1. **OPEN MEETING**

2. **ROLL CALL**

3. **MINUTES**
   A. 09-28-2020, ZBA Regular Meeting Minutes
   B. 10-12-2020, ZBA Regular Meeting Minutes

4. **AGENDA REVIEW AND APPROVAL**

5. **ZBA BUSINESS**
   A. **AB-2020-29, Thomas Denton, 322 N. Baldwin Rd., 09-06-100-052**
      The petitioner is requesting 1 variance from Zoning Ordinance #78 - Zoned SF
      Article XXVII, Section 27.02 - Lot size over 2.5 acres
      1. A 280-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of
         all Accessory Buildings, to build a 1,350-sq. ft. pole barn in addition to an 830-sq.
         ft.

   B. **AB-2020-30, Phillips Sign/G’s Pizza, 2775 S. Lapeer, 09-23-402-024**
      The petitioner is requesting 1 variance from Sign Ordinance #153
      Section 7, Non-Residential Wall & Ground Signs - Zoned GB
      1. A variance to allow 1 additional wall sign for a total of 2 wall signs totaling
         66.99-sq. ft.

   C. **AB-2020-31, Future Design/Powers Leasing Company, 3700 Giddings, 09-27-301-052**
      The petitioner is requesting 2 variances from Sign Ordinance #153
      Section 7, Non-Residential Wall & Ground Signs - Zoned LI
      1. A variance to allow 1 additional ground sign for a total of 2 ground signs.
      2. A 28.79-sq. ft. variance above the approved existing ground sign of 498-sq. ft.
         to allow two ground signs that total 526.79-sq. ft.

   D. **AB-2020-32, Peter Smith, 500 N. Conklin, 09-01-277-004**
      The petitioner is requesting 3 variances from Zoning Ordinance #78 - Zoned R-3
      Article XXVII, Section 27.01 (C)(1)(a):
      1. A 20-ft. lot width variance from the required minimum 50-ft. lot width
      Article VI, Section 6.04 Zoned R-3
2. A 6-ft. side yard setback variance from the required 10-ft to rebuild a house 4-ft. from the side property line (north).
3. A 5.33-ft. side yard setback variance from the required 10-ft to rebuild a house 4.67-ft. from the side property line (south)

6. PUBLIC COMMENTS

7. COMMUNICATIONS
   A. Date Certain Memo
   B. 2021 Meeting Dates

8. COMMITTEE REPORTS

9. MEMBER COMMENTS

10. ADJOURNMENT
MEMORANDUM

TO: ZBA Members

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

SUBJECT: 9/28/2020 Amended Minutes Approval

Thank you for re-looking at the motion for AB-2020-23, Michael Chisholm and amending it and then approving the minutes with the approved motion amendment.

Because I didn’t know for sure the appropriate process for making an amendment to a motion and therefore neglected to put the 9-28-2020 Regular ZBA Minutes on the Agenda for approval, will you please look them over, make sure the amendment to the motion is correct and then approve the minutes again – Trustee Flood made the motion to approve the amended minutes and Vice-Chairman Durham seconded the motion.

I believe the motion to approve, if that is the consensus, would be as follows:

Moved by ___________________________, seconded by __________________________, to approve the 9-28-2020, ZBA Regular Meeting Minutes as amended at the 10-12-2020 ZBA Regular Meeting.

Sorry for the inconvenience, just want to make sure “all my i’s are dotted and my t’s are crossed”.

Thank you,
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
***** MINUTES *****
REGULAR MEETING – MONDAY SEPTEMBER 28, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, September 28, 2020, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

ZBA MEMBERS PRESENT:
Dan Durham, Acting-Chairman
Don Walker, PC Rep to ZBA
Lucy Koscierzynski, Secretary
Tony Cook, Board Member
Mike Flood, BOT Rep to ZBA

ZBA MEMBER ABSENT:
None

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Steve Schneider
Cindy Mee
Justin Brantley
Christine Menig
Michael Chisholm
Stephen Kerr
Chris Wilson

1. OPEN MEETING
Acting Chairman Durham called the meeting to order at 7:06 pm.

2. ROLL CALL
As noted

3. MINUTES

A. 9-14-2020, ZBA Regular Meeting Minutes
Board Member Cook noted that the minutes needed to be amended to change the word “the” to “he” on the 3rd page of the 5th paragraph “Board Member Walker stated that the-he didn’t know”

Moved by Trustee Flood, seconded by Board Member Cook, to approve the minutes as amended.
Motion Carried

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

5. ZBA BUSINESS

A. AB-2020-23, Michael Chisholm, 4025 Waldon, 09-30-200-001
Acting Chairman Durham read the petitioner’s request as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78
Article XXVII, Section 27.02 – Lot size over 2.5 acres
1.) A 4,520-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Building, to build a 5,920-sq. ft. pole barn.

2.) A 4,881-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 5,920-sq. ft. pole barn in addition to an existing 861-sq. ft. attached garage.

Article XXVII, Section 27.02(A)(5)

3.) A 3-ft. variance above the 17-ft. mid-point measurement of the principal structure, to build a pole barn that measures 20-ft. at its mid-point.

The applicant Mr. Michael Chisholm, 4025 Waldon, presented.

Acting Chairman Durham asked the applicant what they were looking to do. Mr. Chisholm replied that they are looking to build a pole barn to house all of their stuff that is out in the yard. He said that he had a bunch of trailers, boats, snowmobiles, and RV's. He stated that they have chickens and was looking to put some livestock out in the back of it.

Acting Chairman Durham asked if it was a situation where he had too much stuff or not enough space? He noted that they are looking for a pretty large variance. Mr. Chisholm said he knew that they were counting the upstairs of the pole barn, and it was just going to be storage up top, but it was being included in the square footage on the second floor. It will still have a regular truss but it would just be light storage up there. Acting Chairman Durham asked Building Official Goodloe if this was something that he was familiar with? Building Official Goodloe replied that it was typical if they have a second story to be included in the square footage. Mr. Chisholm said that there is nothing that is going to be built up there. He added that all that was going to be up there was maybe boxes of Halloween and Christmas stuff.

Acting Chairman Durham asked the applicant if they intended to do any commercial work there? Mr. Chisholm replied no.

Acting Chairman Durham questioned if the pole barn will be placed to the left in the tree line? Mr. Chisholm replied yes. Acting Chairman Durham asked how many of those trees will they have to take down? Mr. Chisholm replied that where he had it sitting, he will have to take one pine tree down right now. Mr. Chisholm added to move it back to avoid getting the variance for the 150-ft. he would have to take out another oak tree and he didn't want to have to do that, and that is why he moved the pole barn forward.

Trustee Flood noted that the applicant had 5 acres. Mr. Chisholm said yes, a little over 5-acres.

Secretary Koscierzyński read the 9 letters from the residents. The letter of consent/non-consent from adjoining neighbors for construction of a new pole barn. Byron & Donna Miller, 3998 Waldon Rd., had no objection; Victor Rendon, 4005 Waldon, had no objection; Scott Hagen, 3851 Waldon Rd., had no objection; Edward Nummer, 3955 Waldon, had no objection; Danny Schram, 394 Waldon Rd., had no objection; R.W. Dillenbeck Jr., 4024 Waldon, had no objections; Laurence Frons, 4040 Waldon Rd., had no objection; Kathleen Kurilla, 4041 Walden Rd., had no objection; Ann Whittow, 4065 Walden Rd., had no objection.

Acting Chairman Durham asked if there was anyone from the public that wanted to speak on this matter. Building Official Goodloe stated that there were two callers on the phone via GoToMeeting. Acting Chairman Durham said that caller number one looked like Chris Wilson and asked if they would like to speak. Mr. Chris Wilson stated that he was there for the second item.
Board Member Walker stated that normally when he sees a variance that is an excessive request because their property is over 5-acres, he looks at some sort of compromise. By the letter of the law, they are asking for a huge variance. He asked if that was the smallest variance that he would seek or would they be willing to work out some sort of compromise? Mr. Chisholm stated that they were going to put on the side of the pole barn a porch and that was counted as square-footage also, they could remove that. He added that it was an angled side that was 14x80 he could remove that.

Secretary Koscierzynski said that she knew that the Board gave a variance to someone on his street last summer. She said that the Practical Difficulty was a tough one because she knew that they had a lot of stuff, and to grant them that large of a variance was tough. She asked how many square-feet the porch was? Trustee Flood replied 1,120 sq.-ft. Mr. Chisholm said he could cut that out and that would count less toward the square-footage. Trustee Flood stated that would take it down to 4,800-sq. ft. on the pole barn.

Board Member Cook noted that he saw several of the items from the photos, the trailers, the black truck, several plows, and the boat trailer. He asked where the boat and the RV were stored currently. Mr. Chisholm said that the boat is next door at his neighbors, he let him use his garage, and the RV is up north. Board Member Cook asked if that was going to change? Mr. Chisholm replied yes, he brings the RV home in the wintertime and it just sits outside, and they want to put it in the pole barn. That was the reason they are asking for the height variance so they can get the RV inside.

Trustee Flood said on the Memo from the Planning & Zoning Coordinator Lynn Harrison, it states that the eaves/overhang is 1,120-sq. ft.; the detached floor is 3,600-sq. ft.; the second-floor storage is 1,200-sq. ft., so they would have to take the 1,120-sq. ft. off of the 6,781-sq. ft. too.

Board Member Cook said that the truck had a logo on it that read MJ Chisholm. Mr. Chisholm said on the back window of the black plow truck, that was just for advertisement. Board Member Cook asked if this was a business that he runs? Mr. Chisholm stated that his shop is in Troy, MI and that was just a truck that he uses to plow his driveway. Board Member Cook asked if it was a construction company in Troy, MI? Mr. Chisholm replied yes. Board Member Cook said that is why he asks about the size of the pole barn if it was to store things from that business? Mr. Chisholm replied no; only the things that they submitted with the application. All of their work trucks stay down in Troy. Acting Chairman Durham said that there would be a sharp difference between storing personal items and storing items from a business. Mr. Chisholm agreed.

