



AGENDA

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

ADDRESSING THE VILLAGE COUNCIL: Each person wishing to address the BZA 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. **Roll Call and Determination of Quorum**
3. **Designation of Alternate, as necessary**
4. **Approval of Agenda**
5. **Approval of Minutes**
 - A. Approval of BZA Minutes June 6th, 2024
6. **Public Comments on Non-Agenda Items Only**
7. **Action Items**
 - A. A-24-04 (638 Buena Vista) Variance Requests
 - B. Monthly Planning and Zoning Report
8. **Next Regular Meeting - August 1st, 2024**
9. **Adjournment**

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village, at least three (3) business days in advance of the meeting, if requesting

accommodations. The Village of Lake Orion will provide foreign language or hearing impaired interpretation services for those individuals who contact the village to request such services at least seven (7) days prior to the meeting.

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



BOARD ACTION SUMMARY SHEET

MEETING DATE: July 11th, 2024

TOPIC Approval of BZA Minutes June 6th, 2024

RECOMMENDED MOTION: To approve the June 6th, 2024 regular meeting minutes of Board of Zoning Appeals regular meeting, as presented.



MINUTES

REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, June 06, 2024

6:30 PM

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

(248) 693-8391 ext. 102

1. Call to Order

The June 6, 2024 Board of Zoning Appeals Regular Meeting was called to order at 6:31 PM.

2. Roll Call and Determination of Quorum

PRESENT

Chairperson Brad Mathisen

Vice Chairperson Raymond Putz

Secretary Brenton Bailo

Board Member Mary Chayka-Crawford

Board Member Henry Lorant

STAFF PRESENT

Village Planning and Zoning Coordinator Gage Belko

Village Clerk/Treasurer Sonja Stout

Deputy Clerk/Treasurer Lynsey Blough

Recording Secretary Danielle Smith

3. Approval of Agenda

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

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

4. First Hearing of the Public on Non-Agenda Items Only

None.

5. Approval of Minutes

A. BZA Minute Approval- May 2, 2024

MOTION made by Board Member Chayka-Crawford, Seconded by Board Member/Planning Commission Representative Lorant, to approve the May 2, 2024 Board of Zoning Appeals Minutes, as presented.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

6. Review of BZA Order of Procedure for Handling Appeals - Initial Consideration

7. Public Hearing

A. Public Hearing: A-24-03 (512 Longpointe) Variance Request

MOTION made by Board Member Chayka-Crawford, Seconded by Secretary Bailo, to open the Public Hearing.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

Chairperson Mathisen opened the public hearing at 6:35 PM.

Planner Belko made a note about minor discrepancies in the dimensions that were noticed in the Public Notice, versus what was actually being requested for the 512 Longpointe Variance Request. The request was made in decimal format versus fractional.

The proposed amounts were:

- 13.1 ft for Water Setback, with a variance of 11.11 ft,
- 11.7 ft for Street Setback, with variance of 13.5 ft, and
- 34.3 ft for Building Height, with variance of 4.3 ft.

The corrected proposed is:

- 13 ft 1 in for Water Setback, with variance of 11 ft 11 in. (11.92 ft),
- 11 ft 7 in for Street Setback, with variance of 13 ft 5 in. (13.42 ft), and
- 34 ft 3 in for Building Height, with a variance of 4ft 3 in. (4.25 ft).

The email is attached and incorporated as part of the minutes.

Planner Belko presented the recommendation for approving reduced variances from the minimum required street and water setbacks and recommended denying the variance for the height setbacks for the proposed home at 512 Longpointe.

Ron Roy, the property owner at 512 Longpointe, and the Architect from D.L. Jones & Associates Architects, P.L.L.C explained the purpose of asking for the variance which would be for medical purposes and to have the house ADA compliant.

Ed Sabol, 2 Highland, asked questions to Planner Belko in regard to the ordinance in question that involves height.

Jeff Butler, 540 Longpointe, spoke about his support for all the variances being requested.

Bill Martin, 548 Longpointe, spoke about his support of accepting the variances being requested.

Planner Belko also read in the text messages the members of the public in support of the proposed variances. They are the following:

- Brad & Sarah Luchsinger, 568 Longpointe
- William Whedon, 560 Longpointe
- Paul & Renee Hayes, 604 Longpointe
- Jeff & Lori Flaughner, 572 Longpointe
- David & Kathy Petoskey, 600 Longpointe
- Amy & Craig Przygoda, 584 Longpointe
- Mike & Mary Byers, 592 Longpointe

The email and screenshots of text messages are also incorporated as part of the minutes.

Chairperson Mathisen read a letter from “Longpointe Neighbor” who disagreed with the variance request. The letter is attached and incorporated as part of the minutes.

MOTION made by Board Member/Planning Commission Representative Lorant, Seconded by Secretary Bailo to close the Public Hearing.

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

Chairperson Mathisen closed the public hearing at 7:24 PM.

8. New Business

A. A-24-03 (512 Longpointe) Variance Request

MOTION made by Board Member Chayka-Crawford, Seconded by Vice Chairperson Putz to deny lakefront west yard setback 25 ft minimum required, 12.5 existing, 13.1 proposed, 7.9 variance requested.

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

Planner Belko suggested the use of the language from the agenda packet to the Board to be included in the motion.

The Board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen to withdraw the previous motion from the table.

