



## MINUTES

### REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, May 7, 2026

6:30 PM

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

(248) 693-8391 ext. 102

#### 1. Call to Order

The Thursday, May 7, 2026 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order by Chairperson Mathisen at 6:30 p.m.

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

##### PRESENT

Chairperson Brad Mathisen  
Vice Chairperson Raymond Putz  
Secretary Brenton Bailo  
Board Member Mary Chayka-Crawford

##### ABSENT

Board Member Henry Lorant

##### STAFF PRESENT

Village Planning and Zoning Coordinator Jake VanBoxel  
Recording Secretary Danielle Smith

#### 3. Approval of Agenda

Board Member Bailo moved, Board Member Chayka-Crawford seconded, to approve the May 7, 2026 regular meeting agenda of the Board of Zoning Appeals, as presented.

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

**NAYS:** None

**ABSENT:** Lorant

**MOTION:** Carried

**4. First Hearing of the Public**

None.

**5. Approval of Minutes**

**A. Approval of BZA Minutes – April 2, 2026**

Board Member Chayka-Crawford moved, Board Member Mathisen seconded, to approve the April 2, 2026 regular meeting minutes of the Board of Zoning Appeals, as presented.

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

**NAYS:** None

**ABSENT:** Lorant

**MOTION:** Carried

**6. BZA Preface**

Chairperson Mathisen reviewed the meeting procedures.

**7. Public Hearing**

**A. Public Hearing: A-26-002 (471 Algene) Dimensional Variance Request**

Board Member Chayka-Crawford moved, Board Member Bailo seconded, to open the public hearing for case A-26-002 concerning the requested dimensional variance for waterfront setback located at 471 Algene at 6:32 p.m.

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

**NAYS:** None

**ABSENT:** Lorant

**MOTION:** Carried

Jon Hurford, applicant, 471 Algene, Lake Orion, MI 48362, and Jon Sarkesian, architect, 412 S. Washington Ave., Royal Oak, MI 48067, presented the request and were available to answer any questions of the Board.

Board Member Putz asked if the existing deck was built with a permit. Mr. Hurford stated that he was unsure and that the deck was already built when he purchased the property last year.

Board Member Putz asked if the neighboring properties were aware of the variance request and supported it. Mr. Hurford stated that the neighboring property owners did not object to the variance request. Additionally, Mr. Hurford stated that his property is significantly smaller than the neighboring properties.

Board Member Bailo asked if the neighboring property to the south had a deck. Mr. Hurford stated that the property in question has a sunroom that extends to the end of that property's deck.

Board Member Mathisen moved, Board Member Chayka-Crawford seconded, to close the public hearing for case A-26-002 concerning the requested dimensional variance for waterfront setback located at 471 Algene at 6:44 p.m.

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

**NAYS:** None

**ABSENT:** Lorant

**MOTION:** Carried

## 8. Action Items

### A. A-26-002 – 471 Algene Dimensional Variance Request

The applicant is proposing to construct an addition to the existing single-family dwelling and is requesting the following one (1) variance from the Zoning Ordinance:

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

Water Front Setback:	Required:	25.0 ft. minimum
	Existing (building):	18 ft.
	Proposed:	5.833 ft
	<b>Variance:</b>	<b>19.17 ft</b>

Planner VanBoxel gave a synopsis of the request, reviewed the findings of fact and was available to answer any questions of the Board.

#### FINDINGS OF FACT

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
  - The current regulations do not unreasonably prevent the owner from using the property for a permitted purpose.
2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
  - Granting the variance could result in risk to future property owners' waterfront views and negatively impact the residential character of the zoning district.
3. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
  - The requested variance is not the minimum necessary to provide relief as the existing building is already encroaching on the front (water) setback.
4. The need for a variance(s) is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

- The need for variance(s) is not due to unique circumstances peculiar to the property.
5. The problem and resulting need for the variance has been created by strict compliance with the zoning ordinance, and not by the applicant or applicant's predecessors; it is not self-created.
    - The applicant has not demonstrated that the hardship has not been self-created.
  6. Granting the variance will not impair the public health, safety, comfort or welfare of the inhabitants of Lake Orion.
    - Granting the variance could negatively impact public health, safety or welfare and may increase impacts on neighboring properties compared to a compliant location.