Board Member Cook stated that they were talking about the upstairs and that they will not be using it other than to store some light things. Is that another compromise that they are willing to do on this? Mr. Chisholm replied that he didn’t know how they would get rid of that because it is built right in the truss and was always going to be there. Board Member Cook said but there was flooring that has to go in and if they don’t put the flooring in. Mr. Chisholm replied that he could do that and just leave it open.

Acting Chairman Durham said that he is not in a bad area to have something like that. The neighbors are far away from them and are separated by heavy tree lines. People drive by there fast and they will see it when it is going up but once it is done it will blend right in. Mr. Chisholm said that they are going to build a nice pole barn.

Moved by Secretary Koscierzynski, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-23, Michael Chisholm, 4025 Waldon, (Sidwell #09-30-200-001), that the petitioners request for 3 variances from Zoning Ordinance #78: Article XXVII, Section 27.02 – Lot size over 2.5 acres: 1) a 3,600-sq.-ft. 2,200-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 3,600-sq. ft. pole barn; 2) a 2,561-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 3,600-sq. ft. pole barn in addition to an existing 861-sq. ft. attached garage; Article XXVII, Section 27.02(A)(5): 3) a 3-ft. variance
above the 17-ft. mid-point measurement of the principal structure, to build a pole barn that measures 20-ft. to its mid-point, be granted because the petitioner has demonstrate the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty was for storage of a motor home, pontoon boat, fishing boat, trailer, etc.; 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: the petitioner has a five-acre property, this is not an unusual request from the neighborhood; the variance is necessary for the preservation and enjoyment of a substantial property rights possessed by other property in the same zone or vicinity based on the following facts: this is not unusual for the neighborhood, they have five-acres and have plenty of space, they are going to cut down one tree; nine of the neighbors are for this, no one was against it; the granting of the variance or modification will not be materially detrimental to the public welfare or material injurious to the property or to improvements in such zone or district in which the property is located based on the following findings of facts: there's plenty of room between the houses for this; no one is against it; the petitioner has working with the Board on this and have lessen the amount that they wanted; further, based on the following findings of facts, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties; would not unreasonably increase the congestion in public streets: this is not applicable; it would not increase the danger of fire or endanger public safety; unreasonably diminish or impair established property values within the surrounding areas: if anything the neighbors show be happy this stuff is going to be inside; or in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Secretary Kosciierzynski amended the motion, Trustee Flood re-supported to include that the Fire Marshal had expressed no concerns in regards to this applicant.

Discussion on the motion:

Board Member Cook asked about lowering it to 16-ft. at the midpoint? He asked if that was just a discussion or if they ever settled on it? Mr. Chisholm replied that he would like to leave it where it was at. Board Member Cook replied that he would accept the motion.

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

B. AB-2020-24, Justin Brantley, 2191 Pondview Ct., 09-04-126-022
Acting Chairman Durham read the petitioners request as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article V, Section 5.04 – Zoned SE

1. An 18-ft. side yard setback variance from the required 20-ft. to build a detached garage 2-ft. from the property line (west).

Article XXVII, Section 27.02 – Lot size 1 to 2.5 acres

2. A 942-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 1,222-sq. ft. above ground pool with above ground decks.

3. A 1,106-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 664-sq. ft. attached garage and a 1,222-sq. ft. above ground pool with above ground decks.
Acting Chairman Durham asked if the applicant was present.

Mr. Justin Brantley, 2191 Pondview Ct., was present via the GoToMeeting program.

Mr. Brantley stated that he spoke with the neighbors outside of the meeting and they had concerns and he wanted to withdraw his requests for the variances.

Acting Chairman Durham asked if they wanted to postpone or if he would like to withdraw his request? Mr. Brantley replied that he would like to withdraw.

Moved by Trustee Flood, seconded by Secretary Koscielny, that in the matter of ZBA case AB-2020-24, Justin Brantley, 2191 Pondview Ct., (Sidwell #09-04-126-022), the petitioner requested that the Zoning Board of Appeals withdraw this request.

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

C. AB-2020-25. Steve Schneider, 957 Pine Tree W., 09-10-202-005
Acting Chairman Durham read the petitioner’s request for 6 variances from Zoning Ordinance No. 78:

- Article VI, Section 6.04 - Zoned R-3
  1) A 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Road W.
  2) A 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lakeside)
  3) A 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%
- Article XXVII, Section 27.03 (C)(3)(b)
  4) A 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line.
- Article XXVII, Section 27.02(A)(4)
  5) A 10-ft. rear yard setback variance from the required 10-ft. for an inground pool to be 0-ft. from the rear property line.
- Article XXVII, Section 27.17(B)
  6) A 2-ft. wetland setback variance from the required 25-ft. for an inground pool to be 23-ft. from a wetland.

Mr. Steve Schneider, 957 Pine Tree W., presented.

Acting Chairman Durham stated that the petitioner had some special circumstances with that property. Acting Chairman Durham asked if that was correct? Mr. Schneider replied yes; the property is somewhat unique.

Acting Chairman Durham told the petitioner to go ahead and let them know what he would like to do and what he believes the unique circumstances are.

Mr. Schneider stated that he was there with his wife Carrie and his architect in case they had any additional questions. Mr. Schneider stated that his family of four, he has two daughters, are going to
move to Lake Orion permanently from Troy and it will be their full-time home. Soon after that, they will be moving in his mother-in-law.

Mr. Schneider said that the piece of property that they bought is a 50-year old residence and they wanted to remodel, and update it, and slightly expand over the current footprint. He noted that the uniqueness about their property is to the east side, which is Pine Tree Road, the road actually goes through their property line and their property continues into their neighbor across the street, several feet into the neighbor’s yard. To the east side the lakeside of the property, they have accredited land and it has been quite a conundrum for them because they were well down the purchase of the home when they realized that they had accredited land there. The way the property line works is the accredited land to the north side of their lot goes 24-ft. up into the property and then to the south side, it goes 31-ft. up to the property. What they are trying to do is to build almost an identical footprint of what was there currently, but they ran into all the setbacks and variance requests because the variance line to the accredited land makes it a zero-variance request. If they were to look at the lakefront and follow that, what would the setbacks be minus the accredited land, which he knew they couldn’t do, they would actually meet the setback requirements for what they are trying to do.

Acting Chairman Durham stated that the variances appear at first glance to be inflated because part of the lot is in the road and a portion at the back can’t be built on or used. Mr. Schneider agreed.

Secretary Koscierzynski read a letter from Ryan Doski at 965 Pine Tree Rd., W. stating that they have no objection to the variances.

Acting Chairman Durham asked if they were allowed to get their variances, when would they intend to get started? Mr. Schneider replied if this was to get approval the first thing they would do is go forward with the construction of the drawings, and then they would bid the job out and try to start as soon as they can. Even though they are doing some major construction, their goal was to have their youngest daughter in Lake Orion schools by next year and living in that home.

Board Member Walker stated what they are going to end up with is close to what they had already. Mr. Schneider replied that is correct. Board Member Walker said it is just a matter of twisting and turning a little bit. Mr. Schneider replied exactly.

Board Member Cook said that Mr. Schneider had mentioned remodeling and then it was stated new home, and what he had in front of him says rebuild a new home on a similar footprint. He asked if he could clarify this? Mr. Schneider said what they intend to do is to use the basement right now to help save some money on the buildout. So, they will be using the same basement as their foundation and they might have to expand a couple of footings to the southeast.

Board Member Cook noted that they are looking at about 300-sq. ft. larger home than what is there currently. Mr. Schneider replied yes.

Board Member Cook asked if the pool was going to be inground or above-ground? Mr. Schneider replied that it would be inground and would be smaller in size to accommodate the footprint.

Trustee Flood said that what Board Member Cook asked clarified a lot. They are going to tear down the existing home and use the existing basement and put a little extra addition on. Mr. Schneider replied yes. Trustee Flood said then this will bring all the other things to conform with all the uniqueness of the road and the setbacks on the water. Mr. Schneider replied yes.

Secretary Koscierzynski commented that she was pro-people and happy with the fact that want to put money into the property to make it look nicer.
Board Member Cook said he was looking at an aerial of the property and asked if they had made an attempt to find the owner of that piece. Mr. Schneider replied they have slowly met the neighbors in the times that they have been there and talked with other neighbors that also have this issue. He said it sounded like everybody was interested in joining together to maybe solve the riddle of this accredited land because it walks up into everybody's property. Mr. Schneider added that there are many of the long-timers who have been there and even the person they bought their home from did even know this existed. As he has been talking to the neighbors they are confused when they brought it up but in the aerial view, it is clear that the accredited land walks through their property. Mr. Schneider stated that they intend to address it. Board Member Cook asked if they had title to that piece, would it change what they are planning on doing? Mr. Schneider replied no; they would be doing exactly what they would be doing, it is just that the accredited land changed the variance request.

Acting Chairman Durham noted that if they decided to get title to that they probably wouldn't want to plan on building in the near future. Legally nothing happens quickly. Mr. Schneider appreciated the statement but their intention is to build it as it is based on the Board's blessing.