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

MOTION made by Board Member Chayka-Crawford, Seconded by Vice Chairperson Putz, to approve a reduced variance from the minimum required street front setback for the proposed single-family home at 512 Longpointe. This recommendation is based on the findings numbers # 1 through 5 as listed in the planner’s report, noting that item number #3 states the variance requested is not the minimum possible, and it recommends that the applicant pursue alternative layouts to achieve no more than a 10-ft. variance from this setback, as recommended by McKenna Associates.

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

The Board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Secretary Bailo, to approve a reduced variance from the minimum required waterfront setback for the proposed single-family home at 512 Longpointe. This recommendation is based on the findings numbers # 1 through 5 as listed in the planner’s report noting that item number #3 states the variance requested is not the minimum possible, and it recommends that the applicant pursue alternative layouts to achieve no more than a 10-ft. variance from this setback, as recommended by McKenna Associates.

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

The board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen, to deny the requested variance from the maximum required building height for the proposed single-family home at 512 Longpointe. This recommendation is based on the findings numbers #1 through 5 as listed in the planners’ report.

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

The board had a discussion.

MOTION made by Board Member/Planning Commission Representative Lorant, Seconded by Secretary Bailo, to approve the proposed variance of 34 ft. 3 in. for the building height for proposed single-family home at 512 Longpointe, as requested.

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

9. Unfinished Business

A. A-24-02: 136 Axford Dimensional Variance Request

Planner Belko went over the recommended letter from McKenna to deny this postponed item from the May 2, 2024 meeting.

The Board had a discussion.

Sue Overmeyer, the mother of the owner of the house, spoke about the homeowner’s plans for the seasonal pool.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen, to deny the requested variance of 15 feet from the required minimum rear setback for the installation of an above-ground pool at 136 Axford, based on findings that findings numbers # 1 through 5 as listed in the planner’s report.

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

Chairperson Mathisen read a statement of support from the neighbors at 136 Axford supporting the decision of the variance being requested.

The Board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen, to deny the requested variance of 1.95 percent from the required maximum lot coverage for the installation of an above-ground pool at 136 Axford, based on finding that findings numbers # 1 through 5 as listed in the planner’s report.

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

10. Second Hearing - on Non-Agenda Items Only

Planner Belko went over an upcoming training event that will be open to all Board members. It is scheduled to be held tentatively on June 20, 2024, with specific times to be announced in the the upcoming weeks. Both virtual and in-person event options will be available.

11. Board Member Comments

Board Member/Planning Commission Representative Lorant had no comment.

Secretary Bailo had no comment.

Board Member Chayka-Crawford spoke.

Vice Chairperson Putz spoke.

Chairperson Mathisen spoke.

12. Adjournment

MOTION made by Board Member Chayka-Crawford, Seconded by Board Member/Planning Commission Representative Lorant, to adjourn the June 6th, 2024 Board of Zoning Appeals Regular Meeting.

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

The June 6th, 2024 Board of Zoning Appeals Regular Meeting adjourned at 8:11 PM.

Dr. Brenton Bailo
Secretary

Sonja Stout
Village Clerk/Treasurer

Lynsey Blough
Deputy Clerk/Treasurer

Date Approved: as presented on July 11th, 2024.



BOARD ACTION SUMMARY SHEET

MEETING DATE: July 11, 2024

TOPIC A-24-03 (512 Longpointe) Variance Request

BACKGROUND BRIEF: The applicants propose building an addition to their existing single-family residence for a second two-car garage and a rooftop patio. The addition is part of a larger investment to improve the property, including an updated entryway and stairs, new windows and siding, and interior structural and circulation changes. The addition involves demolishing an existing front patio and landscape retaining wall. The property is located on the north side of Buena Vista Avenue and is zoned RV, Village Single Family Residential. To build the proposed home, the applicants are 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

The property has a future land use category of RL, Lake Single Family Residential. The requested variances could be eliminated or lessened through lawful rezoning of the property to align with the Village Master Plan (amended, 2022), providing substantial justice to both the Applicants and the Village. For these requests, a public hearing was scheduled and noticed in accordance with Village Code and the Michigan Zoning Enabling Act.

RECOMMENDED MOTION(S):

Motion 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.

:

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 findings of the Village Planning Consultant enumerated in a letter dated July 2, 2024.

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 findings of the Village Planning Consultant enumerated in a letter dated July 2, 2024.

ATTACHMENTS:

- A-24-04 (638 Buena Vista) BZA Application and Review Package
- Village of Lake Orion Future Land Use Map



Village of Lake Orion

21 E. Church Street
 Lake Orion, Michigan 48362
 Tel 248.693.8391
 Fax 248.693.5874
www.lakeorion.org

BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

PROPERTY INFORMATION

Site Address: 638 Buena Vista Avenue. Lake Orion Parcel ID #: 0902354020

Parcel Size (Sq.Ft.): 8,289.6 Sq. Ft. Zoning District: RV - Village Single Fam. Res.

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

OWNER INFORMATION

Property Owner Name: David and Caren Otto Address: 638 Buena Vista

Property Owner Phone #: 586-707-9824 E-Mail: djotto1000@gmail.com

APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: Anton Rozhanskiy Address: 5909 Chesnut Hill, Clarkston MI

Applicant Phone #: 248-620-3867 E-Mail: ian@olaxinc.com

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

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	16.1Feet	25 Feet	14.5 Feet	10.5 Feet
	SIDE (WEST)	6.5 FT	10 FT	6.5 FT	3.5 FT

TO BE COMPLETED BY VILLAGE STAFF - Date Received:

Fee:

Receipt #:

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.