Board Member Bailo stated that he thinks the square footage of the deck was included in the total lot coverage and that it should not have been included. After reviewing the ordinance, Planner VanBoxel stated that he believes the square footage of the deck does count toward the total lot coverage. However, Planner VanBoxel did note that he thinks there are some contradicting items in the ordinance.

Board Member Chayka-Crawford stated she believes all the findings of fact included in Planner VanBoxel's review apply for denial of the variance request.

Board Member Putz said a neighboring property has a similar issue to the case that is before the Board. Planner Chayka-Crawford reiterated that the Board needs to focus on the current case that is being presented.

Board Member Putz asked Mr. Sarkesian what the home would look like if the proposed extension was built to the current setbacks. Mr. Sarkesian stated that the current setbacks run into the existing home. Additionally, Mr. Sarkesian stated that he and the applicants did their best to respect the neighbors and were as creative as possible to develop a plan that was the least invasive to neighboring properties.

#### **MOTION**

Board Member Chayka-Crawford moved, Board Member Bailo seconded, to deny the variance request for 471 Algene Drive, Parcel ID 09-11-257-004, based on the findings of fact listed on page 31 of the McKenna recommendation, denying the variance based on 1) The current regulations do not unreasonably prevent the owner from using the property for a permitted purpose, 2) Granting the variance could result in risk to future property owners' waterfront views and negatively impact the residential character of the zoning district, 3) The requested variance is not the minimum necessary to provide relief as the existing building is already encroaching on the front (water side) setback, 4) The need for variance(s) is not due to unique circumstances peculiar to the property, 5) The applicant has not demonstrated that the hardship has not been self-created, and 6) Granting the variance could negatively impact public health, safety or welfare and may reduce impacts on neighboring properties compared to a compliant location.

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

**NAYS:** Bailo

**ABSENT:** Lorant

**MOTION:** Carried

### **B. Adoption to the Amendments to the Board of Zoning Appeals Bylaws**

The Board of Zoning Appeals had requested to review the current bylaws and begin a discussion of updating them. The existing bylaws were adopted December 7, 2023.

A proposed revised Article V of the BZA bylaws was included in the board members' packets for review.

#### **MOTION**

Board Member Mathisen moved, Board Member Chayka-Crawford seconded, to adopt the proposed revised Board of Zoning Appeals bylaws.

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

**NAYS:** None

**ABSENT:** Lorant

**MOTION:** Carried

### **9. Unfinished Business**

None.

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

None.

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

Board Member Chayka-Crawford thanked Board Member Mathisen for taking the lead regarding changing the BZA bylaws. Additionally, she thanked Planner VanBoxel for all his work.

Board Member Putz asked for an update regarding changes to the village's master plan and ordinances. Planner VanBoxel said he would look into it since he was absent from last month's BZA meeting. Additionally, Board Member Putz welcomed Planner VanBoxel to the village.

Board Member Mathisen shared that annual training is a requirement listed in the Board of Zoning Appeals Bylaws and would like the Board to be given training opportunities. Planner VanBoxel said he would investigate potential training.

Board Member Mathisen stated that the board has not received any zoning ordinance updates or maps and used to receive the monthly planning and zoning report. Planner VanBoxel gave a verbal update regarding planning and zoning matters and said he would investigate the other concerns.

Board Member Putz asked if the recreational vehicle ordinance passed. Planner VanBoxel shared that the proposed amendments to Section 13.11 and 13.17 of the zoning ordinance was approved at the April 6, 2026 planning commission meeting.

**12. Next Regular Meeting – June 4, 2026**

**13. Adjournment**

Board Member Bailo moved, Board Member Chayka-Crawford seconded, to adjourn the meeting at 7:35 p.m.

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

**NAYS:** None

**ABSENT:** Lorant

**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: