The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, May 24, 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:
Brenda Heuxwell
Tim Heuxwell
Carol Ralko
Rob Ralko
John Vansteenis
Scott Erskine
Rob Cavanagh
Dwayne Truscott
Mike Kickbush
Josh Joly
James Bays
Julie Bays
Tim Hollis

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

2. ROLL CALL
As noted

3. MINUTES
A. 4-12-2021, ZBA Regular Meeting Amended Minutes

Moved by Trustee Flood, seconded by Vice Chairman Cook to approve the minutes as presented. Motion carried.

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

Moved by Trustee Flood, seconded by Chairman Durham to approve the agenda as presented. Motion carried.

Chairman Flood stated that he moved Case AB-2021-05, Robert Cavanagh to the end of the meeting after all of the other cases are heard.

5. ZBA BUSINESS
A. AB-2021-05, Robert Cavanagh, 893 Indianwood, 09-03-252-010 (postponed from 4/12/2021 meeting) case moved to be heard after ZBA Business F

B. AB-2021-22, Robert Ralko, 2809 Walmsley Circle, 09-20-376-017

Chairman Durham read the petitioner’s request as follows:
Petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south.

Mr. Ralko introduced himself to the Board. He summarized the need for the fence including all of the other neighbors are getting the fence installed.

Trustee Flood asked if the fence installation was because of Baldwin Road.

Mr. Ralko stated that since the road was widened, there is a lot more noise. He commented on the recent planting of trees for screening along the property line and said that the fence would be behind the trees when installed.

Trustee Flood asked if it would tie into Waring Drive.

Mr. Ralko answered yes.

Board member Walker thanked the petitioner for being honest about the fence.

Chairman Durham asked if there was any public wishing to speak on this matter.

No public comment was heard.

Trustee Flood motioned, and Board member Walker seconded that in Case #AB-2021-22, Robert Ralko, 2809 Walmsley Circle, 09-20-376-017, to approve the petitioner’s request for the following 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2): 1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Baldwin Rd., 2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the north and a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the south. be granted conditioned upon the setback variances from the north and south setback lines of said property is strictly for the 6 foot privacy fence that runs concurrent alongside Baldwin Road in the existing safety path only, not between the residential properties. The petitioner did demonstrate the following standards for variances have been met in this case and they set forth facts that show:

1. The petitioner does show the following practical difficulty; a unique characteristic to this property as having two front yards, one facing on Walmsley Circle and one facing on Baldwin Road, widening of Baldwin Road and the complete safety path system all the way starting south at I-75 road to Indianwood Road. The following are exceptional or extraordinary circumstances or condition attributed to the property involved and do no generally apply to other properties in the same district or zone. In the last several years, Baldwin Road traffic and volume and emitted road noise has
tremendously increased due to residential and commercial expansion both to the north and south of this well-established subdivision community.

2. 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 based on the following findings of fact. Due to the abovementioned findings of fact, the property owner did no longer enjoy the peace and tranquility, privacy and safety that they once possessed.

3. 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 findings of fact. The Keatington Home Owners Association Architectural Control Committee review letter date stamped April 9, 2021 has formally accepted the proposal with exceptions as noted: ZBA approval of requested variances and fence to be constructed of the same material and style, shadowbox, as previously approved fencing along Baldwin Road only.

4. Based on the following findings of fact, granting this variance would not impair an adequate supply of light and air to adjacent properties due to installation of this fence will protect the subject property owner from vehicle headlights on Baldwin Road from spilling onto their property and privacy. The variances will not unusually increase congestion in the public streets. There is also not going to be an increase of fire, or endanger of the public safety. Granting the variance also will not reasonably diminish or impair established property values within the surrounding area. Granting this variance will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

C. AB-2021-23, Timothy Hollis, 2815 Walmsley Circle, 09-20-376-016

Chairman Durham read the petitioner’s request as follows:
Petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.

Mr. Hollis introduced himself to the Board and summarized the variance request including the need for noise reduction and increased privacy.

Trustee Flood asked if he was adjoining to Mr. Ralko.

Mr. Hollis answered yes.

Chairman Durham asked if there was any public comment.

No public comment was heard.

Trustee Flood motioned, and Vice Chairman Cook seconded that in Case #AB-2021-23, Timothy Hollis, 2815 Walmsley Circle, 09-20-376-016, to approve the petitioner’s request for the following 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII,
Section 27.05(H)(2): 1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Rd., 2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north and a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south be granted conditioned upon the setback variances from the north and south setback lines of said property is strictly for the 6 foot privacy fence that runs concurrent alongside Baldwin Road in the existing safety path only, not between the residential properties. The petitioner did demonstrate the following standards for variances have been met in this case and they set forth facts that show:

1. The petitioner does show the following practical difficulty; a unique characteristic to this property as having two front yards, one facing on Walmsley Circle and one facing on Baldwin Road, widening of Baldwin Road and the complete safety path system all the way starting south at I-75 road to Indianwood Road. The following are exceptional or extraordinary circumstances or condition attributed to the property involved and do no generally apply to other properties in the same district or zone. In the last several years, Baldwin Road traffic and volume and emitted road noise has tremendously increased due to residential and commercial expansion both to the north and south of this well-established subdivision community.

2. 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 based on the following findings of fact. Due to the abovementioned findings of fact, the property owner did no longer enjoy the peace and tranquility, privacy and safety that they once possessed.

3. 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 findings of fact. The Keatington Home Owners Association Architectural Control Committee review letter date stamped April 11, 2021 has formally accepted the proposal with exceptions as noted: ZBA approval of requested variances and fence to be constructed of the same material and style, shadowbox, as previously approved fencing along Baldwin Road only.

4. Based on the following findings of fact, granting this variance would not impair an adequate supply of light and air to adjacent properties due to installation of this fence will protect the subject property owner from vehicle headlights on Baldwin Road from spilling onto their property and privacy. The variances will not unusually increase congestion in the public streets. There is also not going to be an increase of fire, or endanger of the public safety. Granting the variance also will not reasonably diminish or impair established property values within the surrounding area. Granting this variance will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

D. AB-2021-24, Catherine Jolly, 780 Joslyn Road, 09-09-401-008

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

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)
1. A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the rear property line.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north.
Mr. Joseph Jolly introduced himself to the Board and summarized the variance request. He explained that both he and his neighbor have pools and he is looking to place a privacy fence between them separating the two properties.

Chairman Durham asked how the neighbor felt about the request.

Mr. Jolly replied that the neighbor had no problem with the fence.

Chairman Durham asked if the fence was going to start at the back corner of the house.

Mr. Jolly explained the location of the fence along the side yard.

Trustee Flood stated that the petitioner wants the fence running east and west from the back property line up to the back of the house. There is a nice fence along the back property line already. The difficulty is the pools side by side.

Board member Walker asked petitioner when he purchased the house.

Mr. Jolly replied April 26, 2021.

Board member Walker confirmed that the pool was there when he purchased the house and the neighbor’s pool was there when they purchased the house.

Mr. Jolly replied yes.

Chairman Durham asked if when he purchased the home, was the petitioner aware that there was a prohibition to putting a fence up.

Mr. Jolly replied yes.

Vice Chairman Cook asked why they need a 6 foot fence if the primary concern is the safety of the children.

Mr. Jolly stated that his 5 year old is pretty tall and can already scale the fence. He also wanted overall privacy with the pool.

Chairman Durham asked if there was any public comment on this case.

James Bays, 770 Joslyn Road, neighbor, stated that they support the variance request.

Vice Chairman Cook asked Mr. Bays how long the hedges on his property had been there.

Mr. Bays replied since 2011. He confirmed that he was the neighbor with the pool next door.

Vice Chairman Cook and Trustee Flood seconded that in Case # AB-2021-24, Catherine Jolly, 780 Joslyn Road, 09-09-401-008 to approve the petitioner’s request for the following, 2 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2): 1. A 10-ft. rear yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the rear property line and 2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north because the petitioner has demonstrated that the following standards for variances have been met in this case and in that they set forth facts that show:

1. The petitioner does show the following practical difficulty, there is a proximity to a second pool and in this case, the petitioner has small children. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do no generally apply to other properties in the same district or zone. The petitioner currently has his own pool and in addition to
that, he has the neighbor’s pool that is within 10 feet. The petitioner does have the support of the neighbor to erect this fence.

2. 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 based on the following findings of fact. The street is a busy street and this is a concern for the children as well as having some privacy which is also a concern. To the rear of the property, there is will be an existing chain link fence.

3. The granting of the variance or modification will not be materially be 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 fact that it will erected in a manner that the good side will be out towards the neighbor or the rear of the property where the fence is erected.

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

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

E. AB-2021-25, Albert Russel Erskine III, 2805 Walmsley Circle, 09-20-376-018

Chairman Durham read the petitioner’s request as follows:

Petitioner is requesting 3 variances from Zoning Ordinance #78 – Zoned R-2

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

1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the south.

Mr. Scott Erskine, representing the property owners, introduced himself to the Board and explained the need for the variances.

Trustee Flood confirmed that the Board received a letter allowing Mr. Scott Erskine to speak on behalf of his parents, Mr. and Mrs. Albert Erskine.

Trustee Flood motioned, and Board member Walker seconded that in Case AB-2021-25, Albert Russel Erskine III, 2805 Walmsley Circle, 09-20-376-018 to approve the petitioner’s request for 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) including 1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0- ft. from the property line along Baldwin Rd. and 2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0- ft. from the side property line to the north and 3. A 10-ft. side yard setback variance from the required 10 feet to erect a 6 foot privacy fence 0 feet from the side property line to the south be granted conditioned upon the setback property lines to the north and south of said property is strictly for the 6 foot privacy fence that runs concurrent along Baldwin Road in the existing safety path only not between residential property. The petitioner did demonstrate the following standards for variances have been met in this case and they set forth facts that show:
1. The petitioner does show the following practical difficulty; a unique characteristic to this property as having two front yards, one facing on Walmsley Circle and one facing on Baldwin Road, widening of Baldwin Road and the complete safety path system all the way starting south at I-75 road to Indianwood Road. The following are exceptional or extraordinary circumstances or condition attributed to the property involved and do no generally apply to other properties in the same district or zone. In the last several years, Baldwin Road traffic and volume and emitted road noise has tremendously increased due to residential and commercial expansion both to the north and south of this well-established subdivision community.

2. 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 based on the following findings of fact. Due to the abovementioned findings of fact, the property owner did no longer enjoy the peace and tranquility, privacy and safety that they once possessed.

3. 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 findings of fact. The Keatington Home Owners Association Architectural Control Committee review letter date stamped April 20, 2021 has formally accepted the proposal with exceptions as noted: ZBA approval of requested variances and fence to be constructed of the same material and style, shadowbox, as previously approved fencing along Baldwin Road only.

4. Based on the following findings of fact, granting this variance would not impair an adequate supply of light and air to adjacent properties due to installation of this fence will protect the subject property owner from vehicle headlights on Baldwin Road from spilling onto their property and privacy. The variances will not unusually increase congestion in the public streets. There is also not going to be an increase of fire, or endanger of the public safety. Granting the variance also will not reasonably diminish or impair established property values within the surrounding area. Granting this variance will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

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

F. AB-2021-26, Good Shepherd Lutheran Church, 1950 S. Baldwin Road, 09-20-101-014

Chairman Durham stated that he has had a connection with this church for some time, but not heavily for the last 7-10 years. He was married in the building so has a connection to it. He doesn’t know the applicant but will recuse himself if the Board deems it appropriate.

Board members agreed that there was no conflict of interest.

Chairman Durham read the petitioner’s request as follows:

Petitioner is requesting 4 variances from Sign Ordinance 153 Zoned Residential

Section 7 – Residential Zoned Areas; Ground Signs
1. A 1-ft. height variance from the allowed 6-ft. for a ground sign to be 7-ft. tall.
2. A 10-sq. ft. sign area variance from the allowed 35-sq. ft. for a ground sign to be 45-sq. ft.
3. A 25.6% EMC sign area variance from the allowed 30% (13.5-sq. ft.) for the EMC portion of a ground sign to be 55.6% (25-sq. ft.) of the total ground sign area (45-sq. ft.).
4. A 1mm EMC resolution variance above the maximum 25mm to allow a maximum EMC resolution of 26mm.

Mr. Mike Kickbush, 829 Rustic Village Lane, introduced himself as representing the petitioner.

