1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 7-24-2023, ZBA Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2023-17, Metro Detroit Sign for Sleep Number Bed, 4956 S. Baldwin Road, 09-32-377-057
   The applicant is seeking 2 variances from Sign Ordinance #153 – Non-Residential Wall Signs Zoned BIZ
      1. A variance for 2 wall signs above the 1 allowed for a total of 3 wall signs (south elevation, west elevation & east elevation).
      2. A 66.66-sq. ft. variance above the allowed maximum square footage of 200-sq. ft. for 3 signs totaling 266.66-sq. ft. (south elevation = 94-sq. ft., west elevation = 86.33-sq. ft., east elevation = 86.33-sq. ft.).
   B. AB-2023-19, Northern Sign Co. for Sleep Number Bed, 4956 S. Baldwin Road, 09-32-377-057
   The applicant is seeking 2 variances for a Non-Residential Ground Sign
      1 Variance from Sign Ordinance #153 – Non-Residential Ground Signs Zoned BIZ
         3. A 15-ft. road right-of-way setback variance from the required 30-ft. for a ground sign to be 15-ft. from the road right-of-way.
      C. And 1 variance from Zoning Ordinance #78, Article XXXIV, Section 34.03 (B)
         2. A 25-ft. front yard setback variance from the required 40-ft. for a ground sign to be 15-ft. from the front yard property line.
   D. AB-2023-20, Bill Carr Signs for Dort Financial Credit Union, 831 Brown Rd., 09-33-351-029
   E. The applicant is seeking 13 variances from Sign Ordinance #153, Zoned BIZ
      4. A variance to allow 4 additional wall signs on the building, above the 1 allowed for a total of 5 wall signs on the building, totaling 113.35-sq. ft. (3 on the south elevation totaling 68.94-sq. ft., and 2 on the east elevation totaling 44.41-sq. ft.).
      5. A variance to allow 4 ATM wall signs.
      6. A 12.56-sq. ft. variance above the allowed 1.40-sq. ft., for a 13.96-sq. ft. wall sign on the right side of the ATM machine.
      7. A 7.08-sq. ft. variance above the allowed 0.79-sq. ft., for a 7.87-sq. ft. wall sign on the front side of the ATM machine.
      8. A 12.56-sq. ft. variance above the allowed 1.40-sq.ft., for a 13.96-sq. ft. wall sign on the left side of the ATM machine.
      9. A 14.3-sq. ft. variance above the allowed 1.59-sq. ft., for a 15.89-sq.ft. wall sign on the back side of the ATM machine.
     10. A variance to allow 12 VTM machine wall signs – 3 machines with 4 signs each.
     11. A 12.56-sq. ft. variance each above the allowed 1.40-sq. ft. each, for a 13.96-sq. ft. wall sign on the right side of 3 VTM machines.
     12. A 7.08-sq. ft. variance each above the allowed 0.79-sq. ft. each, for a 7.87-sq. ft. wall sign on the front side of 3 VTM machines.
     13. A 12.56-sq. ft. variance each above the allowed 1.40-sq.ft. each, for a 13.96-sq. ft. wall sign on the left side of 3 VTM machines.
     14. A 14.3-sq. ft. variance each above the allowed 1.59-sq. ft. each, for a 15.89-sq.ft. wall sign on the back side of 3 VTM machines.
     15. A variance for 3 Directional Signs above the 4 allowed for a total of 7 Directional Signs.
16. A 3-sq. ft. total variance, for 3 Directional Signs, above the allowed 6-sq. ft. (2-sq. ft. per each sign) for a total of 9-sq. ft.

F. AB-2023-21, Paul Cassise, 938 Holliday Dr., 09-01-458-037The applicant is seeking 3 variances from Zoning Ordinance #78 – Zoned R-3
   Article XXVII, Section 27.05 (H)(2)
   17. 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 to the south.
   18. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
   19. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.

G. AB-2023-23, John Farkas, 95 Detroit Blvd S., 09-01-458-001The applicant is seeking 3 variances from Zoning Ordinance #78 – Zoned R-3
   Article XXVII, Section 27.05 (H)(2)
   20. 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 to the east.
   21. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.
   22. A 30-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 0-ft. from the intersection of the property line to the east and the property line to the north.

6. PUBLIC COMMENTS
7. COMMUNICATIONS
8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, July 24, 2023, at 7:00 pm at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:
Tony Cook, Vice-Chairman
Don Walker, PC Rep to ZBA
Diane Dunaskiss, Board member
JoAnn VanTassel, Alternate Board member
Tony Kerby, Alternate Board member

ZBA MEMBERS ABSENT:
Dan Durham, Chairman
Mike Flood, BOT Rep to ZBA

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Alex Castillo
Dennis Castillo

1. OPEN MEETING
Vice-Chairman Cook called the meeting to order at 7:00 pm.

2. ROLL CALL

3. MINUTES

A. 06-26-23, ZBA Regular Meeting Minutes

Board member Walker moved, seconded by Board member Kerby, to approve the 06-26-23 minutes as presented.

Motion Carried 5-0.

4. AGENDA REVIEW AND APPROVAL

Board member VanTassel moved, seconded by Board member Dunaskiss, to approve the agenda as presented.

Motion Carried 5-0.

5. ZBA BUSINESS

A. AB-2023-18, Cynthia Surmann, 2545 Freeman, 09-23-431-003
Vice-chairman Cook read the applicant’s request as follows:

The applicant is seeking 3 variances from Zoning Ordinance #78 – Zoned R-1

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

1. A 35-ft. rear yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line to the east.

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

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

Vice-chairman Cook stated that there was an error in the first line and instead of a “35-ft. from the rear yard” it should have read, “10-ft. rear yard setback from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line to the east.”

Ms. Surmann introduced herself to the Board and summarized the variance request. If they had to move the fence in to the setback line, they would have to remove part of the shed and inground pool that are existing. There is a business in the backyard on the north side with a lot of foot traffic, so they are adding the fence for privacy. They have two dogs and need the fence to keep them contained in their own yard.

Vice-chairman Cook asked if her dog has jumped the fence.

Ms. Surmann replied not yet, but they have not let the dog out without a harness.

Board member Dunaskiss commented that the applicant is going to put up a plastic fence. She asked if the dog jumped the fence or climbed the fence.

Ms. Surmann replied that the dog jumps the fence.

Board member Dunaskiss asked if she has considered an electronic fence.

Ms. Surmann replied that it is too late for this dog; he is already five years old.

Board member Dunaskiss asked if she has talked to her neighbors about the proposed fence.

Ms. Surmann replied yes; she provided a letter from her neighbor. Her other neighbor brought in a letter last week to the Township.

Vice-chairman Cook commented that there is a letter in the Board packets from Susan Waldron, neighbor, in support of the fence.

Ms. Surmann provided a letter from the neighbor on the opposite site.

Vice-chairman Cook commented that this letter is also in support of the proposed fence.
Board member VanTassel asked if the current chain link fence goes all of the way to the road and if not, how far does it go.

Ms. Surmann replied that no it does not. The fence goes around the back.

Board members commented on the location of the existing fence.

Ms. Surmann replied that if she was to continue this fence, they would have small access to the backyard.

Board member VanTassel asked if the fence and pool were existing when they purchased the home.

Ms. Surmann replied yes.

Board member Dunaskiss stated that one of the reasons that the applicant explained in the application for needing the 6-foot fence is that they have a pool.

