



# AGENDA

## REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, July 02, 2026

6:30 PM

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

(248) 693-8391 ext. 102

Each person wishing to address the BZA shall be afforded an opportunity to do so. Anyone that would like to make a public comment must first sign the "Sign In" sheet located near the main entrance door. If you wish to comment, please stand or raise a hand to indicate that you wish to speak. When recognized, give your name and address and direct your comments to the Chair. Members of the public shall be allowed a maximum of three (3) minutes for each person wishing to make a public comment.

1. **Call to Order**
2. **Roll Call and Determination of Quorum**
3. **Approval of Agenda**
4. **First Hearing of the Public for Non-Agenda Items Only (3 minute limit)**
5. **Approval of Minutes**
6. **BZA Preface**
7. **New Business**

A. Approval of May 7, 2026, BZA Regular Meeting Minutes

A. Public Hearing: A-26-003 (214 S Broadway Ste 300) Dimensional Variance Request

B. A-26-003 (214 S Broadway Ste 300) Dimensional Variance Request

C. Public Hearing: A-26-004 (96 Park Island Rd) Dimensional Variances Request

D. A-26-004 (96 Park Island Road) Dimensional Variance Request

E. Public Hearing: A-26-005 (301 Park Ave) Dimensional Variance Request

F. A-26-005 (301 Park Ave) Dimensional Variance Request

G. Election of Officers

**8. Unfinished Business**

**9. Second Hearing of the Public for Non-Agenda Items Only (3 minute limit)**

**10. Board Member Comments**

**11. Next Regular Meeting - August 6, 2026**

**12. Adjournment**

*In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village, at least three (3) business days in advance of the meeting, if requesting accommodations. The Village of Lake Orion will provide foreign language or hearing impaired interpretation services for those individuals who contact the village to request such services at least seven (7) days prior to the meeting.*

*En el espíritu de la observancia de la Ley de Estadounidenses con Discapacidades, las personas con discapacidad debe sentirse libre para ponerse en contacto con el pueblo, por lo menos tres (3) días hábiles de antelación a la fecha de la reunión, si se solicitan alojamiento. El municipio de Lake Orion proporcionará idioma extranjero o personas con problemas de audición servicios de interpretación para las personas que se ponen en contacto con el pueblo de solicitar dichos servicios con no menos de siete (7) días antes de la reunión.*





## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** July 2, 2026

**TOPIC** Approval of May 7, 2026, BZA Regular Meeting Minutes

**RECOMMENDED MOTION:** To approve the May 7, 2026, Board of Zoning Appeals Regular Meeting Minutes, as presented.



# 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:



BOARD ACTION SUMMARY SHEET

**MEETING DATE:** July 2, 2026

**TOPIC** Public Hearing: A-26-003 (214 S Broadway Ste 300) Dimensional Variance Request

**BACKGROUND BRIEF:** The **PUBLIC HEARING** relates to Appeal No. A-26-003 regarding the property at **214 S Broadway Ste 300** (Parcel #09-11-231-007). The site is zoned PUD, Planned Unit Development, with an underlying MU, Mixed Use District, in the Village of Lake Orion. The applicant is proposing to construct a sign on a multi-tenant commercial building and is requesting the following one (1) variance from the Sign Ordinance:

**§ 155.06 DISTRICT REGULATIONS. (D) CC and MU Districts: non-residential uses.**  
*Permanent wall sign: multi-tenant building (units with shared public entrance)*

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Wall Sign Size: | Required:        | 12’0” ft. maximum   |
|                 | Existing:        | -                   |
|                 | Proposed:        | 23’0” sq.ft.        |
|                 | <b>Variance:</b> | <b>11’0” sq.ft.</b> |

The Board may grant dimensional variances upon finding evidence of a practical difficulty.

- RECOMMENDED MOTION(s):**
1. **To open** the public hearing for **Case A-26-003** concerning the requested **dimensional variance** for signage size located at 214 S Broadway Ste 300.
  2. **To close** the public hearing for **Case A-26-003** concerning the requested **dimensional variance** for signage size at 214 S Broadway Ste 300.





BOARD ACTION SUMMARY SHEET

MEETING DATE: July 2, 2026

TOPIC A-26-003 (214 S Broadway Ste 300) Dimensional Variance Request

BACKGROUND BRIEF:

This application relates to Appeal No. A-26-003 regarding the property at **214 S Broadway Ste 300** (Parcel #09-11-231-007). The site is zoned PUD, Planned Unit Development, with an underlying MU, Mixed Use District, in the Village of Lake Orion. The applicant is proposing to construct a sign on a multi-tenant commercial building and is requesting the following one (1) variance from the Sign Ordinance:

**§ 155.06 DISTRICT REGULATIONS. (D) CC and MU Districts: non-residential uses.**  
*Permanent wall sign: multi-tenant building (units with shared public entrance)*

|                 |           |                          |
|-----------------|-----------|--------------------------|
| Wall Sign Size: | Required: | <u>12’0” ft. maximum</u> |
|                 | Existing: | -                        |
|                 | Proposed: | 23’0” sq.ft.             |
|                 | Variance: | <b>11’0” sq.ft.</b>      |

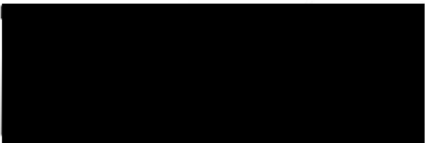
The Board may grant dimensional variances upon finding evidence of a practical difficulty.

**RECOMMENDED MOTION(s):**  
**To recommend denial for Case A-26-003 requested dimensional variance for signage size at 214 S Broadway Ste 300.**

To Whom It May Concern:

We are writing this letter to request a variance on the size of sign we'd like to place on the building where we have our Lake Orion location. We have currently be at this location for over 5 years. We are placing the sign at the top of the 3-story structure and the 12 sq foot option simply would be too difficult to see from the road. We have sent all our specs for the sign we'd like to place at the south end of our building so that traffic traveling north bound M24 would see our sign. We are also in a building that many local people do not know what types of businesses reside within and it's always hard to explain our exact location. This sign will be the answer to many of these issues.

We appreciate your time and attention to our request.

  
Kari Torkko

Partner at Elivate Wellness + Aesthetics

214 South Broadway Suite 300

Lake Orion, MI 48362



21 E. Church Street  
Lake Orion, Michigan 48362  
Tel 248.693.8391  
Fax 248.693.5874  
[www.lakeorion.org](http://www.lakeorion.org)

**BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW****PROPERTY INFORMATION**Site Address: 214 South Broadway Street Lake Orion 48 Parcel ID #: \_\_\_\_\_

Parcel Size (Sq.Ft.): \_\_\_\_\_ Zoning District: \_\_\_\_\_

Has the property previously been approved for a variance(s)? Yes / No (If yes, indicate date: \_\_\_\_\_)

**OWNER INFORMATION**Property Owner Name: Linwood Orion LLC/ A. Kurzm Address: \_\_\_\_\_

Property Owner Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**APPLICANT INFORMATION (If applicant is NOT property owner)**Applicant Name: Kari Torkko - Elivate Wellness + Address: 214 South Broadway Street Suite 300

Applicant Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Applicant is: (i.e. contractor or business owner or architect, etc.) Elivate Aesthetics - Business Owner**TYPE OF VARIANCE AND/OR REVIEW REQUESTED**

Please check one. A request for multiple types of reviews may require a separate form.

\_\_\_\_ Appeal of Administrative Order \_\_\_\_ Interpretation of Map \_\_\_\_ Interpretation of Section # \_\_\_\_

☒ Dimensional Variance (required setback, height, lot coverage, lot width, lot size, etc.)

\_\_\_\_ Use Variance (specify intended use): \_\_\_\_\_

\_\_\_\_ Variance from Zoning Ordinance Requirement - Section # \_\_\_\_\_

\_\_\_\_ Other (please specify): \_\_\_\_\_

**DIMENSIONAL VARIANCE – REQUESTED DEVIATION FROM REQUIREMENTS**Please complete the table below for each deviation from the dimensional requirements which you are requesting.

| Section #               | Type of Dimensional Requirement | Existing Distance | Required Distance | Proposed Distance | Variance (=Required – Proposed) |
|-------------------------|---------------------------------|-------------------|-------------------|-------------------|---------------------------------|
| Example:<br>Table 12.02 | Front Setback                   | 28 Feet           | 25 Feet           | 20 Feet           | 5 Feet                          |
|                         | Sq ft size                      |                   | 12 sq ft          | 23 sq ft          | 11 sq ft                        |
|                         |                                 |                   |                   |                   |                                 |
|                         |                                 |                   |                   |                   |                                 |
|                         |                                 |                   |                   |                   |                                 |



***Please only fill out the section for the type of variance or review you are requesting.***

**DIMENSIONAL VARIANCES AND VARIANCES FROM ZONING ORDINANCE REQUIREMENTS -  
EXPLANATION OF PRACTICAL DIFFICULTIES**

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Board of Zoning Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. (*Attach additional sheets if necessary.*)

Please explain how: 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 proposed location and size of the sign will allow for optimal exposure to travelers coming north on M-24. The regulated 12 sq ft on that side of the building would be very small and difficult to make out for travelers.

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Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

This will allow people traveling and clients coming to our location to easily find our building.

We struggle a lot with that currently. There is only one other sign placed on the front of this building so it makes it very hard to give directions as to which building we are located in.

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Please explain how: 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.

We have a sign already built from one of our other locations (that we recently closed down) that is 23 sq ft and we'd like to be able to use that again. Also, knowing the size of the sign and how it looked on the other building we realize that we need at least the same size here in order for the sign to be effective in allowing people to recognize and find our offices in Lake Orion.

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Please explain how: The need for the variance 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.

We believe the typical requirements are meant for a much smaller building that possibly is a stand alone business. This building is large and has 3 stories. A larger sign is needed to ensure ease of directions for our clients.

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Please explain how: 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.

We are simply asking for a sign larger than the current zoning requirements.

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Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

The 23 sq ft is still not an overly large or sign that will deter from the beauty of driving into Lake Orion from the south headed north on M-24.

**USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP**

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Board of Zoning Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. *(Attach additional sheets if necessary.)*

N/A

**APPEALS OF ADMINISTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS**

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Board of Zoning Appeals. Per Section 19.04(C), the Board of Zoning Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. *(Attach additional sheets if necessary.)*

N/A



**ADDITIONAL INFORMATION AND REQUIREMENTS**

Section 19.04(F) identifies all information required for a complete application.

***Please place your initials below next to all items included in your application.***

***If you believe the information is not relevant please place 'N/A' for not applicable next to the item.***

- X 1) A completed application signed by the property owner.
- \_\_\_\_\_ 2) Proof of ownership.
- X 3) Property owner authorization for an applicant to act on their behalf.
- \_\_\_\_\_ 4) Project Narrative – *A letter to the BZA explaining the variance or review request.*
- \_\_\_\_\_ 5) Land Survey – *A survey prepared by a professional surveyor.*
- \_\_\_\_\_ 6) Site Plan – *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
- X 7) Architectural plans and elevations – *A set of drawings illustrating the details of any proposed structures.*
- \_\_\_\_\_ 8) PDF files - *A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.*
- X 9) Payment of fees.

***By signing below you acknowledge all of the following:***

- The undersigned acknowledges that they have read Section 19.04 of the Village of Lake Orion Zoning Ordinance, has received and read the instructions and understands the application process.
- The undersigned acknowledges that in their opinion they believe the additional information included with this application meets the submittal requirements for a variance or review application and accept all responsibility for any lack of required information.
- The undersigned acknowledges that any lack of information which may result in a delay of the review process is the sole responsibility of the applicant.
- The undersigned deposes that the forgoing statements and answers and accompanying information are true and correct.
- The undersigned hereby authorizes Village representatives to enter the subject property in connection with this application.

Signature of Property Owner: \_\_\_\_\_

Date: 05/05/2026

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_



SIGN IS 23.5 SQFT

36.1N



WELLNESS + AESTHETICS

94 in

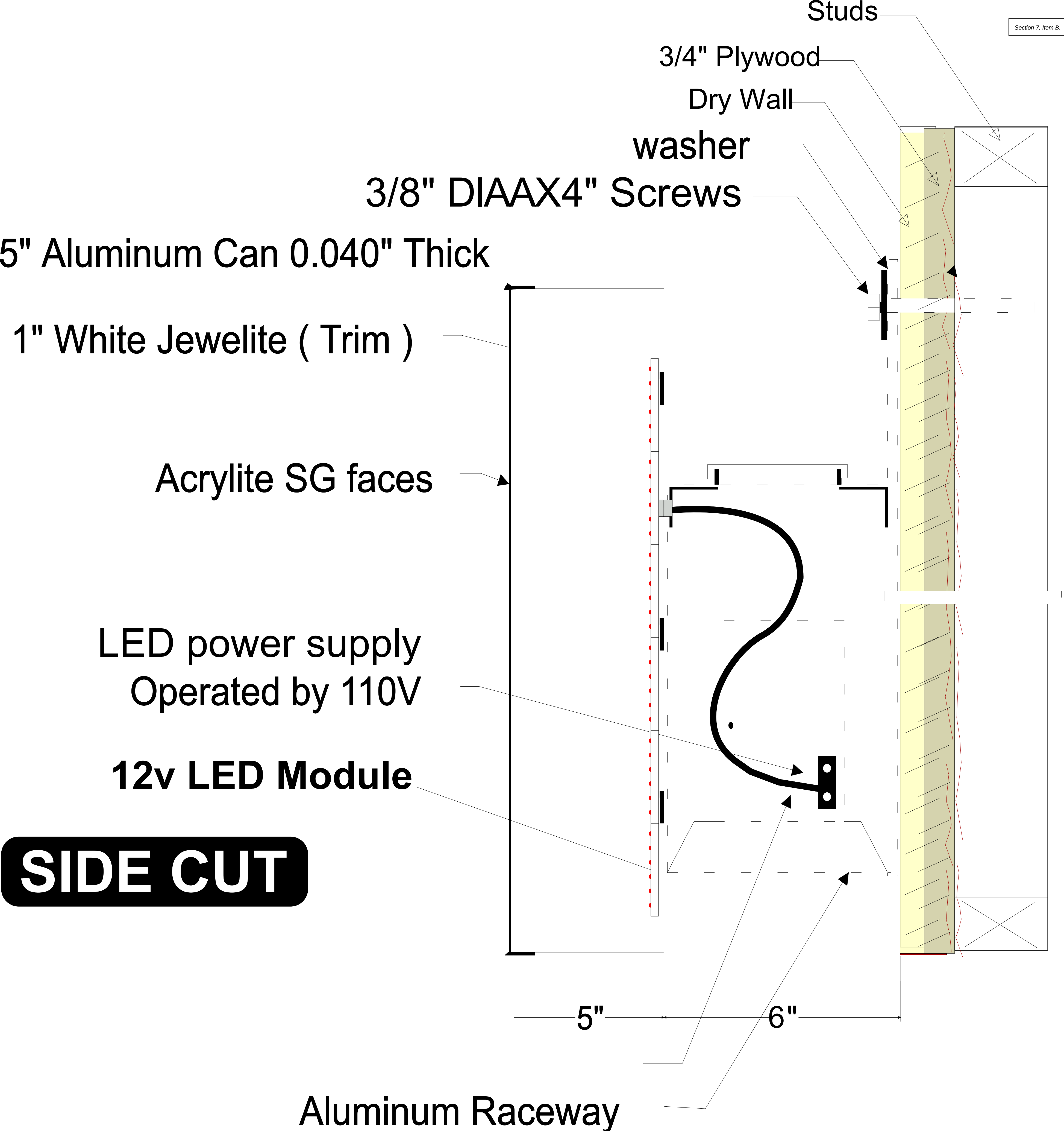
286 in

245.17 in

281 in

FRONT BUILDING 28.5 FT





## Channel Letter Specs:

- LED internally lit Channel Letter Sign
- Aluminum 5" Return
- 3/16th Acrylic Face
- 1" Jewelite
- Raceway color to match wall color
- UL approved LEDs & Power Supply
- UL approved ON/OFF switch
- Suitable for wet location



# 2025 VILLAGE TAX STATEMENT \* RETAIN THIS PORTION FOR YOUR RECORDS

Section 7, Item B.

