



## AGENDA

### REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, December 04, 2025

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 items not scheduled for a public hearing*)
5. Approval of Minutes
  - A. Approval of November 6, 2025, BZA Regular Meeting Minutes
6. BZA Preface
7. Public Hearing
8. New Business
  - A. Adopt the 2026 Board of Zoning Appeals Meeting Schedule
9. Unfinished Business
  - A. A-25-005 – 256 S. Broadway St. Dimensional Variance Request
10. Second Hearing of the Public (*for items not scheduled for a public hearing*)
11. Board Member Comments

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

## **13. 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.*



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**BOARD ACTION SUMMARY SHEET**

**MEETING DATE:** December 4, 2025

**TOPIC** Approval of November 6, 2025, BZA Regular Meeting Minutes

**RECOMMENDED MOTION:** To approve the November 6, 2025, Board of Zoning Appeals Regular Meeting Minutes, as presented.



# MINUTES

## REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, November 6, 2025

6:30 PM

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

(248) 693-8391 ext. 102

### 1. Call to Order

The Thursday, November 6, 2025 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

Secretary Brenton Bailo

Board Member Henry Lorant

Board Member Mary Chayka-Crawford

#### ABSENT

Vice Chairperson Raymond Putz

#### STAFF PRESENT

Village Planning and Zoning Coordinator Mario Ortega

Recording Secretary Danielle Smith

### 3. Approval of Agenda

Board Member Lorant moved, Board Member Chayka-Crawford seconded, to approve the November 6, 2025 regular meeting agenda of the Board of Zoning Appeals, as presented.

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

**NAYS:** None

**ABSENT:** Putz

**MOTION:** Carried

**4. First Hearing of the Public**

None.

**5. Approval of Minutes**

**A. Approval of BZA Minutes – October 2, 2025**

Board Member Lorant moved, Board Member Bailo seconded, to approve the October 2, 2025 regular meeting minutes of the Board of Zoning Appeals, as presented.

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

**NAYS:** None

**ABSENT:** Putz

**MOTION:** Carried

**6. BZA Preface**

Chairperson Mathisen reviewed the meeting procedures.

**7. Public Hearing**

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

Board Member Bailo moved, Board Member Lorant seconded, to open the public hearing for the requested dimensional variance for item A-25-005 at 6:32 p.m.

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

**NAYS:** None

**ABSENT:** Putz

**MOTION:** Carried

Larry Dunn, 222 S. Broadway St., shared that he is an active planning commission member and lives two houses from the restaurant. Mr. Dunn stated he understands the desire for shade at the back of the restaurant and would be more open to the idea of being awarded a variance if he didn't see the restaurant making additional changes that he knows have not been approved.

There being no further comment, Board Member Lorant moved, Board Member Mathisen seconded, to close the public hearing for the requested dimensional variance for item A-25-005 at 6:36 p.m.

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

**NAYS:** None

**ABSENT:** Putz

**MOTION:** Carried

**B. Public Hearing: A-25-006 – 694 Victoria Island Dimensional Variance Request**

Board Member Bailo moved, Board Member Lorant seconded, to open the public hearing for the requested dimensional variance for item A-25-006 at 6:36 p.m.

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

**NAYS:** None

**ABSENT:** Putz  
**MOTION:** Carried

Kevin Reiner (applicant), 694 Victoria Island, shared that he wants to maintain the original cottage. He believes the proposed design will preserve it and help save some of the mature trees located on the property. Additionally, Mr. Reiner stated he uses the property as a summer home and his neighbors support the proposed plan.

Tony Pino, 670 Victoria Island, spoke in favor of the variance request.

There being no further comment, Board Member Bailo moved, Board Member Mathisen seconded, to close the public hearing for the requested dimensional variance for item A-25-006 at 6:39 p.m.

**AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo  
**NAYS:** None  
**ABSENT:** Putz  
**MOTION:** Carried

**8. Action Items**

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

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

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

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

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

Planner Ortega gave a synopsis of the variance request, reviewed the findings of fact and was available to answer any questions from 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.
  - Granting of the variance would allow the pergola and provide some sun protection for patrons as well as a preferred aesthetic look. The use of individual umbrellas or a retractable

shade from the building would also provide sun protection for patrons and comply with the required setback though the aesthetic contribution would be different. Strict compliance would still allow the applicant to utilize the waterfront yard for a dining patio just not in their preferred configuration.

2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
  - Granting of the variance would give substantive relief to the applicant but would not be consistent with justice provided to other waterfront property owners. While the applicant would be permitted to establish a structure within the waterfront setback, other property owners have complied with the setback standard and not placed a structure in the waterfront area. Several years ago, the zoning ordinance was amended to allow structures with open vertical areas less than 175 feet in area as a permitted encroachment in the waterfront but no less than 10 ft from the water's edge. This has allowed residential owners the ability to have a pergola closer to the water, but these are no greater than 175 square feet in area. The applicant is proposing a 625-square-foot pergola area.

It is noted that the variance will not inhibit any neighbor's views of the lake. The pergola will not project upwards or outwards and will not cause any visual barrier. The northern adjacent property is in the Mixed-Use district and is only open during typical business office hours. The applicant has purchased planted boxes for grasses and/or arborvitae to offer a natural screening looking from the lake to the restaurant to help keep the natural ambiance of the lake.