Ms. Surmann replied that the fence is also a reason to keep children out of the pool area. She is concerned about safety around the pool.

Board member Kerby stated that the Board gets a lot of these requests and each one is looked at regarding to practical difficulty and whether it is self-created. All three of the reasons listed by the applicant do not meet the standard for variances. The pool has been in existence and has a 4-foot safety fence around it. The shed has been there too. He understands the issues with the dog, but this is a self-created issue, not one that meets the practical difficulty standard.

Ms. Surmann stated that she also has a neighbor that has a home business that has foot traffic all day long.

Board member Kerby stated that this is not a practical difficulty in his opinion. He did see that some of the other properties around them have a 6-foot fence and according to the ladies in the office who looked up these properties, none of them have a variance to put up a 6-foot fence.

Board member Dunaskiss stated that there is quite a lot of greenery to act as a barrier and to create some privacy. She asked if the applicant has considered putting up more greenery to provide more privacy.

Ms. Surmann replied that there is no vegetation on the business side of the fence, but no. When they purchased the home, they asked if they could put up a fence and they were told yes. They went through Lowe’s and when Lowe’s called the Township to get a permit, they were told they did not need a permit. When the installation guy came out from Lowes to install the fence, she found out that they had to come to the Zoning Board of Appeals for a variance. She stated that she is not going to install it without permission and wanted to do it the right way.

Board member Walker asked if someone was running a business out of their home in a neighborhood, is this permitted.

Building Official Goodloe stated that a home occupation can be run out of a home but there are standards that have to be followed and he summarized those standards.

Board member Walker asked the applicant how deep and how big the pool is.

Ms. Surmann replied that it is 32’ by another dimension that she is not sure of. It is an inground pool and goes up to 9 feet.
Building Official Goodloe commented on the fence location.

Ms. Surmann stated that if they moved it in 10 feet, they would have to remove the shed. The shed is almost to the back part of the fence and they would also have to remove part of the pool. The shed was present when they bought the house.

Vice-chairman Cook stated that Ms. Surmann provided photos of other houses with fences in her neighborhood.

Building Official Goodloe stated that frequently these structures were put up before the ordinance was in effect.

Board member Kerby concurred.

Board member VanTassel stated that she doesn’t think so since the Ordinance was adopted in 1984.

Board member Dunaskiss stated that there are a lot of dogs out there that can jump a fence. There are other alternatives regarding the dogs. She stated that since she is the owner of the dog, she is responsible for her own dog.

Ms. Surmann stated that she is doing that. She is trying to protect her neighbor’s dogs.

Board member VanTassel asked if she considered an electric fence.

Ms. Surmann stated that she did consider it but she is not okay with this.

Board member VanTassel explained her experience with an electric fence and her dog.

Ms. Surmann stated she feel that it would be too hard for them.

Board member Kerby stated that the applicant does have a unique situation since the shed and pool were already there and the fence cannot be located 10 feet back but does this meet the standard.

Vice-chairman Cook stated that the Fire Marshall had no issues with the request. He asked if there was public comment.

No public comment was heard.

Board member Walker stated that he is only persuaded by the safety issue with the pool and asked if this could be a practical difficulty.

Building Official Goodloe commented on the pool’s existence in this case. The code says 48 inches for a fence around a pool.

Vice-chairman Cook explained how the Board looks for practical difficulty in each case.

Board member Kerby stated that he agrees with what the applicant wants to do but the Board is charged with finding that the variance request meets ordinance standards and he explained.
Board member VanTassel stated that there is practical difficulty with putting in a 6-foot fence, where a 6-foot fence is allowed, it would not provide protection from the pool. They inherited it when they bought the property. She asked if the other Board members visited the property two doors north.

Board members and Building Official Goodloe discussed neighboring homes and their existing fencing.

Board member Kerby moved, seconded by Board member VanTassel, that in the matter of ZBA Case AB-2023-18, Cynthia Surmann, 2545 Freeman, 09-23-431-003 that the applicant’s request for 3 variances from Zoning Ordinance #78 – Zoned R-1, Article XXVII, Section 27.02 (A)(4) & Article XXVII, Section 27.05 (H)(2) amended as follows: 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 to the east, 2) a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north, and 3) a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south be granted because the applicant did demonstrate the following standards for variances have been met in this case and they set forth facts that show:

1. The applicant did demonstrate a practical difficulty unique to the property in that they inherited property that has a pool and an existing shed which would prevent them from following the required setbacks.

2. The applicant did demonstrate unique 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 pool and the shed in existence, a lot of properties do not have these issues, it would be an inherited difficulty, not one of their own creation.

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following facts: they are a conscientious couple that are looking to establish a permanent home and they would like peace of mind in making sure that their property is safe to others and themselves specifically in regards to the pool so that they make sure nobody gets in the pool.

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the following findings: there are none.

5. Granting these variances would not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire or public safety. The Fire Marshall has no concerns with the variances. It is not going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

The variances shall be granted as long as the homeowner obtains the appropriate permit if applicable. The applicant brought a number of reasons forward for the variances which include a dog, the neighbor having a home occupation and the Board has considered all of those alternatives and rejected them all and are proceeding forward specifically the motion above.

Board member VanTassel commended the property owner on coming forward and seeking proper variances and permits, other improvements have been done to date by people who the Planning Department could not find any record of variances received for 6 foot fences.
Roll call vote was as follows: Kerby, yes; Walker, yes; VanTassel, yes; Cook, no; Dunaskiss, no. Motion passes 3-2.

6. **PUBLIC COMMENTS**
None heard.

7. **COMMUNICATIONS**
None.

8. **COMMITTEE REPORTS**
None.

9. **MEMBER COMMENTS**
None.

10. **ADJOURNMENT**
Moved by Board member Kerby, seconded by Board member VanTassel, to adjourn the meeting at 7:34 pm.

Motion Carried 5-0.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: August 4, 2023
RE: Case location for ZBA Meeting 8/14/2023

Below is the location of a ZBA case for the August 14, 2023, meeting.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: August 1, 2023
SUBJECT: Staff Report for AB-2023-17, Metro Detroit Signs for Sleep Number

The applicant is seeking variances to add 2 additional wall signs to the Sleep Number store being built next to the Huntington Bank on Baldwin Road. Only 1 wall sign and 200-sq. ft. maximum is permitted per Sign Ordinance 153.

Please note that if your findings are to deny the variance for 2 additional wall signs and want to approve only 1 additional – you may do so by amending the request to:

- A variance for 1 additional wall sign above the 1 allowed for a total of 2 wall signs (and list the elevations you are approving).
- And, subtracting the appropriate square footage from the total square footage and variance square footage.

Variances for a Sleep Number ground sign have been applied for by a separate sign company. That case is to follow.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: August 1, 2023

RE: AB-2023-17, Metro Detroit Sign for Sleep Number Bed, 4956 S. Baldwin Road, 09-32-377-057

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-17, Metro Detroit Sign for Sleep Number Bed, 4956 S. Baldwin Road, 09-32-377-057, I move that the petitioner’s request for:

2 variances from Sign Ordinance #153 – Non-Residential Wall Signs Zoned BIZ

1. A variance for 2 wall signs above the 1 allowed for a total of 3 wall signs (south elevation, west elevation & east elevation).
2. A 66.66-sq. ft. variance above the allowed maximum square footage of 200-sq. ft. for 3 signs totaling 266.66-sq. ft. (south elevation = 94-sq. ft., west elevation = 86.33-sq. ft, east elevation = 86.33-sq. ft.).

be granted for plans date stamped June 13, 2023, because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets these criteria.