## CHARTER TOWNSHIP OF ORION 2025 VILLAGE TAX STATEMENT

Fiscal years covered by this statement

Village 07-1-2025 to 06-30-2026

**PAYABLE JULY 1, 2025 - SEPT. 15, 2025**

See reverse side regarding additional penalties  
and interest beginning Sept. 16, 2025.

All payments must be received on or before  
September 15, 2025 to avoid interest.  
U.S. POSTMARKS ARE NOT ACCEPTED

### Property Address

214 S BROADWAY ST  
LAKE ORION, MI 48362-2737

T4N, R10E, SECS 2 & 11 OAKLAND  
COUNTY CONDOMINIUM PLAN NO 1989  
ORION POINTE CONDOMINIUMS UNIT 5  
L 40758 P 001 12-09-08 FR 226-058

**SEE REVERSE SIDE FOR  
IMPORTANT INFORMATION**

**Matt Pfeiffer, Treasurer**

248-391-0304 EXT. 8000

MAIL TAX PAYMENTS TO:  
CHARTER TOWNSHIP OF ORION  
2323 JOSLYN RD  
LAKE ORION MI 48360-1904

| CODE NO.                                | *P.R.E. TAX BASE     | PARCEL I.D. NUMBER | SCHOOL DIST.          |
|-----------------------------------------|----------------------|--------------------|-----------------------|
|                                         | 0                    | OL-09-11-231-005   | 63230                 |
| % DECLARED<br>AS P.R.E.                 | *NON-P.R.E. TAX BASE | TAXABLE VALUE      | STATE EQUALIZED VALUE |
| 0.0000                                  |                      |                    |                       |
| TAX DESCRIPTION                         |                      | BASE PER \$1,000   | AMOUNT                |
| GENERAL OPERATE                         |                      | 9.78440            |                       |
| VILLAGE POLICE                          |                      | 2.84700            |                       |
| *P.R.E. = Principal Residence Exemption |                      |                    |                       |
| TOTAL                                   | Int/Penalty          | Total Paid         | Balance Due           |
|                                         |                      |                    |                       |

# 2025 VILLAGE TAX STATEMENT \* RETURN THIS PORTION WITH YOUR REMITTANCE

Charter Township Of Orion  
2323 Joslyn Rd  
Lake Orion MI 48360-1904

[www.oriontownship.org](http://www.oriontownship.org)

**PAYABLE JULY 1, 2025 - SEPT. 15, 2025**

Please make checks payable to:  
CHARTER TOWNSHIP OF ORION



**214 S BROADWAY ST**

PARCEL I.D. NUMBER

OL-09-11-231-005

| TOTAL | Int/Penalty | Total Paid | Balance Due |
|-------|-------------|------------|-------------|
|       |             |            |             |

\*\*\*\*\*AUTO\*\*ALL FOR AADC 480

648

-3012

CHARTER TOWNSHIP OF ORION  
2323 JOSLYN ROAD  
LAKE ORION MI 48360-1904

# MCKENNA

July 2, 2026

Board of Zoning Appeals  
Village of Lake Orion  
21 E. Church Street  
Lake Orion, Michigan 48362-3274

Subject: **Variance from Zoning Ordinance Requirement Review** (Plans received May 29, 2026)  
Location: **214 South Broadway Street, Suite 300 – Parcel ID# 09-11-231-005**  
Zoning: **PUD – Planned Unit Development District / Height Overlay District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Kari Torkko, on behalf of Linwood Orion LLC (the “Applicant”) who is a business owner at the cited residence. Ms. Torkko is proposing a dimensional variance from Chapter 155 Sign Regulations, that would allow the applicant to erect a business sign with a 23 square foot total. **It should also be noted that since submitting the variance request, the applicant installed the sign without approval and permits.**

## LOCATION AND PROPOSED PROJECT

The subject lot is approximately 3,950 square feet in area and is occupied by a multi-tenant building. The lot is located on (M-24) between the lake and the S. Broadway Street intersection. The subject property is zoned PUD - Planned Unit Development District and is also located within the Height Overlay District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to install a 23 square foot wall sign.

## SIGN ORDINANCE STANDARD AND REQUESTED VARIANCE

### Article XV – Land Usage

#### Chapter 155 – Sign Regulations

#### Section 155.06 – District Regulations

#### SUBSECTION D – CC and MU Districts: non-residential uses

**Section 155.06.D** allows for one (1) permanent wall sign on each facade which has a separate public entrance, plus one (1) additional wall sign not to exceed 12 sq. ft. in area.



#### HEADQUARTERS

235 East Main Street  
Suite 105  
Northville, Michigan 48167

O 248.596.0920  
F 248.596.0930  
MCKA.COM

Communities for real life.

(D) CC and MU Districts: non-residential uses.

| Sign Type (a)                                                                      | Number                                                                                                              | Locations                                                                                                  | Maximum Area (b) (c)                                                             | Maximum Height                              | Specific Regulations (d) (e) |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------|------------------------------|
| Permanent wall sign: single tenant building                                        | 1 on each facade which has a separate public entrance                                                               | Shall not project more than 12 inches from the face of the building or any permanent architectural feature | -                                                                                | Shall not project above the roof or parapet | -                            |
| Permanent wall sign: multi-tenant building (units with individual public entrance) | 1 wall sign per building unit, plus one additional wall sign                                                        |                                                                                                            | 10% of front wall facade area per business, up to a max. 60 sq. ft. per business |                                             |                              |
| Permanent wall sign: multi-tenant building (units with shared public entrance)     | 1 on each facade which has a separate public entrance, plus 1 additional wall sign not to exceed 12 sq. ft. in area |                                                                                                            | -                                                                                |                                             |                              |

The Applicant is requesting a dimensional variance to erect a 23 sq. ft. wall sign.

### VARIANCE STANDARDS FOR APPROVAL

Per the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a requested variance, consider and make findings regarding several factors. Specifically, in Section 19.04.D.1 of the Village's Zoning Ordinance, the Board may grant a variance upon a finding that a practical difficulty exists. A finding of practical difficulty exists when the applicant has demonstrated that all of the zoning ordinance criteria exist.

Each of the required standards is described below followed by an analysis of whether those conditions exist in this particular case.

**A. 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.**

Applicant Response:

*"The proposed location and size of the sign will allow for optimal exposure to travelers coming north on M-24. The regulated 12 sq ft on that side of the building would be very small and difficult to make out for travelers".*

Planner Response:

Strict compliance with the Ordinance provisions will not unreasonably prevent the owner from using the property. The proposed variance for increased signage would promote visibility to the business, though compliance with the standards would not create an unnecessary burden.

**B. The variance will provide substantial justice to the applicant as well as neighboring property owners.**

Applicant Response:

*"This will allow people traveling and clients coming to our location to easily find our building. We struggle a lot with that currently. There is only one other sign placed on the front of this building so it makes it very hard to give directions as to which building we are located in".*

Planner Response:

The variance would provide justice to the applicant by allowing greatly improved visibility to patrons and new customers of their business and would allow drivers along S Broadway to see the sign.

- C. 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.**

Applicant Response:

*"We have a sign already built from one of our other locations (that we recently closed down) that is 23 sq ft and we'd like to be able to use that again. Also, knowing the size of the sign and how it looked on the other building we realize that we need at least the same size here in order for the sign to be effective in allowing people to recognize and find our offices in Lake Orion".*

Planner Response:

The variance requested is not the minimum variance needed to provide substantial relief to the applicant, as the requested sign size is 23 sq. ft. and the maximum allowance is 12 sq. ft. We do not anticipate the granting of the variance causing harm or a nuisance to the adjacent property owners. However, there is concern of the justice to the other tenants in the building. This is a multi-tenant commercial building with multiple offices and businesses located inside the building. The existing site signage is a shared ground sign with all tenants listed. If the variance is granted, this applicant would be the only one of several tenants to have a business sign displayed on the face of the building. Therefore, if this variance is granted, it may set a precedent that might lead other tenants to request the same.

- D. The need for 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.**

Applicant Response:

*"We believe the typical requirements are meant for a much smaller building that possibly is a stand alone business. This building is large and has 3 stories. A larger sign is needed to ensure ease of directions for our clients".*

Planner Response:

The variance requested is due to some unique circumstances to the property, since there is no public entrance on the south side of the building, no sign would be allowed to place there, which is a missed opportunity for advertising the businesses within the building. The regulations are specific for multi-tenant commercial (non-residential) uses. While the building is large and the provided signage may be small in nature, the Board should consider the precedent granting the variance would set.

- E. 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.**

Applicant Response:

*"We are simply asking for a sign larger than the current zoning requirements".*

Planner Response:

The need for a variance is not self-created by the applicant. However, strict compliance with the Ordinance is possible without the granting of a variance.

- F. Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.**

Applicant Response:

*“The 23 sq ft is still not an overly large or sign that will deter from the beauty of driving into Lake Orion from the south headed north on M-24”.*

Planner Response:

Granting the applicant would not impair public health, safety, comfort or welfare of the inhabitants of the Village of Lake Orion.



## RECOMMENDATION

The Board of Zoning Appeals shall only grant a variance from the requirements of the Zoning Ordinance upon finding the criteria described above have been met for the variance requested.

In making your determinations relative to the requested variance, the BZA shall specify the grounds for the decision. Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we find the proposed request satisfies the requirements of the ordinance criteria and recommend the BZA deny the variance as requested based on the following findings of fact:

1. The current regulations do not unreasonably prevent the owner from using the property for a permitted purpose.
2. The requested variance is not the minimum necessary to provide relief.
3. The applicant has not demonstrated that the hardship has not been self-created.
4. The granting of a variance may set a precedent.

We look forward to reviewing these findings and recommendations with you. Please feel free to contact us with any questions.

Respectfully submitted,

**McKENNA**



Jacob VanBoxel, MSA  
Principal Planner



Sommer Nafal, NCI  
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362  
Applicant: Kari Torkko, 214 S Broadway Ste 300



**BOARD ACTION SUMMARY SHEET**

**MEETING DATE:** July 2, 2026

**TOPIC** Public Hearing: A-26-004 (96 Park Island Rd) Dimensional Variances Request

**BACKGROUND BRIEF:** The **PUBLIC HEARING** relates to Appeal No. A-26-004 regarding the property at **96 Park Island Road** (Parcel #09-11-252-005). The site is zoned RM, Multiple Family Residential in the Village of Lake Orion. The applicant is proposing to construct an addition to the existing single-family dwelling and is requesting the following three (3) variances from the Zoning Ordinance:

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – SUBSECTION (g) - RM ZONING DISTRICT

|                       |                      |                         |
|-----------------------|----------------------|-------------------------|
| <u>Front Setback:</u> | Required:            | <u>25.0 ft. minimum</u> |
|                       | Existing (building): | 21'-7"                  |
|                       | Proposed:            | 3'-6"                   |
|                       | Variance:            | 21'6"                   |
| <u>Side Setback:</u>  | Required:            | <u>10.0 ft. minimum</u> |
|                       | Existing (building): | 12'-8" ft               |
|                       | Proposed:            | 5'-0" ft                |
|                       | Variance:            | 5'-0" ft                |
| <u>Rear Setback:</u>  | Required:            | <u>25.0 ft. minimum</u> |
|                       | Existing (building): | 0'-0" ft                |
|                       | Proposed:            | 0'-0" ft                |
|                       | Variance:            | 25'-0" ft               |

The Board may grant dimensional variances upon finding evidence of a practical difficulty.

**RECOMMENDED MOTION(s):**

1. **To open** the public hearing for **Case A-26-004** concerning the requested **dimensional variances** for front, side, and rear waterfront setback located at 96 Park Island Rd.
2. **To close** the public hearing for **Case A-26-004** concerning the requested **dimensional variances** for front, side, and rear waterfront setback located at 96 Park Island Rd.



**BOARD ACTION SUMMARY SHEET**

**MEETING DATE:** July 2, 2026  
  
**TOPIC** A-26-004 (96 Park Island Road) Dimensional Variance Request

**BACKGROUND BRIEF:**

This application relates to Appeal No. A-26-004 regarding the property at **96 Park Island Road** (Parcel #09-11-252-005). The site is zoned RM, Multiple Family Residential in the Village of Lake Orion. The applicant is proposing to construct an addition to the existing single-family dwelling and is requesting the following three (3) variances from the Zoning Ordinance:

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – SUBSECTION (g) - RM ZONING DISTRICT

|                       |                      |                  |
|-----------------------|----------------------|------------------|
| <u>Front Setback:</u> | Required:            | 25.0 ft. minimum |
|                       | Existing (building): | 21'-7"           |
|                       | Proposed:            | 3'-6"            |
|                       | <b>Variance:</b>     | <b>21'6"</b>     |
| <u>Side Setback:</u>  | Required:            | 10.0 ft. minimum |
|                       | Existing (building): | 12'-8" ft        |
|                       | Proposed:            | 5'-0" ft         |
|                       | <b>Variance:</b>     | <b>5'-0" ft</b>  |
| <u>Rear Setback:</u>  | Required:            | 25.0 ft. minimum |
|                       | Existing (building): | 0'-0" ft         |
|                       | Proposed:            | 0'-0" ft         |
|                       | <b>Variance:</b>     | <b>25'-0" ft</b> |

The Board may grant dimensional variances upon finding evidence of a practical difficulty.

**RECOMMENDED MOTION(s):**

**To recommend approval** one (1) requested **dimensional variance** for the front setback located at 96 Park Island Rd concerning **Case A-26-004**.



## Village of Lake Orion

21 E. Church Street  
 Lake Orion, Michigan 48362  
 Tel 248.693.8391  
 Fax 248.693.5874  
[www.lakeorion.org](http://www.lakeorion.org)

### **HOW TO APPLY FOR A VARIANCE**

#### **FUNCTION OF THE BOARD OF ZONING APPEALS (BZA)**

The Board of Zoning Appeals is a five (5)-member body, appointed by the Lake Orion Village Council pursuant to the provisions of the Village Zoning Ordinance and State Law (PA 110 of 2006, as amended; Zoning Enabling Act). The purpose of this Board is to hear appeals of determinations of the Zoning Administrator or any other administrative official in enforcing any provision of the Zoning Ordinance and to hear appeals where there are practical difficulties for dimensional variances or unnecessary hardships for use variances in carrying out the strict application of the Zoning Ordinance.

#### **REVIEW AND APPROVAL PROCESS**

The Board of Zoning Appeals meets the first and third Thursdays of every month at 7:30 p.m. in the Village Hall Council Chambers. The following outlines the steps taken in the BZA variance or review process.

- A. Submit all required documents and fees (*listed below*) to the Village Zoning Coordinator **30 days prior** to the next regularly scheduled BZA meeting.
- B. Public Notice: A notification of the requested variances or review will be mailed to all residents and property owners within 300 feet of the subject property 15 days prior to the date of the BZA hearing. The notification will be published in a newspaper of local circulation 15 days prior to the date of the BZA hearing.
- C. Consultant Review: The application will be reviewed by the Village Planning Consultant for compliance with the Zoning Ordinance standards of approval. A letter will be prepared and forwarded to the BZA and the applicant.
- D. BZA Meeting Date: The applicant and/or an agent must be present at the meeting to address any questions or concerns that may arise. Action will not be taken in the absence of the applicant or an agent.
- E. BZA Action: The BZA may deny, approve or approve with conditions any application. The affirmative vote of 3 members of the BZA is necessary to approve or approve with conditions an application. Approval of a case involving a Use Variance requires an affirmative vote of 4 members of the BZA.

