



# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

Monday, November 04, 2024

6:30 PM

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

(248) 693-8391 ext. 102

**ADDRESSING THE PLANNING COMMISSION:** Each person wishing to address the Planning Commission shall be afforded an opportunity to do so. Anyone that would like to make a public comment at any point during the meeting 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.

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Roll Call and Determination of Quorum**

**4. Approval of Minutes**

A. Approval of August 5th, 2024 Planning Commission Regular Meeting Minutes

**5. Public Comments on Non-Agenda Items Only**

**6. Approval of Agenda**

**7. Public Hearing**

A. Public Hearing: RZ-24-01: 315 N. Lapeer Rezoning Request

B. Public Hearing: RZ-24-02: 638 Buena Vista Rezoning Request

**8. Old Business**

**9. New Business**

A. RZ-24-01 (315 N. Lapeer) Rezoning Request

**B.** RZ-24-02 (638 Buena Vista) Rezoning Request

**10. Commissioners' Comments Regarding Planning and Zoning Matters**

**11. Next Regular Meeting - December 2, 2024**

**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.*



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## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** November 4<sup>th</sup>, 2024

**TOPIC:** Approval of August 5<sup>th</sup>, 2024 Planning Commission Regular Meeting Minutes

**RECOMMENDED MOTION:** To approve the August 5<sup>th</sup>, 2024 Planning Commission Regular Meeting Minutes, as presented.



# MINUTES

## REGULAR MEETING OF THE PLANNING COMMISSION

Monday, August 05, 2024

6:30 PM

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

(248) 693-8391 ext. 102

### 1. Call to Order

The August 5<sup>th</sup>, 2024 Planning Commission Regular Meeting was called to order at 6:30 PM.

### 2. Pledge of Allegiance

### 3. Roll Call and Determination of Quorum

#### PRESENT

Village Council Member Michael Lamb  
Secretary Hank Lorant  
Commissioner Edward Sabol  
Chairperson James Zsenyuk  
Vice Chairperson George Dandalides  
Commissioner Larry Dunn  
Commissioner/Administrative Official Darwin McClary

#### ABSENT

Village Council President Jerry Narsh

#### STAFF PRESENT

Planning and Zoning Coordinator Gage Belko  
Deputy Clerk/Treasurer Lynsey Blough  
DDA Executive Director Matthew Gibb

### 4. Approval of Agenda

**MOTION** made by Secretary Lorant, Seconded by Village Council Member Lamb, to approve the agenda for Monday, August 5<sup>th</sup>, 2024 Planning Commission Regular Meeting, as presented.

**VOTING YEA:** Lamb, Lorant, Sabol, Zsenyuk, Dandalides, Dunn, McClary

**VOTING NAY:** None  
**ABSENT:** Narsh  
**MOTION:** Carried

**5. Approval of Minutes**

**A. Approval of July 1<sup>st</sup>, 2024 Planning Commission Minutes**

**MOTION** made by Vice Chairperson Dandalides, Seconded by Secretary Lorant, to approve the July 1<sup>st</sup>, 2024 Planning Commission Minutes, as presented.

**VOTING YEA:** Lamb, Lorant, Sabol, Zsenyuk, Dandalides, Dunn, McClary  
**VOTING NAY:** None  
**ABSENT:** Narsh  
**MOTION:** Carried

**6. Public Comments on Non-Agenda Items Only**

None.

**7. Old Business**

**A. Site Plan Review: VLO-24-02 (44 E. Flint) Mixed-Use Development**

**MOTION** made by Commissioner/Administrative Official McClary, Seconded by Secretary Lorant, to approve the preliminary site plan for the proposed mixed-use development located at 44 E. Flint Street, subject to the conditions listed in the Village Planner's report dated July 29, 2024.

**VOTING YEA:** Lamb, Lorant, Sabol, Zsenyuk, Dandalides, Dunn, McClary  
**VOTING NAY:** None  
**ABSENT:** Narsh  
**MOTION:** Carried

**8. New Business**

**A. Monthly Planning and Zoning Report – July 2024**

**MOTION** made by Secretary Lorant, Seconded by Commissioner/Administrative Official McClary, to receive and forward to the Village Council.

**VOTING YEA:** Lamb, Lorant, Sabol, Zsenyuk, Dandalides, Dunn, McClary  
**VOTING NAY:** None  
**ABSENT:** Narsh  
**MOTION:** Carried

**9. Commissioners' Comments Regarding Planning and Zoning Matters**

Council member Lamb spoke.

Commissioner Dunn spoke.

Vice Chairperson Dandalides had no comment.

Secretary Lorant spoke.

Commissioner Sabol spoke.

Village Manager McClary spoke.

Chairperson Zsenyuk spoke.

**10. Next Regular Meeting - September 3<sup>rd</sup>, 2024**

**11. Adjournment**

**MOTION** made by Secretary Lorant, Seconded by Commissioner Dunn, to adjourn the August 5<sup>th</sup>, 2024 Planning Commission Regular Meeting.

**VOTING YEA:** Lamb, Lorant, Sabol, Zsenyuk, Dandalides, Dunn, McClary

**VOTING NAY:** None

**ABSENT:** Narsh

**MOTION:** Carried

The August 5<sup>th</sup>, 2024 Planning Commission Regular Meeting adjourned at 7:16 PM.

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Henry Lorant  
Secretary

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Lynsey Blough  
Deputy Clerk/Treasurer

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Sonja Stout  
Clerk/Treasurer

Date approved: as presented on November 4, 2024.



## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** November 4, 2024

**TOPIC** Public Hearing: RZ-24-01: 315 N. Lapeer Rezoning Request

### BACKGROUND BRIEF:

The Planning Commission must hold a public hearing prior to considering a motion to recommend approval of the amendments to the Village Council. The procedure for public hearings is as follows:

- A statement by the Chair that the purpose of the public hearing is to gather information only and that the merits of the proposed amendment will not be discussed by the Planning Commission members during the hearing.
- Presentation by the Planning consultant of information regarding the proposed amendments.
- Comments and questions directed to the Chair from the general public.
- Presentation of written communications, if any, submitted to the Planning Commission.
- Questions for clarification purposes only by members of the Planning Commission to assist them in understanding the proposal.

### RECOMMENDED MOTION:

To open the public hearing for RZ-24-01: 315 N. Lapeer Rezoning Request.

To close the public hearing for RZ-24-01: 315 N. Lapeer Rezoning Request.

### ATTACHMENTS:



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## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** November 4, 2024

**TOPIC** Public Hearing: RZ-24-02: 638 Buena Vista Rezoning Request

**BACKGROUND BRIEF:**

The Planning Commission must hold a public hearing prior to considering a motion to recommend approval of the amendments to the Village Council. The procedure for public hearings is as follows:

- A statement by the Chair that the purpose of the public hearing is to gather information only and that the merits of the proposed amendment will not be discussed by the Planning Commission members during the hearing.
- Presentation by the Planning consultant of information regarding the proposed amendments.
- Comments and questions directed to the Chair from the general public.
- Presentation of written communications, if any, submitted to the Planning Commission.
- Questions for clarification purposes only by members of the Planning Commission to assist them in understanding the proposal.

**RECOMMENDED MOTION:**

To open the public hearing for RZ-24-02: 638 Buena Vista Rezoning Request.

To close the public hearing for RZ-24-02: 638 Buena Vista Rezoning Request.

**ATTACHMENTS:**



## COMMISSION ACTION SUMMARY SHEET

**MEETING DATE:** November 4, 2024

**TOPIC** RZ-24-01 (315 N. Lapeer) Rezoning Request

**BACKGROUND BRIEF:** Kyle Westberg of West Investment Group, LLC, proposes to rezone the subject site (parcel ID: 09-02-403-020) from the RV, Village Single-Unit Residential District to the RM, Multi-Unit District. The property – which is currently occupied by the Lake Orion Community Schools Administration Building, surface parking, and detention pond – is under purchase agreement between the applicant and LOCS, the Superintendent of which has supplied a letter authorizing the rezoning.

A site plan has not been proposed at this time; however, we anticipate the redevelopment of this parcel to include some form of multiple-unit or cluster housing in support of – and adjacent to – the redevelopment of the former high school / Ehman Center property to the north, which will provide high-density multi-unit housing under a Planned Unit Development designation. This PUD is undergoing final site plan and engineering review; however, we anticipate an amendment or additional PUD to accompany the site in question once a development plan is in place.

The applicant is coming before the Planning Commission for consideration of a recommendation for rezoning approval to the Village Council.

**COMMISSION ACTION:** No recent action on this case; however, on June 10, 2024, the Village Council approved an addendum to the approved PUD agreement for the historic school building which includes this parcel of land in order to meet the PUD development standards for density, parking, and stormwater detention.

**FINANCIAL IMPACT:**

None – the developer will be assuming all costs for rezoning, site planning, and future redevelopment.

**RECOMMENDED MOTION:**

To **RECOMMEND APPROVAL** of the requested rezoning to the Village Council regarding the LOCS administration building property located at 315 N. Lapeer Street, Parcel 09-02-403-020.

# MCKENNA

October 30, 2024

Mr. Darwin McClary, Village Manager  
 Village of Lake Orion  
 21 East Church Street  
 Lake Orion, Michigan 48362

**Subject: 315 N. Lapeer Street: Rezoning Review #1**

Mr. McClary:

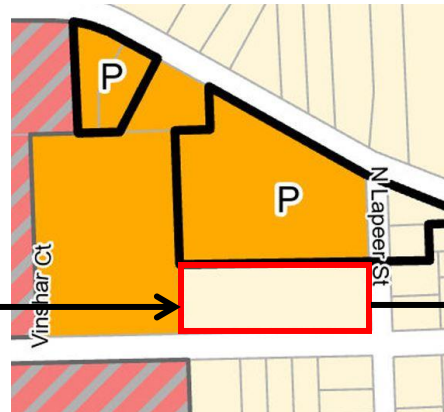
We have reviewed the application submitted by Mr. Kyle Westberg of West Investment Group, LLC, to rezone the subject site (parcel ID: 09-02-403-020) from the RV, Village Single-Unit Residential District to the RM, Multi-Unit District. The property – which is currently occupied by the Lake Orion Community Schools Administration Building, surface parking, and detention pond – is under purchase agreement between the applicant and LOCS, the Superintendent of which has supplied a letter authorizing the rezoning. This report is provided to ensure that the proposed rezoning is in substantial compliance with the Village’s Zoning Ordinance, Master Plan, and planning and zoning best practices.

## EXISTING CONDITIONS

**Property Gateway Parcel Map**  
 Oakland County



**Zoning Map, 2023**  
 Village of Lake Orion



**Future Land Use Map, 2022**  
 Village of Lake Orion



- RV - Village Single Family Residential
- RL - Lake Single Family Residential
- RM - Multiple Family Residential
- CC - Corridor Commercial

- Village Single-Family Residential
- Multiple-Family Residential
- Corridor Commercial

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

☎ 248.596.0920  
 ☎ 248.596.0930  
**MCKA.COM**

Communities for real life.

