Maximum Heights of All Structures</td>
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<tr>
<td>Minimum Clear Space Around Structures</td>
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* Within the Lapeer Road Overlay District, building height shall not exceed fifty (50) feet. However, if a building exceeds forty (40) feet in height, rear yard and side yard setback shall increase by ten (10) feet for a total of thirty-five (35) feet side yard and thirty-five (35) feet rear yard. (added 02.01.16)
LEVEL SPREADER (E-4)

PLAN VIEW

SECTION A-A

SECTION B-B

SECTION C-C

Level Spreader Detail per OGDC

Note: Detail shall be modified as needed to fit the Conditions. Final detail shall be reviewed and approved by the Township Engineer.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 30, 2021

SUBJECT: Staff Report for AB-2021-43, Kay Industrial, unaddressed parcel, 09-35-400-044

The project is a site plan for Kay Industrial on a vacant piece of property. The plans went to the Planning Commission on June 16th and were denied because the requested variances were needed.

The variances needed are outlined in the Giffels Webster Planner Review dated June 15, 2021 which is included in the packet – referenced as the East Development.

These two variances are similar to those being requested by Orion Investment Group, Orion Storage, however the property is zoned IP (Industrial Park) not LI (Light Industrial). The variances are associated with a commercial site plan and related to greenbelts and parking area and driveways. The agenda references the specific section of Ordinance #78 the developer is deviating from and maybe helpful in understanding what is being asked for.

Again, as these variances are ones you don’t see on a regular basis, 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 29, 2021
RE: AB-2021-43, Kay Industrial, unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.)

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-43, Kay Industrial, unaddressed parcel 09-354-00-044 (a parcel south of 100 Kay Industrial Dr.)

I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned IP

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)

1. An 8-ft. off-street parking setback variance, from the required 20-ft., for parking to be 12-ft. from the property line (south).

Article XVIII & Article XXXV

2. Section 18.03(D)(2), an 8-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 12-ft. (south) & Section 35.04(A)(8)(6), a 3-ft. greenbelt width variance, from the required 15-ft., (Lapeer Road Overlay District), for the greenbelt with to be 12-ft.

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

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


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

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


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


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


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


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


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SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-43, Kay Industrial, unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.), I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned IP

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)

1. An 8-ft. off-street parking setback variance, from the required 20-ft., for parking to be 12-ft. from the property line (south).

Article XVIII & Article XXXV

2. Section 18.03(D)(2), an 8-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 12-ft. (south) & Section 35.04(A)(8)(6), a 3-ft. greenbelt width variance, from the required 15-ft., (Lapeer Road Overlay District), for the greenbelt with to be 12-ft.

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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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:


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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: Kay Industrial Land, LLC
Address: 38700 Van Dyke, Ste 200
City/State/Zip: Sterling Heights, MI 48312
Phone: 586-977-8640
Cell: NA
Fax: 586-977-7946
Email: NA

PROPERTY OWNER(S)
Name(s): Kay Industrial Development, LLC
Address: 5585 Orchard Ridge Drive
City/State/Zip: Rochester, MI 48306
Phone: 248-377-3826
Cell: NA
Fax: 248-650-7856
Email: NA

CONTACT PERSON FOR THIS REQUEST
Name: Sara D'Agostini
Phone: 586-405-4143
Email: sdagostini@dagostini.net

SUBJECT PROPERTY
Address: No address at this time
Sidwell Number(s): 09-35-400-044

Total Acreage: 4.39
Length of Ownership by Current Property Owner: 5 Years, 8 Months

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

Ordinance Allowance/Requirement: See attached

Deviations requested: See attached
List additional ordinance requirements and deviations on a separate page.

Case #: ____________________
COMMERCIAL VARIANCE

1. Describe the nature of the request.  See attached

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.  See attached

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:  See attached

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

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

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

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.  See attached
Case #: ___________________

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

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

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

Signature of Applicant: ____________________________ Date: 6-17-2021

(by Eugene D'Agostino, Manager)

Print Name: ____________________________

Property Owner:
If applicable:  

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

Signature of Property Owner: ____________________________ Date: 6-11-21

(by ____________________________, Manager)

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: ____________________________
Ordinance Allowance/Requirement:

Zoning Ordinance #78, Article XVIII, Section 18.03(C)(3) requires that no parking area shall be closer than 20 feet to the adjacent property line. Similarly, Article XXXV, Section 35.04(A)(4)(d) requires this setback in the Lapeer Road Overlay.

Zoning Ordinance #78, Article XVIII, Section 18.03(D)(2) requires that a landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the parcel. Similarly, Article XXXV, Section 35.04(A)(8)(b) requires a fifteen (15) foot greenbelt in the side yards in Lapeer Road Overlay.

Deviation: See description in Section 1 below.

1. Describe the nature of the request.

Applicant is under contract to purchase the parcel with the intent to construct the proposed speculative industrial building. For this to be viable, applicant is seeking the following variances to Orion Township Zoning Ordinance #78:

Variance 1: An 8-foot variance for the proposed parking from the south property line. The proposed parking is 12 feet from the south property line. A variance is therefore requested for the parking to be 8 feet closer to the property line than the 20 feet required by Article XVIII, Section 18.03(C)(3) of the Ordinance. (Similarly, this requires a variance to the Lapeer Road Overlay Section 35.04(A)(4)(d))

Variance 2: An 8-foot variance for the proposed landscape greenbelt along the southern property line. The proposed greenbelt is 12 feet wide. A variance is therefore requested for the greenbelt to be 8 feet less than the 20 feet required by Article XVIII, Section 18.03(D)(2). (Similarly, this requires a variance to the Lapeer Road Overlay Section 35.04(A)(8)(b))

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 request results from the existing geometry of the 4.39 parcel. The parcel is unusually long as compared to its width, and is unlike properties in the surrounding area.

For the average industrial user in our market, the length to width ratio of a building should not exceed 3:1. Anything over 3:1 creates material inefficiency in operations. With the requested variance, the building has an approximate ratio of 3:1. Absent variance from the ordinance, the parking and drive locations would result in a narrower building with a length to width ratio well over 4:1. The properties in the immediate area do not have the geometric challenges that this site has. Additionally, the industrial buildings developed in the immediate area generally do not exceed the length to width ratio of 3:1.