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 variance requested is the minimum variance needed to accommodate the current conditions of the site, which includes the newly built pergola without a permit. As noted above, the variance would allow the pergola in the waterfront setback in a similar manner that the revised zoning ordinance has allowed pergolas as a permitted encroachment in the residential area. However, the variance would permit a much larger pergola than what residential owners are permitted. The variance could be construed as being partially consistent with justice the ordinance provides to other property owners.
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.
  - Waterside Social is a somewhat unique case because they are the only restaurant with a waterfront on Lake Orion and are located in an existing structure. The applicant has stated they talked to many Lake Orion residents about what they would like to see added to the restaurant, and an outdoor bar with lake-facing seating was the top request. The applicant has not constructed the building in its current location. Other properties in the MU district have been redeveloped and, if a restaurant was established, could have located a structure to be further from the waterfront setback and allow for a pergola patio. There are very few lakefront MU zoned existing structures and some are 25 feet, or less, from the lake. The

desire for a pergola covered patio with an existing structure could be construed as not generally applicable in the area.

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 problem and resulting need for the variance to encroach into the required setback is self-created by the applicant. A variance would grant relief to the owner of the property.

Board Member Lorant asked Planner Ortega what the setback is for the Mocerri properties located near the property in question. Planner Ortega stated he did not have those numbers on hand.

Board Member Chayka-Crawford asked Planner Ortega to confirm whether the Board is voting on the existing non-conforming structure that was built without a permit. Planner Ortega confirmed this was the case.

Board Member Lorant asked if the proposed plan was from new or current owners. Planner Ortega said the request is from the current owners. He further elaborated the owners purchased the property last year and they are the ones who had the pergola built. Planner Ortega also said they are the second restaurant operator(s) on that site.

Board Member Bailo asked if the current patio at Waterside Social meets the village ordinances. Planner Ortega confirmed that it does because the patio is not considered an accessory structure.

Board Member Lorant asked if there was another way for the applicant to help guests limit sun exposure aside from the pergola in question. Planner Ortega stated that if the intent of the applicant is to provide shade from the sun, there are other avenues the applicant can pursue that comply with village ordinances.

Board Member Lorant shared that no pergola was included in the plans that were submitted to the Village Planning Commission.

Board Member Lorant asked if the outdoor bar located at the property is too close to the setbacks and questioned whether there should be an outdoor bar. Planner Ortega stated it was discovered during an inspection that the bar was constructed without a permit. He shared the bar use is in compliance, but the size and location of the bar is not. Planner Ortega further stated that the applicant will need to apply for a variance request for the bar.

Chris Dewey and Doug Jones, applicants, 256 S. Broadway St., Lake Orion, MI 48362, presented the request and were available to answer questions from the Board.

Lisa S., operating director of Waterside Social, stated the previous Village planner gave the applicants verbal approval to construct the pergola. She also noted that the applicants worked with the Township's building official throughout the construction process of the pergola.

Board Member Chayka-Crawford asked Planner Ortega where the paperwork is from the previous Village planner showing that the pergola was approved. Planner Ortega stated he found signed permits and notes regarding various elements of the establishment but nothing regarding the pergola in question. He further stated the original permit application for the bar was incomplete and when ordinance enforcement stepped in to assist, that is when the pergola was discovered.

Board Member Bailo asked about the process of pulling a permit. Planner Ortega shared that any project within the Village that involves zoning compliance is handled solely through the Village. He went on to explain that once the Village approves anything related to zoning compliance, the applicants then go before the Township for building permits.

Board Member Lorant asked if the applicants were issued a building permit through the Township. Planner Ortega stated that he did not have record of a building permit being issued.

The applicants requested that the Board postpone the variance request so they can gather supporting documentation and go before the Board again at a later date.

Board Member Chayka-Crawford moved, Board Member Lorant seconded, that A-25-005 256 S. Broadway Street is going to table their submission for a variance until a later date.

- AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo
- NAYS:** None
- ABSENT:** Putz
- MOTION:** Carried

**B. A-25-006 – 694 Victoria Island Dimensional Variance Request**

The applicant is proposing to demolish a portion of the east elevation of the existing structure and construct an addition resulting in a 1,965-square-foot structure along with a 503-square-foot wood deck and a 454-square-foot patio.

As requested, the construction of the addition to the east elevation will require one (1) variance from the dimensional standards of the zoning ordinance. The applicant is requesting the following variance from the zoning ordinance:

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

Rear Setback	Required:	25 ft. minimum
	Existing:	39 ft. 4 in.
	Proposed:	14 ft. 7 in.
	<b>Variance:</b>	<b>10 ft. 5 in.</b>

Planner Ortega gave a synopsis of the variance request, presented the findings of fact and was available to answer any questions from 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 site is zoned for single-family residential use, and it was initially designed and used as a vacation home. Over time, the residential use has increased in duration. The applicant is proposing renovations to allow for a residential structure built to accommodate modern living standards.

The distance from the rear property line to the water line is 62 ft. 11 in. When the lakefront and rear yard setbacks are deducted from this (25 ft + 25 ft = 50 ft), the remaining building envelope available is 12 ft 11 in. The applicant states this space is too narrow for a modest home addition. Conformity with the minimum twenty-five (25) foot rear yard setback would require a reduction in the width of the proposed addition. Conformance would also require a reduction in the size of the rooms in the addition. The proposed rooms of the addition are modest in nature and do not appear to be excessive in features.