Decisions of the BZA are final. However, anyone having an interest affected by the BZA decision may appeal that decision to the Oakland County Circuit Court.

Approval is valid for 12 months during which time conditions of approval must be fulfilled, and lawful construction or use begun or the approval will be null and void. Structures must be completed within 24 months after the order of the BZA or approval will be null and void.

The BZA may, upon receiving application in writing stating reasons therefore, extend either the 12 month or 24 month period for one additional 3 month period, if the request is received prior to the expiration of the variance.



#### **REQUIRED DOCUMENTS**

The following lists all documents required for a complete submittal of a BZA application for a variance or review.

***A complete application and all associated documents must be submitted 30 DAYS prior to the next available meeting date to be eligible for the agenda.***

1. **Completed Village of Lake Orion BZA Variance or Review Application.** (Must be signed by Property Owner)
2. **Proof of ownership of property.**
3. **Property owner authorization for an applicant to act on their behalf.**
4. **Project narrative.** *A letter to the BZA explaining the variance or review request.*
5. **Land survey.** *A survey prepared by a professional surveyor.*
6. **Site plan.** *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
7. **Architectural plans and elevations.** *A set of drawings illustrating the details of any proposed structures.*
8. **PDF files.** *A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.*
9. **Payment of fees.** *See fee schedule for appropriate fees. Please make separate checks for application and escrow fees payable to the Village of Lake Orion. Additional funds will be required for additional reviews. Escrow balances will be refunded when case is closed.*

#### **ADDITIONAL PERMIT APPLICATIONS AND PROJECT CONSULTATION**

The Village Zoning Ordinance and all Village permit application packets are available at the Village of Lake Orion office Monday through Friday from 9:00am to 4:30pm. They are also available online at [www.lakeorion.org](http://www.lakeorion.org).

**It is highly recommended that you review your project with the Village Planning and Zoning Department prior to submittal. Please contact the Village Zoning Coordinator with any questions at (248) 693-8391 extension 107.**





21 E. Church Street  
Lake Orion, Michigan 48362  
Tel 248.693.8391  
Fax 248.693.5874  
[www.lakeorion.org](http://www.lakeorion.org)

**BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW****PROPERTY INFORMATION**Site Address: 96 PARK ISLAND RD. LAKE ORION 48326 Parcel ID #: 09-11-252-005Parcel Size (Sq.Ft.): 0.18 Zoning District: RM

Has the property previously been approved for a variance(s)? Yes / No (If yes, indicate date: \_\_\_\_\_)

**OWNER INFORMATION**Property Owner Name: Matthew Phillips Address: 96 PARK ISLAND RD. LAKE ORION 48326Property Owner Phone #: [REDACTED] E-Mail: [REDACTED]**APPLICANT INFORMATION (If applicant is NOT property owner)**Applicant Name: Justin Madill Address: 3300 Auburn Rd Suite 300Applicant Phone #: 2486014422 E-Mail: jmadill@designhaus.comApplicant is: (i.e. contractor or business owner or architect, etc.) Architect**TYPE OF VARIANCE AND/OR REVIEW REQUESTED***Please check one. A request for multiple types of reviews may require a separate form.*☐ Appeal of Administrative Order ☐ Interpretation of Map ☐ Interpretation of Section # \_\_\_\_\_☒ Dimensional Variance (required setback, height, lot coverage, lot width, lot size, etc.)☐ Use Variance (specify intended use): \_\_\_\_\_☐ Variance from Zoning Ordinance Requirement - Section # \_\_\_\_\_☐ Other (please specify): \_\_\_\_\_**DIMENSIONAL VARIANCE – REQUESTED DEVIATION FROM REQUIREMENTS***Please complete the table below for each deviation from the dimensional requirements which you are requesting.*

| Section #               | Type of Dimensional Requirement | Existing Distance | Required Distance | Proposed Distance | Variance (=Required – Proposed) |
|-------------------------|---------------------------------|-------------------|-------------------|-------------------|---------------------------------|
| Example:<br>Table 12.02 | Front Setback                   | 28 Feet           | 25 Feet           | 20 Feet           | 5 Feet                          |
| Table 12.02             | Front Setback                   | 21'-7"            | 25'               | 3'-6"             | 21'-6"                          |
| Table 12.02             | Side Setback                    | 12'-8"            | 10'               | 5'                | 5'                              |
| Table 12.02             | Back Setback                    | 0'-0"             | 25'               | 0'-0"             | 25'-0"                          |
|                         |                                 |                   |                   |                   |                                 |

***Please only fill out the section for the type of variance or review you are requesting.***

**DIMENSIONAL VARIANCES AND VARIANCES FROM ZONING ORDINANCE REQUIREMENTS -  
EXPLANATION OF PRACTICAL DIFFICULTIES**

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Board of Zoning Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. *(Attach additional sheets if necessary.)*

**FRONT SETBACK**

Please explain how: 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.

Strict compliance with the front setback requirement would prevent any reasonable ability to expand the home for a permitted residential use. The lot is shallow, with limited depth between the roadway and the lake, and expanding toward the rear would reduce usable lakefront area and negatively impact the property's primary amenity. The only feasible direction for an addition is toward the street, consistent with the established development pattern in this neighborhood. Requiring full conformity would make it unreasonably burdensome to improve the home in a functional and code-compliant manner.

Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

Granting the variance provides substantial justice because nearly all homes in this area of the Village are located very close to the street, reflecting the historic development pattern of shallow front setbacks. The proposed addition aligns with this existing character and does not place the structure any closer to the roadway than many surrounding properties. Approval allows the applicant to make reasonable improvements while maintaining fairness and consistency with how similar properties have been treated.

Please explain how: 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 variance requested is the minimum necessary to allow the addition to be constructed in a functional location without reducing the rear yard or lakefront area to an unusable depth. The addition has been placed as far back as possible while still maintaining safe access and appropriate building alignment. No additional relief is requested beyond what is required to accommodate the existing lot constraints.

Please explain how: The need for the variance 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 the variance arises from unique circumstances specific to this property, including its shallow lot depth between the roadway and the lake, the existing placement of the home, and the historic pattern of development in the neighborhood. These conditions are not typical of standard interior lots and create a situation where strict compliance with the front setback is not feasible without eliminating reasonable residential improvements.

Please explain how: 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 need for the variance is not self-created. The home's location, the shallow depth of the lot, and the historic development pattern all predate the applicant. The applicant did not create the limited buildable area or the existing nonconforming conditions. The hardship results from the application of current zoning standards to a lot that was developed long before those standards were adopted.

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Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

~~Granting the variance will not impair public health, safety, comfort, or welfare. The addition maintains visibility along the roadway, does not obstruct traffic, and is consistent with the scale and placement of neighboring homes. The project improves the property's functionality without creating any adverse impacts to the surrounding community.~~

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**USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP**

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Board of Zoning Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. *(Attach additional sheets if necessary.)*

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**APPEALS OF ADMINISTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS**

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Board of Zoning Appeals. Per Section 19.04(C), the Board of Zoning Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. *(Attach additional sheets if necessary.)*

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***Please only fill out the section for the type of variance or review you are requesting.***

**DIMENSIONAL VARIANCES AND VARIANCES FROM ZONING ORDINANCE REQUIREMENTS -  
EXPLANATION OF PRACTICAL DIFFICULTIES**

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Board of Zoning Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. (*Attach additional sheets if necessary.*)

**SIDE SETBACK**

Please explain how: 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.

Strict compliance with the RM district side setback requirement would prevent reasonable use of the property for a single-family home. Although the parcel is zoned RM, the property is developed and used as a single-family residence, and every surrounding home in this area maintains side setbacks of approximately 5 feet. Applying the larger RM side setback standard to a single-family lot creates an unnecessary burden and restricts the ability to make improvements consistent with the neighborhood's established pattern.

Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

Granting the variance provides substantial justice because the requested side setback matches the 5-foot side yard condition that exists throughout the surrounding properties. The variance aligns the property with the prevailing development pattern and ensures the home is treated the same as neighboring single-family homes, despite the RM zoning classification. Approval maintains fairness and consistency with how similar properties have been historically developed and maintained

Please explain how: 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 variance requested is the minimum necessary to match the existing 5-foot side yard pattern found on all nearby homes. No additional relief is being requested beyond what is required to maintain consistency with the surrounding single-family development. A larger setback would be inconsistent with the neighborhood and would unnecessarily restrict the functional use of the property.

Please explain how: The need for the variance 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 the variance arises from unique circumstances specific to this property, including its shallow lot depth between the roadway and the lake, the existing placement of the home, and the historic pattern of development in the neighborhood. These conditions are not typical of standard interior lots and create a situation where strict compliance with the front setback is not feasible without eliminating reasonable residential improvements.

Please explain how: 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.

Granting the variance will not impair public health, safety, comfort, or welfare. A 5-foot side setback is consistent with every surrounding home and has been safely functioning in this neighborhood for decades. The variance does not increase density, does not create congestion, and does not negatively impact adjacent properties. It simply aligns the property with the existing and stable development pattern.

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Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

~~Granting the variance will not impair public health, safety, comfort, or welfare. The addition maintains visibility along the roadway, does not obstruct traffic, and is consistent with the scale and placement of neighboring homes. The project improves the property's functionality without creating any adverse impacts to the surrounding community.~~

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**USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP**

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Board of Zoning Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. *(Attach additional sheets if necessary.)*

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**APPEALS OF ADMINISTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS**

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Board of Zoning Appeals. Per Section 19.04(C), the Board of Zoning Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. *(Attach additional sheets if necessary.)*

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***Please only fill out the section for the type of variance or review you are requesting.***

**DIMENSIONAL VARIANCES AND VARIANCES FROM ZONING ORDINANCE REQUIREMENTS -  
EXPLANATION OF PRACTICAL DIFFICULTIES**

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Board of Zoning Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. *(Attach additional sheets if necessary.)*

**REAR SETBACK**

Please explain how: 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.

Strict compliance with the rear (waterfront) setback requirement would prevent reasonable use of the property because the existing structure already sits at a 0'-0" rear setback on an existing concrete foundation and pad that predates the current zoning ordinance. The lot is shallow, with limited depth between the roadway and the lake, and the home was originally constructed long before modern setback standards were adopted. Requiring full compliance would make it impossible to maintain or improve the historic structure being rebuilt on its existing concrete foundation and pad without removing long-standing, legally established portions of the home and the existing pad.

Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

Granting the variance provides substantial justice because nearly all lakefront homes in this area of the Village have nonconforming rear setbacks due to historic shoreline development. The requested variance does not increase the existing encroachment or alter the footprint of the existing concrete foundation and pad. The historic structure being rebuilt on this existing foundation will remain in the same location it has occupied for decades, consistent with neighboring properties. Approval ensures the property is treated fairly and consistently with similar lakefront parcels.

Please explain how: 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 variance requested is the minimum necessary because the existing 0'-0" condition is not being expanded or intensified. The historic structure is being rebuilt entirely on its existing concrete foundation and pad, and no additional encroachment toward the lake is proposed. The request simply acknowledges the long-standing, legally established footprint and allows the homeowner to maintain and improve the structure without altering its relationship to the shoreline.

Please explain how: The need for the variance 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 the variance arises from unique circumstances, including the property's shallow depth between the street and the lake, the historic placement of the home, and the fact that many lakefront homes in this area were built before modern zoning standards. The existing -12'-6" setback and the existing concrete pad are direct results of these historic conditions and are not typical of standard interior lots.

Please explain how: 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 need for the variance is not self-created. The existing rear setback encroachment and the existing concrete foundation and pad were established long before the applicant's ownership and long before the current zoning ordinance. The applicant did not create the shallow lot depth, the historic shoreline development pattern, or the existing nonconforming condition. The historic structure being rebuilt on its existing concrete foundation and pad reflects long-standing site conditions that cannot be corrected without a variance.



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Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

Granting the variance will not impair public health, safety, comfort, or welfare. The request does not increase the existing encroachment, does not alter drainage patterns, does not impact neighboring properties, and does not affect lake access or visibility. The historic structure being rebuilt on its existing concrete foundation and pad will continue to function as it has for decades without any adverse impact on the community or the shoreline environment.

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**USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP**

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Board of Zoning Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. *(Attach additional sheets if necessary.)*

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**APPEALS OF ADMINISTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS**

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Board of Zoning Appeals. Per Section 19.04(C), the Board of Zoning Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. *(Attach additional sheets if necessary.)*

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**ADDITIONAL INFORMATION AND REQUIREMENTS**

Section 19.04(F) identifies all information required for a complete application.

***Please place your initials below next to all items included in your application.***

***If you believe the information is not relevant please place 'N/A' for not applicable next to the item.***

- JM 1) A completed application signed by the property owner.
- JM 2) Proof of ownership.
- JM 3) Property owner authorization for an applicant to act on their behalf.
- JM 4) Project Narrative – *A letter to the BZA explaining the variance or review request.*
- JM 5) Land Survey – *A survey prepared by a professional surveyor.*
- JM 6) Site Plan – *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
- N/A 7) Architectural plans and elevations – *A set of drawings illustrating the details of any proposed structures.*
- JM 8) PDF files - *A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.*
- JM 9) Payment of fees.

***By signing below you acknowledge all of the following:***

- The undersigned acknowledges that they have read Section 19.04 of the Village of Lake Orion Zoning Ordinance, has received and read the instructions and understands the application process.
- The undersigned acknowledges that in their opinion they believe the additional information included with this application meets the submittal requirements for a variance or review application and accept all responsibility for any lack of required information.
- The undersigned acknowledges that any lack of information which may result in a delay of the review process is the sole responsibility of the applicant.
- The undersigned deposes that the forgoing statements and answers and accompanying information are true and correct.
- The undersigned hereby authorizes Village representatives to enter the subject property in connection with this application.

Signature of Property Owner: \_\_\_\_\_

Date: 6-1-2026

Signature of Applicant: \_\_\_\_\_

Date: 6-1-2026



**Zoning Board of Appeals – Village of Lake Orion Property Address:** 96 Park Island Rd.,  
Lake Orion, MI 48362

This narrative summarizes the proposed improvements to the property and outlines the reasons why the requested dimensional variances are necessary, reasonable, and consistent with the established development pattern of the surrounding neighborhood.

### **Project Overview**

The applicant is requesting approval for residential improvements on a lakefront property with limited lot depth between the public roadway and the shoreline. The existing home and site conditions were established long before the adoption of current zoning standards, resulting in several nonconforming setbacks that are typical of lakefront parcels in this area.

The proposed work does not expand any existing encroachment toward the lake and does not intensify any nonconforming condition. All improvements are designed to remain within the existing development footprint, including the **rebuild of a historic structure on an existing concrete foundation and pad** at the rear of the home.

Due to the shallow lot depth, historic placement of the home, and the RM zoning classification applied to a single-family property, three variances are required: **front setback, side setback, and rear (waterfront) setback.**

### **Front Setback Context**

The lot is unusually shallow, with very limited distance between the roadway and the lake. Nearly all homes in this neighborhood sit close to the street, reflecting a long-established development pattern. Expanding toward the rear would reduce usable lakefront area and negatively impact the primary amenity of the property. As a result, any functional improvement must occur toward the street.

The requested front setback variance allows the home to be improved in a manner consistent with surrounding properties and does not place the structure closer to the roadway than many neighboring homes.

### **Side Setback Context**

Although the property is zoned RM, it is developed and used as a single-family residence, and every surrounding home maintains a side setback of approximately five feet. The RM side setback standard does not reflect the built character of this neighborhood.

The requested side setback variance aligns the property with the established five-foot side yard pattern and ensures consistent treatment with adjacent single-family homes.