Moved by Board Member Cook, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-25, Steve Schneider, 957 Pine Tree W., (Sidwell 09-10-202-005) the petitioner is requesting 6 variances from Zoning Ordinance #78: Article VI, Section 6.04, Zoned R-3; 1) a 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Road W.; 2) a 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lakeside); 3) a 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%; Article XXVII, Section 27.03 (C)(3)(b) 4) a 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line; Article XXVII, Section 27.02(A)(4) 5) a 10-ft. rear yard setback variance from the required 10-ft. for an inground pool to be built 0-ft. from the rear property line; Article XXVII, Section 27.17(B) 6) a 2-ft. wetland setback variance from the required 25-ft. for an inground pool to be 23-ft. from a wetland be granted because the petitioner did demonstrate the following standards of variances have been met in this case and that they set forth facts which show that in this case: the petitioner does show following Practical Difficulty that due to lake levels and sediment that the lakeside line of the property has expanded although it is something that they currently do not show ownership or title to; 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: the property they have at 957 Pinetree has two conditions, one in the front, which is the road that goes through the property and the two neighbors to the north, as well as, they have issues with the accredited land which is in the rear of the property which causes them to make their request at a zero lot line level; 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: the petitioner is seeking to build a home and the fact that even if he had title to that piece of property would not change so that his family might be able to enjoy it based upon the current footprint that is there, they will be tearing that property down and then leaving the current basement and building on that; 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 fact: they are tearing down an existing property that is 50 plus years old and bringing it up to today's standards, they are not impinging or infringing upon anyone's view of the lake; further, based on the following findings of facts, the granting of this variance will not: impair any adequate supply of light or air to adjacent properties; it would not unreasonably increase the congestion in public streets; it would not increase the danger of fire or endanger the public safety; nor would it unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township: due to the fact that they are going to build this to all state as well as all local codes in order to meet that standard that they have set in the Township.
Roll call vote was as follows: Walker, yes; Flood, yes; Koszierynski, yes; Cook, yes; Durham, yes; Motion carried 5-0

D. AB-2020-26, Valley City Sign/Tommy’s Car Wash Signage, 851 Brown Road (Sidwell #09-33-351-020), 861 Brown Road (Sidwell #09-33-351-021) & 871 Brown Road (Sidwell #09-33-376-010)
Acting Chairman Durham read the petitioner’s request for 4 variances from Sign Ordinance #153:

Section 7, Non-Residential Wall & Ground Signs – Zoned B1Z

1) A variance to allow 1 additional wall sign to install a total of 2 wall signs.
2) A 1-sq. ft. size variance above the allowed 50-sq. ft. to erect a 51-sq. ft. ground sign.
3) An 8.90% EMC size variance above the allowed 30% of sign area to allow for a 38.9% EMC sign area.
4) A 12-ft. road right-of-way setback variance from the required 30-ft. to erect a ground sign 18-ft. from the road right-of-way.

Mr. Stephen Kerr with Valley City Signs representing the owner and the franchise presented.

Mr. Kerr stated Tommy’s Express Car Wash is a national car wash brand known for its iconic and aesthetically appealing architecture. Every aspect of a Tommy’s Car Wash location is planned out to contribute to the overall efficiency and experience that customers expect and rely on. This is especially true in regard to the onsite signage. As a vehicle-oriented business, the vast majority of communication between Tommy’s Express and its customers is done through signage. Franchise brand standards were developed with this in mind, while many of the design elements of the brand standard package have been removed or modified in order to meet the requirements of the sign ordinance. They felt that a hardship would arise from some of the alterations that they are requesting a variance for. They are requesting a variance of one square foot of area on the ground sign and an increase in electronic message center size to 38.9% in order to maintain these standards. If the site was not allowed to maintain standards in regards to these requests, the ability of Tommy’s Express to promote efficiency and communicate with customers would be greatly hindered and that volume of information that they could safely communicate would be significantly reduced. They are requesting a variance for one additional wall sign in order to differentiate Tommy’s Express from the business to the west that will share a driveway, a future planned restaurant. A lack of identification on the wall facing the driveway could confuse some motorists and first-time visitors and would negatively impact the overall efficiency of the site, in addition, to impeding the safety of traffic flowing in and out of the site. Finally, they are requesting a variance to allow the ground sign to be placed with a setback of 18-ft. This is because there is a distance of 32-ft. between the right-of-way and the driveway, which carries traffic in and out of the car wash. In order to maintain a safe distance between the sign and vehicular traffic on-site, the sign needs to be placed at least 2-ft. in front of the curb. The standard monument sign that Tommy’s utilizes is 12-ft. wide, so that would bring the setback to 18-ft. if they were maintaining a 2-ft. clear space between the curb and the sign.

Acting Chairman Durham stated that they will be situated on the part of Brown Rd. that is split and they would be on the west side, correct? Mr. Kerr replied yes.

Acting Chairman Durham said that there was a vast number of sightlines in all directions from where they are going to be so signage will help draw people in and put them in the right spot. Mr. Kerr replied yes.

Acting Chairman Durham said that he had never heard of Tommy’s. Mr. Kerr replied that they are a new franchise expanding rather quickly.
Secretary Koscierzynski asked if the signage is pretty much the way it is franchise wide? Mr. Kerr replied correct. Secretary Koscierzynski asked if it was set by the corporate office? Mr. Kerr replied yes; and he stated that they do have some flexibility in working with municipalities. Secretary Koscierzynski said she didn’t have a problem with the lighting because they are not in a residential area. Trustee Flood stated that the lighting is now handled under the new sign ordinance, so they don’t have to handle the lighting anymore.

Trustee Flood said that it is a difficult corner, they will be wedged in between Lake Orion Roofing and the bank. The way they got that splinter island is if they are coming in from the west, they are not going to be able to turn left there, they will have to go out and make a U-turn at Joslyn and swing back around. Having that additional sign on the west will help people identify that. The variances are not way out of whack. He noted that they did the same thing with Checkers, they helped them out with some setbacks and thought it looked nice and did not hinder any line of sights.

Board Member Walker said that his only concern was where the monument sign was because he couldn’t tell where the monument sign was going to be. He wanted to make sure that the monument sign doesn’t interfere with traffic viewing coming across somehow. That was his only concern. Trustee Flood said when he went there and saw what the footage was back, he felt it was similar to Checkers. He said there will be plenty of room when they pull out probably 3 or 4 cars cubed. Board Member Walker stated that if that is going to be far enough back then he had no concerns.

Board Member Cook asked if the sign there that says “Coming Soon” was going to be the placement of the new monument sign? Mr. Kerr replied no. Board Member Cook asked if he missed markings or was it not marked? Mr. Kerr said that he did not believe that it was marked. Board Member Cook stated that was his difficulty with it because there was a fuel tank that was there and thought that would be the optimal spot but didn’t get out to measure because he wasn’t sure how many nails were in the driveway. That was his only difficulty because he likes to see things marked out.

Board Member Cook asked about a second sign that was there, it said “Will built to suit 5,000-sq. ft.”; is that piece of property owned by you? Mr. Kerr replied that he was with the sign company but did believe that they are under common ownership, but wasn’t sure. Board Member Cook stated that if in fact it is owned by the same common ownership then could there be a common monument sign in there for both car wash as well as the future restaurant? Trustee Flood replied he can’t answer that for you. Board Member Cook understood that but asked if that could conceivably happen? Mr. Kerr replied that it was possible but would be at the owner’s discretion.

Trustee Flood stated that there are 3 lots there, the car wash has the lot with the monument sign, the other 2 are outlet lots will be developed at a future time. Those 2 other lots will have to go through the same process as this monument sign. The owner or developer would have to decide on that. Board Member Cook said he was 100% clear on that he was trying to see from the standpoint of, and it was hypothetical because he can’t answer for the owner if that is something that has been considered because then they will have someone else coming in later saying they want to get another sign here which will crowd up that corner.

Board Member Cook said he was curious about the meaning of one of the signs. He noted that they have a cashier, entrance sign, and then APP, what is the APP for? Mr. Kerr replied that is the app., they have an app where you can pay for your carwash through the app. in their unlimited club or they can pay as they go. They have a camera that takes your license plate picture then records that. Board Member Cook asked if it is an app, why do they have to go to the building? Mr. Kerr replied that they have to go through the lane, that is where the cameras are and that is the entrance queue. Board Member Cook questioned if there would be a cashier with a person in that lane and then where it says app, that would be where it would just scan? Mr. Kerr replied correct. Mr. Kerr added that those were signs that they brought down in size.
Board Member Walker noted that the drive-thru carwash on M24 just north of Flint St. also has an app. also.

Board Member Cook asked regarding the size of the sign and it said that the square footage was 48.84-sq. ft. Mr. Kerr said that was with measurements other than what the Township uses, he just wanted to demonstrate that it fits within the spirit and that it was just a matter of inches. He said his designers like to do that where they just draw the smallest box they can even if it doesn’t fit with how they measure them.

Board Member Cook asked if the width of the sign was 28" wide? Mr. Kerr replied that it would be a little bit wider than that because the faces are hand-formed so they stick out a little bit from the outside cabinets but he couldn’t see it being any more than 32". Board Member Cook said that he was a numbers guy and this was his problem because he relies on the numbers because it tells him what they are going to do and when he couldn’t back into the math it makes him nervous about the proposal.

Board Member Cook asked if he had any corrections to provide to the Board? Mr. Kerr said that they could scale that with a 3/8" scale if anyone has a scale ruler. Mr. Kerr said that he couldn’t see it being more than 2" out from the cabinet but thought that was on the high side.

Moved by Trustee Flood, seconded by Acting Chairman Durham, that in the matter of ZBA case #AB-2020-26, Valley City Sign/Tommy’s Car Wash, 851 Brown Road (Sidwell #09-33-351-020), 861 Brown Road (Sidwell 09-33-351-021) & 871 Brown Road (Sidwell #09-33-376-010), I would move that the petitioner’s request for 4 variances from Sign Ordinance #153, Section 7, Non-Residential Wall & Ground Signs – Zoned BIZ; 1) a variance to allow 1 additional wall sign to install a total of 2 wall signs; 2) a 1-sq. ft. size variance above the allowed 50-sq. ft. to erect a 51-sq. ft. ground sign; 3) a 8.90% EMC size variance above the allowed 30% of sign area to allow for a 38.9% EMC sign area; 4) a 12-ft. road right-of-way setback variance from the required 30-ft. to erect a ground sign 18-ft. from the road right-of-way, 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 the following Practical Difficulty: due to the unique area where this is being built on the north side of Brown Rd. just west of Joslyn they have a splinter island there and it is only going to be accessible from the traffic flowing west that is why they are required to have a sign on the west side for people coming east for people to see the building; the following are exception or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone: this being the brand-new (BIZ) District new signage is being put in for the new developments in there, and the setback is required because of the location of that building between the other 2 buildings, so the sign can be seen from the road; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone; 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; further, based on the following findings of facts, the granting of this variance will not: impair an adequate supply of light and air to adjacent property; unreasonably increase the congestion in public streets: it will help decrease congestion; it will not increase the danger of fire or endanger the public safety: signage helps on the public safety on traveling that section of the Township; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

6. PUBLIC COMMENTS
None
7. COMMUNICATIONS
Memo from Planning & Zoning Coordinator Harrison dated September 21, 2020, Dates which cases can be postponed to

8. COMMITTEE REPORTS
None

9. MEMBERS' COMMENTS
Acting Chairman Durham stated that Loran Yaros is no longer part of the Board. To lose that much experience and knowledge is not easy to replace and it doesn't happen quickly. They still have a lot of years sitting at the table and it is going to be matter of moving forward the best they can and do the best for the people. Mr. Cook went from an enthusiastic alternate to a full-time enthusiastic Board Member. He wished Mr. Yaros well in whatever he chooses to do next.