The addition would provide rooms that reflect modern living standards, unlike the older cottage style homes, which are now considered small and inefficient. The addition floor plan also appears to provide hallways and entrances built to accessibility standards. Compliance with the minimum rear yard would be unnecessarily burdensome by resulting in an addition that is not built to modern standards and features.
2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
  - Granting the variance will maximize the neighboring waterfront site lines, while preserving ample space behind the structure for utility maintenance. The applicant has indicated that it is the intention of the property owner to preserve as many mature trees as possible while maintaining neighboring views.
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 proposed structure addition is 18'-8" in depth. The proposed improvements are not extraneous and will allow for the existing home to be used as living room/kitchen great room while the addition would be for two bedrooms with bathrooms. The improvements are in compliance with the side yard setback requirements and would not crowd any of the neighboring properties. The site would be in compliance with the lot coverage allowance at 34.18 percent.
4. 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.
  - The property, which is zoned RL, is in a unique location where property owners are asked to conform to an RL zoning. RL assumes a street on one side of the parcel and waterfront on the

other. Although Victoria Island does have some platted streets, none of them abut this parcel. The location of the waterline toward the interior of the site on the south reduces the building envelope area. These circumstances are somewhat unique to the property and the applicant hopes the conditions will encourage the BZA to extend special consideration.

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 existing home is 938 square feet, making it the smallest home on Victoria Island. Based on available information, the applicant did not influence the platting of the lot and the resulting lot size and minimal building envelope. The applicant also did not construct the home on the site in this location. The physical characteristics of the lot and structure resulting in the need for the variance were not created by the applicant. The need for the variance is due to the specific circumstances that pertain to the parcel, and not the small, proposed improvement.

Board Member Bailo asked for clarification regarding which side of the property was considered the "rear side." Planner Ortega said the rear side of the property is opposite the water. He further shared that the property is only accessible by water and that the variance request is for the rear yard setback.

Ed Sabol, 2 Highland Avenue, presented the request on behalf of the applicant.

Board Member Chayka-Crawford asked how long the applicant has owned the home. Kevin Reiner (applicant) stated that he has owned the home for two years. Board Member Chayka-Crawford asked what the square footage of the home would be if the current ordinance was followed. Planner Ortega shared that the home would be approximately 12 ft 11 in wide. Planner Ortega further shared that he believes the criteria has been met for a variance based on numbers one and five of the findings of fact.

Board Member Chayka-Crawford stated that the property was purchased with the owner knowing what the setbacks were and other applicants had to comply with the current zoning ordinance.

Board Member Bailo shared that he agrees with Planner Ortega that the current setbacks for the property are burdensome. Additionally, he shared that this request is different from other requests due to the property being on an island that has no street.

Board Member Mathisen said he believes this is a unique case and leans toward approval of the variance request.

Board Member Bailo moved, Board Member Lorant seconded, to grant a 10 foot 5 inch variance from Zoning Ordinance Section 12.02, minimum required rear yard setback standard for the property at 694 Victoria Island, Parcel ID number 09-03-481-009. This variance approval is based on

the above listed findings of fact which the BZA has determined support the establishment of a practical difficulty with ordinance compliance as listed by McKenna Associates.

- AYES:** Mathisen, Lorant, Bailo
- NAYS:** Chayka-Crawford
- ABSENT:** Putz
- MOTION:** Carried

**9. Unfinished Business**

None.

**10. Second Hearing of the Public**

None.

**11. Board Member Comments**

Board Member Mathisen requested that Board of Zoning Appeals members receive the monthly planning report sent out to village planning commissioners. Additionally, Board Member Mathisen asked that the Board of Zoning Appeals bylaws be reviewed, specifically to review the order of the agenda.

**12. Next Regular Meeting – December 4, 2025**

**13. Adjournment**

Board Member Lorant moved, Board Member Bailo seconded, to adjourn the meeting at 7:54 p.m.

- AYES:** Mathisen, Lorant, Chayka-Crawford, Bailo
- NAYS:** None
- ABSENT:** Putz
- MOTION:** Carried

\_\_\_\_\_  
Dr. Brenton Bailo  
Secretary

\_\_\_\_\_  
Sonja Stout  
Village Clerk/Treasurer

\_\_\_\_\_  
Danielle Smith  
Recording Secretary

Date Approved: December 4, 2025



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## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** December 4, 2025

**TOPIC:** Adopt the 2026 Board of Zoning Appeals Meeting Schedule

**BACKGROUND INFORMATION:**

Pursuant to the Open Meetings Act, public bodies are required to adopt and publish a schedule of their meetings prior to the start of each year. Currently the BZA meets on the first Thursday of each month at 6:30 pm, unless otherwise designated in its meeting schedule.

**RECOMMENDED MOTION:**

To adopt the meeting schedule establishing the 2026 meeting dates for the Board of Zoning Appeals for the Village of Lake Orion and authorize the Clerk to post the schedule pursuant to the Open Meetings Act.



