1. **OPEN MEETING**

2. **ROLL CALL**

3. **MINUTES**
   - A. 8-9-2021, ZBA Regular Meeting Minutes
   - B. 7-29-2021, Joint Meeting Minutes

4. **AGENDA REVIEW AND APPROVAL**

5. **ZBA BUSINESS**

   For assistance with scheduling your site visits - see attached

   A. **AB-2021-47, Allied Signs/Firestone, 25 Indianwood, 09-02-177-020**
   The petitioner is seeking 2 variances from Sign Ordinance #153
   Section 7 Non-Residential Zoned Areas Wall Signs – Zoned GB
   1. A variance to allow 1 additional wall sign to install a total of 2 wall signs totaling 145.66-sq. ft.
   2. A 23-ft. road right-of-way setback variance from the required 30-ft. for a ground sign to be 7-ft. from the road right-of-way (Axford Road).
   C. The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned GB
   Article 14, Section 14.04
   1. A 23-ft. front yard setback variance from the required 30-ft. for a ground sign to be 7-ft. from the front property line (Axford Road).

   B. **AB-2021-48, Gardner Signs Inc./NTBS, 4601 Liberty Dr., 09-34-300-016**
   The petitioner is seeking 2 variances from Sign Ordinance #153
   Section 7 Non-Residential Zoned Areas Wall Signs – Zoned IP
   1. A variance to allow 1 additional wall sign for a total of 2 wall signs.
   3. A 92.19-sq. ft. size variance above the allowed 200-sq. ft. for 2 wall signs totaling 292.19-sq. ft.

   E. **AB-2021-49, Mathew Dunaskiss & Mike Riddle, Vacant Parcel South of 576 Cushing St. 09-03-278-026**
   The petitioners are seeking to extend the expiration date for the approved AB-2019-23 ZBA case variances.

   F. **AB-2021-50, Mike Riddle, Vacant Parcel 2 Parcels South of 576 Cushing St., 09-03-278-027**
   The petitioners are seeking to extend the expiration date for the approved AB-2020-08 ZBA case variances.

   G. **AB-2021-51, Gloria Sosa, 461 Heights, 09-11-307-015**
   The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned R-3
   Article VI, Section 6.04, Zoned R-3
   4. A 5-ft. side yard setback variance from the required 10-ft. to build a house 5-ft. from the side property line (east).
   5. A 7.34% lot coverage variance above the allowed 25% for a total lot coverage of 32.34% (Parcel section south of Heights Road).

6. **PUBLIC COMMENTS**

7. **COMMUNICATIONS**

8. **COMMITTEE REPORTS**

9. **MEMBER COMMENTS**

10. **ADJOURNMENT**
In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
***** MINUTES *****
REGULAR MEETING – MONDAY, August 9, 2021 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, August 9, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

ZBA MEMBERS ABSENT:
None

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Julia Klee
Linda Moran
Kyle Loveday
James and Diane Zawal
Lawrence and Deb Sak
Will Wilsher

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

2. ROLL CALL
As noted

3. MINUTES
A. 7-26-2021, ZBA Regular Meeting Amended Minutes

Moved by Board member Walker, seconded by Vice-Chairman Cook, to approve the minutes as presented.
Motion carried.

4. AGENDA REVIEW AND APPROVAL.

Moved by Trustee Flood, seconded by Chairman Walker to approve the agenda as presented. Motion carried.

5. ZBA BUSINESS
A. AB-2021-38, Kyle Loveday, 820 Merritt Ave., 09-10-429-037

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 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 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line.
2. An 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (south).
3. An 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (north).

Board member Walker moved, supported by Trustee Flood, to move this item to the end of the agenda to allow the petitioner time to arrive.

Vote was as follows: Durham, yes; Cook, yes; Flood, yes; Walker, yes; Dunaskiss, yes. Motion carried 5-0.

B. AB-2021-39, Julia Klee, 890 Buckhorn Dr., 09-11-454-007

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

Article VI, Section 6.04
1. An 18-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 12-ft from the front property line (Buckhorn Dr.).

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

Ms. Julia Klee introduced herself and explained the variances requested for privacy fencing. She would like the 6 foot fencing because of the proximity to the property line and the fact that her neighbors have dogs and she would like the added quiet.

Board member Dunaskiss asked about the location of the proposed fence.

Ms. Klee explained the location of the existing fencing and the proposed fencing. She stated that she has two front yards and a very small backyard.

Board member Dunaskiss asked why the petitioner does not extend the picket fence.

Ms. Klee answered that she could do that but was looking to do the same thing consistently, meaning the same fence.

Board member Walker asked when the petitioner purchased the home.


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

Neighbor, 895 Buckhorn Drive, introduced himself to the Board. He agrees with the placement of the fence and he provided a letter to the Board supporting the request.

No further public comment was heard.

Ms. Klee commented that her adjoining neighbors have no issue with the proposed fence.

Vice-chairman Cook asked Ms. Klee why she wanted the 6 foot fence instead of the shorter picket fence.
Ms. Klee responded that the 6 foot fence is more private to her. If it was a concern that the 6 foot would obstruct traffic she would put the shorter fence, but it doesn’t make any difference. She explained where the picket fence would be and where the 6 foot fence would be installed. She currently has 4 foot fence in a location 12 feet from the front. She is leaving the existing fencing where it is; the temporary fencing is being removed.

Vice-chairman Cook moved, and Board member Dunaskiss supported, in Case# AB-2021-39, Julia Klee, 890 Buckhorn Dr., 09-11-454-007 to grant the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned R-3 Article VI, Section 6.04 for an 18-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 12-ft from the front property line (Buckhorn Dr.) and from Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) for 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 (south) because the petitioner has demonstrated that the following standards for variance have been met and they set forth facts in this case that show:

1. The petitioner does show the following practical difficulty; the construction and location of the home on the property being 12 feet from the property line.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: the property does have two front yards and in addition, the size of the home compared to the size of the lot.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following findings of fact: there are a variety of sizes of fences because of where the property is located and the property is exceptionally small.

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to the improvement in such zone or district in which the property is located based on the following: this will allow for enjoyment for both sides of the fence in having more quiet and the ability to go out into the backyard at any time.

5. Based on the following findings of fact, the granting this variance would not impair an adequate supply of light and air to the adjacent property, it would not unusually increase congestion on the public streets. There is also not going to be an increase of fire, or endanger of the public safety, and is not going to reasonably diminish or impair established property values within the surrounding area, due to the fact that when the fence is going to be erected, it will be erected with the good side of the fence facing out. The granting of 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; Dunaskiss, no; Cook, yes; Flood, no; Walker, no. Motion failed 3-2.

C. AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001 (postponed from the 7/12/2021 ZBA Meeting)

Chairman Durham read the petitioner’s request as follows:
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. pole barn 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.
Mr. Lawrence Sak introduced himself to the Board and explained the variance request and summarized all changes since July 12, 2021.

Chairman Durham commented on the favorable changes that Mr. Sak has made since his last presentation.

Mr. Sak stated that both neighbors were pleased with the changes and he has text messages from them verifying their approval of the new position.

Trustee Flood stated that he was happy that Mr. Sak worked with the neighbors and he appreciates the fact that all of the requested numbers have gone down.

Chairman Durham asked if there was public comment.

No public comment was heard.

Chairman Durham confirmed a written message from Pete and Wendy Micula, 996 Indianwood, approving the new location. He also confirmed a message from Bob and Kathy Brent, 80 Chippewa, approving the new location.

Board member Walker moved, and Trustee Flood supported, in Case # AB-2021-36, Lawrence J. Sak, 980 Indianwood Road, 09-03-251-001 to approve a 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 for 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. pole barn 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 because the petitioner did demonstrate that the following standards for variance have been met and they set forth facts in this case that show:

1. The petitioner does show the following practical difficulty; due to the unique shape of the property and it being very narrow and very long. When the petitioner came to the Board originally, the neighbors did not support the proposal.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: the unique shape and size of the lot. It is sized between 1.5 and 2 acres but is not squared, it is long and elongated.

3. 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.

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

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

Roll call vote was as follows: Durham, yes; Dunaskiss, yes; Cook, yes; Flood, yes; Walker, yes. Motion carried 5-0.
D. AB-2021-41, Orion Storage, 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002 (postponed from the 7/12/2021 ZBA meeting)

Chairman Durham read the petitioner’s request as follows:
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).

Mr. Gary Quesada introduced himself to the Board members as representing the applicant.

Chairman Durham commented on variances #7 and #8. There is no language for these variance requests. He feels that #7 and #8 should be dropped.

Mr. Quesada stated that these two variance requests, #7 and #8, were about legal issues which they talked about last time.

Board members discussed whether or not to consider variance #7 and #8.

Trustee Flood stated that according to the Township Attorney, the Zoning Board does not have the authority to weigh in on #7 or #8 because the language is not in the ordinance. The ordinance defines commercial property and residential use and zoned property. He suggested that a separate motion be made.

Trustee Flood moved, and Chairman Durham supported, in the matter of ZBA Case # AB-2021-41, Orion Storage, 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002 to remove items #7 Interpretation of Zoning Ordinance #78, Section 16.03(D)(2), what width of greenbelt applies when adjacent to REC-2, if any? And #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 removed pending the Township Attorney’s opinion that the ZBA has no authority on judging those two items.

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

Mr. Quesada stated that if the Township hasn’t spoken on the issue, it means that there is no government mandate for the property owner to do one thing or another. He stated that they would like to go forward with the variance request. The greenspace to the Rec area is a secondary issue. He stated that they met with the Polly Ann Trail representatives and there seems to be confusion about this property. Mr. Quesada displayed several renderings for the Board members to review and he explained them. The five foot setback
that they are asking for is only in the one spot where the saw tooth approaches the building. The saw tooth moves away from the building then and moves out to 15 feet. He pointed out another point in the back that is 35 feet. They are not asking for 5 feet the whole way because it ends up being a taper. He pointed out the landscaping that would be used for screening.

Mr. Quesada stated that based on the Planning Commission’s approval, if they get approval from this Board for the variances, they can move forward.

Chairman Durham stated that they might need more, he doesn’t know.

Mr. Quesada stated that if all of the other variances are granted, he is not sure that lacking #7 and #8 are going to have an effect. He will talk to the Township Attorney and discuss it.

Board member Walker stated that the indication that he sees is that if they follow the Township Attorney’s recommendation, they are not going to hear the rest of the argument. It effectively closes the door on the case today. Another conversation with the Polly Ann Trail folks is in order.

Mr. Quesada asked if they are asking for a continuance.

Chairman Durham stated that the applicant has the right to ask for a vote on what they brought in tonight or they have the right to withdraw and re-present at another time.

Mr. Quesada stated that there might be understanding what it means that variance #7 and #8 are gone. He thinks it means there is no governmental mandate for those issues.

Chairman Durham asked if it was his feeling that if he got approval for everything except #7 and #8, that he can move forward?

Mr. Quesada replied yes, that is what he is hearing but he did not get the legal memo.

Board member Walker stated that the discussion with the Township Attorney and Polly Ann representatives might get it done.

Chairman Durham asked if there was public comment.

Linda Moran, Polly Ann Trail Manager, stated that they walked the site with Mr. Quesada. Prior to the visit, they were under the impression that it was 5 foot for the entire property. Mr. Quesada showed them the renderings and were cooperative with their requests. She stated that they added the landscaping and she thinks it is a very doable project. She stated that are fine with the amended proposed plan.

Chairman Durham asked Building Official Goodloe if the variances were successful, would they need to go to site plan review.

Building Official Goodloe asked if there were any outstanding issues.

Mr. Quesada stated that they do not have to go back to the Planning Commission if they are granted the variances.

Building Official Goodloe stated that if the site plan was changed as Mr. Quesada suggested in the aerials shown tonight, they would have to go back to the Planning Commission.

Chairman Durham commented that the site plan displayed tonight looked good.

Building Official Goodloe confirmed that they would need to go back in front of the Planning Commission for the amended site plan.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – August 9, 2021

Trustee Flood stated that the applicant is using the school’s greenbelt to substantiate not having a greenbelt. In the packet, there are no neighbors shown. In fact, the school has hundreds of children occupying that building. When variances are granted, they go with the land forever. This is a concern that he has when these variances are granted. He provided historical information regarding the property.

Board member Walker stated that the request is different than the request that was in the original packet.

Mr. Quesada commented that the zigzag property line has always been there but it is difficult to tell on a two dimensional drawing. The applicant bought a 40 foot strip on the west side with the school district who redeveloped the property.

Board member Walker asked if the petitioner’s request was the same as it was before.

Building Official Goodloe stated that Tammy Girling did not mention that there were any differences.

Mr. Quesada stated that there are no differences. The only thing they added was the landscaping.

Trustee Flood stated that he is focused on the six variances in front of them; landscaping has nothing to do with them. The rezoning of the 40 feet that the petitioner purchased was approved and will remain. Even with the purchase of the 40 feet, the petitioner still cannot make the requirements of the greenbelt on the west side, nor can he meet the lot coverage.

Chairman Durham provided the options to the petitioner.

Mr. Quesada stated that he believes he needs to see the memo from the Township Attorney.

Board members discussed client confidentiality.

Mr. Quesada stated that it was probably in their best interest to withdraw the case and come back on a date certain.

Board member Walker moved, and Board member Dunaskiss supported, that at the petitioner’s request, they adjourn to a date certain of September 27, 2021.

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

E. AB-2021-46, Diane & James Zawal, 733 Buckhorn, 09-11-456-019

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 1 variance from Zoning Ordinance #78 – Zoned R-3

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence on the side property line (north).

James and Diane Zawal introduced themselves to the Board and explained the variance requested.

Chairman Durham asked if there was a developing neighborhood dispute over this.

Ms. Zawal stated that there were issues created by the dogs jumping into their yard. A 6 foot fence would keep their dogs safe and the neighborhood dogs would be kept out.
Mr. Zawal stated that the neighbor told him to do whatever he wanted.

Chairman Durham asked how many running feet of fence would he have.
Mr. Zawal stated that it is 200 feet but it doesn’t go straight. He explained the route of the fence. It is not near the street. He provided the details of the vinyl fence that they are proposing.

Board member Dunaskiss asked if the dogs went back into their yard after they called animal control.

Ms. Zawal replied no but they want to avoid future conflicts.

Board member Walker asked how many dogs they had.

Ms. Zawal replied two puppies and another female dog that is 8.5 years.

Board member Walker asked when they moved into the house.

Ms. Zawal replied 2013. The neighbors are new and moved in last year.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Mr. Zawal stated that they have also talked to all of the other neighbors and no one has a problem with it.

Trustee Flood confirmed that the practical difficulty is the neighbor’s dogs.

Mr. Zawal replied and their own dogs when they get older. The current fence is a 4 foot wood privacy fence.

Vice-chairman Cook asked when they contacted animal control and they came out, what was the resolution.

Ms. Zawal replied that the control officer never came back and gave her a report after he went over and talked to the neighbors.

Vice-chairman Cook asked since the last occurrence in October of last year, have there been any additional issues.

Ms. Zawal stated no; they have been keeping an eye on them when they put them out.

Vice-chairman Cook asked if they are show dogs.

Ms. Zawal replied yes.

Vice-chairman Cook moved, and Board member Dunaskiss supported, in the matter of ZBA AB-2021-46, Diane & James Zawal, 733 Buckhorn, 09-11-456-019 that the petitioner’s request for 1 variance from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) for a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence on the side property line (north) be denied because the petitioner did not demonstrate the following standards for variance have been met in this case in which they set forth facts that show:

1. The petitioner does not show a following practical difficulty due to the strict definition of that. It does have strict characteristics of the property but it is not related to the general condition of 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 this same district or zone:
there was an incident where a neighbor’s dog did jump the fence. It was addressed and has not happened since that one occasion.

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

4. The granting of the variance or modification will 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 due to the fact that this fence would run between the properties and at some point potentially impair other views, but more importantly, it does not rise to the occasion that there is a danger from the neighbor’s based upon the discussion that they have had here tonight.

5. Based on the following findings of fact, the granting this variance would not impair an adequate supply of light and air to the adjacent property, it would not unusually increase congestion on the public streets or increase of possibility of fire since they do have a letter from the Fire Marshall. It would not reasonably diminish or impair established property values within the surrounding area, or impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

A. AB-2021-38, Kyle Loveday, 820 Merritt Ave., 09-10-429-037

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 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 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line.
2. An 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (south).
3. An 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (north).

Mr. Kyle Loveday introduced himself and explained the variance request.