REQUIRED SETBACKS PREVENT OWNER FROM HAVING ATTACHED GARAGE W/ DIRECT ACCESS TO HOME.

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

EXISTING CONDITIONS OF DECK/STAIR HAVE BECOME A SAFETY CONCERN FOR OWNER & GUESTS. GRANTING THEM THE VARIANCE WILL ALLOW OWNER/GUESTS ENTER THE HOME IN A SAFELY MANNER.

Please explain how: The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

WE ARE REQUESTING THE MINIMUM VARIANCE IN ORDER TO COMFORTABLY FIT OWNERS CARS INTO NEW GARAGE & DIRECTLY ENTER THE HOME.

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.

WITHOUT DIRECT ACCESS TO HOME FROM GARAGE, OWNERS NEED TO CARRY GROCERIES/LUGGAGE ETC. OUTSIDE AND UP A ROTTEN & UNLEVEL STAIRWAY TO FRONT DOOR.

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.

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

WE DESIGNED THE HOME TO HAVE MINIMAL IMPACT ON SURROUNDING PROPERTIES BY AVOIDING ANY ADDITIONAL LIGHT/AIR/VIEW OBSTRUCTIONS.

USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP

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

N/A

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

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

N/A

ADDITIONAL INFORMATION AND REQUIREMENTS

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

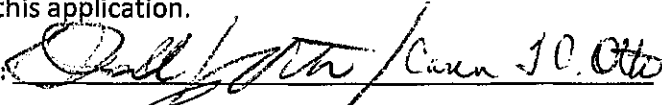
Please place your initials below next to all items included in your application.

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

- AR 1) A completed application signed by the property owner.
- AR 2) Proof of ownership.
- _____ 3) Property owner authorization for an applicant to act on their behalf.
- AR 4) Project Narrative – *A letter to the BZA explaining the variance or review request.*
- AR 5) Land Survey – *A survey prepared by a professional surveyor.*
- AR 6) Site Plan – *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
- AR 7) Architectural plans and elevations – *A set of drawings illustrating the details of any proposed structures.*
- AR 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.*
- AR 9) Payment of fees.

By signing below you acknowledge all of the following:

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

Signature of Property Owner:  Date: 6/17/2024

Signature of Applicant:  Date: 6/17/2024



OLAX INC.
5633 Sashabaw Rd,
Clarkston, MI
248.620.3867
Olaxinc.com

Anton Rozhanskiy
5633 Sashabaw Rd,
Clarkston, MI 48346

June 14, 2024

Subject: Variance Application for Residential Addition at **638 Buena Vista, Lake Orion**

Dear Members of the Village of Lake Orion Zoning Board,

I am writing to submit a variance application for a proposed addition to our customers' residence located at 638 Buena Vista Avenue. The purpose of this addition is to enhance the functionality and livability of our customers' home while respecting the architectural character of the neighborhood. I am seeking a variance from the current zoning regulations to allow for this necessary expansion.

Project Description:

The proposed project involves removing a multi-tiered dilapidated deck and retaining wall and adding approximately 698 square feet to the front of the existing structure in its place. The addition will include an attached garage with some storage space and a breezeway connecting the existing garage. The proposed garage will have a roof deck that cohesively connects to the existing main entrance of the home. The design of the addition has been thoughtfully developed to match the existing architectural style and materials, ensuring it blends seamlessly with the current structure and surrounding properties.

Justification for Variance:

1. **Practical Difficulty:** Due to the unique shape and topography of the lot, adhering to the current setback requirements would result in a layout that is not practical for modern parking needs. The existing garage does not have direct access into the home that has not only become an inconvenience, but also a safety concern. The addition will not only provide direct access to the home to allow the owners to carry in groceries, luggage, etc.; we will also simplify the stairway run to the main entrance to provide a more direct and safe way for guests to enter the home.
2. **Minimal Impact:** The proposed addition will have minimal impact on the surrounding properties. The design has been planned to avoid any significant obstruction of light, air, or views for neighboring homes. Landscaping and privacy measures will be implemented to further mitigate any potential impact.
3. **Neighborhood Character:** The addition is designed to be harmonious with the architectural character of the neighborhood. By maintaining similar building materials, rooflines, and exterior finishes, the project will enhance the aesthetic continuity of the area.
4. **Increased Livability:** The primary goal of this addition is to accommodate the growing needs of our client. The additional space will allow us to remain in our home and community, contributing positively to the neighborhood's stability and cohesiveness.



Olax Inc
5633 Sashabaw Rd,
Clarkston, MI
248.620.3867
Olaxinc.com

Community and Environmental Considerations:

- **Environmental Impact:** Measures will be taken to minimize any environmental impact during construction. This includes proper waste management and erosion control throughout the construction process.
- **Community Feedback:** The Otto's have discussed the proposed addition with my immediate neighbors, and they have expressed support for the project. They are committed to maintaining open communication with all affected parties throughout the planning and construction phases.

Conclusion:

In conclusion, we believe that granting this variance will not only address the practical difficulties posed by the current zoning regulations but also enhance the quality of life for the Otto's while preserving the character and integrity of the neighborhood. We respectfully request your favorable consideration of this application.

Thank you for your time and attention to this matter. We are available to provide any additional information or answer any questions you may have.

Sincerely,

The Olax Team and the Ottos

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.



HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

☎ 248.596.0920
☎ 248.596.0930
MCKA.COM

Communities for real life.

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.

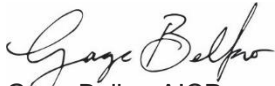
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (5) The need for 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.

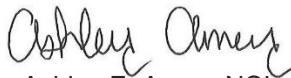
Should you have any questions, please reach out to us.

Respectfully,

McKENNA



Gage Belko, AICP
Associate Planner

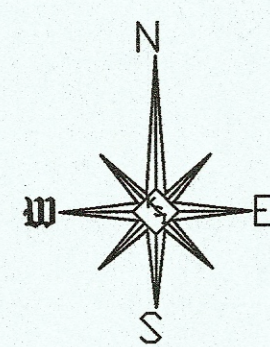


Ashley E. Amey, NCI
Assistant Planner

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

EXISTING PERCENTAGE OF COVERAGE (09-02-354-020)

Area of Parcel 09-02-354-020	=	8,289.6 Sq. Ft.
Area of Existing Residence #638	=	2,256.0 Sq. Ft.
Area of Existing Side Storage	=	12.4 Sq. Ft.
Area of 1000.8 Wooden Deck & Steps	=	164.3 Sq. Ft.
Area of Existing Shed	=	120.1 Sq. Ft.
Total Area of Coverage	=	2,552.8 Sq. Ft.
Existing Percentage of Coverage	$\frac{2,552.8 \times 100}{8,289.6}$	= 30.8%



GENERAL NOTES:

- 1.) The 100 year flood plain contour line follows existing retaining walls and is shown on the STAKED SURVEY.
- 2.) The existing sanitary sewer lead and water service lead are shown on the STAKED SURVEY. Field verify prior to any construction.
- 3.) There are no existing easements encumbering this site.
- 4.) There are no drainage courses encumbering this site.
- 5.) Ground mounted AC Unit is shown.
- 6.) A Complete set of Architectural drawings has not been provided to Kennedy Surveying, Inc. at the time of this "STAKED SURVEY".
- 7.) Proposed roof height of the proposed Garage were not provided. Estimated to be below 12 feet.
- 8.) The Lot lines as shown on this STAKED SURVEY are held as previously surveyed or occupied and may not be necessarily the same lot lines as platted. See Surveyor's Notes below the description.
- 9.) The exact location and elevation of the existing sanitary sewer lead shall be determined prior to any construction. Extend the sanitary sewer lead using 6" PVC sch. 40 w/ water tight joints @ min. of 1% grade with a min of 4' of cover.
- 10.) The water service lead shall be 1" K Copper of approved equal with a min. of 5.5' of cover

PROPOSED PERCENTAGE OF COVERAGE (09-02-354-020)

Area of Parcel 09-02-354-020	=	8,289.6 Sq. Ft.
Area of Existing Residence #638	=	2,256.0 Sq. Ft.
Area of Existing Side Storage	=	12.4 Sq. Ft.
Area of Proposed Lower Level Garage	=	549.8 Sq. Ft.
Area of Proposed Addition	=	87.6 Sq. Ft.
Area of Proposed Covered Porch	=	65.3 Sq. Ft.
Area of Proposed Steps	=	39.6 Sq. Ft.
Total Area of Coverage	=	3,010.7 Sq. Ft.
Existing Percentage of Coverage	$\frac{3,010.7 \times 100}{8,289.6}$	= 36.3%