**Board of Zoning Appeals**

**2026 Meeting Schedule**

**First Thursday of the Month**

By Member \_\_\_\_\_

RESOLVED: To adopt the 2026 regular meeting schedule of the Lake Orion Zoning Board of Appeals as follows:

- THURSDAY, JANUARY 8, 2026  
*Village offices closed Jan 1, 2026*
- THURSDAY, FEBRUARY 5, 2026
- THURSDAY, MARCH 5, 2026
- THURSDAY, APRIL 2, 2026
- THURSDAY, MAY 7, 2026
- THURSDAY, JUNE 4, 2026
- THURSDAY, JULY 2, 2026
- THURSDAY, AUGUST 6, 2026
- THURSDAY, SEPTEMBER 3, 2026
- THURSDAY, OCTOBER 1, 2026
- THURSDAY, NOVEMBER 5, 2026
- THURSDAY, DECEMBER 3, 2026

**ALL MEETINGS WILL BE HELD AT THE  
VILLAGE OF LAKE ORION COUNCIL CHAMBERS  
21 E. CHURCH STREET  
LAKE ORION MICHIGAN  
AND BEGIN AT 6:30 PM**

BE IT FURTHER RESOLVED: To direct the Village Clerk to post the public notice of the regular meeting schedule in accordance with Section 5(2) of the Michigan Open Meetings Act.

Seconded by Member \_\_\_\_\_ and adopted. AYES:    NAYS:    ABSENT:



**BOARD ACTION SUMMARY SHEET**

**MEETING DATE:** December 4, 2025

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

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

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

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

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

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

**RECOMMENDED MOTION(S):**

**Option A:** If the BZA determines the ordinance standards for the requested variance have been met:

*A motion to grant an 11 ft 5 in variance from Zoning Ordinance Section 12.02, minimum required waterfront setback standard for the property at 256 S. Broadway St., Parcel ID #09-11-226-036. This variance approval is based on the following findings of fact which the BZA has determined support the establishment of a practical difficulty with ordinance compliance.*

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

**Option B:** If the BZA determines the ordinance standards for the requested variance have NOT been met:

*A motion to deny the requested variance from Zoning Ordinance Section 12.02, minimum required waterfront setback standard for the property at 256 S. Broadway St., Parcel ID #09-11-226-036. This variance is denied because the BZA has determined the applicant has not presented enough evidence to support the finding of a practical difficulty.*

# MCKENNA

October 29, 2025

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

Subject: **Waterside Social Restaurant – Variance Review** (Plans dated September 22, 2025)

Location: **256 S Broadway St. – Parcel ID# 09-11-226-034** (West side of S. Broadway St., north of Atwater St. intersection)

Zoning: **MU Mixed-Use**

Board Members:

We have reviewed the above-referenced variance application submitted by Douglas Jones (the “Applicant”) on behalf of the property owner, Kevin Mlynarek, of the cited property. The applicant is proposing an addition to the existing principal structure in the form of a pergola for outdoor restaurant seating at Waterside Social.

## LOCATION AND PROPOSED PROJECT

The lot is occupied by an existing one-story building with a rear concrete patio deck with an upper patio area, and a covered porch area in the front of the building. It is located on the west side of S Broadway St, north of Atwater Street intersection. The site is zoned MU Mixed-Use, and the current land use is a restaurant. An aerial photo of the subject site and the surrounding area is provided for context.

The applicant is requesting an 11 ft. 5 in. variance from the minimum setback for a pergola to cover their concrete patio seating area in the rear yard/lake front. The purpose of the variance is to offer outdoor waterfront seating for the restaurant patrons.

The applicant has already installed the pergola on the property without a permit and has received a stop-work order from the Village.



## HEADQUARTERS

235 East Main Street  
Suite 105  
Northville, Michigan 48167

☎ 248.596.0920  
☎ 248.596.0930  
[MCKA.COM](http://MCKA.COM)

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**ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE**

The previously constructed pergola addition to the patio on the west elevation in the waterfront yard is not in compliance with zoning ordinance dimensional requirements. The location of the previously constructed pergola in the waterfront setback would require one (1) variance from the dimensional standards of the zoning ordinance. The applicant is requesting the following variance from the Zoning Ordinance:

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

Waterfront Setback:	Required:	25.0 ft. minimum
	Existing:	13 ft. 7 in.
	Proposed (Ex.):	13 ft. 7 in.
	<b>Variance:</b>	<b>11 ft. 5 in.</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 dimensional 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.**

Granting of the variance would allow the pergola and provide some sun protection for patrons as well as a preferred aesthetic look. The use of individual umbrellas or a retractable shade from the building would also provide sun protection for patrons and comply with the required setback though the aesthetic contribution would be different. Strict compliance would still allow the applicant to utilize the waterfront yard for a dining patio just not in their preferred configuration.

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

Granting of the variance would give substantive relief to the applicant but would not be consistent with justice provided to other waterfront property owners. While the applicant would be permitted to establish a structure within the waterfront setback, other property owners have complied with the setback standard and not placed a structure in the waterfront area. Several years ago the zoning ordinance was amended to allow structures with open vertical areas less than 175 ft in area as a permitted encroachment in the waterfront but no less than 10 ft from the water’s edge. This has allowed residential owner’s the ability to have a pergola closer to the water but these are no greater than 175 sf in area. The applicant is proposing a 625 sf pergola area.

We note that the variance will not inhibit any neighbor’s views of the lake. The pergola will not project upwards or outwards and will not cause any visual barrier. The northern adjacent property is in the Mixed-Use district and is only open during typical business office hours. The applicant has purchased planted boxes for grasses and/or arborvitae to offer a natural screening looking from the lake to the restaurant to help keep the natural ambiance of the lake.

- 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.**

The variance requested is the minimum variance needed to accommodate the current conditions of the site, which includes the newly built pergola without a permit. As noted above, the variance would allow the pergola in the waterfront setback in a similar manner that the revised zoning ordinance has allowed pergolas as a permitted encroachment in the residential area. However, the variance would permit a much larger pergola than what residential owner’s are permitted. The variance could be construed as being partially consistent with justice the ordinance provides to other property owners.

**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.**

Waterside Social is a somewhat unique case because they are the only restaurant with a waterfront on Lake Orion and are located in an existing structure. The applicant has stated they talked to many Lake Orion residents about what they would like to see added to the restaurant, and an outdoor bar with lake-facing seating was the top request. The applicant has not constructed the building in its current location. Other properties in the MU district have been redeveloped and, if a restaurant was established, could have located a structure to be further from the waterfront setback and allow for a pergola patio. There are very few lakefront MU zoned existing structures and some are 25 feet, or less, from the lake. The desire for a pergola covered patio with an existing structure could be construed as not generally applicable in the area.

**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.**

The problem and resulting need for the variance to encroach into the required setback is self-created by the applicant. A variance would grant relief to the owner of the property.

**CONCLUSION**

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. Any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing must be incorporated into the record. Any motion must include all findings-of-fact that the BZA has determined to support their decision.

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

Respectfully submitted,

**McKENNA**

Mario A. Ortega, AICP  
Senior Principal Planner

Sommer Nafal, NCI  
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362  
Property Owner: Kevin Mlynarek, 2325 Broadway St, Lake Orion, MI 48362  
Applicant: Douglas Jones, 256 S Broadway St, 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: 256 S Broadway Parcel ID #: 09-11-226-034

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: KEVIN MLYNARIEK Address: 232 S BROADWAY

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

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

Applicant Name: DOUG JONES Address: \_\_\_\_\_

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

Applicant is: (i.e. contractor or business owner or architect, etc.) 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: Table 12.02	Front Setback	28 Feet	25 Feet	20 Feet	5 Feet
	<u>WATERFRONT SETBACK</u>		<u>25 FEET</u>	<u>20 FEET</u>	<u>5 FEET</u>

**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.***

- \_\_\_\_\_ 1) A completed application signed by the property owner.
- \_\_\_\_\_ 2) Proof of ownership.
- \_\_\_\_\_ 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.

***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: \_\_\_\_\_

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

Date: 7-18-25

**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.

THIS 5 FOOT VARIANCE ALLOWS US TO HAVE THE SPACE FOR SEATING PATRONS FACING THE LAKE BECAUSE WE WOULD BE ABLE TO CENTER THIS BAR ON THE EXISTING PATIO

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

THE VARIANCE WILL NOT INHIBIT ANY NEIGHBOR'S VIEWS OF THE LAKE. THE VARIANCE WILL ALLOW US TO SATISFY THE REQUEST OF MANY LAKE ORION RESIDENTS OF OFFERING AN OUTDOOR BAR WITH LAKE VIEW SEATING

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.

THIS 5 FOOT VARIANCE ALLOWS US TO CENTER THE BAR IN THE EXISTING PATIO SPACE AND ALLOWS US TO HAVE THE SPACE FOR SEATING THAT FACES THE LAKE

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 ARE THE ONLY RESTAURANT WITH WATERFRONT ON LAKE ORION. WE TALKED TO A LOT OF LAKE ORION RESIDENTS ABOUT WHAT THEY WOULD LIKE TO SEE ADDED TO THE RESTAURANT AND AN OUTDOOR BAR WITH LAKE FACING SEATING WAS THE #1 REQUEST

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 OUTDOOR BAR HAS ALREADY BEEN APPROVED. WE ARE REQUESTING A 5 FOOT VARIANCE SO WE CAN CENTER THE BAR AND CREATE LAKE FACING SEATING

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

WE ALREADY PURCHASED PLANTER BOXES FOR GRASSES AND/OR ARBORVITAEES TO OFFER A NATURAL SCREENING LOOKING FROM THE LAKE TO THE RESTAURANT TO HELP KEEP THE NATURAL AMBIANCE OF THE LAKE

**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.)

SEE ATTACHED

**APPEALS OF ADMINSTRATIVE 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.)

SEE ATTACHED

## 1. Intent of the Ordinance

The purpose of the existing ordinance is to prevent the visibility of bar operations from nearby residential properties. This is aimed at:

- Maintaining the visual character and serenity of residential zones.
- Reducing noise, glare, and disturbances associated with commercial alcohol service.
- Ensuring that community gathering spaces retain a family-friendly aesthetic.

## 2. Compliance through Design

This proposed outdoor bar respects the spirit of the ordinance by using strategic architectural and landscaping solutions to mitigate visual and acoustic impact on surrounding residences. Key features include:

- Visual Screening:
  - The bar structure is partially covered by a fabric canopy and supported by existing architectural elements (as seen in the attached image).
  - Additional plantings and vertical screens are planned along the perimeter to further obstruct sightlines from neighboring properties.
  - Tables and seating are directed away from residential views, toward the waterfront, to reduce visual and social impact.
- Orientation and Location:
  - The bar is positioned away from residential property lines and is instead oriented toward the lakefront, leveraging natural buffers like the water and vegetation to absorb noise.
  - It is integrated into a patio area that already supports outdoor dining and is not located at a property edge, preserving residential boundaries.
- Acoustic Containment:
  - Sound will be managed with low-volume policies, no amplified music, and material choices (e.g., absorbent finishes, overhead coverings) that contain rather than project noise.

- The bar’s patrons are expected to be seated and orderly, as the space is designed for casual, small-group gatherings rather than high-volume entertainment.

