The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, June 14, 2021, 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, Chairman
- Don Walker, PC Rep to ZBA
- Derek Brackon, Secretary
- Mike Flood, BOT Rep to ZBA
- Tony Cook, Vice-Chairman

**ZBA MEMBERS ABSENT:**
- None

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

**OTHERS PRESENT:**

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

2. **ROLL CALL**
As noted

3. **MINUTES**

   A. 5-24-2021, ZBA Regular Meeting Amended Minutes

   Moved by Trustee Flood, seconded by Board member Walker, to approve the minutes as amended changing “Chairman Flood” to “Chairman Durham” on page 4. Motion carried.

4. **AGENDA REVIEW AND APPROVAL**
Chairman Durham read a letter from the attorney for MacLeish Building that indicated this petitioner would like to postpone all their business on this agenda until a later date to give them time to address concerns.

Motion by Trustee Flood, seconded by Chairman Durham to approve the agenda review and approval as amended. Motion passes.

Moved by Trustee Flood, seconded by Board member Walker to approve the agenda as amended postponing the following cases to a date determined by the Planning and Zoning Department: AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah Ln., Sidwell numbers 09-04-402-033 & 034; AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., Sidwell numbers 09-04-402-035 & 036; AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., Sidwell numbers 09-04-402-037 & 038; AB-2021-18,
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – June 14, 2021

MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln., Sidwell numbers 09-04-042-041 & 042; AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., Sidwell numbers 09-04-042-047 & 048.

Mr. Dan MacLeish introduced himself to the Board members. He stated that he would like it postponed to the July 12, 2021.

Trustee Flood stated that there are already five cases on this agenda.

Building Official Goodloe stated that he spoke to Planning & Zoning Director Girling and she was okay with the July 12th, 2021 date.

Trustee Flood stated that he would not be at that meeting. The By-Laws state that no more than five cases should be heard.

Chairman Durham stated that deliberating stacking on five more cases on July 12th would be excessive. They need to do background on all cases would be too much.

Trustee Flood concurred.

Vice Chairman Cook stated that he would support if Trustee Flood would amend the motion to include the date certain of July 26th, 2021.

Trustee Flood stated that he would not change the motion.

Roll call vote was as follows: Durham, yes; Brackon, no; Cook, no; Flood, yes; Walker, yes. Motion carried 3-2. Motion passes.

5. ZBA BUSINESS

A. AB-2021-27, Joshua & Jennifer Fricke, 755 Hemingway, 09-10-426-027

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

Article XXVII, Section 27.01(C)(1)(b)
1. A 3-ft. side yard setback variance from the required 9-ft. to construct a detached garage 6-ft from the side property line to the (south). Article XXVII, Section 27.02(A)(8) – Lot size ½ to 1 acre

2. A 401.26 sq.-ft. variance above the allowed 900-sq. ft. Maximum Floor Area of Detached Accessory Buildings to build a 1,200-sq. ft. detached garage in addition to an existing 101.26 sq. ft. shed for a total of 1,301.26 sq. ft.

Mr. Joshua Fricke introduced himself to the Board and explained the variance request. He provided a picture for the Board showing what is proposed.

Chairman Durham asked if the mature trees would remain.

Mr. Fricke answered yes.

Chairman Durham asked if the new garage would be at the same depth as the petitioner’s neighbor’s garage. Mr. Fricke stated that the neighbor’s sits back a little farther than his.
Chairman Durham commented that the petitioner is not going to place the garage structure right next to the house and both would be deep on the property with no privacy issues.

Mr. Fricke answered yes.

Board member Walker asked if the neighbors were aware of the proposed project.

Mr. Fricke answered yes; the neighbor signed the paperwork saying that she was okay with the construction.

Trustee Flood stated that he is looking for the practical difficulty in this case. The lot is lacking being eighty feet wide which is the standard today. This petitioner is 67.8 feet which is part of the practical difficulty. He appreciates the petitioner keeping the trees. The height is okay and he commented that the petitioner is only going one foot further back.

Mr. Fricke stated that he is matching the house in height.

Trustee Flood stated that the Fire Marshall had no concerns with this project.

Chairman Durham asked if the house had a basement and what does the petitioner plan to use the second story of the garage for.

Mr. Fricke answered yes, the house has a basement. He plans on using the second story for storage. He would like to utilize the basement as a home office and not as storage.

Chairman Durham confirmed that there was no public comment for this case.

Chairman Durham stated that they did receive a letter of support from the neighbor of the petitioner and he read the letter into the record.

Trustee Flood commented that he appreciated the petitioner typing out his application because this made it easy to read and follow.