Chairman Durham asked if he believed in underground fence.

Mr. Loveday replied that currently he has a 4 foot chain link fence. He would also like the dogs to not be able to see the neighbors when they are out. He described the two dogs that he has.

Board member Walker asked when he purchased the property.

Mr. Loveday replied 5 years ago. He stated that they adopted the first dog within a year of owning the property. His 3 year old dog is good but he jumps the fence.

Board member Walker asked if he has jumped the 4 foot fence.

Mr. Loveday replied no.

Board member Walker explained that he could put up a 4 foot fence or a 6 foot fence not on the property line without a variance.

Mr. Loveday replied that he wants it on his property line so he doesn’t lose any property by moving 10 feet. There are a lot of trees there and he would like to continue to look at the trees.
Board member Dunaskiss asked why he wanted a higher fence in the back yard that adjoins his neighbor.

Mr. Loveday stated that with a 6 foot fence, he would not be able to see all of the neighbor’s stuff behind his house and the neighbor would not see his stuff.

Chairman Durham asked about the stuff behind the neighbor’s house. He asked if the ordinance person would be interested in investigating.

Mr. Loveday replied no; he takes care of his entire property. His house is probably 290 feet from the proposed fences.

Board member Dunaskiss asked if he put up a 4 foot fence, could he put vegetation in the rear to provide a visual barrier.

Mr. Loveday replied that he didn’t know what he would be able to put back there. He doesn’t want his dog barking at the neighbor all day. The neighbor to the north of him has the same exact fence set up.

Trustee Flood asked if he got a variance for that.

Mr. Loveday replied he doesn’t know.

Board member Walker moved, and Vice-Chairman Cook supported, in case # AB-2021-38, Kyle Loveday, 820 Merritt Ave., 09-10-429-037 to deny 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) for a 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line, for an 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (south) and an 8-ft. side yard setback variance from the required 8-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line (north) be denied because:

1. The petitioner does not show a following practical difficulty. Petitioner has a long lot and the property currently has a 4 foot chain link fence. The petitioner admitted that there are alternatives that he could use including a 6 foot fence not on the property line and a 4 foot fence on the property line and the petitioner indicated that he did not want to avail himself of those possibilities.

2. The above are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone in that his neighbor has the same size lot.

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

4. The granting of the variance or modification would be materially detrimental to the public welfare

5. The granting of this variance would not impair an adequate supply of light and air to the adjacent property, it would not unusually increase congestion on the public streets or increase of possibility of fire. It would not reasonably diminish or impair established property values within the surrounding area, or 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.
6. PUBLIC COMMENTS
None

7. COMMUNICATIONS

A. Date Certain Memo

8. COMMITTEE REPORTS
None

9. MEMBERS’ COMMENTS
Board member Walker discussed the fence cases that were presented during tonight’s meeting.

Board member Dunaskiss commented on the fence cases tonight.

Trustee Flood commented on the recent joint meeting with the Township Board.

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Chairman Durham to adjourn the meeting at 8:33 pm

Respectfully submitted,

Erin A. Mattice
Recording Secretary
The Charter Township of Orion held a Special Joint Meeting with the Board of Trustees, Planning Commission, Zoning Board of Appeals, and the Corridor Improvement Authority on Thursday, July 29, 2021, at 12:04 p.m. at the Orion Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

**BOARD OF TRUSTEES MEMBERS PRESENT:**
Chris Barnett, Supervisor
Penny Shults, Clerk
Donni Steele, Treasurer
Mike Flood, Trustee/BOT Rep. to ZBA

**BOARD OF TRUSTEES MEMBERS ABSENT:**
None.

**PLANNING COMMISSION MEMBERS PRESENT:**
Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Jessica Gingell, Commissioner

**PLANNING COMMISSION MEMBERS ABSENT:**
Don Walker, PC Rep. to ZBA

**ZONING BOARD OF APPEALS MEMBERS PRESENT:**
Mike Flood, BOT Rep. to ZBA
James Kerby, Alternate

**ZONING BOARD OF APPEALS MEMBERS ABSENT:**
Dan Durham, Chairman
Don Walker, PC Rep. to ZBA

**CORRIDOR IMPROVEMENT AUTHORITY PRESENT:**
Chris Barnett, Supervisor
JoAnn Van Tassel, CIA Secretary

**CORRIDOR IMPROVEMENT AUTHORITY ABSENT:**
H. Scott Bicknell
Bill Krausmann
Jeff Schmitz

**CONSULTANTS PRESENT:**
Dan Kelly (Attorney) of The Kelly Firm, PLC
Brittney Ellis (Attorney) of The Kelly Firm, PLC
Rod Arroyo (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) with OHM
Gary Roberts, (Economic Development) of Strategic Communications Solutions

**OTHERS PRESENT:**
Tammy Girling, Planning & Zoning Director
Lynn Harrison, Planning & Zoning Coordinator

David Goodloe, Building Official
Al Daisley, Ordinance Enforcement Officer
CALL TO ORDER AND INTRODUCTIONS
Supervisor Barnett called the joint special meeting to order at 12:04 p.m. Supervisor Barnett thanked the staff and volunteer members that were present. Supervisor Barnett asked everyone in attendance to introduce themselves.

NEW BUSINESS
Township Planner Arroyo gave an update on the Master Plan status.

PERFORMANCE GUARANTEES
Supervisor Barnett pointed out that developers have inquired about accepting bonds instead of Letter of Credits or cash for required guarantees. He also mentioned that the Township currently requires a Performance Guarantee of fifty (50) percent of the total cost to build.

Engineer Landis weighed in. He commented on some of the problems that have occurred in the City of Auburn Hills.

Planning and Zoning Director Girling commented that developers are warned up front about the Performance Guarantee amount and that it has to be in the form of an Irrevocable Letter of Credit or cash. Obtaining that fee is what often slows down or stalls a development.

Township Planner Arroyo explained accepting bonds are sometimes unstable. Planner Arroyo suggested doing some research to come up with specific bonding companies that are “strong”.

Supervisor Barnett commented that he is hearing from developers that our policy is really strict.

CIA Secretary Van Tassel suggested that if developers are offered the option of submitting a bond to cover their guarantees, that they be given bond company options the Township has researched and are okay with.

Gary Roberts concurred with CIA Secretary Van Tassel’s suggestion.

Planning and Zoning Director Girling asked Township Attorney Kelly if we can treat one developer different than another? Attorney Kelly replied, yes.

Supervisor Barnett commented that he doesn’t want to be the most lenient and suggested looking into what other communities are doing.

Building Official Goodloe stated that having a guarantee is a good tool to make sure things get done.

It was decided to form an ADHOC committee to research this topic. Tony Kerby, Derek Brackon, Gary Roberts, Chris Barnett and Scott Reynolds volunteered to be on the committee with assistance from the Kelly Firm and OHM. Scott Reynolds would head up the committee.

FENCES
Planning and Zoning Director Girling explained the issue regarding fences and them being allowed on someone’s property line if the fence is 4-ft. tall or having to meet district setbacks if the fence is 6-ft tall. The result being many cases are going to the ZBA to deter from 6-ft. fences having to meet property setbacks. The issue was discussed recently at the Planning Commission.
Trustee Flood said he was not opposed to keeping the current language but to put some “teeth” in it. He suggested that the Township possibly require a homeowner to get a survey and to come up with some specific criteria a homeowner has to comply with such as putting the nice side facing out, that it has to be gated, etc.

Planning & Zoning Director Girling said that whatever criteria is agreed upon has to be in the Ordinance to alleviate the number of cases that go to the ZBA.

Planning Commission Chairman Reynolds detailed the Planning Commission discussions and agreed with supplementing the Ordinance. He also suggested that being we are in the process of updating the Master Plan, it would be a good time to “look at the bigger picture”. Chairman Reynolds proposed the process that if neighbors can come to an agreement, then there is no need for a survey.

Planning & Zoning Director Girling asked the question, what happens if two neighbors choose to both put up 6-ft. fences each adhering to a 10-ft. setback? They then would have a large strip of land between the two.

Ordinance Enforcement Officer Daisley stated that he gets complaints from residents about the grass.

CIA Secretary Van Tassel explained that the problem is putting a fence anywhere on the property and not knowing exactly where the property line actually is. She suggested a stake survey should be required for both 4-ft. and 6-ft. fences.

Township Clerk Shults said there must be a reason why there are so many requests for fences. She advised that’s the problem that needs to be addressed.

Commissioner Brackon suggested giving the ZBA the authority to grant “group variances” such as for the resent request presented by residents of the Keatington subdivision on Baldwin Road.

Township Attorney Kelly weighed in and stated that it has to be done through the Ordinance and each case has to be heard individually as a granted variance stays with the property.

Building Official Goodloe suggested increasing the fee to appear before the ZBA.

Township Planner Arroyo also suggested addressing this in the Master Plan by allowing or not allowing fences in certain corridors.

Trustee Flood proposed that we look at a moratorium.

ZBA Member Kerby gave the statistic that the ZBA approves 80% of all cases that come to them – they should only be approving 20%.

Chairman Reynolds again encouraged addressing this within the Master Plan – obtain the Township’s idea of how certain corridors should look; to come up with a vision.

It was decided to form another ADHOC committee to discuss this issue. JoAnn Van Tassel, Al Daisley, Kirk Larson, David Goodloe, Mike Flood and Joe St. Henry volunteered. Ms. Van Tassel agreed to head up the committee.

**BROWN ROAD INNOVATION ZONE (BIZ)**
Planning & Zoning Director Girling explained the difference between principle uses and ancillary uses with regards to this zoning district. Currently developers cannot have an ancillary use without a principal use on a property. Director Girling noted that the original intent was to fill in the “bowling alley” lots along this corridor. She questioned whether or not to require the ancillary use or principle use first.
Director Girling suggested that maybe this can be a discussion by the Planning Commission based on the development as to provide more flexibility.

**TREE SURVEYS**
With regards to tree surveys, the Ordinance is not clear on this and should possibly be addressed with a text amendment. It was suggested to wait until the Master Plan is done.

It was suggested that a tree survey be required when a developer proposes building out the entire site.

Building Official Goodloe suggested sending the issue to the ZBA for an interpretation.

Planning & Zoning Director Girling proposed that someone looks at a site prior to the pre-application meeting to need a tree survey and then propose a plan. Perhaps the applicant could pay a fee for an arborist to determine if landmark trees exist.

Township Planner Arroyo concurred that there are a lot of issues with the way the Ordinance is written as it relates to this topic.

Director Girling asked if it would be appropriate to start looking at this language?

Planner Arroyo said, yes, to start setting some direction.

Dan Dewey stated that we can use his property as a test case.

**BOARDBOOK**
Planning & Zoning Director Girling asked if everybody likes Boardbook or should we start looking at some other meeting packet software?

Supervisor Barnett commented that when he conducts Township Board meetings, he actually downloads the packet from book into a PDF which is easier to use. He suggested looking for training opportunities.

**TOWNSHIP EMAILS**
Supervisor Barnett strongly encouraged everyone to check their Township emails on a regular basis. Be sure to read them. If anyone has questions or concerns about accessing their Township email, to contact David Raftery. Dave is now the Township’s full-time IT/AV technician.

Chief Assistant Timko noted that everyone with a Township email or Township issued device needs to take the online IT training course.

**EDUCATION & TRAINING**
Supervisor Barnett stated that hopefully everyone feels equipped enough when it comes to education and training - if not, to please reach out. He gave a list of associated Township organizations that offer free classes or classes for a minimal fee such as MTA, MML, Oakland County, MAP, MSU etc. He wants to make sure that there are plenty of opportunities for additional education and training. If there is a class or training opportunity that someone wants to take, please let someone know.

Township Clerk Shults suggested a follow-up email to this meeting with a list of available websites.

**TRAINING**
Township Attorney Kelly explained his Power Point presentation regarding meeting decorum. He went in-depth about various topics including public hearings, motions, conditional approvals, ex-parte conversations and bylaws.
Attorney Kelly clarified the difference between a public hearing and a public meeting. He made it clear what Board or Committee Members cannot do during public meetings.

Attorney Kelly presented tips for a successful public hearing, a procedure on how to pass and amend a motion and what information should be included in a motion.

Attorney Kelly briefly went over the Open Meetings Act and what is an ex-parte contact.

**OPEN DISCUSSION/FUTURE MEETING TOPICS**

**TREE SURVEYS**

Supervisor Barnett suggested adding this topic to a future Planning Commission meeting.

**ADJOURNMENT**

The meeting adjourned at 2:00 p.m.

Respectfully submitted,

Courtney Keisman  
PC/ZBA Clerk  
Charter Township of Orion
TO: The Charter Township of Orion Zoning Board of Appeals  
FROM: Lynn Harrison, Planning & Zoning Coordinator  
DATE: August 12, 2021  
RE: Case locations for ZBA Meeting 8/23/2021

In order to help you with scheduling your site visits, below or the locations of the 5 cases on the August 23, 2021 ZBA Meeting. The letters indicate their order on the Agenda.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: August 12, 2021
SUBJECT: Staff Report for AB-2021-47, Allied Signs/Firestone, 25 Indianwood Road

Wall Sign Variance:

The petitioner is asking for a variance for an additional wall sign for a total of 2 wall signs – 1 wall sign is allowed. The total square footage of both wall signs equals 145.63-sq. ft. which is less than the maximum 200-sq. ft. allowed – therefore the only variance related to wall signs is to allow 1 additional wall for a total of 2 wall signs.

Ground Sign Variance:

The petitioner is also seeking a road right-of-way setback variance and a front yard setback variance for a ground sign to be located in the northeast corner of the property.

The property has two front yards – Indianwood Road and Axford Road. The ground sign meets the front yard setback and road right-of-way setback of 30-ft. along Indianwood Road but does not meet them along Axford Road. The petitioner needs a variance from both the road right-of-way setback and the front yard setback *.

The ground sign meets the allowed size requirements for the zoning district.

*A ground sign is a structure and therefore has to meet the front yard setback for a structure

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: August 11, 2021

RE: AB-2021-47, Allied Signs/Firestone, 25 Indianwood, 09-02-177-020

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-2021-47, Allied Signs/Firestone, 25 Indianwood, 09-02-177-020, I would move that the petitioner’s request for:

2 variances from Sign Ordinance #153

Section 7 Non-Residential Zoned Areas Wall Signs – Zoned GB

1. A variance to allow 1 additional wall sign to install a total of 2 wall signs totaling 145.66-sq. ft.

Section 7 – Ground Signs in Non-Residential- Zoned GB

2. A 23-ft. road right-of-way setback variance from the required 30-ft. for a ground sign to be 7-ft. from the road right-of-way (Axford Road).

and 1 variance from Zoning Ordinance #78 – Zoned GB

Article 14, Section 14.04

1. A 23-ft. front yard setback variance from the required 30-ft. for a ground sign to be 7-ft. from the front property line (Axford Road)

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-2021-47, Allied Signs/Firestone, 25 Indianwood, 09-02-177-020, I would move that the petitioner’s request for:

2 variances from Sign Ordinance #153

Section 7 Non-Residential Zoned Areas Wall Signs – Zoned GB

1. A variance to allow 1 additional wall sign to install a total of 2 wall signs totaling 145.66-sq. ft.

Section 7 – Ground Signs in Non-Residential- Zoned GB

2. A 23-ft. road right-of-way setback variance from the required 30-ft. for a ground sign to be 7-ft. from the road right-of-way (Axford Road).

and 1 variance from Zoning Ordinance #78 – Zoned GB

Article 14, Section 14.04

1. A 23-ft. front yard setback variance from the required 30-ft. for a ground sign to be 7-ft. from the front property line (Axford Road)

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 - 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: Jim Fields / Allied Signs, Inc.
Address: 33650 Gifos City/State/Zip: Clinton Twp. MI 48035
Phone: 586-791-7900 Cell: 586-846-0152 Fax: 586-791-7788
Email: Jim@alliedsignsinc.com

PROPERTY OWNER(S)
Name (s): Todd Hamula / Lake Orion BF BTS Retail, LLC
Address: 14600 Detroit Ave. Ste. 1500 City/State/Zip: Lakewood, OH 44107-4001
Phone: 216-221-6600 Cell: 216-374-5020 Fax: 216-221-1031
Email: Thamula@zarembagroup.com

CONTACT PERSON FOR THIS REQUEST
Name: Kim Allard Phone: 586-791-7900 Email: Kim@alliedsignsinc.com

SUBJECT PROPERTY
Address: 25 Indianwood Rd. Sidewell Number(s): 09-02-177-013 & 014
Total Acreage: .941 Length of Ownership by Current Property Owner: Years, 5 Months

Does the owner have control over any properties adjoining this site? Ordinance Allowance/ Requirement (1) wall sign and 30' setback for ground signs.