Chairman Durham asked if the 1 mm EMC resolution was brightness or focus.
Mr. Kickbush replied he couldn’t answer that. The reason they are applying for the variance is they have the opportunity to buy a used sign for about 1/3 the cost of a new one and they are not able to get paperwork to verify the exact pixel. They have been told what the pixel is by the seller, but they do not have anything in writing.

Chairman Durham asked Building Official Goodloe about the 1 mm EMC resolution variance request.

Building Official Goodloe replied that the resolution was both brightness and focus.

Trustee Flood stated that the Board does not take financial information into account when reviewing a variance. He understands the church’s predicament. The request is not unreasonable for the height of the signage. This sign used to be ground level with Baldwin Road. If you drive down there now, it is 3-4 feet below road grade. He has no problem with the request and the practical difficulty is because they are buying a used sign and want to make sure they are within the legal requirements.

Chairman Durham asked if it would occupy the same space as the current sign.

Mr. Kickbush replied no, they will be 95 feet from the center line. The future road right of way is 75 feet and they have to be 20 feet from that. They will be further back from the current sign. They have 700 foot of frontage on the road.

Board member Walker asked if there were any set line issues.

Building Official Goodloe replied no.

Trustee Flood stated that they are moving the sign back further from the road and towards the church. The only thing next to them is a general store which has a drive through lane and to the south is a residential community.

Mr. Kickbush clarified that the subdivision is north of the church, park on the east side and residential south of them. The Dollar General is south of the church. Orion Wine store is south of the church.

Secretary Brackon asked the price difference between the old and the new sign.

Mr. Kickbush replied that a new sign would be $13,000 and this used sign is $3,000.

Secretary Brackon stated what happens if the Board grants them a variance and the new sign is above the request, what will be done then.

Mr. Kickbush stated that that is why they aired on the side of too much.

Secretary Brackon stated that they only asked for 1 mm. What happens if it comes back higher?

Mr. Kickbush stated that they cannot verify in writing what the sign is. The sign manufacturer is in New York and the owner is in Tennessee and it has not been used in the last couple of years.

Secretary Brackon asked if it was a measuring of the brightness and resolution?

Mr. Kickbush replied yes.

Secretary Brackon asked again if it comes back higher, what do they do?

Mr. Kickbush answered that they would have to dim it down.

Secretary Brackon asked if the sign was going to be used for advertising other than church.
Mr. Kickbush replied no, just church events.

Trustee Flood clarified the location of the petitioner’s church.

Building Official Goodloe stated that brightness is measured in lumens. The variance request deals with clarity.

Secretary Brackon asked why there would be a limit on clarity.

Building Official Goodloe clarified the ordinance requirements.

Secretary Brackon stated that if the brightness and clarity continue to be exceeded through variances, then Baldwin Road begins to look like Las Vegas and he is concerned about that.

Trustee Flood stated that if they find someone in violation, the Township goes out to inspect. If they do not meet the ordinance, they shut the sign off.

Building Official Goodloe concurred.

Trustee Flood agreed with Secretary Brackon.

Chairman Durham stated that the subdivision to the north is behind them. They would not have to worry about light leakage.

Mr. Kickbush confirmed that they are heavily wooded all around the property.

Building Official Goodloe commented that some signs that are used and become inoperable become very difficult to repair.

Trustee Flood provided history on Township signage.

Chairman Durham stated that a discounted sign sounds like a good deal. He asked if someone from the organization had seen it.

Mr. Kickbush replied that it was a referral from a resident of Tennessee that used to live up here. When they get ownership, they will test it and make sure it works.

Board member Walker stated that this petitioner’s story is real; this petitioner’s issues are created by the widening of Baldwin Road.

Chairman Durham asked if there was any public comment on this item.

No public comment was heard.

Vice Chairman Cook stated that his problem with this is they are down to mm’s and questioned the petitioner as to what he has done to find out the information.

Mr. Kickbush commented on what he has tried to do to get the information.

Vice Chairman Cook stated that initially it won’t be an issue but when the road is widened, it will become an issue and they do not know because they do not know the characteristics of the sign. The sign ordinance is at 25 mm because of what they had before.

Mr. Kickbush commented on the history of the sign. He has the serial number and has tried to contact the company.
Chairman Durham commented that the petitioner can choose to postpone to a later date to try to get the information.

Trustee Flood asked if they would take the 1 mm off the variance request and take a gamble that it will be 25.

Mr. Kickbush stated that if they remove it, would they have to change it.

Trustee Flood stated that if it were over, they would have to come back to the ZBA and get the one variance for the brightness. The brightness seems to be an issue for the Board members.

Mr. Kickbush asked if they could go on the agenda in two weeks if they choose to postpone.

Trustee Flood stated that July 12, 2021 would be the next available date.

Mr. Kickbush stated that he would like to postpone the vote to the next available date, July 12, 2021.

Trustee Flood moved and Chairman Durham seconded, to postpone case AB-2021-26, Good Shepherd Lutheran Church, 1950 S. Baldwin Road, 09-20-101-014, to July 12, 2021 at the petitioner's request.

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

A. AB-2021-05, Robert Cavanagh, 893 Indianwood, 09-03-252-010 (postponed from 4/12/2021 meeting)

Chairman Durham read the petitioner’s request as follows: Petitioner is requesting 2 variances from Zoning Ordinance #78 – Zoned R-3

Article XXVII, Section 27.02 – Lot size over 2.5 acres
1. A 1,183.5-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of All Detached Accessory Buildings for a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 180.5-sq. ft. gazebo, and a 120-sq. ft. greenhouse.

2. A 1,339-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of All Accessory Buildings for a 576-sq. ft. attached portico, a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 180.5-sq. ft. gazebo, and a 120-sq. ft. greenhouse.

Mr. Robert Cavanagh introduced himself to the Board members. He summarized how the request has changed since the last time he was in front of the Board. The gazebo is 180.5 square foot and he explained how it was measured.

Chairman Durham confirmed that Mr. Cavanagh had been meeting with folks to try to come together and reach an agreement. He asked if there was forward momentum from these meetings.

Mr. Cavanagh answered not as much as he would have liked. He postponed the vote at the last meeting and took into account the neighbors' perspectives. He submitted an agenda a week in advance and thanked the Orion staff for their willingness to be mediators. He summarized the interaction with the neighbors and he read the statement that he provided to the neighbors that met.

Chairman Durham asked about the fill placed on Indianwood side and if it is where it needs to be yet.

Mr. Cavanagh stated that he hasn’t brought any more fill in this year. He leveled off what was there and is pretty close, but it is not all leveled. He has an updated timing chart that he provided to the Board.
Chairman Durham asked about the patch of straw.

Mr. Cavanagh stated that he put that in; it has been seeded with clover and explained how he covered the area. Eventually he wants to put pines in there too.

Chairman Durham asked about the rocks along that “ring” road, along the top, and what was the purpose of putting them there.

Mr. Cavanagh stated that he put the rocks there and they were put there to prevent people from parking on his property after he has asked them not to.

Chairman Durham asked why he put the rocks there.

Mr. Cavanagh stated that the berm wasn’t there and the signs did not work to have them stop parking on his property.

Chairman Durham asked what else has been done on the property.

Mr. Cavanagh stated that he has closed out the building permit for the home. He has had the final inspection and provided proof to the Board. He is ready for final C of O. He sold the shipping containers and they will be leaving the property. The berm is completed. He has one last section to straw and finish and is trying to make the area consistent. He will start moving his items out of the shipping containers and is looking forward to removing the containers. He has also started working on the front field. He reviewed the timeline that he provided.

Trustee Flood stated that dispute regarding this property has been a troubling issue in this Township for a long time. They are not going to settle every neighborhood dispute. He understands that people want to talk about issues. Mr. Cavanagh went above and beyond to sit at the last meeting and heard everyone’s feelings. He tried to go back and concentrate on just what is before the Board in terms of variance request. The Board has discussed the acreage limit of 2.5 and how it relates to accessory square footage. Mr. Cavanagh has 10.5 acres. At the last joint meeting, this item was on the agenda, large parcels under a 2.5 acre standard for accessory building square footage allowance. It was brought up at that meeting that the Board should look at this and maybe have another criteria for larger acreage properties. This has no bearing because all they have is the existing ordinance. He doesn’t think the total accessory square footage requested is unreasonable for 10.5 acres. When the Board makes a decision, someone is going to disappointed and someone is going to be happy. There is due process and the decision can be appealed.

Vice Chairman Cook asked why Mr. Cavanagh decided to keep the gazebo.

Mr. Cavanagh stated that he never said he was going to remove the gazebo. The gazebo is now reduced in size, before it was 260 square feet and now it is 180.5 square feet.

Vice Chairman Cook stated that Mr. Cavanagh did say he was going to remove it on page 21 of the notes, but it is fine if he changed his mind.

Chairman Durham asked for public comment.

Brenda Heuxwell, 616 Fernhurst, stated that they did have a neighborhood meeting but she had a difficult time getting any other neighbors to attend. She stated that it was Mike Losing and herself. She asked Christine to come to that neighborhood meeting and although she is an attorney, she is a friend and is not Ms. Heuxwell’s attorney. She was not at the meeting to represent and Christine did not speak during it. The berm looks great, tires have been removed and the shipping containers are going away. The rocks and the no trespassing signs are still there. The neighborhood meeting didn’t go as well as she would have hoped. The neighborhood offered alternative placements for the rocks and she explained the options given. She is here tonight to talk about the variances. She doesn’t feel comfortable with the no trespassing signs
still up. She understands that the land is large but she is concerned if Mr. Cavanagh splits the property in the future and the variance would approve six structures on the property.

John Vansteenis, 969 Indianwood Road, summarized history of the surrounding properties. He thought Mr. Cavanagh purchasing the property was a good move for the Township and Mr. Cavanagh. He has worked closely with Mr. Cavanagh and feels that he has done everything he could to do the right thing and make the property an asset to the community. Mr. Cavanagh should be able to do what he wants on his property and his only criticism is with the Township because they will use taxation to punish. He stated that he is in support of the variances requested.

Michael Losing, 586 Fernhurst Court, (online), summarized the neighborhood meeting that was held. They asked Mr. Cavanagh to consider moving all of the boulders by the road because they are a hazard. They also asked that all of the No Trespassing signs should be removed. He expressed his opposition to the variances requested. There is a discrepancy in the square footage of the building permit asked for and believes that they should have accurate numbers. He is not sure how the square footage of the gazebo was changed. There will be a large number of structures on the property if this variance is approved. He stated that he sent an email to the Township listing all of the reasons why the variances should be denied.

Mr. Dwayne Truscott, 534 Fernhurst, asked how the variances are supposed to work. Are they supposed to building first and then come in to ask for a change? Or, are they supposed to come in and ask before you build and make sure it is ok?

Chairman Durham confirmed that it should be ask permission and then build. He has seen an equal number of residents that come in and beg forgiveness for something that has already been done. He has not reached a decision on this case as to whether it was deliberate, change of plans or an ignorance of the ordinance.

Mr. Truscott replied that it is not just one mistake; there were multiple mistakes made.

Mr. Trent Kempanar, 796 Central Drive, explained his history with the subject property. He is happy that the home was built and the area was cleaned up by Mr. Cavanagh. The property is ten acres and someone who owns it should be able to have buildings on it to accommodate the level of machinery that you need to maintain 10 acres so he doesn’t see a problem with it. He doesn’t think a greenhouse that size even needs a permit and the gazebo may not even be considered a structure. Mr. Cavanagh is trying to air on the side of caution. He is in favor of the variances and they should be granted.

Roberta Good, 596 Fernhurst, stated that she doesn’t have a problem with someone being across the street. Mr. Cavanagh lives on Indianwood but he uses Fernhurst Drive and has built a driveway there. This is a public road and they can park on the road. She would like to boulders removed and to be able to park on the road like any other public road.

Mr. Cavanagh stated that he put the greenhouse in because he thought that it might be something else to complain about in the future. He tried to include everything. The boulders are not in the road, they are on his property. There is a plan on the table to establish an SAD for the road and he hopes it moves forward.

Chairman Durham asked about the driveway off of Fernhurst.

Mr. Cavanagh stated that it is a service drive and he plans on gating it off. He has a concrete pad going in for a basketball court and this drive allows the concrete truck to come in. The drive also gives the fire department access to the back of the house. He has an Oakland County permit for this drive. It is common to have a secondary entrance to a 10 acre parcel.