Strict adherence to the ordinance would result in an industrial facility undesirable to most users in the market, and untenable for a speculative developer to build.
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:

The variance will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. The parcel is one of the last two remaining for development in the industrial park. The south property line of Applicant’s parcel is adjacent to three fully developed industrial buildings. In each case, the building is setback from Applicant’s south property line, first with a greenbelt, and thereafter with a drive and at least two banks of parking. The greenbelt that runs along Applicant’s entire south property line contains mature trees that provide screening. Additionally, Applicant will landscape its greenbelt in accordance with the Ordinance requirements.

The two most westerly of these existing buildings are situated with the rears facing Applicant’s south property line. The elevations/facades of these rear walls are opaque and without glass, and the truck docks and overhead doors are fully visible.

The third building is situated with its side facing Applicant’s south property line. The truck docks are situated along this wall and face Applicant’s south property line. The elevation of this building is with very limited exception, opaque and without glass.

For the reasons described above, granting the variances would not be materially detrimental to the health, safety, welfare of the other properties.

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

The properties in the immediate area do not have the geometric challenges that this site has. Additionally, the industrial buildings developed in the immediate area generally do not exceed the length to width ratio of 3:1.

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

Applicant did not participate in previous development that created the parcel geometry.

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

Topography is not relevant factor in this variance request.

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

Strict compliance with the ordinance would unreasonably prevent Applicant from developing a marketable industrial facility for the average user in the area and is unnecessarily burdensome. As described in Section 2 of this application, without a variance the resulting building would
have a length to width ratio well over 4:1. This is unlike the buildings in the surrounding area, and undesirable to the average industrial user in our market, as it creates material inefficiencies in operations. For the reasons described in Section 3 above, granting the variance would not be detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. Accordingly, the ordinance is unnecessarily burdensome.
1. Repair and maintenance of vehicles and equipment owned by the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

2. The repair and maintenance of vehicles and equipment left for long-term storage of at least four (4) months with the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

3. One storage building for materials or equipment related to the principal use. However, building material outlets may be permitted, subject to Planning Commission approval.

4. Accessory uses which in the opinion of the Planning Commission are subordinate and customarily incidental to the above permitted or special uses.

D. Uses as listed below are allowed as a special land use subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the Industrial Park zoning district, and may include uses such as: (added 09.02.14, amended 07.16.18)

1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, processing, or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.

2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting and similar uses.

3. Automotive repair, paint and body shop, collision shop.

4. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools and construction equipment.

5. Banks and credit unions, with or without drive-through.

6. Restaurants, including drive-through restaurants including outdoor café and/or patio subject to:

   Seasonal use restrictions, hours of operation, sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers, compliance with Michigan Liquor control Commission (MLCC) requirements (for a café), compliance with Township Noise Regulations (Ord. No. 135), and/or other conditions as required by the Planning Commission. No site plan will be required unless requested by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.

7. Churches

8. Hotels and motels

9. Veterinary clinics and animal boarding

10. Mini-storage and warehousing

[Red Circle] Section 18.03 – Required Conditions (amended 07.16.18)

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. (amended 01.30.86)

A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
Article XVIII

Industrial Park (IP)

B. Minimum Parcel Size.

1. The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres.

2. The minimum lot size within an Industrial Park shall be two (2) acres. *(amended 06.13.96)*

C. Off-Street Parking.

1. One (1) parking space per one thousand (1000) square feet of gross floor area or one (1) space per employee whichever is greater for uses within the IP zoning district. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift. *(amended 08.06.07)*

2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*

3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residually used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. *(amended 06.15.89)*

4. The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.

5. All internal roadways and driveways in the front yard area shall be continuously curbed. All roadways, driveways and parking areas shall consist of hard-surfaced concrete, blacktop or equivalent, as approved by the Planning Commission.

6. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.

7. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*

D. Landscaping.

1. A landscape plan for each use in the Industrial Park shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. *(amended 06.15.89, 03.22.97)*

3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition. In addition, an underground lawn irrigation system shall be required in any landscaped area located in the front yard. *(amended 05.22.97)*

5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and
when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*

E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*

F. Lighting Regulations. *(amended 04.27.00)*

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.

2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

G. Public Road Access.

1. Any industrial park developed or proposed in the Industrial Park District shall have an internal public road having a minimum right-of-way of at least sixty (60) feet.

2. The internal public road shall have direct access onto an existing or proposed major thoroughfare having a thoroughfare having a right-of-way of at least one hundred twenty (120) feet.

H. Utilities. All utilities servicing the business structure may be required by the Planning Commission to be buried underground.

I. Covered Trash Areas.

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

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

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

J. Loading and Unloading.

1. The loading and unloading area shall not be located where it will not interfere with parking or obstruct ingress and egress.

2. The loading and unloading area shall be located in the rear or side yard. However, it may be located in a front yard area only when the loading area is of a drive-through design as approved by the Planning Commission.

3. Truck wells shall not be located in the front yard area.

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

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

Section 35.00 – Preamble

The purpose of the Lapeer Road Overlay District shall be to allow a greater range of land use options for those areas as designated on the Charter Township of Orion zoning map. Selected commercial uses are allowed as a special use within the overlay district. These uses are viewed as support commercial land uses which will complement the primary office and industrial function of those areas within the overlay district.

Section 35.01 – Principal Uses Permitted

(Please refer to the designated zoning within the overlay district.)

Section 35.02 – Accessory and Special Land Uses

(Please refer to the designated zoning within the overlay district.)

Section 35.03 – Planned Unit Development

Uses listed below may be allowed within a planned unit development project, in accordance with Section 30.03. Allowable uses shall also have frontage on Dutton Road.

A. Showrooms for kitchen/bath/household fixtures associated with manufacturing.
B. Automotive retail and service, such as trailer hitches, car stereo, window tinting and similar uses.
C. Automotive repair, paint and body shop, collision shop.
D. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools, construction equipment.
E. Mini-storage and warehousing.
F. Veterinary clinics and animal boarding.
G. Banks and credit unions, with or without drive-through facilities.
H. Restaurants, including drive-through restaurants.
I. Churches.
J. Hotels and motels.
K. Large-scale retail exceeding 55,000 square feet.
L. Uses similar to the above, in accordance with 27.02(E), and which will not create adverse impacts to surrounding uses.