PROPERTY DESCRIPTION: PARCEL 09-02-354-016

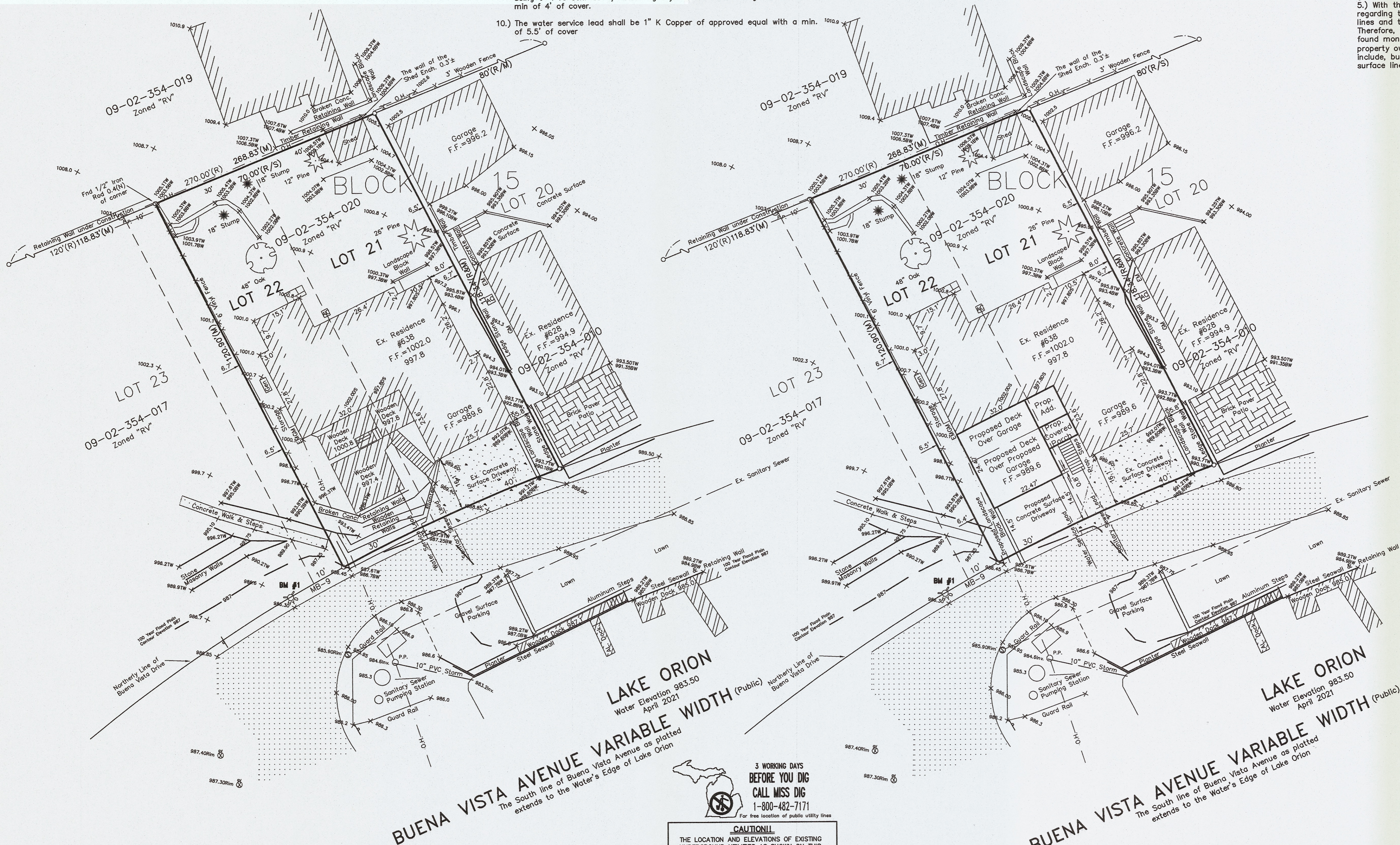
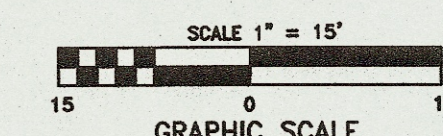
Lot 21, and the Easterly 30 feet of Lot 22, Block 12, of "ORION IMPROVEMENT COMPANY'S SUBDIVISION NO. 1", being part of Section 2, 3 10 and 11, Town 4 North, Range 10 East, Village of Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, on Page 19 of Oakland County Records. Also a strip 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 way 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.

LEGEND:

- 993.45 X = EXISTING ELEVATION
- BM = BENCH MARK
- = FND. 1/2" IRON ROD UNLESS NOTED
- = SET 1/2" IRON ROD W/ ID CAP
- ▲ = SET #60 NAIL W/ LATH
- = EX. POWER POLE
- = EX. LIGHT POLE W/ CONTROL BOX
- = EX. UTILITY RISER / PANEL
- = GUY POLE
- = GUY WIRE
- = EX. SANITARY SEWER MANHOLE
- = EX. STORM SEWER STRUCTURE
- = CATCH BASIN
- = CLEAN OUT
- = EX. FIRE HYDRANT
- = EX. GATE VALVE
- = EX. SIGN
- F.F. = FINISHED FLOOR
- O.H. = OVERHEAD LINES
- UG = UNDER GROUND LINES
- GM = GAS METER
- EM = ELECTRIC METER
- DS = DOOR SILL
- R = RECORDED DISTANCE
- M = MEASURED DISTANCE
- C = CALCULATED DISTANCE
- = DIRECTION OF FLOW
- [Pattern] = EX. BITUMINOUS SURFACE
- [Pattern] = EX. CONCRETE SURFACE
- [Pattern] = EX. GRAVEL SURFACE
- [Pattern] = EX. WOODEN SURFACE
- [Pattern] = EX. BRICK PAVEMENT SURFACE



BENCH MARK (BM)
 BM #1 - Arrow on top of Fire Hydrant
 Elev. = 988.55 NAVD88

EXISTING CONDITIONS:

PROPOSED CONDITIONS:

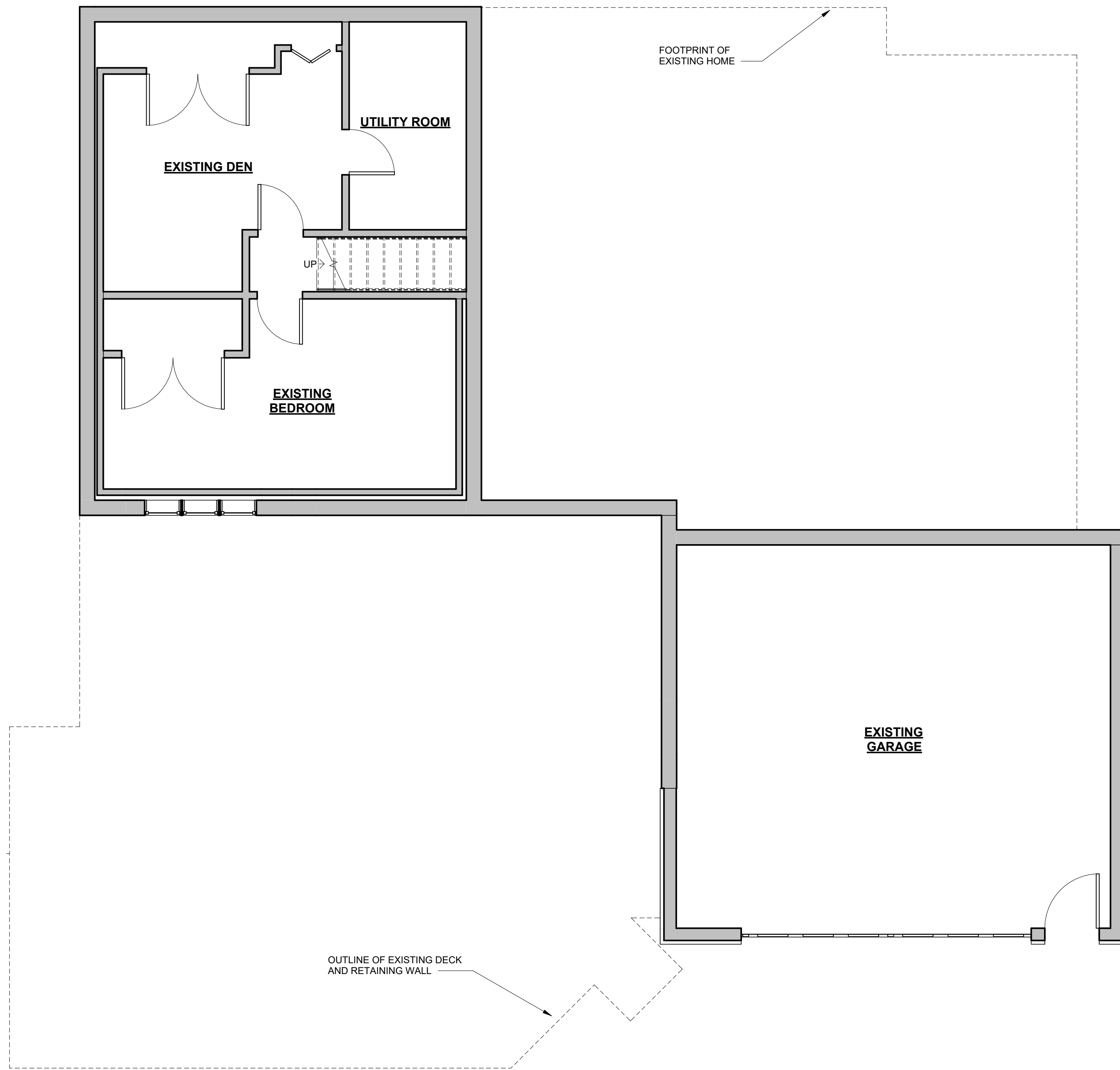
BUENA VISTA AVENUE VARIABLE WIDTH (Public)
 The South line of Buena Vista Avenue as platted extends to the Water's Edge of Lake Orion

BUENA VISTA AVENUE VARIABLE WIDTH (Public)
 The South line of Buena Vista Avenue as platted extends to the Water's Edge of Lake Orion

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

1	SST	HKK	Village Comments	06/19/24
No.	By	Chk	Description	DATE
REVISIONS				
STAKE SURVEY "EXISTING & PROPOSED CONDITIONS" For:				
DAVID & CAREN OTTO				
638 Buena Vista Avenue Lake Orion, Michigan 48362				
Contact Person: Ian Konnie			Phone: (248) 534-2484	
KENNEDY SURVEYING, INC.				
105 N. Washington St. Oxford, Michigan 48371				
Fax: (248) 628-7191		Scale: 1" = 15'		Sheet No. 1
Drawn By: SST	Date: 05/20/24	Drawing No. 13-70252	Job No. 13-7025	