Chairman Durham read an opposition letter received from the residents of Fernhurst Road collectively from 586 Fernhurst, 616 Fernhurst, 534 and 552 Fernhurst, 596 Fernhurst, 660 Fernhurst, 524 Fernhurst, 556 and 690 Fernhurst, 876 Fernhurst and 642 Fernhurst and 900 Indianwood.
Chairman Durham stated that the Board received an opposition letter from Mrs. Heuxwell.

Chairman Durham stated that the Board received an opposition letter from Mr. Michael Losing.

Board member Walker stated that he has been on the ZBA a long time and it is not the first time that the Board has dealt with the issue of accessory building square footage overage on large parcels. One of the items in the discussion was the maximum size of a lot like this and making it equitable to the 2.5 acre lots accessory square footage allowable. The ZBA makes accommodations for cases just like this and summarized a case that was heard recently. He hopes that the Planner and the Board work together to make changes in the ordinance in the future.

Vice Chairman Cook asked Ms. Heuxwell to come back to the microphone. He asked Ms. Heuxwell for the reason for the pushback when the attorney was asked to leave the meeting.

Ms. Heuxwell stated that the attorney is in family law and she is her friend. She wanted her there for support. This woman has not been hired as an attorney. She provided a history of meetings in the past where she felt threatened so she wanted her friend there for support.

Vice Chairman Cook commented that he is trying to understand the attorney’s presence. He understands Mr. Cavanagh’s hesitation because he did not have representation at that meeting and confirmed that Ms. Heuxwell did not bring representation to the meeting.

Vice Chairman Cook stated that if everyone is there for a conversation, why the attorney’s presence.

Ms. Heuxwell commented on the SAD situation that is pending.

Chairman Durham stated that he believes the residents are angry. He suggested that Mr. Cavanagh can make movements on that road to make people not so angry. He doesn’t know if Mr. Cavanagh has reached out as much as he could.

Mr. Cavanagh stated that he removed three of the no trespassing signs off of the road. There is a reason for every one of those signs. He held a meeting in good faith.

Board member Walker moved and Vice Chairman Cook supported, in Case AB-2021-05, Robert Cavanagh, 893 Indianwood, 09-03-252-010 to approve 2 variances from Zoning Ordinance #78 – Zoned R-3, Article XXVII, Section 27.02 – Lot size over 2.5 acres as follows: 1. A 1,183.5-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of All Detached Accessory Buildings for a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 180.5-sq. ft. gazebo, and a 120-sq. ft. greenhouse for a total of 2,583.5 square feet and 2. A 1,259.5-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of All Accessory Buildings for a 576-sq. ft. attached portico, a 1,440-sq. ft. pole barn, an 843-sq. ft. pumphouse, a 180.5-sq. ft. gazebo, and a 120-sq. ft. greenhouse for a total of 3,159.5 square feet. The petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts that show this to be the case.

1. The petitioner does show the following practical difficulty; this is a problem that the Zoning Board of Appeals has come across a number of times, the maximum size on an R-3 lot is only 2.5 acres. The petitioner has 10.55 acres in this R-3 zoning. These are unique characteristics of this property and they are not related to the general conditions of the area of the property. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved and do no generally apply to other properties in the same district or zone. Based on the same analysis of the 10.55 acres, it is the understanding that the Master Plan is being reviewed at this time even though the ordinance currently says the largest area of the lot can only be 2.5 acres.

2. 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 based on the following findings of fact.
The property is 10.55 acres and if they look at it rationally, it is four times larger than 2.5 acre lot next door, why should he not have four times the accessory square footage allowed.

3. 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.

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

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

6. PUBLIC COMMENTS
Greg Kempanar stated that there needs to be adjustments in the microphones for all members because the Board members cannot be heard when watching the meeting at home.

7. COMMUNICATIONS
A. Date Certain Memo - Good Shepherd for July 12, 2021

8. COMMITTEE REPORTS
None

9. MEMBERS’ COMMENTS
Trustee Flood stated that the Township Board is rescinding the State of Emergency in Orion Township on June 1, 2021. There will only be in-person meetings only and he added that the pit on Judah Road is closed. The applicant will be coming before the Board to close the permit.

10. ADJOURNMENT

Moved by Board Member Walker, seconded by Chairman Durham to adjourn the meeting at 9:07 pm

Respectfully submitted,

Erin A. Mattice
Recording Secretary
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 4, 2021

SUBJECT: Staff Report for AB-2021-27, Joshua & Jennifer Fricke

The petitioner is requesting to remove the existing detached garage and replace it with a new detached garage with a second floor for storage. The total proposed square footage will be 1,200-sq. ft. There is an existing shed which will remain.

As the lot width is 67.80-ft., it is considered a nonconforming lot as the minimum lot width in the R-2 zoning district is 80-ft. – there is a relaxation to the side yard setbacks. Instead of 10-ft., the required side yard setback is 9-ft. [see Article 27.01 (C)(1)(b)]

Per documents provided by the petitioner, the height of the proposed detached garage will not be taller than the house.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 4, 2021

RE: AB-2021-27, Joshua & Jennifer Fricke, 755 Hemingway, 09-10-426-027

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-27. Joshua & Jennifer Fricke, 755 Hemingway, 09-10-426-027, I move that the petitioner’s request for:

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.

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

Please be specific how the petitioner meets this criteria

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

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

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


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

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


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


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


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


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


SAMPLE MOTION FOR
DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-27, Joshua & Jennifer Fricke, 755 Hemingway, 09-10-426-027, I move that the petitioner's request for:

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.

Please be specific how the petitioner does not meet this criteria be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

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

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

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

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

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

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

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

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

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

APPLICANT
Name: Joshua and Jennifer Fricke
Address: 755 Hemingway City/State/Zip: Lake Orion, MI 48362
Phone: (248) 444-6385 Cell: (248) 444-6385 Fax: N/A
Email: JJFricke@yahoo.com

PROPERTY OWNER(S)
Name(s): Joshua and Jennifer Fricke
Address: 755 Hemingway City/State/Zip: Lake Orion, MI 48362
Phone: (248) 444-6385 Cell: (248) 444-6385 Fax: N/A
Email: JJFricke@yahoo.com

CONTACT PERSON FOR THIS REQUEST
Name: Joshua Fricke Phone: (248) 444-6385 Email: JJFricke@yahoo.com

SUBJECT PROPERTY
Address: 755 Hemingway Sidewell Number: 09-10-426-027
Total Acreage: .51 Length of Ownership by Current Property Owner: 21 Years, _______ Months

Does the owner have control over any properties adjoining this site? Yes
Zoning Ordinance Allowance/Requirement 9 ft from property line and max floor area 900 sq feet Deviation requested build 5 ft from property line and additional 300 sq feet for second level storage
RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. We would like to build a larger garage. We would like to build a garage wider and taller than what we currently have on our lot.

2. Describe how the request results from special or unique circumstances to the property, which are not applicable to other properties in the surrounding area. Our lot is narrow and with the placement of our home and mature trees the best option to build a garage that fits our family needs is to build it closer to the property line. Our lot is one of the only single lots and narrowest on our street. Our garage is also detached and limits us on where we can build a garage without removing trees and taking away yard space where the kids play.

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the township: If the appeal is granted, we do not see how it would be materially detrimental to the public health, safety and welfare. It will add value to our neighborhood and improve our property by having the garage upgraded and match our existing home. It will also allow us to store personal items inside and keep the property clean and organized.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples: Most of our neighbors that have garages have an attached garage. Those that have a detached garage the style and size match their home. Our garage is significantly smaller and in need up an upgrade to match our home and to keep the neighborhood value. We also have a narrow lot compared to our neighbors, which limits our building options.

5. Describe how the alleged practical difficulty has not been self-created. The properties were not created equally on our street. Most properties on our street are more than one lot and have a wider footprint with more building options. The trees on our lot were planted before we owned the property.

6. The topography of said land makes the setbacks impossible to meet because: Our lot is not wide enough to build a garage to fit our family needs without going closer to the property line or cutting down mature trees. We have a large tree directly behind the current garage that prevents us from going back and large trees along the south property line that prevents us from going forward with the garage.

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. In order to build a garage to meet our family needs the ordinance would cause us to cut down large mature trees that provide shade for our home.
8. Have there been any previous appeals involving this property? If so, when? no, not to our knowledge

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

If/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: 05/12/2021
Print Name: Joshua G. Ireland

Signature of Property Owner: __________________________ Date: __________________________
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: __________________________
Article XXVII  

General Provisions

27.01 Nonconformities

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

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

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

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

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

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

C. Nonconforming Lots.

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

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

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

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

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

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

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

3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance.
6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner’s living or sleeping area where windows and/or doors would be exposed to the nuisance.

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

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

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following (amended 11/38/85):

| LOT SIZE       | MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS | MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS | TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *
|----------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------
| Up to 1 1/2 acre | 750 sq. ft.                                      | .75% of the principal structure                    | 1,150 sq. ft.                                    |
| 1 1/2 to 1 acre | 900 sq. ft.                                      |                                                   | 1,300 sq. ft.                                    |
| 1 to 2.5 acres  | 1,000 sq. ft.                                    |                                                   | 1,500 sq. ft.                                    |
| Over 2.5 acres  | 1,400 sq. ft.                                    |                                                   | 1,900 sq. ft.                                    |

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals (amended 11/38/85 06/13/15):

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Allowed Sq. Ft. of All Detached Accessory Structures</th>
<th>900 sq. ft.</th>
<th>900 sq. ft.</th>
<th>900 sq. ft.</th>
<th>900 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Detached Garage</td>
<td>1,200-sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>401.26-sq. ft.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Max Sq. Ft. of All Accessory Structures</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
<th>sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Garage</td>
<td>Not Applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Detached Structure</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Pole Barn</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Ab-2021-27, Joshua Fricke, 755 Hemingway, 09-10-426-027
Zoned R-Z .529 Acres 23,043.24

Front yard setback - OK
Rear yard setback - OK
Side yard setback to north - OK
Side yard setback to South - (Required 9-ft will be 6-ft)
Height - OK
Lot Coverage - OK

House = 1,173
Porch = 80
Deck = 259
Existing detached garage 440 to be removed
Shed = 101.26
Proposed addition detached garage 1,200

\[ 2,813.26 \] Lot coverage ok

A relaxed side yard setback because lot width is less than the minimum lot width of 80-ft.
Sounds good.

Thank you!

Sent from Yahoo Mail on Android

On Mon, May 17, 2021 at 8:29 AM, Lynn Harrison <lharrison@orienttownship.org> wrote:

Thank you, this is exactly what I needed. Based on this information, I am proposing the following language:

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

The petitioner is seeking 2 variances from Zoning Ordinance #78

Article XXVII, Section 27.02(A)(4)

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 – Lot size ½ to 1 acre


The size variance was based on the existing shed which showed on one of your documents as 8.3 x 12.2 or 101.26-sq. ft.

Also, as the property width is 67.8-ft wide, there I a relaxation to the required side yard setback of 10-ft. to 9-ft.

Please get back to me via this email by Wednesday morning, May 19th, whether you agree with language or if it needs to be revised.
Thank you,

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

From: Jennifer Fricke <jjfricke@yahoo.com>
Sent: Friday, May 14, 2021 1:09 PM
To: Lynn Harrison <lharrison@oriontownship.org>
Subject: Variances for 755 Hemingway

Lynn,

We appreciate you helping us through our new project. We are excited to get this moving and are grateful for all your help. We are in uncharted waters and would not be able to do this without you.

We have attached what we think you are looking for. If there is anything different you need marked up or changed, we are more than happy to do so.

- House Elevation
- Garage Elevation
- Plot Plan/Survey with construction location

I would like to take this opportunity to quantify our project and variance request
Project

- We are going to demo complete the existing 20.3x22.3 garage.
- We would like to build a new two story 25x24 garage.
  - 2nd floor is storage/attic space. It will not have HVAC.
  - 1st floor 600 Sq Ft, 2nd floor 600 Sq Ft, total Sq Ft = 1,200. 600 is storage.

Variances requested:

1. Building closer to the property line, roughly 4' 9" closer.
   a. Neighbor sees no issues, approval letter previously provided.

2. The total square footage variance request is for 401 Sq Ft, which is over the allotted 900 square footage for our single lot.

I do apologize for any confusion when we first spoke about our project. If there is anything more needed, we will be more than happy to provide you with anything.

If you have any questions, please feel free to call me at (248)444-6385.

Thank You

Joshua Fricke

Sent from Yahoo Mail. Get the app
The fire department has reviewed and has 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, this is a ZBA case that will be going to the June 14th ZBA Meeting. Will you please look at it from a firefighting standpoint – whether or not you have any issues.

