1. **OPEN MEETING**

2. **ROLL CALL**

3. **MINUTES**
   A. 2-22-2021, ZBA Regular Meeting Minutes

4. **AGENDA REVIEW AND APPROVAL**
   A. Memo from Lynn Harrison, Planning & Zoning Coordinator

5. **ZBA BUSINESS**
   A. **AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 09-27-301-019 (parcel directly east of 09-27-301-018)** - postponed from 2/17/2021 ZBA meeting
   The petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned SE Article XXVII, Section 27.02 – Lot size over 2.5 acres

   1. A 1,525-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 2,925-sq. ft. pole barn.

   2. A 2,013-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 2,925-sq. ft. pole barn in addition to a 988-sq. ft. attached garage, for a Total Maximum Floor Area of all Accessory Buildings of 3,913-sq. ft.

   B. **AB-2021-02, Kristin Berry, 537 Shady Oaks, 09-10-254-027**
   The petitioner is requesting 10 variances from Zoning Ordinance #78 – Zoned R-3 Article XXVII, Section 27.01 (C)(1)(a):

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

   Article VI, Section 6.04, Zoned R-3

   2. A 30-ft. front yard setback variance from the required 30-ft. for a carport to be reduced from being outside the front property line to being inside the property 0-ft. from the front property line along Shady Oaks.

   3. A 7.4 side yard setback variance from the required 10-ft. for a carport to be 2.6-ft. from the side property line (north),

   4. A 13-ft. front yard setback variance from the required 30-ft. to build an entryway addition to an existing house 17-ft. from the front property line (Shady Oaks).

   5. A 2.6-ft. side yard setback variance from the required 10-ft. to build an entryway addition to an existing house 7.4-ft. from the side property line (south).

   6. A 4.2-ft. side yard setback variance from the required 10-ft. to add an addition
5.8-ft. from the side property line (south)
7. A 2.2-ft. side yard setback variance from the required 10-ft. to add an addition
7.8-ft. from the side property line (north).
8. A 4.9-ft. side yard setback variance from the required 10-ft. to build a deck
with stairs 5.1-ft. from the side property line (south).
9. A 1.75-ft. side yard setback variance from the required 10-ft. to build a deck
with stairs 8.25-ft. from the side property line (north).
10. A 11.26% lot coverage variance above the allowed 25% for a total lot
coverage of 36.26%.

C. **AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022**
The petitioner is requesting 3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE
1. A 10-ft. side yard setback variance from the required 10-ft. to build a pole
barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres
2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area
of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition
to a 573-sq. ft. above ground swimming pool.

3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area
of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-
sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total
Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

6. **PUBLIC COMMENTS**

7. **COMMUNICATIONS**
   A. Date Certain Memo
   B. Memo Regarding Dan's Excavating Ordinance 99 Permit Renewal

8. **COMMITTEE REPORTS**

9. **MEMBER COMMENTS**

10. **ADJOURNMENT**
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, February 22, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

**ZBA MEMBERS PRESENT (Board Member Location):**
- Tony Kerby, Alternate (Orion Township)
- Dan Durham, Chairman (Orion Township)
- Don Walker, PC Rep to ZBA (Orion Township)
- Tony Cook, Vice-Chairman (Orion Township)
- Derek Brackon, Secretary (Orion Township)

**ZBA MEMBER ABSENT:**
- Mike Flood, BOT Rep to ZBA

**CONSULTANT PRESENT:**
- David Goodloe, Building Official

**OTHERS PRESENT:**
- Arron Roscoe
- Anton Rozhanskiy

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

2. **ROLL CALL**
As noted

3. **MINUTES**
   A. 1-25-2021, ZBA Regular Meeting Minutes
   Moved by Board Member Walker, seconded by Secretary Cook, to approve the minutes as presented. 
   Motion Carried

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

5. **ZBA BUSINESS**
   A. **AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 09-27-301-019**
   Chairman Durham read the petitioner’s request as follows:

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

   Article XXVII, Section 27.02 – Lot size over 2.5 acres

   1) A 1,525-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 2,925-sq. ft. Detached Accessory Building.

   2) A 1,925-sq. ft. variance above the allowed 1,900-sq. ft Maximum Floor Area of all Accessory Buildings to build a 2,925-sq. ft. Detached Accessory Building in addition to a 900-sq. ft. attached garage, for a Total Maximum Floor Area of all Accessory Buildings of 3,825-sq. ft.
Chairman Durham asked if Mr. Arron Roscoe was going to be the primary go-to?

Mr. Anton Rozhanskiy the applicant replied that he would be, he was the builder.

Chairman Durham stated that it was a really big storage barn. He asked what the proposed use for the barn? Mr. Rozhanskiy replied that his customer Arron, they are currently designing his current house. He owns both parcels totaling 15-acres. He has a few sports cars, recreational vehicles, UTV, and an RV that he would like to store in a barn.

Chairman Durham questioned that there will be no commercial use of any kind? Mr. Rozhanskiy replied correct.

Chairman Durham said that they are coming in for a couple of variances because the lot size is way over 2.5 acres. While they are looking for a large barn, he felt that they had the property to fit it without impacting anyone else.

Chairman Durham asked if there were any regulated wetlands that they will be dealing with? Mr. Rozhanskiy replied no. Chairman Durham stated that he noticed a couple of low spots on one of the overheads. Mr. Rozhanskiy replied that they don't have a specific location, currently because it is 15-acres. He added that they will satisfy all of the ordinances, it was just more or less that they find out if they can build a barn because that will decide the design of the house, so no.

Board Member Walker asked if all of the construction, the house and the outbuildings, and everything going to be on the 3-acre lot? Mr. Rozhanskiy replied that Arron does want to combine the lots depending if he can do the barn or not. It hasn't been done currently, but overall; he will combine them.

Secretary Brackon asked if he could explain why the location of the barn will affect the design of the house? Mr. Rozhanskiy replied because of the combined detached and attached structures of the garage and a total of 1,500-sq. ft. combined. Secretary Brackon said he is trying to figure out why the location where they are going to build the barn would affect the design? Mr. Rozhanskiy replied that he was sorry, it was not the location. He said that if he could do the barn size, right now, they don't have a location specified. Secretary Brackon asked if it was not approved by this board, what is going to happen as far as the plan with the house? Mr. Rozhanskiy replied that will be a discussion they have with Arron to decide where he wants to put the house, the size of the house, and the garage. He added that right now, the biggest thing is he has purchased 15-acres to do the barn to have the ability to store everything on site. He said that they don't know the design currently, because it will be based on the decision here.

Vice-Chairman Cook said the applicant just made a couple of statements. One was what they vote on tonight is going to depend upon where the barn is going to go. He asked if the current design that they have in front of them, the proposed house, and the proposed accessory building, is that all in the 3.092-acre parcel, is that all contained within that parcel. Mr. Rozhanskiy replied that on the current survey that they are seeing yes, they are. Vice-Chairman Cook asked if they intended to keep the house and the barn within this single parcel? Mr. Rozhanskiy replied no. He said that the barn could end up on the other parcel where the other parcel begins. This was just done currently to submit a survey for them, to see what they are trying to do. It didn't mean that they will leave them together on that one parcel. Vice-Chairman Cook said so currently, they don't know where the house will be. He asked if he had a proposed size for the house currently? Mr. Rozhanskiy said that the house will be within those three acres because that is where the road leads to the house. The house will be on that parcel.
Chairman Durham said that he saw a rough diagram and it appeared to him, that if he is successful tonight, where he saw the footprint of the barn, it appeared to be way at the east back part of the larger parcel, and the house and garage were on the three-acre parcel by themselves. He asked if that was correct? Mr. Rozhanskiy replied yes. He added that if they can do this barn, then they will combine both parcels, so he can move the barn away from the house further or closer. It will be then in the whole 15-acres, or just shy of 15-acres.

Chairman Durham said if they are successful or not, they will need to commit at some point to how much land they propose to use. He was concerned that some of the Board Members may be believing that they are going to be throwing all this square footage into a three-acre piece, and that would not be a good fit. Mr. Rozhanskiy replied that was not their intention. He added what they thought they needed to do was to show that they are asking for a larger barn.

Vice-Chairman Cook stated that they can ask for a bigger barn. He said but the fact that they are asking for a larger barn, and he didn’t know where that conversation goes if it is on the 3-acres versus the 12-acres because that then becomes a separate conversation. After all, it is a different parcel of land.

Mr. Arron Rosco asked if it would make a difference, like Anton said, they are not exactly sure where they are going to put the barn because everything was up in the air. It is a possibility that it goes right between both parcels. He didn’t know if he would have to get that approved or not? They are just trying to see what they can do at this point and were open to many things.

Board Member Walker stated that he has never seen a request for an outbuilding variance before the house was built or even the plans have been submitted. He thought they were looking at the cart before the horse kind of thing. He added that they have a lot of acreages, they have 15-acres. The current ordinances only go up to 2.5 acres and above, then they have X number of square-footage. He asked Building Official Goodloe if that was correct? Building Official Goodloe replied yes. Board Member Walker said if they combine the two parcels that they are talking about 15-acres, so technically it shouldn’t be a problem. He added that the Master Plan was something they did every 5 years and they are starting to work on that right now. One of the things that he had suggested, and it will be discussed in that Master Plan is increasing the size of the outbuildings depending on the lot, and it didn’t seem right to him to cut it off at 2.5 acres. He said if the Master Plan were to change, and he didn’t know if it was going to, he thought maybe Building Official Goodloe could offer input to that. He said what they are asking for, and he didn’t think it was ridiculous based upon the size of the lots but he was not comfortable giving him something that he doesn’t know how it was all going to turn out.

Mr. Rozhanskiy thought maybe they would have to request that they have to combine the two to do it? Board Member Walker said he wasn’t suggesting that they can do whatever they would like to do. He was just trying to explain the parameters that they, as a Zoning Board, have to do.

Secretary Brackon asked why the parcels haven’t been combined already? Mr. Rosco said he just bought the land in September, so everything has been a rush so far. He added that a lot of things have been closed, to get that started. There are easements on the land too, and they are trying to get answered on that as well. They are trying to knock things off the list one by one.

Alternate Board Member Kerby asked what the Practical Difficulty was? He stated that what is written in their packet is that the owner purchased a large property with hopes to have a large space area for recreational vehicles as well as a few collectibles. He didn’t think that sounded like a Practical Difficulty to him. Mr. Rozhanskiy replied that the Practical Difficulty would be for storing everything indoors and out of sight and having everything that they own hidden inside the garage. Board Member Walker said he can see, having heard arguments like this for years in the past, and the fact that he has too much stuff, this board, historically, has not considered that a Practical Difficulty, which means they have too
much stuff. He added that going back to the size of the two parcels, and it makes a little bit different. He said he would feel better if they had all those other questioned answered first, figure out the house, figure out where the stuff was going to be, and then come back and say, now, this is what we need.

Mr. Roscoe said he wanted to build the barn, and have the barn completed before the house, so he can have the tractors there so he could cut the grass, and have a place where he didn’t have to, keep making trips with the truck back and forth. He wanted the garage finished, or at least a roof on it before, the house was completed, which will probably take a year or so to complete the house.

Chairman Durham said that they have talked about combining the parcels, which is the only thing that makes any sense. He asked if they had been told that that can be done for sure? Mr. Rozhanskiy replied as far as they know, yes. Chairman Durham asked if they have spoken with the County? Mr. Rozhanskiy said they told them that they would be combining them, yes.

Building Official Goodloe said he wanted to make sure that the applicant was aware that they would not be able to build the barn before they build the home. He added that they have to make progress on the home before they can start the barn. Mr. Roscoe said they planned progress on the house too.

Chairman Durham said normally when they get these oversize outbuilding requests, they go to the site, and they look, and this neighbor is going to see it, people over there are going to have their view blocked by it, cars driving by are going to see it. In this situation, he couldn’t even get back to the back of the property. It is unique in the fact that it is a heavily wooded parcel with nobody else around. Mr. Rozhanskiy said correct. He added that there is one neighbor that is by the parcel, and he believed that the back of the property was a railroad and then commercial on the other side.

Chairman Durham asked if this parcel was combined right now, would the Board feel differently about moving forward?

Vice-Chairman Cook said that one of his concerns is that they don’t know the dimensions for the house. In that scenario that they are asking, and one of the things that he was trying to clarify is this accessory building, is one of the considerations to put it on the 12-acre parcel? Is that one of the options or scenarios that they are looking to put the main house itself on the 3-acres?

Chairman Durham said as he had mentioned earlier, he saw a rough diagram, but it was exactly that a rough diagram. It wasn’t planned, it wasn’t something that had been signed off on by anybody or approved by anybody. The rough diagram did show the barn towards the back.

Vice-Chairman Cook said right, but he was asking the applicant is if that had been considered as a scenario? Mr. Rozhanskiy asked, as far as, putting the house on 3-acres, and the barn on 12-acres? Vice-Chairman Cook replied yes. Mr. Rozhanskiy said yes it has been considered. Vice-Chairman Cook asked if it was an option that they would look at bringing to the Board of required. Mr. Roscoe said they are willing to consider all options at this point. If they were to go on the 12-acres that would take a little more clearing to do, but anything is an option.

Board Member Walker said that the bottom line is, these are two huge variances. His concern is he doesn’t know where it is going to be, and he had a lot of questions. He thought that the applicant was being somewhat penalized with the fact that they do cut it off at 2.5-acres. He always thought that it should be changed. He said if the Master Plan change’s he might not need to come to the ZBA at all, but he didn’t know.

Mr. Roscoe said that he had no idea when he bought this, that there would be any square footage requirements per acre. They started finding this out when they started looking at designs and what they
Chairman Durham stated that when people come in for a variance, they have some options, they can require that the Board vote on what they had brought forward, and then taking the temperature of the Board in deciding whether that is something that you want to move forward with. He added that they can postpone it. He asked Building Official Goodloe to go through the other options. Building Official Goodloe said they can lessen the variance, with less square footage. Chairman Durham said if they decide they want to draw away from here based on what they have heard and then make some changes, like get the parcels put together. Building Official Goodloe said yes, and postpone to a date certain. Chairman Durham said so they have that option. They don’t have to move forward but if they feel that they might be looking at being declined, but there might be a way that they can fix it at some other time, they can give them a date that they can come back again with their new information and take another run at it. Mr. Rozhanskiy said his only issue that he is seeing with combining if they can join the two parcels together, then Arron does not get the barn that he wanted originally, and then he doesn’t need to own all that land, he could just build his house and not build the barn, for example, and then sell it off or do whatever with the other parcel. He added if he could get his barn and the house then that makes sense for him to combine the two parcels. Secretary Brackon said that part of their concern is if they approve this without it being combined, he could build the house and the barn on the 3-acres and then sell off the 12-acres. Mr. Roscoe replied that he has no plans of selling off the 12-acres.

Board Member Walker said what concerned him was the uncertainty of the whole thing. He thought that they had 15-acres of land and they should within reason be able to do what he wants, but they still have the ordinances that they have to deal with. A zoning appeal kind of breaks the law for them is what it does. He didn’t see anything that he was willing to break the law for but thought that if they went back and did some stuff, they could probably figure something out.

Building Official Goodloe said that he wanted to make them aware, the barn cannot be built, if they still haven’t got their plans for their home and they are not ready to make that call yet. He thought that postponing it would be in their best interest because then they can come back with a better idea. It is not going to save them any time receiving this variance now because they won’t be able to start the barn until a permit has been issued for the house itself.

Mr. Rozhanskiy said the issue with this whole conversation and why this is all started, and this is why this is a very weird situation is because they have a combined 1,800-sq. ft., so they could adjust one way or the other, which is detached and attached structures or garages. Chairman Durham asked if they made the move as to what he just stated, would they still need the variance? Mr. Rozhanskiy said he would just proceed with designing the house exactly to maximum his attached garage. They hadn’t discussed the options of maybe meeting the highest detached barn within that 2.5-acres. That is where a lot of this stands is, that is the question of what to do, with finishing the design of the house, the barn, and the land. Chairman Durham said with his history with the Board, it gets dicey to try to decide some of this stuff on the fly. He added that in the end, they want what is in their best interest to happen. They want them to get what they need, if they can do it legally and they and they color too far outside the lines to doing this stuff on the fly, sometimes, it is difficult.

Board Member said if he was taking the temperature of the room, and he wasn’t going to tell Mr. Roscoe what to do, but he was thinking a postponement might not be a bad idea, and their best interest to get this stuff sorted out first.

Mr. Roscoe said one of the reasons he hasn’t combined the parcels is, he would save on taxes if he had one parcel separated from the other, as opposed to the house. If he combined both parcels and put the house on that one big parcel, that will probably raise his taxes. That is why he was waiting to
see if this variance would come through or not. He asked if there would be tax relief if there was nothing
on the other land? Board Member Walker said that the Board doesn’t know anything about his taxes,
they don’t work for the Township, they work for him. He didn’t think that any of them were tax attorneys
or accountants, and he didn’t think they were in the position to give him any kind of advice. He added
that they are just giving him their thoughts on the subject of the two requests for extremely large
variances, without houses being built first.

Chairman Durham said the ball kind of rests in the applicant’s court. He agreed with what Board
Member Walker said. He thought if he withdrew and consulted with Building Official Goodloe, they
could come back with a package that should have more surface questions, and not maybe quite so
many that go into the depth that it did tonight.

Mr. Roscoe said that he thought postponing it was his best option. Chairman Durham said that there
are three dates that they can give them now. If they don’t, they could contact the Planning & Zoning
Department. They have March 8, March 22, and April 12, any of those three days. He said they don’t
have to give them a date tonight, they can discuss it after they leave if they would like to. He asked if it
was their wish to postpone it to one of the three dates that he gave them? Mr. Roscoe replied yes that
is his wish.

Moved by Board Member Walker, seconded by Alternate Board Member Kerby, that in the ZBA case
AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 09-27-301-019, I move that the
petitioner's request for two variances from Zoning Ordinance #78: Zoned SE, Article XXVII, Section
27.02 – Lot size over 2.5 acres; 1) a 1,525-sq. ft. variance above the allowed 1,400-sq. ft. Maximum
Floor Area of all Detached Accessory Buildings, to build a 2,925-sq. ft. Detached Accessory Building; 2)
a 1,925-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings
to build a 2,925-sq. ft. Detached Accessory Building in addition to a 900-sq. ft. attached garage, for a
Total Maximum Floor Area of all Accessory Buildings of 3,825-sq. ft. be postponed, because the
petitioner did indicate that there was more work that they would like to put forward for this request; the
Chairman has given them three-date certain that they can adjourn to, and they are going to get back to
the Building Official for one of those dates or give them another date.

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

6. PUBLIC COMMENTS
None

7. COMMUNICATIONS
Memo from Planning & Zoning Coordinator Harrison dated February 10, 2021, Dates which cases can
be postponed. Information only.

Memo from Planning & Zoning Coordinator Harrison regarding canceling the March 8, 2021, ZBA
Meeting. No action was taken due to the possibility of case #AB-2021-01 coming back on that day.

9. COMMITTEE REPORTS
None

10. MEMBERS’ COMMENTS
Board Member Walker welcomed Secretary Brackon and Alternate Board Member Kerby.
11. ADJOURNMENT
Moved by Chairman Durham, seconded by Board Member Walker to adjourn the meeting at 7:39 pm. Motion Carried.

Respectfully submitted,

Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

Zoning Board of Appeals Approval
TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: February 16, 2021
RE: Agenda Review and Approval

During Planning Commission meetings, one of the members usually makes a motion to approve the agenda as presented or as amended if something was amended or moved.

I suggest the ZBA be consistent and also make a motion for agenda item #4 Agenda Review and Approval whether to approve as presented or as amended. An “All in favor” or “those opposed” would be all that is required. No need for a roll call vote.

Thanks,

[Signature]

Lynn Harrison
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 16, 2021
SUBJECT: Staff Report for AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell

This case was first before you at the February 22, 2021 ZBA meeting at which time the case was postponed.

The applicants have increased their request for the size of the proposed attached garage to 988-sq. ft. from 900-sq. ft. and the case was re-advertised accordingly.

Mr. Roscoe has since applied to the Planning & Zoning Department to combine the two parcels. At this time that request is still in process.

Also, the applicants have provided a rendering of the proposed house and attached garage.

Included in your packet are the documents and minutes from the February 22, 2021 meeting.

If the Board makes a determination to approve, you may consider adding conditions to the motion for that approval. Also, if the Board chooses to approve modified variances, please use the square footage calculation sheet to calculate the modified sizes and make sure those modified numbers are used for the motion.

The Board can also make a motion to postpone or to deny.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: March 16, 2021

RE: AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 019. I move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned SE

Article XXVII, Section 27.02 – Lot size over 2.5 acres


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

Please be specific how the petitioner meets this criteria

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

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

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

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

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

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

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

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

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

   ______________________________________________________

   ______________________________________________________

   ______________________________________________________
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-01, Anton Rozhanskiv, 1500 W. Silverbell, 09-27-301-018 & 019, I move that the petitioner’s request for:

2 variances from Zoning Ordinance #78 – Zoned SE

Article XXVII, Section 27.02 – Lot size over 2.5 acres


Please be specific how the petitioner does not meet this criteria

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

1. The petitioner did not demonstrate Practical Difficulty because:

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

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

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

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

_________________________________________________________________________

_________________________________________________________________________

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

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

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

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

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

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

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
***** MINUTES *****
REGULAR MEETING – MONDAY FEBRUARY 22, 2021 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, February 22, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360

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

ZBA MEMBERS PRESENT (Board Member Location):
Tony Kerby, Alternate (Orion Township)
Dan Durham, Chairman (Orion Township)
Don Walker, PC Rep to ZBA (Orion Township)
Tony Cook, Vice-Chairman (Orion Township)
Derek Brackon, Secretary (Orion Township)

ZBA MEMBER ABSENT:
Mike Flood, BOT Rep to ZBA

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Arron Roscoe
Anton Rozhanskiy

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

2. ROLL CALL
As noted

3. MINUTES
A. 1-25-2021, ZBA Regular Meeting Minutes
Moved by Board Member Walker, seconded by Secretary Cook, to approve the minutes as presented.
Motion Carried

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

5. ZBA BUSINESS

A. AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 09-27-301-019
Chairman Durham read the petitioner’s request as follows:

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

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1) A 1,525-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 2,925-sq. ft. Detached Accessory Building.

2) A 1,925-sq. ft. variance above the allowed 1,900-sq. ft Maximum Floor Area of all Accessory Buildings to build a 2,925-sq. ft. Detached Accessory Building in addition to a 900-sq. ft. attached garage, for a Total Maximum Floor Area of all Accessory Buildings of 3,825-sq. ft.
Chairman Durham asked if Mr. Arron Roscoe was going to be the primary go-to?

Mr. Anton Rozhanskiy the applicant replied that he would be, he was the builder.

Chairman Durham stated that it was a really big storage barn. He asked what the proposed use for the barn? Mr. Rozhanskiy replied that his customer Arron, they are currently designing his current house. He owns both parcels totaling 15-acres. He has a few sports cars, recreational vehicles, UTV, and an RV that he would like to store in a barn.

Chairman Durham questioned that there will be no commercial use of any kind? Mr. Rozhanskiy replied correct.

Chairman Durham said that they are coming in for a couple of variances because the lot size is way over 2.5 acres. While they are looking for a large barn, he felt that they had the property to fit it without impacting anyone else.

Chairman Durham asked if there were any regulated wetlands that they will be dealing with? Mr. Rozhanskiy replied no. Chairman Durham stated that he noticed a couple of low spots on one of the overheads. Mr. Rozhanskiy replied that they don’t have a specific location, currently because it is 15-acres. He added that they will satisfy all of the ordinances, it was just more or less that they find out if they can build a barn because that will decide the design of the house, so no.

Board Member Walker asked if all of the construction, the house and the outbuildings, and everything going to be on the 3-acre lot? Mr. Rozhanskiy replied that Arron does want to combine the lots depending if he can do the barn or not. It hasn’t been done currently, but overall; he will combine them.

Secretary Brackon asked if he could explain why the location of the barn will affect the design of the house? Mr. Rozhanskiy replied because of the combined detached and attached structures of the garage and a total of 1,500-sq. ft. combined. Secretary Brackon said he is trying to figure out why the location where they are going to build the barn would affect the design? Mr. Rozhanskiy replied that he was sorry, it was not the location. He said that if he could do the barn size, right now, they don’t have a location specified. Secretary Brackon asked if it was not approved by this board, what is going to happen as far as the plan with the house? Mr. Rozhanskiy replied that will be a discussion they have with Arron to decide where he wants to put the house, the size of the house, and the garage. He added that right now, the biggest thing is he has purchased 15-acres to do the barn to have the ability to store everything on site. He said that they don’t know the design currently, because it will be based on the decision here.