Case #: ______________________________

An additional wall sign and 7' setback along the property line facing Axford and M-24. Deviation requested
List additional ordinance requirements and deviations on a separate page

Page 1 of 3
Version 3/10/18
COMMERCIAL VARIANCE

1. Describe the nature of the request. For the ground sign to be setback 7' from the property line along Axford Street and to be allowed a second wall sign when only (1) is allowed.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. The ordinance requires a 30' setback from the ROW. The building is setback 30' from the ROW which would put the ground sign in line with the building and in the parking lot. It wouldn't even be visible to traffic traveling North on M-24. The building is at the corner of M-24, Indianwood and Axford Street and has exposure along all roads requiring an additional wall sign.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: It won't affect any of this as both signs proposed meet code. The only issue is setback for the ground sign and quantity for the wall sign.

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

   It is consistent with other properties if the ordinance requires a structure to be setback 30' from the property line and a building and ground sign are both considered structures. Also, the building has exposure to (3) roads and needs to be branded per corporate branding standards.

5. Describe how the alleged practical difficulty has not been self-created. This has not been self created because the ordinance dictates that any structure has to be setback 30' from the property line and they consider a ground sign a structure. Also, despite having exposure to (3) roads, the ordinance only allows (1) wall sign.

6. The topography of said land makes the setbacks impossible to meet because: It would put the ground sign in line with the building and in the parking lot and there would be a lack of visibility.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. It wouldn't prevent them from using the land, but it would prevent them having a ground sign because it wouldn't be seen if it's in line with the building. Also, there is a lack of identification on the East elevation facing Axford Street and M-24 with only being allowed (1) wall sign.
Case #: __________________

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

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

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

Signature of Applicant: _____________________________ Date: 7/14/21

Print Name: Jim Fields

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

Signature of Property Owner: _____________________________ Date: 7/7/21

Print Name: TODD HAMULA

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: ______________________
This sign was approved with a permit. FYI Only

.Requires ZBA approval

Faces Axford and Lapeer Rd.
30 SF Monument Cabinet - 6' OAH
Base to Match Building (By Others)

ALUMINUM FABRICATED CABINET & RETAINERS, PTD
TO MA. SCH PMP 2201.
NEW 1/2" POLYCARBONATE PAN FORMED-FACES AV
EMBOSS ED.FACES WITH POLYCARBONATE.

COATING:
(1) TOP PART OF LOGO - 30D ARK RED # 3650-73
(2) BOTTOM PART OF LOGO - BM BRISTOL BLUE #
3650-97
(3) "FIREFESTONE" - BM DARE RED # 3630-73
(4) COMPLETE AUTO CARE - BM BRISTOL BLUE #
3650-97
(5) ACIC REDO - WHITE SHO-THRU.

BASE BY G.C. - BASE TO MATCH BUILDING.
(1) CONCRETE PAD # RIBBON 1/2" CENTERS -
BY G.C.
CONCRETE PER REQU - SIZE & DEPTH VARY PER
LOCAL CODE.

WALL STEEL SUPPORT REQU - SIZE & LENGTH WARES
PER LOCAL CODE.

ELECTRICAL ESTIMATE:

TOTAL AMPS (CIRCUIT) REQU # 1
VOLTAGE = 120V
TOTAL AMPS = 6.7 AMPS
AMPS (CIRCUIT BREAKERS) = 20
73 SF White No-Logo FCAC Illuminated on Raceway

Front Elevation
- 19'0" "FIRESTONE"
- 17'0 1/4" "COMPLETE AUTO CARE"
- Fabricated Aluminum Raceway painted (client to specify color)

Notes:
1. Interior of all channels are to be painted gloss white.

Overall Area: 72.8 sf
### Non-Residential Zoned Areas

#### Ground Signs

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance. Ground signs shall be subject to all the standards of either Alternate A or Alternate B.

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

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

4 Additional ground signs may be permitted for each zoning lot if the following conditions apply:
   a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   c. Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
   d. On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

5 The following additional ground signs may be permitted:
   a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
   b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.
Non-Residential Zoned Areas
Wall Signs

These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance.
EMC signs are not permitted in wall signs.

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<th></th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>BIZ Use Groups A (Non-Residential), B, C, &amp; D</th>
<th>SP-1/SP-2</th>
<th>REC-1/REC-2</th>
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<tr>
<td><strong>WALL SIGNS</strong></td>
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<td>Number of signs</td>
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<td>1 wall sign per establishment</td>
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<td>Sign Area</td>
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<td>10% of the façade area on which the sign is to be placed, or 200 sq. ft. per establishment whichever is less.</td>
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<td>40 sq. ft.</td>
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<td>Footnotes</td>
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* Note Wall signs are not permitted in RFY

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

8 Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.
N. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

O. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135. *(amended 02.19.08)*

**Section 14.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 09.20.90, 02.01.16, 07.16.18)*

Please see the Matrix Chart in Section 14.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>GB</th>
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<tr>
<td>Front Yard Setback</td>
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<tr>
<td>Rear Yard Setback</td>
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<td>Side Yard Setback</td>
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<tr>
<td>Minimum 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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</tbody>
</table>
Need variance for addition wall sign

Ground sign increased from 6' tall to 8' tall from original sign verification application to ZBA application - No variance needed for sign. Ground sign remains at 6' tall

Ground sign meets front and rear setbacks from front property line (Indianwood)

Needs 23' setback variance from row (Axford)
Needs 23' setback variance from front yard setback - GB (Axford)

2 front yards

Ground sign 29.16 sq. ft. with a base of 16"
Debra Walton

From: Jeff Williams
Sent: Monday, August 9, 2021 10:47 AM
To: Debra Walton
Cc: Robert Duke; John Pender
Subject: RE: Residential ZBA Documents for the August 23, 2021 ZBA Meeting

The fire department has reviewed both 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: Monday, August 9, 2021 8:51 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the August 23, 2021 ZBA Meeting

Attached are two ZBA residential cases that need to be reviewed by you for the August 23, 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: August 12, 2021

SUBJECT: Staff Report for AB-2021-48, Gardner Signs/NTBS, 4601 Liberty Drive

The petitioner is asking for a variance for an additional wall sign for a total of 2 wall signs and additional square footage over the maximum allowed of 200-sq. ft. for a total square footage of 292.19-sq. ft. for the 2 wall signs.

One wall sign was previously granted on 6/10/2021 for the east elevation of 199.69-sq. ft.

The additional sign is proposed for the south elevation and is 92.5-sq. ft.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: August 11, 2021

RE: AB-2021-48, Gardner Signs Inc./NTBS, 4601 Liberty Dr., 09-34-300-016

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-2021-48, Gardner Signs In./NTBS, 4601 Liberty Dr., 09-34-300-016**, I would move that the petitioner’s request for:

2 variances from Sign Ordinance #153

Section 7 Non-Residential Zoned Areas Wall Signs – Zoned IP

1. A variance to allow 1 additional wall sign for a total of 2 wall signs.
2. A 92.19-sq. ft. size variance above the allowed 200-sq. ft. for 2 wall signs totaling 292.19-sq. ft.

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

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

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

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

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

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

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

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

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

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


SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-48, Gardner Signs Inc./NTBS, 4601 Liberty Dr., 09-34-300-016 I would move that the petitioner’s request for:

2 variances from Sign Ordinance #153
Section 7 Non-Residential Zoned Areas Wall Signs – Zoned IP
1. A variance to allow 1 additional wall sign for a total of 2 wall signs.
2. A 92.19-sq. ft. size variance above the allowed 200-sq. ft. for 2 wall signs totaling 292.19-sq. ft.

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT
Name: HIA ASTA c/o GARDNER SIGNS INC.
Address: 1087 NAUGHTON RD. City/State/Zip: TROY, MI 48083
Phone: 248.689.9100 Cell: 248.425.4900 Fax: 
Email: HIA@GARDNERSIGNS.COM

PROPERTY OWNER(S)
Name(s): MIKE THOMAS / NABBS PROPERTIES LLC
Address: 602578 POND DR. City/State/Zip: WASHINGTON, MI 48094 1333
Phone: 239.241.3344 Cell: Fax: 
Email: MIKE@NABBS.COM

CONTACT PERSON FOR THIS REQUEST
Name: HIA ASTA Phone: 248.425.4900 Email: HIA@GARDNERSIGNS.COM

SUBJECT PROPERTY
Address: 4601 LIBERTY DR. S. Sidwell Number(s): 09-34-300-0160
Total Acreage: 5.3 Length of Ownership by Current Property Owner: 2019? Years, ______ Months
Does the owner have control over any properties adjoining this site? [ ] Yes No
Ordinance Allowance/Requirement
Zone: IP (11) WALL SIGN PER ESTABLISHMENT - 200 SF MAX
ORD.NO.153-22

Deviation requested: 92.5'F ON SOUTH ELEVATION
List additional ordinance requirements and deviations on a separate page

Page 1 of 3

Version 6/14/21
CASE #:

COMMERCIAL VARIANCE

1. Describe the nature of the request. **ALLOW A SECOND WALL SIGN ON SOUTH ELEVATION AT 92.5° IF**

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 sits at a corner lot and building size is 50,000 sq. ft. A corner lot and building of this size need two wall signs. Other properties are not a corner lot.**

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 building is not in a residential area. The additional sign provides additional identification to the building. It will help suppliers locate business.**

4. Explain how the request is not consistent with other properties in the immediate area, please site examples if possible: **The main property closest to this is the GM Orion Assembly plant. Not enough properties to compare to. Location is one of first in the Liberty Tech Center.**

5. Describe how the alleged practical difficulty has not been self-created. **The building is over 50,000 sq. ft. which is approved for the zoning area.**

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. **Owner will have distributors on premise on a daily basis. Building recognition for the assumed name needs clarification and having the second sign allows for this.**

Version 6/14/2021
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: (must be original ink signature) ________________________ Date: 6-28-21

Print Name: __________________________

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

Signature of Property Owner: (must be original ink signature) ________________________ Date: 6-28-21

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: __________________________
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: August 12, 2021

SUBJECT: Staff Report for AB-2021-49, Mathew Dunaskiss & Mike Riddle, Vacant Parcel South of 576 Cushing Street

The petitioner is asking for an extension of the variances granted for the above parcel on June 24, 2019. Granted variances are good for 1-year – once a building permit is pulled, that “clock” stops.

Please refer to the Township Attorney’s Confidential opinion regarding extending a variance expiration date.

Included in the packet are the minutes from the ZBA meeting where the variances were granted.

Deliberate on this request and if you feel the extension should be granted – include in your motion when the variances will now then expire.

Please contact me if you have any questions.
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: Mathew Dunaskiss / Mike Riddle
Address: 535 Cushing Rd City/State/Zip: Lake Orion, MI 48362
Phone: (248) 693-1391 Cell: (248) 790-1343 Fax: 
Email: mat@dunaskiss.biz

PROPERTY OWNER(S)
Name(s): Steve + Nicole Oja
Address: 26934 Bluegrass Ct. City/State/Zip: South Lyon, MI 48178
Phone: ___________________ Cell: (313) 318-0589 Fax: 
Email: steveoja@comcast.net

CONTACT PERSON FOR THIS REQUEST
Name: Mathew Dunaskiss Phone: (248) 790-1343 Email: mat@dunaskiss.biz
Phone: (248) 318-9584 Email: mra885@aol.com

SUBJECT PROPERTY
Address: Lot 1 Cushing Street Sidewell Number: 09-03-978-026
Total Acreage: ___________________ Length of Ownership by Current Property Owner: __ Years, __ Months
Does the owner have control over any properties adjoining this site? ND
Zoning Ordinance Allowance/Requirement Deviation requested

Case #: AB-2021-89
Meeting Date: 8/23/21
CK#15023
Case #: ____________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. **Asking for an administrative extension for the approved variance (AV-2019-23 June 24, 2019) due to COVID economic conditions with labor + material shortages.**

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/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/is not consistent with other properties in the immediate area, please cite 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.
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]

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: ____________
(must be original ink signature) Mathew Dunaskis

Print Name: Mathew Dunaskis

Signature of Property Owner: ___________________________ Date: ____________
(must be original ink signature) Steve Cj

Print Name: Steve Cj

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
too close. She made the mistake of going down Butler which is awful. Just to look and see of the houses that would be impacted by this and she didn’t think she would be happy with it.

Board Member Walker stated that following up on Vice Chairman Durham’s comments on section 5 of the application the question was describe how the alleged Practical Difficulty has not been self-created. The applicant answered no difficulty at all just makes more sense to improve it.

Vice Chairman Durham questioned if they were sure that the applicant was done speaking?

Chairman Yaros asked the applicant if he had anything further to say?

Mr. McCoy said that he is trying to increase the value of that neighborhood. He wants to keep everything updated and look nice and comfortable. Every time he looks at his neighbor’s property it is all covered with all woods never maintained, he is not complaining about it. He respects everybody in the neighborhood.

Moved by Vice Chairman Durham, seconded by Chairman Yaros, that in the matter of ZBA case #AB-2019-26, Randy McCoy, 633 N. Long Lake, 09-01-176-049, the petitioner’s request for variances from Zoning Ordinance No: 78, Article XXVII, Section 27.03 (C)(3)(b)(ii) - Zoned R-3: 1) a 13-ft. variance from the required 20-ft. rear yard setback for a deck, to construct a deck to be 7-ft. from the rear property line; Article VI, Section 6.04 Zoned R-3: 2) an 11.51% lot coverage variance above the allowed 25% lot coverage for a total lot coverage of 36.51%, be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in which they set forth facts which show that in this case: the petitioner does not show Practical Difficulty: his lot does have some varying grand and things to that nature but he has overcome an amazing amount with what he has put on there now; in the application itself the petitioner in his or her own hands stated that there was no difficulty and Practical Difficulty is one of the prime hooks that they have to hang their hats on for approval; the following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally apply to other properties in the same district: the property is cramped as are all the properties around it, the property is lower than the front then it is at the back, which the properties along that road all are, he did not see any unique values to this property; 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: they have letters in the record that speaks to loud music, he is discounting the loud music for obvious reasons but they are cramped they do make some valid points about the fact that the lot lines would be impinged upon; granting of the variance or modification will be materially detrimental to public welfare and of concern to the property owners in the area, improvements in such zone or district in which the property is located based on the following findings: the neighbors are concerned he see that some of the reasons as valid others not so much but they don’t have any Practical Difficulty to work with here.

Roll call vote was as follows: Flood, yes; Painter, yes; Walker yes; Durham, yes; Yaros, yes.

Motion Carried 5-0

B. AB-2019-23, Mike Riddle, unaddressed lot on Cushing St., 09-03-278-026

Chairman Yaros explained that the following case was postponed from the June 10, 2019 ZBA Meeting. He is requesting seven variances from Zoning Ordinance 78:

Article VI, Section 6.04 Zone R-3:
1. A 15-ft. rear yard setback variance from the required 35-ft. rear yard setback (west) to build a house 20-ft. from the lot line.
2. A 15-ft. front yard setback from the required 30-ft. front yard setback to build a house 15-ft. from the lot line (east).

Article XXVII, Section 27.01 (C)(1)(b) Lot Width 66 to 69 feet
3. A 2-ft. side yard setback variance from the required 9-ft. side yard setback to build a house 7-ft. from the lot line (north).
4. A 3-ft. side yard setback variance from the required 9-ft. side yard setback to build a house 6-ft. from the lot line (south).

Article XXVII, Section 27.03 (C)(3)(b)(iii)
5. A 9-ft. setback variance from the required 20-ft. setback for structure to shoreline of a lake, to build a deck 11-ft. from the shoreline of a lake.

Article XXVII, Section 27.17(B)
6. A 1-ft. setback variance from the required 25-ft. setback for structure to wetland, to build a house 24-ft. from the wetland (south).

Article VI, Section 6.04 Zoned R-3:
7. A 19.24% lot coverage variance above the allowed 25% lot coverage for a total lot coverage of 44.24%.

Mr. Mike Riddle, the applicant, presented.