### **Rear (Waterfront) Setback Context**

The existing home sits at a **-12'-6" rear setback**, a condition that predates current zoning and is common among lakefront homes in this area. The structure at the rear of the property is a **historic building being rebuilt on its existing concrete foundation and pad, and no additional encroachment toward the lake is proposed.**

The requested variance simply acknowledges the long-standing, legally established footprint and allows the homeowner to maintain and improve the structure without altering its relationship to the shoreline.

### **Neighborhood Character**

The surrounding area consists of older lakefront homes built before modern zoning standards. Shallow lots, narrow side yards, and reduced lakefront setbacks are typical and expected. The proposed improvements maintain the scale, placement, and character of the neighborhood and do not introduce any new impacts to adjacent properties.

### **Conclusion**

The requested variances are necessary due to the unique physical characteristics of the lot, the historic placement of the home, and the mismatch between zoning classification and actual land use. The variances:

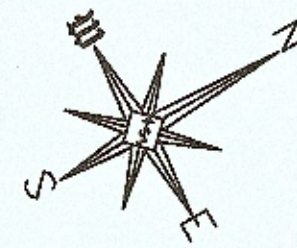
- Do not create new encroachments
- Do not intensify existing nonconformities
- Maintain the existing concrete pad and footprint
- Align with the established neighborhood pattern
- Allow reasonable residential improvements
- Protect the lakefront and surrounding properties

For these reasons, approval of the requested variances is justified and appropriate.



## EXISTING PERCENTAGE OF COVERAGE (09-11-252-005)

|                                                          |                                               |
|----------------------------------------------------------|-----------------------------------------------|
| Area of Parcel 09-11-252-005 Lot 35                      | = 7,875.5 Sq. Ft.                             |
| Area of Parcel 09-11-252-005 to the Platted Water's Edge | = 6,001.5 Sq. Ft.                             |
| Area of Parcel 09-11-252-005 to existing Water's Edge    | = 6,391.4 Sq. Ft.                             |
| Area of Existing Residence #98                           | = 1,126.7 Sq. Ft.                             |
| Area of Existing Covered Concrete                        | = 228.0 Sq. Ft.                               |
| Area of Wooden Porch & Steps                             | = 32.1 Sq. Ft.                                |
| Total Area of Coverage                                   | = 1,386.8 Sq. Ft.                             |
| Existing Percentage of Coverage                          | $\frac{1,386.8 \times 100}{6,391.4} = 21.7\%$ |



## LAKE ORION

 Ice Elevation 983.9 NAVD  
 February 04, 2022

## NOTES:

- 1.) The 100 year flood plain contour line is shown on the STAKED SURVEY.
- 2.) The existing sanitary sewer lead and water service lead are shown on the STAKED SURVEY.
- 3.) There are no existing or proposed easements encumbering this site.
- 4.) There are no drainage courses encumbering this site.
- 5.) No ground mounted AC Units were located on this site.
- 6.) The Lot lines as shown on this STAKED SURVEY are held as previously surveyed or occupied and may not be necessarily the same lot lines as platted.

## LEGEND:

- 625.8 x = EXISTING ELEVATION
- BM = BENCH MARK
- = FND. 1/2" IRON ROD UNLESS NOTED
- = SET 1/2" IRON ROD W/ ID CAP
- P.P. = EX. POWER POLE
- L.P. = EX. LIGHT POLE W/ CONTROL BOX
- = EX. UTILITY RISER / PANEL
- = CLEAN OUT
- ⊙ = EX. SANITARY SEWER MANHOLE
- ⊙ = EX. GATE VALVE & WELL
- = EX. SIGN
- F.F. = FINISHED FLOOR
- O.H. = OVERHEAD LINES
- UG = UNDER GROUND LINES
- GM = GAS METER
- EM = ELECTRIC METER
- DS = DOOR SILL
- R = RECORDED DISTANCE
- M = MEASURED DISTANCE
- C = CALCULATED DISTANCE
- = DIRECTION OF FLOW
- ▨ = EX. BITUMINOUS SURFACE
- ▨ = EX. GRAVEL SURFACE
- ▨ = EX. CONCRETE SURFACE
- ▨ = EX. BRICK PAVEMENT SURFACE
- ▨ = EX. WOODEN SURFACE

AB = AS BUILT

DATA FILE 00-5213

| No.       | By | Chk | Description | DATE |
|-----------|----|-----|-------------|------|
| REVISIONS |    |     |             |      |

## BOUNDARY &amp; TOPOGRAPHICAL SURVEY For:

**MATTHEW PHILIPS**  
 96 Park Island Drive  
 Lake Orion, Michigan 48362

Builder: Ed Sabol, Island Pointe Builders Phone: (248) 248-931-5107

## KENNEDY SURVEYING, INC.

 105 N. Washington St.  
 Oxford, Michigan 48371

Fax: (248) 628-7191 Phone: (248) 628-4241

|               |                      |                 |             |
|---------------|----------------------|-----------------|-------------|
| Drawn By: SST | Date: 02/03/22       | Scale: 1" = 10' | Sheet No. 1 |
| Chk'd: HKK    | Drawing No. 21-87891 | Job No. 21-8789 |             |

## BENCH MARK (BM)

BM #1 = Mag Nail in West face Power Pole  
 Elev. = 888.39 (NAVD)

BM #2 = Arrow Head on top of Fire Hydrant  
 Elev. = 990.67 (NAVD)

## PROPERTY DESCRIPTION: Tax Item #09-11-252-005

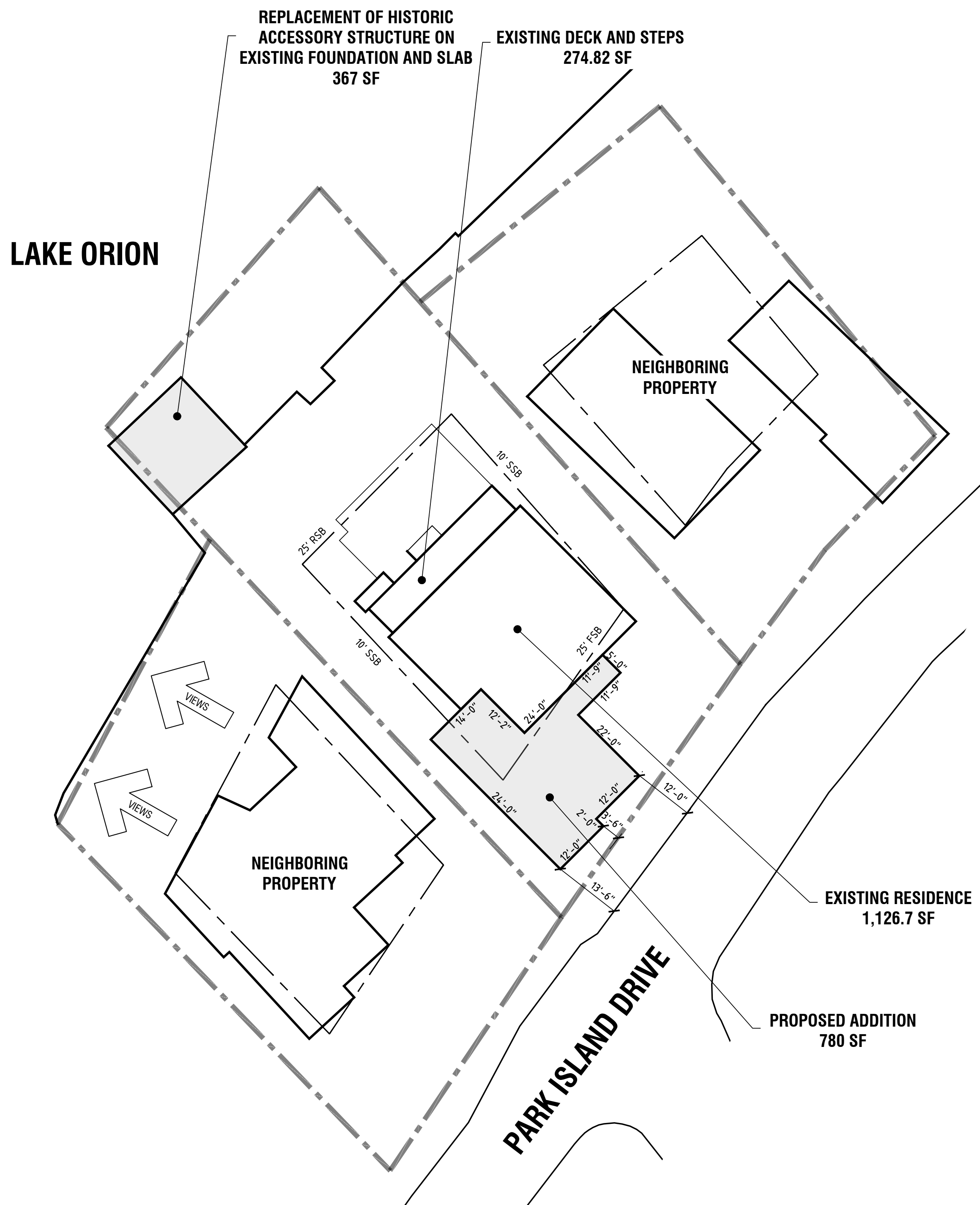
Lot 35 of "ASSESSOR'S REPLAT OF DECKER'S ADDITION TO THE VILLAGE OF ORION AND PART OF CANANDAIGUA CITY" a subdivision of part of the Northeast 1/4 of Section 11 and part of the Southeast 1/4 of Section 2, Town 4 North, Range 10 East, Village of Lake Orion, Oakland County, Michigan, as recorded in Liber 52 of Plats, Pages 17 and 17a of Oakland County Records.

3 WORKING DAYS  
 BEFORE YOU DIG  
 CALL MISS DIG  
 1-800-482-7171

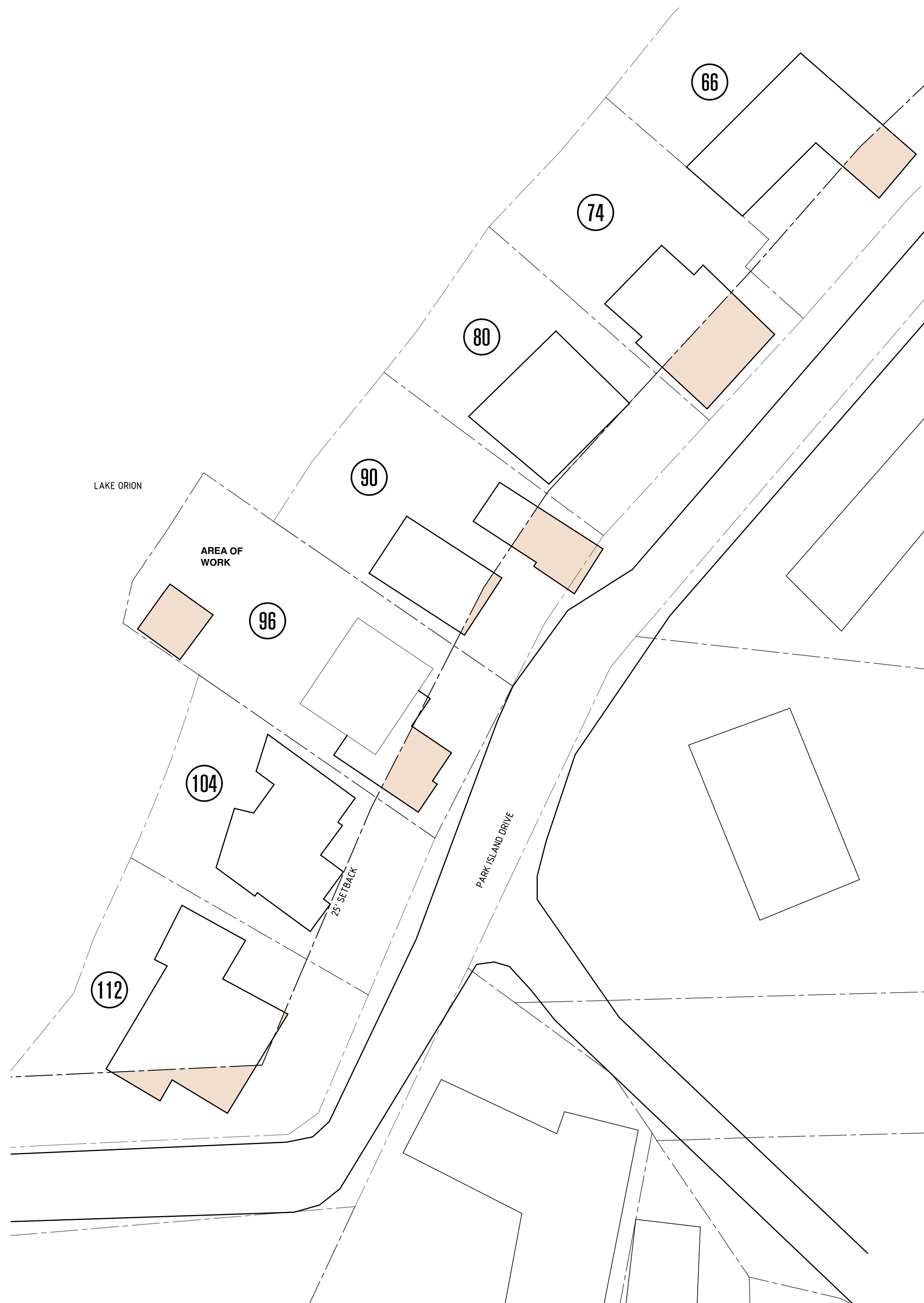
## CAUTION!

THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OF ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION PRIOR TO THE START OF CONSTRUCTION.



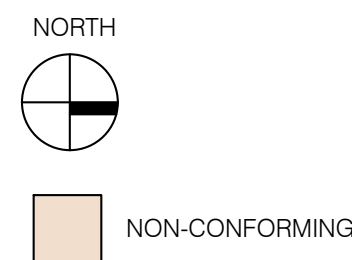


| ZONING SCHEDULE OF REGULATIONS                               |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
|--------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| AUTHORITY HAVING JURISDICTION (AHJ)                          |                                      | VILLAGE OF LAKE ORION                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| ZONING                                                       |                                      | MULTI-FAMILY RESIDENTIAL (RM)                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| PERMITTED USE                                                |                                      | SINGLE FAMILY RESIDENCE (PERMITTED PER RV AND RL DISTRICTS)                                                                                                                                                                                                                                                                                                                                                                          |  |
|                                                              | REQUIRED                             | PROPOSED                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS (SECTION 5.03) |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| MAX HEIGHT                                                   | 30'                                  | 30'                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| BUILDING SETBACKS                                            | FRONT: 25'<br>SIDE: 10'<br>REAR: 25' | FRONT: 3-6'<br>SIDE: 5'<br>REAR: 25'                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| MAX LOT COVERAGE                                             | 40%                                  | <p>LOT AREA CALCULATION<br/> EXISTING LOT AREA = 7,875.5 SF<br/> EXISTING AREA (EXISTING WATER'S EDGE) = 6,391.4 SF</p> <p><u>EXISTING COVERAGE</u><br/> EXISTING RESIDENCE = 1,127.7<br/> EXISTING DECK AND STEPS = 274.82</p> <p>PROPOSED COVERAGE<br/> PROPOSED ADDITION = 780<br/> PROPOSED ACCESSORY STRUCTURE = 367</p> <p><u>CALCULATION</u><br/> PROPOSED COVERAGE TOTAL = 2,548.52<br/> 2,548.52 / 6,391.4 = 0.39 = 39%</p> |  |



| ADDRESS             | APPROX. DISTANCE OF HOUSE FROM PROPERTY LINE | APPROX. DISTANCE OF HOUSE FROM ROAD |
|---------------------|----------------------------------------------|-------------------------------------|
| 112 PARK ISLAND RD. | 6' - 0"                                      | 10' - 0"                            |
| 104 PARK ISLAND RD. | 25' - 0"                                     | 33' - 2"                            |
| 90 PARK ISLAND RD.  | - 1' - 8" (OVER PROPERTY LINE)               | 10' - 10"                           |
| 80 PARK ISLAND RD.  | 25' - 0"                                     | 40' - 9"                            |
| 74 PARK ISLAND RD.  | 3' - 6"                                      | 16' - 7"                            |
| 66 PARK ISLAND RD.  | 16' - 0"                                     | 18' - 0"                            |
| AVERAGES            | 12' - 4"                                     | 21' - 6"                            |
| PROPOSED            | 3' - 6"                                      | 13' - 2"                            |

SOURCES: ON SITE OBSERVATIONS, AERIAL IMAGERY, COUNTY MAPS, SURVEY



## 96 PARK ISLAND

| PROJECT INFORMATION |                                                          |
|---------------------|----------------------------------------------------------|
| PARCEL ID           | 09-11-252-005                                            |
| ADDRESS             | 96 PARK ISLAND RD. LAKE ORION, MI 48362                  |
| PROJECT DESCRIPTION | NEW ADDITION AND REBUILD OF HISTORIC ACCESSORY STRUCTURE |
| PARCEL AREA         | (7,875.50 SF) +/- 0.18 ACRES                             |

[illegible]





41



# 2025 WINTER TAX STATEMENT RETURN THIS PORTION FOR YOUR RECORDS

## CHARTER TOWNSHIP OF ORION 2025 WINTER TAX STATEMENT

Fiscal years covered by this statement

Zoo Authority - County Parks - Transit - Oct 1- Sept 30

Township - Metro Parks - Jan 1- Dec 31

**PAYABLE DEC. 1, 2025 - FEB. 17, 2026**

See reverse side regarding additional  
penalties beginning Feb. 18, 2026

All payments must be received on or before  
February 17, 2026 to avoid 3% penalty.