Board member Walker moved, seconded by Trustee Flood, that in the matter of Case #AB-2021-27, Joshua & Jennifer Fricke, 755 Hemingway, 09-10-426-027 to approve the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.01(C)(1)(b) including:

1. A 3-ft. side yard setback variance from the required 9-ft. to construct a detached garage 6-ft from the side property line to the (south). Article XXVII, Section 27.02(A)(8) – Lot size \( \frac{1}{2} \) to 1 acre

2. A 401.26 sq.-ft. variance above the allowed 900-sq. ft. Maximum Floor Area of Detached Accessory Buildings to build a 1,200-sq. ft. detached garage in addition to an existing 101.26-sq. ft. shed for a total of 1,301.26-sq. ft. because the petitioner did demonstrate that the following standards for variances have been met:

The petitioner does show the following practical difficulty; due to the unique characteristics of the property and also the existence of mature trees that the petitioner is saving.

The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: the saving of the mature trees on the property and the Board received correspondence from the neighbor on the affected side who has no objections to the proposed plans.

The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity.
The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to the improvement in such zone or district in which the property is located based on the following: the Fire Marshall has said that there is no problem getting to the rear of the property if needed.

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

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

B. **AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah Ln., sidwell numbers 09-04-402-033 & 034 (postponed from 5/10/2021 ZBA Meeting)**

Chairman Durham read the petitioner's request as follows:
The petitioner is seeking 4 variances from Zoning Ordinance #78

1. A 9.39-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20.61-ft from the adjacent condominium unit (south).
2. A 9-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21-ft from an adjacent condominium unit (north).
3. A 1-ft. rear yard setback variance from the required 30-ft. to construct unit 33, 29-ft from the rear property line
4. A 1.5-ft. rear yard setback variance from the required 30-ft. to construct unit 34, 28.5-ft. from the rear property line.

*The applicant requested the case be postponed – motion was made and carried under item #4*

C. **AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., sidwell numbers 09-04-402-035 & 036 (postponed from 5/10/2021 ZBA Meeting)**

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

1. A 9-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21-ft from an adjacent condominium unit (south).
2. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from an adjacent condominium unit (north).
3. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 36, 29.5-ft. from the rear property line.

*The applicant requested the case be postponed – motion was made and carried under item #4*

D. **AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., sidwell numbers 09-04-402-037 & 038 (postponed from 5/10/2021 ZBA Meeting)**

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 4 variances from Zoning Ordinance #78

1. A 10.26-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 19.74-ft from an adjacent condominium unit (south).
2. An 8.66-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21.34-ft from an adjacent condominium unit (north).
3. An 8.5-ft. rear yard setback variance from the required 30-ft. to construct unit 38, 21.5-ft from the rear property line.
4. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 37, 29.5-ft from the rear property line.

The applicant requested the case be postponed – motion was made and carried under item #4

E. AB-2021-18, MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln., sidwell numbers 09-04-402-041 & 042 (postponed from 5/10/2021 ZBA Meeting)

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 2 variances from Zoning Ordinance #78
1. A 2.5-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 27.5-ft from an adjacent condominium unit (south).
2. A 2.6-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 27.4-ft from an adjacent condominium unit (north).

The applicant requested the case be postponed – motion was made and carried under item #4

F. AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidwell numbers 09-04-402-047 & 048 (postponed from 5/10/2021 ZBA Meeting)

Chairman Durham read the petitioner’s request as follows:
The petitioner is seeking 4 variances from Zoning Ordinance #78
1. A 9.85-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20.15-ft from an adjacent condominium unit (south).
2. An 8.35-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 21.65-ft from an adjacent condominium unit (north).
3. A 10-ft. rear yard setback variance from the required 30-ft. to construct unit 48, 20-ft. from the rear property line.
4. A 17.5-ft. rear yard setback variance from the required 30-ft. to construct unit 47, 12.5-ft. from the rear property line.

The applicant requested the case be postponed – motion was made and carried under item #4

6. **PUBLIC COMMENTS**
None

7. **COMMUNICATIONS**
A. Date Certain Memo
B. Memo regarding Upcoming Workshop

8. **COMMITTEE REPORTS**
None

9. **MEMBERS’ COMMENTS**
Trustee Flood stated that he has attended many of these workshops and commented that is always something to learn. The Township Board makes the training available and it is worthwhile.

Chairman Durham commented on the abundance of cases recently.
Board member Walker stated that the Board is working on the Master Plan update and they are holding a public input session on Wednesday, June 16th at 4:00 pm.

10. ADJOURNMENT
Moved by Trustee Flood, seconded by Chairman Durham to adjourn the meeting at 7:25 pm. Motion passes.

Respectfully submitted,

Erin A. Mattice
Recording Secretary