Mr. Riddle stated that he is back in front of them this evening, they were there a couple of weeks ago and at the time they had asked for a number of variances, since that time they have gone back and tried to relook at their plans, their site everything they could and come up with what they hope is a fair compromise for everybody. There difficulties are that they are finding are their site, the width, the depth, the topography and trying to build a home that down the road they will be able to market with todays standards. They have tried to, and he believes they have met and to keep uniformity on their street and for the project. Prior to this meeting it seemed like the lot coverage was one of the main sticking points and they were just over 44% and now the are at 37%. When they reduced their basement foundation their deck and they think from the new site plan and the architectural plans they can see what they have pulled away trying to still keep and create a very nice product for their self for the community and reduce the amount of site coverage. Their variances on the sites all changed also and were reduced because they reduced the foundation approximately 1-ft. on each side and 2-ft. in the rear, so that also changed their setback and also changed the setback from the lake which was approximately 11-ft. and now out to almost 17-ft. They have gone back and tried to produce a home that will be consistent in what they have. He is going to have Michael go through a few slides to put in perspective what they are trying to achieve, and it might give a better visual through the slides.

Mr. Riddle stated that what they did was took a drone went over the site and were able to put the home in on the slide. It looks very consistent to the neighbors, you will see another slide where the roofs and everything lines up, they look very consistent and it gives them a very good visual of how that site will look down the road. He showed them an aerial and they put the house in there so they could see what it looks like compared to the adjacent homes. They feel it is very consistent to what is already been approved and what is built, and they think it will be a benefit and a compromise and being very consistent with the subdivision. They then showed a slide with the neighbor's lot and their lot and shows that they are consistent with the setbacks. The next slide they showed the letting them see the size of the homes and the roofs are consistent. One of the things that came up when he was talking to the neighbor apparently there is parking issues, so they did expand it and they did show that they could actually get three cars in the front of the home, most driveways are not able to do that, so they wanted to show them that. The next slide gave them an idea of the type of home that would go there and again it is consistent with the neighborhood for a walk-out nice materials, nice home. Trying to go through and compromise and see what else has been built, he found a couple homes, one of them on Fernhurst and he knows what is in the past, is the past but this one at 1690 Fernhurst, and he went to the lot coverage and have been back and forth for two weeks upstairs trying to come up with the Building Department with the Assessing Department trying to figure out what would be their best approach and that one has 42% lot coverage, so that had come up before that they may have been asking for more than anybody had asked for and he was just trying to point it out that there has been some homes that were able to meet or exceed that. There was one other thing that came up, when he turned the site
plan in, the original site plan and they did their setbacks they did it based on what the criteria was that he still believe is the criteria and a deck could be different than the house when they did the setback, so he didn’t know if they had it or not but the red calculations there are if they only went to the property line where when they read the ordinance at some points they go to the waters edge and others they go to the property line, so just to be clear because they had conversation this afternoon he had everything put on the drawing so, hopefully, that helps if there are any questions on setbacks and measurements.

Chairman Yaros stated that he reviewed their new proposal and he is looking at before, 1) is the same 15-ft. rear yard setback variance required 35-ft. rear yard setback; 2) was a 15-ft. rear yard setback variance from the required 30-ft. now it is 3.89-ft. front yard setback variance from the required 30-ft.; 3) is a 2-ft. side yard setback variance is still the same on the north side; 4) a 3-ft. side yard setback on the south side now at .17-ft. side yard setback variance from the required 9-ft.; 5) is from a 9-ft. setback variance from the required 20-ft. for the deck they now are requesting a 3.23-ft. setback variance from the required 20-ft. setback so the deck is 16.77-ft. from the shoreline which showed on the drawing; 6) they are withdrawing the request they no longer need it; 7) a 19.24% lot coverage variance is now a 12% lot coverage for a total of 37%.

Chairman Yaros added that they asked for the time to reduce it and he thinks that they took a lot of what they said and acted on it. They were talking about the corner of the deck being a little close to the lake, so they pushed that over to the north so personally he is one vote, but he has does not problem with what they are proposing.

Board Member Walker stated that he thinks that they have done a lot of good stuff, he still has somewhat of an issue with the lot coverage percentage. He is not saying he is going to vote against them because of that. Is there anything else can they chip away at that anymore?

Mr. Riddle replied probably not anything that would really give them percentage changes. He can’t really reduce the deck anymore than they have. In order to get the type of home that they would like to get and they think that is what people would like, the first floor master, he thinks that they have reduced everything down to sizes that are equivalent to all of the neighbors and not just the neighbors but the area. In total their first floor is roughly 1,800-sq. ft. and when he had pulled it out before and he can do it again, their neighboring houses were 2,400-sq. ft. on the first floor, down to 750-sq. ft. but the average was right around 1,650-1,900-sq. ft. so that is what he needs to get the first floor. He unfortunately does not know where else he can go unless he starts back at scratch. They have really tried to squeeze, and compromise meet the requirements. He thinks they have shown through some of the other homes on the lake that they have created something consistent with their neighbors and something that they feel will enhance the neighbors and the community.

Board Member Walker asked if he moved his sign?

Mr. Riddle replied that he moved the sign and he weed wacked.

Mr. Jerry Richards 535 Indianwood, he is within the 300-ft. distance for notification of this. First thing he wanted to mention was he looks at the agenda and all the variances that are on the agenda for tonight are the same variances that were presented on the 10th, do they not update the agendas to reflect the new variances?

Chairman Yaros replied no it is a postponement; you have not seen the new one?

Mr. Richards stated that he found out that the new one had been submitted.

Chairman Yaros said that he has seen now.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – June 24, 2019

Mr. Richards noted that he had seen it and in fact he had a conversation with Mike Riddle today in the
Zoning office and that is where they shared the thoughts about the parking.

Chairman Yaros asked what he thought about the new proposal?

Mr. Richards responded first he wanted to commend this Board for the work that they have put into this.
He had never participated in a ZBA before the 10th. He was duly impressed that each one of them had
visited each of the properties that were in question and they had really great questions and expressed
great concern, but more than that they have really expressed a lot of sympathy towards the people,
they were very polite and very professional and having not been apart of that before they really
impressed him. He was also was impressed with Mike’s presentation tonight he did a great job on it.
He still has an issue his issue is with the setback from the lake. They need to protect their shorelines
and he doesn’t believe that they should use other homes that got variances for a reason to establish a
precedence for this home tonight. This home is being built as a spec, this home is not somebody that is
trying to build a house for themselves, so this is all predicated on spec, market values potentially etc.
This doesn’t pose a hardship to these folks there could be further adjustments made to this and he
knows that a considerable amount of money has already been invested in what they have done so far,
but it is interesting that they came in with a real heavy duty laundry list of variances that they wanted
and he almost thinks they knew that they were going to have to go away, so now they have made some
concessions and the concessions are considerable but they could design a house that would fit in there
and be within the zoning. The Board tonight has to decide if they are going to allow this issue or
precedence to dictate what they are going do tonight or are they going to ask the people involved with it
to go back to the drawing board, because this is not a hardship; just the case before they turned it
down, they had several letters from the neighbors, they don’t have letters from the neighbors but that
doesn’t make any difference relative to the setback on the lake. If they go out on the lake there is a lot
of homes sitting on top especially in the Village, the Village has a different set of rules and regulations
but unfortunately those homes are up into the 45-50% coverage, they don’t want to be that in the
Township, at least he doesn’t think they want to be there. So, he would ask the Board to duly consider
the fact that this is not a hardship. He does appreciate that they have put the side lines back to almost
within the zoning and he believes those setbacks there on the sidelines are there for safety reasons,
because if their house was to happen to catch on fire you certainly don’t want to take the neighbors
homes with them. He believes that the setback for the lake was established to protect the lake, they
need to protect the lake it is the asset of their community they pay taxes based on that and they don’t
want to lose their lake. It is just one little bit at a time and over time they lose it; he asked that at least
make sure that they protect the setback for the lake.

Chairman Yaros read a letter that came in from a current resident on 495 Cushing Rd., they were in
favor.

Vice Chairman Durham stated that there was a letter from the Fire Marshal that states that he has read
through the case and sees no significant issues or concerns at this time. He has seen it and has
examined it from their side.

Chairman Yaros said that it is wider than the first proposal would have been, so that helps, every bit
helps on the width.

Trustee Flood noted that these lake lots are the most difficult ones they must handle, historically they
have struggled with these since he has been on the Board. Most of them were lake cottages and
everyone wanted to put homes there now. Everyone has a valid reason here. He likes the concept that
he pulled it back, he is very adamantly opposed to their first one and how close it was to the lake.

Building Official Goodloe said that the house is compliant it is the deck that is raised
Chairman Yaros noted that the deck is up in the air.

Trustee Flood added once you approve the one on the top then the one below it is approved. They are not going to make everyone happy.

Moved by Vice Chairman Durham, seconded by Yaros, that in the matter of ZBA case #AB-2019-23, Mike Riddle, unaddressed lot on Cushing St., 09-03-278-026, (this has been postponed from June 10, 2019) requesting 6 variances from Zoning Ordinance 78, Article VI, Section 6.04 Zoned R-3: 1) a 15-ft. rear yard setback variance from the required 35-ft. rear yard setback to the (west) to build a 20-ft. from the lot line. 2) a 3.89-ft. front yard setback variance from the required 30-ft. front yard setback to build a house 26.11-ft. from the lot line (east). 3) a 2-ft. side yard setback variance from the required 9-ft. side yard setback to build a house 7-ft. from the lot line (north). 4) a .17-ft. side yard setback variance from the required 9-ft. side yard setback to build a house 8.83-ft. from the lot line (south). 5) a 3.23-ft. setback variance from the required 20-ft. setback for structure to shoreline of a lake, to build a deck 16.77-ft. from the shoreline of a lake. 6) a 12% lot coverage variance above the allowed 25% lot coverage for a total lot coverage of 37%, be granted because the petitioner did demonstrate that the following standards for variances have been met the petitioner shows that there is some Practical Difficulty: the lots are substandard size and they are not going to make anymore so it is a matter of having to build a house that will in fact be saleable, enjoyable and fit in nicely with the rest of the homes in the area; the petitioner also came back from the June 10th meeting with new specs for the variances tonight he has worked quite well and diligently with this Board to satisfy some of there concerns before; the following are exceptional or extraordinary circumstances or conditions applicable to property that do not generally apply to other properties in the same district or zone: it is a lake lot and it is on the small size, they want to maximize to the degree possible the house that they are going to put on it; the deck involved in the major part of the variance it is elevated it does not cover the ground it does not cover grass; the variances are necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity: it fits in very well with other houses in the area and the lot size the lot can only pull the house down so far; granting of the variances or modification will not be materially detrimental to 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: it fits in with the houses that are around it, it has adequate spacing, the Fire Department of the Township has looked at the plans they have looked at the case they have stated they have no concerns; granting these variances will not: impair an adequate supply of light or air to adjacent property; it will not unreasonably increase congestion in public streets: they have shown that they can get three cars in a parking area which are not doable in some of the houses down the road; it would not increase the danger of fire or endanger public safety; it will not unreasonably diminish or impair established property values within the surrounding area: if anything it will help to increase property values in the area.

Amended by Vice Chairman Durham, seconded by Chairman Yaros, that the findings of facts as far as hardships the meandering lot line along the lake lead to part of the problem with the setback of the deck, if it was squared off it would not have been a problem.

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

**AB-2019-25, The District Venue, 4005 S. Baldwin, 09-29-326-031**

Chairman Yaros read the petitioners request as follows:

The petitioner is requesting 1 variance from the Sign Ordinance No 153:

Section 7, Residential Zoned Areas – Ground Signs

1) A 20-ft. variance from the required 20-ft. Road Right-of-Way setback, to erect a ground sign on the Road Right-of-Way line.

and, is requesting 1 variance from Zoning Ordinance #78:
help the applicant by blocking the light and the sight lines of the people walking though the area; the granting of this variance would not impar any light or air; it would not unnecessarily increase congestion; no fire danger, no danger to the public safety; it would not unreasonably diminish or impair established property values; or in any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township: this gentleman is asking for what is a minimal request to have fairly significant impact on his quality of life.

Roll call vote was as follows: Flood, yes; Kosciierzynski, yes; Walker, yes; Durham, yes; Yaros, yes. **Motion Carried 5-0**

**AB-2019-23, Mike Riddle, unaddressed lot on Cushing St., 09-03-278-026**

Chairman Yaros read the petitioner's request as follows:

He is requesting seven variances from Zoning Ordinance 78, Article VI, Section 6.04 Zoned R-3:

1. A 15-ft. rear yard setback variance from the required 35-ft. rear yard setback (west) to build a house 20-ft. from the lot line
2. A 15-ft. front yard setback variance from the required 30-ft. front yard setback to build a house 15-ft. from the lot line (east)

Article XXVII, Section 27.01 (C)(1)(b) Lot Width 66 to 69 feet:
3. A 2-ft. side yard setback variance from the required 9-ft. side yard setback to build a house 7-ft. from the lot line (north)

4. A 3-ft. side yard setback variance from the required 9-ft. side yard setback to build a house 6-ft. from the lot line (south)

Article XXVII, Section 27.03 (C)(3)(b)(iii)
5. A 9-ft. setback variance from the required 20-ft. setback for structure to shoreline of a lake, to build a deck 11-ft. from the shoreline of a lake.

Article XXVII, Section 27.17(B)
6. A 1-ft. setback variance from the required 25-ft. setback for structure to wetland, to build a house 24-ft. from the wetland (south)

Article VI, Section 6.04 Zoned R-3:
7. A 19.24% lot coverage variance above the allowed 25% lot coverage for a total lot coverage of 44.24%

Mr. Matt Dunaskiss, 535 Cushing, stated he was there with his wife Diane, his son Justin and they just wanted to take a moment before Mike’s presentation to thank them for their consideration and share a tad bit of background about the property and what got them today to request these variances. The homesite and several of them might have come out and visited, it is on Cushing Street, and Cushing is a very small street with just eight other homes on it, and they are blessed to have the surrounding area that has been in his family for over 70 years, he grew up on the property, hunted it etc. To sell any of the property was a difficult decision with his family, but somewhat spurred on by his son who wants to build an adjacent homesite there in the next two to three years. He shares that with them because his wife and him keeps his home there, Justin is going to build there, they are going to look at this home each and every day that they go by. They want to do the right thing and have the right characteristics, make sure that this home is going to conform with the rest of the homes on Cushing and make it an asset; but it is a difficult site and so they realize that so they spent a lot of time with his wife and him looking at different building plans and etc., but also they spent a lot of time looking for the right builder so they were happy to have Mike Riddle who is a custom home builder that has dealt with lake property in the past on difficult sites. They appreciate their consideration and they think that these variances are very reasonable and conform with the other homes in the area.
Mr. Mike Riddle, 910 S. Ortonville Rd., Ortonville, MI, the applicant presented.

Chairman Yaros asked how big of a home is this?

Mr. Riddle replied that the house, the first-floor plan is 1,890-sq. ft., the garage is 586-sq. ft., the second floor is approximately 792-sq. ft., which brings it just under 2,500-sq. ft. of total area including the garage.

Mr. Riddle stated that one of the things that they looked at on the site, they had to deal with the depth of the lot how the cove comes in and they loose some property based on the property line being in the water versus the water line, that they need to have their setback to. Trying to build a home that conforms with the other homes on the street, he pulled up all the homes on the street and the square footages of first floor, there is a home at 495 Cushing that is 2,700 sq.-ft.; there is one at 576 Cushing that is 1,566 sq.-ft. first floor, this doesn't include garage; there is also one at 480 Cushing that is 1,646 sq.-ft. on the first floor; there is another one at 602 Cushing it is 2,023 sq.-ft. on the first floor. They tried to conform within what they believe that most of the homes adjacent to the property have, trying to build a home that will increase the value for everybody in the area. They are planning on taking the overhead lines, he has some pictures that he will identify of some pictures from the lake and from the road, trying to show what they believe are conforming with what represents a nice home for the neighborhood not over building, but building a nice home that has the features that people are looking for now, like a first floor master, nice deck, great view of the lake and considering their neighbors and trying to build a beautiful home. Some of the difficulties they are dealing with are the grades, how the road turns in there, there is not a lot of room once you put a detached or attached garage which they will see in the pictures that he has, it makes it very difficult to have a lot of room on what would be called the road-side. As they come down on this lot and go towards the lake-side trying to get what they consider not an overbuilt home on the property it brings them to the setbacks that they are asking for to allow them to have a nice home, deck and a yard still. He showed the pictures on his display. There was a blown-up picture of the lot, the adjacent four houses next door, and he took pictures of how far they are off the lot line and he felt they are right there with the neighboring homes. The other picture shows the homes on the other side, Fernhurst, the ones on the end of the road, and Cushing. They think what they are trying to do is really uniform to what is already done. They other pictures he took from the lake, across the bay looking at where the home would be. They felt it was very consistent with what was built there. The end of Cushing is already built and, in the past, there was variances granted, so they are trying to accommodate the lot and build something that will bring value to the community and to the lake, certainly make it look beautiful and trying to work with the constraints of the lots and obviously they are asking for variances.

Chairman Yaros said they are asking for a lot of variances.

Mr. Riddle replied he knows they are.

Chairman Yaros noted that his biggest problem is the lots to the north of them are larger lots. They are a lot longer and if that is the type of similar home they are trying to meet, when they talk about 44% lot coverage, he doesn't think they have ever granted 44%, it is a lot of lot coverage.

Mr. Riddle added again he doesn't know exactly but that is why he did his research on the aerials. He believes and has some information on one of the homes, but if they look (pointing to the display map) right here he would bet that it is quite a bit more than what they are asking for. This address right here which is fairly new had a number of variances and it was a tight lot and had difficulties with grades and the road also, and that address is 495 Cushing. He researched and went around and found a couple on Fernhurst that seemed to be very close. The neighbor right next door their house is fairly new also.
Chairman Yaros commented that they grant variances all the time, particularly when they look at lakefront lots, because they know that they are expensive and people want lakefront. They usually grant a 2-ft. side yard variance or maybe a 5-ft., they are not really asking for much of a side yard, he didn’t really have a problem with the side yard. His problem is the lot coverage, they are covering almost 50% of this lot with the house. They got this deck that is the full width across the back that’s part of the coverage and they are only going to be 11-ft. from the water, from the edge of that deck on the drawing, that is the lot.

Mr. Riddle said he agreed with him. What they are trying to do is invest in the community, into a home that he believes that will be a value for everybody. The concern is his neighboring lots have a lot more depth, that is one of their hardships is that they don’t the depth. When they take a home, which he has the floor plans which he believes everyone has, by the time they actually take the home and put an entry, kitchen, laundry room and all the things you would expect in a new home, you end up with a home that has a depth of 58-ft. just for the first-floor plan. He doesn’t think that they have done anything overly extravagant here, other than they have a den, a grate room, an entry, master bedroom on the first floor, a laundry room and a kitchen. The sizes are all sizes that they don’t think that they have overdone anything. They have a master bedroom that is 16x16, dining room that is 10x14, grate room that is 18x20, a garage that is 24x24. He doesn’t think that for a house that they went overboard. They have talked about it, numerous times about what they thought that would work in the area that they could build and invest and obviously be able to sell. They don’t think that they went overboard, they do realize that with the depth of the lot, how that cove comes in there, they lose some of the property as far as property line goes. They tried to conform the best that they can, which they know they are asking for variances and he would hope that they would be able to look at them and certainly hope they would be able to grant them, but would be happy to try to work with the community the best they can. He works with lots of lake communities, they have built many homes on many lakes and dealt with variances and tight lots and constructions and they are always good with their neighbors and they certainly want to be good with the community.

Trustee Flood stated that when he was out there, they have four lots for sale. This parcel number they are talking tonight, is that lot number one?

Mr. Riddle replied correct.

Trustee Flood said he wanted to make sure because they were all different sizes on those.

Mr. Riddle said yes there are, it is lot number one.

Trustee Flood noted that he drove his truck down there, with 4-wheel drive and when he made the turn-around down there he had to make sure that he was not close to the lake. It was about a 30-ft. drop down there?

Mr. Riddle replied that it is about 20-ft. on lot one. When they come off the road it is going to have a little taper down and then they are going to have to build a taller basement and then go down towards the lake.

Trustee Flood asked have the walkout on the lakeside?

Mr. Riddle answered correct.

Vice Chairman Durham stated four lots side by side, are they building a house for someone that has purchased lot #1?
Mr. Riddle said now what they have on lot one right now, they do have a couple of interested people but right now it is actually himself Rising Construction working with the owner trying to build a home that their plan is spec the home and or sell it ahead of time, but right now it is Rising Construction building a home.

Vice Chairman Durham questioned if they had a choice of all the lots, if so, would one have been bigger?

Mr. Riddle answered that yes, they could build on any of the other lots, they are available at this point, but this is the largest of the lots.

Vice Chairman Durham asked if the lot perks?

Mr. Riddle responded that it has sewer, all of them do.

Trustee Flood said they would be on a well though?

Mr. Riddle said well and sewer, correct.

Mr. Riddle added that one other thing from lot one down through lot four, he really right now only is involved with lot one, he would love to do all four but really talking about lot one. One of the things the owner has looked into with his help is taking the power lines and putting them underground which he thinks will be an added value just in the look of going down the road. They are trying to do everything to make it a nice home in the community and look similar to the pictures that he is presenting.

Board Member Walker stated that one of his issues he has, he was there earlier tonight when he made a lady tear down her fence, because it was right up to the shoreline of the lake. They are asking for a variance from that shoreline for 1-ft. for the house but either 9-ft. or 11-ft. for the deck. He doesn’t know how he feels about granting him that variance after telling her she had to tear her fence down.

Mr. Riddle replied that the only way he can try to answer that, it is because of the back and the height of the house and the first floor being almost 14-ft. in the air, he thinks that a deck is something that they have to have as far as their point of view. When you add that on the deck that they are asking for is 13-ft. deep it is not in his opinion an overpowering deck, unfortunately, with 13-ft. It brings them closer to the lake. That is why he got the aerials trying to see around the lake what other people have done in those situations, and it appears that other people have been able to work with them just like he wants to and achieve a nice home and be closer to the lake than what is probably allowed.

Trustee Flood said he understands that the house is 1-ft. that they are asking for a variance, on the deck now it is going to be 1st floor deck?

Mr. Riddle replied correct.

Trustee Flood asked so the walk-out deck is not going to be on the ground, it will be on a second floor?

Mr. Riddle answered correct it is going to come off of the main floor but that main floor is taller than the ceiling.

Trustee Flood noted that they will have the stairwell coming down off of that deck, is that correct?

Mr. Riddle replied correct there is a stairway shown on the drawing.

Trustee Flood asked that 11-ft. is actually going to be suspended up in the air?
Mr. Riddle answered correct.

Trustee Flood stated except for the stairwell, actually the stairwell is going to be what is closest to the lake shoreline.

Mr. Riddle showed the plan it is going to be basically like the houses next door. They have basements and then they have decks coming off of the main floor.

Secretary Koscierzynski asked what is the Practical Difficulty.

Mr. Riddle answered that the difficulty for them is the depth of the lot and the grade of the lot. The deck runs across from the first floor over to the grate room, is what they are proposing.

Chairman Yaros questioned can you build a house on this lot without variances?

Mr. Riddle replied it would be very small. The lot actually is .161 acres which is roughly the 7,000 sq.-ft. is the lot, so if you take 25% of it and you add a garage the first floor would probably be 1,000 sq.-ft. and a garage might be, he didn't even know if they could get 20x20 on a garage.

Chairman Yaros asked square foot wise, how big is the deck?

Mr. Riddle responded the deck is 688 sq.-ft. and it is approximately 13x48.

Chairman Yaros said he appreciates that they put the deck on there because a lot of time they get people that come in there and they are looking for variances for a house and a year down the road, they need a deck. Well yea, they are on the lakeside.

Mr. Riddle replied that is exactly why the put it on there.

Chairman Yaros noted it is good to do that now rather than coming down a year later looking for a deck. The only question is do they need the full width of the deck, because the farther north that they end the deck the farther they are away from the lake. If they had 35x13 ft. deck, he didn't know if that would be a big deal, they wouldn't need such a variance. The reason he is saying this is whatever variances they get on this they are going to see on 2, 3 & 4. They have to be vigilant in what they do and they need to have reasons why they do it.

Mr. Riddle stated that what they presented is what they feel, would be what they would like. Certainly, on the deck they think that is an area where they could hopefully work together. In the home, like he was saying before, when they look at the floor plan, they just end up with a home that is 58-ft. it is not that long of a home.

Trustee Flood noted that deck takes up a lot of the square footage percentage on the lot. It is hanging in the air it is not actually on the ground. The only thing that is going to encroach is the stairwell and the stairwell is not going to be 11-ft. wide. How wide are their stairs?

Mr. Riddle stated that the stairs are 3-ft. wide.

Trustee Flood noted that shrinks it down to about 8-ft. there.

Mr. Riddle said that to the north is the master bedroom of the home, to the south is the living room. It is closer to the south to the lake than it is to the north.
Chairman Yaros said his point was the farther north you go the land extends farther out so the variance is less.

Secretary Koscierzynski stated she did agree the deck is on the second story. It is not unusual for that area to have decks on that level.

Vice Chairman Durham said his feeling is while their business isn't to make anybody money up there, if they are not going to deem those lots unbuildable they have to be able to bring houses in that will attract a buyer to make their money back and enough to make them happy and increase the value of the neighborhood. He doesn't think that there are going to be many people running for 1,000 sq.-ft. house especially with the land cost. He doesn't have an answer but it is something to think about.

Trustee Flood stated that he likes the idea of the developer putting the underground utility in. He thinks that is always a good thing if they could get the electric underground.

Chairman Yaros commented for a house to be 2,500 sq.-ft. but that includes a garage it doesn't include the deck, that isn't really out of sight in size of houses on Lake Orion.

Vice Chairman Durham noted that he personally does not have issue with the deck because it does not occupy ground. It is a variance under the ordinance language, but it is not going to present a problem for anybody.

Chairman Yaros noted that his biggest problem is the 44% coverage, it is just a massive coverage.

Trustee Flood added but it is such a short small lot too.

Secretary Koscierzynski noted that is their Practical Difficulty. This is personally living a block away from the lake, she really likes it when people want to spend money and make things look good and a brand-new house would be really nice because a lot of the house there are older, it is nice that they are willing to do that.

Mr. Jerry Richards, 535 Indianwood, said he is at the end of Cushing, they built their house there 1973. When he first became aware of this, he got the notice in the mail like anyone else would within the 300-ft. area, he took the time to go to the Township he looked at the plans and thought that it is a beautiful home. Then he was reading through all the variance's and he has never seen so many variances requested to build a house. If this was an existing home and they were trying to expand it like many home on the lake get expanded then there is a different set of circumstances there but they are building a new house and it does have some design considerations, design challenges but 44% and he heard one of the members of the Board already acknowledge this, 44% is unbelievable that they would even consider even doing that. The home is over sized for the property, bottom line. The property is expensive but so what, the house is being overbuilt for the property, and that is not right. This suspended deck that is 11-ft. of the edge of the lake, to him it is not acceptable, there is supposed to be a 25-ft., just because it is suspended doesn't mean that it is not in that same footprint of the lake. The reason that they have a setback is so they have a buffer area between the primary structure and the lake water and that is for natural filtration of the water run-off. If he has a deck up there and it is waterproof deck maybe because they know what happens when they are in lake living there is going to be another deck underneath that deck that is going to be built as part of the new home. It may not happen as part of this build but someone down the way is going to do that. Then they are going to want to waterproof that upper deck, and when they waterproof that upper deck then they have lost all of that run-off capability to protect the lake. They see it happening in a lot of different situations, where the encroachment on the lake is really wrecking their ability of their lake to remain healthy. He is a Charter Member of the Lake Association, they have been around since 1977, they were principle in putting together their special assessment district for the purposes of water management program to control the
weeds and they have a lot of challenges on their lake and this is certainly going to add to it, it might just be a little bit, but it is a big deal for the lake, because a little bit here a little bit there pretty soon you have a big problem. He would ask that the builder be challenged to come up with a smaller home that starts to fit within the confinement of the ordinances, otherwise, why do we even have ordinances why don't they just get rid of them and let people build whatever they want, because they are going to do it one way or the other it looks like. This will set a president for the remaining three lots, whatever you guys decide tonight it will be a rubber stamp for the next three lots, because you have it once they are going to do it over and over again. He just asked that the Board seriously consider that this is not the right fit for this particular project.

Mr. Riddle stated that as far as the water run-off goes, he will tell them that on a number of difficult lots on lakes and he just finished two very nice projects in Silvan Lake that the homes are 6-ft. apart, and one of the is 7,000-ft. and the other one is 4,000-ft. They will have proper drainage here, the gutters will be tied in, it will all be done correctly as far as, and he is sure the Building Department is going to make sure that he does it correctly, but the amount of water will not be any different than the amount of water in his opinion than the lot already has. They will route it through gutters and a drain system so they are not hurting or infringing on the lake.

Chairman Yaros stated that there is a reason they have a 25-ft., there is a reason they have a wetland.

Trustee Flood said that Mr. Richards is exactly right they have had all of these 100-yr. old cottages on that lake, everyone of them have before the ZBA to get variances to build these bigger houses and they always want to get closer to the lake and it has been a problem ever since they wanted to put permanent homes on the lake.

Chairman Yaros noted that they see variances for side yards, they see variances off the back and the front, but they don’t normally see all seven of them at one time. The one he really has a problem with is the coverage, because he really doesn’t have a problem with the side yard, and the lakefront is a little problem because 11-ft. even though it is an upper deck that is close.

Mr. Riddle added that when he went around and looked at homes on the same street, their homes are closer than what they are asking for on the deck. It doesn't mean right or wrong or indifferent but again trying to conform with what they have, that is why they took pictures of the homes on the lake and back yards that are right there. He is trying not to overbuild they actually have revised these plans three different times from 3,500 down to 2,500 at some point. There difficulty is if the home gets too small it is unsaleable, he knows that is not their problem but it is their problem in trying to help develop this lot and whatever goes on with the other lots.

Chairman Yaros questioned instead of having four lots, maybe it should have been three lots and then they could have had a bigger home. There are four lots, but they are asking for a lot of variances.

Mr. Riddle said that he would ask before they vote, obviously he would like exactly what they asked for but if he can’t get it, he would appreciate to know what would be acceptable trying to move forward. If it is a little bit of tweaking the deck, he is here to try to make it happen.

Trustee Flood commented that he just did the math on the deck, it is like 9.4% of that total lot coverage is the deck. If they take the 9% of the 44% that is about 35% then right.

Vice Chairman Durham noted that it is lot coverage under the ordinance but it doesn’t touch the lot. It is like if you sat on the roof, technically under the ordinance language it is lot coverage, but he looks at coverage as coverage, a shed a driveway a garage. It doesn’t sound like there is much movement that they can do with the plans that they submitted?
Charter Township of Orion Zoning Board of Appeals Minutes  
Regular Meeting – June 10, 2019

Mr. Riddle responded that there is not a lot that he can do, but he is here to try to make it happen, but including the garage at 58-ft. and 48-ft. wide. If he had a foot in the width and a foot in the depth, it is something that will work, if it is 10-ft. it can't work, not with this particular plan or what for him to personally invest into a home there. He thinks that a first-floor master is very important.

Vice Chairman Durham stated the suggestion that he always make in these cases is rather than play this on the fly would he better served to postpone and go back and chew over the drawings some more and represent and a later time?

Mr. Riddle replied he doesn't know the answer because each one of them probably has a different feeling of what that could be and instead of him trying to guess, he is prepared to negotiate on part of it if they can if not, and he went back and looked at it, he doesn't know if what he looks at will be what is acceptable the next time they are there.

Board Member Walker said that it would seem to him from what he feels and thinks and what he has heard that lot coverage is issue number one, that is the biggest issue. There was a discussion about not counting the deck, he doesn't think that they can do that? They can't not count the deck because it is not technically lot coverage, because it is technically lot coverage and then every other person in the Township could say, you guys said that wasn't lot coverage, so I can build a deck as large as I want. That would be a slippery slop to be going down, so he didn't like that idea. Lot coverage and proximity to the lake he would guess, if there was something more important here than those two, he doesn't know what it would be.

Mr. Riddle commented trying to research of what is on the lake, right on the same street, just the ground floor of the home which typically doesn't include the garage is 2,733 sq.-ft. of 495 Cushing and according to what he was able to pull up at Oakland County Assess, the lot is .28 as far as the square footage which is almost a 50% lot coverage. He is certainly willing to negotiate and he understands what he is asking for.

Chairman Yaros said that he has been on the Board for 25-yrs. he has never seen a 44% lot coverage that they have allowed. Maybe there is somewhere, somehow, a lot of these homes were rebuilt from their original, a lot of that stuff is original because they can build if they have the original foundation, they can only vote on what they have in front of them.

Mr. Riddle stated it was a home that was newly built.

Chairman Yaros replied that he would have to look at each one individually he had no idea. Right now, the sticky point it the lot coverage. The lots get smaller and people are going to want more coverage.