Section 35.04 – Development Standards

Buildings and uses in the Lapeer Road Overlay Zoning District shall comply with the following requirements:

A. Site Design

1. Building Orientation

   a. Buildings with customer entrances shall orient such entrances towards Lapeer Road.

   b. Buildings shall be arranged and oriented so that loading docks, outdoor storage, trash collection and processing, HVAC equipment, truck parking and servicing areas and other service functions are not visible from Lapeer Road.

2. Connectivity. The site design must provide direct connections to adjacent land uses. Where feasible, secondary access roads or driveway connections shall be provided.

3. Pedestrian Circulation

   a. Safety paths shall be provided in accordance with the Safety Path Ordinance No. 97.

   b. Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to
the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.

4. Parking

Parking and parking lot design should comply with Section 27.04 in its entirety, and the following standards:

a. Parking Requirements. Parking requirements shall be based upon the following schedule:

1) One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.

2) One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.

3) One (1) parking space per one thousand (1,000) square feet of gross floor area for industrial/manufacturing-related uses.

b. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking based on evidence provided by the applicant that indicates another standard would be more reasonable, because of the level of current or future employment, and/or the level of current or future customer traffic.

c. Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of fifty percent (50%) of the total parking provided for the site unless modified by the Planning Commission. Parking should be located to the rear or side of the building to the greatest extent possible.

d. Setbacks. No parking area or driveway shall be closer than twenty (20) feet to all adjacent property lines. The required setback for parking may be reduced in width or waived by the Planning Commission, subject to landscaping or screening requirements.

5. Outdoor Storage (added 07.16.18)

Outdoor Storage shall be located at least five hundred feet (500) feet from a residential zoning district. Outside storage located along the Lapeer Road right-of-way shall be setback at least fifty (50) feet and shall be screened with landscaping and/or fencing in accordance with Section 27.05 (A)(5) and subject to all the regulations contained within Section 27.19 with the exception of the distance to residential zoning district provided for in this Section.

6. Loading and Unloading

a. Loading and unloading areas shall be located in the rear or side yard.

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

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

7. Lighting

a. Compliance with Section 27.11. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations for lighting shall apply unless otherwise noted in this Ordinance.

b. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

8. Landscaping
Article XXXV

Lapeer Road Overlay District

a. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

b. A landscaped greenbelt of at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the Lapeer Road Overlay District, except where ingress or egress drives are located. The greenbelt shall comply with the standards outlined in Section 27.05.A.4

c. Interior parking lot landscaping shall comply with Section 27.05.A.6.

d. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.

e. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05.

9. Tree Preservation Regulations. The tree permit requirements apply to developments within the Lapeer Road Overlay District, according to the terms of Section 27.12.

10. Wetland Setbacks. The wetland setback requirements apply to all developments in the Lapeer Road Overlay District, according to the terms of Section 27.12.

11. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135.

B. Design Standards

1. Facades and Exterior Walls:

   a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.

   b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.

   c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).

2. Building Entrances

   a. Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:

      1) Canopies, porticos or overhangs;
      2) Recesses/projections;
      3) Raised corniced parapets over the door;
      4) Peaked roof forms;
      5) Display windows;
      6) Integrated tile work and moldings;
      7) Integral planters;
      8) Pavement/material changes for pedestrian cross walks.

3. Roofs

   a. Flat Roofs
Article XXXV  Lapeer Road Overlay District

1) Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.

b. Pitched Roofs

1) Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.

2) The average slope shall be one (1) Foot of vertical rise for three (3) feet of horizontal run.

4. Materials and Colors

a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.

b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trip or accent areas.

d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

5. Covered Trash Areas

a. Covered trash receptacles shall be surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle in the rear yard of the building or principal use structure.

b. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.

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

6. Screening for Mini-Storage/Warehousing

a. Individually accessed storage doors for mini-storage facilities shall be screened from view from any public right of way. Loading and unloading areas for warehouses shall be in the rear or side yard unless modified by the Planning Commission as part of a special land use approval.

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

D. The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site.

2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.

3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.
4. Other design constraints and considerations as defined by the Planning Commission.
Site Plan Review #1
Kay Industrial Park (2 Separate Development Parcels)

<table>
<thead>
<tr>
<th>West Development Parcel -033</th>
<th>East Development Parcel -044</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case No: PC-2021-51</td>
<td>PC-2021-52</td>
</tr>
<tr>
<td>Address: 50 Kay Industrial Drive</td>
<td>Unassigned</td>
</tr>
<tr>
<td>Acreage: 3.12 acres</td>
<td>4.39 acres</td>
</tr>
<tr>
<td>Applicant: Kay Industrial Land, LLC</td>
<td>Kay Industrial Land, LLC</td>
</tr>
<tr>
<td>Plan Date: 05/26/2021 (Stamped)</td>
<td>05/26/2021 (Stamped)</td>
</tr>
<tr>
<td>Zoning: IP Industrial Park &amp; Lapeer Overlay District</td>
<td>IP Industrial Park &amp; Lapeer Overlay District</td>
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<tr>
<td>Parcel ID: 09-35-400-033</td>
<td>09-35-400-044</td>
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</table>

Project Summary
The applicant is proposing speculative industrial facilities on two separate undeveloped parcels located within the same industrial area. The parcels border each other for 60 feet in the rear corner of each parcel. Both sites are zoned IP Industrial Park and are located within the Lapeer Road Overlay District. The IP District permits "industrial, research, and technology" uses as well as "office" uses by right. The applicant’s cover letter states that they are aware of variances that will be needed for each development and that the required additional information and design features for each development will be submitted in the future if variances are obtained and end users are identified for each site.
SUMMARY OF ZONING ORDINANCE COMPLIANCE

1. **18.01 Use Matrix.** As the applicant has indicated that each development is speculative, uses for each site cannot be reviewed for compliance with the IP district. The Planning Commission should consider what measures should be taken, based on previous speculative developments without uses identified, to ensure that the end user of each site is permitted in the IP district.

2. **18.03 F. Lighting.** The IP district requires a lighting plan in compliance with Section 27.11 and additional requirements specific to the IP district and Lapeer Road Overlay District (35.04 A.7.). A lighting plan has not been submitted for either site. The applicant should verify if they are requesting lighting be reviewed administratively as a condition of approval or if this would be presented to the Planning Commission for consideration at a future date.