Vice-Chairman Cook said the applicant just made a couple of statements. One was what they vote on tonight is going to depend upon where the barn is going to go. He asked if the current design that they have in front of them, the proposed house, and the proposed accessory building, is that all in the 3.092-acre parcel, is that all contained within that parcel. Mr. Rozhanskiy replied that on the current survey that they are seeing yes, they are. Vice-Chairman Cook asked if they intended to keep the house and the barn within this single parcel? Mr. Rozhanskiy replied no. He said that the barn could end up on the other parcel where the other parcel begins. This was just done currently to submit a survey for them, to see what they are trying to do. It didn’t mean that they will leave them together on that one parcel. Vice-Chairman Cook said so currently, they don’t know where the house will be. He asked if he had a proposed size for the house currently? Mr. Rozhanskiy said that the house will be within those three acres because that is where the road leads to the house. The house will be on that parcel.
Chairman Durham said that he saw a rough diagram and it appeared to him, that if he is successful tonight, where he saw the footprint of the barn, it appeared to be way at the east back part of the larger parcel, and the house and garage were on the three-acre parcel by themselves. He asked if that was correct? Mr. Rozhanskiy replied yes. He added that if they can do this barn, then they will combine both parcels, so he can move the barn away from the house further or closer. It will be then in the whole 15-acres, or just shy of 15-acres.

Chairman Durham said if they are successful or not, they will need to commit at some point to how much land they propose to use. He was concerned that some of the Board Members may be believing that they are going to be throwing all this square footage into a three-acre piece, and that would not be a good fit. Mr. Rozhanskiy replied that was not their intention. He added what they thought they needed to do was to show that they are asking for a larger barn.

Vice-Chairman Cook stated that they can ask for a bigger barn. He said but the fact that they are asking for a larger barn, and he didn’t know where that conversation goes if it is on the 3-acres versus the 12-acres because that then becomes a separate conversation. After all, it is a different parcel of land.

Mr. Arron Rosco asked if it would make a difference, like Anton said, they are not exactly sure where they are going to put the barn because everything was up in the air. It is a possibility that it goes right between both parcels. He didn’t know if he would have to get that approved or not? They are just trying to see what they can do at this point and were open to many things.

Board Member Walker stated that he has never seen a request for an outbuilding variance before the house was built or even the plans have been submitted. He thought they were looking at the cart before the horse kind of thing. He added that they have a lot of acres, they have 15-acres. The current ordinances only go up to 2.5 acres and above, then they have X number of square-footage. He asked Building Official Goodloe if that was correct? Building Official Goodloe replied yes. Board Member Walker said if they combine the two parcels that they are talking about 15-acres, so technically it shouldn’t be a problem. He added that the Master Plan was something they did every 5 years and they are starting to work on that right now. One of the things that he had suggested, and it will be discussed in that Master Plan is increasing the size of the outbuildings depending on the lot, and it didn’t seem right to him to cut it off at 2.5 acres. He said if the Master Plan were to change, and he didn’t know if it was going to, he thought maybe Building Official Goodloe could offer input to that. He said what they are asking for, and he didn’t think it was ridiculous based upon the size of the lots but he was not comfortable giving him something that he doesn’t know how it was all going to turn out.

Mr. Rozhanskiy thought maybe they would have to request that they have to combine the two to do it? Board Member Walker said he wasn’t suggesting that they can do whatever they would like to do. He was just trying to explain the parameters that they, as a Zoning Board, have to do.

Secretary Brackon asked why the parcels haven’t been combined already? Mr. Rosco said he just bought the land in September, so everything has been a rush so far. He added that a lot of things have been closed, to get that started. There are easements on the land too, and they are trying to get answered on that as well. They are trying to knock things off the list one by one.

Alternate Board Member Kerby asked what the Practical Difficulty was? He stated that what is written in their packet is that the owner purchased a large property with hopes to have a large space area for recreational vehicles as well as a few collectibles. He didn’t think that sounded like a Practical Difficulty to him. Mr. Rozhanskiy replied that the Practical Difficulty would be for storing everything indoors and out of sight and having everything that they own hidden inside the garage. Board Member Walker said he can see, having heard arguments like this for years in the past, and the fact that he has too much stuff, this board, historically, has not considered that a Practical Difficulty, which means they have too
much stuff. He added that going back to the size of the two parcels, and it makes a little bit different. He said he would feel better if they had all those other questioned answered first, figure out the house, figure out where the stuff was going to be, and then come back and say, now, this is what we need.

Mr. Roscoe said he wanted to build the barn, and have the barn completed before the house, so he can have the tractors there so he could cut the grass, and have a place where he didn't have to, keep making trips with the truck back and forth. He wanted the garage finished, or at least a roof on it before, the house was completed, which will probably take a year or so to complete the house.

Chairman Durham said that they have talked about combining the parcels, which is the only thing that makes any sense. He asked if they had been told that that can be done for sure? Mr. Rozhanskiy replied as far as they know, yes. Chairman Durham asked if they have spoken with the County? Mr. Rozhanskiy said they told them that they would be combining them, yes.

Building Official Goodloe said he wanted to make sure that the applicant was aware that they would not be able to build the barn before they build the home. He added that they have to make progress on the home before they can start the barn. Mr. Roscoe said they planned progress on the house too.

Chairman Durham said normally when they get these oversize outbuilding requests, they go to the site, and they look, and this neighbor is going to see it, people over there are going to have their view blocked by it, cars driving by are going to see it. In this situation, he couldn't even get back to the back of the property. It is unique in the fact that it is a heavily wooded parcel with nobody else around. Mr. Rozhanskiy said correct. He added that there is one neighbor that is by the parcel, and he believed that the back of the property was a railroad and then commercial on the other side.

Chairman Durham asked if this parcel was combined right now, would the Board feel differently about moving forward?

Vice-Chairman Cook said that one of his concerns is that they don't know the dimensions for the house. In that scenario that they are asking, and one of the things that he was trying to clarify is this accessory building, is one of the considerations to put it on the 12-acre parcel? Is that one of the options or scenarios that they are looking to put the main house itself on the 3-acres?

Chairman Durham said as he had mentioned earlier, he saw a rough diagram, but it was exactly that a rough diagram. It wasn't planned, it wasn't something that had been signed off on by anybody or approved by anybody. The rough diagram did show the barn towards the back.

Vice-Chairman Cook said right, but he was asking the applicant is if that had been considered as a scenario? Mr. Rozhanskiy asked, as far as, putting the house on 3-acres, and the barn on 12-acres? Vice-Chairman Cook replied yes. Mr. Rozhanskiy said yes it has been considered. Vice-Chairman Cook asked if it was an option that they would look at bringing to the Board of required. Mr. Roscoe said they are willing to consider all options at this point. If they were to go on the 12-acres that would take a little more clearing to do, but anything is an option.

Board Member Walker said that the bottom line is, these are two huge variances. His concern is he doesn't know where it is going to be, and he had a lot of questions. He thought that the applicant was being somewhat penalized with the fact that they do cut it off at 2.5-acres. He always thought that it should be changed. He said if the Master Plan change's he might not need to come to the ZBA at all, but he didn't know.

Mr. Roscoe said that he had no idea when he bought this, that there would be any square footage requirements per acre. They started finding this out when they started looking at designs and what they
wanted. One of the first things they did was submit a proposed variance for the barn. It was news to him as well and was surprised at the 2.5-acre cap.

Chairman Durham stated that when people come in for a variance, they have some options, they can require that the Board vote on what they had brought forward, and then taking the temperature of the Board in deciding whether that is something that you want to move forward with. He added that they can postpone it. He asked Building Official Goodloe to go through the other options. Building Official Goodloe said they can lessen the variance, with less square footage. Chairman Durham said if they decide they want to draw away from here based on what they have heard and then make some changes, like get the parcels put together. Building Official Goodloe said yes, and postpone to a date certain. Chairman Durham said so they have that option. They don't have to move forward but if they feel that they might be looking at being declined, but there might be a way that they can fix it at some other time, they can give them a date that they can come back again with their new information and take another run at it. Mr. Rozhanskiy said his only issue that he is seeing with combining if they can join the two parcels together, then Arron does not get the barn that he wanted originally, and then he doesn't need to own all that land, he could just build his house and not build the barn, for example, and then sell it off or do whatever with the other parcel. He added if he could get his barn and the house then that makes sense for him to combine the two parcels. Secretary Brackin said that part of their concern is if they approve this without it being combined, he could build the house and the barn on the 3-acres and then sell off the 12-acres. Mr. Roscoe replied that he has no plans of selling off the 12-acres.

Board Member Walker said what concerned him was the uncertainty of the whole thing. He thought that they had 15-acres of land and they should within reason be able to do what he wants, but they still have the ordinances that they have to deal with. A zoning appeal kind of breaks the law for them is what it does. He didn't see anything that he was willing to break the law for but thought that if they went back and did some stuff, they could probably figure something out.