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


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


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


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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-17, Metro Detroit Sign for Sleep Number Bed, 4956 S. Baldwin Road, 09-32-377-057, I move that the petitioner’s request for:

2 variances from Sign Ordinance #153 – Non-Residential Wall Signs Zoned BIZ

1. A variance for 2 wall signs above the 1 allowed for a total of 3 wall signs (south elevation, west elevation & east elevation).

2. A 66.66-sq. ft. variance above the allowed maximum square footage of 200-sq. ft. for 3 signs totaling 266.66-sq. ft. (south elevation = 94-sq. ft., west elevation = 86.33-sq. ft., east elevation = 86.33-sq. ft.).

be denied for plans date stamped June 13, 2023, because the petitioner did not demonstrate that the following standards for variances have been met in this case:

Please be specific how the petitioner does not meet these criteria.

1. The petitioner did not demonstrate Practical Difficulty because:

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

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

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

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

___________________________________________________________________________

___________________________________________________________________________

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

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

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

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

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

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

5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion Zoning Board of Appeals
Application for Appeal - 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, 2323 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: Metro Detroit Signs
Address: 11444 Kaltz Ave City/State/Zip: Warren, MI 48089
Phone: 586-759-2700 Cell: 810-343-0074 Fax: 586-759-2703
Email: kdeters@metrosal.com

PROPERTY OWNER(S)
Name(s): Brett Dahlman / Quattro Lake Orion, LLC
Address: 1100 Jorie Blvd., Suite 140 City/State/Zip: Oak Brook, IL 60523
Phone: (630) 870-1921 Cell: Fax: 
Email: brett@quattrodevelopment.com

CONTACT PERSON FOR THIS REQUEST
Name: Kevin Deters Phone: 586-759-2700 Email: kdeters@metrosal.com

SUBJECT PROPERTY
Address: 4956 S. Baldwin Sidwell Number(s): 09-32-377-057
Total Acreage: _________ Length of Ownership by Current Property Owner: _______ Years, _______ Months

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

Ordinance Allowance/ Requirement
wall sign 1200 ft. total
\text{Deviation requested: 2 additional signs / 66.66 ft.}
List additional ordinance requirements and deviations on a separate page

Page 1 of 3
COMMERICAL VARIANCE

1. Describe the nature of the request.


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


3. If the appeal is granted, please explain how the variance will/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 site examples if possible:


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


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


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


Please see the attached cover sheet with the drawings
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 permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant:  

Rui He  

Date:  5-22-23

Print Name:  Kevin Peters at Metro Detroit Signs

Property Owner:  

If applicable:  

I the property owner, hereby give permission to Metro Detroit Signs  

to represent me at the meeting.

Signature of Property Owner:  

Date:  5/17/2023

Print Name:  Brett Dahlman

OFFICE USE ONLY

Zoning Classification of property:  

Adjacent Zoning:  N.  S.  E.  W.

Total Square Footage of Principal Structure:  

Tota

Description of variance(s):  

Date Filed:  

Fee Paid:  

Receipt Number:  

Page 3 of 3

Version 11/30/2021
ZBA cover Letter for three wall signs at Sleep Number

1. We are applying for three wall signs at Sleep Number that total 266.66 sq feet. The ordinance allows one wall sign and 200 sq feet. Therefore, we need a variance for two additional wall signs and an additional 66.66 sq feet in area.

2. This site is unique in that their customer entrance on the east elevation faces their parking lot. However, they need identification on the south elevation facing the entry drive and on the west elevation facing Baldwin Rd. Otherwise no one could be able to identify Sleep Number until they are already in the parking lot. Sleep Number needs identification from the road and from their entry drive.

3. The proposed wall signs are not excessively large. They are standard sized channel letters. We are merely asking for signage above their entry door, along the entry drive, and facing Baldwin Rd. The proposed signs will not be a detriment to public health, safety, or welfare.

4. This Sleep Number site is unique in that their customer entrance on the east elevation faces their parking lot and does not face a road. However, they need identification facing the entry drive and facing Baldwin Rd. Otherwise no one could identify the building unless they are already in the parking lot.

5. This hardship was not self-created. The building is going on an existing plot of land which cannot have the parking lot (and thus their main entrance) face the road or the entry drive due to the building’s close proximity to the road and the entry drive.

6. The setbacks are not an issue in this case.

7. If Sleep Number were only allowed one wall sign, then they would not have any visibility from the entry drive or from Baldwin Rd. That would make the store impossible to see unless people are already in the parking lot.

RECEIVED
JUN 13 2023
Orion Township
Planning & Zoning
Non-Residential Zoned Areas
Wall Signs

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>BIZ Use Groups A (Non-Residential), B, C, &amp; D</th>
<th>SP-1/SP-2</th>
<th>REC-1/REC-2</th>
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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>
<td></td>
<td>40 sq. ft.</td>
</tr>
</tbody>
</table>

Footnotes: 4, 8  4, 8  4, 8  4  4  4  4, 8  4  4

* 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.
The fire department has reviewed the proposed documentation and has no concerns at this time. If you should need anything additional, please let me know.

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: Friday, July 21, 2023 2:04 PM  
To: Jeff Williams <jwilliams@oriontownship.org>  
Subject: ZBA Case For 8-14-23 ZBA Meeting

Hi Jeff,

There are 5 cases that need to be reviewed for the August 14, 2023, ZBA meeting. Please note that 2 of them are just for signs.

Hope you had a great vacation.

Thanks!

Debra Walton  
Clerk  
Planning & Zoning  
2323 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 Specialist
DATE: August 1, 2023
SUBJECT: Staff Report for AB-2023-19, Northern Sign for Sleep Number

The applicant is seeking variances to add a ground sign for the Sleep Number store being built north of the Huntington Bank on Baldwin Road.

The sign height and size meet Sign Ordinance criteria however the setback from the road right-of-way and from the required front setback for the BIZ zoning District are deficient.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: August 1, 2023

RE: AB-2023-19, Northern Sign Co. for Sleep Number Bed, 4956 S. Baldwin Road, 09-32-377-057

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-19, Northern Sign Co. for Sleep Number Bed, 4956 S. Baldwin Rd., 09-32-377-057, I move that the petitioner’s request for:

2 variances for a Non-Residential Ground Signs

1 variance from Sign Ordinance #153 – Non-Residential Ground Signs Zoned BIZ

1. A 15-ft. road right-of-way setback variance from the required 30-ft. for a ground sign to be 15-ft. from the road right-of-way.

and, 1 variance from Zoning Ordinance #78; Article XXXIV, Section 34.03 (B)

2. A 25-ft. front yard setback variance from the required 40-ft. for a ground sign to be 15-ft. from the front yard property line.

be granted for plans date stamped July 6, 2023, because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

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

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

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

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

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

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
In the matter of ZBA case # AB-2023-19, Northern Sign Co. for Sleep Number Bed, 4956 S. Baldwin Road, 09-32-377-057, I move that the petitioner’s request for:

2 variances for a Non-Residential Ground Signs

1 variance from Sign Ordinance #153 – Non-Residential Ground Signs Zoned BIZ

1. A 15-ft. road right-of-way setback variance from the required 30-ft. for a ground sign to be 15-ft. from the road right-of way.