Existing Land Use		Current Zoning	Future Land Use
<b>*Subject Site</b>	High School Admin. Building	Village Single-Unit Residential	Multi-Unit Residential
<b>North</b>	Vacant / Former High School	Multi-Unit Residential / PUD	Multi-Unit Residential
<b>South</b>	Single-Unit Homes	Village Single-Unit Residential	Village Single-Unit Residential
<b>East</b>	Single-Unit Homes	Village Single-Unit Residential	Village Single-Unit Residential
<b>West</b>	Mini-Warehouse Facility	Multi-Unit Residential	Multi-Unit Residential

**RECOMMENDATION**

It is recommended that the Planning Commission recommend approval of the proposed Zoning Map amendment for Parcel ID: 09-02-403-020 to be rezoned from RV, Village Single-Unit Residential District to RM, Multi-Unit District to Village Council based on the following findings of fact:

1. The proposed rezoning is consistent with the existing land use patterns of the surrounding parcels and provide an orderly transition from the existing commercial and multiple-unit and institutional uses to the west and north to the established single-unit neighborhoods to the east and south. The rezoning and future redevelopment may also contribute to the vibrant mix of housing options and provide a transition from the corridor and downtown commercial districts further west and south.
2. Rezoning the property to the RM District is fully compatible with surrounding zoning, which includes RM zoning to the north and west and RV zoning to the east and south. The single-family zoning has remained the same over the years, and the continued vacancy suggests that most uses permitted in the single-family residential district are not likely viable in this building.
3. The dimensional requirements of the requested rezoning district (the RM District) can be met.
4. With development trends geared toward higher density residential and mixed uses, supported by the Zoning Ordinance and Master Plan, the proposed rezoning will allow future development of the property to more-readily contribute to neighborhood vitality and economic development in the Village.
5. The request supports a variety of objectives of the 2002 adopted Master Plan and the 2022 Future Land Use and Zoning Plan amendment, making the economic reuse of the property highly desirable.
6. The proposed rezoning will not create a “spot” zone and is not likely to result in an undesirable trend to rezone parcels contrary to the Master Plan because of the location/existing conditions of the subject site.

## REZONING REVIEW

In accordance with the rezoning criteria of Article 19 of the Zoning Ordinance, we offer the following comments for your consideration:

### 1. Would the rezoning be consistent with other land uses in the area?

The subject property is currently located in an area of the Village with a mix of uses. To the north is the former high school / Ehman Center, which is also owned by the applicant and approved as a Planned Unit Development for multi-unit apartments and flats; the project is undergoing final engineering and site plan reviews. To the west is a non-conforming mini-warehouse (self-storage facility), while other surrounding properties to the south and east contain single-unit homes, some of which have been converted into multi-unit dwellings.

The use of this corner site as multi-unit housing can be fully aligned with the surrounding land use patterns as it provides a transition among the various uses. When a site plan is proposed for the property, the applicant must comply with buffering, landscaping and design and engineering requirements so as to not burden the neighbors.

Additionally, both Lapeer Road and Elizabeth Street are classified as Village Major Streets which are functionally appropriate for higher traffic volumes that could be generated by the RM District.

### 2. Is the proposed zoning district compatible with the zoning classifications of surrounding land?

The subject property is zoned the RV, Residential Village District and currently contains the LOCS administration building, surface parking, and detention pond. The properties to the south and east are zoned single-unit residential, while the property to the west is zoned multi-unit residential. The proposed rezoning to multi-unit residential would be consistent with the adjacent residential districts.

If rezoned, future uses permitted by right would include uses permitted in the RL and RV Districts, but also two-unit dwellings, multiple-unit dwellings, nursing homes, convalescent homes, rest homes, and housing for the elderly, as defined. After public hearing and subject to special land use approval by the Planning Commission, hospitals, funeral homes, bed and breakfast facilities, adult foster care group homes, mobile home parks, childcare centers, places of worship, public utility buildings, and wireless communication facilities are among the uses that could be permitted.

### 3. Could all requirements in the proposed zoning classification be complied with on the subject parcel?

The subject site can conform to the dimensional standards of the RM, Multiple Unit District, per Section 12.03: Schedule of Regulations.

### 4. Have conditions changed since the Zoning Ordinance was adopted?

The Zoning Ordinance received a complete update in 2007 with minor amendments through 2022. The current single-unit zoning designation has remained the same over the years, and the property will soon be vacant. Further, recent development patterns in the Village have been geared toward higher density dwellings and mixed-uses, suggesting that most uses permitted in the single-unit residential district are not likely viable for the re-use of this site.

### 5. Is the proposed rezoning consistent with both the policies and the uses proposed for that area in the Master Plan? If not, is the Plan current and reasonable, or does it need to be updated?

The following adopted goals and objectives of the 2002 Village Master Plan support the subject rezoning:

- Promote and encourage small town village character by protecting and preserving historic homes and encouraging historic preservation;
- Limit multiple-family residential development to areas where they act as buffers between lower density single family residential and higher intensity land uses, such as commercial, office and major roadways, and only where it can be adequately served by public and private services;
- Support and encouraged mixed use development in the downtown and near downtown areas.
- Maintain and enhance the historical character of the Village's older structures, and encourage the office designation of historic buildings and sites; and
- Improve the function and appearance of local streets by encouraging Village character landscaping with street trees, lighting, and sidewalks.

The 2022 Future Land Use and Zoning Plan – and adopted amendment to the Master Plan – further affirms the rezoning of this parcel, which supports higher density multi-unit residential in this area. This designation is also supported by the public engagement gathered through the Master Plan amendment planning effort initiated in 2020.

**6. Will the amendment result in permissible exclusionary zoning?**

No, the proposed rezoning will permit the continuance of orderly, residential development in this area of the Village.

Respectfully submitted,

**McKENNA**



Gage Belko, AICP  
Associate Planner

CC: Ms. Sonja Stout, Village Clerk, 21 E. Church St., Lake Orion, MI 48362 (stouts@lakeorion.org)

Mr. Kyle Westberg, Applicant (West Investment Group, LLC), 70 Oakland Ave., Pontiac, MI 48342  
(kwestberg@westconstruction.com)



### 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)

### ZONING MAP/TEXT AMENDMENT APPLICATION

A petition for amendment of the Zoning Ordinance shall be submitted to the Village Clerk on this form. 15 copies of materials must accompany. They will be submitted to Planning, Village Attorney, and Village Council. Please refer to Page 2 of this application regarding documents to submit. Fees must be paid when submitting materials and application.

**MAP AMENDMENT** A change in the zoning designation on a parcel of land in the Village.

Site Address: 315 N. Lapeer Street, Lake Orion, MI 48362 Parcel ID # (Refer to Tax Bill): 09-90-02-403-020

Common Name of Site: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Name of Petitioner: West Investment Group, LLC Address: 79 Oaklamd Ave., Pontiac, MI 48342

Phone#: 248-758-9925 Email Address: Kwestberg@WestConstruction.com

**PROPERTY OWNER INFORMATION**

Property Owner Name: Lake Orion Community Schools Address: 315 N. Lapeer Street, Lake Orion, MI 48362

Property Owner Phone #: 248-693-5493 E-Mail: Andrea.Curtis@lok12.org

Current Zoning Designation: RV - Village Single Family Res. Proposed Zoning Designation: RM - Multiple Family Residential

Legal Description  Proof of Ownership  Plot Plan  Statements

If Request is for a Conditional Re-Zoning Agreement  Conditional Rezoning Agreement  Fees

**TEXT AMENDMENT** A change in wording of a provision of the Zoning Ordinance.

Name of Petitioner: \_\_\_\_\_ Address: \_\_\_\_\_

Phone#: \_\_\_\_\_ Email Address: \_\_\_\_\_

Full Text of Current Article, Section and/or Paragraph  Full Text of Proposed Amendment  Statement

Fees

The Undersigned do hereby respectfully make application to and petition the Village of Lake Orion to Amend the Village Zoning Ordinance/Zoning map and agree to all submit all necessary fees:

Signature of Petitioner: [Signature] Date: 8/6/24

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

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

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

When submitting a Zoning Map or Text Amendment Application, please refer to the list below for items to submit with the application.

**Map Amendment:** A petition for map amendment (zoning designation change) shall contain, at a minimum, the following information:

- a. The name, address, and telephone number of the petitioner. **Application page 1**
- b. A plot plan prepared under the direction of and sealed by one of the following professionals registered in the State of Michigan: Registered Architect, Registered Land Surveyor, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner, drawn to scale showing the property proposed to be rezoned showing:
  - i. The tax identification number and lot lines of all parcels included in the rezoning petition. **Complete**
  - ii. All structures, if any, on the parcels proposed to be rezoned. **Complete**
  - iii. The current zoning on the parcel(s) proposed to be rezoned and the zoning of all parcels within three hundred (300) feet of the perimeter of the parcel(s). **Complete (see attached zoning map - Exhibit B)**
- c. The proposed zoning designation desired for the property. **Complete**
- d. A statement as to why the property cannot be used or developed as zoned. **See Exhibit A**
- e. A statement as to why the requested zoning designation is more appropriate. **See Exhibit A**
- f. A statement as to how the requested zoning designation relates to the Village of Lake Orion Master Plan. **See Exhibit A**
- g. A legal description of the property proposed to be rezoned. **See Exhibit B and attached site plan**
- h. Proof of ownership and authorization of the owner to rezone the property. **See Exhibit C**

**Text Amendment:** A petition for a text amendment shall contain, at a minimum, the name, address, phone number, and signature of petitioner. Please submit **15 copies each:** of the Full Text of Current Article, Section, and/or Paragraph of the Zoning Ordinance that is proposed to be amended; a Statement as to why the proposed amendment is needed; the proposed full text of the article, section, and/or paragraph that is being submitted for amendment.

**VILLAGE STAFF USE ONLY - DO NOT WRITE BELOW**

**Village of Lake Orion Zoning Map/Text Amendment Permit Worksheet**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_ Parcel #: \_\_\_\_\_

Proof of Ownership Verified using: \_\_\_\_\_ Owner Signature(s): Yes / No

# Plot Plan Copies Included: \_\_\_\_\_ Proposed Zoning Designation: \_\_\_\_\_ Statements: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Village Fee: \_\_\_\_\_ Planner Escrow Fee: \_\_\_\_\_ Attorney Escrow Fee: \_\_\_\_\_

Date to Village Clerk \_\_\_\_\_ Date to Planning Commission: \_\_\_\_\_ Date to Village Council: \_\_\_\_\_

Is Subject Property Adjacent to Different Zoning Districts? Yes / No If Yes, explain: \_\_\_\_\_

Staked Survey or Additional Information Required: \_\_\_\_\_

Approval by:                      Zoning Administrator                      BZA                      PC                      VC

Remarks: \_\_\_\_\_

**EXHIBIT A**  
**STATEMENTS**

Please refer to the following pages for:

- A statement as to why the property cannot be used or developed as zoned.
- A statement as to why the requested zoning designation is more appropriate.
- A statement as to how the requested zoning designation relates to the Village of Lake Orion Master Plan.

August 6, 2024

**Petitioner:**

Kyle J. Westberg  
79 Oakland Ave.  
Pontiac, MI 48342

**Parcel ID No.:**

90-02-403-020

**Parcel Legal Description:**

Located on attached page and civil drawing.