### **3. Community and Economic Benefits**

- Encourages local engagement and tourism by providing a scenic, well-regulated social space along the waterfront.
- Enhances the restaurant’s revenue without requiring new construction that encroaches on residential zones.
- Offers a controlled, outdoor option that reduces indoor congestion, particularly important post-pandemic for public health and comfort.

### **Conclusion**

We believe this variance request upholds the core intent of the ordinance by ensuring the bar is not visible from nearby residences, and that its placement, design, and operation will preserve the peaceful character of the neighborhood. At the same time, it provides a vibrant, well-managed amenity that supports local business and waterfront activation.

Regards,

Doug Jones and Chris Dewey



**CONSTRUCTION BY DESIGN, LLC**  
tbrodoski@gmail.com | 248.930.5260

**PROJECT NAME: WATERSIDE SOCIAL - PERGOLA VARIANCE PLAN**  
**256 S. BROADWAY (M-24), LAKE ORION, MI 48362**  
**SHEET NAME: ARCHITECTURAL SITE PLAN, LOCATION MAP & PHOTOS**

**DATE: 09.22.2025**

**ISSUED FOR:**  
 PERMIT  
 CONSTRUCTION  
 REVISION  
 AS-BUILT

**REVISIONS:**

**SCALE: AS NOTED**

**DRAWN BY: TB**

**SHEET No.:**

**A100**

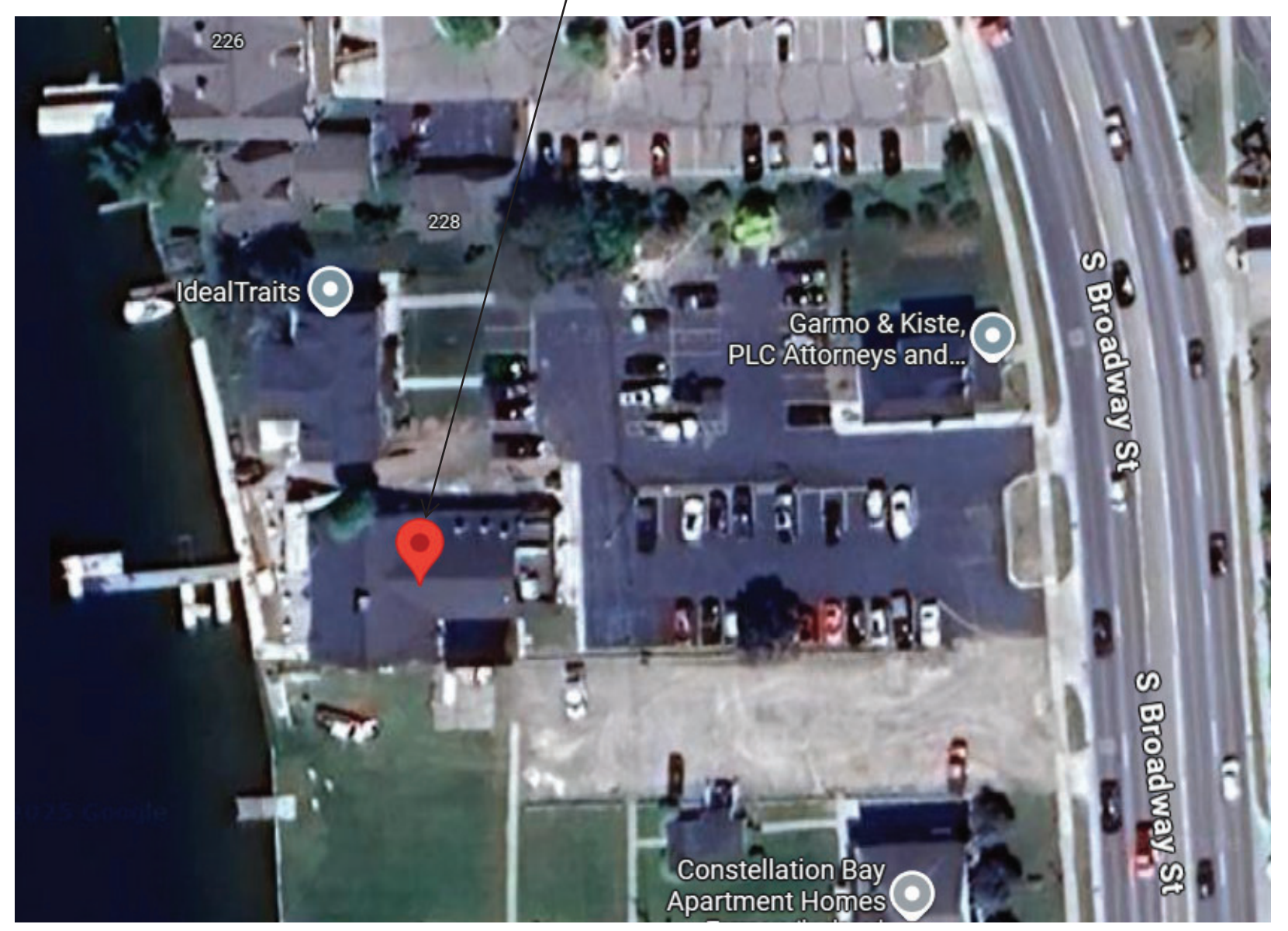


**4** PERGOLA PHOTO - 2  
A100 SCALE: NONE

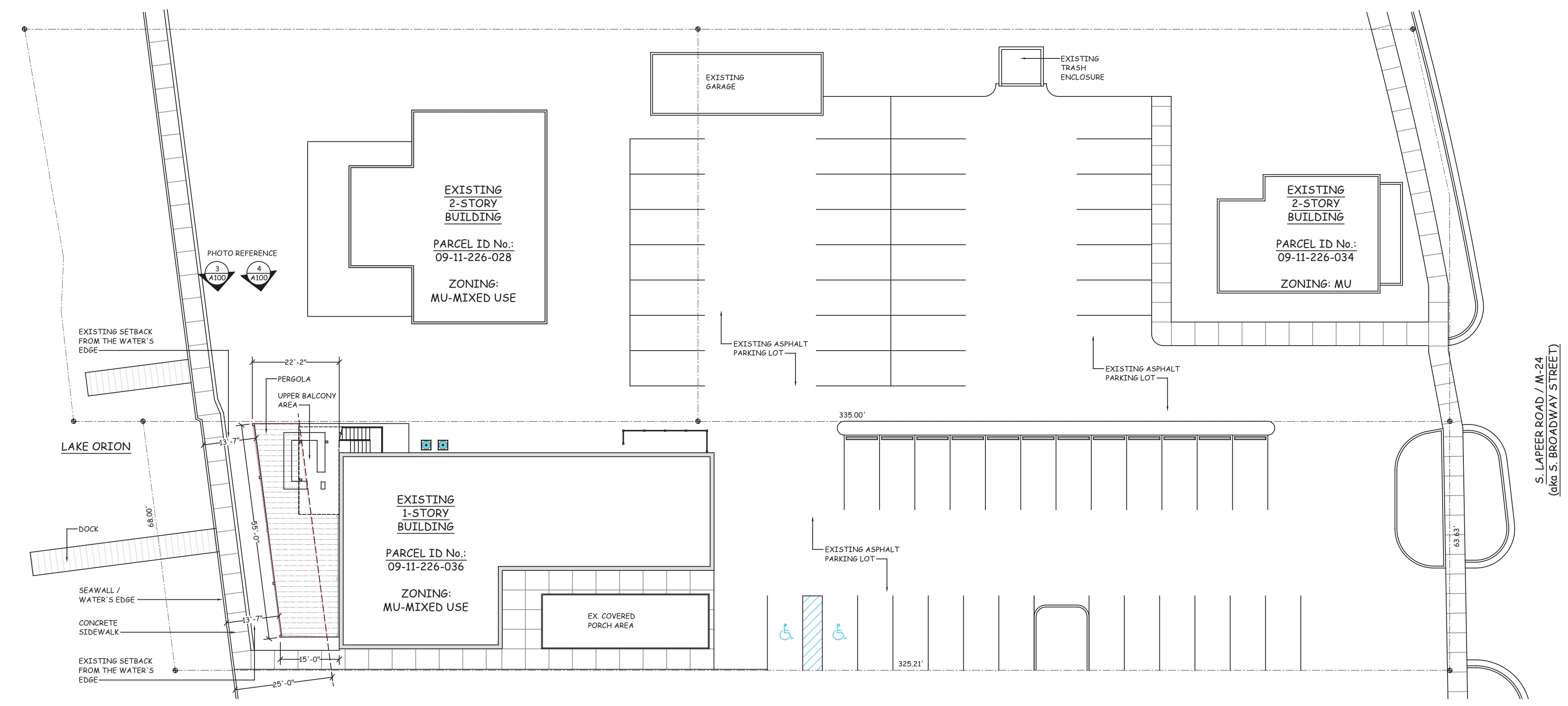


**3** PERGOLA PHOTO - 1  
A100 SCALE: NONE

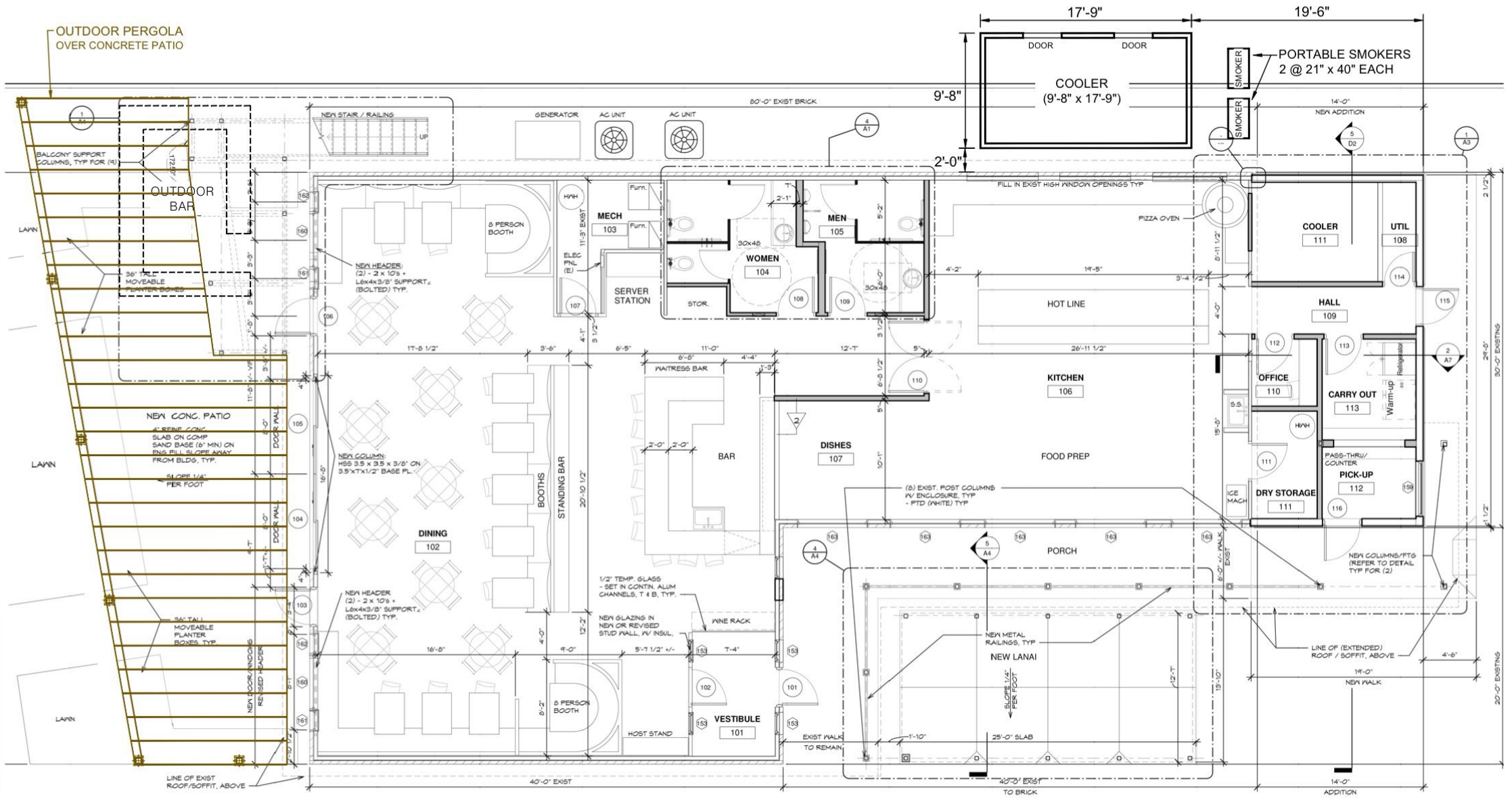
**PROJECT LOCATION:  
WATERSIDE SOCIAL  
256 S. BROADWAY**



**2** LOCATION MAP  
A100 SCALE: NONE



**1** ARCHITECTURAL SITE PLAN  
A100 SCALE: 1" = 20'-0"



NO.	REVISION / ISSUE	DATE

PROJECT TITLE:  
**WATERSIDE SOCIAL**  
 256 BROADWAY  
 LAKE ORION, MI

SHEET TITLE:  
**FIRST FLOOR PLAN**

DATE:  
 06/18/2025