Thanks,

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

We are planning to rebuild our garage. The new design will bring the new structure within 9' of the property line. In accordance with Orion Township building code, we need apply for a variance. Part of the appeal process, we need approval from the neighbor adjacent to our property line.

I, Kim Russell of 795 Hemingway Rd see no issues with the Fricke’s building a new garage within 9' of the property line.

795 Hemingway RD
Print Name: Kim Russell
Signature: Kim Russell

Date: 5-2-21

755 Hemingway Rd
Print Name: Joshua D. Friske
Signature:

Date: 05/02/2021
property is zoned SP-1 and other than newly zoned property on Clarkston Road, this would not have effect on the petitioner's zoning in this area.

3. The variances are necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zone or vicinity based on the following fact: this is very similar to what Orion did with the Woodside Church which was approved by the Township Board to be converted to a condominium.

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to property or to improvements as such zone or district in which the property is located based upon the following fact: the petitioner has already been before the Planning Commission who approved the lot split. The petitioner now needs the variances approved to complete the transaction.

5. Based on the following findings of fact, this variance will not impair an adequate supply of light or air to adjacent property owners and will not reasonably impact congestion of traffic, will not increase the fire danger or endanger the public safety, will not reasonably diminish or impair established property values within the surrounding area and granting 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.

Chairman Durham asked all public in the room to show each other respect due as residents of the Township trying to solve the problem in front of the Board.

Director Girling explained the reasons for the changed variances. Calling the case would be as it was advertised but upon further analysis of the case, there were a number of units that had a different setback for distance between them which is four of the five cases being heard this evening. On the first case, it was found on the site plan documents that the distance between buildings was 20 feet. The applicant's formal request is what is shown on the agenda, but in actuality when they calculate with 20 feet between, the variance that he is requesting is less because he doesn't need as much space between the buildings.

Chairman Durham asked if he should read the adjusted numbers in.

Director Girling replied that he should read what is advertised and what is on the agenda, but with the understanding that a lesser variance is needed.

F. AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burnia Ln., sidewell numbers 09-04-402-033 & 034

Chairman Durham read the petitioner's request as follows:
The petitioner is requesting 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.

Mr. Dan MacLeish introduced himself to the Board. The first variance is the side yard setback of 9.39 feet and it is now .69 feet. He confirmed that when they reviewed the original PUD, that was originally a 20
foot setback. Units 33 – 38 are six contiguous sites that are vacant. He stated that they started at the southernmost point of unit 33 and started working north.

Chairman Durham asked if the second variance is needed now.

Mr. MacLeish replied no. He stated that #3 is needed for the back of the proposed deck. He stated that for unit 34, they are asking for a 1.5 foot variance. He stated that he has pictures of adjacent units.

Board member Brackon asked how the size of the proposed units compare to the existing units.

Mr. MacLeish replied that the proposed are 2000 square feet and it is like what is there now which is 1800 square feet to 2300 square feet. They are proposing a one-story ranch condominium.

Board member Brackon asked if these lots were smaller or did they also get variances for the existing units.

Mr. MacLeish replied that this site has a lot of history and he is not sure how they were originally built. He stated that they explored the sewers available. He explained the topography of the site. There are natural reasons why the units were built the way they were.

Board member Brackon stated that it is a concern of residents that what is being proposed is too large for the existing lots. He asked what is the purpose of them being that big as opposed to building something smaller.

Mr. MacLeish stated that they looked at a product that could sell. The proposed units have a front door where most of the existing have side doors. They have their own landscaping company and have plenty of privacy between the decks. They are looking at a price point of $500,000 to start.

Board member Brackon asked if the proposed fit into the plan and they will not stand out in any way.

Mr. MacLeish stated that they staked all the corners and have examined how the placement would fit.

Chairman Durham asked if all of the proposed are being built to one set of plans.

Mr. MacLeish replied that there are two versions, these and a larger version which they are not bringing to the Board.

Chairman Durham asked if they could shrink it down a little more and not need variances.

Mr. MacLeish stated that they tried that but it gets to the point where it doesn’t work with the design, especially when you consider wheelchair accessibility.

Board member Walker asked if they had considered every square foot of the property where these units will be built.

Mr. MacLeish replied yes. They looked at additional property acquisition and had engineers and architects look at the plan so they would not have to go to the Board.

Board member Walker stated that when they add them all up, there are 25 variances.

Board member Flood stated that any rendering by this Board is appealable by State law. He stated that some of these requests are so minor and they should be addressed by the petitioner. Board member Flood stated that they had a letter from a neighbor and a report by the Fire Department.

Board member Brackon read a letter from Barbara Unger opposing the variance requests based on the fact that the units proposed are too large for the property. He stated that they also have a letter from the
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – May 10, 2021

Fire Department, Jeff Williams, Fire Marshall, dated 5/10/2021. He read the letter aloud to the Board including all recommendations.

Mr. MacLeish stated that he was aware of the letter from the Fire Department. He stated that they took four feet off of these units from what they have built in the past but they wanted to keep hallways where they could be usable. They were trying to keep the units accessible for wheelchairs.

Director Girling stated that she clarified with the Fire Chief regarding his comments. She stated that if you have 2 feet between the buildings or 60 feet between the buildings, the fire suppression is related to the number of units, it has nothing to do with the spacing.

Mr. MacLeish provided color pictures for the Board members to view.

Chairman Durham asked for public comment.

Ron Foley, Association President, stated that many of the buildings in the development are not in the building envelopes. This is not the fault of Mr. MacLeish. He suggested that the new developments could have landscaping on the side so the residents would not look out to a brick wall. They desperately need these units built out and would help the community sustain itself and would help the budget. He stated that he is one of the original owners. He stated that he understands the residents’ concerns because he would not want a unit 13 feet from his however, some units are closer than that now.

Chairman Durham reiterated that Mr. Foley was saying that done correctly, this would be beneficial for the community.

Mr. Foley stated that he understands that many residents of the development have gotten used to an open lot next to them but they need to know that eventually, something is going to be built there.

Mr. Richard Bone, 50 Burniah Lane, presented photographs to the Board members and he explained these pictures. He stated that these units are proposed to be built next to his residence and he is opposed because it will depreciate the value of the units. He stated that they have asked for elevation drawings but they have not been received so they do not know what the finished products will look like. Mr. Bone continued to express his opposition to the variance requests. When he moved in, they were given the assurance that similar buildings would be built and that would be Tudor type buildings. These are far from Tudor buildings; they are ranch homes with hip roofs.

Board member Brackon asked what lot number Mr. Bone lives in.

Mr. Bone replied #46.

Vice-Chair Cook asked what the existing basement is from.

Mr. Bone stated that the basement was dug some time ago and then it sat during litigation. It was eventually filled it, but the basement is still there.

Board member Flood stated that this was the first PUD ever done in Orion Township and he can understand why it wasn’t built why it was supposed to be built. He stated that in a PUD, they can tell the developer what is to be built regarding design and what materials are approved. This is required for the PUD aesthetics. He asked were those previous lots plotted in the previous PUD. He stated that he believes the Township Attorney needs to get involved in this before this Board moves forward. This is his recommendation. This would be fair to both the applicant and the residents.

Mr. Bone agreed.

Board member Flood stated that they have to go through the Township Board to alter a PUD.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – May 10, 2021

Director Girling stated that they have had numerous text amendments to the PUD since it was written and the current ordinance says that although the PUD does not go to the ZBA, this does not stop an individual property owner from coming to the ZBA. This is a builder that has bought the remaining lots, not the developer.

Board member Flood reiterated that he would like the Township Attorney to advise him how to proceed.

Board member Walker suggested that they should get all of the input, but he is not sure a decision should be made today on this.

Mr. Foley provided the history behind the abandoned foundation in the development. He stated that the pictures shown to the Board were not accurate.

Mr. Tom Wiener, 41 Burniah, stated that what is being proposed is 33% larger than the foundation that is there and he explained his opposition to the variance requests. He stated that they are suggesting something out of character for the neighborhood. These variances are not necessary, reasonable or appropriate. He agreed with Board member Flood regarding having it being reviewed by an attorney.

Mr. Doug McKay, 132 Burniah Lane, stated that he has been there for many years. He stated that the development has to be built out. People get used to looking at vacant lots, and get used to no one next to them or across from them. He stated that porches are 10-12 feet from each other now. If these units are not built out, revenue will stop coming in and there will be less funding for HOA. He provided comments about all of the developers that have worked with this development. The Association is behind these requests.

Carol Brock, 101 Burniah Lane, explained her opposition to the variance requests.

Al Herbert, 32 Burniah, explained his opposition to the variance requests and concurred with Mr. Bone.

Jackie Bone explained where they obtained the proposed building plans. She stated that pictures came from Melody from MacLeish Building.

John Klein, 33 Burniah, stated that the whole subdivision is two story buildings and the proposal is for one-story ranch. A two-story building would fit better than a ranch.

Chairman Durham asked Mr. MacLeish for his comments.

Mr. MacLeish stated that some of the people speaking are misinformed.

Board member Bracken asked if two story buildings contemplated for these lots.

Mr. MacLeish stated that in today’s market, that is a tough sell.

Board member Flood asked if they are allowed to build a ranch building according to the approved PUD documents.

Mr. MacLeish answered it is not specified in the documents.

Board member Flood stated that this is why he wants an attorney’s opinion. They always advise developers to go to the HOA meetings and work with the residents.

Mr. MacLeish confirmed the location of the rear stake. The existing basement is the same grade as the resident that spoke. He stated that he doesn’t want to come into a place and have it get hostile. He has no problem having a meeting with the residents. He commented on his willingness to work with the Board and residents.
Chairman Durham explained the options for the petitioner.

Board member Walker commented that they had this same situation a couple of weeks ago. He suggested that Mr. MacLeish meet with a committee formed by the residents.

Mary Alexander, 93 Burniah, stated that she is in the process of selling her condominium. She had three cash offers and she has a two-story. She hopes they can reach a compromise.

Board member Flood stated that the Board wants everyone to be successful. They are trying to do the best they can for everyone involved.

Mr. Dan MacLeish, property owner, stated that the reason the setbacks are not done to code in the past is everything was done by hand. He explained his history in the construction business and his current business dealings in Rochester Hills. He stated that they will do their utmost to satisfy the neighbors.

Board member Flood stated that this is the items that the Planning Commission goes through establishing the PUD. He provided historical information regarding another development in the Township.

Chairman Durham stated that there variances on the table and they see the concerns expressed. They have also heard concerns expressed by the Board.

Mr. MacLeish responded that they would like to postpone to June 14, 2021. He will get in touch with the HOA and set up a day and time to meet. He will provide the plans and color renderings so everyone will get to see them.

Vice-Chair Cook stated that most of the discussion centered around Item H, units 47 and 48.

Board member Flood, seconded by Chairman Durham, moved to postpone the following cases until June 14, 2021, case AB-2021-15, AB-2021-16, AB-2021-17, AB-2021-18 and AB-2021-19, MacLeish Building Inc., at the request of the applicant, in order to meet with the residents and answer the question regarding the Township Attorney and the PUD documents.

Mr. MacLeish asked if they can group the cases together to make it easier.

Director Girling replied that they have created individual cases so all of the case numbers need to be addressed. If the packet is all in one, the electronic delivery becomes cumbersome.

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

G. AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., well numbers 09-04-402-035 & 036

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.

Board member Flood, seconded by Chairman Durham, moved to postpone the following cases until June 14, 2021, case AB-2021-15, AB-2021-16, AB-2021-17, AB-2021-18 and AB-2021-19, MacLeish Building Inc., at the request of the applicant, in order to meet with the residents and answer the question regarding the Township Attorney and the PUD documents.
Mr. MacLeish asked if they can group the cases together to make it easier.

Director Girling replied that they have created individual cases so all of the case numbers need to be addressed. If the packet is all in one, the electronic delivery becomes cumbersome.

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

H. **AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., sidewell numbers 09-04-402-037 & 038**

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.

Board member Flood, seconded by Chairman Durham, moved to postpone the following cases until June 14, 2021, case AB-2021-15, AB-2021-16, AB-2021-17, AB-2021-18 and AB-2021-19, MacLeish Building Inc., at the request of the applicant, in order to meet with the residents and answer the question regarding the Township Attorney and the PUD documents.

Mr. MacLeish asked if they can group the cases together to make it easier.

Director Girling replied that they have created individual cases so all of the case numbers need to be addressed. If the packet is all in one, the electronic delivery becomes cumbersome.