and, 1 variance from Zoning Ordinance #78; Article XXXIV, Section 34.03 (B)

2. A 25-ft. front yard setback variance from the required 40-ft. for a ground sign to be 15-ft. from the front yard property line.

be denied for plans date stamped July 6, 2023, because the petitioner did not demonstrate that the following standards for variances have been met in this case:

Please be specific how the petitioner does not meet this criteria

1. The petitioner did not demonstrate Practical Difficulty because:

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

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

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

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

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

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

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

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

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

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

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

Application for Appeal - 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, 2323 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: Northern Sign Co.
Address: 2181 E. Waltham Blvd #100
City/State/Zip: Auburn Hills, MI 48326
Email: maryellen@northernsign.com

PROPERTY OWNER(S)

Name(s): Quattro Lake Orion, LLC
LATIN: BRETT DAHLWAN
Address: 1100 Jorie Blvd, Suite 140
City/State/Zip: Oak Brook, IL 60523
Phone: 630-870-1921 Cell: Fax: 
Email: brett@quattrodevelopment.com

CONTACT PERSON FOR THIS REQUEST

Name: MaryEllen
Phone: 248-333-7733 Email: maryellen@northernsign.com

SUBJECT PROPERTY 4956

Address: 4483 Baldwin

Sidwell Number(s):

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

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

Ordinance Allowance/Requirement

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

1. Describe the nature of the request.

SIGN NEEDS TO BE 15 FEET FROM THE ROW

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.

A SET BACK OF 30 FEET WOULD BE IN THE PROPOSED BUILDING

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:

MORE VISIBILITY

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

OTHER BUILDINGS ARE SET BACK FURTHER

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

NA

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

POSITION OF PROPOSED BUILDING

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.

IMPOSSIBLE TO COMPLY WITH ORDINANCE BASED ON BUILDING POSITION
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:**
( must be original ink signature) 

Print Name: Richard Kielbasa

Date: 7/16/23

**Property Owner:**

If applicable:

I, the property owner, hereby give permission to

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

Print Name: Brett Palmman

Date: June 29, 2023

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

B. Schedule of Regulations. Each use within the Brown Road Innovation Zone shall comply with Table 34-3 for area, height, setback and lot coverage. The Planning Commission is authorized to consider a waiver of up to twenty percent (20%) of the dimensional requirements in the Schedule of Regulations of Table 34-3 for larger-scale planned development projects with a total land area of at least ten (10) acres or for an assemblage of parcels as approved by the Planning Commission. A waiver shall only be granted if the property receiving the waiver does not adversely impact adjoining parcels, abut residentially zoned parcels, or create public safety concerns. The schedule of regulations is provided below (amended 04.06.15, 06.15.20):

<p>| Table 34-3 |</p>
<table>
<thead>
<tr>
<th>Schedule of Mixed Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
</tr>
<tr>
<td><strong>Minimum Front Yard</strong></td>
</tr>
<tr>
<td><strong>Minimum Side Yard</strong></td>
</tr>
<tr>
<td><strong>Minimum Rear Yard</strong></td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
</tr>
</tbody>
</table>

\(^1\)Where abutting existing zoned or used residential properties which are outside of the BIZ zoning district boundaries.

C. Height Limit. The Brown Road Innovation Zone does not contain a height limit. However, all applications for development shall be reviewed by the Building Department and/or Planning Commission for height compatibility with adjoining residential areas. Where parcels abut existing zoned residential areas, maximum height of a building shall not exceed two (2) times the setback dimension from the residentially zoned property line to the edge of the building. The Planning Commission may also require line of sight surveys, drawings, or elevations to evaluate the visual impact of buildings over five (5) stories in height. If the Planning Commission determines that line of sight is significantly impaired for adjoining residentially zoned parcels, the Planning Commission may impose a five (5) story or sixty (60) foot height limitation.

D. Multi-Family Residential. The following area and bulk requirements shall supersede the requirements of this Section and the RM-1 and RM-2 districts for multi-family residential. The minimum floor area per unit, building setbacks and building types and regulations shall be in accordance with 1-7 below. (added 06.15.20)

1. Building Bulk and Height. The maximum number of floors used as multiple-family residential in a building shall be five (5). For a free-standing multiple-family building, the maximum building height shall be sixty (60) feet and five (5) stories subject to the compatibility and setback standards in subsection C. The maximum dimension of a building measured in any straight line should be two hundred (200) feet.

2. Maximum Number of Dwelling Units Per Acre. The maximum number of dwelling units permitted on a site shall be dictated by the combination of building height, landscaping, stormwater management, site coverage, and off-street parking requirements.

3. When more than one freestanding multiple-family building is proposed as part of a unified development, the number of stories should be varied.

4. Garages and carports should be oriented internally, and garage doors and carports should not be located in front yards. Garage doors should not face a public street unless they are located in a rear yard.

5. Sites shall incorporate green spaces such as squares and linear open space areas that include benches, walking paths, shade trees, and other amenities that create places where residents can enjoy the outdoors.
### 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>RR</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>RFY</th>
<th>Use Groups A (Non-Residential) B, C &amp; D</th>
<th>SP-1</th>
<th>SP-2</th>
<th>REC-1</th>
<th>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</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>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
</tr>
<tr>
<td><strong>Sign area Alternate A</strong></td>
<td>40 sq. ft. per side; maximum 60 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sign area Alternate B</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>30 sq. ft. per side; maximum 60 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>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Setback - shall be measured at</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>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>
<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, 7</td>
<td>3</td>
<td>3, 5, 6</td>
<td>3, 5</td>
<td>3, 5</td>
<td></td>
<td></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.

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

6 The following additional ground signs may be permitted:
   a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
   b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.
Planning Zoning
Oron Township
Jul. 6 2023
RECEIVED

Setback
the required 40 feet
and a 30’ variance
not required 30’ rear setback
15’ variance needed from the
Hi Lynn,

The sign will be at 15’ from the property line.

Merci / Thanks.

Marie Colmant
Project Manager, Access Signs

450-674-3333  219  www.accessigns.com  marie@accessigns.com
2351 Boul. Fernand Lafontaine, Longueuil, QC, J4N1N7

IMPORTANT: Veuillez noter que notre industrie connaît des problèmes sans précédent dans la chaîne d'approvisionnement et des pénuries de stock. Bien que certaines substitutions de produits puissent être nécessaires, nous ferons tout notre possible pour livrer chaque commande en temps opportun. Nous vous encourageons à planifier à l'avance dans la mesure du possible.

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Tuesday, May 23, 2023 10:51 AM
To: Marie Colmant <marie@accessigns.com>
Subject: Sleep Number Ground Sign

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Marie, I need one more thing – how far will the sign be from the front property line (attached is your rendering).
How far is the sign from the property line?
The fire department has reviewed the proposed documentation and has no concerns at this time. If you should need anything additional, please let me know.

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: Friday, July 21, 2023 2:04 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Case For 8-14-23 ZBA Meeting

Hi Jeff,

There are 5 cases that need to be reviewed for the August 14, 2023, ZBA meeting. Please note that 2 of them are just for signs.

Hope you had a great vacation.

Thanks!
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: August 1, 2023
SUBJECT: Staff Report for AB-2023-20, Bill Carr Signs for Dort Credit Union

It appears there are a lot of variances requested for additional wall signage for the Dort Credit Union that has purchased the prior bank facility located at 831 Brown Road.