Secretary Koscierzynski welcomed Tony Cook to the Board (full-time).

Trustee Flood said at the Township Board meeting that they had to regretfully accept Loren’s resignation and they voted unanimously for Mr. Cook to go from an alternate to a full-time position. Now the Supervisor will be bringing to the Board to back-fill the alternate position. His understanding from talking to the Planning & Zoning Department that possibly at the next meeting and Dan Kelly the Township Attorney is going to advise them on this and may have to elect a Chairperson to take over. He wasn’t sure how that was going to play out. He welcomed Tony Cook to the Board (full-time).

Board Member Walker welcomed Tony Cook. He stated he was a fine alternate and felt that he would be a fine addition to the Board. He noted that the library was still closed.

Secretary Koscierzynski asked what they were going to do about not being able to pull up their agenda and packet? She asked if she should make an appointment with the office? Building Official Goodloe said yes.

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Acting Chairman Durham to adjourn the meeting at 8:31 pm.

Respectfully submitted,

Dobra Walton
Planning & Zoning Coordinator
Charter Township of Orion

Zoning Board of Appeals Approval
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
****** MINUTES ******
REGULAR MEETING – MONDAY OCTOBER 12, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, October 12, 2020, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

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

ZBA MEMBERS PRESENT:
Dan Durham, Vice-Chairman
Don Walker, PC Rep to ZBA
Lucy Koscierzynski, Secretary
Mike Flood, BOT Rep to ZBA
Tony Cook, Board Member

ZBA MEMBER ABSENT:
None

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
Jeffrey VanHouzen
Jude Jones
Michael Daisley

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

2. ROLL CALL
As noted

3. ELECTION OF CHAIRPERSON (thru the end of the year)
Moved below for discussion between Public Comments & Communications

4. MINUTES
A. See Item A under ZBA Business

5. AGENDA REVIEW AND APPROVAL
Amended to move item #3 to between Public Comments & Communications

6. ZBA BUSINESS

A. ZBA Regular Minutes – AB-2020-23 Motion (from the September 28, 2020 ZBA meeting)
Motion for ZBA Case AB-2020-23, Michael Chisholm, 4025 Waldon, 09-30-200-001

Secretary Koscierzynski read the memo from Planning & Zoning Coordinator Harrison dated October 6, 2020.

Secretary Koscierzynski amended the motion, Board Member Flood re-supported to correct the motion from the September 28, 2020, ZBA meeting #5(A)(1): That in the matter of ZBA case AB-2020-23, Michael Chishom, 4025 Waldon Road, 09-30-200-001 regarding the motion to approve to “change the square footage from 1) variance 3,600-sq. ft. to 2,200-sq. ft. above the allowed 1,400-sq. ft. Maximum
Floor Area of all Detached Accessory Buildings to build a 3,600-sq. ft. pole barn. The remaining motion for variances #2 & #3 was to remain the same.

**Roll call vote was as follows:** Walker, yes; Flood, yes; Koscierzynski, yes; Cook, yes; Durham, yes. **Motion Carried**

Moved by Board Member Flood, seconded by Acting Chairman Durham, to approve the 9-28-2020, ZBA Regular Meeting Minutes as corrected. **Motion Carried**

**B. AB-2020-27, Jeffrey VanHouzen, 805 Alan Dr., 09-11-379-059**

Acting Chairman Durham read the petitioner’s as follows:

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

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

1) A 10-ft. rear yard setback variance (east) from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the rear property line (east).

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

3) An 11-ft. front yard setback variance from the required 30ft. (Buckhorn Dr.) to erect a 6-ft. privacy fence 19-ft. from the front property line (Buckhorn Dr.)

Mr. Jeffrey VanHouzen, 805 Alan Dr., the applicant presented.

Mr. VanHouzen stated that he was looking to build a privacy fence on his property line. He noted that they had two dogs and a four-year-old child, and lived on a corner property. He said that there was a stop sign there but not too many people came to a complete stop. For his own peace of mind, he wanted to put a privacy fence in. Acting Chairman asked if a 4-ft. farm type fence would not do it? Mr. VanHouzen replied no, because his dog is about 60 pounds and could hop a fence no problem.

Acting Chairman Durham said that he was no different than anyone else that has come before them and said that very thing. They put underground fences in to control dog on where they are supposed to go, he asked if that was something they thought about? Mr. VanHouzen replied they have but that was something that he never wanted to do with his animals due to the shocking. Acting Chairman Durham stated that he had one for his dog and was hit by it one time and has never gone near it ever since but respected his opinion.

Trustee Flood asked if the existing fence that was there now was going to be removed. Mr. VanHouzen replied yes. Trustee Flood asked so there will not be a fence against a fence? Mr. VanHouzen replied no. Mr. VanHouzen stated that it was a cheaper fence that was put in and goes back to the 60-pound dog who would blow right through the fence.

Trustee Flood noted that they were on a corner lot and that is always difficult because they had two frontages on the street. He was looking at the variance for the 11-ft. from the 30-ft. and was concerned about the line of sight when they came around the corner but now thought it would not be a problem on the line of sight. Trustee Flood asked if he was going beyond the back wall? Mr. VanHouzen replied yes. He said on that side it is just going to be to the front of the driveway so it would not be towards the end of the street and that it would just be at the end of the driveway.
Trustee Flood asked if he was looking at the privacy fence adjacent to the rear wall on the house and then back to the back-property line? Mr. VanHouzen replied correct.

Trustee Flood noted that they had a tree right on the property line in the back. Mr. VanHouzen said yes, he has discussed it with both of the neighbors and the fence would go around the outside of the tree and that the tree would be on the inside of the yard.

Trustee Flood asked if they were going to install gates so the Fire Department can get to the back of their house? Mr. VanHouzen replied yes, there will be gates in there. Trustee Flood asked if he knew what size the gates were? Mr. VanHouzen replied no but said that if there was a requirement that was needed, he would make sure to follow that. Trustee Flood said his concern was making sure the Fire Department would have access to the rear of the house. Mr. VanHouzen replied yes, they will.

Secretary Koscielny stated that she also lived on a corner lot and felt that sometimes it can get scary especially if they had kids. Mr. VanHouzen said that there are no street lights there either. Mr. VanHouzen noted that there was a stop sign but had only seen a hand full of people completely stop. For his peace of mind and letting his dogs out and not having to worry, plus the four-year-old playing in the backyard.

Acting Chairman Durham said that it was mentioned in the application something about being concerned about neighbors taking over their property if it was not fenced? Mr. VanHouzen replied that when he filled out the application he had just moved into the property. He has since met the neighbors and has spoken to both sides and doesn’t have that fear anymore. He said one of the neighbors is willing to help with the cost of his side of the fence.

Mr. Jude Jones, 821 Alan Drive, called into the meeting via GoToMeeting. Acting Chairman Durham asked if he had business with this particular case? Mr. Jones replied yeah that they share a property line. He thought that item #3 should have said Alan drive and not Buckhorn Dr. because that is the front of his property. They have discussed the fence and he didn’t have a problem with the fence being on the property line. He added that he heard them discussing the stop sign and didn’t know what else had been discussed but if there is a problem with the variances, he would like a direct phone call because he didn’t have a problem with it as it is written and he can’t hear them on the call, he had hearing issues and the call kept cutting in and out. Acting Chairman Durham asked if he had any issues with the variance. Mr. Jones replied pretty much from what he had heard. They have agreed to work everything out that comes up, he is his new neighbor, and so far, have had really good communication.

Trustee Flood asked if he would be installing the good side of the fence on the outside? Mr. VanHouzen replied, correct. Trustee Flood asked if the posts would be on the inside of the fence? Mr. VanHouzen replied yes.

Board Member Cook asked the applicant if Miss Dig was out to see if there were any issues where they are planning on placing the fence, where any utilities might be on the property? Mr. VanHouzen replied no he had not. Board Member Cook noted that it might be a consideration of where the fence might be going. Mr. VanHouzen replied that he did have someone come out and give him a quote, and noted that he had walked the whole property with him.

Board Member Cook asked if there was a Home Owners Association? Mr. VanHouzen replied he wasn’t sure. Board Member Cook said that it is fine if there is because they are not bound by those bylaws that they have but from the standpoint of being the good neighbor they might what to check with them to see if there are any issues. Those were his concerns with him being new to the area.
Board Member Cook said that currently along the rear line there is a staked fence, and also along the southern side, he asked if that was where the privacy fence would be going? Mr. VanHouzen replied yes.

Board Member Cook stated that with a privacy fence and a dog will create a lot of anxiety sometimes because they can’t see out anymore. Mr. VanHouzen replied that his dog will bark at anything coming by, and with him having the solid fencing he figured it would limit his barking as to what he can see what is out there. Board Member Cook noted that it creates more anxiety. Board Member Cook said these are things he wished someone would have told him when he first bought his house. He added from the utilities and the Homeowners Association standpoint those are two considerations. Mr. VanHouzen stated that those were really good things to know. He added that his dog’s first training was going to be the next day at noon with Sit Means Sit dog training, and would bring it up to them regarding the privacy fence and what is the better route to go.

Board Member Cook noted that puts Mr. VanHouzen in a position where they can plan to move forward with where he was tonight because he didn’t have the answers to those questions or he could postpone to a meeting in the future. Mr. VanHouzen questioned if he was to get another fencing other than wood, something they could see through, then what he was saying was he would need the same approval that he is going through now? Board Member Cook said that the type of fencing is probably number three on that list, the number one concern was where are the utilities, and then if he wanted to talk to his Home Owners Association would be number two, and then as far as the dog goes. The type of fencing would be number three in the order of priorities.

Acting Chairman Durham asked Building Official Goodloe if the petitioner was successful tonight and when he has Miss Dig come out, if there was something that would obstruct his path, would he have to come back before them again? Building Official replied no. The variance would give him the option to move it if need be. He added that they get notification from all Miss Dig tickets and was something that they could look at, but he can’t further encroach outside of that, once he gets it on the property line. If he has to move it in because of utilities he does have the right to move it in.

