



## MINUTES

### REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, December 4, 2025

6:30 PM

Village Hall – 21 East Church Street, Lake Orion, MI 48362

(248) 693-8391 ext. 102

#### 1. Call to Order

The Thursday, December 4, 2025 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order by Chairperson Mathisen at 6:37 p.m.

#### 2. Roll Call and Determination of Quorum

##### PRESENT

Chairperson Brad Mathisen

Vice Chairperson Raymond Putz

Secretary Brenton Bailo

Board Member Henry Lorant

Board Member Mary Chayka-Crawford

##### ABSENT

None

##### STAFF PRESENT

Laura Haw, McKenna

Village Manager Darwin McClary

Recording Secretary Danielle Smith

#### 3. Approval of Agenda

Board Member Bailo moved, Board Member Lorant seconded, to approve the December 4, 2025 regular meeting agenda of the Board of Zoning Appeals, as presented.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo, Putz

**NAYS:** None

**ABSENT:** None

**MOTION:** Carried

**4. First Hearing of the Public**

None.

**5. Approval of Minutes**

**A. Approval of BZA Minutes – November 6, 2025**

Board Member Bailo moved, Board Member Lorant seconded, to approve the November 6, 2025 regular meeting minutes of the Board of Zoning Appeals, as presented.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo, Putz

**NAYS:** None

**ABSENT:** None

**MOTION:** Carried

**6. BZA Preface**

Chairperson Mathisen reviewed the meeting procedures.

**7. Public Hearing**

None.

**8. New Business**

**A. Adopt the 2026 Board of Zoning Appeals Meeting Schedule**

Board Member Chayka-Crawford moved, Board Member Mathisen seconded, to approve the meeting schedule establishing the 2026 meeting dates for the Board of Zoning Appeals for the Village of Lake Orion and authorize the clerk to post the schedule pursuant to the Open Meetings Act.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo, Putz

**NAYS:** None

**ABSENT:** None

**MOTION:** Carried

**9. Unfinished Business**

**A. A-25-005 – 256 S. Broadway St. Dimensional Variance Request**

Board Member Bailo moved, Board Member Chayka-Crawford seconded, to remove from the table item A-25-005 256 S. Broadway St. Dimensional Variance Request for further discussion and possible action.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo, Putz

**NAYS:** None

**ABSENT:** None

**MOTION:** Carried

The applicant is requesting a variance for an accessory structure that has already been constructed within the required waterfront setback.

As requested, the construction of the pergola on the west elevation in the waterfront yard would require one (1) variance from the dimensional standards of the zoning ordinance. The applicant is requesting the following variance from the zoning ordinance.

ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – RL ZONING DISTRICT

|                            |                  |                     |
|----------------------------|------------------|---------------------|
| Waterfront (West) Setback: | Required:        | 25 ft. minimum      |
|                            | Existing:        | 13 ft. 7 in.        |
|                            | Proposed (Ex.):  | 13 ft. 7 in.        |
|                            | <b>Variance:</b> | <b>11 ft. 5 in.</b> |

Laura Haw, of McKenna, presented a synopsis of the variance request and was available to answer any questions from the Board.

Village Manager McClary provided clarification and additional documentation regarding the order of events that brought this case before the board.

David Goodloe, Orion Township Building Official, stated that the former village planner gave verbal approval for the pergola to be built on the condition that the pergola was not attached to any other structure. Mr. Goodloe further stated that he was under the assumption that the applicants were going to receive the approved documents from the village.

Board Member Chayka-Crawford asked Mr. Goodloe if a permit was ever sought from the township. Mr. Goodloe shared that the permit was denied once the township realized the pergola was never approved by the village.

Board Member Bailo asked if the pergola was attached to the restaurant. Mr. Goodloe stated it was not.

Mr. Goodloe further shared he believes the board has to look at the facts of the case and the practical difficulty he believes the property provides to the applicants.

Matthew Gibb, director of the Lake Orion Downtown Development Authority, stated the pergola is considered an accessory structure to the building that does not alter the permitted use. Mr. Gibb argued the pergola sits atop an existing approved outdoor space and the applicant relied on good faith from the former village planner.

Chris Dewey, Doug Jones and Lisa S., applicants, 256 S. Broadway St., Lake Orion, MI 48362, summarized the order of events in which they stated the case unfolded. Additionally, the applicants

asked how they would have been notified if their application was denied. Village Manager McClary stated that the applicant would have received an email.

Board Member Chayka-Crawford asked if the pergola was completed by the time the stop work order was received. The applicants stated that was the case.

#### PUBLIC COMMENT

Board Member Bailo moved, Board Member Chayka-Crawford seconded, to add the 110 support letters and one opposition letter to the record as an appendix to the minutes.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo, Putz

**NAYS:** None

**ABSENT:** None

**MOTION:** Carried

The following individuals spoke in favor of the variance request:

- Dominic Mocerì, Mocerì Companies
- Christian Mills, 121 S. Broadway St.
- Chuck Jones, 2842 Aurora Dr.
- Jack L., 573 Bellevue Ave. on behalf of the landlord of the property
- Matt Pfeiffer, 497 Bellevue Ave.
- Robert, 852 Island Point Dr.
- Steven Novak, 220 Bellevue Ave.
- Scott Jones, 2767 Aldrin Dr.
- Jim Cummins, 228 Atwater St.
- Mel Kendziorski, 2605 Browning Dr.