The following, hopefully, explains the variances requested:

Note - They will not need any variances for the ground sign as they are reusing the existing sign and just replacing the display verbiage which we consider a “change of copy only”.

Variance #1 - In most cases buildings are only allowed 1 wall sign unless other circumstances exist, in this case they are only allowed the 1 – they are proposing a total of 5 wall signs on the building itself.

Variances #2 - #6 - The Sign Ordinance also considers structures/canopies that have certain colors and/or logos that identify them with a particular business as wall signage – in this case, they are proposing an ATM machine that all 4 sides will be the colors familiar to the Dort banking system. I researched similar variances related to color identification and we required wall sign variances for gas station “canopies” that cover gas pumps that contained colors specific to a brand i.e. an “Admiral” gas station and a “Marathon” gas station.

Variances #7 – #11 - Dort is also proposing 3 “VTM” machines (Video Teller Machines) in each of their drive-up lanes. They are the same size and colors as the ATM machine – again, all 4 sides on each of the 3 machines are considered wall signs.

Variances #12 - #13 - Four “Directional Signs” are permitted and exempt from the Sign Ordinance as long as they are 30” tall or less and 2-sq. ft. or less. They are proposing 4 on the site that meet this criteria. They are also proposing 3 additional LED Directional Signs that display the status of the drive-up lanes that are over and above the 4 allowed and are larger than the 2-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 Specialist

DATE: August 1, 2023

RE: AB-2023-20, Bill Carr Signs for Dort Financial Credit Union, 831 Brown Rd., 09-33-351-029.

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-20, Bill Carr for Dort Financial Credit Union, 831 Brown Road., 09-33-351-029, I move that the petitioner’s request for:

13 variances from Sign Ordinance #153, Zoned BIZ

1. A variance to allow 4 additional wall signs on the building, above the 1 allowed for a total of 5 wall signs on the building, totaling 113.35-sq. ft (3 on the south elevation totaling 68.94-sq. ft., and 2 on the east elevation totaling 44.41-sq. ft.).

2. A variance to allow 4 ATM wall signs.

3. A 12.56-sq. ft. variance above the allowed 1.40-sq. ft. for a 13.96-sq. ft. wall sign on the right side of the ATM machine.

4. A 7.08-sq. ft. variance above the allowed 0.79-sq. ft., for a 7.87-sq. ft. wall sign on the front side of the ATM machine.

5. A 12.56-sq. ft. variance above the allowed 1.40-sq. ft., for a 13.96-sq. ft. wall sign on the left side of the ATM machine.

6. A 14.3-sq. ft. variance above the allowed 1.59-sq. ft, for a 15.89-sq. ft. wall sign on the back side of the ATM machine.

7. A variance to allow 12 VTM machine wall signs – 3 machines with 4 signs each.

8. A 12.56-sq. ft. variance each above the allowed 1.40-sq. ft. each, for a 13.96-sq. ft. wall sign on the right side of 3 VTM machines.

9. A 7.08-sq. ft. variance each above the allowed 0.79-sq. ft. each, for a 7.87-sq. ft. wall sign on the front side of 3 VTM machines.

10. A 12.56-sq. ft. variance each above the allowed 1.40-sq. ft. each, for a 13.96-sq. ft. wall sign on the left side of 3 VTM machines.

11. A 14.3-sq. ft. variance each above the allowed 1.59-sq. ft. each, for a 15.89-sq. ft. wall sign on the back side of 3 VTM machines.

12. A variance for 3 Direction Signs above the 4 allowed for a total of 7 Directional Signs.

13. A 3-sq. ft. total variance, for 3 Directional Signs, above the allowed 6-sq. ft. (2-sq. ft. per each sign) for a total of 9-sq. ft.

be granted for plans date stamped July 12, 2023, because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets these criteria

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):
2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

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

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

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

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

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

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

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

SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-20, Bill Carr for Dort Financial Credit Union, 831 Brown Road., 09-33-351-029, I move that the petitioner’s request for:

13 variances from Sing Ordinance #153, Zoned BIZ

1. A variance to allow 4 additional wall signs on the building, above the 1 allowed for a total of 5 wall signs on the building, totaling 113.35-sq. ft. (3 on the south elevation totaling 68.94-sq. ft., and 2 on the east elevation totaling 44.41-sq. ft.).

2. A variance to allow 4 ATM wall signs.

3. A 12.56-sq. ft. variance above the allowed 1.40-sq. ft. for a 13.96-sq. ft. wall sign on the right side of the ATM machine.

4. A 7.08-sq.ft. variance above the allowed 0.79-sq.ft., for a 7.87-sq. ft. wall sign on the front side of the AMT machine.

5. A 12.56-sq. ft. variance above the allowed 1.40-sq. ft., for a 13.96-sq. ft. wall sign on the left side of the ATM machine.

6. A 14.3-sq. ft. variance above the allowed 1.59-sq. ft, for a 15.89-sq. ft. wall sign on the back side of the ATM machine.

7. A variance to allow 12 VTM machine wall signs – 3 machines with 4 signs each.

8. A 12.56-sq. ft. variance each above the allowed 1.40-sq. ft. each, for a 13.96-sq. ft. wall sign on the right side of 3 VTM machines.

9. A 7.08-sq. ft. variance each above the allowed 0.79-sq. ft. each, for a 7.87-sq. ft. wall sign on the front side of 3 VTM machines.

10. A 12.56-sq. ft. variance each above the allowed 1.40-sq. ft. each, for a 13.96-sq. ft. wall sign on the left side of 3 VTM machines.

11. A 14.3-sq. ft. variance each above the allowed 1.59-sq. ft. each, for a 15.89-sq. ft. wall sign on the back side of 3 VTM machines.

12. A variance for 3 Direction Signs above the 4 allowed for a total of 7 Directional Signs.

13. A 3-sq. ft. total variance, for 3 Directional Signs, above the allowed 6-sq. ft. (2-sq. ft. per each sign) for a total of 9-sq. ft.

be denied for plans date stamped July 12, 2023, because the petitioner did not demonstrate that the following standards for variances have been met in this case:

Please be specific how the petitioner does not meet these criteria

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

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

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

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

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

2. Unreasonably increase the congestion in public streets due to:
3. Increase the danger of fire or endanger the public safety due to:

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

5. Or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
Charter Township of Orion
Planning & Zoning Department
2323 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, 2323 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: Bill Carr Signs

Address: 719 W. Dim St  City/State/Zip: Flint MI 48503

Phone: 810-333-1569  Cell: 810-993-9133  Fax: 

Email: Jim@BillCarrSigns.com

PROPERTY OWNER(S)

Name(s): Dort Financial Credit Union

Address: 4048 Holly Rd  City/State/Zip: Grand Blanc MI 48439

Phone: 810-244-1009  Cell: 810-923-7006  Fax: 