Board Member Walker said that he didn’t see anything from the Fire Marshal with regards to having access. He asked the Board if they do grant the petitioners request that they would make sure to include that the keep the Fire Marshal in the loop about the fence to make sure that there is an access point to the house.

Secretary Koscierczynski said she had a comment with regards to Practical Difficulty on the application and saying that they are concerned with the neighbors taking over the extra space if left unfenced. She didn’t think that seems like a Practical Difficulty. Mr. VanHouzen said that was discussed in the beginning and he noted that was not a concern of his now. He had written the application on the 4th and since then he has spoken with his neighbors and it was not a concern anymore. Secretary Koscierczynski asked what his Practical Difficulty was then? Mr. VanHouzen replied to build it on the property line to have more space in his backyard.

Acting Chairman Durham said that he had mentioned that he had a four-year-old? Mr. VanHouzen replied yes. Acting Chairman Durham said he assumed that she was a runner? Mr. VanHouzen replied yes. Acting Chairman Durham said having a secure fence there would make them a little more secure with her not getting into traffic. Mr. VanHouzen replied yes, and also the two dogs.

Board Member Cook asked if the house next door to him was 821 the house to the south? Mr. VanHouzen replied yes. Board Member Cook said that it was a huge jump in numbers and that is why he was questioning it. Mr. VanHouzen replied agreed.
Moved by Board Member Walker, seconded by Trustee Flood, that in the matter of ZBA case #AB-2020-27, Jeffrey VanHouzen, 805 Alan Dr., 09-11-379-059, the petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.02(A)(4) and Article XXVII, Section 27.05(H)(2); 1) a 10-ft. rear yard setback variance (east) from the required 10-ft. to erect a 6-ft. privacy fence right on the property line on the (east); 2) a 10-ft. side yard setback variance (south) from the required 10-ft. to erect a 6-ft. privacy right on the property line to the (south); 3) an 11-ft. front yard setback variance from the required 30-ft. (Buckhorn Dr.) to erect a 6-ft. privacy fence 19-ft. from the front property line (Buckhorn Dr.) 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 the petitioner does show the following Practical Difficulty: the property in question is a corner lot which complicates everything; the petitioner indicated that he had a four-year-old stepdaughter and two dogs, a Coonhound and a Brittney Spaniel, due to the unique characteristics of the property and not related to general conditions in the area of the property: they don’t apply to other properties in the area because they are not corner lots; the variance is necessary for the preservation and enjoyment of a substantial property in the same area: there is some concern about the dogs escaping and the petitioner indicated that he was not interested in putting in an electronic fence, and also with regarding the small child, there is a stop sign but seems to be ignored by most of the residents; 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; it will not impair any light or air to an adjacent property; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety; it will not unreasonably diminish or impair established property values with the surrounding area; also that the gate shall be installed to allow the Fire Department access to the rear of the property, the good size of the fence will be facing out, and that the other fence that is there will be taken down.

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

**C. AB-2020-28, Michael Daisley, 925 W. Greenshield, 09-22-401-001**

Acting Chairman Durham read the petitioner’s as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1) A 1,000-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of All Detached Accessory Building to add an 800-sq. ft. addition to an existing 1,600-sq. ft. pole barn.

2) A 1,028-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to add an 800-sq. ft. addition to an existing 1,600-sq. ft. pole barn and a 528-sq. ft. attached garage.

Article XXVII, Section 27.17(B)

3) A 25-ft. wetland setback variance from the required 25-ft. for a detached pole barn addition to be 0-ft. from a wetland.

Trustee Flood made a transparency statement for the Board Members and for public record. He noted that he contracts Mr. Daisley for his lawn service and snow plowing. He also has a contract with the Township maintaining Baldwin Rd. the phase one project, and was the Code Enforcement Officers son. He left it up to the Board if he should recuse himself or not. Secretary Koscierszynski commented that they all know Al Daisley (Code Enforcement Officer) for years now and he is a respected member of the
community and she didn’t see a problem with it. Acting Chairman Durham and Board Member Cook also stated they had no issues with it.

Mr. Michael Daisley, 925 W. Greenshield presented.

Mr. Daisley said that he was looking to add an addition to a pole barn for additional storage. He said they are looking into getting horses. They also were looking to train police dogs so they are looking for some indoor training space, as well as, additional storage to train the dogs inside during inclement weather.

Acting Chairman Durham said that it looked to him like a perfect setup for it. He has a big yard with a falloff to the back. When he left the property and knew where the pole barn was and still couldn’t see it from the road. As it was said in the application the property is enclosed by state land so it would not affect anybody. He did not see the overabundance of trucks with snowplows, they had a very neat looking property. Mr. Daisley said that they had some side storage on the pole barn and they would like to get that inside to keep it out of the weather and for safety factors.

Secretary Koscierzynski stated that the unique circumstances of his property are that he doesn’t have any neighbors and it is not going to be a problem for anybody. She knew it was large but, in this situation, and they do this case by case, there are no neighbors to be concerned with anything visual.

Trustee Flood stated that looking at where the area was staked out it was not unreasonable for that square footage. His main concern was the wetland but when he went to look at the site the existing barn is not going to go further in it is just going to go off the existing barn. It is really not a real wetland in the sense that it is water, it is a lower area full of scrub, wood, and trees. After seeing it, it gave him a better idea. He was comfortable too that the existing building was just an extension, he would not be going further back in.

Secretary Koscierzynski asked what he was planning to put in the pole barn? Mr. Daisley said eventually stalls for horses, open area to train police dogs, and they also train 1-2 dogs per year that go to local police departments. Some interior space to hide odors and work with the dogs.

Board Member Cook said that he had a chance to go look at it and he didn’t see anything wet. He noted that in the application, where they ask if they had control over other properties adjoining the site, he does own have control of the Sidwell next door to him. He asked when they drove onto the property where were they? Mr. Daisley said on the east parcel and then the barn is on the west parcel.

Moved by Secretary Koscierzynski, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-28, Michael Daisley, 925 W. Greenshield, 09-22-401-001, the petitioner is requesting 3 variances from Zoning Ordinance #78; Article XXVII, Section 27.02 – Lot size over 2.5 acres; 1) a 1,000-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of All Detached Accessory Buildings to add an 800-sq. ft. addition to an existing 1,600-sq. ft pole barn; 2) A 1,028-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Building, to add an 800-sq. ft. addition to an existing 1,600-sq. ft. pole barn and a 528-sq. ft. attached garage; Article XXVII, Section 27.17(B); 3) a 25-ft. wetland setback variance from the required 25-ft. for a detached pole barn addition to be 0-ft. from a wetland be granted because the petitioner has demonstrated that the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty: defined to unique circumstances of the property is that the property is on seven acres, there are no neighbors, the pole barn is not going to be a problem for anyone; 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: the property is on a dirt road with no other neighbors the pole barn will not be a sight problem for anyone; 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: the pole barn is for horses, stalls, and to train police dogs; 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: the pole barn is going west and that is not a concern for the wetland; further, based on the following findings of facts, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties; it will not unreasonably increase the congestion in public streets; it will not increase the danger of fire or endanger the public safety; it would not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township; it is zero feet from the wetland but it is 60-ft. from the property line.

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

6. PUBLIC COMMENTS
None

(Moved Down From #3,) ELECTION OF CHAIRPERSON (thru the end of the year)

After discussion by the Board Members the election of Chairperson and Vice Chairperson was as follows:
Moved by Secretary Koscierzynski, seconded by Mike Flood to nominate Dan Durham for the Chairman of the Zoning Board of Appeals for Orion Township, through the end of 2020.
Motion carried unanimously.

Moved by Trustee Mike Flood, seconded by Board Member Walker to nominate Lucy Koscierzynski for the Vice-Chairman position for the remaining 2020 ZBA meetings.
Motion carried unanimously

7. COMMUNICATIONS

Informational Memo from Planning & Zoning Coordinator Harrison dated October 6, 2020, regarding the Joint meeting on 11/12/2020 6p-8p.

Memo from Planning & Zoning Coordinator Harrison dated October 6, 2020, Dates which cases can be postponed to

8. COMMITTEE REPORTS
None

9. MEMBERS’ COMMENTS
Trustee Flood said following up on that Joint meeting. He stated they are not supposed to legislate and that is what they are doing with all of these 6-ft. fences. He thinks that the ordinance needs to be updated. Also, the larger parcels that are 5-10 acres fall under a 2.5-acre allowance and the number is small.

10. ADJOURNMENT
Moved by Vice-Chair Koscierzynski, seconded by Chairman Durham to adjourn the meeting at 7:54 pm.
Respectfully submitted,

Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

Zoning Board of Appeals Approval
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: October 16, 2020
SUBJECT: Staff Report for AB-2020-29, Thomas Denton, 322 N. Baldwin

The applicant is requesting to build a 30’ x 45’ (1,350-sq. ft.) pole barn and add an inground pool to the above property.

Both the proposed pole barn and the inground pool would meet the required front, side, and rear yard setbacks. Also, lot coverage would not be exceeded.

The applicant has indicated that there would be no additional storage above the main floor of the pole barn, the pole barn would not be taller than the house, and there is an 8’ x 8’ shed that he will be removing. **If the motion is to approve, the removal of that shed needs to be in the motion as it was not included in the variance calculation.**

The applicant has provided a rendering depicting the side yard setback from the property line to the west for the proposed pole barn and pool. That rendering also shows that the pool will be 59-ft. away from the pond on the property which meets the wetland setback of 25-ft.

**Note** – the rendering shows a concrete pad surrounding the proposed pole barn and pool which is outlined in red. That pad does not have to meet the required side yard setback.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 16, 2020

RE: AB-2020-29, Thomas Denton, 322 N. Baldwin, 09-06-100-052

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-29, Thomas Denton, 322 N. Baldwin Rd., 09-06-100-052

The petitioner is requesting 1 variance from Zoning Ordinance #78 – Zoned SF

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1. A 280-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 1,350-sq. ft. pole barn in addition to an 830-sq. ft. attached garage.