3. **18.03 N. Tree Preservation (27.12).** The IP district requires a tree permit (included with SPR) for all developments in accordance with Section 27.12. A tree survey and inventory has not been submitted at this time for either site and it is unclear if this is in-progress or requested to be waived. It is our understanding that the tree permit requirement has occasionally been waived (Menard’s) or permitted to be submitted as a condition of approval (Cottages at Gregory Meadows) for other developments.

4. **18.03 D. & 27.05 A. Landscaping.** A re-review of the landscaping plan for each site should occur as the amount of landscaping required is directly related to the amount of protected or landmark trees removed. The requirements of Section 27.05 A. through E. are otherwise met or do not apply. If a tree survey and inventory is not required, no revisions to the landscape plan are needed.

5. **27.04 B. Loading.** Three loading berths are required for each building at 10 feet in width and 50 feet in length. General truck well loading areas are indicated in the rear of each building. The loading areas provided for each building exceed the area requirements and are therefore compliant.

**West Development Parcel Only**

6. **18.03 C.3. & 27.04 A.2.a. Off-Street Parking Setback.** The IP district and General Provisions require a 20-foot parking area and driveway setback (with corresponding greenbelt) adjacent to property lines. Approval of the site plan as currently proposed would require approval of a variance as the east and south boundaries of parking improvements are setback only 10 feet.

7. **18.03 D., 27.05 & 35.04 A.8.b. Greenbelts.** See above item.

8. **18.03 I. Covered Trash Areas.** The IP district requires that dumpsters be located in the rear yard. Approval of the site plan as currently proposed would require approval of a variance as the dumpster is located in the side yard which is dictated by the side yard setback indicated to the east boundary. Alternatively, the applicant could request waiver approval to not be required to provide a dumpster.

9. **18.04 Front Yard Setback.** The IP district requires a 50-foot front yard setback. As this site is a corner lot, this setback is required from both Lapeer Road and Kay Industrial Drive. Approval of the site plan as currently proposed would require approval of a variance as the building is only 20 feet from the Kay Industrial Drive right-of-way line at its closest point in the northwest corner of the building.

10. **35.04 A.4. Parking.** Parking within the Overlay district is required as follows: one space per 1,000 sq. ft. GFA for industrial/manufacturing-related uses and one space per 200 sq. ft. GFA for offices. The Planning Commission is authorized to modify these requirements with justification. The Required Parking Calculation on the site plan indicates compliance with the industrial calculation.

   a. The calculation for the office area should be revised from 300 sq. ft. to 200 sq. ft. per the Overlay as this increases the amount of parking required for the office portion from 36 spaces to 54 (94 total required vs. 86 proposed). The applicant should clarify the exact amount of office space proposed at this time with the correct 200 sq. ft. ratio to determine if parking is met. With the optional second floor office area reduced or eliminated, the site would be compliant. As proposed, the site is required to add eight spaces as the optional second floor area is required to be counted.
East Development Parcel Only

11. **18.03 C.3. & 27.04 A.2.a. Off-Street Parking Setback.** The IP district and General Provisions require a 20-foot parking area and driveway setback (with corresponding greenbelt) adjacent to property lines. Approval of the site plan as currently proposed would require approval of a variance as the south boundary of parking improvements are setback only 12 feet.

12. **18.03 D., 27.05 & 35.04 A.8.b. Greenbelts.** See above item.

13. **35.04 A.4. Parking.** The Required Parking Calculation on the site plan indicates compliance with the industrial calculation.

   a. The calculation for the office area should be revised from 300 sq. ft. to 200 sq. ft. per the Overlay as this increases the amount of parking required for the office portion from 40 spaces to 60 (121 total required vs. 101 proposed). The applicant should clarify the exact amount of office space proposed at this time with the correct 200 sq. ft. ratio to determine if parking is met. With the optional second floor office area reduced or eliminated, the site would be compliant. As proposed, the site is required to add 20 spaces as the optional second floor area is required to be counted.

Lapeer Road Overlay District (Both Parcels)

14. The below table indicates Overlay District standards in **green** that are not indicated and should be addressed either with plan revisions or waivers as permitted in the Overlay district. Other items not in green are included for the Planning Commission's consideration as architecture design is subjective.

<table>
<thead>
<tr>
<th>35.04 – Development Standards</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Site Design.</strong></td>
<td></td>
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<tr>
<td><strong>3. Pedestrian Circulation</strong></td>
<td></td>
</tr>
<tr>
<td>b. Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.</td>
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<tr>
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<td><strong>1. Facades &amp; Exterior Walls:</strong></td>
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<td>a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.</td>
<td>Not provided for either building; may be waived/modified by PC</td>
</tr>
<tr>
<td>b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.</td>
<td>Windows exceed 50% of ground floor both bldgs.; no other features indicated for W building</td>
</tr>
<tr>
<td>c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).</td>
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<tr>
<td><strong>2. Building Entrances</strong></td>
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<tr>
<td>a. Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:</td>
<td>No architectural entry features are apparent for the W building</td>
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<td>Canopies, porticos, or overhangs;</td>
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3. Roofs

a. Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.

4. Materials & Colors

a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.

b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

D. The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site.

2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.

3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.

Maps

1. Adjacent Zoning.

West Development Parcel -033

East Development Parcel -044
2. Wetlands (none apparent).

Respectfully,
Giffels Webster

Eric Pietsch
Senior Planner

Eric Fazzini, AICP, CNU-A
Senior Planner
TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 30, 2021

SUBJECT: Staff Report for AB-2021-44, Kay Industrial, 50 Kay Industrial Dr.

The project is a site plan for Kay Industrial on the above subject property. The plans went to the Planning Commission on June 16th and were denied because the requested variances were needed.

The variances needed are outlined in the Giffels Webster Planner Review dated June 15, 2021 which is included in the packet – referenced as the West Development.

Variances #1 thru #4 are similar to the variances requested for AB-2021-43 related to off-street parking and greenbelt width. Variance #5 is a deviation from where a covered trach area is located, and variance #6 is for a front yard setback as the property has two front yards – Lapeer Road and Kay Industrial Drive. The agenda references the specific section of Ordinance #78 the developer is deviating from and maybe helpful in understanding what is being asked for.

Again, as these variances are ones you don’t see on a regular basis, 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 29, 2021

RE: AB-2021-44, Kay Industrial, 50 Kay Industrial Dr. 09-35-400-033

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-44, Kay Industrial, 50 Kay Industrial Dr., 09-35-400-033

I would move that the petitioner’s request for:

6 variances from Zoning Ordinance #78 – Zoned IP

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)

1. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east).

2. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south).

Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b)

3. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east).

4. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south).

Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a)

5. Seeking a variance, for a covered trash area to be in a side yard (east) instead of the required rear yard.

Article XVIII, Section 18.04

6. A 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive).

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

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

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

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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:


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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:

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________________________________________________________________________
________________________________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-44, Kay Industrial, 50 Kay Industrial Dr. 09-35-400-033, I would move that the petitioner’s request for:

6 variances from Zoning Ordinance #78 – Zoned IP

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)

1. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east).

2. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south).

Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b)

3. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east).

4. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south).

Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a)

5. Seeking a variance, for a covered trash area to be in a side yard (east) instead of the required rear yard.

Article XVIII, Section 18.04

6. A 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive).

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

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):
2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

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

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________________________________________________________________________

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

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________________________________________________________________________

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

________________________________________________________________________

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

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

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

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

APPLICANT

Name: Kay Industrial Land, LLC

Address: 38700 Van Dyke, Ste 200
City/State/Zip: Sterling Heights, MI 48312

Phone: 586-977-8640 Cell: NA Fax: 586-977-7946

Email: NA

PROPERTY OWNER(S)

Name(s): Kay Industrial Development, LLC

Address: 5585 Orchard Ridge Drive
City/State/Zip: Rochester, MI 48306

Phone: 248-377-3826 Cell: NA Fax: 248-650-7856

Email: NA

CONTACT PERSON FOR THIS REQUEST

Name: Sara D'Agostini Phone: 586-405-4143 Email: sdagostini@dagostini.net

SUBJECT PROPERTY

Address: 50 Kay Industrial Drive
Sidwell Number(s): 09-35-400-033

Total Acreage: 3.12 acres Length of Ownership by Current Property Owner: 21 Years, 1 Months

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

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

Case #: ______________________
COMMERCIAL VARIANCE

1. Describe the nature of the request.  See attached

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.  See attached

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:  See attached

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

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

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

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.  See attached
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: ____________________________ Date: 6-17-2021

Print Name: Kay Industrial Land, LLC

Property Owner:
If applicable:
I the property owner, hereby give permission to Kay Industrial Land, LLC to represent me at the meeting.

Signature of Property Owner: ____________________________ Date: 6-11-2021

Print Name: Kay Industrial Development, LLC

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: ___________
Ordinance Allowance/Requirement:

Zoning Ordinance #78, Article XVIII, Section 18.03(C)(3) requires that no parking area shall be closer than 20 feet to the adjacent property line. Similarly, Article XXXV, Section 35.04(A)(4)(d) requires this setback in the Lapeer Road Overlay.

Zoning Ordinance #78, Article XVIII, Section 18.03(D)(2) requires that a landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the parcel. Similarly, Article XXXV, Section 35.04(A)(8)(b) requires a fifteen (15) foot greenbelt in the side yards, and twenty (20) foot in rear yards, in Lapeer Road Overlay.

Zoning Ordinance #78, Article XVIII, Section 18.04 requires a front yard setback of 50 feet to the adjacent property line.

Zoning Ordinance #78, Article XVIII, Section 18.03(l) requires the dumpster be located in the rear yard. Similarly, Article XXXV, Section 35.04(B)(5)(a) requires the same in Lapeer Road Overlay.

Deviation: See description in Section 1 below.

1. Describe the nature of the request.

Applicant is under contract to purchase the parcel with the intent to construct the proposed speculative industrial building. For this to be viable, applicant is seeking the following variances to Orion Township Zoning Ordinance #78:

Variance 1: A 10-foot variance for the proposed parking from the south property line. The proposed parking is 10 feet from the south property line. A variance is therefore requested for the parking to be 10 feet closer to the property line than the 20 feet required by Article XVIII, Section 18.03(C)(3) of the Ordinance. (Similarly, this requires a variance to the Lapeer Road Overlay Section 35.04(A)(4)(d))

Variance 2: A 10-foot variance for the proposed landscape greenbelt along the southern property line. The proposed greenbelt is 10 feet wide. A variance is therefore requested for the greenbelt to be 10 feet less than the 20 feet required by Article XVIII, Section 18.03(D)(2). (Similarly, this requires a variance to the Lapeer Road Overlay Section 35.04(A)(8)(b))

Variance 3: A 10-foot variance for the proposed parking from the east property line. The proposed parking is 10 feet from the south property line. A variance is therefore requested for the parking to be 10 feet closer to the property line than the 20 feet required by Article XVIII, Section 18.03(C)(3) of the Ordinance. (Similarly, this requires a variance to the Lapeer Road Overlay Section 35.04(A)(4)(d))

Variance 4: A 10-foot variance for the proposed landscape greenbelt along the eastern property line. The proposed greenbelt is 10 feet wide. A variance is therefore requested for the greenbelt to be 10 feet less than the 20 feet required by Article XVIII, Section 18.03(D)(2). (Similarly, this requires a variance to the Lapeer Road Overlay Section 35.04(A)(8)(b))
Variance 5: A 30-foot variance for the proposed front yard setback (north property line). The proposed building setback in the front yard ranges from 20 feet (at the northwest corner of the building) to approximately 45 feet (at the northwest corner of the building). A variance is therefore requested for the building front yard setback to be 30 feet closer than the 50 feet required by Article XVIII, Section 18.04.

Variance 6: A variance to allow dumpster location in the side yard.

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.

Unique circumstances particular to this parcel that result in the variance requests include the requirement of onsite detention and the parcel geometry, including the fact that the curve in the roads make it impossible to have a uniform setback. Strictly following the ordinance would unduly restrict utilization of the land, as it would result in an industrial facility with a substantially reduced coverage ratio, and insufficient circulation. The facility would be undesirable to most users in the market, and untenable for a speculative developer to build.

The requested front yard variance is not inconsistent with the variance previously granted for 57 Kay Industrial Drive. 57 Kay Industrial Drive is believed to have the same front yard variance of 30 feet.

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

The variances will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. The parcel is one the last remaining for development in Kay Industrial Park. The south property line of Applicant’s parcel is adjacent to a vacant parcel that is undevelopable for all practicable purposes. It is currently owned by a billboard company, which operates a billboard along Lapeer Road.