Building Official Goodloe said that he wanted to make them aware, the barn cannot be built, if they still haven't got their plans for their home and they are not ready to make that call yet. He thought that postponing it would be in their best interest because then they can come back with a better idea. It is not going to save them any time receiving this variance now because they won't be able to start the barn until a permit has been issued for the house itself.

Mr. Rozhanskiy said the issue with this whole conversation and why this is all started, and this is why this is a very weird situation is because they have a combined 1,800-sq. ft., so they could adjust one way or the other, which is detached and attached structures or garages. Chairman Durham asked if they made the move as to what he just stated, would they still need the variance? Mr. Rozhanskiy said he would just proceed with designing the house exactly to maximum his attached garage. They hadn't discussed the options of maybe meeting the highest detached barn within that 2.5-acres. That is where a lot of this stands is, that is the question of what to do, with finishing the design of the house, the barn, and the land. Chairman Durham said with his history with the Board, it gets dicey to try to decide some of this stuff on the fly. He added that in the end, they want what is in their best interest to happen. They want them to get what they need, if they can do it legally and they and they color too far outside the lines to doing this stuff on the fly, sometimes, it is difficult.

Board Member said if he was taking the temperature of the room, and he wasn't going to tell Mr. Roscoe what to do, but he was thinking a postponement might not be a bad idea, and their best interest to get this stuff sorted out first.

Mr. Roscoe said one of the reasons he hasn't combined the parcels is, he would save on taxes if he had one parcel separated from the other, as opposed to the house. If he combined both parcels and put the house on that one big parcel, that will probably raise his taxes. That is why he was waiting to
see if this variance would come through or not. He asked if there would be tax relief if there was nothing on the other land? Board Member Walker said that the Board doesn't know anything about his taxes, they don't work for the Township, they work for him. He didn't think that any of them were tax attorneys or accountants, and he didn't think they were in the position to give him any kind of advice. He added that they are just giving him their thoughts on the subject of the two requests for extremely large variances, without houses being built first.

Chairman Durham said the ball kind of rests in the applicant's court. He agreed with what Board Member Walker said. He thought if he withdrew and consulted with Building Official Goodloe, they could come back with a package that should have more surface questions, and not maybe quite so many that go into the depth that it did tonight.

Mr. Roscoe said that he thought postponing it was his best option. Chairman Durham said that there are three dates that they can give them now. If they don't, they could contact the Planning & Zoning Department. They have March 8, March 22, and April 12, any of those three days. He said they don't have to give them a date tonight, they can discuss it after they leave if they would like to. He asked if it was their wish to postpone it to one of the three dates that he gave them? Mr. Roscoe replied yes that is his wish.

Moved by Board Member Walker, seconded by Alternate Board Member Kerby, that in the ZBA case AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell, 09-27-301-018 & 09-27-301-019, I move that the petitioner's request for two variances from Zoning Ordinance #73: Zoned SE, Article XXVII, Section 27.02 – Lot size over 2.5 acres; 1) a 1,525-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 2,925-sq. ft. Detached Accessory Building; 2) a 1,925-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings to build a 2,925-sq. ft. Detached Accessory Building in addition to a 900-sq. ft. attached garage, for a Total Maximum Floor Area of all Accessory Buildings of 3,825-sq. ft. be postponed, because the petitioner did indicate that there was more work that they would like to put forward for this request; the Chairman has given them three-date certain that they can adjourn to, and they are going to get back to the Building Official for one of those dates or give them another date.

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

6. PUBLIC COMMENTS
None

7. COMMUNICATIONS
Memo from Planning & Zoning Coordinator Harrison dated February 10, 2021, Dates which cases can be postponed. Information only.

Memo from Planning & Zoning Coordinator Harrison regarding canceling the March 8, 2021, ZBA Meeting. No action was taken due to the possibility of case #AB-2021-01 coming back on that day

9. COMMITTEE REPORTS
None

10. MEMBERS' COMMENTS
Board Member Walker welcomed Secretary Brackon and Alternate Board Member Kerby.
We are the residents at 1444 W Silverbell and we have no problem with the request for variance.

Thank you,

Lee Bishop
## Variance Calculations for March 22, 2021 ZBA Meeting

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<tr>
<th>Allowed Sq. Ft. of All Detached Accessory Structures</th>
<th>1,400 sq. ft.</th>
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<td>2,925-sq. ft.</td>
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<tr>
<td><strong>Variance</strong></td>
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<tr>
<td><strong>Variance</strong></td>
<td>2,013-sq. ft.</td>
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DOCUMENTS FROM
FEBRUARY 22, 2021 MEETING PACKET
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: February 16, 2021

SUBJECT: Staff Report for AB-2021-01, Anton Rozhanskiy, 1500 W. Silverbell

The applicant is representing the homeowner of the subject property. The homeowner has purchased lots 09-27-301-018 which is 3.092 acres and 09-27-301-019 which is 12.027 acres and plans on building a residential home with an attached garage and a detached accessory structure. The aerial photo provided shows an existing house on parcel 09-27-301-018 (or parcel “B” on the plans), that house was demolished in 2019.

Please note that the plans indicate a 60’ x 45’ sq. foot detached structure and the application indicates it to be approximately 65’ x 45’ sq. ft.; I used the larger of the two for the variance calculations.

Prior to finalizing the plans for the house and attached garage, the applicant has requested to seek variances for a larger than allowed detached accessory structure. Depending on that approval, approval with modifications, or a denial – the applicant will then determine what size house and attached garage to build.

The applicant has indicated that the exact size and layout of the house is yet to be determined however the attached garage would not exceed what is represented on the plans date stamped received January 8, 2021. The applicant is seeking variances for square footage of a detached accessory structure only and has stated that they will meet all other Zoning Ordinance #78 requirements.

If the Board makes a determination to approve modified variances, please use the square footage calculation sheet to calculate the modified sizes and make sure those modified numbers are used for the motion.

The Board can also make a motion to postpone or to deny.
Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Single Family Residential

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

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

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

APPLICANT
Name: Anton Rozhanskiy
Address: 5909 Chestnut Hill Dr City/State/Zip: Clarkston, MI 48346
Phone: (248) 933-1757 Cell: (248) 933-1757 Fax: 
Email: olavinc@gmail.com

PROPERTY OWNER(S)
Name(s): Anton Roscoe Marcia Roscoe
Address: 4166 Sheerstone Place Dr City/State/Zip: 
Phone: _____ Cell: 870-706-1831 Fax: 
Email: Anton1881@hotmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Anton Rozhanskiy Phone: (248)933-1757 Email: olavinc@gmail.com

SUBJECT PROPERTY
Address: 1500 S Silver Bell Sidwell Number: 09-27301018
Total Acreage: 3.12 Length of Ownership by Current Property Owner: 58 Years, 4 Months
Does the owner have control over any properties adjoining this site? Yes, 09-27301019, 12.018 acres
Zoning Ordinance Allowance/Requirement: Residential Deviation requested

Page 1 of 3
Version 5/19/18
CASE #: ________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Owner has 2 adjacent properties totaling 15.12 acres. Would like to build approx. 45 x 65 detached out building.

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. One side of the property is railroad tracks, another side is industrial building and only 1 house near by.

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: Property is fully enclosed with great cover. Building will not have any impact on any one but property owner.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: there is only one property/neighbor near by.

5. Describe how the alleged practical difficulty has not been self-created. Owner purchased a large property with hope to have large spacious area for their recreational vehicle as well as few collectable.

6. The topography of said land makes the setbacks impossible to meet because: setbacks are not an issue.

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. Ordinance states for 2.5+ acres, 15 in this case. Owner is planning on building a home with attached 3 car garage which leaves them with small outhouse in order to comply with 1500 sq ft total.
Case #: 

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

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: 1/15/21

Print Name: Anton Rochanskiy

Signature of Property Owner: 
(must be original ink signature) __________________________ Date: 1/15/21

Print Name: [Signature] MARIA ROSCIE

If applicable: I the property owner, hereby give permission to Anton Rochanskiy (with inc.) to represent me at the meeting.