Diane Dunaskiss, said she doesn't envy the decisions that they have to make, but the lot lines for Lake Orion were established how many years ago? When Lake Orion 40 miles from Detroit was considered a vacation spot, there were almost no year-round homes on the lake, the lots were designed for cottages. Times have changed it is a lake for homes and in today's world, and she is not looking at cost, she knows they are not there to help them make money or is that what they are concerned about, but if a person wants to live on a lake and pay the property taxes that are associated with a lake and have a family and live in a home that is comparable to homes in 2019, you can't build a 1,000-ft. home anymore. If they want to have homes on the lake that are comparable that bring up the value of not only these properties but the homes that are around the property and make a lovely home and a beautiful lake front and always still maintain the integrity, she understand the concerns that they have and she think that Mike is ready to address as much as he can, with regard to drainage and run-off etc. This is 2019 and we are dealing with land sizes that were established many years ago when homes were totally different. If they are going to provide homes for families in 2019, on lots that were designed 100 or 50 years ago they have to make some variances. She thinks they need to be realistic with what
people are willing to purchase and live in if they are going to be on the lake or anywhere, she doesn't know where they would build a 1,000-ft. home.

Chairman Yaros said that they have to follow the ordinances and if they need to change ordinances than that is something else. When they squeeze this much house into a very small lot that is a problem, that is what they are trying to deal with.

Board Member Walker stated that they review the Master Plan every five years, so is that something they should factor into the next Master Plan review, he doesn't think that the Township has ignored what has happen in the Township in the last 30-yrs.

Trustee Flood said that someone had made a comment earlier about having 4 lots there they could combine them into three.

Chairman Yaros stated that if they want big homes on the lake that is what they do instead of putting a big home on a really tiny lot. These lots were designed for cottages they weren't designed for 2,500 sq.-ft. homes they were designed for 650 sq.-ft. cottages where everyone enjoys the lake but no one can afford that now a days. No one wants 650 sq.-ft. cottages, it just doesn't happen.

Mr. Riddle said that obviously for him it is the season is there, with what has been presented would it be if the lot coverage came down, and I know they probably can't answer that this evening but if they were to squeeze a little bit out of the house and squeeze some off of the deck?

Chairman Yaros replied that it would be more palatable for him if the lot coverage was less, and he doesn't know how much he can squeeze out of it. He doesn't have a magic number, but he knows that 44% is pretty high.

Mr. Riddle said that he would prefer not to have to start from the beginning, so he is asking so that if there is something that they maybe willing to live with and he can live with and they can mutually work to achieve a goal, that is what he is trying to do.

Secretary Koscierzynski noted that if they postpone it then Dave Goodloe, the Building Official will be there and he might be able to give them more insight.

Trustee Flood noted that they don't have to repost or reapply.

Mr. Riddle asked so what does he need to do, resubmit basically the plan?

Chairman Yaros said they would come up with a date and yes you need to resubmit a plan it you want to change it.

Trustee Flood said to get back with the Planning and Zoning Director Tammy.

Secretary Koscierzynski said that he can postpone until June 24th or after that it would be July 8th.

Chairman Yaros asked how long would it take for him to go back and rethink this?

Mr. Riddle replied that he will work on it immediately because it is the building season. Not only on this project is he trying to be the builder on this lot but he is also the real estate broker for the four lots for the family, and the inquires he get on the lots, one of the big things is, what are they going to put on here, so that is part of it too, what are they going to be able to do. Obviously, they are specifically talking about lot one, but they are trying to develop.
Chairman Yaros said the look of the home is great, they are just trying to squeeze a lot of them and he doesn't know if they are going to get that.

Mr. Riddle said that the 24th would be fine.

Board Member Walker asked if he was the realtor on this also?

Mr. Riddle replied yes.

Board Member Walker questioned if his sign was on the corner of Indianwood?

Mr. Riddle answered yes.

Board Member Walker stated that it is in the way. They need to move that because you have to look around that sign to turn right on Indianwood, and since they paved it, they go 65mph down Indianwood. He would move the sign off the road another foot or two.

Mr. Riddle responded that he will he thought he did it there. He will move it.

Trustee Flood asked if he was willing to postpone to June 24th?

Mr. Riddle replied correct.

Moved by Trustee Flood, seconded by Koscielzynski, that in the matter of AB-2019-23, Mike Riddle, unaddressed lot on Cushing St. 09-03-278-026, per the petitioners request to postpone it until June 24, 2019.

Roll call vote was as follows: Durham, yes; Flood, yes; Koscielzynski, yes; Walker, yes; Yaros, yes. Motion Carried 5-0

**AB-2019-24, Claude Chapman, 3780 Waldon Rd., 09-19-400-022**

Chairman Yaros read the petitioners requests as follows:

The petitioner is requesting two variances from Zoning Ordinance No. 78, Article XXVII, Section 27.02(A)(8) – Lot size over 2.5 acres

1. A 725 sq.-ft. variance above the allowed 1,400 sq.-ft. Maximum Floor Area of Detached Accessory Buildings to build a 2,000 sq. ft. pole barn, for a total Maximum Floor Area of Detached Accessory Buildings of 2,125 sq. ft.
2. A 225 sq. ft. variance above the allowed 1,900 sq. ft. for a Total Maximum Floor Area of all Accessory Buildings of 2,125 sq. ft.

Mrs. Rebecca Graham, 3780 Walden Rd., the applicant presented. She stated that Claude Chapman is her dad and she just wanted to fill them in. She owns the house that sits in front of 3780, her house is 3760. A couple of years ago her mom got sick and her husband and her moved back to take care of her and since then she has passed and her dad wanted them to stay so they actually been living with him. When her dad passes, she is going to be taking over the house, well probably before he passes because it will be easier. Living back there, there is no place to put their stuff. Her husband inherited a lot of stuff, he has a backhoe, two trackers and they also has a 5th wheel, that is the reason they need such a big pole barn is to keep their 5th wheel in this pole barn so it will stay nice for when she goes to retire, she will have it and it will be paid for.

Chairman Yaros said that there is a lot of pole barns in that area. He was sure if they were all 40x50 but they are at lease 40x30 or 40x40, even on the areal they will see pole barns stretched up and down.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: August 12, 2021

SUBJECT: Staff Report for AB-2021-50, Mike Riddle, Vacant Parcel 2 Parcels South of 576 Cushing Street

_________________________________________________________________________

The petitioner is asking for an extension of the variances granted for the above parcel on March 23, 2020. Granted variances are good for 1-year – once a building permit is pulled, that “clock” stops.

Please refer to the Township Attorney’s Confidential opinion regarding extending a variance expiration date.

Included in the packet are the minutes from the ZBA meeting where the variances were granted.

Deliberate on this request and if you feel the extension should be granted – include in your motion when the variances will now then expire.

Please contact me if you have any questions.
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: Mike Riddle
Address: 15299 Pine Ridge Dr. City/State/Zip: Holly, MI 48442
Phone: (248) 627-2188 Cell: (248) 318-9584 Fax:
Email: mrr28856@comcast.com

PROPERTY OWNER(S)

Name(s): Mathew Dunaskiss
Address: 535 Cushing Rd City/State/Zip: Lake Orion, MI 48362
Phone: (248) 693-1391 Cell: (248) 790-1343 Fax:
Email: mat@dunaskiss.biz

CONTACT PERSON FOR THIS REQUEST

Name: Mike Riddle Phone: (248) 318-9584 Email: mrr28856@comcast.com

SUBJECT PROPERTY

Address: LOT 2 Cushing St. Sidwell Number: 09-03-278-027
Total Acreage: Length of Ownership by Current Property Owner:
7 Years, 0 Months

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

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. **We are asking for an administrative extension for the approved variance (AB-2020-08 March 23, 2020) due to COVID economic conditions with labor and material shortages.**

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. **Previous Applicant (Patrick Raye) did not complete purchase of property due to COVID economic conditions.**

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: ____________________________________________________________

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite 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. ____________________________________________________________
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: 7-19-21

Print Name: Mike Riddle

Signature of Property Owner: ___________________________ Date: 7-23-21

Print Name: Matthew Duraskiss

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: ___________________________
ft. wetland setback variance. That is what the request is and that is what they will have to vote on. Even though in reality the line is much farther back to the water and the request is less if he does own the property. If they can’t settle that then they will have to postpone it until they find out if he owns the property or not.

Vice-Chairman Durham asked if he has given the up the right of the ownership of the property for the purposes for the variances tonight. That is why the numbers are so high? Does he want to basically get started on his build?

Planning & Zoning Director Girling replied yes.

Chairman Yaros asked if there was anyone else to speak to this matter? There was not. Planning & Zoning Director Girling noted that there were no emails.

Vice-Chairman Durham asked if Mr. Doski thought that the height of the addition, up on top of the garage would block the view of anyone else, as far as the lake goes? Mr. Doski replied he did not. The neighbors across the street are the only ones that any kind of view might change but they are also are on a lake and they have a view of the lake off the back of their property. He didn’t think the view would affect anybody. Most of his neighbors are aware of what they are doing and haven’t spoken any ill-will against it.

Moved by Vice-Chairman Durham, seconded by Chairman Yaros, that in the matter of ZBA case AB-2020-07, Ryan Doski, 965 Pine Tree Road West, 09-10-203-001, I would move that the petitioner’s request for three (3) variances from Zoning Ordinance 78, Article VI, Section 6:04 R-3: 1) a 21-ft. rear yard setback variance from the required 35-ft. to add a second story addition 14-ft. from the rear property line; Article XXVII, Section 27.03(C) 2) a 32-ft. rear yard setback variance from the required 32-ft. (with projection allowance), to erect a second story balcony/terrace 0-ft. from the rear property line; Article XXVII, Section 27.17(B) Wetland Setback 3) a 9.2 -ft. wetland setback variance from the required 25-ft. to erect a second story balcony/terrace 15.8-ft. from a wetland be granted because while the variances are large in size if there are some changes in delineated ownership of the property, and legal ownership they may have not been this large; the petitioner does show the following Practical Difficulty: he would like to enlarge his home, he has stated that it will be his forever home; the neighbors have no issues with this; it would bring the petitioners property more in line with the other properties in the area; the following are exceptional or extraordinary circumstances: the lots in that area are strangely shaped and were platted, a long time ago, and they involve conditions that do not apply generally to other properties in the same district; the variance would be helpful for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zone or vicinity base on the fact: the lot is small, and he has a nice size home there now but he would like to enlarge it as his family enlarges and bring it in line with other properties in the area; 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: it will make the house fall into line with other houses; the granting of this variance would not: impair an adequate supply of light and air to adjacent property; it will not unreasonably increase the congestion in the public streets; there will be no Fire Department issues; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the Township.

Roll call vote was as follows: Durham, yes; Koscierzynski, yes; Walker, no; Yaros, yes. **Motion Carried 3-1** (Flood absent)

**AB-2020-08, Patrick Raye, Vacant Parcel on Cushing Street, 09-03-278-027**

Chairman Yaros read the petitioner’s request as follows:
The petitioner has requested eight (8) variances from Zoning Ordinance No. 78:

Article XXVII, Section 27.01(C)(1)(b), Lot Width 60 to 65 feet:

1) A 2.80-ft. side yard setback variance from the required 8-ft. to build a house 5.20-ft. from the side property line (south).

2) A 2.63-ft. side yard setback variance from the required 8-ft. to build a house 5.37-ft. from the side property line (north).

Article VI, Section 6.04 – Zoned R-3:

3) A 9.36-ft. front yard setback variance from the required 30-ft. to build a house 20.64-ft. from the front property line (lakeside).

4) A 14.99-ft. rear yard setback variance from the required 35-ft. to build a house 20.01-ft. from the rear property line.

5) A 21.36-ft. front yard setback variance from the required 30-ft. to build a deck 8.64-ft. from the front property line (lakeside).

6) A 15.98% lot coverage variance above the allowed 25% for a total lot coverage of 40.98%.

Article XXVII, Section 27.17(B)

7) A 4.36-ft. wetland setback variance from the required 25-ft. to build a house 20.64-ft. from a wetland.

Article XXVII, Section 27.03 (C)(3)(b)

8) An 11.36-ft. water’s edge setback variance from the required 20-ft. to build a deck 8.64-ft. from the water’s edge.

Planning & Zoning Director Girling noted that the petitioner had amended his request so it is fine they advertiser for larger but he has reduced what he is asking for. He might want to address during his presentation how he has reduced some of those numbers.

Chairman Yaros asked the petitioner to give the Board that information.

Mr. Patrick Raye, 1231 Lacrosse Trail, Oxford, MI, the petitioner presented. He stated that he has been working with Matt Dunaskiss, Mike Riddle and Rison Construction. Determining the request that they needed, they took a look at lot one (1) approval that the Board passed some time back. Mike Riddle would have to speak to exactly when that was. The goal is uniformity, originally, they were slightly closer to the water and their concern was that the idea is to make sure that all of those on that cove are in line so that nobody is impeding to close or too far. The hardship is the lot side and the grade. This home is for himself, his wife and his four (4) kids. They have been searching on Lake Orion for a long time and have a lot of friends on Lake Orion, and just couldn’t find anything that would work for them so a new build was their best option. The size changes were due to not wanting the house further ahead of the proposed house on lot #1. They scaled the house back and made the house envelop slightly smaller and gave more room on the two (2) side lot lines to accommodate what they would need for a proper watershed.

Chairman Yaros wanted to know what numbers had changed from the original request.

Mr. Raye replied that 1) originally was to build a house 5.20-ft. from the property line on the south side, it is now 5.32-ft. 2) the original north property line request was 5.37-ft. and they are now 5.59-ft. 3) was 20.64-ft. from the property line, it is now 18.04-ft. 4) rear yard setback variance from the 35-ft. was
Charter Township of Orion Zoning Board of Appeals Minutes  
Regular Meeting – March 23, 2020

20.01 from the rear property line it is now 26-ft. 5) The deck at 8.64-ft. is now 10.12-ft. He stated he didn’t know what the lot coverage was or the wetland setbacks were.

Chairman Yaros said that he looked at the house next door, the way the rocks were, he wasn’t sure they could get in between the buildings with emergency vehicles. He thought it was a lot of variances. He said it will almost totally be covering the lot. They are asking for a 4.36-ft. wetland setback variance to be 20-ft. from a wetland and to be 8.64-ft. from the water’s edge. He has a problem with so many variances, on this lot.

Secretary Koscierzynski said that as far as first responders or firefighters getting to the property. The Fire Marshal reviewed the proposed documents and had no concerns.

Vice-Chairman Durham felt that he didn’t think that anyone could carry any gear in between the homes.

Mr. Raye said that his home does not have a house either side of it. He thought that he was looking at the parcel next to lot number one (1).

Vice-Chairman Durham questioned when he sees this many variances on that small of a lot, it has a feel of an overbuild for the lot; is that something he considered?

Mr. Raye said if they took what they were allowed to build here they wouldn’t have much of a home to build at all. He thought that no matter how big the house is or even if they build a home that is realistic for today’s age and the values they see on Lake Orion and what people are looking for and what they are looking for, they would be looking at this many variances no matter what. The problem they have is the grade and the side yards. Without most of these, even if they adjusted the number one way or another there would be this quantity of these variances or at least close.

Vice-Chairman Durham noted that he was at the bottom of that lot looking up trying to figure how they would navigate from the back of that house to the front on the inside from that fall off.

Mr. Raye questioned what he meant on the inside, between the house?

Vice-Chairman Durham replied if you are living inside the house the lot falls off to such a degree the roadside of the house will be dramatically elevated from the lakeside.

Mr. Raye said that is correct; if you look up the street all three (3) houses are built in that fashion. Especially the one that is existing there. They have to put a little retention on the sides, it will be an interesting basement but that is what they are dealing with on that piece of land. Most of the homes on that side of the street have that challenge.

Vice-Chairman Durham asked because there are no houses there now, can the petitioner pick what is the front yard and what is the back yard?

Planning & Zoning Director Girling replied that is correct.

Vice-Chairman Durham thought that the front yard had to border on a street.

Planning & Zoning Director Girling said that there are certain parts of the ordinance says that the street side is the front, but not when it comes to calculating the setbacks. They can choose the lake as the front, or the road as the front and that can affect the setbacks.

Chairman Yaros asked if the original setback from the road was going to be 20.64-ft. and now they are proposing 18-ft. 20.64-ft. was small to start with, he looked at the houses down the street with similar
setbacks they are right out to the road with their trucks and cars, most are larger than that. Can they keep the 20.64-ft.?