Sue Albert, 228 S. Broadway St., shared concerns regarding the permit process, lack of communication between the village and township, usage during the wintertime and potential noise concerns.

#### FINDINGS OF FACT

Laura Haw, of McKenna, reviewed the following findings of fact:

1. The restaurant and patio pergola for outdoor dining is a permitted use in the MU Mixed-Use District. It matches the intent of the district and the outdoor dining is a common enjoyment as an accessory use to a restaurant.
2. The site plan for the restaurant has been permitted.
3. Screening will be provided by the applicant to create a more natural feature and to soften the frontage along the waterfront.
4. The existing footprint of the structure limits the availability of the applicant to construct outdoor dining along the waterfront, which is considered a preexisting condition that was not self-created.

5. The proposed patio pergola does not impair the views of adjacent property owners.
6. The proposal does not negatively impact public health, safety and welfare.
7. The size of the pergola is the minimum requested and is to be constructed over the existing patio.
8. The pergola structure does not extend the permanent footprint of the building.

#### **BOARD DELIBERATION**

Board Member Chayka-Crawford reiterated that when the board grants a variance, there are guidelines that must be followed in order to not set a precedent. She further stated that she is in favor of the variance request, not just because of the information that was presented, but also because she believes there was miscommunication between the village, township and applicants and the village bears some responsibility regarding the hardship that has befallen the applicant.

Board Member Bailo agreed with Board Member Chayka-Crawford and believes that there are lessons that came out of this case.

Board Member Lorant shared that at its last meeting, the board could not determine whether any permits were granted for the pergola and that is why the board asked the applicants to come back. He further thanked Village Manager McClary and township Building Official Goodloe for providing the facts and additional information regarding the events that took place.

Board Member Mathisen stated he supports the variance request, but recordkeeping and communication between the village and township needs improvement.

#### **MOTION**

Board Member Chayka-Crawford moved, Board Member Lorant seconded, to grant an 11-foot 5-inch variance from the Zoning Ordinance Section 12.02, minimum required waterfront setback standard for the property at 256 S. Broadway Street, Parcel ID number 09-11-226-036, also known as Waterside Social. This variance approval is based on the findings of fact as stated by the planner due to it not being self-created and allows the applicant to build as it is now, confirmed and witnessed and permitted by the township and built accordingly. This is not to create a precedent, but to allow permission to right a hardship that was not self-created by the applicant.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo, Putz

**NAYS:** None

**ABSENT:** None

**MOTION:** Carried

#### **10. Second Hearing of the Public**

George Dandalides, 226 Bellevue Ave., stated that he believes the board made the correct decision regarding the variance request and there needs to be better communication. He further stated that he would discuss this topic at the next village council meeting to develop ways to improve communication.

Village Manager McClary stated that it is within the purview of the BZA to make determinations on the merits of a case and whether an applicant meets the criteria outlined in state law and in the village's zoning ordinance for receiving variances. Additionally, he shared that he takes exception to the comments that were made by members of the board, one of the council members and by the DDA director that this was a problem created by the village or the township. Village Manager McClary further stated that this was not a problem created by the municipalities, but by the applicant who applied for a permit for an outdoor bar, received conditional approval with a condition that the applicant did not follow through on. He reiterated that the applicants applied for a pergola the same day they received their conditional approval for the outdoor bar, which was denied. Mr. McClary went on to state the applicant applied for a building permit for the pergola with the township without the zoning approval they needed from the village and that the pergola was constructed. Lastly, Mr. McClary shared that everyone supports the business, but the problem regarding the construction of the pergola does not fall on the village or township, but on the business owner for constructing the pergola for which they did not have approval.

Matt Pfeiffer, 497 Bellevue Ave., stated that he disagrees that the village did not give verbal approval for the pergola to be constructed at Waterside Social and stands by the township building official and his recounting of the order of events.

#### **11. Board Member Comments**

Board Member Putz thanked Village Manager McClary for finding additional supporting documentation for the variance request, but stated it would have been beneficial to have received the documentation prior to the meeting. He further stated that it is difficult to determine who said what when documentation is being passed out during a meeting.

Board Member Chayka-Crawford stated not being a developer is not an excuse to not follow the guidelines for a variance request. She did agree the process needs to be more user-friendly. Board Member Chayka-Crawford further stated she believes what everyone had to say regarding the variance request and doesn't want there to be any hard feelings between the village and township.

Board Member Bailo stated the information that was presented tonight should have been provided a month ago and there is a communication issue between the village and township. He further stated that having the planner in office only once a week is a hinderance.

Board Member Mathisen stated he would like to have an agenda item added at a future board meeting to review the BZA bylaws. Additionally, he requested the board start receiving the village planner's monthly report. Lastly, Board Member Mathisen wished everyone a Merry Christmas and happy holiday.

#### **12. Next Regular Meeting – January 8, 2026**

### 13. Adjournment

Board Member Lorant moved, Board Member Bailo seconded, to adjourn the meeting at 8:19 p.m.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo, Putz

**NAYS:** None

**ABSENT:** None

**MOTION:** Carried

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Dr. Brenton Bailo  
Secretary

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Sonja Stout  
Village Clerk/Treasurer

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Danielle Smith  
Recording Secretary

Date Approved: April 2, 2026