Email: DGMatfield42@DortFCU.org

CONTACT PERSON FOR THIS REQUEST

Name: Jim Niemeyer  Phone: 810-333-1569 ext 309  Email: Jim@BillCarrSigns.com

SUBJECT PROPERTY

Address: 831 Brown Rd.  Sidewell Number(s): 09-33-351-029

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

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

Ordinance Allowance/Requirement: 1 Wall Sign per property  Deviation requested

List additional ordinance requirements and deviations on a separate page

53
COMMERCIAL VARIANCE

1. Describe the nature of the request. We are seeking a variance for signage at 831 W. Brown Road for (1) canopy signage for the ATM machine totaling 36.89 square feet for the total sign faces. Vinyl graphics DF logos for the ATM & VTM machines. A total of 4 units at 5.23 square feet per unit totaling 20.92 square feet for all of them. For the Drive-Thru lanes we are seeking (3) digital directional signage at 3 square feet per unit, totaling 9 square feet. We are seeking (2) additional non-illuminated wall sign on the south and east entrance of the bank. Lower signs DF logos 36” x 62-7/8” x ¾” flat cut aluminum logo at 15.17 each unit totaling 31.42 square feet. Also (2) additional non-illuminated wall sign on the south and east entrance of the bank. Upper signs Dort Financial Credit Union with logo 27” x 153” x ¾” flat cut aluminum letters and logo totaling 28.68 square feet per unit for an overall total of 57.36 square feet.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. This property was a Bank of America before Dort Financial Credit Union purchased the property this year. Since the building was originally built. Buildings to the East have been constructed (Mattress Firm) & (Tommy Express Car Wash). Both those buildings are 50 feet closer to Brown Road than the bank location. These building being 50 feet closer to the road & block seeing the bank when heading west on Brown Road. The property located to the West (Miller Landscape) has overgrown tress and landscaping at the entrance that runs along their driveway heading bank building and material yard that block the visibility of seeing the bank heading East on Brown Road.

With the bank building visibility being blocked by the building to the East and driveway landscaping blocking the visibility to the West is also causing possible traffic issues. When looking for the bank and the bank building located back so far from the road, you end up being right top of the entrance of the bank, even with the traffic single being located at the entrance.

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 improvements in the Township. If this variance is approved it will only improve the public health, safety, and welfare of all the properties around the bank location and improve the look for the Township. Allowing new and existing customers to find the bank location in a safer condition.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site example if possible. As you will see on the google site map, the Dort Financial building is set back farer then any building from the corner of Joslyn Road to Checkers fast food building. You can also see how the two buildings to the East block see the building, along with the trees and landscaping for Miller Landscaping. This building is NOT consistent with the other buildings in the area.
5. Describe how the alleged practical difficulty has not been self-created. As you can see on the google site plan the buildings to the East being 50 feet closer to Brown Road (Mattress Firm & Tommy’s Car Wash) then the bank and the over growth of trees and landscaping on the property to West are not self-created.

6. The topography of said land makes the setback impossible to meet because. The properties to the East and the west impossible to meet the setback. As well it makes it a traffic hazard.

7. Describe how strict compliance with ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. The ordinance is reasonable for some locations in the Township. This property’s location is a different because of the setback of the existing building compared the other newer building to the East being 50 feet closer to Brown Road, as well the bank needs to have the need signage to direct customer where they need to go to. From the entrance of the bank, the drive-thru lanes and ATM machine.
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)

Print Name: James Wm. Niestroy

Date: 7/11/23

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

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

Print Name: Jeremy Zager

Date: 6/30/23

OFFICE USE ONLY

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

Total Square Footage of Principal Structure: ____________ Tota

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date Filed: _________________ Fee Paid: ___________ Receipt Number: ___________
Non-Residential Property – Any property not listed as Residential (See Residential property) as identified in Zoning Ordinance #78

Pixel Pitch – The distance from the center of an LED cluster (or pixel) to the center of the next LED cluster/pixel, measured in millimeters.


Portable Sign – A temporary sign; a free-standing sign not permanently anchored or secured to either a building or the ground.

Projecting Sign – A sign which extends beyond the building wall and is perpendicular or nearly perpendicular to the building surface. A projecting sign shall be considered a wall sign. Both sides of a projecting sign shall be counted towards total sign area.

Pylon or Pole – A type of support for a sign which has its base anchored in the ground and with a specified clear space between the bottom of the face of the sign and the established grade.

Real Estate Sign – A temporary sign placed on property advertising that particular property on which the sign is placed “for sale”, “for lease” or “for rent.”

Residential Property – Property zoned for single-family, multiple family use as identified in Zoning Ordinance No. 78.

Roof Sign – A sign which is erected constructed or maintained upon the roof or parapet of a building.

Shopping Center Sign – See “center identification sign.”

Sign – A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material without lettering placed behind a store window are not signs. This definition includes the base, frame and support members of a sign.

Sign Setback – Where it is specified that a sign must be located a minimum or other certain distance from property lines or public rights-of-way, such distance shall be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement, the property lines and public rights-of-way extend vertically and perpendicularly from the ground to infinity.

Temporary Sign – Any sign, regardless of size and materials, which has not been approved by the Township as wall or ground sign, or billboard.

Total Window and Door Area – Includes the combined total window and door areas on the front façade of a building.

Use – The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

(a) Change of Use – A discontinuance of an existing use and the substitution of a different kind of class of a use. This may include a change of use for commercial, office, industrial or residential categories or a change of commercial sub-groupings such as retail, office, or restaurant.

Utility Pole – Pole for purpose other than a light pole

Wall Sign – A sign attached to, or placed flush against, the exterior wall or surface of any building wherein no portion of which projects more than twelve (12) inches from the wall.
Window Sign – Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zoning Board of Appeals – The Zoning Board of Appeals of the Charter Township of Orion.

Zoning Lot – A single tract of land, located within a single block, which at the time of filing for a building or sign permit is designated by its owner or developer as a tract to be used, or built upon as a single unit, under single ownership or control. A zoning lot shall satisfy Zoning Ordinance requirements with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, need not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Section 4 – Exempt Signs

The following types of signs are exempt from the provisions of this Ordinance (unless otherwise specified):

A. “No Hunting,” “No Trespassing,” and “No Soliciting” signs.

B. Signs located in the interior of buildings, except as may otherwise be regulated by this Ordinance.

C. Any residential identification or address sign affixed to a wall, mailbox, post, lamp post, or pillar in a Residential Area, which is not larger than two (2) square feet.

D. Traffic control or other municipal signs, including, but not limited to, historic site designations, municipal facility directional signs, municipally owned or operated light pole signs, legal notices, railroad crossing signs, danger and other temporary emergency signs, developer identification signs.

E. Non-Residential Street Address Signs (street numbers) not exceeding three (3) square feet in area.

F. Memorial signs, as defined in this Ordinance.

G. Flags bearing the official design of a nation, state or other municipality, educational institution, or philanthropic or other public or private corporation or entity, provided, however, that only one flag bearing the seal or trademark of a private organization may be displayed by an individual establishment. The height of a flagpole for a flag other than that bearing the official design of a nation, state or other municipality shall not exceed 1.5 times the allowed building height in the respective zoning district.

H. For gasoline service stations, a sign which is deemed customary and necessary to their respective businesses: customary lettering or other insignia on a gasoline pump consisting of brand of gasoline sold, lead warning information, and any other data required by law and not exceeding a total of three (3) square feet on each pump.

I. Real Estate signs no larger than three (3) square feet in residential zoned areas and no larger than sixteen (16) square feet in non-residential zoned areas.

J. Directional signs, as defined in this Ordinance, two (2) square feet or less and up to thirty (30) inches in height, a maximum of four (4) per occupant in a single or multi-tenant building. Sites larger than ten (10) acres may request, in writing to the Building Official, additional directional signs. Directional signs may contain the logo or symbol of the business referenced therein.