**U.S. POSTMARKS ARE NOT ACCEPTED**

96 PARK ISLAND RD  
LAKE ORION, MI 48362-2758

Property Address

96 PARK ISLAND RD  
LAKE ORION, MI 48362-2758

T4N, R10E, SEC 11 ASSESSOR'S  
REPLAT OF DECKERS ADD LOT 35

**SEE REVERSE SIDE FOR  
IMPORTANT INFORMATION**

**Matt Pfeiffer, Treasurer**

248-391-0304 EXT. 8000  
MAIL TAX PAYMENTS TO:  
CHARTER TOWNSHIP OF ORION  
2323 JOSLYN RD  
LAKE ORION MI 48360-1904

| CODE NO.                | *P.R.E. TAX BASE     | PARCEL I.D. N    | EST.                  |
|-------------------------|----------------------|------------------|-----------------------|
|                         |                      | OL-09-11-252-005 | 63230                 |
| % DECLARED AS<br>P.R.E. | *NON-P.R.E. TAX BASE | TAXABLE VALUE    | STATE EQUALIZED VALUE |
| 100                     | 0                    |                  |                       |
| TAX DESCRIPTION         |                      | BASE PER \$1,000 | AMOUNT                |
| COUNTY PARKS            |                      | 0.64610          | 81.75                 |
| METRO PARKS             |                      | 0.20500          | 25.93                 |
| ZOO AUTHORITY           |                      | 0.09350          | 11.83                 |
| ART AUTHORITY           |                      | 0.19250          | 24.35                 |
| GENERAL FUND            |                      | 0.85610          | 108.32                |
| FIRE FUND 1             |                      | 2.91640          | 369.01                |
| SAFETY PATH             |                      | 0.21850          | 27.64                 |
| LIBRARY OPERATE         |                      | 1.30360          | 164.94                |
| OAKLAND TRANSIT         |                      | 0.94070          | 119.02                |
| TWP PARKS               |                      | 0.94430          | 119.48                |
| LK ORION WEEDS          |                      |                  | 120.64                |
| TOTAL                   |                      |                  |                       |
| Int/Penalty             |                      |                  |                       |
| Total Paid              |                      |                  |                       |
| Balance Due             |                      |                  |                       |

\*P.R.E. = Principal Residence Exemption

# 2025 WINTER TAX STATEMENT RETURN THIS PORTION WITH YOUR REMITTANCE

Charter Township Of Orion  
2323 Joslyn Rd  
Lake Orion MI, 48360-1904

www.oriontownship.org  
PAYABLE DEC. 1, 2025 - FEB. 17, 2026

Please make checks payable to:  
Charter Township of Orion



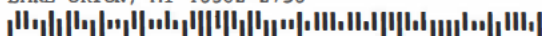
**96 PARK ISLAND RD**

PARCEL I.D. NUMBER

OL-09-11-252-005

| TOTAL | Int/Penalty | Total Paid | Balance Due |
|-------|-------------|------------|-------------|
|       |             |            | 1           |

96 PARK ISLAND DR  
LAKE ORION, MI 48362-2758



Charter Township Of Orion  
2323 Joslyn Road  
Lake Orion MI 48360-1904



# MCKENNA

June 24, 2026

Board of Zoning Appeals  
Village of Lake Orion  
21 E. Church Street  
Lake Orion, Michigan 48362-3274

Subject: **Dimensional Variance Review** (*Plans received June 2, 2026*)  
Location: **96 Park Island Drive – Parcel ID# 09-11-252-005**  
Zoning: **RM - Multiple Family Residential District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Justin Madill, on behalf of Matthew Phillips (the “Applicants”), who are the architect and property owner of the cited residence. Mr. Phillips is proposing three dimensional variances from the Village’s Zoning Ordinance, Section 12.04.g, that would allow the applicant to construct a garage addition to the subject dwelling and Section 13.11.B.2, that would allow the applicant to construct an accessory structure within the waterfront setback located at the northwestern part of the subject property. It should be noted that at least one (1) of the requested variances *may* not be necessary if the property were to be rezoned RL – Single Family Residential, as supported by the Village’s Future Land Use plan, found in the most recently adopted Master Plan. The Board of Zoning Appeals should consider whether multiple variances are appropriate or if the applicant should pursue a rezoning of the property.

## LOCATION AND PROPOSED PROJECT

The subject lot is approximately 7,875.5 square feet in area and is occupied by a single-family principal residence. The lot is located on the west side of Park Island Drive near the Park Court intersection, and is zoned RM, Multi Family Residential District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to install a garage addition to the house. The proposed addition would encroach both the side and front yard. The existing dwelling is currently non-conforming due to the front of the dwelling slightly encroaching the front yard setback.

The site plan indicates the current dwelling is 1,127 square feet. The proposed addition would add an additional 780 square feet.

The applicant is also proposing to construct an accessory structure on the existing slab foundation located in what is considered the rear yard for the RM zoning district. The applicant is proposing to construct the structure on the property line to utilize as much of the existing foundation as possible. As shown on the preliminary plans provided by the architect, this accessory structure would



**HEADQUARTERS**  
235 East Main Street  
Suite 105  
Northville, Michigan 48167

○ 248.596.0920  
F 248.596.0930  
**MCKA.COM**

Communities for real life.

add another 367 square feet of lot coverage to the property. If approved, the total lot coverage would be roughly 35.5%, which would be below the maximum lot coverage requirement of 40%.

## ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

### ARTICLE 12 – Schedule of Regulations

#### SECTION 12.04 – Footnotes to the Schedule of Regulations

##### SUBSECTION g – Minimum dimensional requirements for residential dwelling in the RM District

**Section 12.04.g** of the Village of Lake Orion Zoning Ordinance requires a 25-foot front yard setback and a 10-foot side yard setback.

g. The minimum dimensional requirements for residential dwellings in the RM District shall be as follows:

| <u>Requirement</u>      | <u>Multiple<br/>Family</u> | <u>Duplex</u> | <u>Single<br/>Family</u> |
|-------------------------|----------------------------|---------------|--------------------------|
| Maximum Building Height | 40 ft.                     | 30 ft.        | 30 ft.                   |
| Setbacks                |                            |               |                          |
| Front                   | 25 ft.                     | 25 ft.        | 25 ft.                   |
| Side (each)             | 15 ft.                     | 10 ft.        | 10 ft.                   |
| Rear                    | 25 ft.                     | 25 ft.        | 25 ft.                   |
| Maximum Lot Coverage    | 35%                        | 40%           | 40%                      |
| Minimum Lot Area        | *                          | 8,400 sq. ft. | 7,200 sq. ft.            |
| Minimum Lot Width       | 70 ft.                     | 70 ft.        | 60 ft.                   |

\* See Section 12.02 footnote h.

All other uses permitted in the RM District shall comply with the standards in Table 12.02, Schedule of Regulations.

h. The maximum density in the RM District shall be 15 dwelling units per acre.

**Section 13.11.B.2** of the Village of Lake Orion Zoning Ordinance requires accessory structures to not be located closer than twenty-five (25) feet from the water lot line.

**The Applicant is requesting the following variances from the zoning ordinance requirement.**

|                       |                      |                         |
|-----------------------|----------------------|-------------------------|
| <u>Front Setback:</u> | <u>Required:</u>     | <u>25.0 ft. minimum</u> |
|                       | Existing (building): | 21'-7"                  |
|                       | Proposed:            | 3'-6"                   |
|                       | <b>Variance:</b>     | <b>21'6"</b>            |



|                      |                      |                  |
|----------------------|----------------------|------------------|
| <u>Side Setback:</u> | Required:            | 10.0 ft. minimum |
|                      | Existing (building): | 12'-8" ft        |
|                      | Proposed:            | 5'-0" ft         |
|                      | <b>Variance:</b>     | <b>5'-0" ft</b>  |
| <u>Rear Setback:</u> | Required:            | 25.0 ft. minimum |
|                      | Existing (building): | 0'-0" ft         |
|                      | Proposed:            | 0'-0" ft         |
|                      | <b>Variance:</b>     | <b>25'-0" ft</b> |

## VARIANCE STANDARDS FOR APPROVAL

Per the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a requested variance, consider and make findings regarding several factors. Specifically, in Section 19.04.D.1 of the Village's Zoning Ordinance, the Board may grant a variance upon a finding that a practical difficulty exists. A finding of practical difficulty exists when the applicant has demonstrated that all of the zoning ordinance criteria exist.

Each of the required standards is described below followed by an analysis of whether those conditions exist in this particular case.

- A. 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.**

### Applicant Response:

#### Front

*"Strict compliance with the front setback requirement would prevent any reasonable ability to expand the home for a permitted residential use. The lot is shallow, with limited depth between the roadway and the lake, and expanding toward the rear would reduce usable lakefront area and negatively impact the property's primary amenity. The only feasible direction for an addition is toward the street, consistent with the established development pattern in this neighborhood. Requiring full conformity would make it unreasonably burdensome to improve the home in a functional and code-compliant manner".*

#### Side

*"Strict compliance with the RM district side setback requirement would prevent reasonable use of the property for a single-family home. Although the parcel is zoned RM, the property is developed and used as a single-family residence, and every surrounding home in this area maintains side setbacks of approximately 5 feet. Applying the larger RM side setback standard to a single-family lot creates an unnecessary burden and restricts the ability to make improvements consistent with the neighborhood's established pattern".*

#### Rear

*"Strict compliance with the rear (waterfront) setback requirement would prevent reasonable use of the property because the existing structure already sits at a 0'-0" rear setback on an existing concrete foundation and pad that predates the current zoning ordinance. The lot is shallow, with limited depth between the roadway and the lake, and the home was originally constructed long before modern setback standards were adopted. Requiring full compliance would make it impossible to maintain or improve the historic structure*

*being rebuilt on its existing concrete foundation and pad without removing long-standing, legally established portions of the home and the existing pad”.*

Planner Response:

The applicant has provided a graphic demonstrating that most of the properties along the western side of Park Island Drive encroach the front yard setback or, in some cases, even the ROW. Section 12.04.M details the procedures on how the Zoning Administrator can determine an Established Front Setback Line by calculating the average of front setbacks of adjacent principal buildings. While this is one way of determining what is an appropriate setback based on historical build patterns, the Board of Zoning Appeals may use a similar approach in determining whether the proposed location of the garage within the front setback is inconsistent with the surrounding properties located along the street.

The applicant is proposing a 5-foot side yard setback. The subject property is currently zoned for multi family residential despite most of the properties appearing to be single family residential homes. Additionally, the Village’s Future Land Use Map within the Master Plan indicates that all of the properties along the western side of Park Island Drive planned to be zoned as Lake Single Family Residential; this would allow the proposed structure to exist at a 5-foot side yard setback without a variance.

Regarding the rear (waterfront) setback, the applicant is requesting to improve what has historically been on the property. If the property were to be rezoned (as supported by the Master Plan’s Future Land Use Map), the applicant would be able to construct a larger accessory structure (boat house) without the same restrictions that are placed on multi family zoning districts. A boathouse would be the only structure permitted that is not subject to waterfront yard setback requirements, per Section 13.11.D.3.f. The applicant has confirmed that the accessory structure will not be a boat house (which would be required to meet a 25-foot setback requirement from the water lot line). The Board of Zoning Appeals should consider all information and public feedback from the meeting to determine whether strict compliance to setback regulations should be considered unnecessarily burdensome for the property owner and unreasonably prevent the property owner from using the property for a permitted purpose.

**B. The variance will provide substantial justice to the applicant as well as neighboring property owners.**

Applicant Response:

Front

*“Granting the variance provides substantial justice because nearly all homes in this area of the Village are located very close to the street, reflecting the historic development pattern of shallow front setbacks. The proposed addition aligns with this existing character and does not place the structure any closer to the roadway than many surrounding properties. Approval allows the applicant to make reasonable improvements while maintaining fairness and consistency with how similar properties have been treated”.*

Side

*“Granting the variance provides substantial justice because the requested side setback matches the 5-foot side yard condition that exists throughout the surrounding properties. The variance aligns the property with the prevailing development pattern and ensures the home is treated the same as neighboring single-family homes, despite the RM zoning classification. Approval maintains fairness and consistency with how similar properties have been historically developed and maintained”.*

Rear



*“Granting the variance provides substantial justice because nearly all lakefront homes in this area of the Village have nonconforming rear setbacks due to historic shoreline development. The requested variance does not increase the existing encroachment or alter the footprint of the existing concrete foundation and pad. The historic structure being rebuilt on this existing foundation will remain in the same location it has occupied for decades, consistent with neighboring properties. Approval ensures the property is treated fairly and consistently with similar lakefront parcels”.*

Planner Response:

Based on what has been the building pattern located along the western side of Park Island Drive and the Master Plan’s Future Land Use Map, both the front and side yard setbacks *could* be viewed as appropriate and provide substantial justice to the property owner.

It is our understanding that the neighboring properties that abut the subject parcel intend to be in attendance during the July 2<sup>nd</sup> BZA meeting and have expressed no concern with the proposed location of an accessory structure that would encroach on the rear/waterfront setback.

**C. 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.**

Applicant Response:

Front

*“The variance requested is the minimum necessary to allow the addition to be constructed in a functional location without reducing the rear yard or lakefront area to an unusable depth. The addition has been placed as far back as possible while still maintaining safe access and appropriate building alignment. No additional relief is requested beyond what is required to accommodate the existing lot constraints”.*

Side

*“The variance requested is the minimum necessary to match the existing 5-foot side yard pattern found on all nearby homes. No additional relief is being requested beyond what is required to maintain consistency with the surrounding single-family development. A larger setback would be inconsistent with the neighborhood and would unnecessarily restrict the functional use of the property”.*

Rear

*“The variance requested is the minimum necessary because the existing 0'-0" condition is not being expanded or intensified. The historic structure is being rebuilt entirely on its existing concrete foundation and pad, and no additional encroachment toward the lake is proposed. The request simply acknowledges the long-standing, legally established footprint and allows the homeowner to maintain and improve the structure without altering its relationship to the shoreline”.*

Planner Response:

It’s unclear whether the front yard setback is the minimum needed, however, based on the property’s nonconformance, any ability to construct a garage on the property would require a front yard setback variance.