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

I. **AB-2021-18, MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln., sidewell numbers 09-04-402-041 & 042**

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).

Board member Flood, seconded by Chairman Durham, moved to postpone the following cases until June 14, 2021, case AB-2021-15, AB-2021-16, AB-2021-17, AB-2021-18 and AB-2021-19, MacLeish Building Inc., at the request of the applicant, in order to meet with the residents and answer the question regarding the Township Attorney and the PUD documents.

Mr. MacLeish asked if they can group the cases together to make it easier.

Director Girling replied that they have created individual cases so all of the case numbers need to be addressed. If the packet is all in one, the electronic delivery becomes cumbersome.
Roll call vote was as follows: Durham, yes; Brackon, yes; Cook, yes; Flood, yes; Walker, yes. Motion carried 5-0.

J. AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidewell numbers 09-04-402-047 & 048

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 46, 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.

Board member Flood, seconded by Chairman Durham, moved to postpone the following cases until June 14, 2021, case AB-2021-15, AB-2021-16, AB-2021-17, AB-2021-18 and AB-2021-19, MacLeish Building Inc., at the request of the applicant, in order to meet with the residents and answer the question regarding the Township Attorney and the PUD documents.

Mr. MacLeish asked if they can group the cases together to make it easier.

Director Girling replied that they have created individual cases so all of the case numbers need to be addressed. If the packet is all in one, the electronic delivery becomes cumbersome.

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

Director Girling asked if Board member Flood was asking her to seek the Township Attorney’s opinion on these cases.

Board member Flood moved, and Chairman Durham supported, to obtain the Township Attorney’s opinion in cases: AB-2021-15, AB-2021-16, AB-2021-16, AB-2021-17, AB-2021-18 and AB-2021-19 on the condominium documents, agricultural requirements, and if the lots were already plotted and it is suggested that he attend the June 14, 2021 meeting.

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

6. PUBLIC COMMENT
   None

7. COMMUNICATIONS

   A. Date Certain Memo
   Director Girling confirmed an upcoming training opportunity which will be forwarded to the Board members.

8. COMMITTEE REPORTS
   None

9. MEMBERS’ COMMENTS
   None Heard.
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 8, 2021

SUBJECT: Staff Report for AB-2021-15 thru AB-2021-19

These cases were postponed from the May 10th ZBA Meeting to obtain an Attorney Opinion and to give the petitioner a chance to hold an informational meeting with homeowners of the Royal Troon Community. That meeting was held on May 27th.

Please note the agenda contains the variances that were advertised for however if you recall, Tammy spoke to you at the last meeting about the fact that the approved site plan for this development required smaller setbacks. The attached are the suggested motions showing the advertised variances and the newer lesser variances listed in red.

As there was a lot of information provided on these cases, please call me or Tammy Girling at ext. 5000 if you have questions or need clarification on anything prior to the meeting.
SAMPLE MOTION FOR

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32
Burniah Ln., sidwell numbers 09-04-402-033 & 034, I move that the petitioner's request for:

4.3 variances from Zoning Ordinance #78

1. A 9.39-ft. .69-ft. side yard setback variance from the required 30-ft. 20-ft. to construct a 2-
   unit condominium 20-ft 19.31-ft. from the adjacent condominium unit (south).

2. A 9 ft. side yard setback variance from the required 30 ft. 20-ft. to construct a 2-unit
   condominium 21-ft. from an adjacent condominium unit (north). No variance needed –
   meets setback; will be setback 21-ft. required is 20-ft.

3. A 1-ft. rear yard setback variance from the required 30-ft. to construct unit 33, 29-ft from the
   rear property line

3. 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.

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:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

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

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

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

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

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

Denial of a Non-Use Variance

In the matter of ZBA case # AB-2021-15, MacLeish Building Inc., Vacant Property North of unit 32 Burniah Ln., 09-04-402-033 & 034. I move that the petitioner's request for:

3 variances from Zoning Ordinance #78

1. A 9.39-ft. 69-ft. side yard setback variance from the required 30-ft. 20-ft. to construct a 2-unit condominium 20-ft 19.31-ft. from the adjacent condominium unit (south).

2. A 9-ft. side yard setback variance from the required 30-ft. 20-ft. to construct a 2-unit condominium 21-ft. from an adjacent condominium unit (north). No variance needed – meets setback; will be setback 21-ft. required is 20-ft.

2. A 1-ft. rear yard setback variance from the required 30-ft. to construct unit 33, 29-ft from the rear property line

3. 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.

Please be specific how the petitioner does not meet this criteria

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

1. The petitioner did not demonstrate Practical Difficulty because:

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

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

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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:


To: Planning Commission/Planning & Zoning Coordinator  
From: Jeff Williams, Fire Marshal  
Re: AB-2021-15 thru AB-2021-19  
Date: 5/10/2021

The Orion Township Fire Department has completed its review of Application AB-2021-15 thru AB-2021-19 for the limited purpose of compliance with Charter Township of Orion Ordinance’s, Michigan Building Code, and all applicable Fire Codes.

Based upon the application and documentation provided, the Fire Department has the following recommendation:

- Approved
- Approved with Requirements (See below)
- Not approved

**Requirements:**
- Any newly constructed homes located on Burniah Lane shall be equipped throughout with an approved automatic sprinkler system to meet the requirements of International Fire Code D107.
- The Fire Department has no concerns regarding any variances for any separation distances for the proposed projects.

This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information at time of building permit application that includes data or documents, confirming full compliance with all applicable building codes, fire codes and Township Ordinances.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2004.

Sincerely,

Jeff Williams, Fire Marshal  
Orion Township Fire Department
SECTION D107
ONE- OR TWO-FAMILY
RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
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<thead>
<tr>
<th>Name</th>
<th>Owner of (address)</th>
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<th>Opposed</th>
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Good morning,

I am submitting comments for the public hearing today at 7:00 pm.

The proposed units are too large for the space available. The outside walls of the proposed units are less than one yard from the landscape beds of the adjacent units. It will not only be horribly unattractive for residents and passersby but the space between the buildings is not functional. The units will appear “shoved” into place. The space and existing basement were prepared for much smaller units. The proposed units need to be reduced in size or plans changed to single units to prevent an eyesore in Royal Troon and a crowded, non-functional setting for neighboring units.

Thank you,
Barbara Unger
61 Burniah Lane
Lake Orion, MI 48362
Lynn Harrison

From: pgarko@comcast.net
Sent: Tuesday, June 8, 2021 10:50 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com; syourth@comcast.net
Subject: Royal Troon Buildout discussion

Lynn,

This note is written in support of the buildout of the Royal Troon Condominium subdivision by MacLeish Building Inc. My wife and I realize there are some homeowner concerns but we believe it is in the best interest of the community overall to complete the subdivision.

If you have any comments or concerns, please feel free to respond.

Paul J. Garko
Sharon E. Yourth
136 Sandhills Lane,
Lake Orion, Mi. 48362
Lynn Harrison

From: Dan Kowalski <dank@arrow-select.com>
Sent: Tuesday, June 8, 2021 10:18 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com
Subject: Royal Troon buildout

Lynn,

My wife and I have been residents of 114 Sandhills Drive in the Royal Troon Condominium complex for nearly 14 years. As you may know, this development has had its challenges in regard to a total buildout. That being said, we would like to see the remaining lots be built out.

In reference to the Macleish Building company, I attended a meeting hosted by them several weeks ago for the entire community where they presented renditions of their planned ranch units. While not ideal, we feel that the Macleish’s have made every attempt to make the ranch units blend into our community with the use of similar brick, shingles, tutor effects, gutters, garage doors, and the like.

We understand that certain factions within our community are in disagreement (mostly those adjacent to remaining lots). It is not Macleish’s fault that previous builders didn’t conform to variances within the building footprint; rather that falls on the Township. Consequently, some units may be a little closer (to planned ranches) than some would like. We already have a similar situation on Sandhills across from us where a unit was built several years ago. The proposed ranch units have entrances off the front, so it would be a more desirable situation than what we have across the street where two side porches are quite close.

I can also add that our neighbors (same building) in 116 are adjacent to an undeveloped lot and are in favor of the buildout as well.

In summary, we give our total support to the buildout with the Macleish Building company.

Regards,

...Dan and Susan Kowalski
From: wendy razlog <wraz3890@hotmail.com>
Sent: Monday, June 7, 2021 12:13 PM
To: Lynn Harrison
Cc: admin@macleishbuilding.com
Subject: Buildout of Royal Troon Condominiums

We are writing this email to comment on the buildout of Royal Troon Condominiums in Lake Orion. We have lived here for a little over 4 years and love the community, but the empty lots are somewhat depressing and not very nice to look at! When we heard that Mr. MacLeish was very interested in finishing out the development we were overjoyed.

We feel that this is something that should move forward. It will not only enhance our development, but assist with new buyers' financing. We had a difficult time finding a mortgage company to get financing for our condo due to the fact it was considered "undeveloped." In fact, our condo had a buyer before us, but they were unable to get financing due to the development being unfinished.

Mr. MacLeish has worked diligently on working to complete this project and developing plans. The units he is planning on building are in very good taste and will sell very quickly. We feel he should be commended and given the go ahead to complete this.

We realize that there are VERY FEW co-owners who are against this buildout. Those co-owners wish to keep an empty lot next to them. That is unfair to the rest of the community. The vast majority of the co-owners in this development are for this to development to be finished and that should be the most important thought with the ZBA.

Regards,

Gary & Wendy Razlog
122 Burnia Ln.
Lake Orion, MI 48362

Virus-free. www.avast.com
Hello Lynn

My husband and I have been home owners in Royal Troon since 2013. For several reasons we are very interesting in seeing additional units being built by Macleish on the vacant lots on Sandhills Lane and Burniah. First, when we first bought we were unable to get a FHA approved loan due to the fact the community was not "built out". We know this impacts other potential buyers. Secondly, our association could use the additional revenue the HOA fees would provide. It is expensive to maintain roads, buildings and surroundings. Our community is a wonderful place to live and we are aware of numerous couples that would like the opportunity to live here.

We see the additional build out as positives to Royal Troon and ask that you consider approving the zoning and build out at the Juno meeting.

Regards
Marygrace and John Rowlands
144 Sandhills Lane

Marygrace Rowlands
Stay safe. Mask Up!

Sr. Capture Manager, GHHS
IBM Watson Health
+1 (480) 486-7282 m
marygrace.rowlands@ibm.com

IBM Watson Health™
From: Sandra Bean <sandraboran@gmail.com>
Sent: Monday, June 7, 2021 9:31 AM
To: Lynn Harrison
Subject: Royal Troon build out

To: Lynn Harrison
From: Robert and Sandra Bean
141 Burniah Ln
Lake Orion, MI 48362
248-980-8185

This email is in regards to the build out being done by MacLeish Building. Our community needs to see this completed. We have had empty lots for many years and need to see our community completed. We have seen the lay out of the new build out and find it suitable to our neighborhood. One neighbor was complaining that it will ruin his view of the sunset...I'm sure when they bought their condo they knew there would be condos built on the empty lots. At this point because of the lack of completing the condos we are unable to refinance our home. Trying to sell our home is also a problem.

Please consider the whole community when you make your decision.

Thank you,
Robert and Sandra Bean
Hi,

I want to go on record that I am in complete support of the build out of the Royal Troon condominiums proposed by MacLeish. I think MacLeish has done a great job communicating their proposal and that the construction of the condos as presented to the Royal Troon community will fit in well with the existing condos and be a great enhancement.

Please vote Yes to this proposal.

Gary Marriott
152 Burniah Lane
Lake Orion, MI 48362
1-248-705-5160
From: Deborah Bouts <boutsd@gmail.com>
Sent: Saturday, June 5, 2021 5:53 PM
To: Lynn Harrison
Cc: admin@macleish.com
Subject: Royal Troon Buildout

As a current resident of Royal Troon I appreciated the opportunity to speak with the developer at the meeting last week and see the specific plans for the new condominiums in our development. The projected units will be an excellent addition. The drawings and description reveal much care attending to the overall esthetic of the neighborhood and will likely increase the value to all of our properties. It was unfortunate that during this meeting a single individual, opposed to a new unit being built next to his unit, loudly attempted to dominate discussion with bullying behavior.

I most certainly look forward to the groundbreaking for these new units without further delay.

Sent from my iPad
We are in favor of the new condos being built.