K. Customary holiday displays if displayed one month before the national holiday and removed within two (2) weeks after the holiday.

L. Residential window and door signs.

Section 5 – Prohibited Signs

The following types of signs are prohibited (unless otherwise allowed):
Non-Residential Zoned Areas
Wall Signs

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

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

*Note Wall signs are not permitted in RFY

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

8 Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.
**New Ground Sign**
Overall Square Footage: 48 Sq. Ft.  
32' from Right of Way

**Existing Ground Sign**
Remove Existing Sign

**Directional Signs**
1. Lobby
   ATM
   Drive-Up
2. ATM
   Drive-Up
3. ATM
4. Exit Only

**ATM Canopy & Machine**

**VTM Machines**

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**Orion Township Planning & Zoning**

**RECEIVED**  
**JUL 1 22 2023**
Qty: 2

1/4" Flat Cut Alum Letters
Flush Mounted
Paint: Process Cyan, PMS 280c

Lettering Example
Qty 2 - S/F
Material: 1/4" Flat Cut Alum.
Paint: PMS 280c
Flush Stud Mount

*Variance Needed*

153" x 27" = 4,131" / 144 = 28.69 ft

RECEIVED

JUL 1 2 2023

Orion Township Planning & Zoning
Lettering Example
Qty 2 - S/F
Material: 1/4" Flat Cut Alum.
Paint: Process Cyan
Flush Stud Mount

*Variance Needed*

Qty: 2
1/4" Flat Cut Alum.
Flush Mounted
Paint: Process Cyan
The fire department has reviewed the proposed documentation and has no concerns at this time. If you should need anything additional, please let me know.

Hi Jeff,

There are 5 cases that need to be reviewed for the August 14, 2023, ZBA meeting. Please note that 2 of them are just for signs.

Hope you had a great vacation.

Thanks!
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: August 2, 2023
SUBJECT: Staff Report for AB-2023-21, Paul Cassise, 938 Holliday

The applicant is looking to replace a privacy fence along the west and east sides of his property, and along a small portion of the rear property line to the south.

Please refer to the plot plan included in this packet that shows the intended location of the replacement privacy fence. As you can see, the applicant is not proposing the fence to run all the way to the front property line on either side. The fence will extend from the side property lines to the home but do not extend further than the home.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: August 1, 2023
RE: AB-2023-21, Paul Cassise, 938 Holliday Dr., 09-01-458-037.

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

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

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

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

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-21, Paul Cassise, 938 Holliday Dr., 09-01-458-037, I move that the petitioner’s request for:

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

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

be granted for plans date stamped July 13, 2023, because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # **AB-2023-21, Paul Cassise, 938 Holliday Dr., 09-01-458-037**, I move that the petitioner’s request for:

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

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

be **denied** for plans date stamped July 13, 2023, because the petitioner did not demonstrate that the following standards for variances have been met in this case:

**Please be specific how the petitioner does not meet this criteria**

1. The petitioner did not demonstrate Practical Difficulty because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

74
4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

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

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

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

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

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

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

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $250.00 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, 2323 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: Paul Cassise
Address: 938 Holliday Dr. City/State/Zip: Lake Orion, MI 48362
Phone: 248-941-2872 Cell: 248-941-2872 Fax: ________________
Email: pauljc3@yahoo.com

PROPERTY OWNER(S)
Name: Paul Cassise
Address: 938 Holliday Dr. City/State/Zip: Lake Orion, MI 48362
Phone: 248-941-2872 Cell: 248-941-2872 Fax: ________________
Email: pauljc3@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: Paul Cassise Phone: 248-941-2872 Email: pauljc3@yahoo.com

SUBJECT PROPERTY
Address: 938 Holliday Dr. Sidwell Number: 09-01-458-037
Total Acreage: .19 Length of Ownership by Current Property Owner: 23 Years, 11 Months

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

Zoning Ordinance Allowance/Requirement Deviation requested

Page 2 of 4
**RESIDENTIAL VARIANCE**

1. Describe in detail the nature of the request. **Wanting to replace current privacy fence and install a memorial garden and to screen neighbors hou**

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. **All surrounding homes have a 6ft. privacy fence. Only one side of my yard would have a 4ft fence if variance is not granted.**

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. **Everything will remain the same. A privacy fence was already in place.**

4. Explain how the request is/is not consistent with other properties in the immediate area, please cite examples if possible: **All surrounding homes have a 6 ft privacy fence.**

5. Describe how the alleged practical difficulty has not been self-created. **My home is only 15 ft. off of the property line on the west side. And the slope of the yard is very steep.**

6. The topography of said land makes the setbacks impossible to meet because: **Distance between property line and home. Slope of yard. Loss of yard will be close to half.**

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. **Will only have 5 ft. of distance between home and garage wall. The variance if not granted will make it difficult to maintain the area. Will loose a good section of my flower beds.**
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: 7-13-23

Print Name: Paul J. Cassise

Signature of Property Owner: _________________________ Date: 7-13-23

Print Name: Paul J. Cassise

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

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

Date Filed: ______________ Fee Paid: ______________ Receipt Number: ______________
Article XXVII  General Provisions

27.05 Landscaping, Fences and Walls

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

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

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

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

H. Residential Fence and Wall Regulations.

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

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

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

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

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

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

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

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

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

Revised 05/21/20
Charter Township of Orion Zoning Ordinance 78
Page 27 - 35
80
Debra Walton

From: Jeff Williams
Sent: Wednesday, July 26, 2023 8:37 AM
To: Debra Walton
Cc: John Pender
Subject: RE: ZBA Case For 8-14-23 ZBA Meeting

The fire department has reviewed the proposed documentation and has no concerns at this time. If you should need anything additional, please let me know.

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: Friday, July 21, 2023 2:04 PM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Case For 8-14-23 ZBA Meeting

Hi Jeff,

There are 5 cases that need to be reviewed for the August 14, 2023, ZBA meeting. Please note that 2 of them are just for signs.

Hope you had a great vacation.

Thanks!

Debra Walton
Clerk
Planning & Zoning
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002
W: www.oriontownship.org
Tree 6 Removed
Before
Removal of Fence
2 938 Holiday
99 Detroit Blvd
From Backyard of
95 Detroit Blvd
99 Detroit Bivd
99 Detroit Blvd
99 Detroit Bivou
Construction Debris in back yard of 99 Detroit Blvd
Tree After Removal
View of 99 Detroit Blu

from 938 Holliday

back yard
99 Detroit Blvd
Back Yard
Overgrown vegetation
Due to double fence
Tree Removed

was breaking fence
To the Orion Township ZBA.

I am the owner of the residence at 105 Detroit Blvd

I have no objections to the variance proposed for a 6-foot-high privacy fence on the property lines of 938 Holliday and 95 Detroit Blvd.

Print name Allen Brown
Signature [Signature]
Date 7-27-23
To Zoning and Planning Board of Orion township.

I would like to begin by apologizing for not seeking this variance before I started construction.

I began this project with the intention of building a memorial garden for my wife who passed away on March 21st of this year. Me and my daughters want to make this so we always will have something beautiful to remind us of her. The original fence was 22 years old and was falling apart and needed to be replaced. The original fence had a gap of a couple of feet between the privacy fence and chain link fence. That gap over 20 plus years created several issues. One issue was that a couple trees grew between the two fences and was splitting apart the wood fence and was growing into the chain link fence. I paid to have the largest tree removed. Myself and my neighbor at 95 Detroit Blvd. wanted to avoid this problem in the future. Mr. Farkas the owner of 95 Detroit Blvd. spoke with the neighbor behind him. There was a miscommunication about removal of the chain link fence. That issue has been resolved.