**Current Zoning:**

Parcel ID above is zoned RV – Village Single Family Residential

- Property adjacent to the North side of the subject property was recently rezoned RM – Multiple Family Residential.
- Property adjacent to the West side of the subject property is zoned RM – Multiple Family Residential.
- Properties on the East and South side of subject property is zoned RV

**Proposed Zoning:**

RM - Multiple Family Residential

**Statements:**

Please refer to the following statements to help support this application for a zoning amendment:

**1. Statement on Why the Property Cannot Be Used or Developed as Zoned (RV - Village Single Family Residential)**

The property located at 315 N. Lapeer Street, Lake Orion, MI 48362, currently zoned as RV - Village Single Family Residential, cannot be viably developed under this designation for several reasons:

- **Existing Structure Limitations:** The current building, originally constructed in the 1940s and remodeled in 1967, was used as a school and later as the administrative offices for the Lake Orion Community Schools. The building does not meet modern standards for a residential structure and would require significant renovation to be repurposed.
- **Economic Considerations:** The cost of renovating the existing structure or demolishing it and constructing new single-family homes would not be economically viable. The 1.6-acre parcel size limits the potential number of single-family homes that can be built, which would not provide a sufficient return on investment for developers.
- **Community Needs and Usage:** The current use as an administrative office highlights the community's need for more diversified property usage. The administrative offices are relocating due to inadequate facilities, further indicating that the current zoning does not align with the practical needs of the area.

## 2. Statement on Why the Requested Zoning Designation (RM - Multiple Family Residential) Is More Appropriate

The requested rezoning to RM - Multiple Family Residential is more appropriate for the following reasons:

- **Alignment with Surrounding Properties:** The properties adjacent to the west and north of the site are already zoned RM - Multiple Family Residential. Rezoning this parcel would create a more cohesive and consistent zoning landscape, facilitating better urban planning and development.
- **Better Utilization of Space:** The RM zoning designation would allow for the construction of multiple family dwellings, which can accommodate more residents and provide a wider variety of housing options. This is a more efficient use of the available land, addressing the housing needs of the community more effectively than single-family residences.
- **Economic Viability:** Developing the site for multiple family residences provides a more feasible investment opportunity. The density and potential for multiple units would allow developers to recoup their investments and contribute to the local economy.

## 3. Statement on How the Requested Zoning Designation Relates to the Village of Lake Orion Master Plan

The proposed RM - Multiple Family Residential zoning designation supports the Village of Lake Orion Master Plan by:

- **Alignment with Master Plan Objectives:** The Master Plan emphasizes creating a diverse housing stock that can accommodate various income levels, family sizes, and lifestyle preferences. In fact, the Lake Orion Master Plan – 2022 Amendment emphasizes that the Future Land Use of this parcel should be designated as Multiple-Family Residential (see exhibit D attached). Rezoning to RM facilitates this by allowing the development of multiple family residences, thus contributing to a balanced and comprehensive housing strategy.
- **Support for "Missing Middle Housing":** The "Missing Middle Housing" concept addresses the need for a range of housing types that fall between single-family homes and large apartment complexes. This type of housing includes duplexes, triplexes, townhouses, and other forms of multi-unit residences. The proposed RM zoning will enable the development of such housing, which is crucial for providing affordable, diverse living options. This variety of housing sizes and styles will be attractive to a broad spectrum of potential residents, including young professionals, families, and retirees, thereby supporting a vibrant and inclusive community.
- **Enhancing Community Cohesion:** The rezoning will create a more uniform and harmonious community fabric, enhancing the aesthetic and functional coherence of the area. This supports the Master Plan's objectives of creating well-integrated neighborhoods that provide a high quality of life for residents.

This request to rezone the property from RV to RM not only meets the practical and economic realities but also aligns with the broader planning and development goals of the Village of Lake Orion, fostering a more inclusive and vibrant community. Therefore, with these facts stated, we would respectfully request the Zoning Map be amended to change the zoning of this parcel from RV – Village Single Family Residential to RM – Multiple Family Residential.

Sincerely,

Kyle J. Westberg  
Petitioner

**EXHIBIT B**

**LEGAL DESCRIPTION OF THE LAND**

Property situated in the Village of Lake Orion, County of Oakland, State of Michigan, more particularly described as follows:

Part of Lot 10 and all of Lot 11 of Supervisor's Plat No. 8, according to the Plat thereof as recorded in Liber 14 of Plats, Page 58, which is described as beginning at the Southeast corner of said Lot 11, thence North 89 degrees, 15 minutes, 57 seconds West 438.53 feet, thence North 00 degrees, 02 minutes, 14 seconds East 161.78 feet, thence South 89 degrees, 15 minutes, 57 seconds East 438.88 feet, thence South 00 degrees, 02 minutes, 49 seconds West 161.78 feet to the point of beginning (the "Premises").

**Oakland County Property Gateway Description**

T4N, R10E, SEC 2 SUPERVISOR'S PLAT NO 8 PART OF LOT 10, ALSO ALL OF LOT 11 ALL DESC AS BEG AT SE COR OF SD LOT 11, TH N 89-15-57 W 438.85 FT, TH N 00-02-14 E 161.78 FT, TH S 89-15-57 E 438.88 FT, TH S 00-02-49 W 161.78 FT TO BEG 11-29-01 FR 010 & 011



# Zoning Map

Village of Lake Orion, Oakland County, MI

March 29, 2023

- Zoning Districts:**
- RV - Village Single Family Residential
  - RL - Lake Single Family Residential
  - RM - Multiple Family Residential
  - CC - Corridor Commercial
  - DC - Downtown Center
  - MU - Mixed Use
  - PUD - Planned Unit Development
  - Height Overlay
  - Approved Planned Unit Developments (PUD)

**NOTE**

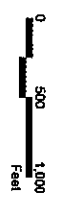
The parcel lines on this map are a simplification of the actual parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area disputes. Consult official Village of Lake Orion records for precise distances, boundaries and areas of parcels.

**CERTIFICATION**

I, Susan Galvez, Village Clerk, Village of Lake Orion, do hereby certify that this is a true copy of the map adopted by the Village Council of the Village of Lake Orion, Oakland County, Michigan, on (date) \_\_\_\_\_, as well as those amendments made as of the revision dates shown.

Susan Galvez, Clerk, Village of Lake Orion

Date	Revised	Date	Revised	Date	Revised	Date	Revised



Planning Source: Mapping Center for Geographic Information, Version 17x  
 Data Source: Village of Lake Orion 2023, last revised 2023.

**EXHIBIT C**  
**OWNERSHIP APPROVAL**

Proof of ownership and authorization of the owner to rezone the property.

- Attached Residential Property Profile from Oakland County as proof of ownership.
- Attached authorization letter from owner to rezone the property.

**315 N LAPEER ST LAKE ORION MI 48362-3165**



beds / full baths / half baths / sq ft

**Residential Property Profile**

09-02-403-020

**Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.**

**Owner Information**

Owner(s) : LAKE ORION COMMUNITY SCHOOLS & SCHOOL DISTRICT 3 FRC  
Postal Address : 315 N LAPEER ST LAKE ORION MI 48362-3165

**Location Information**

Site Address : 315 N LAPEER ST LAKE ORION MI 48362-3165  
PIN : 09-02-403-020 Neighborhood Code : EXEMT  
Municipality : Village of Lake Orion  
School District : 63230 LAKE ORION COMMUNITY SCHOOLS  
Class Code : 401 Residential - Improved

**Property Description**

T4N, R10E, SEC 2 SUPERVISOR'S PLAT NO 8 PART OF LOT 10, ALSO ALL OF LOT 11 ALL DESC AS BEG AT SE COR OF SD LOT 11, TH N 89-15-57 W 438.85 FT, TH N 00-02-14 E 161.78 FT, TH S 89-15-57 E 438.88 FT, TH S 00-02-49 W 161.78 FT TO BEG 11-29-01 FR 010 & 011

**Split/Combination Information**

Added Status : Added Parcel  
Added Date : 11/30/2001 Added From : FR 010 & 011

**No Sales Since 1994**

**Tax Information**

Taxable Value : State Equalized Value :  
Current Assessed Value : Capped Value :  
Effective Date For Taxes : 12/01/2023 Principal Residence : N/A  
Exemption Type  
Summer Principal : 0% Winter Principal Residence : 0%  
Residence Exemption Exemption Percent  
Percent  
2023 Taxes 2024 Taxes  
Summer : \$0.00 Summer : \$0.00  
Winter : \$0.00 Winter :  
Village : \$0.00 Village : \$0.00

**Lot Information**

Description : Area : 1.612 ACRES



# Lake Orion Community Schools

Administration Building  
315 N. Lapeer Street, Lake Orion, MI 48362

Phone: 248 • 693 • 5400  
Fax: 248 • 693 • 5464

**Heidi Mercer**  
*Superintendent*

August 7, 2024

**Andrea Curtis**  
*Assistant Superintendent  
of Business and Finance*

Village of Lake Orion  
21 East Church Street  
Lake Orion, MI 48362-3212

**Vacant**  
*Assistant Superintendent  
of Teaching and Learning*

**Adam Weldon**  
*Assistant Superintendent  
of Human Resources*

To whom it concern:

As current owners of 315 N Lapeer Street, Lake Orion, MI 48362, we authorize rezoning of the property based on our executed Offer To Purchase agreement with West Investment Group, LLC.

West Investment Group, LLC is requesting to rezone the property from RV-Village Single Family Residential to RM-Multiple Family Residential.

Lake Orion Community Schools intends to occupy and operate in the location's building through September 1, 2025, after closing as permitted by the Offer To Purchase. In the event, the sale does not close for any reason whatsoever, the new zoning shall not take effect and the property shall revert to the original zoning.

Sincerely,

Heidi Mercer  
Superintendent  
Lake Orion Community Schools



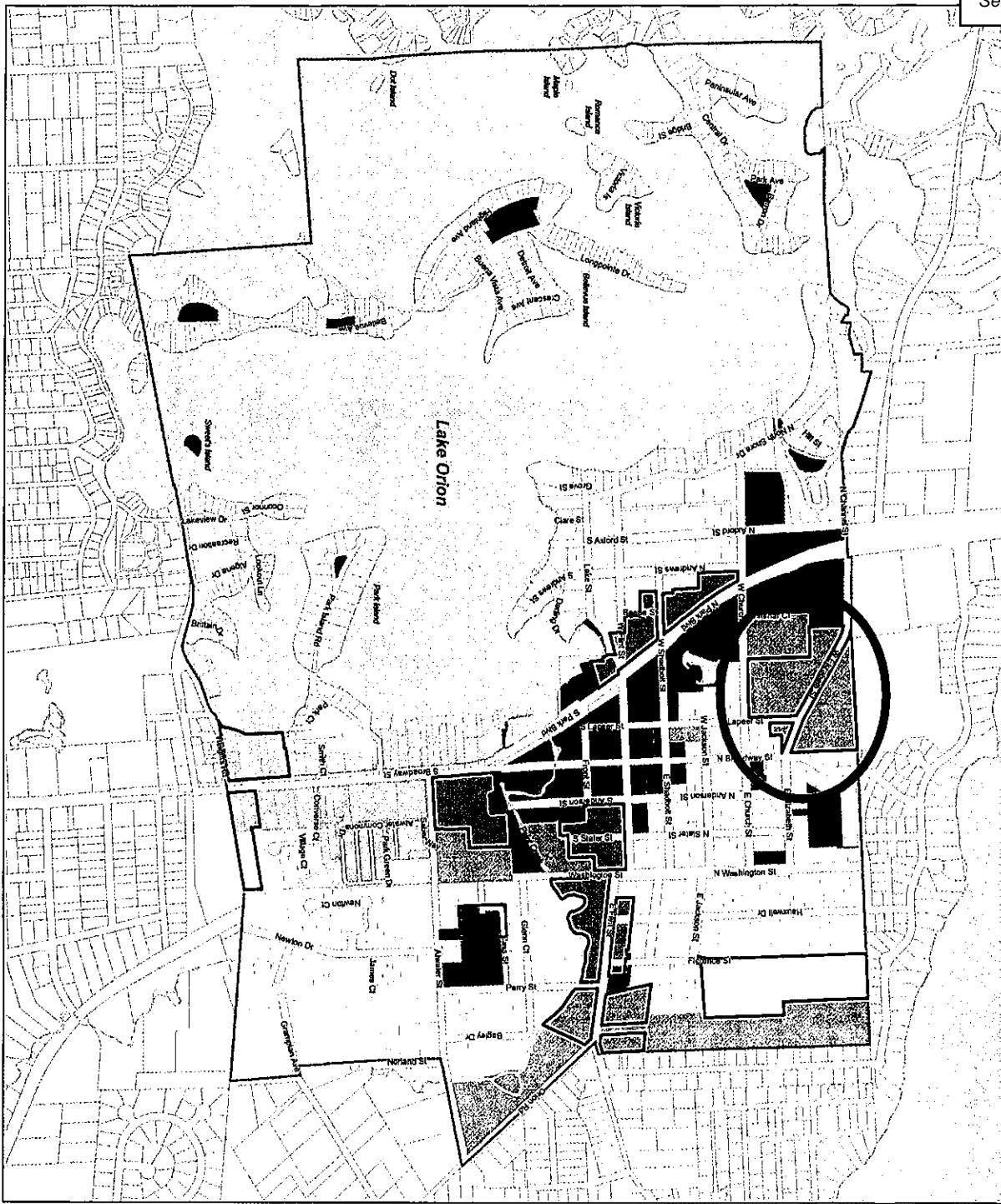
Nationally Recognized for its  
Exemplary Blue Ribbon Schools



**EXHIBIT D**  
**FUTURE LAND USE**

Maps indicating future land use for parcel 90-02-403-020 as suggested by the Lake Orion Master Plan - 2022 Amendment.

- February 7, 2022 – Approved by Village Planning Commission.
- February 28, 2022 – Adopted by Village Council.



## Future Land Use

Village of Lake Orion, Oakland County, MI

February 7, 2022 - Approved by Village Planning Commission  
 February 28, 2022 - Adopted by Village Council

- LEGEND**
- Village Boundary
  - Lakes and Rivers
  - Character Change Areas
  - Future Land Use Category**
  - Lake Single-Family Residential
  - Village Single-Family Residential
  - Multiple-Family Residential
  - Corridor Commercial
  - Mixed Use: Downtown
  - Mixed Use: Transition
  - Mixed Use: M-24 Corridor
  - Civil/Institutional/Recreation and Open Space



MapData Source: Mapbox OpenStreetMap Geographic Information, Version 17/  
 Data Source: Village of Lake Orion 2021, Mckenna 2021.

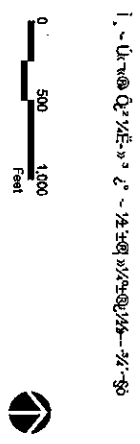


# Future Land Use

Village of Lake Orion, Oakland County, MI

February 7, 2022. Approved by Village Planning Commission February 28, 2022. Adopted by Village Council.

- LEGEND**
- Village Boundary
  - Lakes and Rivers
  - Character Change Areas
  - Future Land Use Category**
  - Lake Single-Family Residential
  - Village Single-Family Residential
  - Multiple-Family Residential
  - Corridor Commercial
  - Mixed Use: Downtown
  - Mixed Use: Transition
  - Mixed Use: M-24 Corridor
  - Civil/Institutional/Recreation and Open Space



Planning Source: Michigan Center for Geographic Information, Version 17x  
 Data Source: Village of Lake Orion 2021, February 2021.

**MCKENNA**

VILLAGE OF LAKE ORION  
21 E. CHURCH ST.  
LAKE ORION, MI 48362  
Phone : (248) 693-8391  
LAKEORION.ORG

Received From: KYLE WESTBERG  
BRENT WESTBERG  
Date: 08/08/2024 Time: 2:49:10 PM  
Receipt: 45534 \*\*\* REPRINT \*\*\*  
Cashier: HEDRICKC

REZONING FOR 315 N LAPEER RD  
SCHOOL ADMIN BUILDING

ITEM REFERENCE	AMOUNT
315NLAP 315 N LAPEER	
315 N LAPEER	\$1,000.00
APPL FEE APPLICATION FEE	
1 @ \$25.00 APPLICATION FEE	\$25.00
TOTAL	\$1,025.00
CHECK 2227	\$1,025.00
Total Tendered:	\$1,025.00
Change:	\$0.00



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## COMMISSION ACTION SUMMARY SHEET

**MEETING DATE:** November 4, 2024

**TOPIC** RZ-24-02 (638 Buena Vista) Rezoning Request

**BACKGROUND BRIEF:** Mr. and Mrs. Dave and Carren Otto propose to rezone the subject site (Parcel ID: 09-02-354-020) from the RV, Village Single-Unit Residential District to the RL, Lake Single-Unit Residential District. The property – which is currently occupied by the Otto’s single-unit home – was recently approved for several variances by the Board of Zoning Appeals (July 11, 2024) to construct an addition which includes a second two-car garage, terrace, and additional improvements. As a condition of this approval, the Otto’s were required to rezone their property within one year to the RL District, which carries smaller setback and alternative garage placement standards, thereby minimizing (or eliminating) the variances requested.

**COMMISSION ACTION:** None; however, as stated above, the Board of Zoning Appeals conditioned their approval of variances on the rezoning of the property within one year.

**FINANCIAL IMPACT:**

The applicants have requested from the Village Council a refund of the \$1,000 rezoning review fee held in escrow. The applicants will be assuming all costs for construction.

**RECOMMENDED MOTION:**

To **RECOMMEND APPROVAL** of the requested rezoning to the Village Council regarding the Otto property located at 638 Buena Vista Avenue, Parcel 09-02-354-020.

# MCKENNA

October 24, 2024

Mr. Darwin McClary, Village Manager  
 Village of Lake Orion  
 21 East Church Street  
 Lake Orion, Michigan 48362

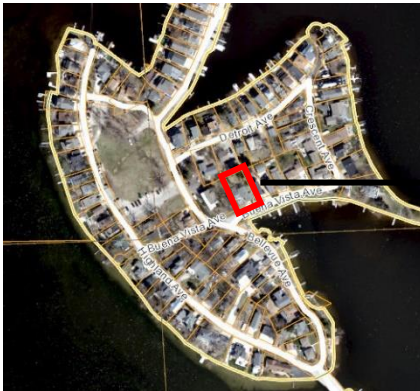
**Subject: 638 Buena Vista Avenue: Rezoning Review #1**

Mr. McClary:

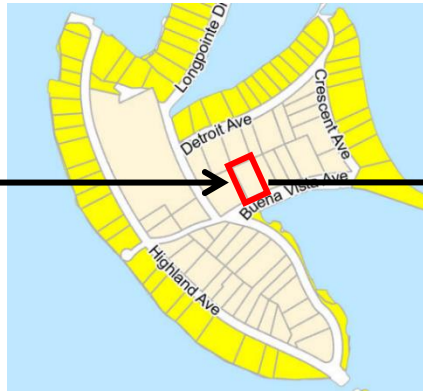
We have reviewed the application submitted by Mr. and Mrs. Dave and Carren Otto, to rezone the subject site (Parcel ID: 09-02-354-020) from the RV, Village Single-Unit Residential District to the RL, Lake Single-Unit Residential District. The property – which is currently occupied by the Otto’s single-unit home – was recently approved for several variances by the Board of Zoning Appeals (July 11, 2024) to construct an addition which includes a second two-car garage, terrace, and additional improvements. As a condition of this approval, the Otto’s were required to rezone their property to the RL District, which carries smaller setback and alternative garage placement standards, thereby minimizing (or eliminating) the variances requested. This report is provided to ensure that the proposed rezoning is in substantial compliance with the Village’s Zoning Ordinance, Master Plan, and planning and zoning best practices.

**EXISTING CONDITIONS**

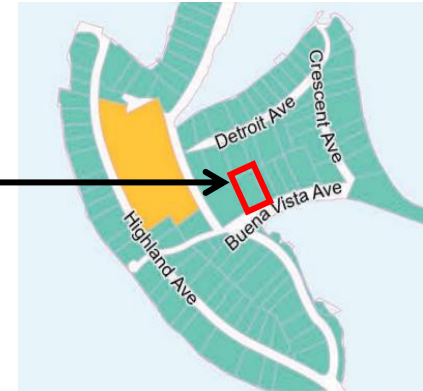
**Property Gateway Parcel Map**  
 Oakland County



**Zoning Map, 2023**  
 Village of Lake Orion



**Future Land Use Map, 2022**  
 Village of Lake Orion



- RV - Village Single Family Residential
- RL - Lake Single Family Residential
- Lake Single-Family Residential
- Village Single-Family Residential

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

☎ 248.596.0920  
 ☎ 248.596.0930  
**MCKA.COM**

*Communities for real life.*

Existing Land Use		Current Zoning	Future Land Use
<b>*Subject Site</b>	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential
<b>North</b>	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential
<b>South</b>	ROW / Water	Lake Single-Unit Residential	Lake Single-Unit Residential
<b>East</b>	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential
<b>West</b>	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential

**RECOMMENDATION**

It is recommended that the Planning Commission recommend approval of the proposed Zoning Map amendment for Parcel ID: 09-02-354-020 to be rezoned from RV, Village Single-Unit Residential District to RL, Lake Single-Unit District to Village Council based on the following findings of fact:

1. The proposed rezoning is consistent with the existing land use patterns of the surrounding parcels, which have transitioned from small, seasonal cottages to larger primary dwellings with premier lake frontage. Given the highly variable (often smaller) lots located in these waterfront (and near-waterfront) areas, the proposed rezoning will support continued investment in Village neighborhoods.
2. Rezoning the property to the RL District is compatible with surrounding zoning, which includes RV zoning on adjacent lots and RL zoning further out. The RL District supports the same uses (primarily single-unit homes) as the RV District but carries slightly different development standards.
3. The dimensional requirements of the requested rezoning district (RL) can be more easily met than if the lot were to continue as RV. As stated, this is a condition of BZA approval for variances in the currently-zoned RV district; rezoning to RL would effectively minimize (or eliminate) the variances, thereby supporting the intent and purpose of the Village Zoning Ordinance and Master Plan.
4. With development trends geared toward larger primary dwellings, which generally meets the standards of the Zoning Ordinance the proposed rezoning will allow future development of the property to more-readily contribute to neighborhood vitality and economic development in the Village.
5. The request supports a variety of objectives of the 2002 adopted Master Plan and the 2022 Future Land Use and Zoning Plan amendment, making investment into this and surrounding properties more desirable to private owners.
6. The proposed rezoning will not create a “spot” zone as it is in alignment with the Master Plan due to the location/existing conditions of the subject site.

## REZONING REVIEW

In accordance with the rezoning criteria of Article 19 of the Zoning Ordinance, we offer the following comments for your consideration:

**1. Would the rezoning be consistent with other land uses in the area?**

The existing use of the property will not change. The proposed rezoning is consistent with the existing land use patterns of the surrounding parcels, which have transitioned from small, seasonal cottages to larger primary dwellings with premier lake frontage. Given the highly variable (often smaller) lots located in these waterfront (and near-waterfront) areas, the proposed rezoning will support continued investment in Village neighborhoods. We have no expectation that this use will cause any harm to surrounding property owners or the Lake itself, provided appropriate development measures are taken.

**2. Is the proposed zoning district compatible with the zoning classifications of surrounding land?**

Rezoning the property to the RL District is compatible with surrounding zoning, which includes RV zoning on adjacent lots and RL zoning further out. The RL District supports the same uses (primarily single-unit homes) as the RV District but carries slightly different development standards.

**3. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

The dimensional requirements of the requested rezoning district (RL) can be more easily met than if the lot were to continue as RV. As a condition of BZA approval for variances from the currently-zoned RV district development standards, rezoning to RL would effectively minimize (or eliminate) the variances, thereby supporting the intent and purpose of the Village Zoning Ordinance and Master Plan.

**4. Have conditions changed since the Zoning Ordinance was adopted?**

The Zoning Ordinance received a complete update in 2007 with minor amendments through 2022. The current RV, Village Single-Unit zoning designation has remained the same over the years, limiting the extent of investment for larger, primary dwellings. As Lake Orion becomes an even more highly-desirable area, conditions are expected to remain in favor of this type of redevelopment.

**5. Is the proposed rezoning consistent with both the policies and the uses proposed for that area in the Master Plan? If not, is the Plan current and reasonable, or does it need to be updated?**

The following adopted goals and objectives of the 2002 Village Master Plan support the subject rezoning:

- Encourage and promote owner-occupied single unit dwellings in all neighborhoods;
- Improve living amenities in all residential neighborhoods through high standards of housing design and construction, and access to usable convenient open space.
- Create opportunities for single unit redevelopment...while maintaining current single-unit residential densities.
- Discourage the conversion of single unit dwellings to multiple unit housing.
- Maintain and improve the environmental quality of all residential areas and encourage and carefully monitor reinvestment in single unit housing areas, especially in blighted and low owner-occupied areas.

The 2022 Future Land Use and Zoning Plan – an adopted amendment to the Master Plan – further affirms the rezoning of this parcel, which supports lake-style residential development in this area under the Lake Single-Unit Residential future land use designation.

**6. Will the amendment result in permissible exclusionary zoning?**

No, the proposed rezoning will permit the continuance of orderly, residential development in this area of the Village.

Respectfully submitted,

**McKENNA**



Gage Belko, AICP  
Associate Planner



Andrew Mancinelli  
Assistant Planner

CC: Ms. Sonja Stout, Village Clerk, 21 E. Church St., Lake Orion, MI 48362 (stouts@lakeorion.org)

Mr. and Mrs. Dave and Caren Otto, Applicant, 638 Buena Vista Ave., Lake Orion, MI 48362 (djotto1000@gmail.com & carenotto8@gmail.com)



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

### ZONING MAP/TEXT AMENDMENT APPLICATION

A petition for amendment of the Zoning Ordinance shall be submitted to the Village Clerk on this form. 15 copies of materials must accompany. They will be submitted to Planning, Village Attorney, and Village Council. Please refer to Page 2 of this application regarding documents to submit. Fees must be paid when submitting materials and application.

**MAP AMENDMENT** A change in the zoning designation on a parcel of land in the Village.

Site Address: 638 Buena Vista Ave. Parcel ID # (Refer to Tax Bill): OL-09-02-354-020

Common Name of Site: SINGLE FAMILY HOME Zoning District: RV-VILLAGE SPR

Name of Petitioner: DAVID & CAREN OTTO Address: 638 BUENA VISTA AVE.

Phone#: 586-707-9824 / 248-330-9694 Email Address: djotto1000@gmail.com / CARENOTTO8@gmail.com

**PROPERTY OWNER INFORMATION**

Property Owner Name: DAVE & CAREN OTTO Address: 638 BUENA VISTA AVE.

Property Owner Phone #: (586) 707-9824 (Dave) (248) 330-9694 (Caren) E-Mail: Djotto1000@gmail.com CARENOTTO8@gmail.com

Current Zoning Designation: Village- Single-Family Residential Proposed Zoning Designation: Lake Single-Family Residential

\_\_\_\_ Legal Description \_\_\_\_ Proof of Ownership \_\_\_\_ Plot Plan \_\_\_\_ Statements

If Request is for a Conditional Re-Zoning Agreement \_\_\_\_ Conditional Rezoning Agreement

\_\_\_\_ Fees \$1,000 - m. escrow

**TEXT AMENDMENT** A change in wording of a provision of the Zoning Ordinance.

Name of Petitioner: \_\_\_\_\_ Address: \_\_\_\_\_

Phone#: \_\_\_\_\_ Email Address: \_\_\_\_\_

\_\_\_\_ Full Text of Current Article, Section and/or Paragraph \_\_\_\_ Full Text of Proposed Amendment \_\_\_\_ Statement

\_\_\_\_ Fees \_\_\_\_\_

The Undersigned do hereby respectfully make application to and petition the Village of Lake Orion to Amend the Village Zoning Ordinance/Zoning map and agree to all submit all necessary fees:

Signature of Petitioner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner: David Otto Date: 10/7/2024

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner: Caren J.O. Otto Date: 10/4/24



When submitting a Zoning Map or Text Amendment Application, please refer to the list below for items to submit with the application.

**Map Amendment:** A petition for map amendment (zoning designation change) shall contain, at a minimum, the following information:

- a. The name, address, and telephone number of the petitioner.
- b. A plot plan prepared under the direction of and sealed by one of the following professionals registered in the State of Michigan: Registered Architect, Registered Land Surveyor, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner, drawn to scale showing the property proposed to be rezoned showing:
  - i. The tax identification number and lot lines of all parcels included in the rezoning petition.
  - ii. All structures, if any, on the parcels proposed to be rezoned.
  - iii. The current zoning on the parcel(s) proposed to be rezoned and the zoning of all parcels within three hundred (300) feet of the perimeter of the parcel(s).
  - iv. The proposed zoning designation desired for the property.
- d. A statement as to why the property cannot be used or developed as zoned. *Village is requesting this zoning for our 3 vacancies*
- e. A statement as to why the requested zoning designation is more appropriate.
- f. A statement as to how the requested zoning designation relates to the Village of Lake Orion Master Plan. *Village Master Plan*
- g. A legal description of the property proposed to be rezoned.
- h. Proof of ownership and authorization of the owner to rezone the property. *Comrades are designated zone on Master Plan*

**Text Amendment:** A petition for a text amendment shall contain, at a minimum, the name, address, phone number, and signature of petitioner. Please submit **15 copies each**: of the Full Text of Current Article, Section, and/or Paragraph of the Zoning Ordinance that is proposed to be amended; a Statement as to why the proposed amendment is needed; the proposed full text of the article, section, and/or paragraph that is being submitted for amendment.

**\*\*VILLAGE STAFF USE ONLY - DO NOT WRITE BELOW \*\***

**Village of Lake Orion Zoning Map/Text Amendment Permit Worksheet**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_ Parcel #: \_\_\_\_\_

Proof of Ownership Verified using: \_\_\_\_\_ Owner Signature(s): Yes / No

# Plot Plan Copies Included: \_\_\_\_\_ Proposed Zoning Designation: \_\_\_\_\_ Statements: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Village Fee: \_\_\_\_\_ Planner Escrow Fee: \_\_\_\_\_ Attorney Escrow Fee: \_\_\_\_\_

Date to Village Clerk \_\_\_\_\_ Date to Planning Commission: \_\_\_\_\_ Date to Village Council: \_\_\_\_\_

Is Subject Property Adjacent to Different Zoning Districts? Yes / No If Yes, explain: \_\_\_\_\_

Staked Survey or Additional Information Required: \_\_\_\_\_

Approval by:                      Zoning Administrator                      BZA                      PC                      VC

Remarks: \_\_\_\_\_

## Map Amendment

- d.) LO Village is requesting change in zoning\* for 3 variances for our home.
- e.) The requested zoning designation is more appropriate by the LO and Gage at a village variance(s) request meeting on 7/11/2024.
- f.) The requested zoning designation to Lake Single-Family Residential aligns with the most recent Village of Lake Orion Master Plan.

Owners request refund of map amendment from \$1,000.<sup>00</sup> given on 10/8/2024.

Only/With 10/7/24 Cam S.C. Otto 10/4/24

VILLAGE OF LAKE ORION  
21 E. CHURCH ST.  
LAKE ORION, MI 48362  
Phone : (248) 693-8391  
LAKEORION.ORG

Received From: DAVID OTTO  
Date: 10/08/2024 Time: 3:11:15 PM  
Receipt: 46091 \*\*\* REPRINT \*\*\*  
Cashier: HEDRICKC

REZONING 638 BUENA VISTA APPLICATION

ITEM REFERENCE	AMOUNT
ESCROW FEES/ESCROW DEPOSIT	
FEES/ESCROW DEPOSIT	\$1,000.00
TOTAL	\$1,000.00
CHECK 1287	\$1,000.00
Total Tendered:	\$1,000.00
Change:	\$0.00

# KENNEDY SURVEYING, INC.

105 N. Washington St.  
Oxford, Michigan 48371

Section 9, Item B.  
Phon (248) 628-7191  
Fax

## Staked Survey

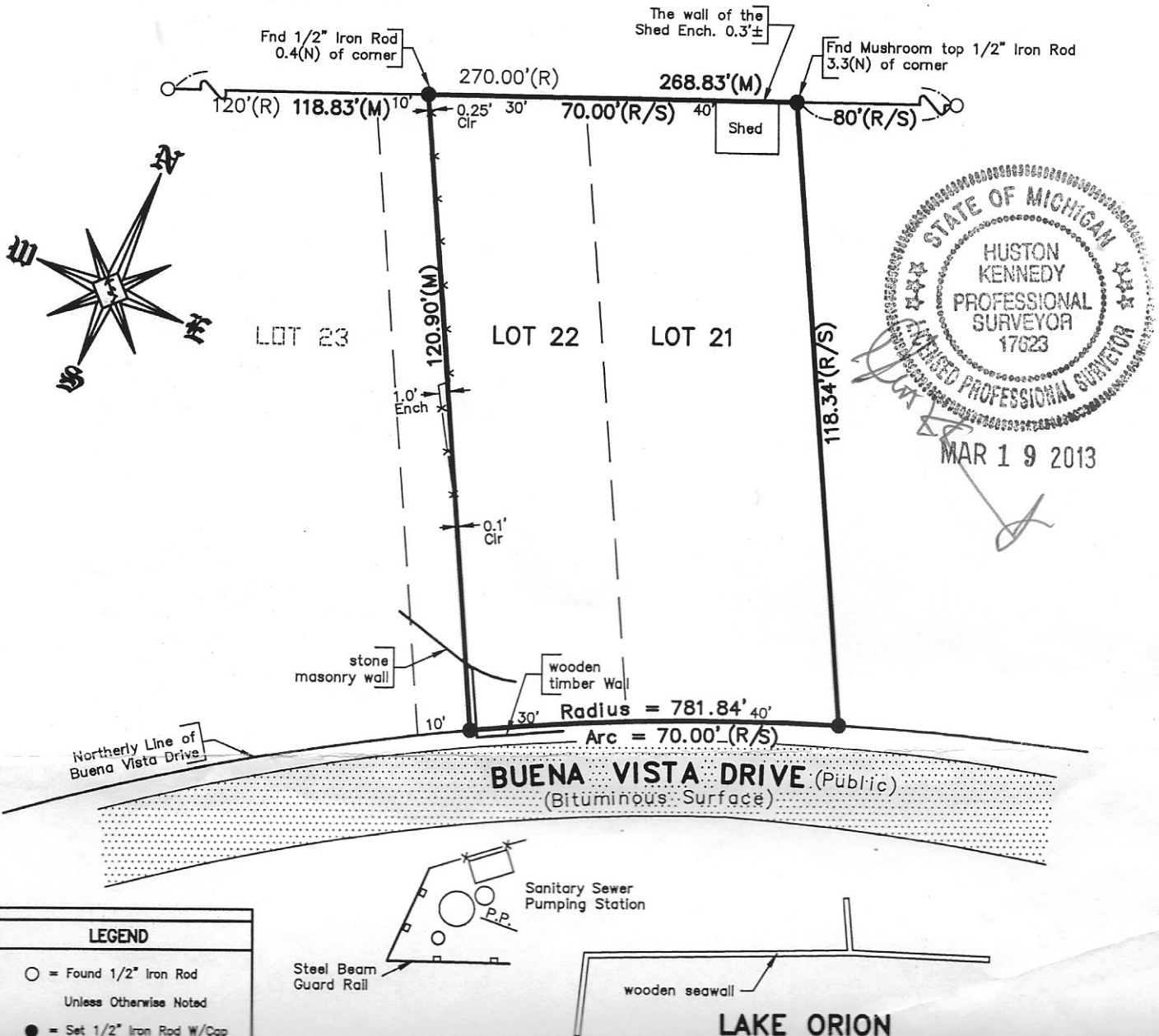
Certified Exclusively To: Mary Thorpe Date: March 19, 2013