EXISTING



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

PROPOSED



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

SCOPE OF WORK

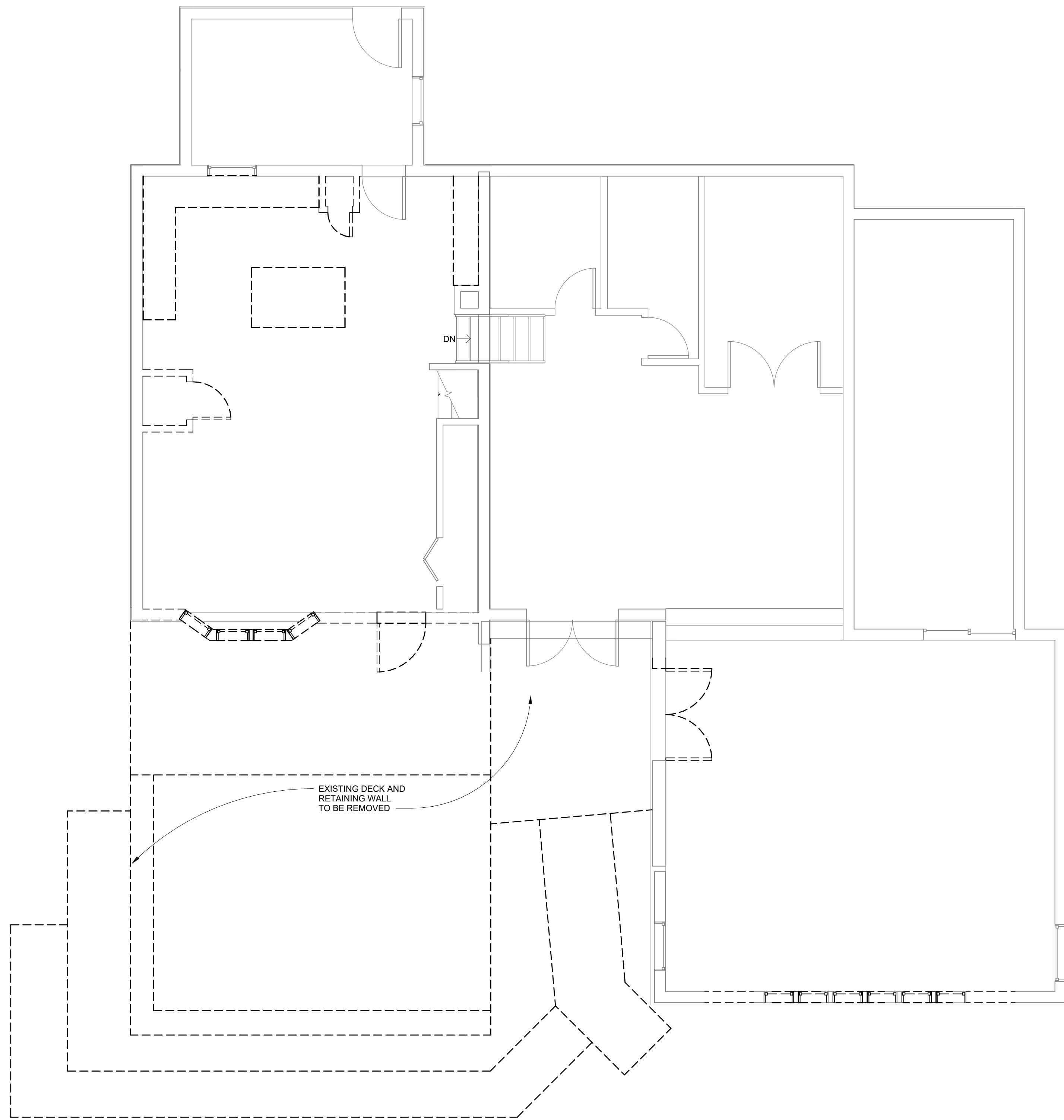
1. NEW STAIRS TO NEW ENTRY W/ FLANKING TIERED PLANTERS
2. NEW 23'-6"X20'-1" GARAGE
3. NEW ENTRY INTO BASEMENT FROM PROPOSED GARAGE
4. FULLY EXCAVATED STORAGE ROOM AND BREEZEWAY TO CONNECT EXISTING GARAGE TO PROPOSED GARAGE
5. OPTIONAL MAN DOOR TO PROPOSED GARAGE



PHONE: 248-620-3867
 ADDRESS: 5633 Sashabaw Rd,
 Clarkston, MI 48346
 EMAIL: info@olaxinc.com

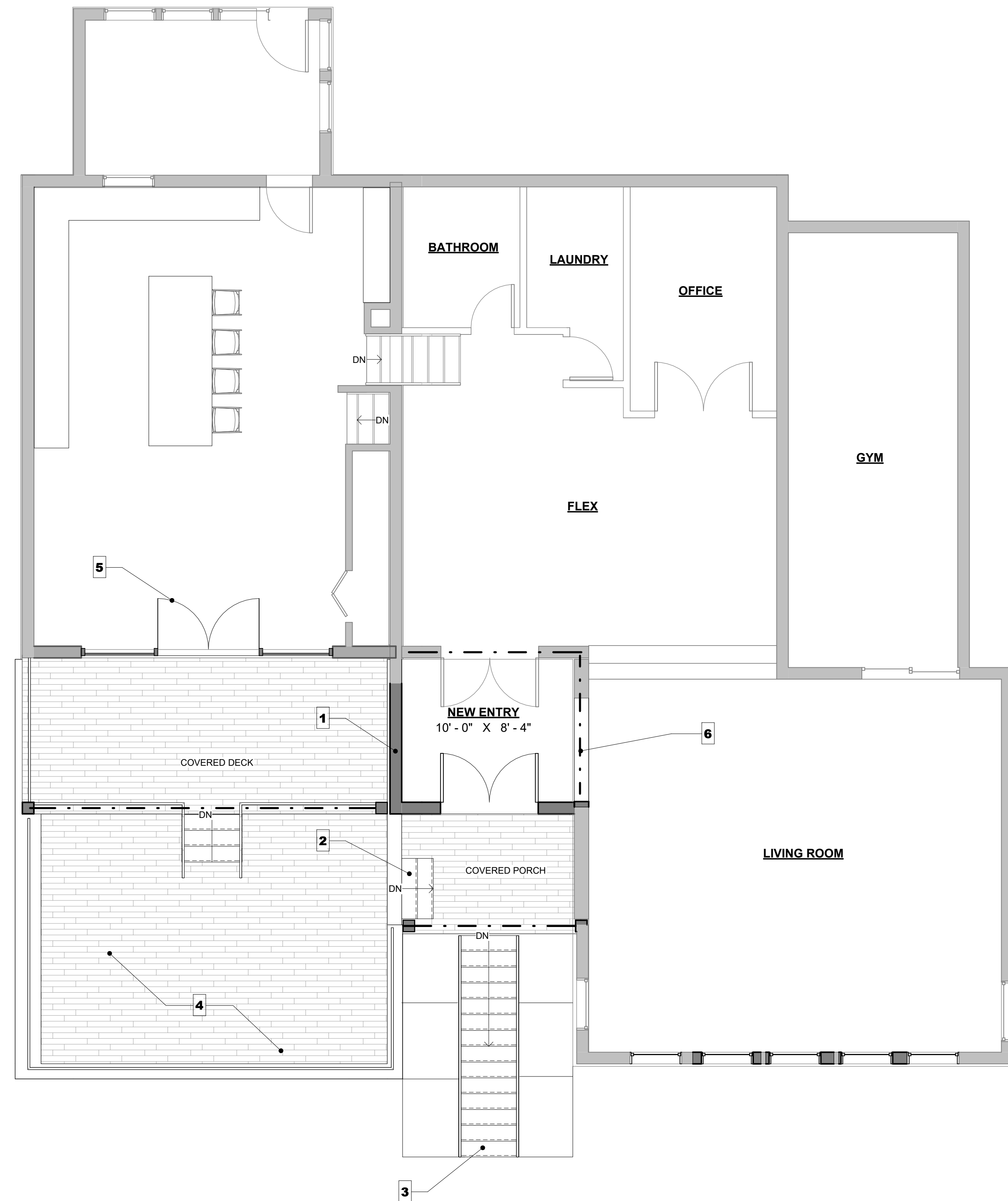
DAVID AND CAREN OTTO
 638 Buena Vista
 Lake Orion, MI