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-2020-29, Thomas Denton, 322 N. Baldwin Rd., 09-06-100-052

The petitioner is requesting 1 variance from Zoning Ordinance #78 – Zoned SF

Article XXVII, Section 27.02 – Lot size over 2.5 acres

1. A 280-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 1,350-sq. ft. pole barn in addition to an 830-sq. ft. attached garage.

   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 in that they set forth facts which show that in this case:

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT
Name: Thomas R. Denton
Address: 322 N. Baldwin Rd. City/State/Zip: Clarkston MI 48348
Phone: 248-834-4541 Cell: 248-990-7436 Fax: 
Email: tom.denton@dentonsoftware.com

PROPERTY OWNER(S)
Name(s): Thomas and Rebecca Denton
Address: 322 N. Baldwin Rd. City/State/Zip: Clarkston MI 48348
Phone: 248-834-4541 Cell: 248-990-7436 Fax: 
Email: tom.denton@dentonsoftware.com

CONTACT PERSON FOR THIS REQUEST
Name: Thomas R. Denton Phone: 248-990-7436 Email: tom.denton@dentonsoftware.com

SUBJECT PROPERTY
Address: 322 N. Baldwin Rd. Sidwell Number: 09-06-100-052
Total Acreage: 3.02 Length of Ownership by Current Property Owner: 7 Years, 11 Months
Does the owner have control over any properties adjoining this site? Yes 09-06-100-51
Zoning Ordinance Allowance/Requirement
Increase maximum floor area of all accessory buildings allowed on property Deviation requested
Side yard setback
Maximum floor area increased from 1,900-sq. ft. to 2,180-sq. ft. (Additional 280-sq. ft.)
14' adjacent lot setback

Page 1 of 3

Version 5/10/18
Case #: __________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Build a 30'x45' pole barn for storage of property maintenance equipment with an adjacent in-ground swimming pool for recreation. Doing so will allow for enjoyment of the property and shelter equipment used to maintain the property from the elements.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. The property is long and narrow with the house constructed at the north end and an extremely limited backyard area. Directly 135' south of the house is a pond. The property then grades downward into an area known to contain hydric type soil not suitable for construction starting 47' south of the planned building site.

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: I own the adjacent vacant lot for the side yard variance, it will not be detrimental. The accessory building is more than 300' from any of the adjacent residential buildings and will be a property improvement as my equipment is being kept under tarps on the north side of the property. The accessory building will also be 308' away from Baldwin Rd and not very visible.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: There are many properties in the area with barns for holding equipment to maintain the land. What is being proposed is consistent with the surrounding area.

5. Describe how the alleged practical difficulty has not been self-created. The practical difficulty has been created by nature and the way the lots were platted before I took ownership of them. Continuous maintenance of the wooded area is required for a healthy eco system. It is impractical to continuously hire a service to clear storm damage and dead fall from the property. Maintenance of the combined lots requires equipment to be sheltered.

6. The topography of said land makes the setbacks impossible to meet because: of a pond located south and east of the house and hydric soil conditions south of the pond for most if the property length.

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. Compliance with the ordinance does not take into account for the adjacent lot and maintenance of both lots or soil conditions within the buildable lot. In order to have an accessory building, it must be on a lot with a residence. In order to comply with all of the ordinances while maintaining the property, it is necessary to request minor relief from the side lot setback and accessory building sq. ft. limits.
Case #: ____________________

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

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

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

Signature of Applicant: ____________________ Date: 09/21/2020

Print Name: Thomas R. Denton

Signature of Property Owner: ____________________ Date: 09/21/2020

Print Name: Thomas R. Denton

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

OFFICE USE ONLY

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

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

Description of variance(s):
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

Date Filed: ____________________ Fee Paid: ____________________ Receipt Number: ____________________
The fire department has reviewed both cases and had no concerns at this time.

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

Jeff, attached are 2 upcoming ZBA cases - will you please review at your convenience.

Thanks,
AB-2020-29, Thomas Denton Zoned SF
322 N. Baldwin

3.021 Acres = 131,594.76 $^2$ 26% = 26,318.95 $^2$

Size 45 x 30 = 1,350 $^2$
No storage above
Not taller than house
No other detached accessory structures shed to be removed

Maximum floor area of all detached - OK

Attached garage 830 $^2$
Proposed Pole Barn 1,350 $^2$

\[ \frac{2,180}{2,180} \] $^2$

will need variance for 280 $^2$ above the allowed 1,900 $^2$ for all accessory structures

Side yard setbacks OK (it will be 25' from west pipe line)

No variances are needed for proposed in-ground pool

Maximum lot coverage - OK

House 2681
Porch 103
Deck 116
Deck 521

Attached garage 830
Proposed Pole Barn 1350

\[ 5,601 \] $^2$
Hi Lynn,

Shed is 8x8. I would like to remove it after barn is built.

Kind Regards,
Tom Denton

Sent from my iPhone

On Sep 24, 2020, at 3:37 PM, Lynn Harrison <lharrison@oriontownship.org> wrote:

Tom, I am writing up the language for your variance request and noticed you have shed on your rendering – is that shed staying, if so, how big is it?

Also, I got two more cases in after yours so your case will be heard at the October 26th meeting.

Thanks

Lynn Harrison
Coordinator
Planning & Zoning
<image001.png>
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5001
W: www.oriontownship.org
Elevation of proposed pole barn
Matches color scheme of existing residence

Height: 20'
Width: 30'
Length: 45'
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

SUBJECT: Staff Report for AB-2020-30, Phillips Sign/G’s Pizza, 2775 S. Lapeer

The applicant is asking to replace an existing electronic sign over the entrance which is at an angle to Lapeer Road. I went back through the sign approval for the larger existing sign for the current restaurant and found ZBA approval for the size of that sign that is located on the “peak or gable” but could not find approval for the restaurant to have two wall signs (a copy of the Zoning Compliance is attached).

The electronic sign they want to replace was not installed by the current owner. Therefore, because they will be removing that sign above the entrance and replacing it, they will need a variance to allow for 2 wall signs.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

RE: AB-2020-30, Phillips Sign/G’s Pizza, 2775 S. Baldwin, 09-23-402-024

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

FROM SIGN ORDINANCE NO. 153

In the matter of ZBA case #AB-2020-30, Phillips Sign/G's Pizza, 2775 S. Lapeer, 09-23-402-024,
I would move that the petitioner's request for:

One (1) variance from Sign Ordinance #153

Section 7, Non-Residential Wall & Ground Signs - Zoned GB

1. A variance to allow 1 additional wall sign for a total of 2 wall signs totaling 66.99-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:

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

FROM SIGN ORDINANCE 153

In the matter of ZBA case #AB-2020-30, Phillips Sign/G's Pizza, 2775 S. Lapeer, 09-23-402-024,
I would move that the petitioner's request for:

One (1) variance from Sign Ordinance #153

Section 7, Non-Residential Wall & Ground Signs - Zoned GB

1. A variance to allow 1 additional wall sign for a total of 2 wall signs totaling 66.99-sq. ft.

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 in that they set forth facts which show that in this case:

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

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

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


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

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


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


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


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


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


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

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

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

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

APPLICANT
Name: ED PHILLIPS/PHILLIPS SIGN & LIGHTING
Address: 40920 EXECUTIVE DRIVE City/State/Zip: HARRISON TOWNSHIP, MI 48045
Phone: 586-468-7110 Cell: Fax: 586-468-7441
Email: janett@philipssign.com

PROPERTY OWNER(S)
Name(s): MARIO GENNA
Address: 2775 S. LAPEER ROAD City/State/Zip: LAKE ORION, MI 48360
Phone: 248-393-0000 Cell: 586-873-3515 Fax: 
Email: mariojenna@live.com

CONTACT PERSON FOR THIS REQUEST
Name: GREG MORGAN Phone: 586-980-1532 Email: greg@philipssign.com

SUBJECT PROPERTY
Address: 2775 S. LAPEER ROAD Sidwell Number(s): 09-23-402-024
Total Acreage: ______ Length of Ownership by Current Property Owner: ______ Years, ______ Months

Does the owner have control over any properties adjoining this site? NO
Ordinance Allowance/ Requirement
SIGN ORDINANCE 153-GB
ONLY 1 WALL SIGN ALLOWED
Deviation requested TO ALLOW A SECOND WALL SIGN
List additional ordinance requirements and deviations on a separate page

Page 1 of 3

Version 5/10/18
COMMERCIAL VARIANCE

1. Describe the nature of the request. REPLACE EXISTING NEON WALL SIGN ABOVE MAIN ENTRANCE WITH NEW LED WALL SIGN. NEW SIGN WITH BE SAME SQUARE FOOTAGE AS EXISTING SIGN.

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. THIS BUILDING IS SET BACK A SUBSTANTIAL DISTANCE FROM THE ROAD. THE SIGN IS OVER THE MAIN ENTRANCE AT AN ANGLE FROM THE MAIN ROAD. THE SIGN IS NOT VISIBLE TO THE MAIN ROAD.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township. THE PROPOSED SIGN IS A DIRECTIONAL TYPE SIGN, INDICATING THE MAIN ENTRANCE TO THE BUILDING. IT IS NOT ADDITIONAL SIGNAGE SEEN FROM THE ROAD.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible. THIS PROPERTY IS UNIQUE AS IT SITS IN A DEPRESSION. ALSO SETBACK FROM THE ROAD IS AT AN ANGLE.

5. Describe how the alleged practical difficulty has not been self-created. THE ISSUE IS SETBACK - POSITION OF THE BUILDING TO THE ROAD. THE BUILDING IS BELOW THE GRADE OF THE ROAD.

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

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. THE PURPOSE OF THE SIGN IS TO DIRECT CLIENTELE TO THE MAIN ENTRANCE. THE SIGN IS ON A GABLE ABOVE THE MAIN ENTRANCE. WITHOUT THIS SIGN, THERE IS CONFUSION TO THE PUBLIC ON WHERE TO ENTER THE BUILDING.
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 [x] 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) 

ED PHILLIPS 

Date: 9/23/20

Print Name: ED PHILLIPS

Property Owner:
If applicable:
I the property owner, hereby give permission to GREG MORGAN
(must be original ink signature) 

Date: 9/23/20

Print Name: MARIO GENNA

OFFICE USE ONLY

Zoning Classification of property: 

Adjacent Zoning: N. S. E. W.