Mr. Raye replied absolutely; no problem at all.

Chairman Yaros asked what was the square footage of the house proposed?

Mr. Mike Riddle, Rison Construction 15299 Pine Ridge Dr., Holly, MI. Mike replied that is 2,700-sq. ft. total.

Chairman Yaros asked if he got the 20-ft. back from the road would that change the square footage at all?

Mr. Raye replied yes; they are trying to have an attached garage because a detached garage would be impossible. What he could do is move some things around and make some compromises.

Chairman Yaros thought that 2,700-sq. ft. is not an overly huge building on the lake. That is within reason. His issues were solved except for the deck being that close to the water’s edge.

Secretary Koscierzynski said that she thought that there was a house on Heights Rd. where it was about the same distance as this was going to be. She thought that Heights Rd. one was even closer than this.

Secretary Koscierzynski asked what the practical difficulty was?

Mr. Raye replied looking at the lot, there is grade issues, setbacks issues, the size of the lot issues. They originally wanted to be in a 3,200-sq. ft. home, because they have four (4) children, and they already made conceptions to get to this point. He would not want to go any smaller so that is his practical difficulty.

Chairman Yaros asked what the lot coverage would be? They need to get the coverage on record after the changes that were made.

Planning & Zoning Director Girling replied that with what they had done, they moved around the home so the setbacks changed. She thought the lot coverage would change slightly but it was already calculated and if all of the other variances are granted then granting the extreme, and she said extreme because they always advertise for the largest. If he is saying in order to meet that 20-ft. that he has to decrease the house slightly then they are giving a little bit more on lot coverage that he actually needs but he is bound by the setbacks if they are going to grant them.

Chairman Yaros asked on #4 it states that a 14.99-ft. rear yard setback variance from the required 35-ft. to build a house 20-ft. now he is proposing 26-ft., that is going to change the coverage considerably. He thought they needed to have an exact number here.

Planning & Zoning Director Girling asked if he found the email that Lynn had sent that had stricken and put in the setback that the petitioner is now asking for?

Chairman Yaros replied no.

Board Member Walker said that he received the email about 4 pm and he did a rough mathematical sketch and seemed to him that it was almost even after the deletions and additions and if you put it all together, the square footage seemed to be the same.
Mr. Raye said that his lot coverage would decrease because he is taking 6-ft. off the back and adding 2-ft. on the front approximately. He felt he would be reducing the amount of coverage.

Chairman Yaros thought the same, and would not be over the coverage.

Mr. Raye felt he would be in the mid to high 30’s.

Chairman Yaros asked if they should have that calculated before they vote?

Planning & Zoning Director Girling replied that if all the other variances are being granted, and he is held on where he can have each distance to each property line, and if they are comfortable with granting the lot coverage as he asked versus the actual calculation. He can’t get any closer to any of the property lines than what the variances are granting.

Chairman Yaros said that in fact, he changes the #3 request to the 20.64 from the front property line which stays then at the request of 9.36-ft. front yard setback variance. He didn’t have a problem with this because it is a 2,700-sq. ft. home.

Moved by Vice-Chairman Durham, seconded by Chairman Yaros, that in the matter of ZBA case #AB-2020-08, Patrick Raye, Vacant Parcel on Cushing Street, 09-03-278-207, I would move that the petitioner’s request for eight (8) variances from Zoning Ordinance No. 78: Article XXVII, Section 27.01(C)(1)(b), Lot Width 60 to 65 feet: 1) a 2.68-ft. side yard setback variance from the required 8-ft. to build a house 5.32-ft. from the side yard property line (south); 2) a 2.41-ft. side yard setback variance from the required 8-ft. to build a house 5.59-ft. from the side property line (north); Article VI, Section 6.04 – Zoned R-3: 3) a 9.36-ft. front yard setback variance from the required 30-ft. to build a house 20.64-ft. from the front property line (lakeside); 4) a 20.98-ft. rear yard setback variance from the required 35-ft. to build a house 26-ft. from the rear property line; 5) a 19.88-ft. front yard setback variance from the required 30-ft. to build a deck 10.12-ft. from the front property line (lakeside); 6) a 15.98% lot coverage variance above the allowed 25% for a total lot coverage of 40.98%; Article XXVII, Section 27.17(B): 7) a .05-ft. wetland setback variance from the required 25-ft. to build a house 24.95-ft. from a wetland; Article XXVII, Section 27.03(C)(3)(b): 8) a 9.88-ft. water’s edge setback variance from the required 20-ft. to build a deck 10.12-ft. from the water’s edge, be granted because the petitioner does show the following Practical Difficulty: they have a very odd shaped lot with a sewer pitch from back to front, it boarders on a lake, he is not building an oversized house, he is going through all these hoops to get a moderately sized house for himself and his four (4) children: the following are exceptional or extraordinary circumstances or conditions: it is the shape, size and the elevation; the variances are necessary for the preservation and enjoyment of a substantial property right: he has stated he wants to live on Lake Orion and has found a place to do it and we encourage people to invest in the community and that is what he is seeking to do; 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: he is going to be sitting in with housing around him and will have a lot on each side that will eventually have a house similar to the proposed house now; the granting of this variance would not impair an adequate supply of light and or anything else required by the people of this community; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety, the Fire Marshal has no issues; it will not unreasonably diminish or impair established property values: if anything it will increase the property values; it will not in any respect impar the public health, safety, comfort, or morals.

Discussion on the motion:

Planning & Zoning Director Girling questioned #4 and wanted to understand correctly. Originally, he was asking for 14.99-ft. rear yard setback variance and then he modified it to be a 16.96-ft. rear yard
setback variance and if those numbers are still the same then they are granting a number that is larger than what was advertised.

Chairman Yaros replied that it was his understanding that he was asking for 26-ft. from the rear property line is 9-ft.

Planning & Zoning Director Girling said then #4 would be a 9-ft. rear yard setback variance from the required 35-ft. to build a house 26-ft. from the rear property line.

Roll call vote was as follows: Walker, no; Durham, yes; Koscielnski, yes; Yaros, yes. **Motion Carried 3-1** (Flood absent)

6. PUBLIC COMMENTS
One heard

7. COMMUNICATIONS
Memo from Planning & Zoning Coordinator Lynn Harrison dated March 23, 2020, regarding date certain options.


8. COMMITTEE REPORTS
None

9. MEMBERS' COMMENTS
None heard

10. ADJOURNMENT
Moved by Vice-Chairman Durham, seconded by, seconded by Secretary Koscielnski, to adjourn the meeting at 8:39 pm.

Roll call vote was as follows: Koscielnski, yes; Durham, yes; Walker, yes; Yaros, yes. **Motion Carried 4-1** (Flood absent)

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

April 27, 2020
Zoning Board of Appeals Approval

79
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: August 13, 2021
SUBJECT: Staff Report for AB-2021-51, Gloria Sosa, 461 Heights

The petitioner was before you on 7/12/2021 at which time you granted a 10-ft. lot width variance from the required minimum 50-ft. however denied the requested variances to build a house on the above property (minutes from that meeting are included in the packet).

The petitioner has resubmitted and has moved the location of the proposed house on the property closer to the east property line and has addressed concerns related to water run-off noted by neighboring property owners.

The parcel has 2 front yards – Heights Road and Summit Blvd. and therefore held to 2 front yard setbacks of 30-ft. each. The petitioner’s proposed plans meet those setbacks. The petitioner also meets the side yard setback from the west property line but needs a 5-ft. variance from the 10-ft. required from the east property line.

The petitioner also is requesting a lot coverage variance. Please keep in mind that lot coverage was only calculated on the size of the property south of Heights Road.

Also, the garage near the Summit Blvd. property line will be removed.

The petitioner has provided Appendixes supporting her case.

Please call me if you have any questions.
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.

** Note, if the motion is to approve, consider including in the motion that the existing garage near the Summit Blvd. property line needs to be removed. **

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-2021-51, Gloria Sosa, 461 Heights, 09-11-307-015, I would move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned R-3
Article VI, Section 6.04, Zoned R-3
1. A 5- ft. side yard setback variance from the required 10-ft. to build a house 5-ft. from the side property line (east).
2. A 7.34% lot coverage variance above the allowed 25% for a total lot coverage of 32.34% (parcel section south of Heights Road).

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-2021-51, Gloria Sosa, 461 Heights, 09-11-307-015, I would move that the petitioner’s request for:

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

Article VI, Section 6.04, Zoned R-3

1. A 5- ft. side yard setback variance from the required 10-ft. to build a house 5-ft. from the side property line (east).

2. A 7.34% lot coverage variance above the allowed 25% for a total lot coverage of 32.34% (parcel section south of Heights Road).

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:

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

     84
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: Gloria A Sosa

Address: 585 Lakeshore Circle #204 City/State/Zip: Auburn Hills, MI 48326

Phone: 248-830-6410 Cell: Fax: 

Email: gloria.sosa2011@gmail.com

PROPERTY OWNER(S)

Name(s): Charles and Gail Sherman

Address: 461 Heights City/State/Zip: Lake Orion, MI 48359

Phone: 248-230-1188 Cell: Fax: 

Email: 

CONTACT PERSON FOR THIS REQUEST

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

SUBJECT PROPERTY

Address: 461 Heights, Lake Orion, MI 48362 Sidwell Number: 09- 11307015

Total Acreage: 0.15 Length of Ownership by Current Property Owner: _______ Years, _______ Months

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

Zoning Ordinance Allowance/Requirement 1) 110' East setback Deviation requested 5' East setback
2) 25% lot coverage 1350 sq foot house

Page 1 of 3

Version 5/10/18
Case #: ______________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Potential buyer would like to rejoin the Lake Orion community (she was a business owner—Once Around Sports—in the 90’s, and sponsored kid’s soccer teams) and build a small home on the property. The lot is long and narrow, and while a 10 foot variance was granted allowing for a home to be built, the applicant would like to build a home suited to a typical home size in the area. 

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 lot is long and narrow, and many lots in the area are similar, so it would be unique for a home less than 1200 square feet to be built. There are homes much larger than the one requested also built on lots as small or nearly as small such as: 288, 234, 258, 272, 276 & 270 Lakeview; 225,318 Bellevue (see Appendix A) a request to build a 1350 sq ft home seems aligned with, and much less than sq footages in the area.

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 applicant has taken into account the concern presented by a neighbor to the east and has consulted with neighbors in the area and with the owners of the property who have stated there has never been a water runoff issue. Further, the house variance to the east will mitigate any perceived runoff, and the builder will speak to the many steps that will be taken to assure this is not an issue.

4. Explain how the request is/ is not consistent with other properties in the immediate area, please site examples if possible: The previous application mentioned there had been a home on this property, and it burned. The home was 25’ wide as listed on the appraisal done in 1981 that is provided for the ZBA (see Appendix B). Other properties in the area are significantly larger, as noted please see Appendix A. To build a beautiful home to fit nicely on the lot, beautify the neighborhood and contribute to the community in a positive way, providing curb appeal rather than an empty lot. See Appendix C Pictures of Applicant’s previous home and landscaping)

5. Describe how the alleged practical difficulty has not been self-created. Once the applicants saw this wonderful lot, they wanted to build a beautiful home to live out the rest of their lives. Nothing is self-created; there was a home, sadly it burned; only the lakefront part of the property has been used.

We have addressed concerns raised at the ZBA mtg and hope appeal will be granted to build, becoming wonderful neighbors to those currently living on Heights.

6. The topography of said land makes the setbacks impossible to meet because: Under current zoning ordinances, the home would be just 20 feet wide, more narrow than most of the homes in the area. In addition, according to Statista (2021), the median size home in the U.S. is 2300 sq ft., up from 2000 sq ft in 2000. We are requesting significantly less, and still the existing zoning would require us to go even smaller. We hope these conditions can be considered.

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. As mentioned in the previous application, under the current ordinance, the lot is not appealing as a building site, especially if the buyers have a larger family than do we. Further, a 1200 sq ft home or less is too small for our family, we considered building something smaller, but it just will not work out for our needs and hobbies, and remote work experience.
Case #: ___________________

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

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

July 12, 2021

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: 7/23/2021

Print Name: Gloria Aquino Sosa, Ph.D.

Signature of Property Owner: ____________________________ Date: 7/23/2021

Print Name: CHUCK AND GAIL SHERMAN

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: ____________________________
5,515.7 Sq Feet (US)
AB-2021-51, Gloria Sosa, 461 Heights
09-11-307-015
.139 Acres combined
parcel consists of 2 pieces - 1 North of Heights 1 South of Heights

2 Front yards - Heights & Summit
Received variance for 50-ft lot width at 7/12/21 2pm mtg.

Front yard setbacks 30'-met No variance needed
Side yard setbacks 10' - east 5' needs a 5' variance
Side yard setbacks 10' west 10' No variance needed
Rear yard setback 30' - Met No variance needed

Parcel South of Heights = 5,515.7 $25% = 1,378.93

Lot Coverage
House = 24 x 36 = 1,344 $4
Garage = 22 x 20 = 440 $4

\[
\frac{1,784 \text{ $4}}{1,784 \text{ $4}} = 32.34\% \\
7.34\% \text{ variance}
\]

Garage near Summit to be removed
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>Minimum Lot Area</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Width of Lot</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Lot Setbacks</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>(in feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard**</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Each Side Yard***</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/Unit</td>
<td>1,320 sq. ft.</td>
<td>1,080 sq. ft.</td>
<td>960 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></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.
Appendix B 1981 Appraisal

Residential Appraisal Report

J. A. Stahl
461 Heights
Lake Orion, Michigan 48056

Appraisal: Frank A. Stillwell

Location

Property Address: 461 Heights, Lake Orion, Michigan 48056

Ownership: Joseph A. Stahl

Date: 5/23/1981

Appraiser: Frank A. Stillwell

Exterior Description: Lakefront home on a large plot of land with a view of Lake Orion.

Marking: 100 ft. x 200 ft.

Present Land Use: 1 Family, 24.84 acres, 20% Vacant

Change in Present Land Use: New Home

Predominant Occupancy: Single Family

Note: This analysis is based on the site. The property is located on a Lakefront, off the lake, approximately 1 mile from Lake Orion. The property is surrounded by mature trees and has a view of the lake.