SCALE:  
 NONE

SHEET:  
 A-1



**Waterside Social**  
256 S Broadway St  
Lake Orion, MI

**To the Village of Lake Orion Village Board of Zoning Appeals,**

Mario Ortega requested a summary of our last few months regarding the approval and construction of the pergola and outdoor service bar at Waterside Social. Please find the summary below and do not hesitate to reach out with any questions.

**Summary of Events**

On March 18th, we met with David Goodloe and Gage Belko at the Village offices to discuss preliminary plans for an outdoor bar and pergola at Waterside Social. Over the next two months, we had numerous phone calls and meetings with both David and Gage to refine the plans. On June 17th, we had an in-person meeting at Waterside with both David and Gage. At that meeting, Gage confirmed that we could construct the pergola and bar as long as the structure was not attached to the existing building, in compliance with local ordinances. He noted that a 5' variance would be needed for the bar, but the pergola did not require a variance if unattached. We worked closely with David and the Township to design a free-standing structure—at an increased cost—to comply with ordinances and submitted the proper paperwork.

Gage was out in July, and Mario Ortega took over our project in August. On August 26th, we received a stop-work order from the Village. I contacted the Village immediately and left messages. On September 10th, I received a response stating that we would need to resubmit our variance request to include the pergola. We hired an architect to provide the requested updated drawings. Mario Ortega then added us to the agenda for the November BZA

meeting, where the variance request was tabled.