Address: 1307 Park Boulevard, Lake Orion, Michigan 48302 Job No. 13-7025

This is to certify that I, [Signature], Licensed Professional Surveyor, on this date have surveyed and mapped the land described as follows: Lot 21, and the Easterly 30 feet of Lot 22, Block 12, of "ORION IMPROVEMENT COMPANY'S SUBDIVISION NO. 1", being part of Section 2, 3 10 and 11, Town 4 North, Range 10 East, Village of Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, on Page 19 of Oakland County Records. Also a strip of submerged land on the southerly side of the above Lot 21 and portion of Lot 22.

**SURVEYOR'S NOTES:**

- 1.) This survey is based upon the description as cited on an "AFFIDAVIT OF SCRIVENER'S ERROR", recorded in Liber 41605, Page 593 of Oakland County Records.
- 2.) The width of the R/W for Buena Vista Drive is not stated on the Plat, however the south line of Buena Vista Drive apparently extends to the water's edge of Lake Orion in 1888.
- 3.) The last statement in the property description "ALSO A STRIP OF SUBMERGED LAND ON THE SOUTHERLY SIDE OF THE ABOVE LOT 21 AND PORTION OF LOT 22" is a very ambiguous statement. The statement does not give the width of the submerged strip of land and is adjacent to the southerly line of Buena Vista Drive, which is shown on the plat as extending to the water's edge in 1888, the date of the plat.
- 4.) All the monumentation that was recovered is either second or third generation, not original.
- 5.) 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 this 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.



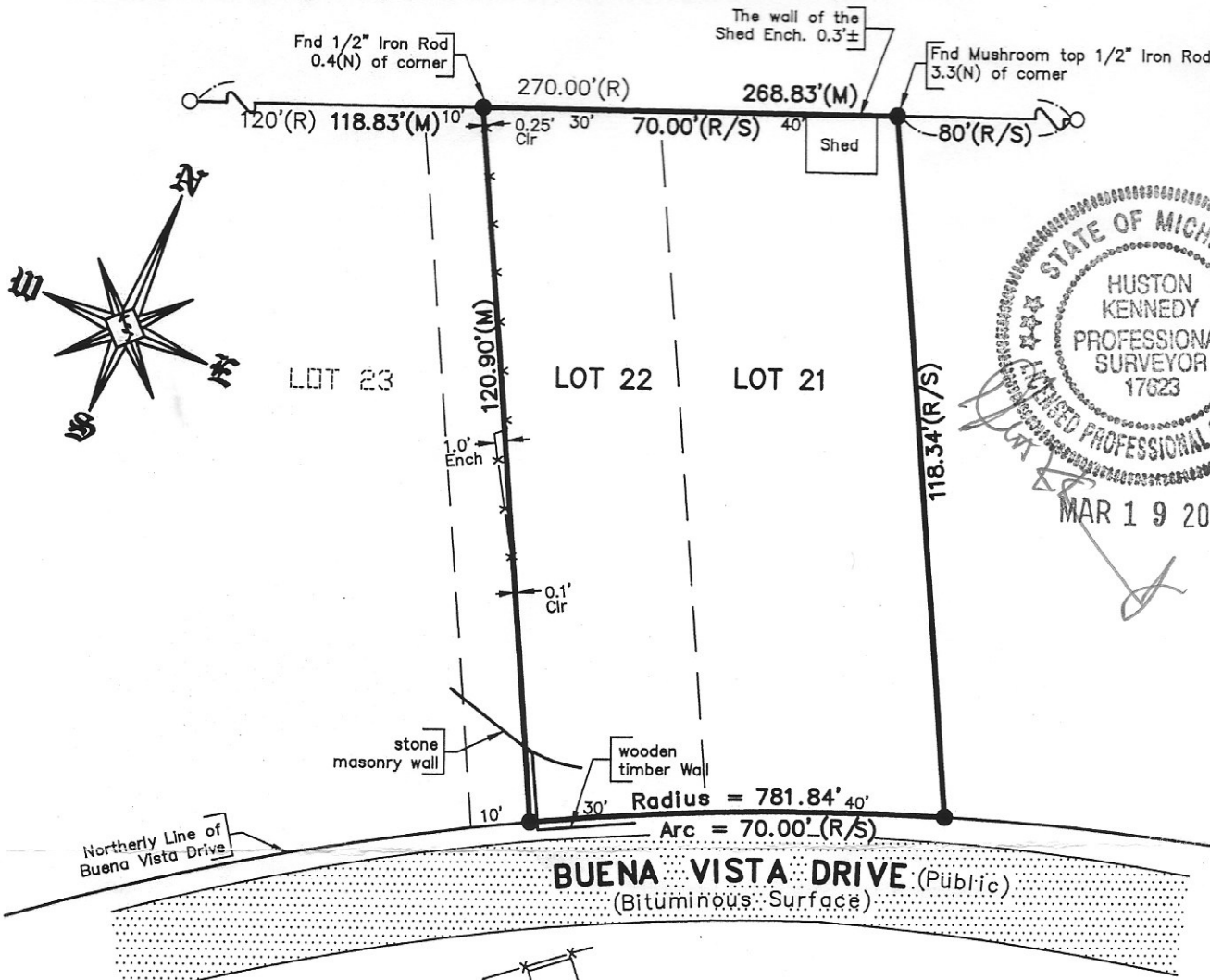


Village of Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, on Page 19 of Oakland County Records. Also a strip of submerged land on the southerly side of the above Lot 21 and portion of Lot 22.

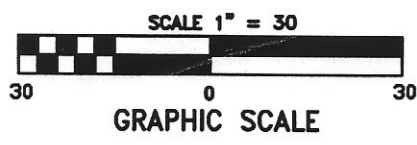
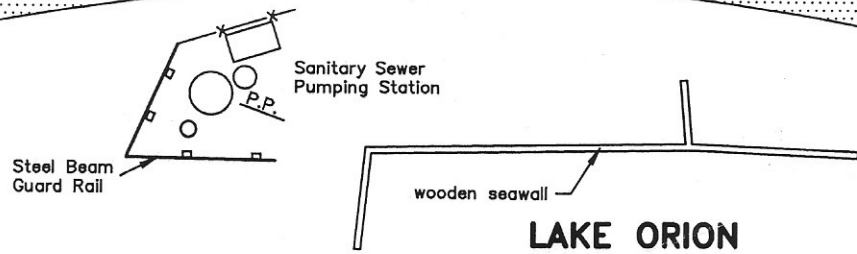
**SURVEYOR'S NOTES:**

Section 9, Item B.

- 1.) This survey is based upon the description as cited on an "AFFIDAVIT OF SCRIVENER'S ERROR", rec 41605, Page 593 of Oakland County Records.
- 2.) The width of the R/W for Buena Vista Drive is not stated on the Plat, however the south line of Buena Vista Drive apparently extends to the water's edge of Lake Orion in 1888.
- 3.) The last statement in the property description "ALSO A STRIP OF SUBMERGED LAND ON THE SOUTHERLY SIDE OF THE ABOVE LOT 21 AND PORTION OF LOT 22" is a very ambiguous statement. The statement does not give the width of the submerged strip of land and is adjacent to the southerly line of Buena Vista Drive, which is shown on the plat as extending to the water's edge in 1888, the date of the plat.
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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
DWG No. 13-70251	
Drawn By: DKS	

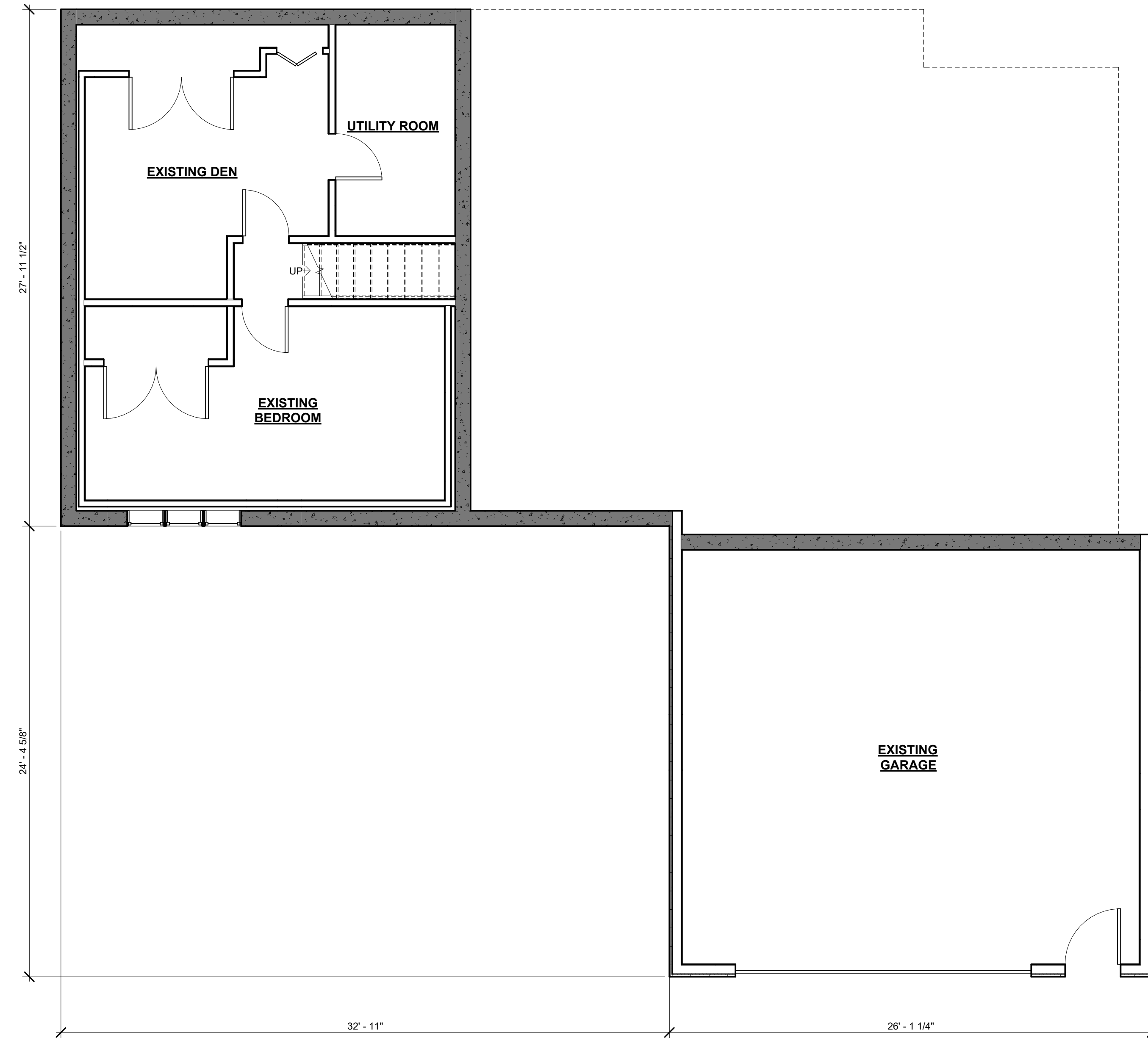


This survey was done without the benefit of a Title Policy, therefore, all easements of record and other factors relevant to title may not be shown.