Dimensions: 60' x 150'

Zoning classification: Residential

Elevated and low-use areas: None

Estate: Good

Gas: Yes

Aluminum siding and trim: None

Concrete block: None

Concrete foundation: None

Exterior finish: Wood

Dormer windows: None

Second Story: None

Basement: Partial

Property Rating: Good

Property Status: For Sale

我院对房屋进行评估，以下是对房屋的评估报告。

房屋位置：461 Heights, Lake Orion, Michigan 48056

业主：Joseph A. Stahl

评估日期：5/23/1981

评估人员：Frank A. Stillwell

建筑描述：湖畔住宅，位于广阔的土地上，可俯瞰湖面。

面积：100英尺 x 200英尺

现有土地用途：1家庭，24.84英亩，20%荒地

变更现有土地用途：新建住宅

主要用途：单家人

注意：此分析基于场地。该物业位于湖边，约1英里处，湖边。该物业被茂密的树木环绕，可远眺湖面。

尺寸：60英尺 x 150英尺

规划用途：住宅

升高和低使用区域：无

所有权：良好

煤气：是

铝制外墙和装饰：无

混凝土砌块：无

混凝土基础：无

外饰：木制

天窗：无

二层：无

地下室：部分

物业评级：良好

物业状态：待售

我们对房屋进行了评估，以下为评估报告。

房屋位置：461 Heights, Lake Orion, Michigan 48056

业主：Joseph A. Stahl

评估日期：5/23/1981

评估人员：Frank A. Stillwell

建筑描述：湖畔住宅，位于广阔的土地上，可俯瞰湖面。

面积：100英尺 x 200英尺

现有土地用途：1家庭，24.84英亩，20%荒地

变更现有土地用途：新建住宅

主要用途：单家人

注意：此分析基于场地。该物业位于湖边，约1英里处，湖边。该物业被茂密的树木环绕，可远眺湖面。

尺寸：60英尺 x 150英尺

规划用途：住宅

升高和低使用区域：无

所有权：良好

煤气：是

铝制外墙和装饰：无

混凝土砌块：无

混凝土基础：无

外饰：木制

天窗：无

二层：无

地下室：部分

物业评级：良好

物业状态：待售

我们对房屋进行了评估，以下为评估报告。

房屋位置：461 Heights, Lake Orion, Michigan 48056

业主：Joseph A. Stahl

评估日期：5/23/1981

评估人员：Frank A. Stillwell

建筑描述：湖畔住宅，位于广阔的土地上，可俯瞰湖面。

面积：100英尺 x 200英尺

现有土地用途：1家庭，24.84英亩，20%荒地

变更现有土地用途：新建住宅

主要用途：单家人

注意：此分析基于场地。该物业位于湖边，约1英里处，湖边。该物业被茂密的树木环绕，可远眺湖面。

尺寸：60英尺 x 150英尺

规划用途：住宅

升高和低使用区域：无

所有权：良好

煤气：是

铝制外墙和装饰：无

混凝土砌块：无

混凝土基础：无

外饰：木制

天窗：无

二层：无

地下室：部分

物业评级：良好

物业状态：待售

我们对房屋进行了评估，以下为评估报告。

房屋位置：461 Heights, Lake Orion, Michigan 48056

业主：Joseph A. Stahl

评估日期：5/23/1981

评估人员：Frank A. Stillwell

建筑描述：湖畔住宅，位于广阔的土地上，可俯瞰湖面。

面积：100英尺 x 200英尺

现有土地用途：1家庭，24.84英亩，20%荒地

变更现有土地用途：新建住宅

主要用途：单家人

注意：此分析基于场地。该物业位于湖边，约1英里处，湖边。该物业被茂密的树木环绕，可远眺湖面。

尺寸：60英尺 x 150英尺

规划用途：住宅

升高和低使用区域：无

所有权：良好

煤气：是

铝制外墙和装饰：无

混凝土砌块：无

混凝土基础：无

外饰：木制

天窗：无

二层：无

地下室：部分

物业评级：良好

物业状态：待售

我们对房屋进行了评估，以下为评估报告。
## Valuation Section

The underpinnings of this report have utilized a comparative market analysis (CMA). To determine the fair market value, the appraiser has compared subject properties to similar properties that have sold recently in the area. The analysis includes a detailed comparison of the subject property with comparable properties, considering factors such as location, size, condition, and features. The subject property is similar to comparable properties in terms of size, condition, and location, making it reasonable to assume that the subject property is worth a similar value.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Subject Property</th>
<th>Comparable No. 1</th>
<th>Comparable No. 2</th>
<th>Comparable No. 3</th>
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<tbody>
<tr>
<td>Address</td>
<td>451 Heights Lake Orion</td>
<td>216 Heights Lake Orion</td>
<td>879 Central Lake Orion</td>
<td>276 Lakeview Lake Orion</td>
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<tr>
<td>Price per square foot</td>
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<td>1,41,000</td>
<td>1,43,500</td>
<td>1,36,200</td>
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<tr>
<td>Living area</td>
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<td>2,950</td>
<td>2,650</td>
<td>3,000</td>
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<tr>
<td>Date of Sale and Time Adjustment</td>
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<td>2-15-80</td>
<td>1-15-81</td>
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<tr>
<td>Style/Type</td>
<td>Single Family</td>
<td>Single Family</td>
<td>Single Family</td>
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<tr>
<td>Design and Appeal</td>
<td>Average</td>
<td>Equal</td>
<td>Superior</td>
<td>Equal</td>
</tr>
<tr>
<td>Quality of Construction</td>
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<td>Equal</td>
<td>Equal</td>
<td>Equal</td>
</tr>
<tr>
<td>Age of Construction</td>
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<td>20 yrs.</td>
<td>20 yrs.</td>
<td>20 yrs.</td>
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<tr>
<td>Condition</td>
<td>Fair/Average</td>
<td>Superior</td>
<td>Equal</td>
<td>Superior</td>
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<td>1,400 sq ft</td>
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<td>Total Rooms</td>
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<tr>
<td>Baths</td>
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<td>Functional Finish</td>
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<td>Air Conditioning</td>
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<td>Equal</td>
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<tr>
<td>Garage/Carport</td>
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<td>None</td>
<td>None</td>
<td>None</td>
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<tr>
<td>Special Energy Efficient Items</td>
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</tr>
<tr>
<td>Price Adjustments</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Indicated Value of Subject</td>
<td>$41,000</td>
<td>$40,500</td>
<td>$34,000</td>
<td>$32,000</td>
</tr>
</tbody>
</table>

**Comments on Market Data:** Comparables all lakefront, similar to subject, on Lake Orion.

**Indicated Value by Market Data Approach:** $40,800

**Indicated Value by Income Approach:**

- Revenue: $40,000
- Expenses: $3,000
- Net Income: $37,000
- Capitalization Rate: 8%
- Indicated Value: $340,000

**Comments and Conditions of Appraisal:**

- No special conditions. Home in fair to average condition.
- Could be improved by good housekeeping and care.

**Final Reconciliation:**

- Cost Approach indicates a value of $40,800.
- Market Approach indicates a value of $340,000.
- Subject used home. Appraiser feels Market Approach applies.

---

**Frank A. Stilwell, SRA**

**Appraiser:**

**Heads of the Corps:**

**Appraisal:**

**Date:**

---

**Construction Warranties:**

- Yes
- No

**Warranty Coverage Expires:**

- N/A

**This appraisal is based upon the above warranty program and/or agreement between the owner and contractor that the work shall be performed in accordance with the plans and specifications of the construction contract.**

**Appraiser:**

**Review Appraiser:**

**Date:**

**Frank A. Stilwell, SRA**

---

**Appraiser:**

**Heads of the Corps:**

---

**Appraisal:**

**Date:**

---

**Frank A. Stilwell, SRA**
APPLICANT: Joseph A. Stahl  Address: 461 Heights  File No.: 0881-004
City: Lake Orion  County: Oakland  State: Michigan  Date: 7-11-81

BUILDING SKETCH

SITE & ROAD SKETCH

ADDITIONAL COMMENTS:

Home across Heights from Lake Orion with 30' of depth on water by 40'. Fairly high site. Parking poor.

Property Sketch and Photo supplement page.
Debra Walton

From: Jeff Williams
Sent: Monday, August 9, 2021 10:47 AM
To: Debra Walton
Cc: Robert Duke; John Pender
Subject: RE: Residential ZBA Documents for the August 23, 2021 ZBA Meeting

The fire department has reviewed both 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: Monday, August 9, 2021 8:51 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: Residential ZBA Documents for the August 23, 2021 ZBA Meeting

Attached are two ZBA residential cases that need to be reviewed by you for the August 23, 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
2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: in order to ask for this variance, the petitioner would like to keep their access to the back of the property whereas if they had to meet the variance requirement, it would block off access to the back of the property.

3. 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: every neighbor to the east is in favor of this variance.

4. The granting of the variance or modification will not be materially detrimental to public welfare or materially injurious to the property or to the improvement in such zone or district in which the property is located based on the following: the applicant meets the west side setback, the rear setback and the front yard setback and also meets the lot coverage.

5. Based on the following findings of fact, granting this variance would not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger of the public safety and the fire marshal has said that he has no concerns regarding this variance request. This variance is not going to reasonably diminish or impair established property values within the surrounding area. The granting of this variance will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

D. **AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015**

Chairman Durham read the petitioner’s request as follows:
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%.

Board member Dunaskiss stated that she owns property within 300 feet of the subject property. She does not know the property but wanted to disclose this fact.

Board members agreed that there is no conflict.

Ms. Sosa introduced herself to the Board and summarized the variance request.

Chairman Durham stated that lots now have to be 50 foot wide but some lots are still out there at 40 foot. He confirmed that the petitioner wants to build an approximate 1200 square foot house. He asked if she would live in the house once she built it.

Ms. Sosa replied, yes.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – July 12, 2021

Board member Walker asked Building Official Goodloe what the footprint was of the house that was previously there and destroyed.

Building Official Goodloe stated that photographs show it still being there in 2016. He showed the location on the screen.

Trustee Flood read the letter in the packet from Lynn Harrison, Planning and Zoning Coordinator dated June 29, 2021. He stated that the first variance from the 50 foot lot width needs to be decided before any other variances can be considered.

Board member Walker asked if she could build a smaller home on the property and then she would not need all of the additional variances.

Ms. Sosa stated that she could put a smaller house but she would prefer to stick with 1200 square feet.

Chairman Durham asked Building Official Goodloe his opinion about shrinking the house down to reduce the request.

Building Official Goodloe stated that four foot would be reduction from 30 foot wide to 26 foot wide. These lots were made for smaller houses and usually you start with about 30 foot wide.

Chairman Durham stated that the first variance needs to be passed. Twelve hundred is not a huge house and it seems that she is trying to build as close to the lot as she can but still have a decent amount of room.

Chairman Durham asked if there was public comment for this case.

James Weiss stated that he is the next door neighbor to this subject property. He provided historical information about Heights Road and his property. He expressed concerns about water drainage issues on Heights Road. He asked about the height of the proposed structure. It is a slope, so depending on where you set the baseline on the height, you could conceivable have 4 stories at Summit.

Building Official Goodloe stated that in order for it to be a two story home, the basement has to be at least 50% buried underground. If it is not, and the basement of the two story home is over 50% exposed, it would be considered a three story home which is not allowed.

Mr. Weiss stated that he opposes the variances based on the potential for significant property and environmental damage. He would support building a smaller structure on the lot if the drainage and height concerns were addressed.

Chairman Durham stated that if the petitioner hired a contractor to build the proposed home, is it Mr. Weiss’s belief that the contractor would know how to handle the water.

Mr. Weiss stated that he could not answer that question.

Trustee Flood confirmed with Building Official Goodloe that if you build on a piece of property, you are not allowed to have water drain on someone else’s property.

Building Official Goodloe replied that this is true. This is part of the inspection and permitting process.

Chairman Durham asked if there was storm water runoff on Heights?

Building Official Goodloe replied that they had some issues further west. He has not had anything in this area. The retaining walls were not built correctly. He knows that the Road Commission was working on drainage in this area last year.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – July 12, 2021

Trustee Flood stated that the Fire Department might need access to this property and as shown by his response, the Fire Marshal has no concerns.

Robert Melichar stated that the previous owner of a house on Heights Road would be out every year shoveling the gravel back onto his driveway because that is where the water was going. He stated that there was a trench dug that diverted water over Chuck’s property so there were two ways for the water to go.

Trustee Flood asked if Mr. Melichar had submitted a letter which was in the packet.

Mr. Melichar replied, yes.

Vice-Chairman Cook asked the petitioner about the width of the property.

Ms. Sosa replied that it is a little more than 40 feet on both ends.

Vice Chairman Cook asked if Ms. Sosa would reduce the size of the home?

Ms. Sosa replied, no.

Chairman Durham asked where Ms. Sosa got the measurements for her drawings.

Ms. Sosa replied, Lynn Harrison.

Board member Walker moved, Chairman Durham supported, in case AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015 that the petitioner’s request for one variance from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.01 (C)(1)(a), a 10-ft. lot width variance from the required minimum 50-ft. lot width be granted because:

1. There is practical difficulty due to the uniqueness of this property as it was created during a time when 40 foot lots were allowed and are no longer allowed. If the Board was to deny this request for a variance, a home could never be built on this property.

2. The above is an exceptional and extraordinary circumstance applicable to this property and does not apply generally to other properties.

3. This variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zone or vicinity based upon the following facts that many of the lots are 40 foot wide in this area.

4. The granting of this variance would not impair an adequate supply of light or air to adjacent properties. It would not unreasonably access congestion in that there was a house here at one time.

5. This variance would not increase the danger of fire or endangered safety in that the Fire Marshall indicated that if the proposed house was approved, there was no issue in getting fire suppression equipment into the area.

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

Board member Walker moved, Trustee Flood supported, in case AB-2021-35, Gloria Sosa, 461 Heights, 09-11-307-015 petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-3, Article VI, Section 6.04, Zoned R-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 (east), 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) and a 9.7% lot
coverage variance above the allowed 25% for a total lot coverage of 34.7% be denied in that the petitioner did not demonstrate a practical difficulty in that the size of the home is proposed by her and when she was given the chance to revisit the size of the home, she declined to do that and due to persuasive information presented by a neighbor regarding water runoff showing that the properties in the area have water issues and he is not comfortable that granting these three variances would not make the water issues worse. The petitioner did not establish unique circumstances applicable to this property that do not apply to other properties in the same area.

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

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

Chairman Durham read the petitioner’s request as follows:
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.
Mr. Lawrence Sak introduced himself and explained the variance request.

Chairman Durham asked if the existing building was going to come down?

Mr. Sak replied, yes. The existing outbuilding is located in a low area and is in poor shape. The new building will be 312 square feet larger and will be used to house things including a camper. The existing garage on the property will stay as it is.

Vice-Chairman Cook asked if the stakes that are on the property currently show where the new building will go?

Mr. Sak answered, yes.

Vice-Chairman Cook asked where the building was that was going to come down?

Mr. Sak explained the location of the building that is coming down. The detached garage close to the house is staying and the building further down the hill is being demolished.

Trustee Flood asked about the height of the new structure.

Mr. Sak replied that it would be the same height as the detached garage and house which is 17 feet. It is a one story building on a concrete slab.

Trustee Flood indicated that there were two letters in the Board packets.

Board member Walker stated that they received two letters from neighbors and he read them into the record; one that supports the variance request and one that does not support the request. He indicated that there was a picture with the letter that is not in support and he asked the petitioner about it.

Mr. Sak replied that this picture was a design idea representing what they want to build. This picture is showing a building that is much bigger but is representative of the design style. He stated that they will likely not have an overhang since he knows that it counts toward the square footage.

Chairman Durham asked if there was any public comment.

Mr. Bob Brant and Kathy Brant introduced themselves to the Board. This is right in front of their house and will definitely devalue their property. He read an excerpt of the By-Laws for the subdivision.
Lot Coverage Calculations for ZBA Cases
AB-2021-35, Gloria Sosa, 461 Heights

5,515.7 sq. ft. (property south of Heights) 25% = 1,378.93 sq. ft.

<table>
<thead>
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<th>Sq. Ft.</th>
<th>Sq. Ft.</th>
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<tbody>
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<tr>
<td>Attached Garage</td>
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<tr>
<td>Total</td>
<td>1,784</td>
</tr>
<tr>
<td>%</td>
<td>32.34%</td>
</tr>
<tr>
<td>Variance</td>
<td>7.34%</td>
</tr>
</tbody>
</table>

|
|---|---|
| House | 1,344 |
| Attached Garage | 440 |
| Total | 1,784 |
| % | 32.34% |
| Variance | 7.34% |
SOSA VARIANCE REQUEST
461 HEIGHTS APPENDIX A:

HOMES WITH SMALL LOTS, LARGE SQUARE FOOT HOMES

ORION TOWNSHIP ZONING BOARD
AUGUST 23, 2021
225 Bellevue:

Lot size: 3483 sq. ft
Home size: 1420 sq. ft.
Please note description states “1800 ft. of finished living space”
258 Lakeview
Lot size: 3,354 sq. ft.
Home size: 2600 sq. ft
270 Lakeview
Lot Size: 3,484 sq. ft
Home size: 1,800 sq. ft.
272 Lakeview
Lot size: 5,706 sq. ft.
Home size: 2,716 sq. ft.
276 Lakeview
Lot size: 5,140
Home size: 1,920

This 1920 square foot single family home has 4 bedrooms and 3.5 bathrooms. This home is located at 276 Lakeview Dr, Lake Orion, MI 48362.

Facts and features

- **Type:** SingleFamily
- **Year built:** 1930
- **Heating:** Other, Other
- **Cooling:** No Data
- **Parking:** Garage, Garage - Attached
- **Lot:** 5,140 sqft

Bedrooms and bathrooms
Bedrooms: 4

Heating
Heating features: Other, Other
288 Lakeview
Lot size: 6,621
Home size: 3,058
Note: Built 2018
497 Bellevue
Lot size: 7405
Home size: 1,768
616 Buena Vista
Lot size: 4,748
Home size: 1,620
628 Buena Vista
Lot size: 4,791
Home size: 1,326
461 Heights
Lot size: 6,534 sq. ft
Proposed Home: 1,344 sq. ft
461 Heights
Building Site
Drawing not to scale. Does not include area above 40 feet above

22" Garage

10' 10'

5' 5'

24' 24'

56' 56'

11 feet

100' 100'

CG Heights (North)
THANK YOU!
SOSA VARIANCE REQUEST

461 HEIGHTS APPENDIX C:
BEAUTIFICATION OF THE NEIGHBORHOOD

ORION TOWNSHIP ZONING BOARD
AUGUST 23, 2021
Our Former home, nicest on the block, always kept up; sold May 2021.
THANK YOU!!!