### **Business Hardship and Impact**

Without approval of this variance, Waterside Social is at serious risk of closure. Our outdoor patio accounts for roughly 50% of our revenue, and we have invested thousands of dollars in umbrellas and canopies that were destroyed by wind—demonstrating that our outdoor space cannot function safely or comfortably without proper coverage. Covering the patio with the pergola is not a luxury—it is essential for the survival of our business. The west-facing patio is exposed to relentless sun and wind, making it nearly unusable for much of the year if not properly covered. Patrons have repeatedly expressed their desire for shade and rain protection, and the loss of this space would be devastating both financially and for the community experience we provide.

### **Commitment to the Village and Lake Orion**

Chris, Lisa, and I have been long-time business owners in the Village and have a proven record of creating an elevated entertainment and dining experience for Lake Orion residents and visitors. We have worked closely with the Village over the years, even building and funding stairs next to Wine Social to improve and provide safer pedestrian access to the lower-level parking lot. We are deeply committed to this community, and Waterside Social has quickly become a valued and much-loved local waterfront destination.

### **Request**

We respectfully urge the Village to approve the pergola variance so that we can continue to operate and contribute to Lake Orion's economy and quality of life—"where living is a vacation." Denying this request places our business—and the community experience it provides—at grave risk and is a serious hardship for our business. Thank you very much for your time, understanding, and consideration.

Regards,  
Doug Jones