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



# EXISTING



1 FOUNDATION PLAN - EXISTING  
1/4" = 1'-0"

# PROPOSED



2 FOUNDATION PLAN - PROPOSED  
1/4" = 1'-0"

### SCOPE OF WORK

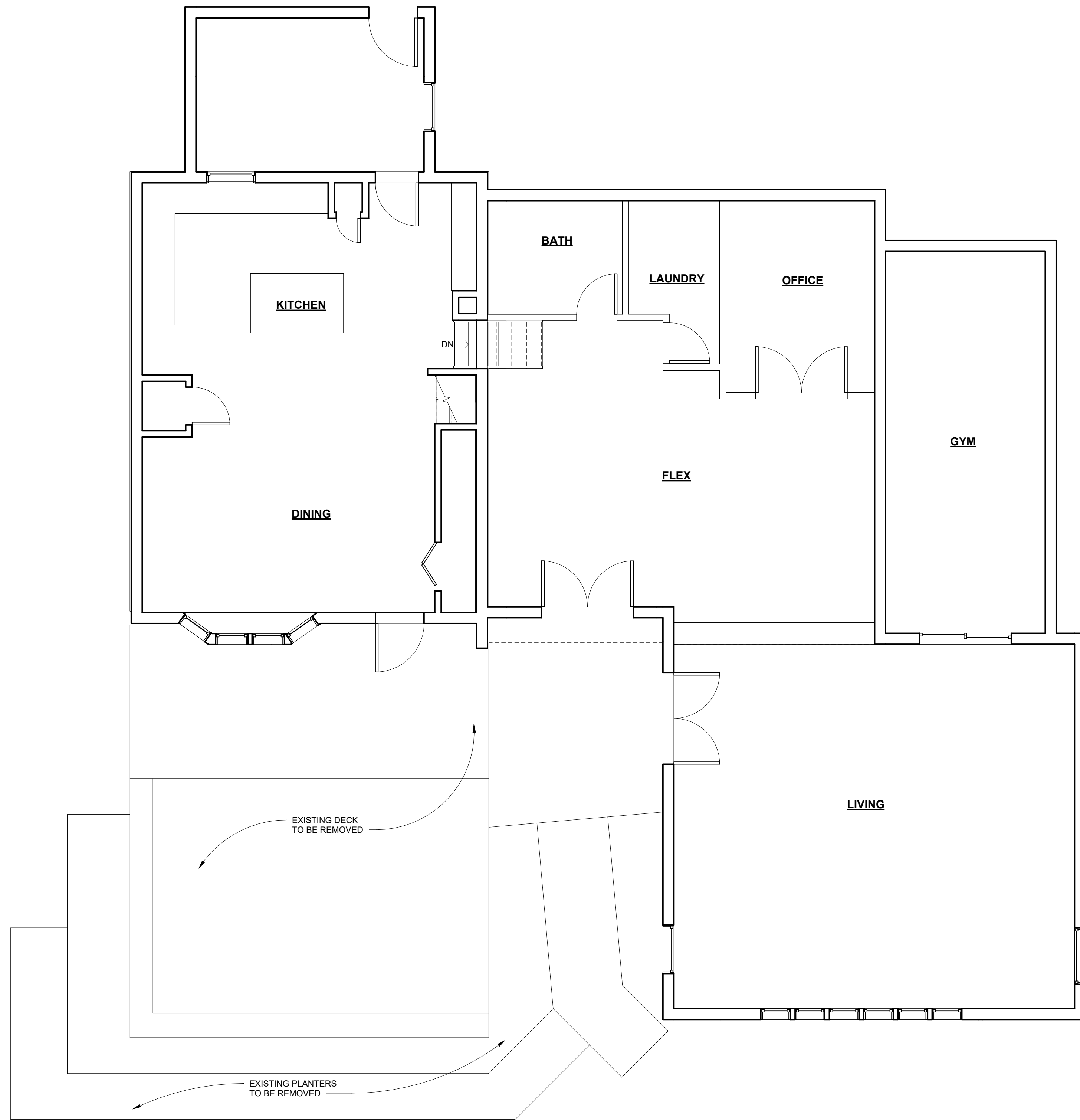
1. NEW STAIRS TO NEW ENTRY W/ FLANKING TIERED PLANTERS
2. NEW 23'-6"X20'-1" GARAGE
3. NEW ENTRY INTO BASEMENT FROM PROPOSED GARAGE  
• NEW LAYOUT OF MUDROOM/ BEDROOMS TBD.
4. FULLY EXCAVATED STORAGE ROOM AND BREEZEWAY TO CONNECT EXISTING GARAGE TO PROPOSED GARAGE
5. OPTIONAL MAN DOOR TO PROPOSED GARAGE



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 Clarkston, MI 48346  
 EMAIL: info@olaxinc.com

**DAVID AND CAREN OTTO**  
 638 Buena Vista  
 Lake Orion, MI

# EXISTING



2 **MAIN ENTRANCE - EXISTING**  
1/4" = 1'-0"

# PROPOSED



1 **MAIN ENTRANCE - PROPOSED**  
1/4" = 1'-0"

**SCOPE OF WORK**

1. EXTEND MAIN ENTRANCE TO CONNECT TO FLEX SPACE AND LIVING ROOM
2. ADD COVERED PORCH WITH BREEZEWAY BETWEEN GARAGES UNDERNEATH
3. NEW STAIRS TO NEW ENTRY W/ FLANKING TIERED PLANTERS
4. NEW TIERED DECK OVER NEW GARAGE W/ CABLE RAILING
5. NEW FLOOR TO CEILING WINDOWS AND FRENCH DOOR (OR SLIDING) INTO DINING AREA
6. REMOVED EXTERIOR DOOR AT LIVING ROOM AND CREATED LARGE OPENING TO CONNECT THE SPACES
7. REPLACED AND ADDED WINDOWS AT THE LAKEFRONT FACADE OF LIVING SPACE



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 Lake Orion, MI

# EXISTING



# ADDITIONAL PERSPECTIVES



# PROPOSED



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**DAVID AND CAREN OTTO**  
638 Buena Vista  
Lake Orion, MI



# MINUTES

## SPECIAL MEETING OF THE BOARD OF ZONING APPEALS

Thursday, July 11, 2024

6:30 PM

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

(248) 693-8391 ext. 102

### 1. Call to Order

The July 11, 2024 Board of Zoning Appeals Special Meeting was called to order at 6:30 PM.

### 2. Roll Call and Determination of Quorum

#### PRESENT

Chairperson Bradley Mathisen

Vice Chairperson Raymond Putz

Secretary Brenton Bailo

Board Member/Planning Commission Representative Hank Lorant

#### ABSENT

Board Member Mary Chayka-Crawford

#### STAFF PRESENT

Village Planning and Zoning Coordinator Gage Belko

Village Clerk/Treasurer Sonja Stout

### 3. Designation of Alternate, as necessary

### 4. Approval of Agenda

**MOTION** made by Vice Chairperson Putz, Seconded by Secretary Bailo to approve the July 11, 2024 Special Meeting Agenda of Board of Zoning Appeals as presented.

**VOTING YEA:** Mathisen, Putz, Bailo, Lorant

**VOTING NAY:** None

**ABSENT:** Chayka-Crawford

**MOTION:** Carried

### 5. Approval of Minutes

**A. Approval of BZA Minutes June 6<sup>th</sup>, 2024**

**MOTION** made by Secretary Bailo, Seconded by Board Member/Planning Commission Representative Lorant, to approve the June 6th, 2024 Regular meeting minutes of Board of Zoning Appeals as presented.

**VOTING YEA:** Mathisen, Putz, Bailo, Lorant

**VOTING NAY:** None

**ABSENT:** Chayka-Crawford

**MOTION:** Carried

**6. Public Comments on Non-Agenda Items Only**

None.

**7. Action Items**

**A. A-24-04 (638 Buena Vista) Variance Requests**

**MOTION** made by Chairperson Mathisen, Seconded by Vice Chairperson Putz to open the Public Hearing.

**VOTING YEA:** Mathisen, Putz, Bailo, Lorant

**VOTING NAY:** None

**ABSENT:** Chayka-Crawford

**MOTION:** Carried

Chairperson Mathisen opened the public hearing at 6:32 PM.

Planner Belko provided a brief synopsis of variance request as stated in McKenna report with noting that item #2 is actually a 3.5 foot variance instead of the stated 4.5 ft variance. Planner Belko presented the recommendation for approving all the proposed variances subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, to align with zoning map and future land use map.

Anton Rozhanskiy with Olax, Inc, stated that there is no exterior/interior structure rebuild except for the kitchen as mentioned by the planner. Their plan is to reface the home to grant access to the house from the current garage and currently there is no access to the home from the garage.

The Board asked various questions directed towards Olax, Inc, representatives about their plans for improvement to the current structure and responses were provided.

Anton Rozhanskiy provided Chairperson Mathisen with a document that is attached and incorporated as part of the minutes that included various signatures from neighbors requesting the variance be approved.

Planner Belko went over procedures for approving the variances and his recommendation of attaching the condition to re-zone the property. He also went over the re-zoning procedures and that the property owner must initiate the process, then it must work through the proper

channels such first going to the Planning Commission Board then to Village Council for approvals. He said that construction can begin immediately. Planner Belko had asked if the homeowners, the Ottos, would be open to the re-zoning process before moving forward on a vote.

The Ottos inquired about the cost and process of the re-zoning process and asked various questions to Planner Belko. Planner Belko expressed his concern for the homeowner’s hesitancy and possibly tabling the item until he felt the homeowners would have a better understanding of the process being requested.

Caren Otto, requested a short recess to discuss with the representatives from Olax, Inc, and Planner Belko to discuss their options before tabling the item.

**MOTION** made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to recess for 15 minutes.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

The Board took a recess at 7:02 PM.  
The Board re-convened at 7:17 PM.

Board Member/Planning Commission Representative Lorant asked if the item needed to be tabled and expressed his concern if voted on, the repercussions of not being able to be brought back to the board for another year.

Matt Craig, 146 Bellevue Ave, supports the construction of the property but is unsure of the re-zoning process that is being requested.