Dennis and Carol Banks
76 Sandhills Lane
Lake Orion
248 929 8170
I am in favor of the buildout.
I would like to register my support for Dan MacLeish to build out the condos in my development. We had a meeting last week with the builder and the community. Dan is building some great homes and is very considerate of all of the residents in creating a design that fits in very beautifully in the neighborhood. The ONE dissenting individual at the meeting was given an offer by the builder to purchase the property next to him. I surveyed and talked to every member of this community prior to that meeting and 39 homes were totally in support of this build. The ones that did not sign supported the build but wanted to see the units, which was accomplished at the meeting. The rest of the units, i did not catch people at home so, in effect, i was not able to register their support or comment. Our community needs this build, if one person can put us in jeopardy of our community's future, then we are in trouble. I hope you will consider this upon your review. The builder has done everything possible to do this right, he owns the property and can do what he wants once approved by the township. We want his expertise here, we don't want it to be sold and go to a builder that is going to lower our community value. That is a fear. Just like anyone, he can move if he does not like what is happening in the lot that was there when he bought it. I can move if I don't like the outcome of this meeting. We all knew from the day we bought that this was to happen. He thinks he can take us all down to get what he wants for his mistake.

Thank you and I will be in attendance,

Mary Heffner
Royal Troon
142 Burniah Lane
Lake Orion
Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Debbie Williams <wdmwdeb@comcast.net>
Sent: Thursday, June 3, 2021 7:25 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Royal Troon Build Out

I want to document my support for Dan MacLeish’s build out proposal for condos in Royal Troon. His condos are high quality and will add value to our community and Lake Orion. I have lived in Royal Troon for 16 years and am the original owner of my condo. We have had economic situations that have delayed this build out over the years.

Fortunately, Dan MacLeish is willing to complete our community and keep it a beautiful place to live.

I look forward to the Township approving his plans.

Thank you.

Deborah Williams
140 Burniah Lane
Lake Orion

Sent from my iPhone
For Troon ZBA.

Tammy Girling  
Director  
Planning & Zoning  
2525 Joslyn Road, Lake Orion, MI 48360  
O: 248.391.0304, ext. 5000  C: 248.978.2132  
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Carol Boivin <cb12654@gmail.com>  
Sent: Friday, May 28, 2021 2:53 PM  
To: Tammy Girling <tgirling@oriontownship.org>  
Subject: The buildings to be constructed in the Royal Troon Subdivision

I am very much in favor of the proposed condo plans by McLeish. They have gone to great lengths to satisfy the desires of everyone in our community with few exceptions. We would like to get this buildout underway.
Thank you,
Carol Boivin  
130 Burniah Lane
To the Zoning Board

I live at 106 Sandhills Lane in Royal Troon Condominiums

I am in favor of the proposed condo plans by McLeish to finally build out our community.

They have worked with our association to make the proposed condos fit with the existing ones.
FW: Build out at Royal Troon

-----Original Message-----
From: Harry Hogan <hgolfhog@aol.com>
Sent: Monday, May 31, 2021 7:23 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Build out at Royal Troon

I would like to support the build out at Royal Troon. We had a recent meeting with the developers and they seemed very much in tune with my feelings. Thank you.

Harry Hogan
96 Sandhills Lane
Lake Orion 48362
(248) 978-5291

Sent from my iPhone
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 8, 2021

SUBJECT: Staff Report for AB-2021-15 thru AB-2021-19

These cases were postponed from the May 10th ZBA Meeting to obtain an Attorney Opinion and to give the petitioner a chance to hold an informational meeting with homeowners of the Royal Troon Community. That meeting was held on May 27th.

Please note the agenda contains the variances that were advertised for however if you recall, Tammy spoke to you at the last meeting about the fact that the approved site plan for this development required smaller setbacks. The attached are the suggested motions showing the advertised variances and the newer lesser variances listed in red.

As there was a lot of information provided on these cases, please call me or Tammy Girling at ext. 5000 if you have questions or need clarification on anything prior to the meeting.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., sideway numbers 09-04-402-035 & 036. I move that the petitioner’s request for:

2 variances from Zoning Ordinance #78

1. A 0-ft. side yard setback variance from the required 30-ft. 20-ft. to construct a 2-unit condominium 21-ft from an adjacent condominium unit (south). No variance needed; setback is met, required is 20-ft., the setback will be 21-ft.

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 (north).

2. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 36, 29.5-ft. from the rear property line

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:


83
SAMPLE MOTION FOR

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-16, MacLeish Building Inc., Vacant Property 2 Parcels North of unit 32 Burniah Ln., sidwell numbers 09-04-402-035 & 036, I move that the petitioner’s request for:

3 2 variances from Zoning Ordinance #78

1. A 9-ft. side yard setback variance from the required 30-ft. 20-ft. to construct a 2-unit condominium 21-ft from an adjacent condominium unit (south). No variance needed; setback is met, required is 20-ft., the setback will be 21-ft.

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 (north).

2. A .5-ft. rear yard setback variance from the required 30-ft. to construct unit 36, 29.5-ft. from the rear property line

Please be specific how the petitioner does not meet this criteria

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

1. The petitioner did not demonstrate Practical Difficulty because:

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

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

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

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

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

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

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

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From: BARBARA UNGER <basullivan@mac.com>
Sent: Monday, May 10, 2021 9:34 AM
To: Orion Township Zoning Board of Appeals <ba@oriontownship.org>
Subject: AB-2021-19 MacLeish Building Inc., Vacant Property N of 46 Burniah Ln., sidewell numbers 09-04-402-047 & 048

Good morning,

I am submitting comments for the public hearing today at 7:00 pm.

The proposed units are too large for the space available. The outside walls of the proposed units are less than one yard from the landscape beds of the adjacent units. It will not only be horribly unattractive for residents and passersby but the space between the buildings is not functional. The units will appear "shoved" into place. The space and existing basement were prepared for much smaller units. The proposed units need to be reduced in size or plans changed to single units to prevent an eyesore in Royal Troon and a crowded, non-functional setting for neighboring units.

Thank you,
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61 Burniah Lane
Lake Orion, MI 48362
Lynn Harrison

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Sent: Tuesday, June 8, 2021 10:50 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com; syourth@comcast.net
Subject: Royal Troon Buildout discussion

Lynn,

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If you have any comments or concerns, please feel free to respond.

Paul J. Garko
Sharon E. Yourth
136 Sandhills Lane,
Lake Orion, Mi. 48362
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Cc: admin@macleishbuilding.com
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We understand that certain factions within our community are in disagreement (mostly those adjacent to remaining 95 lots). It is not Macleish's fault that previous builders didn't conform to variances within the building footprint; rather that falls on the Township. Consequently, some units may be a little closer (to planned ranches) than some would like. We already have a similar situation on Sandhills across from us where a unit was built several years ago. The proposed ranch units have entrances off the front, so it would be a more desirable situation than what we have across the street where two side porches are quite close.

I can also add that our neighbors (same building) in 116 are adjacent to an undeveloped lot and are in favor of the buildout as well.

In summary, we give our total support to the buildout with the Macleish Building company.

Regards,

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We feel that this is something that should move forward. It will not only enhance our development, but assist with new buyers' financing. We had a difficult time finding a mortgage company to get financing for our condo due to the fact it was considered "undeveloped." In fact, our condo had a buyer before us, but they were unable to get financing due to the development being unfinished.

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Regards,

Gary & Wendy Razlog
122 Burniah Ln.
Lake Orion, MI 48362

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We see the additional build out as positives to Royal Troon and ask that you consider approving the zoning and build out at the Juno meeting.

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Marygrace Rowlands
Stay safe. Mask Up!

Sr. Capture Manager, GHHS
IBM Watson Health
+1 (480) 486-7282 m
marygrace.rowlands@ibm.com
To: Lynn Harrison  
From: Robert and Sandra Bean  
141 Burniah Ln  
Lake Orion, Mi 48362  
248-980-8185

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Please consider the whole community when you make your decision.

Thank you,  
Robert and Sandra Bean
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Please vote Yes to this proposal.

Gary Marriott
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Lake Orion, MI 48362
1-248-705-5160
As a current resident of Royal Troon I appreciated the opportunity to speak with the developer at the meeting last week and see the specific plans for the new condominiums in our development. The projected units will be an excellent addition. The drawings and description reveal much care attending to the overall esthetic of the neighborhood and will likely increase the value to all of our properties. It was unfortunate that during this meeting a single individual, opposed to a new unit being built next to his unit, loudly attempted to dominate discussion with bullying behavior.

I most certainly look forward to the groundbreaking for these new units without further delay.

Sent from my iPad
We are in favor of the new condos being built.

Dennis and Carol Banks
76 Sandhills Lane
Lake Orion
248 929 8170
From: Pam Ramsey <pamramsey49@gmail.com>
Sent: Saturday, June 5, 2021 12:23 PM
To: Lynn Harrison
Subject: Build out for Royal Troon

I am in favor of the buildout.
From: sadiedog96 <sadiedog96@gmail.com>
Sent: Thursday, June 3, 2021 2:43 PM
To: Tammy GIRLING <tgingling@oriontownship.org>
Subject: Royal Troon Condo Build Out

I would like to register my support for Dan MacLeish to build out the condos in my development. We had a meeting last week with the builder and the community. Dan is building some great homes and is very considerate of all of the residents in creating a design that fits in very beautifully in the neighborhood. The ONE dissenting individual at the meeting was given an offer by the builder to purchase the property next to him. I surveyed and talked to every member of this community prior to that meeting and 39 homes were totally in support of this build. The ones that did not sign supported the build but wanted to see the units, which was accomplished at the meeting. The rest of the units, I did not catch people at home so, in effect, I was not able to register their support or comment. Our community needs this build, if one person can put us in jeopardy of our community’s future, then we are in trouble. I hope you will consider this upon your review. The builder has done everything possible to do this right, he owns the property and can do what he wants once approved by the township. We want his expertise here, we don’t want it to be sold and go to a builder that is going to lower our community value. That is a fear. Just like anyone, he can move if he does not like what is happening in the lot that was there when he bought it. I can move if I don’t like the outcome of this meeting. We all knew from the day we bought that this was to happen. He thinks he can take us all down to get what he wants for his mistake.
Thank you and I will be in attendance,
Mary Heffner
Royal Troon
142 Burniah Lane
Lake Orion
Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Debbie Williams <wdmwdeb@comcast.net>
Sent: Thursday, June 3, 2021 7:25 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Royal Troon Build Out

I want to document my support for Dan MacLeish's build out proposal for condos in Royal Troon. His condos are high quality and will add value to our community and Lake Orion. I have lived in Royal Troon for 16 years and am the original owner of my condo. We have had economic situations that have delayed this build out over the years.

Fortunately, Dan MacLeish is willing to complete our community and keep it a beautiful place to live.

I look forward to the Township approving his plans.

Thank you.

Deborah Williams
140 Burniah Lane
Lake Orion

Sent from my iPhone
For Troon ZBA.

Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

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From: Carol Boivin <cb12654@gmail.com>
Sent: Friday, May 28, 2021 2:53 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: The buildings to be constructed in the Royal Troon Subdivision

I am very much in favor of the proposed condo plans by McLeish. They have gone to great lengths to satisfy the desires of everyone in our community with few exceptions. We would like to get this buildout underway.

Thank you,
Carol Boivin
130 Burniah Lane
To the Zoning Board

I live at 106 Sandhills Lane in Royal Troon Condominiums

I am in favor of the proposed condo plans by McLeish to finally build out our community.

They have worked with our association to make the proposed condos fit with the existing ones.
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Sent: Monday, May 31, 2021 7:23 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Build out at Royal Troon

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Harry Hogan
96 Sandhills Lane
Lake Orion 48362
(248) 978-5291

Sent from my iPhone
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 8, 2021

SUBJECT: Staff Report for AB-2021-15 thru AB-2021-19

These cases were postponed from the May 10th ZBA Meeting to obtain an Attorney Opinion and to give the petitioner a chance to hold an informational meeting with homeowners of the Royal Troon Community. That meeting was held on May 27th.

Please note the agenda contains the variances that were advertised for however if you recall, Tammy spoke to you at the last meeting about the fact that the approved site plan for this development required smaller setbacks. The attached are the suggested motions showing the advertised variances and the newer lesser variances listed in red.

As there was a lot of information provided on these cases, please call me or Tammy Girling at ext. 5000 if you have questions or need clarification on anything prior to the meeting.
SAMPLE MOTION FOR

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah L.n., sidwell numbers 09-04-402-037-038, I move that the petitioner’s request for:

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. 3.66-ft. side yard setback variance from the required 30-ft. 25-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.