Total Square Footage of Principal Structure: 

Total Square Footage of Accessory Structure(s):

Description of variance(s):

Date Filed: 

Fee Paid: 

Receipt Number: 

Page 3 of 3

Version 5/10/18
Non-Residential Zoned Areas
Wall Signs

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

EMC signs are not permitted in wall signs.

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

*Note Wall signs are not permitted in RFY*

1 Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:
   a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
   b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
   c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of “Sign Area” in Section 3. Also reference Article 27.05(6)(d)(1)

1 Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both façades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.
CHARTER TOWNSHIP OF ORION

ZONING COMPLIANCE FOR SIGNS

Applicant:  G’s Pizza Bar and Grill

Location of Sign:  2775 S. Lapeer

Property Owner:  Galea’s of Lake Orion, LLC

Proof of Ownership:  OK

Wall Sign:

Square Footage:  56.6 sq. ft. (Variance granted on February 25, 2008 for 16.6 sq. ft. over the allowed 40 sq. ft. allowed)

Facade Square Footage:  744 + sq. ft.

Ground Sign:

Square Footage:  30.6 sq. ft.

Height:  8 ft.

Setback:  13 ft. (Variance was granted on February 25, 2008 for a 17 ft. setback variance to meet the 30 ft. required setback from the ROW)

Compliance:  Approved

Charlotte Beiser, PC/ZBA Coordinator

Date

GB
Existing "peak/Gable" sign
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

SUBJECT: Staff Report for AB-2020-31, Powers Leasing Company, 3700 Giddings

The applicant is asking to add a ground sign to their entrance off of Giddings Road. The location is zoned LI in which only 1 ground sign is allowed unless one of the items under footnote 5 applies (attached), unfortunately it does not.

In 2016 the company applied for a ground sign and ultimately a variance for the large ground sign in the shape of a long-neck bottle that was approved – we have considered that to be their 1 ground sign.

The ground sign they are now applying for meets size and setback requirements for a single ground sign in LI however it is a second ground sign and needs a variance to allow for 2 ground signs and a variance for combined size which exceeds the maximum that was approved in 2016.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

RE: AB-2020-31, Powers Leasing Company, 3700 Giddings

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

FROM SIGN ORDINANCE NO. 153

In the matter of ZBA case #AB-2020-31, Powers Leasing Company, 3700 Giddings, 09-27-301-052.

I would move that the petitioner's request for:

Two (2) variances from Sign Ordinance #153
Section 7, Non-Residential Wall & Ground Signs - Zoned LI

1. A variance to allow 1 additional ground sign for a total of 2 ground signs.
2. A 28.79-sq. ft. variance above the approved existing ground sign of 498-sq. ft. to allow two ground signs that total 526.79-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:


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

FROM SIGN ORDINANCE 153

In the matter of ZBA case #AB-2020-31, Powers Leasing Company, 3700 Giddings, 09-27-301-052.

I would move that the petitioner's request for:

Two (2) variances from Sign Ordinance #153
Section 7, Non-Residential Wall & Ground Signs - Zoned LI

1. A variance to allow 1 additional ground sign for a total of 2 ground signs.
2. A 28.79-sq. ft. variance above the approved existing ground sign of 498-sq. ft. to allow two ground signs that total 526.79-sq. ft.

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 in that they set forth facts which show that in this case:

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

   ____________________________________________________________

   ____________________________________________________________

   ____________________________________________________________

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

   ____________________________________________________________

   ____________________________________________________________

   ____________________________________________________________

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

   ____________________________________________________________

   ____________________________________________________________

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


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

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


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


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


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


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


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

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

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

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

APPLICANT
Name: Powers Leasing Company
Address: 3700, 3710, 3720 Giddings Rd City/State/Zip: Orion, MI 48360
Phone: 248.393.3700 Cell: 248.867.8334 Fax: 248.393.1508
Email: gh@powersdistributing.com

PROPERTY OWNER(S)
Name(s): Powers Leasing Company
Address: Same City/State/Zip: Same
Phone: Same Cell: Same Fax: Same
Email: Same

CONTACT PERSON FOR THIS REQUEST
Name: Gary L. Houck Phone: 248.379.6765 Email: gh@powersdistributing.com

SUBJECT PROPERTY
Address: 3700, 3710, 3720 Giddings Road Sidewell Number(s): 09 27 301 055 (5120)

Total Acreage: 27 Length of Ownership by Current Property Owner: 21 Years, 9 Months

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

Ordinance Allowance/ Requirement

Deviation requested SIGN FOR ALL ADDRESSES
List additional ordinance requirements and deviations on a separate page

Case #: ____________________

Version 5/10/18
COMMERCIAL VARIANCE

1. Describe the nature of the request. **Build Roadfront Brick, Limestone, Aluminum Lighted Sign with Powers 3.3 Address #9 3700, 3710, 3720**

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. **Powers Distributing quien leases majority of property 2,3700 and some of 3710 has used this sign limit**

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. **Actually helpful showing All three delivery addresses, illuminated @ street level for use in directing deliveries**

4. Explain how the request is not consistent with other properties in the immediate area, please cite examples if possible: **No other occupied campus locations**

5. Describe how the alleged practical difficulty has not been self-created. **Tree growth has partially blocked some signage, property is subject to Business Growth**

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

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. **Others, including emergency services struggle to find**
8. Have there been any previous appeals involving this property? If so, when? Yes 3 or 4 years ago

9. Is this request the result of a Notice of Ordinance Violation? 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: 09/23/20

Print Name: Gary L. Thompson

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

Signature of Property Owner: 
(must be original ink signature) Date: 09/23/20

Print Name: Gary L. Thompson

OFFICE USE ONLY

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

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

Description of variance(s):

Date Filed: Fee Paid: Receipt Number: 

Version 5/10/18
Non-Residential Zoned Areas

Ground Signs

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>RFY</th>
<th>USE GROUPS A (Non-Residential), S, C &amp; D</th>
<th>SP-1 &amp; SP-2</th>
<th>RES-1/REC-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signs</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot</td>
<td></td>
</tr>
<tr>
<td>Sign Area Alternate A Overall height up to 6 ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>40 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Sign Area Alternate B Overall height over 6 ft. up to 8 ft.</td>
<td>32 sq. ft. per side; maximum 64 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>25 sq. ft. per side; maximum 50 sq. ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback - shall be measured at existing ROW or as req'd by RCOC</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td></td>
</tr>
<tr>
<td>Footnotes</td>
<td>3.5</td>
<td>3.5, 6</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5, 7</td>
<td>3</td>
<td>3.5, 6</td>
<td>3.5</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

Applicant: Powers Distributing

Case # PSZ-16-29

Location of Signs: 3700 Giddings Rd.

Business Name: Powers Distributing

Sidwell #: 09-27-301-053

Property Owner: P & M Leasing

Proof of Ownership: Y

Zoned: LI

Ground Sign:
Sign/Bottle
Base height: 30”
Note: first 30” of sign base does not count towards overall square footage of the sign area
Sign area: 498 sq. ft. (41.5’ x 12’)
Overall height: 44’
Setback from ROW: 450’

2/13/17 Variance granted to allow the sign.
- A 36 ft. variance above the allowed 8 ft. overall height of a ground sign to allow a 44 ft. high ground sign.
- A 468 sq. ft. variance above the allowed 30 sq. ft. of ground signage to allow a 498 sq. ft. ground sign.

Planning/Zoning Compliance:

Carly Nettie, PC/ZBA Coordinator

Date

Building Code Compliance:

Tim London, Building Inspector

Date
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

SUBJECT: Staff Report for AB-2020-32, Peter Smith, 500 N. Conklin

The applicant originally applied for a building permit to make the existing single-story house structurally sound. The existing house was non-conforming as it related to current setbacks. In the process of re-construction, the applicant was told the house needed to be torn down because of the extreme deterioration and could be rebuilt as long as the size and setbacks did not change. No variances have ever been granted nor denied for setback deviations.

The applicant has decided to rebuild the house with a second story (increasing the size) to allow for more room for his family - a second-story did not originally exist. He therefore now needs to seek variances for the side yard setbacks and because the lot is less than 50-ft wide, a variance for minimum lot width is needed. As in the past, the 50-ft. lot width minimum has to be acted on first. If you feel appropriate, the variance for minimum lot width can be acted on separately from the 2 setback variances.

Please let me know if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

RE: AB-2020-32, Peter Smith, 500 N. Conklin, 09-01-277-004

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # **AB-2020-32, Peter Smith, 500 N. Conklin, 09-01-277-004**, I move that the petitioner’s request for:

Three (3) variances from Zoning Ordinance #78 – Zoned R-3

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

1. A 20-ft. lot width variance from the required minimum 50-ft. lot width

Article VI, Section 6.04 Zoned R-3

2. A 6-ft. side yard setback variance from the required 10-ft to rebuild a house 4-ft. from the side property line (north).

3. A 5.33-ft. side yard setback variance from the required 10-ft to rebuild a house 4.67-ft. from the side property line (south)

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

Please be specific how the petitioner meets this criteria

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2020-32, Peter Smith, 500 N. Conklin, 09-01-277-004, I move that the petitioner’s request for:

Three (3) variances from Zoning Ordinance #78 – Zoned R-3

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

1. A 20-ft. lot width variance from the required minimum 50-ft. lot width

Article VI, Section 6.04 Zoned R-3

2. A 6-ft. side yard setback variance from the required 10-ft to rebuild a house 4-ft. from the side property line (north).