**MOTION** made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to close the Public Hearing.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

Chairperson Mathisen closed the public hearing at 7:22 PM.

Chairperson Mathisen read an email from Tom and Mary Sakala expressing their support for granting the variance requests. The letter is attached and incorporated as part of the minutes.

The Board had discussion.

**MOTION #1** made by Secretary Bailo, Seconded by Board Member/Planning Commission Representative Lorant to approve the requested variance from the minimum required front yard setback for accessory structures, as proposed, subject to the property being lawfully

rezoned within one (1) year to RL, Lake Single Family Residential, therefore conferring approval of a lesser variance of 5.5 feet, based on the findings of the Village Planning Consultant enumerated in a letter dated July 2, 2024.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

**MOTION #2** made by Secretary Bailo, Seconded by Board Member/Planning Commission Representative Lorant to approve the requested variance from the minimum required side yard setback, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the findings of the facts that is found in the Village Planning Consultant enumerated in a letter dated July 2, 2024.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

**MOTION #3** made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to approve the requested variance from the minimum required accessory structure placement behind the front building line, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the findings of the Village Planning Consultant enumerated in a letter dated July 2, 2024.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

**B. Monthly Planning and Zoning Report**

**MOTION** made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to receive and file.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

Board Member/Planning Commission Representative Lorant spoke.

Dr. Brenton Bailo spoke.

Board Member Putz spoke.

**8. Next Regular Meeting - August 1st, 2024**

**9. Adjournment**

**MOTION** made by Board Member/Planning Commission Representative Lorant, Seconded by Secretary Bailo, to adjourn the July 11, 2024 Board of Zoning Appeals Special Meeting.

**VOTING YEA:** Mathisen, Putz, Bailo, Lorant

**VOTING NAY:** None

**ABSENT:** Chayka-Crawford

**MOTION:** Carried

The July 11<sup>th</sup>, 2024 Board of Zoning Appeals Special Meeting adjourned at 7:34 PM.

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Dr. Brenton Bailo  
Secretary

---

Sonja Stout  
Village Clerk/Treasurer

Date Approved: as presented on October 3, 2024.

# MCKENNA

July 2, 2024

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

**Subject :** A-24-04 : 638 Buena Vista Variance Requests  
**Parcel:** OL-09-02-354-020

Board Members:

We have reviewed the above-referenced variance request application submitted by Anton Rozhansky (Olax Inc.) on behalf of David and Caren Otto (the “Applicants”) who propose a 698-square-foot addition to the front of an existing ~2,655-square-foot single-family home located at 638 Buena Vista. This addition is part of a larger investment to update the property and will include an attached garage and rooftop patio; the existing patio and landscape retaining wall will be demolished to accommodate it. The property is located on Bellevue Island, north of Buena Vista Avenue and just east of Bellevue Avenue, within the RV, Village Single Family District.



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**REQUEST**

To build the proposed addition, the applicant is requesting three (3) variances from the Zoning Ordinance:

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

- (1) Front (Southeast) Yard Setback: 22.85 feet minimum required (Established Front Setback)  
16.1 feet existing (non-conforming)  
14.5 feet proposed  
**8.35-foot variance requested**
  
- (2) Side (Southwest) Yard Setback: 10.0 feet minimum required  
6.5 feet existing (non-conforming)  
6.5 feet proposed (expanding the nonconformity)  
**4.5-foot variance requested**

**SECTION 13.11, ACCESSORY BUILDINGS AND STRUCTURES – RV ZONING DISTRICT**

- (3) Placement (Front Building Line): Behind front building line of existing residence  
10.4 inch projection in front of existing residence  
**10.4-inch variance requested**

For the purposes of this letter, “Variance 1” references the Front Yard Setback variance request, “Variance 2” references the Side Yard Setback variance request, and “Variance 3” references the placement/projection variance request.

## COMMENTS

Per Section 19.04.D.1 of the Village's Zoning Ordinance and the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional (or non-use) variance upon a finding that a practical difficulty exists.

**To meet the test of practical difficulty, the Board must find evidence of ALL the following standards:**

- (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: Required setbacks prevent the owner from having an attached garage with direct access to the home.*

The property is already in use for permitted purposes, with an existing single-family residence with an attached two-car garage. As discussed in **Item (d)** below, the subject property (specifically the lot itself) is not unique, save for the fact that it complies with Zoning Ordinance requirements for lot size (most lots near the lakefront do not comply with minimum standards and are nonconforming), which should make it easier to comply with established setback standards. The existing structure, however, is nonconforming regarding the side yard and front yard setback requirements, which the Applicants intends to increase. Under these circumstances, we find that the Applicants are more than capable of updating their home without increasing the structure's nonconformities and note that the existing attached two-car garage could reasonably be retrofitted to provide such direct access to the home, as they are already proposing several interior and exterior structural changes to this portion of the home.

- (b) The variance(s) will provide substantial justice to applicant as well as neighboring property owners.**

*Applicant response: Existing conditions of the deck and stairs have become a safety concern for the owner and guests. Granting them the variance will allow the owner and guests to enter the home in a safe manner.*

Because the Applicants occupy a compliant lot along the lake and for the reasons noted above under **Item (a)**, we do not find that there is any justice to be granted to the Applicants, as reasonable design alternatives would allow them to make necessary property investments without variances. In fact, upholding the Ordinance requirements would provide the ultimate justice to neighboring property owners and the Village, where most property owners make an effort to comply with the Ordinance. As discussed further under Item (f), approval of the variances may set a precedent for nearby properties that wish to increase the non-conformity of their structure(s), which would defeat the purpose of established Ordinance standards. Nothing in the Zoning Ordinance precludes the applicants from updating their home for safe, convenient access – this could be accomplished within the limits of the code.

- (c) The variance(s) requested is(are) the minimum variance(s) needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.**

*Applicant response: We are requesting the minimum variance in order to comfortably fit the owner's cars into the new garage and directly enter the home.*

From the renderings and plans, the entire home appears to be proposed for updates, both interior and exterior; however, we note that the applicant has not provided alternative design solutions that could rule out the need for variances. Variance 1 increases the extent of the nonconforming side yard encroachment for the placement of a second two-car garage and roof-top patio. Variance 2 increases the extent of structure encroaching into the Establish Front Setback and, further, the proposed accessory structure extends past the front building line of the existing home, resulting in the need for Variance 3.

While granting these variances would clearly provide relief to the Applicant, none of the requested variances are the minimum possible. As mentioned several times, with an existing attached garage, we find that alternative design solutions could be reasonably explored without further deviation from the Zoning Ordinance. Nonconforming structures are allowed to be repaired/modernized without variances, provided such improvements do not expand any nonconformity (or introduce new ones) and are less than 50% of the True Cash Value of the property.

**(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: Without direct access to the home from the garage, the owners need to carry groceries, luggage, etc. outside and up a rotting and uneven stairway to the front door.*

Per the table below, the subject site is not unique. Not only is it very similar to nearby properties in shape and dimension, but it also complies with the requirements of the Zoning District. Although the existing structure is nonconforming with regard to setback requirements, the Applicant will be increasing these. Overall, the need for variances is not due to the lot's non-conformity or other unique circumstances but is instead entirely self-created (see **Item (e)**).

**RV District Schedule of Regulations** (requested setback variances highlighted in grey):

Standard	Required	Existing	Proposed	Notes
Minimum Lot Width	60 ft.	70 ft.	70 ft.	Complies
Minimum Lot Area	7,200 sq. ft.	8,289.6 sq. ft.	8,289.6 sq. ft.	Complies
Maximum Building Height	30 ft.	<30 ft.	<30 ft.	Complies
Established Front Setback	22.85 ft.	16.1 ft.	14.5 ft.	<u>Increasing non-compliance</u>
Minimum Side Yard Setback	10 ft.	6.5 ft. (S.W.) / 5.8 ft. (S.E.)	6.5 ft. (S.W.) / 5.8 ft. (S.E.)	<u>Increasing non-compliance</u>
Rear Setback	25 ft.	>25 ft.	>25 ft.	Complies
Maximum Lot Coverage	40%	30.8%	36.32%	Complies
Minimum Floor Area	1,200 sq. ft.	2,256 sq. ft.	2,893.4 sq. ft.	Complies

Due to the property's location adjacent to Lake Orion and its classification on the Future Land Use map, the lot could be rezoned to the RL, Lake Single Family Residential District. This new zoning classification would maintain the property's compliance with Zoning Ordinance standards and remove the necessity for the side yard setback variance (which is 5 feet in the RL district) and the accessory structure placement variance, as attached accessory structures are allowed in front of a residence in the RL district and up to 20 feet from the street lot line, thereby also reducing the variance needed for the front yard setback. The Board of Zoning Appeals may consider approving the side yard setback variance as proposed and a lesser front yard setback variance of 5.5 feet (as opposed to the requested 8.35 feet) with the condition of having the property rezoned within one (1) year, to align the Zoning Map with the Future Land Use Map.

- (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: None provided.*

The need for variances is entirely self-created, as the Applicant is taking affirmative action to demolish an existing structure on the property to accommodate an addition to the single-family dwelling, rather than simply modifying/upgrading the existing structure(s), which could be done without expanding or creating nonconforming dimensions.

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

*Applicant Response: We designed the home to have minimal impact on surrounding properties by avoiding any additional light / air / view obstructions.*

The variance requests for this particular application would have minimal negative impact on the public health, safety, comfort, and welfare of the inhabitants of Lake Orion. However, approving the variances without certain conditions is likely to set a perceived precedent for nearby properties that may wish to increase nonconforming structures on otherwise conforming lots, which may ultimately jeopardize the public welfare by undermining the Zoning Ordinance without due cause.

## RECOMMENDATION

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 recommend that the Board of Zoning Appeals take the following actions:

### Variance 1 – Front Setback:

**Motion to approve the requested variance** from the minimum required front yard setback for accessory structures in the, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, therefore conferring approval of a lesser variance of 5.5 feet, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for front yard setbacks would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be modernized to fit established zoning standards. A lesser variance could be achieved for the proposed addition through rezoning to RL, Lake Single Family Residential.
- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential by reducing the need for a variance and aligning the property with the Future Lane Use map.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.

### Variance 2 – Side Setback:

**Motion to approve the requested variance** from the minimum required side yard setback, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for side yard setbacks would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be

modernized to fit established zoning standards. Compliance could also be achieved through rezoning to RL, Lake Single Family Residential, eliminating the need for the variance.

- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.

#### Variance 3: Accessory Structure Placement:

**Motion to approve the requested variance** from the minimum required accessory structure placement behind the front building line, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for accessory structure placement would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be modernized to fit established zoning standards. Compliance could also be achieved through rezoning to RL, Lake Single Family Residential.
- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.

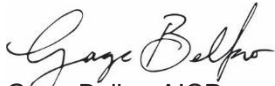
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.

Should the Applicants fail to lawfully rezone their property to RL, Lake Single Family Residential within one (1) year to align with the planned Future Land Use of this area as a condition of the Board's approval of certain variances, such approved variances would be null and void and the Village shall cause for the abatement of any resulting violations of the Zoning Ordinance.

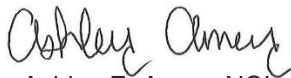
Should you have any questions, please reach out to us.

Respectfully,

**McKENNA**



Gage Belko, AICP  
Associate Planner



Ashley E. Amey, NCI  
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362  
Applicant: David and Caren Otto, 638 Buena Vista, Lake Orion, MI 48362