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

Please be specific how the petitioner meets this criteria

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

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-17, MacLeish Building Inc., Vacant Property South of unit 39 Burniah Ln., sidwell numbers 09-04-402-037 & 038, I move that the petitioner’s request for:

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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.

Please be specific how the petitioner does not meet this criteria

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

1. The petitioner did not demonstrate Practical Difficulty because:

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

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


111
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:

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<th>Name</th>
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<th>In Favor</th>
<th>Opposed</th>
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<td>61 Burniah Lane - (Just case #AB-2021-19)</td>
<td>X</td>
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<td>Dan &amp; Susan Kowalski</td>
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<tr>
<td>Gary &amp; Wendy Razlog</td>
<td>122 Burniah Lane</td>
<td>X</td>
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<td>Marygrace &amp; John Rowlands</td>
<td>144 Sandhills Lane</td>
<td>X</td>
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<td>Robert &amp; Sandra Bean</td>
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<td>Deborah Bouts</td>
<td>64 Sandhills Lane</td>
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<td>Harry Hogan</td>
<td>96 Sandhills Lane</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
-----Original Message-----
From: BARBARA UNGER <basullivan@mac.com>
Sent: Monday, May 10, 2021 9:34 AM
To: Orion Township Zoning Board of Appeals <ba@oriontownship.org>
Subject: AB-2021-19 MacLeish Building Inc., Vacant Property N of 46 Burniah Ln., sideway numbers 09-04-402-047 & 048

Good morning,

I am submitting comments for the public hearing today at 7:00 pm.

The proposed units are too large for the space available. The outside walls of the proposed units are less than one yard from the landscape beds of the adjacent units. It will not only be horribly unattractive for residents and passersby but the space between the buildings is not functional. The units will appear “shoved” into place. The space and existing basement were prepared for much smaller units. The proposed units need to be reduced in size or plans changed to single units to prevent an eyesore in Royal Troon and a crowded, non-functional setting for neighboring units.

Thank you,
Barbara Unger
61 Burniah Lane
Lake Orion, MI 48362
Lynn Harrison

From: pgarko@comcast.net
Sent: Tuesday, June 8, 2021 10:50 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com; syourth@comcast.net
Subject: Royal Troon Buildout discussion

Lynn,

This note is written in support of the buildout of the Royal Troon Condominium subdivision by MacLeish Building Inc. My wife and I realize there are some homeowner concerns but we believe it is in the best interest of the community overall to complete the subdivision.

If you have any comments or concerns, please feel free to respond.

Paul J. Garko
Sharon E. Yforth
136 Sandhills Lane,
Lake Orion, Mi. 48362
Lynn Harrison

From: Dan Kowalski <dank@arrow-select.com>
Sent: Tuesday, June 8, 2021 10:18 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com
Subject: Royal Troon buildout

Lynn,

My wife and I have been residents of 114 Sandhills Drive in the Royal Troon Condominium complex for nearly 14 years. As you may know, this development has had its challenges in regard to a total buildout. That being said, we would like to see the remaining lots be built out.

In reference to the Macleish Building company, I attended a meeting hosted by them several weeks ago for the entire community where they presented renditions of their planned ranch units. While not ideal, we feel that the Macleish's have made every attempt to make the ranch units blend into our community with the use of similar brick, shingles, tutor effects, gutters, garage doors, and the like.

We understand that certain factions within our community are in disagreement (mostly those adjacent to remaining lots). It is not Macleish's fault that previous builders didn't conform to variances within the building footprint; rather that falls on the Township. Consequently, some units may be a little closer (to planned ranches) than some would like. We already have a similar situation on Sandhills across from us where a unit was built several years ago. The proposed ranch units have entrances off the front, so it would be a more desirable situation than what we have across the street where two side porches are quite close.

I can also add that our neighbors (same building) in 116 are adjacent to an undeveloped lot and are in favor of the buildout as well.

In summary, we give our total support to the buildout with the Macleish Building company.

Regards,

...Dan and Susan Kowalski
We are writing this email to comment on the buildout of Royal Troon Condominiums in Lake Orion. We have lived here for a little over 4 years and love the community, but the empty lots are somewhat depressing and not very nice to look at! When we heard that Mr. MacLeish was very interested in finishing out the development we were overjoyed.

We feel that this is something that should move forward. It will not only enhance our development, but assist with new buyers' financing. We had a difficult time finding a mortgage company to get financing for our condo due to the fact it was considered "undeveloped." In fact, our condo had a buyer before us, but they were unable to get financing due to the development being unfinished.

Mr. MacLeish has worked diligently on working to complete this project and developing plans. The units he is planning on building are in very good taste and will sell very quickly. We feel he should be commended and given the go ahead to complete this.

We realize that there are VERY FEW co-owners who are against this buildout. Those co-owners wish to keep an empty lot next to them. That is unfair to the rest of the community. The vast majority of the co-owners in this development are for this to development to be finished and that should be the most important thought with the ZBA.

Regards,

Gary & Wendy Razlog
122 Burniah Ln.
Lake Orion, MI 48362

Virus-free. www.avast.com
Hello Lynn

My husband and I have been home owners in Royal Troon since 2013. For several reasons we are very interesting in seeing additional units being built by Macleish on the vacant lots on Sandhills Lane and Burniah. First, when we first bought we were unable to get a FHA approved loan due to the fact the community was not "built out". We know this impacts other potential buyers. Secondly, our association could use the additional revenue the HOA fees would provide. It is expensive to maintain roads, buildings and surroundings. Our community is a wonderful place to live and we are aware of numerous couples that would like the opportunity to live here.

We see the additional build out as positives to Royal Troon and ask that you consider approving the zoning and build out at the Juno meeting.

Regards
Marygrace and John Rowlands
144 Sandhills Lane

Marygrace Rowlands
Stay safe. Mask Up!

Sr. Capture Manager, GHHS
IBM Watson Health
+1 (480) 486-7282 m
marygrace.rowlands@ibm.com

IBM Watson Health™
This email is in regards to the build out being done by MacLeish Building. Our community needs to see this completed. We have had empty lots for many years and need to see our community completed. We have seen the lay out of the new build out and find it suitable to our neighborhood. One neighbor was complaining that it will ruin his view of the sunset...I'm sure when they bought their condo they knew there would be condos built on the empty lots. At this point because of the lack of completing the condos we are unable to refinance our home. Trying to sell our home is also an issue.

Please consider the whole community when you make your decision.

Thank you,
Robert and Sandra Bean
Hi,

I want to go on record that I am in complete support of the build out of the Royal Troon condominiums proposed by MacLeish. I think MacLeish has done a great job communicating their proposal and that the construction of the condos as presented to the Royal Troon community will fit in well with the existing condos and be a great enhancement.

Please vote Yes to this proposal.

Gary Marriott
152 Burniah Lane
Lake Orion, MI 48362
1-248-705-5160
From: Deborah Bouts <boutsd@gmail.com>
Sent: Saturday, June 5, 2021 5:53 PM
To: Lynn Harrison
Cc: admin@macleish.com
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I look forward to the Township approving his plans.

Thank you.

Deborah Williams
140 Burniah Lane
Lake Orion

Sent from my iPhone
For Troon ZBA.

Tammy Girling  
Director  
Planning & Zoning  
2525 Joslyn Road, Lake Orion, MI 48360  
O: 248.391.0304, ext. 5000  
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Lynn Harrison

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Sent: Tuesday, June 1, 2021 8:25 AM
To: Lynn Harrison
Subject: FW: Build out at Royal Troon

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Lake Orion 48362
(248) 978-5291

Sent from my iPhone
MEMORANDUM

TO: Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 8, 2021

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Please note the agenda contains the variances that were advertised for however if you recall, Tammy spoke to you at the last meeting about the fact that the approved site plan for this development required smaller setbacks. The attached are the suggested motions showing the advertised variances and the newer lesser variances listed in red.

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APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-18, MacLeish Building Inc., Vacant Property North of unit 40 Burniah Ln., sidwell numbers 09-04-402-041 & 042 I move that the petitioner’s request for:

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. 2.4-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 27.4-ft 27.6-ft. from an adjacent condominium unit (north).

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:

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Please be specific how the petitioner does not meet this criteria be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

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

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-----Original Message-----
From: BARBARA UNGER <basullivan@mac.com>
Sent: Monday, May 10, 2021 9:34 AM
To: Orion Township Zoning Board of Appeals <zba@oriontownship.org>
Subject: AB-2021-19 MacLeish Building Inc., Vacant Property N of 46 Burniah Ln., sidewell numbers 09-04-402-047 & 048

Good morning,

I am submitting comments for the public hearing today at 7:00 pm.

The proposed units are too large for the space available. The outside walls of the proposed units are less than one yard from the landscape beds of the adjacent units. It will not only be horribly unattractive for residents and passersby but the space between the buildings is not functional. The units will appear “shoved” into place. The space and existing basement were prepared for much smaller units. The proposed units need to be reduced in size or plans changed to single units to prevent an eyesore in Royal Troon and a crowded, non-functional setting for neighboring units.

Thank you,
Barbara Unger
61 Burniah Lane
Lake Orion, MI 48362
Lynn Harrison

From: pgarko@comcast.net
Sent: Tuesday, June 8, 2021 10:50 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com; syourth@comcast.net
Subject: Royal Troon Buildout discussion

Lynn,

This note is written in support of the buildout of the Royal Troon Condominium subdivision by MacLeish Building Inc. My wife and I realize there are some homeowner concerns but we believe it is in the best interest of the community overall to complete the subdivision.

If you have any comments or concerns, please feel free to respond.

Paul J. Garko
Sharon E. Yourth
136 Sandhills Lane,
Lake Orion, Mi. 48362
Lynn Harrison

From: Dan Kowalski <dank@arrow-select.com>
Sent: Tuesday, June 8, 2021 10:18 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com
Subject: Royal Troon buildout

Lynn,

My wife and I have been residents of 114 Sandhills Drive in the Royal Troon Condominium complex for nearly 14 years. As you may know, this development has had its challenges in regard to a total buildout. That being said, we would like to see the remaining lots be built out.

In reference to the Macleish Building company, I attended a meeting hosted by them several weeks ago for the entire community where they presented renditions of their planned ranch units. While not ideal, we feel that the Macleish's have made every attempt to make the ranch units blend into our community with the use of similar brick, shingles, tutor effects, gutters, garage doors, and the like.

We understand that certain factions within our community are in disagreement (mostly those adjacent to remaining 148 lots). It is not Macleish's fault that previous builders didn’t conform to variances within the building footprint; rather that falls on the Township. Consequently, some units may be a little closer (to planned ranches) than some would like. We already have a similar situation on Sandhills across from us where a unit was built several years ago. The proposed ranch units have entrances off the front, so it would be a more desirable situation than what we have across the street where two side porches are quite close.

I can also add that our neighbors (same building) in 116 are adjacent to an undeveloped lot and are in favor of the buildout as well.

In summary, we give our total support to the buildout with the Macleish Building company.

Regards,

...Dan and Susan Kowalski
We are writing this email to comment on the buildout of Royal Troon Condominiums in Lake Orion. We have lived here for a little over 4 years and love the community, but the empty lots are somewhat depressing and not very nice to look at! When we heard that Mr. MacLeish was very interested in finishing out the development we were overjoyed.

We feel that this is something that should move forward. It will not only enhance our development, but assist with new buyers' financing. We had a difficult time finding a mortgage company to get financing for our condo due to the fact it was considered "undeveloped." In fact, our condo had a buyer before us, but they were unable to get financing due to the development being unfinished.

Mr. MacLeish has worked diligently on working to complete this project and developing plans. The units he is planning on building are in very good taste and will sell very quickly. We feel he should be commended and given the go ahead to complete this.

We realize that there are VERY FEW co-owners who are against this buildout. Those co-owners wish to keep an empty lot next to them. That is unfair to the rest of the community. The vast majority of the co-owners in this development are for this to development to be finished and that should be the most important thought with the ZBA.

Regards,

Gary & Wendy Razlog
122 Burniah Ln.
Lake Orion, MI 48362
Hello Lynn

My husband and I have been home owners in Royal Troon since 2013. For several reasons we are very interesting in seeing additional units being built by Macleish on the vacant lots on Sandhills Lane and Burniah. First, when we first bought we were unable to get a FHA approved loan due to the fact the community was not "built out". We know this impacts other potential buyers. Secondly, our association could use the additional revenue the HOA fees would provide. It is expensive to maintain roads, buildings and surroundings. Our community is a wonderful place to live and we are aware of numerous couples that would like the opportunity to live here.