The side yard variance request is not the minimum necessary as the applicant could request for the property to be rezoned as RL - Lake Single Family Residential. Rezoning the property from RM to RL is supported by the Master Plan and would eliminate the need for the variance request.

It's unclear to the rear/waterfront yard request being the minimum needed. If the property were to be rezoned, the applicant could construct an accessory structure (boat house), however that is not what the applicant is intending. The applicant proposes an accessory structure on top of the slab foundation. The Board of Zoning Appeals should consider all information and public feedback from the meeting to determine the necessity in relation to minimum relief.

**D. The need for 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.**

Applicant Response:

Front

*"The need for the variance arises from unique circumstances specific to this property, including its shallow lot depth between the roadway and the lake, the existing placement of the home, and the historic pattern of development in the neighborhood. These conditions are not typical of standard interior lots and create a situation where strict compliance with the front setback is not feasible without eliminating reasonable residential improvements".*

Side

*"The need for the variance arises from unique circumstances specific to this property, including its shallow lot depth between the roadway and the lake, the existing placement of the home, and the historic pattern of development in the neighborhood. These conditions are not typical of standard interior lots and create a situation where strict compliance with the front setback is not feasible without eliminating reasonable residential improvements".*

Rear

*"The need for the variance arises from unique circumstances, including the property's shallow depth between the street and the lake, the historic placement of the home, and the fact that many lakefront homes in this area were built before modern zoning standards. The existing -12'-6" setback and the existing concrete pad are direct results of these historic conditions and are not typical of standard interior lots".*

Planner Response:

Currently, the majority of the properties located on the western side of Park Island Drive are nonconforming and/or have been granted a variance to exist with the current front yard setbacks. Additionally, there is not a single property along this stretch of Park Island Drive that conforms to the side yard setbacks, meaning they are either legally nonconforming or were granted a variance due to the historic placements and build patterns.

The rear setback variance request is unique in nature because the variance would not be necessary if the property was zoned RL - Lake Single Family Residential, and the structure proposed was a boathouse. Because the applicant proposes an accessory structure rather than a boathouse, the request does not qualify for the reduced setback provisions applicable to boathouses. The Board should determine whether the unique circumstances of the property justify a variance.

**E. 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.**

Applicant Response:

Front



*"The need for the variance is not self-created. The home's location, the shallow depth of the lot, and the historic development pattern all predate the applicant. The applicant did not create the limited buildable area or the existing nonconforming conditions. The hardship results from the application of current zoning standards to a lot that was developed long before those standards were adopted".*

Side

*"Granting the variance will not impair public health, safety, comfort, or welfare. A 5-foot side setback is consistent with every surrounding home and has been safely functioning in this neighborhood for decades. The variance does not increase density, does not create congestion, and does not negatively impact adjacent properties. It simply aligns the property with the existing and stable development pattern".*

Rear

*"The need for the variance is not self-created. The existing rear setback encroachment and the existing concrete foundation and pad were established long before the applicant's ownership and long before the current zoning ordinance. The applicant did not create the shallow lot depth, the historic shoreline development pattern, or the existing nonconforming condition. The historic structure being rebuilt on its existing concrete foundation and pad reflects long-standing site conditions that cannot be corrected without a variance".*

Planner Response:

Considering that every dwelling structure on the street is nonconforming to current side yard setback standards, and most dwelling structures are nonconforming to the front yard setback standards, the need for the variance has not been self-created. Additionally, we believe that these properties are not zoned appropriately and would recommend these properties be considered for rezoning based on the planned classification of the Master Plan's Future Land Use plan.

**F. Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.**

Applicant Response:

Front

*"Granting the variance will not impair public health, safety, comfort, or welfare. The addition maintains visibility along the roadway, does not obstruct traffic, and is consistent with the scale and placement of neighboring homes. The project improves the property's functionality without creating any adverse impacts to the surrounding community".*

Side

*"Granting the variance will not impair public health, safety, comfort, or welfare. The addition maintains visibility along the roadway, does not obstruct traffic, and is consistent with the scale and placement of neighboring homes. The project improves the property's functionality without creating any adverse impacts to the surrounding community".*

Rear

*"Granting the variance will not impair public health, safety, comfort, or welfare. The request does not increase the existing encroachment, does not alter drainage patterns, does not impact neighboring properties, and does not affect lake access or visibility. The historic structure being rebuilt on its existing concrete foundation*

*and pad will continue to function as it has for decades without any adverse impact on the community or the shoreline environment”.*

Planner Response:

We do not expect the granting of any of the proposed variance(s) to impact and/or impair public health, safety, comfort, or welfare for the residents of Lake Orion.

## RECOMMENDATION

The Board of Zoning Appeals may grant a variance from the requirements of the Zoning Ordinance only upon finding that the applicable variance criteria have been satisfied.

In making its determination relative to the requested variances, the Board shall specify the grounds for its decision. Subject to any additional information presented by the applicant, the Board, or the public during the public hearing and incorporated into the record, staff recommends approval of the requested front yard setback variance. Additionally, it is the position of the Village Administration that the applicant should request the property to be rezoned to the RL – Lake Single Family Residential District, consistent with the Village Master Plan's Future Land Use Map, as this would eliminate the need for the side yard variance request. In regard to the rear/waterfront setback, the position of the Village Administration is also that the variance to accommodate the accessory structure should be denied.

This recommendation is based on the following findings of fact:

1. The front yard variance is necessary regardless of the property's zoning classification due to the existing placement of the dwelling and the proposed garage addition.
2. The proposed side yard setback variance is necessitated primarily by the property's current RM zoning classification. If the property were rezoned to RL, as supported by the Master Plan, the proposed side yard setback and accessory structure could be permitted without the requested variances.
3. The Master Plan identifies this area for future Lake Single Family Residential land use, making rezoning the more appropriate long-term mechanism for addressing these dimensional standards rather than reliance on multiple variances.
4. Approval of the front yard variance would allow reasonable improvement of the property while maintaining consistency with the established development pattern along Park Island Drive.
5. The rear yard variance is not the minimum relief necessary because the applicant could pursue an alternative type of accessory structure permitted for the rear yard, upon a successful rezoning of the property.

We look forward to reviewing these findings and recommendations with you. Please feel free to contact us with any questions.

Respectfully submitted,

**McKENNA**



Jacob VanBoxel, MSA  
Principal Planner



Sommer Nafal, NCI  
Assistant Planner



cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362  
Property Owner: Matthew Phillips, 96 Park Island Dr., Lake Orion 48362



## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** July 2, 2026

**TOPIC** Public Hearing: A-26-005 (301 Park Ave) Dimensional Variance Request

**BACKGROUND BRIEF:** The **PUBLIC HEARING** relates to Appeal No. A-26-005 regarding the property at **301 Park Ave** (Parcel #09-03-431-012). The site is zoned RL, Lake Single Family Residential in the Village of Lake Orion. 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:

### 1. ARTICLE 17, SECTION 17.04 – NONCONFORMING STRUCTURES

#### B. 2. Permitted Extension.

*A nonconforming structure may be extended if such extension does not increase the extent of the nonconformity. A nonconformity shall be considered increased if any of the following conditions exist:*  
*b) The vertical (height) dimension of a bearing wall is increased at a nonconforming setback, even if the same horizontal nonconformity is maintained*

The Board may grant dimensional variances upon finding evidence of a practical difficulty.

### RECOMMENDED MOTION(s):

1. **To open** the public hearing for **Case A-26-005** concerning the requested **dimensional variances** for increasing height on a nonconforming structure located at 301 Park Ave.
2. **To close** the public hearing for **Case A-26-005** concerning the requested **dimensional variances** for increasing height on a nonconforming structure located at 301 Park Ave.





BOARD ACTION SUMMARY SHEET

MEETING DATE: July 2, 2026

TOPIC A-26-005 (301 Park Ave) Dimensional Variance Request

BACKGROUND BRIEF:

This application relates to Appeal No. A-26-005 regarding the property at 301 Park Ave (Parcel #09-03-431-012). The site is zoned RL, Lake Single Family Residential in the Village of Lake Orion. 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:

1. ARTICLE 17, SECTION 17.04 – NONCONFORMING STRUCTURES

B. 2. Permitted Extension.

*A nonconforming structure may be extended if such extension does not increase the extent of the nonconformity. A nonconformity shall be considered increased if any of the following conditions exist:*

- b) The vertical (height) dimension of a bearing wall is increased at a nonconforming setback, even if the same horizontal nonconformity is maintained*

The Board may grant dimensional variances upon finding evidence of a practical difficulty.

RECOMMENDED MOTION(s):

The Board may proceed with either of the following:

To recommend approval for Case A-26-005 concerning the requested dimensional variances for increasing height on a nonconforming structure located at 301 Park Ave.

OR

To recommend denial for Case A-26-005 concerning the requested dimensional variances for increasing height on a nonconforming structure located at 301 Park Ave.



## Village of Lake Orion

21 E. Church Street  
Lake Orion, Michigan 48362  
Tel 248.693.8391  
Fax 248.693.5874  
[www.lakeorion.org](http://www.lakeorion.org)

## BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

## PROPERTY INFORMATION

Site Address: 301 PARK AVE. Parcel ID #: OL-09-03-431-012Parcel Size (Sq.Ft.): \_\_\_\_\_ Zoning District: LAKE SINGLE FAMILY RESIDENTIALHas the property previously been approved for a variance(s)? Yes ☐ No ☒ (If yes, indicate date: \_\_\_\_\_)

## OWNER INFORMATION

Property Owner Name: PAUL TRACEY Address: \_\_\_\_\_

Property Owner Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

## APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: \_\_\_\_\_ Address: \_\_\_\_\_

Applicant Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Applicant is: (i.e. contractor or business owner or architect, etc.) \_\_\_\_\_

## TYPE OF VARIANCE AND/OR REVIEW REQUESTED

Please check one. A request for multiple types of reviews may require a separate form.

☐ Appeal of Administrative Order ☐ Interpretation of Map ☐ Interpretation of Section # \_\_\_\_\_☐ Dimensional Variance (required setback, height, lot coverage, lot width, lot size, etc.)☐ Use Variance (specify intended use): \_\_\_\_\_☐ Variance from Zoning Ordinance Requirement - Section # \_\_\_\_\_☒ Other (please specify): ADD 2<sup>ND</sup> STORY WITHOUT CHANGING EXISTING FOOT PRINT OF EXISTING BUILDING. SEE ATTACHED SURVEY.

## DIMENSIONAL VARIANCE – REQUESTED DEVIATION FROM REQUIREMENTS

Please complete the table below for each deviation from the dimensional requirements which you are requesting.

| Section #               | Type of Dimensional Requirement | Existing Distance | Required Distance | Proposed Distance | Variance (=Required – Proposed) |
|-------------------------|---------------------------------|-------------------|-------------------|-------------------|---------------------------------|
| Example:<br>Table 12.02 | Front Setback                   | 28 Feet           | 25 Feet           | 20 Feet           | 5 Feet                          |
|                         |                                 |                   |                   |                   |                                 |
|                         |                                 |                   |                   |                   |                                 |
|                         |                                 |                   |                   |                   |                                 |
|                         |                                 |                   |                   |                   |                                 |



**Please only fill out the section for the type of variance or review you are requesting.**

**DIMENSIONAL VARIANCES AND VARIANCES FROM ZONING ORDINANCE REQUIREMENTS -  
EXPLANATION OF PRACTICAL DIFFICULTIES**

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Board of Zoning Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. (Attach additional sheets if necessary.)

Please explain how: 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 REQUEST TO ADD A 2<sup>ND</sup> STORY WILL NOT CHANGE THE FOOT PRINT TO THE EXISTING BUILDING (I.E. BUILDING STRAIGHT UP) - THE PURPOSE IS TO INCREASE THE SQUARE FOOTAGE FROM 570 TO 1140.

Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

GRANTING THE BUILD OF THE 2<sup>ND</sup> STORY TO THE EXISTING STRUCTURE (STRAIGHT UP) WILL INCREASE THE LIVING SPACE 2X FROM 570 SQ FT TO 1140 SQ. FT. THE OTHER PROPERTY OWNERS WILL EXPERIENCE A MORE UP-TO-DATE EXTERIOR VERSUS A HOUSE BUILT IN 1934.

Please explain how: 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 ADDITIONAL 2<sup>ND</sup> FLOOR STRUCTURE WILL BE BUILT STRAIGHT UP FROM THE EXISTING HOUSE AND WILL STAY WITHIN THE 30 FOOT HEIGHT REQUIREMENT.

Please explain how: The need for the variance 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 CURRENT HOUSE (BUILT IN 1934) WAS BUILT ON ONE PROPERTY THAT HAS SINCE BEEN SUB-DIVIDED INTO TWO LOTS (I.E. LOT 65 & LOT 66 SHOWN ON THE ATTACHED SURVEY. THE DIVIDING LINE INCRDACHES THE CURRENT VARIANCE REQUIREMENTS OF BOTH RESIDENCES AS CURRENTLY BUILT.

Please explain how: 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 PROBLEM RESIDES WITH THE PROPERTY SUB-DIVIDED INTO TWO LOTS WITH MINIMAL ROOM BETWEEN THE HOUSE AND LOT LINE. THE HOUSES ARE STAGGERED AND THEREFORE ARE NOT NEXT TO EACH OTHER.

THE REQUEST TO ADD A SECOND FLOOR DOES NOT ADD TO THE CURRENT SITUATION (I.E. BUILDING STRAIGHT UP ON EXISTING BUILDING).

Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

ADDING A SECOND STORY TO THE EXISTING BUILDING (I.E., STRAIGHT UP) DOES NOT CHANGE THE EXISTING FOOT PRINT OF THE BUILDING AND WILL NOT IMPAIR ANY OF THE NOTED CONCERNS

#### USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Board of Zoning Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. (Attach additional sheets if necessary.)

THE HARDSHIP EXISTS TO ADDING A SECOND STORY TO THE EXISTING RESIDENTIAL BUILDING (BUILDING STRAIGHT UP) TO A HOUSE THAT WAS BUILT IN 1934 ON THE PROPERTY BEFORE IT WAS SUB-DIVIDED INTO TWO LOTS (LOT 65 & LOT 66 AS SHOWN ON THE ATTACHED SURVEY) - THIS HARDSHIP CASE WILL NOT EXPAND THE FOOT PRINT OF THE CURRENT BUILDING BUT WILL INCREASE THE LIVABLE SIZE FROM 570 SQUARE FEET TO 1140 SQUARE FEET.

#### APPEALS OF ADMINISTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Board of Zoning Appeals. Per Section 19.04(C), the Board of Zoning Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. (Attach additional sheets if necessary.)



**ADDITIONAL INFORMATION AND REQUIREMENTS**

Section 19.04(F) identifies all information required for a complete application.

**Please place your initials below next to all items included in your application.**

**If you believe the information is not relevant please place 'N/A' for not applicable next to the item.**

[Redacted]

1) A completed application signed by the property owner.

[Redacted]

2) Proof of ownership.

N/A

3) Property owner authorization for an applicant to act on their behalf.

4) Project Narrative – A letter to the BZA explaining the variance or review request.

[Redacted]

5) Land Survey – A survey prepared by a professional surveyor.

N/A

6) Site Plan – A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.

N/A

7) Architectural plans and elevations – A set of drawings illustrating the details of any proposed structures.

N/A

8) PDF files - A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.

9) Payment of fees.

**By signing below you acknowledge all of the following:**

- The undersigned acknowledges that they have read Section 19.04 of the Village of Lake Orion Zoning Ordinance, has received and read the instructions and understands the application process.
- The undersigned acknowledges that in their opinion they believe the additional information included with this application meets the submittal requirements for a variance or review application and accept all responsibility for any lack of required information.
- The undersigned acknowledges that any lack of information which may result in a delay of the review process is the sole responsibility of the applicant.
- The undersigned deposes that the forgoing statements and answers and accompanying information are true and correct.
- The undersigned hereby authorizes Village representatives to enter the subject property in connection with this application.

Signature of Property Owner:

[Redacted Signature]

Date: 6-2-26

Signature of Applicant:

[Redacted Signature]

Date: 6-2-26

## PROJECT NARRATIVE

SUBJECT: ADD SECOND STORY TO EXISTING RESIDENTIAL STRUCTURE

THIS APPLICATION IS BEING SUBMITTED FOR REVIEW AND SUBSEQUENT APPROVAL TO ADD A SECOND STORY TO THE EXISTING RESIDENTIAL BUILDING WITHOUT INCREASING THE EXISTING FOOTPRINT. (BUILD STRAIGHT UP FROM CURRENT BUILDING). ALL CURRENT VARIANCE INFRINGEMENTS ARE DO TO THE RESIDENCE AS BUILT IN 1934 AND SUBSEQUENT SUB-DIVIDING OF PROPERTY (I.E., LOTS 65 AND 66 AS SHOWN ON THE ATTACHED SURVEY.

NOTE, THE ADDITIONAL STRUCTURE WILL NOT EXCEED THE HEIGHT REQUIREMENT MAX. OF 30'.

THANK YOU IN ADVANCE FOR YOUR REVIEW AND CONSIDERATION IN THIS MATTER.

PAUL TRACEY  
Paul Tracey



105 N. Washington St.  
Oxford, Michigan 48371

Phone (248) 628-4241  
Fax (248) 628-7191

Certified Exclusively To: Loretta Tracey

Address: 429 North Shore Drive, Lake Orion, Michigan 48362

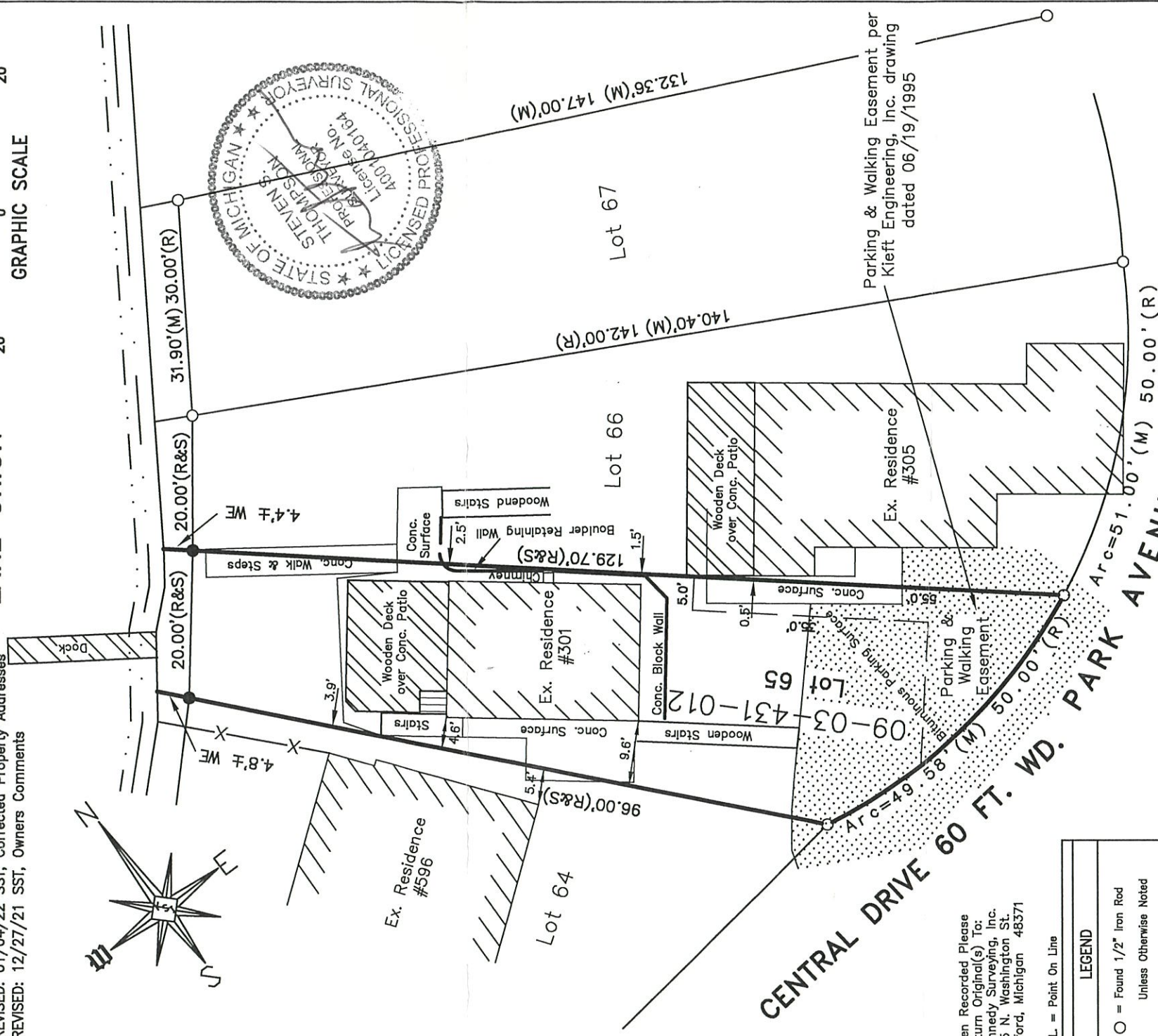
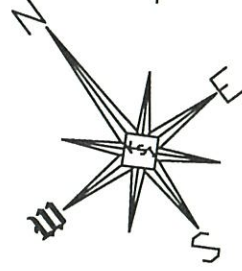
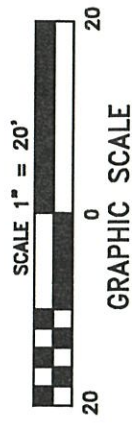
Date: October 25, 2021  
 Job No. 21-8591

This is to certify that I, , Licensed Professional Surveyor, on this date have surveyed and mapped the land described as follows: Lot 65 of "ORION SUMMER HOME CO'S SUBDIVISION", being a subdivision of part of Sections 02 & 03, Town 04 North, Range 10 East, Orion Township, Oakland County, Michigan. As recorded in Liber 4 of Plats, on Page 27 of Oakland County Records.

This survey was done without the benefit of a Title Policy, therefore, all easements of record and other factors relevant to title may not be shown.

REVISED: 01/04/22 SST, Corrected Property Addresses  
 REVISED: 12/27/21 SST, Owners Comments ☒

# LAKE ORION



When Recorded Please  
Return Original(s) To:  
Kennedy Surveying, Inc.  
105 N. Washington St.  
Oxford, Michigan 48371

**P.O.L. = Point On Line**

## LEGEND

- = Found 1/2" Iron Rod  
Unless Otherwise Noted  
● = Set 1/2" Iron Rod w/Cap  
⊙ = Found Concrete Monument  
M = Measured Distance  
R = Recorded Distance  
S = Set Distance  
P.O.B. = Point of Beginning  
+---+---+---+ = Ex. Fence Line

**SURVEYOR'S NOTES:**

- 1.) All the monumentation that was recovered is either second or third generation, not original.

- 2.) With the information that is provided on the above mentioned plat regarding the angular relationship between the platted street right of ways lines and the lot lines, it is almost impossible to recreate this plat. Therefore, when I am doing a retracement survey in the plat, I hold the found monumentation, occupation lines and conservations with adjoining property owner's to help determine a "best fit". Occupation lines would include, but not limited to, fence lines, shrub or planting lines, hard surface lines and sea wall joints.

Attn Village of Lake Orion BZA Committee

Reference 301 Park Ave request for variance on 5' setback and addition

- We have enjoyed our neighbors and like them a lot, yet were surprised when we received the letter from the Village regarding request to build, as we know several others around Central shared details & got their neighbor's support prior to any request to build and did not receive that consideration

- The concerns we have would be any expansion on or around the North wall (including Northern aspects of East & West walls), which currently sits at a minimum 3-6" from our lot line, our property, fence & structures

- The 1st concern would be **watershed and erosion**, as existing non-code overhangs are already right at our lot line, which includes our stone wall that has high risks for erosion (see pic A- red circle overhangs and our lot line in blue, our stone wall in green)

- Per Peech Building & Architect, "the arc angle of rainfall and water not captured by gutters could be up to 122% further out with the 2<sup>nd</sup> story build versus current and the water pressure hitting the ground would be substantially greater with double the height"
- "This could cause enormous risks for both properties, including increased erosion for 305 Park Ave's stone walls, fencing and overall yard (all built in 1940's) and then erosion risk to basement wall of 301 Park Ave that has already been "patched" for faulty cement and could cause structural risk over 5,10,20 years" (Pics B & D)

- **Trespassing and Aerial Trespassing** are 2<sup>nd</sup> concern: to build any addition at all on the north side, unless they are able to maintain an addition that meets the hard-set 5 ft setbacks for the North wall (and northern portions of the W & E walls), workers and equipment would have to be on our property and/or have equipment pass over the property line at various times during the build for aerial trespassing. There is a great risk of safety and liability here that we as owners of 305 are not willing to accept. We would not approve to have any worker, contractor, ladders, equipment, support, etc on our property. (See pic F & G for big picture and see how close this already is)

- Even random nails or screws or other material falling just inches from the build could fall into our yard where we walk barefoot and have two dogs playing outside, so safety risk is just too close, being inches away

- This trespassing detail confirmed with an Oakland County builder who has built nearly 1000 homes around Royal Oak, Hazel Park, etc. and also mentioned the owners will never be able to do long term maintenance on their roof, gutters, siding, etc on N wall without trespassing

- 3<sup>rd</sup> is **Privacy**: If a 2<sup>nd</sup> story is built within this proximity, the occupants would literally be able to look directly in our living room doorwall and bedroom doorwall on the lake side. Currently there is no privacy issue. This demonstrates: "Loss of reasonable privacy that currently exists between homes."

-Lastly- I emailed with Fire Marshall Jeff Williams and he could not provide comment without being bias as a consultant for BZA board, so we then spoke with the Fire Marshall from Southfield Fire Department



and here are his comments if the Northeast corner is added to: "this tight space just promotes fire spread!"

- That NE corner would literally be built inches from our existing deck and directly over our wood fencing- both have been there for many decades and this just causes potential structural risks and fire safety risks (Pic E & H)

Overall- the village has stood strong on 5' setbacks, with village comments that these were not being allowed (per Mario Ortega- summer of 2025 email), so if there is any addition built for this house, we would ask for any walls, addition, roof, including overhangs, be 5 ft from our property line and no variance being approved to build within the 5 feet setback, as there is great risk for trespassing, aerial trespassing, privacy, damage, erosion, watershed & fire safety.

Thanks

Jason Verbrugghe, MSM  
Global Lean Six Sigma Leader  
COO/ Strategy & Operations

Ref A



Ref pic B & D





Ref Pic F & G



Ref Pic E & H



\*\*\* Final reference and suggestion from Peech Builder & Architect: “The property plat for this sub was drawn up and **approved in March of 1891**. The original plat picture below was provided by Oakland County Register of Deeds to us on June 15, 2026 as **the 1<sup>st</sup> drawing of record** around any lot lines and division of properties for this area. As you can see, the lot lines were simply drawn as straight lines for all of these surrounding properties, yet there are many properties here built around the lake and around difficult ground, where walls, fences, structures and other detail fell across those simple lines. Per Michigan Law referenced below, and despite of any surveys, all of these said structures, walls, fences, etc are grandfathered in after the initial 15-year acceptance period outlined in Michigan and since all of these structures have been in place for the existing properties for nearly 90 years, they are grandfathered as ownership of land beneath them. This does not, however, provide any approval for any new build, so I am advising the owners of 305 Park Ave to show evidence to their local municipality that these properties are too close to allow an addition of 301 Park Ave without interfering with trespassing, erosion, privacy and fire risk laws.”

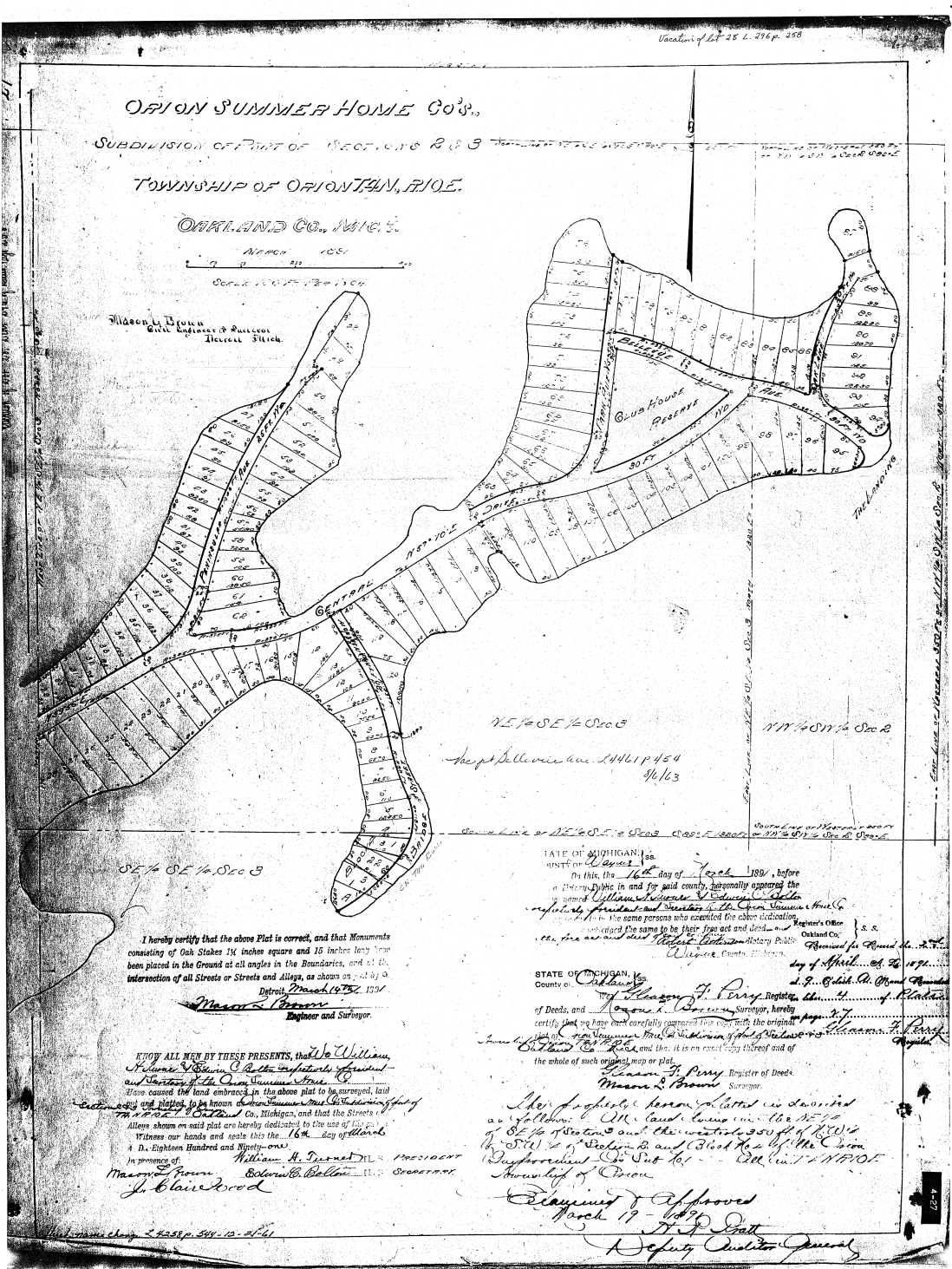
Michigan law primarily views walls or fences that have stood unchallenged for 90 years through the legal doctrines of **adverse possession** and **acquiescence**. Because the wall has existed for far longer than the statutory 15-year period, it effectively establishes the permanent boundary between the adjacent properties. [1, 2]

### The Key Legal Concepts

- **Adverse Possession:** Under [Michigan Compiled Laws \(MCL\) 600.5801](#), if a physical structure (like a wall or fence) encroaches on a neighbor's property and remains visible, open, and uninterrupted for 15 years without permission, the encroaching party can legally claim ownership of the land beneath it. A 90-year-old wall solidifies this claim.
- **Doctrine of Acquiescence:** If neighbors mutually recognize and treat an artificial boundary (such as a wall) as their property line for at least 15 years, Michigan courts generally consider that to be the official boundary, even if a new survey suggests otherwise.