The west property line faces the office portion of Leoni Engineering Products & Services Inc. Leoni’s building is setback from Applicant’s west property line, first with a greenbelt, and thereafter with a drive and two banks of parking. The greenbelt contains mature trees that provide screening. Additionally, Applicant will landscape its greenbelt in accordance with the Ordinance requirements.

The north property line faces an existing industrial building with the address of 57 Kay Industrial Drive (occupied by Kay Industrial Graphics). Such building has a front yard variance of 30 feet. Accordingly, the request is consistent with properties in the immediate vicinity.

For the above reasons, granting of the variances will not be materially detrimental to the health, safety, welfare to other properties.
4. Explain how the request is not consistent with other properties in the immediate area, please cite examples if possible:

The property to the north, with the address 57 Kay Industrial Drive (occupied by Kay Industrial Graphics), has a front yard variance of 30 feet. Accordingly, the request is consistent with properties in the immediate vicinity.

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

Applicant did not participate in previous development that created the parcel geometry.

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

Topography is not relevant factor in this variance request.

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

Strict compliance with the ordinance would unreasonably prevent Applicant from developing a marketable industrial facility for the average user in the area and is unnecessarily burdensome. As described in Section 2 of this application, strict compliance would unduly restrict utilization of the land, as it would result in an industrial facility with a substantially reduced coverage ratio, and insufficient circulation. For the reasons described in Section 3 above, granting the variance would not be detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. Accordingly, the ordinance is unnecessarily burdensome.
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Article XVIII

Industrial Park (IP)

1. Repair and maintenance of vehicles and equipment owned by the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

2. The repair and maintenance of vehicles and equipment left for long-term storage of at least four (4) months with the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

3. One storage building for materials or equipment related to the principal use. However, building material outlets may be permitted, subject to Planning Commission approval.

4. Accessory uses which in the opinion of the Planning Commission are subordinate and customarily incidental to the above permitted or special uses.

D. Uses as listed below are allowed as a special land use subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the Industrial Park zoning district, and may include uses such as: *(added 09.02.14, amended 07.16.18)*

1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, processing, or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.

2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting and similar uses.

3. Automotive repair, paint and body shop, collision shop.

4. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools and construction equipment.

5. Banks and credit unions, with or without drive-through.

6. Restaurants, including drive-through restaurants including outdoor café and/or patio subject to:

   Seasonal use restrictions, hours of operation, sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers, compliance with Michigan Liquor control Commission (MLCC) requirements (for a café), compliance with Township Noise Regulations (Ord. No. 135), and/or other conditions as required by the Planning Commission. No site plan will be required unless requested by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.

7. Churches

8. Hotels and motels

9. Veterinary clinics and animal boarding

10. Mini-storage and warehousing

Section 18.03 – Required Conditions *(amended 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
Article XVIII
Industrial Park (IP)

B. Minimum Parcel Size.

1. The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres. (amended 06.13.96)

2. The minimum lot size within an Industrial Park shall be two (2) acres. (amended 06.13.96)

C. Off-Street Parking.

1. One (1) parking space per one thousand (1000) square feet of gross floor area or one (1) space per employee whichever is greater for uses within the IP zoning district. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift. (amended 08.06.07)

2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. (amended 01.30.86)

3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. (amended 06.15.89)

4. The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.

5. All internal roadways and driveways in the front yard area shall be continuously curved. All roadways, driveways and parking areas shall consist of hard-surfaced concrete, blacktop or equivalent, as approved by the Planning Commission.

6. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.

7. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. (amended 09.16.93)

D. Landscaping.

1. A landscape plan for each use in the Industrial Park shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. (amended 08.15.89, 03.22.97)

3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition. In addition, an underground lawn irrigation system shall be required in any landscaped area located in the front yard. (amended 05.22.97)

5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and...
when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. (amended 01.30.86, 09.16.93)

E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. (amended 10.08.98, 02.21.06)

F. Lighting Regulations. (amended 04.27.00)

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.

2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

G. Public Road Access.

1. Any industrial park developed or proposed in the Industrial Park District shall have an internal public road having a minimum right-of-way of at least sixty (60) feet.

2. The internal public road shall have direct access onto an existing or proposed major thoroughfare having a right-of-way of at least one hundred twenty (120) feet.

H. Utilities. All utilities servicing the business structure may be required by the Planning Commission to be buried underground.

I. Covered Trash Areas.

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

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

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

J. Loading and Unloading.

1. The loading and unloading area shall not be located where it will not interfere with parking or obstruct ingress and egress.

2. The loading and unloading area shall be located in the rear or side yard. However, it may be located in a front yard area only when the loading area is of a drive-through design as approved by the Planning Commission.

3. Truck wells shall not be located in the front yard area.

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

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

Lapeer Road Overlay District

Section 35.00 – Preamble

The purpose of the Lapeer Road Overlay District shall be to allow a greater range of land use options for those areas as designated on the Charter Township of Orion zoning map. Selected commercial uses are allowed as a special use within the overlay district. These uses are viewed as support commercial land uses which will complement the primary office and industrial function of those areas within the overlay district.

Section 35.01 – Principal Uses Permitted

(Please refer to the designated zoning within the overlay district.)

Section 35.02 – Accessory and Special Land Uses

(Please refer to the designated zoning within the overlay district.)

Section 35.03 – Planned Unit Development

Uses listed below may be allowed within a planned unit development project, in accordance with Section 30.03. Allowable uses shall also have frontage on Dutton Road.

A. Showrooms for kitchen/bath/household fixtures associated with manufacturing.
B. Automotive retail and service, such as trailer hitches, car stereo, window tinting and similar uses.
C. Automotive repair, paint and body shop, collision shop.
D. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools, construction equipment.
E. Mini-storage and warehousing.
F. Veterinary clinics and animal boarding.
G. Banks and credit unions, with or without drive-through facilities.
H. Restaurants, including drive-through restaurants.
I. Churches.
J. Hotels and motels.
K. Large-scale retail exceeding 55,000 square feet.
L. Uses similar to the above, in accordance with 27.02(E), and which will not create adverse impacts to surrounding uses.

Section 35.04 – Development Standards

Buildings and uses in the Lapeer Road Overlay Zoning District shall comply with the following requirements:

A. Site Design

1. Building Orientation
   a. Buildings with customer entrances shall orient such entrances towards Lapeer Road.
   b. Buildings shall be arranged and oriented so that loading docks, outdoor storage, trash collection and processing, HVAC equipment, truck parking and servicing areas and other service functions are not visible from Lapeer Road.

2. Connectivity. The site design must provide direct connections to adjacent land uses. Where feasible, secondary access roads or driveway connections shall be provided.

3. Pedestrian Circulation
   a. Safety paths shall be provided in accordance with the Safety Path Ordinance No, 97.
   b. Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to
the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.

4. Parking

Parking and parking lot design should comply with Section 27.04 in its entirety, and the following standards:

a. Parking Requirements. Parking requirements shall be based upon the following schedule:

1) One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.

2) One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.

3) One (1) parking space per one thousand (1,000) square feet of gross floor area for industrial/manufacturing-related uses.

b. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking based on evidence provided by the applicant that indicates another standard would be more reasonable, because of the level of current or future employment, and/or the level of current or future customer traffic.

c. Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of fifty percent (50%) of the total parking provided for the site unless modified by the Planning Commission. Parking should be located to the rear or side of the building to the greatest extent possible.

d. Setbacks. No parking area or driveway shall be closer than twenty (20) feet to all adjacent property lines. The required setback for parking may be reduced in width or waived by the Planning Commission, subject to landscaping or screening requirements.

5. Outdoor Storage (added 07.16.18)

Outdoor Storage shall be located at least five hundred feet (500) feet from a residential zoning district. Outside storage located along the Lapeer Road right-of-way shall be setback at least fifty (50) feet and shall be screened with landscaping and/or fencing in accordance with Section 27.05 (A)(5) and subject to all the regulations contained within Section 27.19 with the exception of the distance to residential zoning district provided for in this Section.

6. Loading and Unloading

a. Loading and unloading areas shall be located in the rear or side yard.

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

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

7. Lighting

a. Compliance with Section 27.11. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations for lighting shall apply unless otherwise noted in this Ordinance.

b. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

8. Landscaping
Article XXXV  

Lapeer Road Overlay District

a. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

b. A landscaped greenbelt of at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the Lapeer Road Overlay District, except where ingress or egress drives are located. The greenbelt shall comply with the standards outlined in Section 27.05.A.4.

c. Interior parking lot landscaping shall comply with Section 27.05.A.6.

d. All landscaping and screening shall be maintained in an attractive, liter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.

e. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05.

9. Tree Preservation Regulations. The tree permit requirements apply to developments within the Lapeer Road Overlay District, according to the terms of Section 27.12.

10. Wetland Setbacks. The wetland setback requirements apply to all developments in the Lapeer Road Overlay District, according to the terms of Section 27.12.

11. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135.

B. Design Standards

1. Facades and Exterior Walls:

   a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.

   b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.

   c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).

2. Building Entrances

   a. Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:

      1) Canopies, porticos or overhangs;
      2) Recesses/projections;
      3) Raised corniced parapets over the door;
      4) Peaked roof forms;
      5) Display windows;
      6) Integrated tile work and moldings;
      7) Integral planters;
      8) Pavement/material changes for pedestrian cross walks.

3. Roofs

   a. Flat Roofs
1) Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.

b. Pitched Roofs

1) Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.

2) The average slope shall be one (1) Foot of vertical rise for three (3) feet of horizontal run.

4. Materials and Colors

a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.

b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

5. Covered Trash Areas

a. Covered trash receptacles shall be surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle in the rear yard of the building or principal use structure.

b. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.

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

6. Screening for Mini-Storage/Warehousing

a. Individually accessed storage doors for mini-storage facilities shall be screened from view from any public right of way. Loading and unloading areas for warehouses shall be in the rear or side yard unless modified by the Planning Commission as part of a special land use approval.

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

D. The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site.

2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.

3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.
June 15, 2021

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

Site Plan Review #1
Kay Industrial Park (2 Separate Development Parcels)

<table>
<thead>
<tr>
<th></th>
<th>West Development Parcel -033</th>
<th>East Development Parcel -044</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case No:</td>
<td>PC-2021-51</td>
<td>PC-2021-52</td>
</tr>
<tr>
<td>Address:</td>
<td>50 Kay Industrial Drive</td>
<td>Unassigned</td>
</tr>
<tr>
<td>Acreage:</td>
<td>3.12 acres</td>
<td>4.39 acres</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Kay Industrial Land, LLC</td>
<td>Kay Industrial Land, LLC</td>
</tr>
<tr>
<td>Plan Date:</td>
<td>05/26/2021 (Stamped)</td>
<td>05/26/2021 (Stamped)</td>
</tr>
<tr>
<td>Zoning:</td>
<td>IP Industrial Park &amp; Lapeer Overlay District</td>
<td>IP Industrial Park &amp; Lapeer Overlay District</td>
</tr>
<tr>
<td>Parcel ID:</td>
<td>09-35-400-033</td>
<td>09-35-400-044</td>
</tr>
</tbody>
</table>

**Project Summary**
The applicant is proposing speculative industrial facilities on two separate undeveloped parcels located within the same industrial area. The parcels border each other for 60 feet in the rear corner of each parcel. Both sites are zoned IP Industrial Park and are located within the Lapeer Road Overlay District. The IP District permits "industrial, research, and technology" uses as well as "office" uses by right. The applicant’s cover letter states that they are aware of variances that will be needed for each development and that the required additional information and design features for each development will be submitted in the future if variances are obtained and end users are identified for each site.
SUMMARY OF ZONING ORDINANCE COMPLIANCE

1. **18.01 Use Matrix.** As the applicant has indicated that each development is speculative, uses for each site cannot be reviewed for compliance with the IP district. The Planning Commission should consider what measures should be taken, based on previous speculative developments without uses identified, to ensure that the end user of each site is permitted in the IP district.

2. **18.03 F. Lighting.** The IP district requires a lighting plan in compliance with Section 27.11 and additional requirements specific to the IP district and Lapeer Road Overlay District (35.04 A.7.). A lighting plan has not been submitted for either site. The applicant should verify if they are requesting lighting be reviewed administratively as a condition of approval or if this would be presented to the Planning Commission for consideration at a future date.

3. **18.03 N. Tree Preservation (27.12).** The IP district requires a tree permit (included with SPR) for all developments in accordance with Section 27.12. A tree survey and inventory has not been submitted at this time for either site and it is unclear if this is in-progress or requested to be waived. It is our understanding that the tree permit requirement has occasionally been waived (Menard’s) or permitted to be submitted as a condition of approval (Cottages at Gregory Meadows) for other developments.

4. **18.03 D. & 27.05 A. Landscaping.** A re-review of the landscaping plan for each site should occur as the amount of landscaping required is directly related to the amount of protected or landmark trees removed. The requirements of Section 27.05 A. through E. are otherwise met or do not apply. If a tree survey and inventory is not required, no revisions to the landscape plan are needed.

5. **27.04 B. Loading.** Three loading berths are required for each building at 10 feet in width and 50 feet in length. General truck well loading areas are indicated in the rear of each building. The loading areas provided for each building exceed the area requirements and are therefore compliant.

**West Development Parcel Only**

6. **18.03 C.3. & 27.04 A.2.a. Off-Street Parking Setback.** The IP district and General Provisions require a 20-foot parking area and driveway setback with corresponding greenbelt adjacent to property lines. Approval of the site plan as currently proposed would require approval of a variance as the east and south boundaries of parking improvements are setback only 10 feet.

7. **18.03 D., 27.05 & 35.04 A.8.b. Greenbelts.** See above item.

8. **18.03 I. Covered Trash Areas.** The IP district requires that dumpsters be located in the rear yard. Approval of the site plan as currently proposed would require approval of a variance as the dumpster is located in the side yard which is dictated by the side yard setback indicated to the east boundary. Alternatively, the applicant could request waiver approval to not be required to provide a dumpster.

9. **18.04 Front Yard Setback.** The IP district requires a 50-foot front yard setback. As this site is a corner lot, this setback is required from both Lapeer Road and Kay Industrial Drive. Approval of the site plan as currently proposed would require approval of a variance as the building is only 20 feet from the Kay Industrial Drive right-of-way line at its closest point in the northwest corner of the building.

10. **35.04 A.4. Parking.** Parking within the Overlay district is required as follows: one space per 1,000 sq. ft. GFA for industrial/manufacturing-related uses and one space per 200 sq. ft. GFA for offices. The Planning Commission is authorized to modify these requirements with justification. The Required Parking Calculation on the site plan indicates compliance with the industrial calculation.
    a. The calculation for the office area should be revised from 300 sq. ft. to 200 sq. ft. per the Overlay as this increases the amount of parking required for the office portion from 36 spaces to 54 (94 total required vs. 86 proposed). The applicant should clarify the exact amount of office space proposed at this time with the correct 200 sq. ft. ratio to determine if parking is met. With the optional second floor office area reduced or eliminated, the site would be compliant. As proposed, the site is required to add eight spaces as the optional second floor area is required to be counted.
East Development Parcel Only

11. **18.03 C.3. & 27.04 A.2.a. Off-Street Parking Setback.** The IP district and General Provisions require a 20-foot parking area and driveway setback (with corresponding greenbelt) adjacent to property lines. Approval of the site plan as currently proposed would require approval of a variance as the south boundary of parking improvements are setback only 12 feet.

12. **18.03 D., 27.05 & 35.04 A.8.b. Greenbelts.** See above item.

13. **35.04 A.4. Parking.** The Required Parking Calculation on the site plan indicates compliance with the industrial calculation.
   a. The calculation for the office area should be revised from 300 sq. ft. to 200 sq. ft. per the Overlay as this increases the amount of parking required for the office portion from 40 spaces to 60 (121 total required vs. 101 proposed). The applicant should clarify the exact amount of office space proposed at this time with the correct 200 sq. ft. ratio to determine if parking is met. With the optional second floor office area reduced or eliminated, the site would be compliant. As proposed, the site is required to add 20 spaces as the optional second floor area is required to be counted.

Lapeer Road Overlay District (Both Parcels)

14. The below table indicates Overlay District standards in *green* that are not indicated and should be addressed either with plan revisions or waivers as permitted in the Overlay district. Other items not in green are included for the Planning Commission’s consideration as architecture design is subjective.

<table>
<thead>
<tr>
<th>35.04 – Development Standards</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Site Design.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>3. Pedestrian Circulation.</strong></td>
<td></td>
</tr>
<tr>
<td>b. Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.</td>
<td>Not provided for either building site; may be waived/modified by PC</td>
</tr>
<tr>
<td><strong>B. Design Standards.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>1. Facades &amp; Exterior Walls:</strong></td>
<td></td>
</tr>
<tr>
<td>a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.</td>
<td>Not provided for either building; may be waived/modified by PC</td>
</tr>
<tr>
<td>b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.</td>
<td>Windows exceed 50% of ground floor both bldgs.; no other features indicated for W building</td>
</tr>
<tr>
<td>c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).</td>
<td>Not provided for either building; may be waived/modified by PC</td>
</tr>
<tr>
<td><strong>2. Building Entrances</strong></td>
<td></td>
</tr>
<tr>
<td>a. Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:</td>
<td>No architectural entry features are apparent for the W building</td>
</tr>
<tr>
<td>Canopies, porticos, or overhangs;</td>
<td></td>
</tr>
<tr>
<td>Recesses/projections;</td>
<td></td>
</tr>
<tr>
<td>Raised, corniced parapets above the door;</td>
<td></td>
</tr>
<tr>
<td>Peaked roof forms;</td>
<td></td>
</tr>
<tr>
<td>Display windows;</td>
<td></td>
</tr>
<tr>
<td>Integrated tile work and moldings;</td>
<td></td>
</tr>
<tr>
<td>Integral planters;</td>
<td></td>
</tr>
<tr>
<td>Pavement/material changes for pedestrian crosswalks</td>
<td></td>
</tr>
</tbody>
</table>

www.giffelswebster.com 195
3. Roofs
a.1. Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.

4. Materials & Colors
a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.

b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

D. The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site.

2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.

3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.

Maps

1. Adjacent Zoning.
2. **Wetlands (none apparent).**

![West Development Parcel -033](image1)

![East Development Parcel -044](image2)

3. **Safety Paths (existing in area).**

![West Development Parcel -033](image3)

![East Development Parcel -044](image4)
Respectfully,
Giffels Webster

Eric Pietsch
Senior Planner

Eric Fazzini, AICP, CNU-A
Senior Planner
INFORMATIONAL ONLY

TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: June 30, 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
September 13, 2021