3. A 5.33-ft. side yard setback variance from the required 10-ft to rebuild a house 4.67-ft. from the side property line (south)

Please be specific how the petitioner does not meet this criteria

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

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

________________________________________________________________________

________________________________________________________________________

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

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

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

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

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

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

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

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

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

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

APPLICANT:
Name: Peter Smith
Address: 7410 Jackson PK. Dr. City/State/Zip: Bloomfield Hills, MI 48301
Phone: 248-631-8101 Cell: Same Fax: __________________________
Email: psmithcz@gmail.com

PROPERTY OWNER(S)
Name(s): Peter and Sonya Smith
Address: 7410 Jackson PK. Dr. City/State/Zip: Bloomfield Hills, MI 48301
Phone: 248-631-8101 Cell: __________________________ Fax: __________________________
Email: psmithcz@gmail.com

CONTACT PERSON FOR THIS REQUEST
Name: Peter Smith Phone: 248-631-8101 Email: psmithcz@gmail.com

SUBJECT PROPERTY
Address: 500 N. Conklin Sidewall Number: 09-01-277-004
Total Acreage: ½ Length of Ownership by Current Property Owner: 1 Years, 6 Months

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

Zoning Ordinance
Allowance/Requirement Deviation requested

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

1. Describe in detail the nature of the request. We would like to build an attractive family house using the same original footprint with 1400 square feet of living space.

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. Since the 22' x 30' is so small and originally only accommodated one bedroom, we would like to build a modest second story.

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: We believe our proposed plan would enhance our area on Conklin Street and increase the overall property values.

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

   Our neighbor's house to the south is significantly elevated (approx 6-8' above our first floor level) and there are other attractive 2-story homes on Conklin St.

5. Describe how the alleged practical difficulty has not been self-created. We are not aware of any practical difficulties this will pose to the neighborhood, and we are grateful for good working relationships with our neighbors.

6. The topography of said land makes the setbacks impossible to meet because: we, with the input of David Goodloe, have chosen to build on the same footprint (including underpinning the foundation) rather than expand the footprint size. We have found it necessary to build up and not out.

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. Due to the original house size, it is unreasonable to build an attractive and comfortable (as well as affordable for us) home for a small family.

Thank you for your consideration of this, Peter and Sonya Smith

Version 5/10/18
Case #: ____________________________

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

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

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

Signature of Applicant: ____________________________ Date: 9/25/2020

Print Name: ____________________________

Signature of Property Owner: ____________________________ Date: 9/25/2020

Print Name: ____________________________

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

OFFICE USE ONLY

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

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

Description of variance(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date Filed: ____________________________ Fee Paid: ____________________________ Receipt Number: ____________________________
The fire department has reviewed both cases and had no concerns at this time.

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

Jeff, attached are 2 upcoming ZBA cases - will you please review at your convenience.

Thanks,

ORION TOWNSHIP

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

27.01 Nonconformities

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

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

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

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

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

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

C. Nonconforming Lots.

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

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

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

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

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

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

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

3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance,
Section 6.04 – Area and Bulk Requirements (amended 01.05.87. 02.17.94. 02.07.05. 07.16.18)

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

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Width of Lot</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>Minimum Lot Setbacks (in feet)</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td></td>
<td>Each Side Yard***</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td></td>
<td>Rear Yard</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/Unit</td>
<td>1,320 sq. ft.</td>
<td>1,080 sq. ft.</td>
<td>960 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
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</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 unplatted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.
*** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

Section 6.05 – Sign Regulation (amended 10.08.98. 02.21.06)

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

Section 6.06 – Tree Preservation Regulations (amended 08.03.00)

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

Section 6.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
AB-2020-32, 500 N. Conklin
.154 Acres  6,708.24 ft²

2590 = 1,677.06

House 265" x 366" = 96,990 673.54 ft²
(22'1'') (30'6'')
Lot coverage OK

How far from front prop line? 30.3' OK

Side yard setback (North) = 4' Needs to be 10' 6' variance
Side yard setback (South) = 4.67' Needs to be 10' 5.33' variance

Wetland setback = 26'7" OK

For Staff Report:

Could not find any previous variances.

Demolished old house because it was unsafe; single story however.
Rebuilding same footprint with a second story.
Note the address for the variance - it is different than the applicants current residence.
500 N. ConKlin

ConKlin Street

Easement 11.7'

30' 42' (setback of house from road)

12' setback from neighbor's house

8' from wall

Neighbors' house

Neighbors' shed (may or may not require variance for minimal setback)

Bunny Run Lake
Thank you Lynn. I am grateful you can include the explanatory concerns in my email in the file even if you can't put it in the public hearing notice. It is kind of you to include that in your staff report as well and help inform the ZBA members regarding the background of our situation. I will try to get letters or email from the neighbors too.

Yes, I agree with the variances you have written, and thank you for getting them to the paper.

Gratefully, Peter (and Sonya) Smith

On Fri, Oct 2, 2020 at 8:19 AM Lynn Harrison <lharrison@oriontownship.org> wrote:

Peter, I have copied this email and it will part of your file. Anyone that comes in and would like to see what you are proposing will be able to read it. However, I can not add explanations for the variances to the public hearing notice. I will make sure they are part of my staff report to the ZBA Members and Dave Goodloe, the Building Official, will be at that meeting and can confirm why the house was removed. I will take whatever measures I can to ensure the ZBA Members are aware of the circumstances. Also, you will be asked to verbally present your case to the Board and they in turn will be able to ask you questions. Any letters or emails you can get from the neighbors supporting your case would be very helpful.

If you disagree with the setbacks being requested, we can discuss those, and those can be changed on the Public Hearing notice. I will need to know if you agree with the variances requested or if they need to be revised as soon as possible so I can get it to the paper today.
Thanks so much Lynn for your prompt and helpful follow-up. For the first point below, thank you for your explanatory note at the end. I am wondering if the wording of point one is for the commission only or also for the neighbors? I am concerned that if the present wording goes to the neighbors, some may not understand how we came to the present situation. And they may think we are trying to expand the footprint of the new house we are building.

By the way, I was thinking I should mention that we were encouraged to demo the house by those who inspected it (including the township authorities) with the understanding that we could build on the same footprint without any concerns.

Is it possible to include a brief preface in the letter such as: "Because of having to demo condemned property on 500 N. Conklin, the present owners request that they might be able to build a single family dwelling on the same footprint of the original house. Since the current township codes differ from when those these parcels were originally divided, the owners are requesting the following variances."

On the second point, could you possibly add the following for clarification: "At present, there is 12-ft. between the original and proposed footprint of the 500 N. Conklin house and the house to the north."
And for the third point, is it possible to include, "At present there is 12-ft. between the original and proposed footprint of the house and the driveway to the south and over 30-ft. from the neighboring house."

By the way, when my wife and I were up there today confirming setback measurements I spoke to our neighbors on either side. We let them know we are seeking to be sensitive to them in the rebuild, and we are thankful they both seem supportive and glad to see progress.

Lynn, I know you have to get things submitted Fri. A.M. so feel free to call if you have any questions (248) 631-8101. If for some reason you can't reach me, you can call Sonya at (248) 631-8045.

Thankfully, Peter (and Sonya) Smith

On Thu, Oct 1, 2020 at 2:08 PM Lynn Harrison <lharrison@oriontownship.org> wrote:

Peter, thank for measuring the distance from the property line to the house and adding that measurement to the drawing. Because it is noted that the house will be 30’ 3” away from the front property line at its closest point, you will not need a variance for that (required is 30’).

Below is the language I propose to use for the variance request to rebuild a house at 500 N. Conklin. I need to know if this language is ok or if it needs to be revised by tomorrow morning, Oct. 2nd. This will be the language that will be advertised in the Lake Orion Review and will go to all property owners within 300-ft of the property. Please respond to this email.

**AB-2020-32, Peter Smith, 500 N. Conklin, 09-01-277-004**

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

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

1. A 20-ft. lot width variance from the required minimum 50-ft. lot width

Article VI, Section 6.04 Zoned R-3
2. A 6-ft. side yard setback variance from the required 10-ft. to rebuild a house 4-ft. from the side property line (north).

3. A 5.33-ft. side yard setback variance from the required 10-ft to rebuild a house 4.67-ft. from the side property line (south)

Note: item #1 is needed because the lot width is less than 50-ft., for requests to be heard by the ZBA, a lot has to be at least 50-ft. wide.

Thank you,

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

O: 248.391.0304, ext. 5001
W: www.oriontownship.org
INFORMATIONAL ONLY

TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: October 20, 2020
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.

November 9, 2020
November 23, 2020
December 14, 2020
MEMORANDUM

TO: ZBA Members

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: October 19, 2020

SUBJECT: 2021 ZBA Meeting Dates

I have reviewed the possible meeting dates for 2021 and did not see any conflicts with holidays or potential office closings.

Note - in the past, however, we only approved 1 meeting in December. I will leave it up to your discretion as to whether or not you want to remove the December 27, 2021 meeting from the Resolution or leave it on and cancel it if need be if no cases are received prior to it’s deadline date of November 26th.

Please look over the proposed Resolution and be prepared to act on it at the next meeting, November 9th.

Let me know if you have any questions.

Thank you,
CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

2021 MEETING DATES RESOLUTION

WHEREAS, the By-Laws of the Charter Township of Orion Zoning Board of Appeals provides for the scheduling of meetings on the second and fourth Monday of each month; and,

WHEREAS, the State of Michigan has enacted Public Act No. 267 of 1976, Open Meetings Act, which requires the specific designation of the dates, times, and places of all regular meetings of the Zoning Board of Appeals; and,

WHEREAS, it is the desire of the Charter Township of Orion Zoning Board of Appeals to conduct all of its business in an open forum, in compliance with said Act; and,

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Orion Zoning Board of Appeals will hold its Regular Meetings on the second and fourth Monday of each month of the calendar year, beginning on January 11, 2021 and ending on December 27, 2021.

The following are the dates of the regularly-scheduled meetings, which will begin at 7:00 p.m. and will be held at the Orion Center, 1335 Joslyn Road, Lake Orion, Michigan:

<table>
<thead>
<tr>
<th>Month</th>
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<tbody>
<tr>
<td>January</td>
<td>11 &amp; 25</td>
<td>July</td>
<td>12 &amp; 26</td>
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<td>February</td>
<td>08 &amp; 22</td>
<td>August</td>
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<td>March</td>
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<td>June</td>
<td>14 &amp; 28</td>
<td>December</td>
<td>13 &amp; 27</td>
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AND, BE IT FURTHER RESOLVED, that a copy of this notice of meeting dates are to be published in The Lake Orion Review and to be posted at the Orion Township Hall.

* Denotes change from regular scheduling.

ZBA approved xxxxxx