Original Plat- approved in March 1891- per Oakland County Register of Deeds



e-recorded

LIBER 49828 PAGE 757

0176740

Section 7, Item F.

OAKLAND COUNTY TREASURERS CERTIFICATE  
I, HEREBY CERTIFY that there are no TAX LIENS or TITLES  
held by the state or any individual against the within description  
and all TAXES on same are paid for five years previous to the  
date of this instrument as appears by the records in the office  
except as stated.  
Reviewed By: RC

Sep 16, 2016

5.00 E-FILE

Sec. 135, Act 206, 1893 as amended  
ANDREW E. MEISNER, County Treasurer

Not Examined

LIBER 49828 PAGE 757  
\$13.00 DEED - COMBINED  
\$4.00 REMONUMENTATION  
\$1,204.00 TRANSFER TX COMBINED  
09/16/2016 05:46:49 PM RECEIPT# 108427  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

STATE OF  
MICHIGAN

OAKLAND  
09/16/2016  
108427



REAL ESTATE  
TRANSFER TAX  
\$154.00 CO  
\$1,050.00 ST  
001074011

## Warranty Deed

(page one of a two page document)

The Grantor, [REDACTED] husband and wife

Whose address is 301 Park Avenue, Lake Orion, MI 48362

Conveys and warrants to Loretta Tracey and Paul M. Tracey, wife and husband

Whose address is [REDACTED]

The following described premises situated in the Village of Lake Orion, County of Oakland, and State of Michigan:

Lot 65, Orion Summer Home Co's Subdivision, as recorded in Liber 4 of Plats, Page(s) 27, Oakland County Records.

Tax Item No. 09-03-431-012

More commonly known as: 301 Park Avenue, Lake Orion, MI, 48362

For the sum of [REDACTED]

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Subject to existing building and use restrictions, easements of record, and zoning ordinances.

16-24766CD

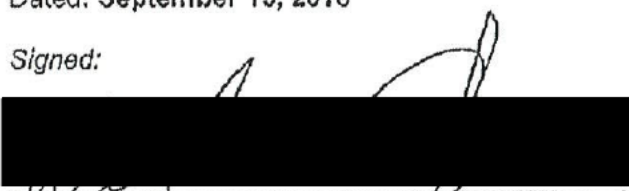
W.A. [Signature]  
Initials



(page two of a two page document)

Dated: September 13, 2016

Signed:

  
 William Ogle

  
 Deborah Ogle

 State of Michigan }  
 County of Oakland }

The foregoing instrument was acknowledged before me this September 13, 2016 by William Ogle and Deborah Ogle, husband and wife

  
 Notary Public

\_\_\_\_\_ County, Michigan  
 Acting in Oakland County  
 My Commission Expires: \_\_\_\_\_

LORIS JIDAS  
 NOTARY PUBLIC, STATE OF MI  
 COUNTY OF OAKLAND  
 MY COMMISSION EXPIRES Oct 6, 2021  
 ACTING IN COUNTY OF

Drafted by: Mary Matthews  
 110 South Washington Street, Oxford, MI 48371

When recorded return to: Loretta Tracey  


File No. 16-24766CD

Provided by  
**Troy Abstract & Title Agency, Inc.**  
 Agent for North American Title Insurance Company

| County Treasurer's Certificate | City Treasurer's Certificate |
|--------------------------------|------------------------------|
|                                |                              |

# MCKENNA

June 30, 2026

Board of Zoning Appeals  
Village of Lake Orion  
21 E. Church Street  
Lake Orion, Michigan 48362-3274

Subject: **Variance from Zoning Ordinance Requirement Review** (Plans received June 2, 2026)  
Location: **301 Park Avenue – Parcel ID# 09-03-431-012**  
Zoning: **RL - Lake Single Family Residential District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Paul Tracey (the “Applicant”) who is the property owner of the cited residence. Mr. Tracey is proposing a variance from the Village’s Zoning Ordinance, Section 17.04.B, that would allow the applicant to expand a non-conforming structure in order to construct a second story addition to the home.

## LOCATION AND PROPOSED PROJECT

The subject lot is approximately 3,950 square feet in area and is occupied by a single-family principal residence. The lot is located on the intersection of Park Avenue and Central Drive, and is zoned the RL, Lake Single Family Residential District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to install a second story addition to the house. The proposed addition would not exceed the zoning ordinance height limit of 30 feet. The existing dwelling is currently non-conforming to the Village’s zoning ordinance for the following: side yard setback regulations, lot width, minimum lot area, and minimum floor area per dwelling unit.

The site plan indicates the current dwelling is 570 square feet which is below the 900 square foot minimum for the RL Lake Single Family Residential zoning district. The proposed second story addition would double the livable square footage of the dwelling (1,140 sf), bringing the structure further into compliance with the Village’s zoning ordinance.



## ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

ARTICLE 17 – Nonconformities  
SECTION 17.04 – Nonconforming Structures  
SUBSECTION B – Enlargement, Extension or Alteration

**HEADQUARTERS**  
235 East Main Street  
Suite 105  
Northville, Michigan 48167

O 248.596.0920  
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**Section 17.04.B.2.b** of the Village of Lake Orion Zoning Ordinance prohibits the vertical (height) increase of a non-conforming structure.

## Section 17.04 NONCONFORMING STRUCTURES

- A. A. Continuation of Nonconforming Structures. Where a lawful structure exists at the effective date of adoption of this Ordinance or amendments hereto that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, provided that, unless otherwise noted in this Article, no such nonconforming structure may be enlarged or structurally altered unless such modifications conform to the provisions of this Ordinance for the district in which it is located.
- B. Enlargement, Extension or Alteration
  - 1. Increase in Nonconformity Prohibited. Except as specifically provided in this Article, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of a structure or the placement of new structures on open land is unlawful if such activity results in:
    - a) An increase in the total amount of space devoted to a nonconforming use, or
    - b) Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.
  - 2. Permitted Extension. A nonconforming structure may be extended if such extension does not increase the extent of the nonconformity. A nonconformity shall be considered increased if any of the following conditions exist:
    - a) The structure's horizontal encroachment into required setbacks is increased, either by reducing the setback of any part of the structure or by increasing the amount of the structure that encroaches,
    - b) The vertical (height) dimension of a bearing wall is increased at a nonconforming setback, even if the same horizontal nonconformity is maintained, or

The Applicant is requesting a variance from the zoning ordinance requirement.

## VARIANCE STANDARDS FOR APPROVAL

Per the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a requested variance, consider and make findings regarding several factors. Specifically, in Section 19.04.D.1 of the Village's Zoning Ordinance, the Board may grant a variance upon a finding that a practical difficulty exists. A finding of practical difficulty exists when the applicant has demonstrated that all of the zoning ordinance criteria exist.

Each of the required standards is described below followed by an analysis of whether those conditions exist in this particular case.

- A. 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.

### Applicant Response:

*"The request to add a 2<sup>nd</sup> story will not change the foot print to the existing building (building straight up). The purpose is to increase the square footage from 570 to 1,140".*

Planner Response:

The applicant is proposing only to build upward and will not expand or increase the nonconformity in any other way. The increase in livable floor area brings the subject structure further into compliance with the Village Zoning Ordinance requirements.

**B. The variance will provide substantial justice to the applicant as well as neighboring property owners.**

Applicant Response:

*"Granting the build of the 2<sup>nd</sup> story to the existing structure (straight up) will increase the living space 2x from 570 to 1140 sq. ft. The other property owners will experience a more up-to-date exterior versus a house built in 1934".*

Planner Response:

Whether granting the variance would provide substantial justice to both the applicant and neighboring property owners is a discretionary determination to be made by the Zoning Board of Appeals based on the evidence presented and the applicable variance standards. Approval of the request would allow the applicant to expand the existing dwelling vertically while maintaining the existing building footprint and would not increase the degree of the existing side setback encroachments.

Correspondence from the adjacent property owner at 301 Park Avenue has been included in the meeting packet for the Board's consideration. The correspondence raises concerns regarding trespassing, aerial encroachment, privacy, potential property damage, erosion, stormwater drainage, and fire safety. Several of these matters, including compliance with building and fire codes, stormwater management, and soil erosion control, are addressed through separate permitting and regulatory processes rather than through the variance review.

Staff notes that both the applicant's property (305 Park Avenue) and the adjacent property (301 Park Avenue) contain dwellings that encroach into the required side setbacks. Based on the available records, these encroachments result from the age and placement of the structures, which predate the Village's current zoning regulations.

The Board should consider the evidence presented and determine whether the requested variance would provide substantial justice to the applicant while avoiding unreasonable impacts on neighboring properties.

**C. 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.**

Applicant Response:

*"The additional 2<sup>nd</sup> floor structure will be built straight up from the existing house and will stay within the 30 foot height requirement".*

Planner Response:

The applicant is requesting the minimum variance needed to proceed and is proposing only to build vertically (and within the 30-foot height requirement of the zoning district). There will be no changes made to the footprint of the structure so nonconformity of the structure will not be expanded. Many properties within the Village are located on non-conforming lots due to the nature of being a waterfront community. If this property were located on a larger parcel there would be no issue with the height at which the applicant is proposing. We would recommend the Board of Zoning Appeals and Planning Commission review this section of the ordinance for consideration of amendment.



**D. The need for 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.**

Applicant Response:

*"The current house (built in 1934) was built on one property that has since been sub-divided into two lots (Lot 65 & Lot 66 shown on the attached survey). The dividing line encroaches the current variance requirements of both residences as currently [illegible]"*

Planner Response:

Based on available property records and the original plat, staff has determined that the need for the requested variance is not the result of a division of the property, as indicated in the applicant's statement. Rather, the existing dwelling predates the adoption of the current zoning regulations and associated setback requirements. The structure is therefore legally nonconforming with respect to the applicable setbacks.

The Board must determine whether the need for the variance arises from unique circumstances peculiar to the property, rather than conditions generally applicable to other properties within the zoning district. In making this determination, the Board may consider the age and existing placement of the dwelling, the property's dimensions and configuration, and any other site-specific characteristics relevant to the requested variance.

**E. 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.**

Applicant Response:

*"The problem resides with the property sub-divided into two lots with minimal room between the house and lot line. The houses are staggered and therefore are not next to each other. The request to add a second floor does not add to the current situation (building straight up on existing building)"*

Planner Response:

Based on the available information, the need for the requested variance appears to result from the location of the existing dwelling, which predates the current zoning regulations and setback requirements, rather than from an action taken by the current property owner or the applicant's predecessors. The proposed addition would be constructed vertically within the existing building footprint and would not further increase the existing setback encroachments.

**F. Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.**

Applicant Response:

*"Adding a second story to the existing building (straight up) does not change the existing footprint of the building and will not impair any of the noted concerns"*

Planner Response:

Because the proposed addition would be constructed within the existing building footprint, the request would not increase the degree of the existing setback encroachments. Based on the information submitted, staff has not identified evidence that granting the requested variance would impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

Correspondence from the adjacent property owner has been included in the meeting packet for the Board's consideration. The correspondence raises concerns regarding privacy, trespassing, aerial encroachment, potential property damage, erosion, stormwater drainage, and fire safety. As discussed previously, several of these matters are addressed through separate permitting, code enforcement, or other regulatory processes rather than through the variance review. The Board should consider any relevant evidence presented in determining whether the requested variance would adversely affect the public health, safety, comfort, or welfare.

## RECOMMENDATION

### Recommendation if the Board Finds the Variance Meets the Standards

The Board of Zoning Appeals may grant a variance from the requirements of the Zoning Ordinance only upon finding that the applicable variance criteria described above have been satisfied.

In making its determination relative to the requested variance, the Board shall specify the grounds for its decision. Subject to any additional information presented by the applicant, the Board, or the public during the public hearing and incorporated into the record, if the Board finds that the requested variance provides substantial justice to both the applicant and neighboring property owners, staff finds that the request satisfies the applicable variance criteria and recommends approval based on the following findings of fact:

1. The current zoning regulations unreasonably prevent the owner from using the property for a permitted residential purpose.
2. Granting the variance provides substantial justice to both the applicant and neighboring property owners because the proposed addition is limited to the existing building footprint and does not increase the degree of the existing setback encroachments.
3. The requested variance represents the minimum relief necessary to permit the proposed improvement.
4. The need for the variance results from the existing location of the dwelling, which predates the current zoning regulations, and from circumstances peculiar to the property.
5. The applicant has demonstrated that the hardship was not self-created.
6. Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of the Village of Lake Orion.

### Recommendation if the Board Finds the Variance Does Not Meet the "Substantial Justice" Criterion

The Board of Zoning Appeals may grant a variance from the requirements of the Zoning Ordinance only upon finding that the applicable variance criteria described above have been satisfied.

In making its determination relative to the requested variance, the Board shall specify the grounds for its decision. Subject to any additional information presented by the applicant, the Board, or the public during the public hearing and incorporated into the record, if the Board finds that the requested variance would not provide substantial justice to neighboring property owners, staff recommends denial of the request based on the following finding:

1. The Board has determined that the applicant has not demonstrated that granting the requested variance would provide substantial justice to neighboring property owners as required by the Zoning Ordinance and the Michigan Zoning Enabling Act.

Because all required variance criteria must be satisfied before a variance may be granted, the failure to make an affirmative finding on this criterion requires denial of the request.



We look forward to reviewing these findings and recommendations with you. Please feel free to contact us with any questions.

Respectfully submitted,

**McKENNA**



Jacob VanBoxel, MSA  
Principal Planner



Sommer Nafal, NCI  
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362  
Property Owner: Paul Tracey, 301 Park Ave., Lake Orion 48362



## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** July 2, 2026

**TOPIC:** Election of Officers

**BACKGROUND BRIEF:** According to the Board of Zoning Appeals Bylaws that were adopted on December 7, 2023, Article III-Officers, Section 1. Nomination; at the first regular meeting of each fiscal year (on or after July 1<sup>st</sup>), the BZA shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. A candidate receiving a majority vote of the entire membership of the BZA shall be declared elected. A member may accept a nomination in absentia if they have advised the BZA in writing (e-mail is accepted) prior to the meeting.

The Chairperson, Vice-Chairperson, and Secretary shall take office the following month after their selection and shall hold office for a term of one-year or until their successors are selected and assume office.

The current officers are:

|                  |                   |
|------------------|-------------------|
| Chairperson      | Brad Mathisen     |
| Vice Chairperson | Raymond Putz      |
| Secretary        | Dr. Brenton Bailo |

The election process is as follows:

- Open nominations for one of the officer positions (nominations do not need to be seconded)
- Accept nominations for that office
- Close nominations
- Vote on the nominees

However, if only one person is nominated for a position, then a motion may be made and seconded to close nominations and cast a unanimous ballot for the nominated person for the position. You can also create a slate of officers (if only one person is nominated for an office) and vote on the entire slate of officers with one motion.