We see the additional build out as positives to Royal Troon and ask that you consider approving the zoning and build out at the Juno meeting.

Regards
Marygrace and John Rowlands
144 Sandhills Lane

Marygrace Rowlands
Stay safe. Mask Up!

Sr. Capture Manager, GHHS
IBM Watson Health
+1 (480) 486-7282 m
marygrace.rowlands@ibm.com

IBM Watson Health™
From: Sandra Bean <sandrahren@gmail.com>
Sent: Monday, June 7, 2021 9:31 AM
To: Lynn Harrison
Subject: Royal Troon build out

To: Lynn Harrison
From: Robert and Sandra Bean
141 Burniah Ln
Lake Orion, Mi 48362
248-980-8185

This email is in regards to the build out being done by MacLeish Building. Our community needs to see this completed. We have had empty lots for many years and need to see our community completed. We have seen the lay out of the new build out and find it suitable to our neighborhood. One neighbor was complaining that it will ruin his view of the sunset...I'm sure when they bought their condo they knew there would be condos built on the empty lots. At this point because of the lack of completing the condos we are unable to refinance our home. Trying to sell our home is also a problem

Please consider the whole community when you make your decision.

Thank you,
Robert and Sandra Bean
Hi,

I want to go on record that I am in complete support of the build out of the Royal Troon condominiums proposed by MacLeish. I think MacLeish has done a great job communicating their proposal and that the construction of the condos as presented to the Royal Troon community will fit in well with the existing condos and be a great enhancement.

Please vote Yes to this proposal.

Gary Marriott  
152 Burniah Lane  
Lake Orion, MI 48362  
1-248-705-5160
As a current resident of Royal Troon I appreciated the opportunity to speak with the developer at the meeting last week and see the specific plans for the new condominiums in our development. The projected units will be an excellent addition. The drawings and description reveal much care attending to the overall esthetic of the neighborhood and will likely increase the value to all of our properties. It was unfortunate that during this meeting a single individual, opposed to a new unit being built next to his unit, loudly attempted to dominate discussion with bullying behavior.

I most certainly look forward to the groundbreaking for these new units without further delay.

Sent from my iPad
We are in favor of the new condos being built.

Dennis and Carol Banks
76 Sandhills Lane
Lake Orion
248 929 8170
I am in favor of the buildout.
I would like to register my support for Dan MacLeish to build out the condos in my development. We had a meeting last week with the builder and the community. Dan is building some great homes and is very considerate of all of the residents in creating a design that fits in very beautifully in the neighborhood. The ONE dissenting individual at the meeting was given an offer by the builder to purchase the property next to him. I surveyed and talked to every member of this community prior to that meeting and 39 homes were totally in support of this build. The ones that did not sign supported the build but wanted to see the units, which was accomplished at the meeting. The rest of the units, i did not catch people at home so, in effect, i was not able to register their support or comment. Our community needs this build, if one person can put us in jeopardy of our community’s future, then we are in trouble. I hope you will consider this upon your review. The builder has done everything possible to do this right, he owns the property and can do what he wants once approved by the township. We want his expertise here, we don’t want it to be sold and go to a builder that is going to lower our community value. That is a fear. Just like anyone, he can move if he does not like what is happening in the lot that was there when he bought it. I can move if I don’t like the outcome of this meeting. We all knew from the day we bought that this was to happen. He thinks he can take us all down to get what he wants for his mistake.

Thank you and I will be in attendance,
Mary Heffner
Royal Troon
142 Burniah Lane
Lake Orion
Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Debbie Williams <wdmwdeb@comcast.net>
Sent: Thursday, June 3, 2021 7:25 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Royal Troon Build Out

I want to document my support for Dan MacLeish’s build out proposal for condos in Royal Troon. His condos are high quality and will add value to our community and Lake Orion. I have lived in Royal Troon for 16 years and am the original owner of my condo. We have had economic situations that have delayed this build out over the years.

Fortunately, Dan MacLeish is willing to complete our community and keep it a beautiful place to live.

I look forward to the Township approving his plans.

Thank you.

Deborah Williams
140 Burniah Lane
Lake Orion

Sent from my iPhone
For Troon ZBA.

Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Carol Boivin <cb12654@gmail.com>
Sent: Friday, May 28, 2021 2:53 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: The buildings to be constructed in the Royal Troon Subdivision

I am very much in favor of the proposed condo plans by McLeish. They have gone to great lengths to satisfy the desires of everyone in our community with few exceptions. We would like to get this buildout underway.
Thank you,
Carol Boivin
130 Burniah Lane
To the Zoning Board

I live at 106 Sandhills Lane in Royal Troon Condominiums

I am in favor of the proposed condo plans by McLeish to finally build out our community.

They have worked with our association to make the proposed condos fit with the existing ones.
From: Tammy Girling
Sent: Tuesday, June 1, 2021 8:25 AM
To: Lynn Harrison
Subject: FW: Build out at Royal Troon

Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Harry Hogan <hgonhtog@aol.com>
Sent: Monday, May 31, 2021 7:23 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Build out at Royal Troon

I would like to support the build out at Royal Troon. We had a recent meeting with the developers and they seemed very much in tune with my feelings. Thank you.

Harry Hogan
96 Sandhills Lane
Lake Orion 48362
(248) 978-5291

Sent from my iPhone
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 9, 2021

RE: AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidewell numbers 09-04-402-047 & 048

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

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

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

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

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

APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidwell numbers 09-04-402-047 & 048, I move that the petitioner’s request for:

4 variances from Zoning Ordinance #78


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

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

Please be specific how the petitioner meets this criteria

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

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

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

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

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

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

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

DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2021-19, MacLeish Building Inc., Vacant Property North of unit 46 Burniah Ln., sidwell numbers 09-04-402-047 & 048, I move that the petitioner’s request for:

4 variances from Zoning Ordinance #78

1. A 9.85-ft. 9.62-ft. side yard setback variance from the required 30-ft. to construct a 2-unit condominium 20.45-ft. 20.38-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.

Please be specific how the petitioner does not meet this criteria be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
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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:

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________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
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:

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<th>Name</th>
<th>Owner of (address)</th>
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61 Burniah Lane
Lake Orion, MI 48362
Lynn Harrison

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Sent: Tuesday, June 8, 2021 10:50 AM
To: Lynn Harrison
Cc: admin@macleishbuilding.com; syourth@comcast.net
Subject: Royal Troon Buildout discussion

Lynn,

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136 Sandhills Lane,
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We feel that this is something that should move forward. It will not only enhance our development, but assist with new buyers' financing. We had a difficult time finding a mortgage company to get financing for our condo due to the fact it was considered "undeveloped." In fact, our condo had a buyer before us, but they were unable to get financing due to the development being unfinished.

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Regards
Mary grace and John Rowlands
144 Sandhills Lane

Mary grace Rowlands
Stay safe. Mask Up!

Sr. Capture Manager, GHHS
IBM Watson Health
+1 (480) 486-7282 m
marygrace.rowlands@ibm.com
To: Lynn Harrison
From: Robert and Sandra Bean
141 Burniah Ln
Lake Orion, Mi 48362
248-980-8185

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248 929 8170
I am in favor of the buildout.
I would like to register my support for Dan MacLeish to build out the condos in my development. We had a meeting last week with the builder and the community. Dan is building some great homes and is very considerate of all of the residents in creating a design that fits in very beautifully in the neighborhood. The ONE dissenting individual at the meeting was given an offer by the builder to purchase the property next to him. I surveyed and talked to every member of this community prior to that meeting and 39 homes were totally in support of this build. The ones that did not sign supported the build but wanted to see the units, which was accomplished at the meeting. The rest of the units, I did not catch people at home so, in effect, I was not able to register their support or comment. Our community needs this build, if one person can put us in jeopardy of our community's future, then we are in trouble. I hope you will consider this upon your review. The builder has done everything possible to do this right, he owns the property and can do what he wants once approved by the township. We want his expertise here, we don't want it to be sold and go to a builder that is going to lower our community value. That is a fear. Just like anyone, he can move if he does not like what is happening in the lot that was there when he bought it. I can move if I don't like the outcome of this meeting. We all knew from the day we bought that this was to happen. He thinks he can take us all down to get what he wants for his mistake.

Thank you and I will be in attendance,

Mary Heffner
Royal Troon
142 Burniah Lane
Lake Orion
Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Debbie Williams <wdmwdeb@comcast.net>
Sent: Thursday, June 3, 2021 7:25 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Royal Troon Build Out

I want to document my support for Dan MacLeish’s build out proposal for condos in Royal Troon. His condos are high quality and will add value to our community and Lake Orion. I have lived in Royal Troon for 16 years and am the original owner of my condo. We have had economic situations that have delayed this build out over the years.

Fortunately, Dan MacLeish is willing to complete our community and keep it a beautiful place to live.

I look forward to the Township approving his plans.

Thank you.

Deborah Williams
140 Burniah Lane
Lake Orion

Sent from my iPhone
Lynn Harrison

From: Tammy Girling
Sent: Friday, May 28, 2021 3:26 PM
To: Lynn Harrison
Subject: FW: The buildings to be constructed in the Royal Troon Subdivision

For Troon ZBA.

Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Carol Boivin <cb12654@gmail.com>
Sent: Friday, May 28, 2021 2:53 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: The buildings to be constructed in the Royal Troon Subdivision

I am very much in favor of the proposed condo plans by McLeish. They have gone to great lengths to satisfy the desires of everyone in our community with few exceptions. We would like to get this buildout underway.

Thank you,
Carol Boivin
130 Burniah Lane
To the Zoning Board

I live at 106 Sandhills Lane in Royal Troon Condominiums

I am in favor of the proposed condo plans by McLeish to finally build out our community.

They have worked with our association to make the proposed condos fit with the existing ones.
Tammy Girling
Director
Planning & Zoning
2525 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5000  C: 248.978.2132
F: 248.391.1454  W: www.oriontownship.org

-----Original Message-----
From: Harry Hogan <hgolfhog@aol.com>
Sent: Monday, May 31, 2021 7:23 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Build out at Royal Troon

I would like to support the build out at Royal Troon. We had a recent meeting with the developers and they seemed very much in tune with my feelings. Thank you.

Harry Hogan
96 Sandhills Lane
Lake Orion 48362
(248) 978-5291

Sent from my iPhone
TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 4, 2021

RE: Dates which cases can be postponed to

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

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

Please keep in mind, per the ZBA Bylaws, the Chairman has the authority to accept additional cases to any given meeting.

June 28, 2021 (this meeting has 5 cases on it)
July 12, 2021 (this meeting has 5 cases on it)
July 26, 2021
TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 4, 2021

RE: Another Opportunity

In case you missed the virtual workshop on May 27th, attached is another opportunity. This workshop is again virtual, will be held on Wednesday, June 30th from 6pm to 9pm and the $40 cost will be picked up by the Township.

Included with sign up is a 57-page resource manual which would be a great reference source.

Please let me know if you would like to be registered by the deadline of noon, Monday 28th.

Thanks,
From: Oakland County, Michigan <oakgov@service.govdelivery.com>
Sent: Tuesday, June 1, 2021 1:17 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: Zoning Board of Appeals (ZBA) Virtual Workshop
MAP and Oakland County have teamed up to offer a low-cost Zoning Board of Appeals virtual workshop to Oakland County residents.

**Wednesday, June 30, 2021 | 6:00 - 9:00 p.m.**

Register by Noon, Monday, June 28: [https://miapa.memberclicks.net/oakland-county-hosted-zba-workshop](https://miapa.memberclicks.net/oakland-county-hosted-zba-workshop)

Cost: $40 | Includes training, workshop materials and a 57-page resource manual for ZBA's (sent via U.S. Post Office) | Participants will receive an email with Zoom Meeting details and links to workshop materials.

MAP's popular workshop is interactive and case-study based—going into great depth on the issues of practical difficulty and unnecessary hardship. A summary of voting and membership requirements and other procedural requirements unique to ZBA operations are reviewed.

**The workshop is designed especially for Zoning Board of Appeals members and will:**

- Clarify the expectations and limitations of your position
- Help you recognize when there's a conflict of interest
- Equip you with the best planning and zoning practices to sharpen your decision-making skills
- Boost your confidence as zoning board of appeals member during meetings

**INSTRUCTOR:** Brad Strader, AICP, PTP / Principle, MKSK, Detroit

For more information: PRINT-READY FLYER

Questions? Contact: MAP staff at info@planningmi.org or (734) 913-2000

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