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11/28/85):

<table>
<thead>
<tr>
<th>LOT SIZE</th>
<th>MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS</th>
<th>MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS</th>
<th>TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1/2 acre</td>
<td>750 sq. ft.</td>
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<td>1,150 sq. ft.</td>
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<tr>
<td>1/2 to 1 acre</td>
<td>900 sq. ft.</td>
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<td>1,300 sq. ft.</td>
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<tr>
<td>1 to 2.5 acres</td>
<td>1,000 sq. ft.</td>
<td>75% of the principal structure</td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td>Over 2.5 acres</td>
<td>1,400 sq. ft.</td>
<td></td>
<td>1,900 sq. ft.</td>
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</tbody>
</table>

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11/28/85 06/15/15):

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

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

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

iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. (amended 07/16/18)

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
AB-2021-01; 1500 W. Silverbell
09-27-301-018 & 019

Approx Pole Barn
45x6s = 2,925

Setbacks OK
Lot Coverage OK

Attached garage
Approx 900 sf

Allowed Detached
1,400 sf
Total Allowed
1,900 sf

The attached garage needs to be moved first

HHM attached garage & detached they need to be moved
Lynn Harrison

From: Jeff Williams
Sent: Wednesday, March 17, 2021 10:06 AM
To: Lynn Harrison
Cc: Robert Duke; John Pender
Subject: RE: ZBA Cases

Lynn

I reviewed all 3 applications and completed a site inspection of the Silverbell property.

The Fire Department has no concerns at this time and recommends approval.

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Thursday, March 11, 2021 9:22 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, when you get a chance will you please look at these 3 ZBA cases for fire truck accessibility.

Thanks,
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 17, 2021
SUBJECT: Staff Report for AB-2021-02, Kristin Berry, 537 Shady Oaks

The subject property measures 40-ft wide at the front yard setback. Minimum lot width requirement is 50-ft. therefore there is no relaxation on the side yard setbacks. Side yard setback remains at 10-ft per side.

The applicant is seeking to renovate the existing home by adding an entryway to the front of the house, an addition and new deck to the rear of the house, or lakeside, and to repair and reduce the size of the existing carport to be within the property lines.

Tammy and I studied the proposed plans and confirmed with the contractor that the section on the plans that says “Remove existing cantilever over Conc.” will remain and that square footage is part of the lot coverage calculation. The section immediately adjacent, to the east, is a proposed 222-sq. ft. addition. There is also a deck addition of 245-sq. ft. and deck stairs of 85-sq. ft.

It was also noted on the plans that there were stairs along the south side of the house that were to be relocated – we verified they are at grade level and therefore do not need to meet setback requirements.

A portion of the existing carport currently sits outside the front property line. The applicant is proposing to reduce it so that it will be inside the property lines. The variances requested reflect the setback requirement for the carport’s location within the property lines.

Motion options would be:

After hearing the case, the Board needs to decide whether they are going to approve or deny the first variance. If to approve, move forward with the motion for approval. You can approve all 10 variances or a portion thereof.

If the first variance is to be denied, move forward with the denial motion.

If you approve the first variance but want to deny any number of the subsequent variances, use the denial motion for the variances you are denying.

If you feel it appropriate, the first variance for minimum lot width can be made as a separate motion.
If the Board makes a determination to approve, if applicable, you may add conditions to the motion for that approval. Also, if the Board chooses to approve modified variances, please use the lot coverage calculation sheet to calculate the modified numbers and make sure those modified numbers are used for the motion.

The Board can also make a motion to postpone or to deny.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: March 16, 2021

RE: AB-2021-02, Kristin Berry, 537 Shady Oaks

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-02, Kristin Berry, 537 Shady Oaks, 09-10-254-027. I move that the petitioner’s request for:

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

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

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

Article VI, Section 6.04, Zoned R-3

2. A 30-ft. front yard setback variance from the required 30-ft. for a carport to be reduced from being outside the front property line to being inside the property 0-ft. from the front property line along Shady Oaks.

3. A 7.4 side yard setback variance from the required 10-ft. for a carport to be 2.6-ft. from the side property line (north),

4. A 13-ft. front yard setback variance from the required 30-ft. to build an entryway addition to an existing house 17-ft. from the front property line (Shady Oaks).

5. A 2.6-ft. side yard setback variance from the required 10-ft. to build an entryway addition to an existing house 7.4-ft. from the side property line (south).

6. A 4.2-ft. side yard setback variance from the required 10-ft. to add an addition 5.8-ft. from the side property line (south)

7. A 2.2-ft. side yard setback variance from the required 10-ft. to add an addition 7.8-ft. from the side property line (north).

8. A 4.9-ft. side yard setback variance from the required 10-ft. to build a deck with stairs 5.1-ft. from the side property line (south).

9. A 1.75-ft. side yard setback variance from the required 10-ft. to build a deck with stairs 8.25-ft. from the side property line (north)

10. A 11.26% lot coverage variance above the allowed 25% for a total lot coverage of 36.26%.

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

**Please be specific how the petitioner meets this criteria**

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

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

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

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

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

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

3. Increase the danger of fire or endanger the public safety due to:
4. Unreasonably diminish or impair established property values within the surrounding area due to:

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-02, Kristin Berry, 537 Shady Oaks, 09-10-254-027, I move that the petitioner’s request for:

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

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

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

Article VI, Section 6.04, Zoned R-3

2. A 30-ft. front yard setback variance from the required 30-ft. for a carport to be reduced from being outside the front property line to being inside the property 0-ft. from the front property line along Shady Oaks.

3. A 7.4 side yard setback variance from the required 10-ft. for a carport to be 2.6-ft. from the side property line (north).

4. A 13-ft. front yard setback variance from the required 30-ft. to build an entryway addition to an existing house 17-ft. from the front property line (Shady Oaks).

5. A 2.6-ft. side yard setback variance from the required 10-ft. to build an entryway addition to an existing house 7.4-ft. from the side property line (south).

6. A 4.2-ft. side yard setback variance from the required 10-ft. to add an addition 5.8-ft. from the side property line (south)

7. A 2.2-ft. side yard setback variance from the required 10-ft. to add an addition 7.8-ft. from the side property line (north).

8. A 4.9-ft. side yard setback variance from the required 10-ft. to build a deck with stairs 5.1-ft. from the side property line (south).

9. A 1.75-ft. side yard setback variance from the required 10-ft. to build a deck with stairs 8.25-ft. from the side property line (north)

10. A 11.26% lot coverage variance above the allowed 25% for a total lot coverage of 36.26%.

Please be specific how the petitioner does not meet this criteria

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

1. The petitioner did not demonstrate Practical Difficulty because:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

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


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

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

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

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

APPLICANT

Name: Kristin Berry
Address: 12 Highland Ave. City/State/Zip: Lake Orion
Phone: 248-860-9146 Cell: 
Fax: 
Email: getkristin@gmail.com

PROPERTY OWNER(S)

Name(s): Kristin Berry
Address: 12 Highland City/State/Zip: Lake Orion
Phone: 248-860-9146 Cell: 
Fax: 
Email: getkristin@gmail.com

CONTACT PERSON FOR THIS REQUEST

Name: Ed Sabol Phone: 248-219-8188 Email: islandpointebuilding@live.com

SUBJECT/PROPERTY

Address: 537 Shady Oaks Sidewell Number: 09-10-254-027
Total Acreage: .125 Length of Ownership by Current Property Owner: 0 Years, 6 Months

Does the owner have control over any properties adjoining this site? Yes
Zoning Ordinance Allowance/ Requirement Deviation requested
Case #: __________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Applicant seeking to renovate the existing structure, add an addition and new deck to the lake side of the of the existing structure, add a small entryway addition to the street side of the existing structure and make necessary repairs to the existing permitted carport while reducing the size to be within the property lines.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. Although the subject property is 50' wide at the street, the lot is actually 40ft wide at the widest point and it tapers to 20' on the lake side creating a "funnel" effect. We have made every effort possible to maintain better than existing setbacks for all proposed improvements.

3. If the appeal is granted, please explain how the variance will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: Reduction of the carport will substantially improve road travel safety and the other proposed improvements maintain modest setbacks given the constraints of the property.

4. Explain how the request is not consistent with other properties in the immediate area, please cite examples if possible: The proposed improvements will improve road travel safety as well as allow us to improve the property without hindering Lake views of neighboring parcels. The requested street addition setback will not exceed that of the already permitted Carport structure on the property. Many neighboring homes are very close to the road as well.

5. Describe how the alleged practical difficulty has not been self-created. The awkward taper and narrow shape of the lot present distinct difficulties in improving and expanding the existing structure.

