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

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

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

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

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

**OTHERS PRESENT:**  
Arron Roscoe   
Anton Rozhanskiy

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

2. **ROLL CALL**  
As noted

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

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

5. **ZBA BUSINESS**

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

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

   Article XXVII, Section 27.02 – Lot size over 2.5 acres

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. PUBLIC COMMENTS
None

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

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

9. COMMITTEE REPORTS
None

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

Respectfully submitted,

[Signature]

Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

March 22, 2021

[Signature]

Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

Zoning Board of Appeals Approval