My entire yard is fenced in with a 6-foot-high privacy fence. I hope with the approval of this board I will be able to replace the old fence. Without gaining approval to get the variance I will not be able to meet the 10-foot offset without losing a good part of my property. My goal is to make a memorial for my wife and to clean up an area that was unmanageable to keep clean of Debris and overgrowth of vegetation. The other issue is the total state of disrepair at the house I partially share a yard with. There is old carpet, buckets of old drywall mud. I also found drug paraphernalia while cleaning up that area. I just want a clean and safe area in that part of my yard.

I would like to thank all of you on the board for taking time to hear my request. I hope I have answered the question you may have.

Sincerely

Paul Cassise
938 Holliday
Lake Orion Mi.
48362
Phone 248-941-2872
Email: paulic3@yahoo.com

Ps. Pictures to be included

[Signature]

7-27-23
To the Orion Township ZBA.

I am the owner of the residence at 935 Holliday

I have no objections to the variance proposed for a 6-foot-high privacy fence on the property lines of 938 Holliday and 95 Detroit Blvd.

Print name  Drake Morgan
Signature
Date  7/27/23
To the Orion Township ZBA.

I am the owner of the residence at 936 Holliday.

I have no objections to the variance proposed for a 6-foot-high privacy fence on the property lines of 938 Holliday and 95 Detroit Blvd.

Print name: THOMAS DEVLIN

Signature: [Signature]

Date: 7/27/73
To the Orion Township ZBA.

I am the owner of the residence at 965 Seabury

I have no objections to the variance proposed for a 6-foot-high privacy fence on the property lines of 938 Holliday and 95 Detroit Blvd.

Print name       PAUL KRETZMER
Signature        Paul Kretzmer
Date             7-27-23
To the Orion Township ZBA.

I am the owner of the residence at 903 Holliday

I have no objections to the variance proposed for a 6-foot-high privacy fence on the property lines of 938 Holliday and 95 Detroit Blvd.

Print name  Kelly Jones
Signature  Kelly Jones
Date  7/27/23
To the Orion Township ZBA.

I am the owner of the residence at 947 Holliday.

I have no objections to the variance proposed for a 6-foot-high privacy fence on the property lines of 938 Holliday and 95 Detroit Blvd.

Print name John Brenner
Signature John Brenner
Date 7-27-23
To the Orion Township ZBA.

I am the owner of the residence at 935 Seabury

I have no objections to the variance proposed for a 6-foot-high privacy fence on the property lines of 938 Holliday and 95 Detroit Blvd.

Print name: Ian McCallum
Signature: [Signature]
Date: 7/27/23
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: August 2, 2023

SUBJECT: Staff Report for AB-2023-23, John Farkas, 95 Detroit Blvd.

The applicant is looking to replace a privacy fence along the side property line to the east and along a portion of the rear property line to the south only. A previous plot plan showed the proposed fence going all the way to the front property line along Holliday which is the reason for variance #3 on the Agenda and was advertised for – that variance is not needed.

Please refer to the plot plan included in this packet that shows the intended location of the replacement fence – date stamped received 7/13/2023.

The applicant noted privacy fences at 1050 Seabury, 1069 Seabury and 166 Detroit Blvd. – research showed that all 3 received variances for 6-ft. privacy fences.

If there is a motion to approve, it should be amended to omit variance #3 (see the below motion option):

I move to approve the amended request, to approve 2 variances from Zoning Ordinance #78 – Zoned R-3

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 to the east.

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

Variance #3 for a 30-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 0-ft. from the intersection of the property line to the east and the property line to the north is not required per the plan submitted date stamped July 13, 2023.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: August 1, 2023

RE: AB-2023-23, John Farkas, 95 Detroit Blvd. S., 09-01-458-001.

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

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

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

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

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-23, John Farkas, 95 Detroit Blvd., 09-01-458-001, I move that the petitioner’s request for:

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

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 to the east.

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

3. A 30-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 0-ft. from the intersection of the property line to the east and the property line to the north.

be granted for plans date stamped July 13, 2023, because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

Please be specific how the petitioner meets this criteria

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2023-23, John Farkas, 95 Detroit Blvd., 09-01-458-001, I move that the petitioner’s request for:

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

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 property line to the east.

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

3. A 30-ft. front yard setback variance from the required 30-ft. to erect a 6-ft. privacy fence 0-ft. from the intersection of the property line to the east and the property line to the north.

be denied for plans date stamped July 13, 2023, because the petitioner did not demonstrate that the following standards for variances have been met in this case:

Please be specific how the petitioner does not meet this criteria

1. The petitioner did not demonstrate Practical Difficulty because:

                                                                                   
                                                                                   
                                                                                   
                                                                                   
                                                                                   

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

                                                                                   
                                                                                   
                                                                                   
                                                                                   
                                                                                   

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

                                                                                   
                                                                                   
                                                                                   
                                                                                   
                                                                                   

107
4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:

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

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

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

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

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

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

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $250.00 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, 2323 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: John Farkas
Address: 95 Detroit Blvd S. City/State/Zip: Lake Orion
Phone: Cell: 989 860 2481 Fax:
Email: JFarkas1954@gmail.com

PROPERTY OWNER(S)
Name(s): John Farkas
Address: 95 Detroit Blvd S. City/State/Zip: Lake Orion
Phone: Cell: 989 860 2481 Fax:
Email: JFarkas1954@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: John Farkas Phone: 989 860 2481 Email: JFarkas1954@gmail.com

SUBJECT PROPERTY
Address: 95 Detroit Blvd S. Sidwell Number: 09-01-458-001
Total Acreage: \( \text{acre} \) Length of Ownership by Current Property Owner: 8 Years, 6 Months

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

Zoning Ordinance Allowance/Requirement [ ] Deviation requested
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. **Requesting Fence to block view & for safety for grand kids. There are old tires in yard that draw mosquitoes. Junk in yard, lawn unkept & bricks (large amount) laying around.**

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 Welly shed, garden - location**

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

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

   1050 Sea Berry Dr, 2020 - 1069 Sea Berry 4 166 Detroit Bluffs.

5. Describe how the alleged practical difficulty has not been self-created. **I have been looking at unkept property for 9 yr & no improvements have been done. I would just like to partially (back yard) block this view.**

6. The topography of said land makes the setbacks impossible to meet because: **If fence had to be 10' in - would not have access to the shed, well & garden.**

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. **I would not be able to use my shed, well & garden.**
Case #: 

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

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

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

Signature of Applicant:  
   (must be original ink signature)  
   
   Date: 7-12-23

Print Name:  
   JOHN FARKAS

Signature of Property Owner:  
   (must be original ink signature)  
   
   Date: 1-12-23

Print Name:  
   JOHN FARKAS

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:  
Side of garage to east property line
29 ft - 10' = 18 1/2'.
will lose access to well.

Back of house to property line is 24'-10' = 14',
will lose access to shed and 1/2 of garden.

64' is total length of fence on back property line.
Article XXVII General Provisions

27.05 Landscaping, Fences and Walls

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

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The fire department has reviewed the proposed documentation and has no concerns at this time. If you should need anything additional, please let me know.

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

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Hope you had a great vacation.

Thanks!