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. Strict compliance with the ordinance would result in an awkward narrow addition. Every effort has been made to design a functional, yet visually appealing structure that is set back far enough from neighboring properties to maintain safe and code compliant distances.
Case #: __________________

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

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

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

Signature of Applicant: [Signature] Date: 2/5/21
Print Name: [Print Name]

Signature of Property Owner: [Signature] Date: 2/5/21
Print Name: [Print Name]

If applicable:
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

27.01 Nonconformities

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

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

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

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

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

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

C. Nonconforming Lots.

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

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

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

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

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

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

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

3. **Nonconforming Contiguous Lots Under Same Ownership.** If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance.
Section 6.04 – Area and Bulk Requirements *(amended 01.05 87, 02.17.04, 02.07.05, 07.16.18)*

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

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

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

Section 6.05 – Sign Regulation *(amended 10.08.98, 02.31.06)*

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

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

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

Section 6.07 – Wetland Setbacks *(added 09.17.07)*

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
Lot Coverage Calculations for ZBA Cases

AB-2021-02, Kristin Berry, 537 Shady Oaks

.136 Acres = 5,924.16 sq. ft.  25% = 1,481.04 sq. ft.

<table>
<thead>
<tr>
<th></th>
<th>Sq. Ft.</th>
<th></th>
<th>Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>= 1,104</td>
<td>House</td>
<td>= 1,104</td>
</tr>
<tr>
<td>New entry</td>
<td>= 42</td>
<td>New Entry</td>
<td>=</td>
</tr>
<tr>
<td>Prop. Carport size</td>
<td>= 450</td>
<td>Prop. Carport Size</td>
<td>=</td>
</tr>
<tr>
<td>Addition</td>
<td>= 222</td>
<td>Addition</td>
<td>=</td>
</tr>
<tr>
<td>New Deck</td>
<td>= 245</td>
<td>New Deck</td>
<td></td>
</tr>
<tr>
<td>Deck Stairs</td>
<td>= 85</td>
<td>Deck Stairs</td>
<td>=</td>
</tr>
<tr>
<td>Total</td>
<td>= 2,148</td>
<td>Total</td>
<td>=</td>
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<tr>
<th></th>
<th>Sq. Ft.</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>= 1,104</td>
<td>House</td>
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<td>=</td>
<td>New Entry</td>
<td>=</td>
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<tr>
<td>Prop. Carport Size</td>
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<tr>
<td>New Deck</td>
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<td>New Deck</td>
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<tr>
<td>Deck Stairs</td>
<td>=</td>
<td>Deck Stairs</td>
<td>=</td>
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<tr>
<td>Total</td>
<td>=</td>
<td>Total</td>
<td>=</td>
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<tr>
<td>Lot Coverage</td>
<td>Lot Size</td>
<td>Percentage</td>
<td></td>
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<td>--------------</td>
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<td></td>
</tr>
<tr>
<td>2,148 sq. ft.</td>
<td>+ 5,924.16 sq. ft.</td>
<td>= 36.26%</td>
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</tbody>
</table>
Lynn Harrison

From: Island Pointe, <islandpointebuilding@live.com>
Sent: Tuesday, February 23, 2021 3:08 PM
To: Lynn Harrison
Subject: Re: Variance Request

Lynn,

Plan attached showing carport increased from 1’ to 2.6’ from North property line and maintaining a 0’ setback from street property line from 5’ beyond the property line.

Street elevation with dimensioned footprint also attached

Ed
On Feb 22, 2021, at 2:26 PM, Lynn Harrison <lharrison@oriontownship.org> wrote:

Ed, Tammy and I spoke to Dave Goodloe and it was asked that you send us plans or a sketch of the garage noting the finished size after it is reduced. The sketch/plans need to show the dimensions and distance from the front property line and the distance from the northern property line.

Thanks Ed for all your cooperation,

Lynn Harrison  
Coordinator  
Planning & Zoning  
<image003.png>  
2525 Joslyn Road, Lake Orion, MI 48360  
O: 248.391.0304, ext. 5001  
W: www.oriontownship.org
AB-2021-02  Kristin Berry, 537 Shady oaks

1.36 acres = 5,924.16 ft²  25% = 1,481.04 ft²

The property width is 40' feet - maximum required is 50' so there is no relaxation on side yard setbacks- side yard setback is 10'

R-3: Front yard setback required is 30'
Side yard setbacks required are 10'
Rearyard setback required for the house is 35'
Deck setback from lake is 20'

New entryway, addition, and deck stairs all require various setback variances.

Lot Coverage:
Existing House = 1,104 ft²
New Entry = 420 ft²
Carport = 4500 ft²
House Addition = 2220 ft²
New additional Deck = 245 ft²
New deck stairs = 85 ft²

\[
\frac{2,148 \text{ ft}²}{5,924.16 \text{ ft}²} = 0.3626 \%
\]
Lot Coverage
Lynn Harrison

From: Jeff Williams
Sent: Wednesday, March 17, 2021 10:06 AM
To: Lynn Harrison
Cc: Robert Duke; John Pender
Subject: RE: ZBA Cases

Lynn

I reviewed all 3 applications and completed a site inspection of the Silverbell property.

The Fire Department has no concerns at this time and recommends approval.

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

From: Lynn Harrison <lharrison@oriontownship.org>
Sent: Thursday, March 11, 2021 9:22 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Cases

Jeff, when you get a chance will you please look at these 3 ZBA cases for fire truck accessibility.

Thanks,

Lynn Harrison
Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
March 14th, 2021

Charter Township of Orion
Zoning Board of Appeals

Subject: Orion Township Public hearing David 3/22/21 At 7 pm
AB-2021-02. Kristin Berry, 537 Shady Oaks
09-10-254-027

4427

Attention: Mr. Dan Durham

We have concerns of our property being used to access the East area of parcel 09-10-254-027. Due to
limited distance from the south property line.

We own parcel number 09-10-254-028 which is south of parcel 09-10-254-027. It has been in the family
since 1939.

We are presently in Florida until April 12. We will try to attend the video conference scheduled for March
22nd if we can.

This is in regard to the 10 variances Kristin Berry is requesting for parcel number 09-10-254-027. We
have issues with variants number 6 and 8. The parcel is pie-shaped and any additions to building deck or
stairs going east will reduce the distance to the property line North and South.

Variance 6

The Southside distance 5-8 ft could end up substantially less.

Variance 8

The Southside distance 5-1 ft could end up substantially less.

We would like to see a plan showing the proposed additions with the outlines of house, deck and stairs
shown on the lot parcel 09-10-254-027 including the extreme locations of house, deck and stairs showing
distance to the South parcel 09-10-254-028.

Until we get clarity on the above we regretfully abject two variants number 6 and 8.

In regard to the existing carport. Back in the mid-1970s the carport structure was granted by Orion
Township with no sides only because of a blind spot issue for oncoming traffic in both directions.

Regards,

Horst & Dawn Stuber
36614 Almont Drive
Sterling heights, MI 48310

Phone 586-322-1561

E-mail. stuber77@wowway.com
THE
BERRY HOUSE
537 SHADY OAKS, LAKE ORION, MI.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 17, 2021
SUBJECT: Staff Report for AB-2021-03, Justin Brantley, 2191 Pondview

If you recall, Mr. Brantley was before you at the 9/28/2020 ZBA meeting for variances for a similar pole barn. Mr. Brantley withdrew his request as there was some concern from neighbors regarding its proposed location. Mr. Brantley has relocated the proposed structure to the rear of the property in the southwest corner.

The property is zoned Suburban Estates (SE) where the requirement for the side yard setback is 20-ft. (rear yard setback is 10-ft.).

Also note above-ground swimming pools are included in lot coverage calculations.

If the Board makes a determination to approve, if applicable, you may add conditions to the motion for that approval. Also, if the Board chooses to approve modified variances, please use the Square Footage Calculation sheet to calculate the modified numbers and make sure those modified numbers are used for the motion.

The Board can also make a motion to postpone or to deny.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 17, 2021
RE: AB-2021-03, Justin Brantley, 2191 Pondview

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 the variances are modified, please use the square footage calculation sheet to determine the modifications and use the modified numbers in the motion. **

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022. I move that the petitioner’s request for:

3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 10-ft. to build a pole barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

2. A 773-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 1,200-sq. ft. pole barn in addition to a 573-sq. ft. above ground swimming pool.

3. A 937-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of All Accessory Buildings to build a 1,200-sq. ft. pole barn in addition to a 664-sq. ft. attached garage and a 573-sq. ft. above ground swimming pool for a Total Maximum Floor Area of All Accessory Buildings of 2,437-sq. ft.

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

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:


SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-03, Justin Brantley, 2191 Pondview, 09-04-126-022, I move that the petitioner’s request for:

3 variances from Zoning Ordinance #78

Article V, Section 5.04, Zoned SE

1. A 10-ft. side yard setback variance from the required 10-ft. to build a pole barn 10-ft. from the side property line (west)

Article XXVII, Section 27.02 Lot size 1 to 2 Acres

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Please be specific how the petitioner does not meet this criteria

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

1. The petitioner did not demonstrate Practical Difficulty because:

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

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

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

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

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

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

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

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

Application for Appeal - Single Family Residential

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

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

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

APPLICANT

Name: Justin Brantley
Address: 2191 Pondview Court City/State/Zip: Lake Orion / MI / 48362
Phone: 248-390-6124 Cell: 248-390-6124 Fax: 
Email: Justin.Brantley@pontiacschools.org

PROPERTY OWNER(S)

Name(s): Justin Brantley
Address: 2191 Pondview Court City/State/Zip: Lake Orion / MI / 48362
Phone: 248-390-6124 Cell: 248-390-6124 Fax: 
Email: Justin.Brantley@pontiacschools.org

CONTACT PERSON FOR THIS REQUEST

Name: Justin Brantley Phone: 248-390-6124 Email: Justin.Brantley@pontiacschools.org

SUBJECT PROPERTY

Address: 2191 Pondview Court, Lake Orion MI 48362 Sidwell Number: 09- 04-126-022
Total Acreage: 1.8 Length of Ownership by Current Property Owner: 1 Years, 8 Months

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

Case #: 

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. We would like to propose the location of additional pole barn located in southwest corner of our property. This would be a problem due to the current setback and maximum structural exterior square footage allowed by the city. We would like a small reduction/extension in the variance tolerances.

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. In our initial application a couple of our neighbors had expressed a disfavor with the overall location near the driveway. Understanding their opinions, we have agreed to the new setback location that will be hidden partially by trees. This space is larger and will also allow for a large structure while still not having easy access.

3. If the appeal is granted, please explain how the variance will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: When approved, the proposed structure would have a limited effect on the surrounding area and properties due to its location and small number of homes on our street. The affected parties should be satisfied with overall look, value, and location.

4. Explain how the request is consistent with other properties in the immediate area, please site examples if possible: A number of the surrounding properties have similar structures to the proposed structure on lots adjacent to ours. Specially in lot PINs: 09-04-103-016, 09-04-126-016, 09-04-126-013, and 09-04-126-012.

5. Describe how the alleged practical difficulty has not been self-created. The southwest location is the only other location other than at the end of our driveway that is viable location as the remainder of the property have mature trees, the pool, or honestly would just be an eyesore.

6. The topography of said land makes the setbacks impossible to meet because: The setback in the location would be probably be obtainable, but the space behind the structure would end being restricted and any modification in setback would be helpful.

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. The strict compliance with the setback does not prevent progression with the project though the maximum exterior structure square footage does as we are at the limit due to the pool from previous owners. The request is to just have the approval of the city if problems arise later in the project.
Case #: __________________

8. Have there been any previous appeals involving this property? If so, when?  Just the first application last August 2020

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: February 10, 2021
Print Name:  Justin Brantley

Signature of Property Owner:
(must be original ink signature) __________________________________________ Date: February 10, 2021
Print Name:  Justin Brantley

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):

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

DateFiled: ___________________ Fee Paid: ___________________ Receipt Number: ___________________
**Section 5.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)**

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

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

* Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.

** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

**Section 5.05 – Sign Regulation (amended 10.08.98, 02.21.06)**

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

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

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

**Section 5.07 – Wetland Setbacks (added 09.17.07)**

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11/28/85):

<table>
<thead>
<tr>
<th>LOT SIZE</th>
<th>MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS</th>
<th>MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS</th>
<th>TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1/2 acre</td>
<td>750 sq. ft.</td>
<td>75% of the principal structure</td>
<td>1,150 sq. ft.</td>
</tr>
<tr>
<td>1/2 to 1 acre</td>
<td>900 sq. ft.</td>
<td></td>
<td>1,300 sq. ft.</td>
</tr>
<tr>
<td>1 to 2.5 acres</td>
<td>1,000 sq. ft.</td>
<td></td>
<td>1,500 sq. ft.</td>
</tr>
<tr>
<td>Over 2.5 acres</td>
<td>1,400 sq. ft.</td>
<td></td>
<td>1,900 sq. ft.</td>
</tr>
</tbody>
</table>

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11/28/85 06/15/15):

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

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

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

iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. (amended 07/16/18)

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

b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
Setbacks

Front yard setback - Needs to be 40' = OK
Rear yard setback - Needs to be 10' and will be 10' = OK
Side yard setback (east) - Needs to be 20' = OK
Side yard setback (west) - Needs to be 20' is 10' - Needs 10' variance

Lot coverage = OK

House: 1,595
Attached garage: 664
Deck: 306
Deck: 135
Deck: 108
Pool w/ deck: 1222
Proposed Pole Barn: 1,200 (30' x 40')

5230 sq ft

Detached Accessory Allowed 1,000 sq ft
Pool - 573 sq ft
Proposed Pole Barn - 1,200 sq ft

773 sq ft variance

All Accessory Bldgs. Allowed 1,500 sq ft
Attached garage - 664
Swimming Pool - 573
Proposed Pole Barn - 1,200

937 sq ft variance
Good morning,

I hope your have a good day. The pool is 27 ft round which will be 572.56 square feet. I planned on only having one level. Thank you.

On Mon, Feb 22, 2021, 8:07 AM Lynn Harrison <lharrison@oriontownship.org> wrote:

Justin, I am writing up the proposed language for your variance request to add a detached garage to your property on Pondview. Couple things:

- What is the square footage of the pool – just the pool not the surrounding decking?

- Please clarify there will be not be a second floor or storage space above the main floor.

I need your response back as soon as possible as the variance language needs to go the paper by Friday morning, February 26th.

Thanks,

Lynn Harrison

Coordinator
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360

O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Sit tight! We’re almost done.

So you have completed your design and have selected your materials. Below is a full summary of your garage. Please review it before moving forward.

**Building Info**

<table>
<thead>
<tr>
<th>Building Width:</th>
<th>30'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Length:</td>
<td>40'</td>
</tr>
<tr>
<td>Building Height:</td>
<td>12'</td>
</tr>
<tr>
<td>Wall Framing Stud:</td>
<td>2&quot; x 6&quot;</td>
</tr>
<tr>
<td>Roof Framing:</td>
<td>Truss Construction</td>
</tr>
<tr>
<td>Truss Type:</td>
<td>Common</td>
</tr>
<tr>
<td>Roof Pitch:</td>
<td>4/12 Pitch</td>
</tr>
</tbody>
</table>

[Print Design Packet] [Email Design]

**Design Name:**
Woodshop Design

**Design ID:**
335157071776

**Estimated Price:**
$17,971.91

*Today’s estimated price, future pricing may go up or down. Tax, labor, and delivery not included.*

[Show Floor Plan]
### Variance Calculations

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of All Detached Accessory Structures</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-ground swimming pool</td>
<td>573</td>
<td>573</td>
<td>573</td>
<td>573</td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td>1,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>773-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
<th>1,500 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>664</td>
<td>664</td>
<td>664</td>
<td>664</td>
</tr>
<tr>
<td>Above-ground swimming pool</td>
<td>573</td>
<td>573</td>
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<tr>
<td><strong>Variance</strong></td>
<td><strong>937-sq. ft.</strong></td>
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</table>
Lynn Harrison

From: Jeff Williams  
Sent: Wednesday, March 17, 2021 10:06 AM  
To: Lynn Harrison  
Cc: Robert Duke; John Pender  
Subject: RE: ZBA Cases

Lynn

I reviewed all 3 applications and completed a site inspection of the Silverbell property.

The Fire Department has no concerns at this time and recommends approval

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

From: Lynn Harrison <lharrison@oriontownship.org>  
Sent: Thursday, March 11, 2021 9:22 AM  
To: Jeff Williams <jwilliams@oriontownship.org>  
Subject: ZBA Cases

Jeff, when you get a chance will you please look at these 3 ZBA cases for fire truck accessibility.

Thanks,

Lynn Harrison  
Coordinator  
Planning & Zoning  
2525 Joslyn Road, Lake Orion, MI 48360  
O: 248.391.0304, ext. 5001  
W: www.oriontownship.org
TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: March 16, 2021

RE: Dates which cases can be postponed to

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

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

April 12, 2021
April 26, 2021
May 10, 2021
TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 17, 2021
RE: Dan’s Excavating Ordinance 99 Permit Renewal

You all should have gotten renewal documents and a schedule for the site walk for Dan’s Excavating. The site walk is scheduled for Saturday, March 27th.

Mark Landis with OHM will accompany the first group. He has indicated that he will formally submit his review of the plans and documents after the site walk has been conducted.

The renewal will be heard at the April 26th ZBA meeting.

If you didn’t receive this information or have questions, please let me know.

Thanks,

[Signature]