EXISTING



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

PROPOSED



1 MAIN ENTRANCE - PROPOSED
SCHEMATIC 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



PHONE: 248-620-3867
 ADDRESS: 5633 Sashabaw Rd,
 Clarkston, MI 48346
 EMAIL: info@olaxinc.com

DAVID AND CAREN OTTO
 638 Buena Vista
 Lake Orion, MI

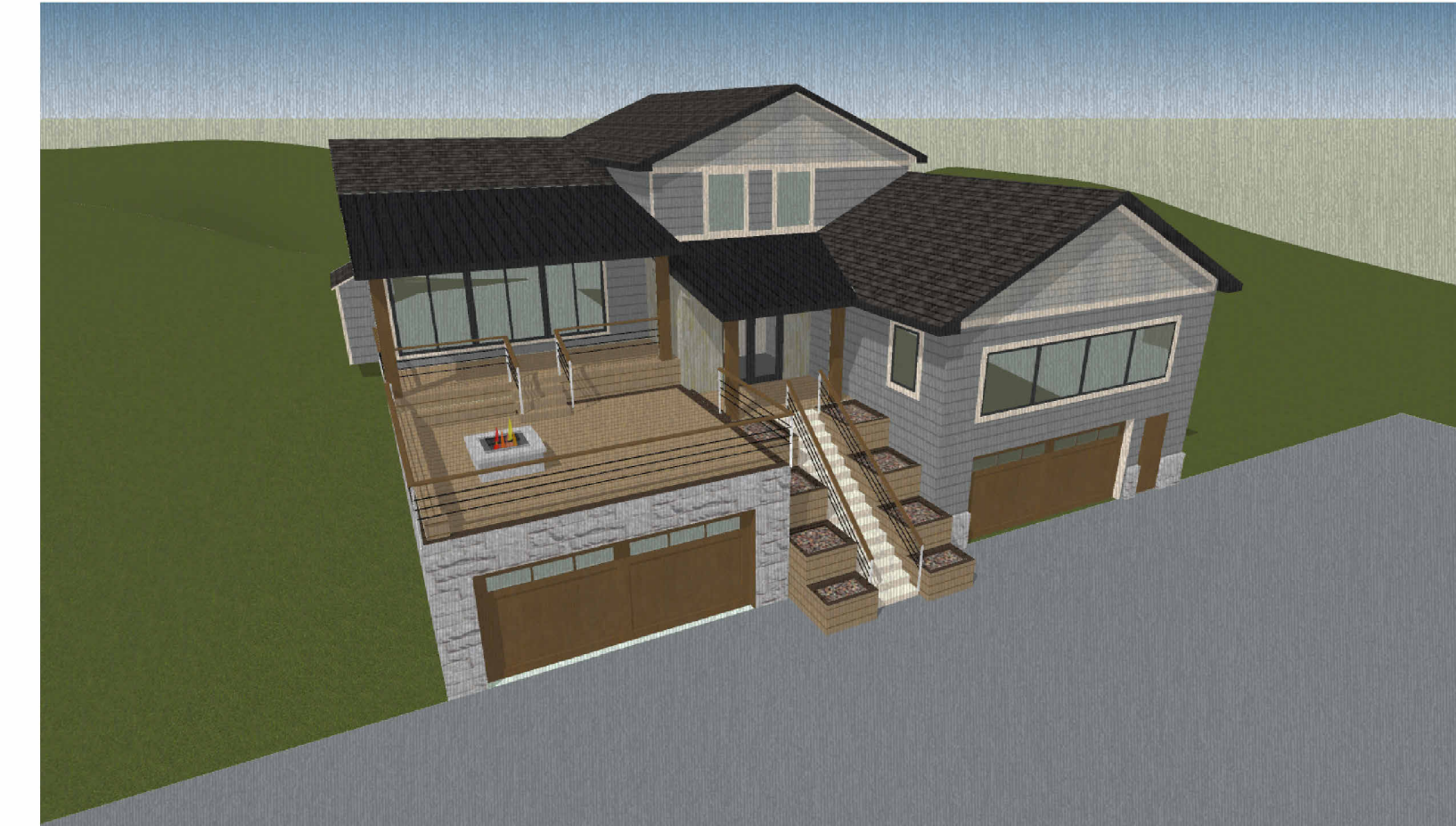
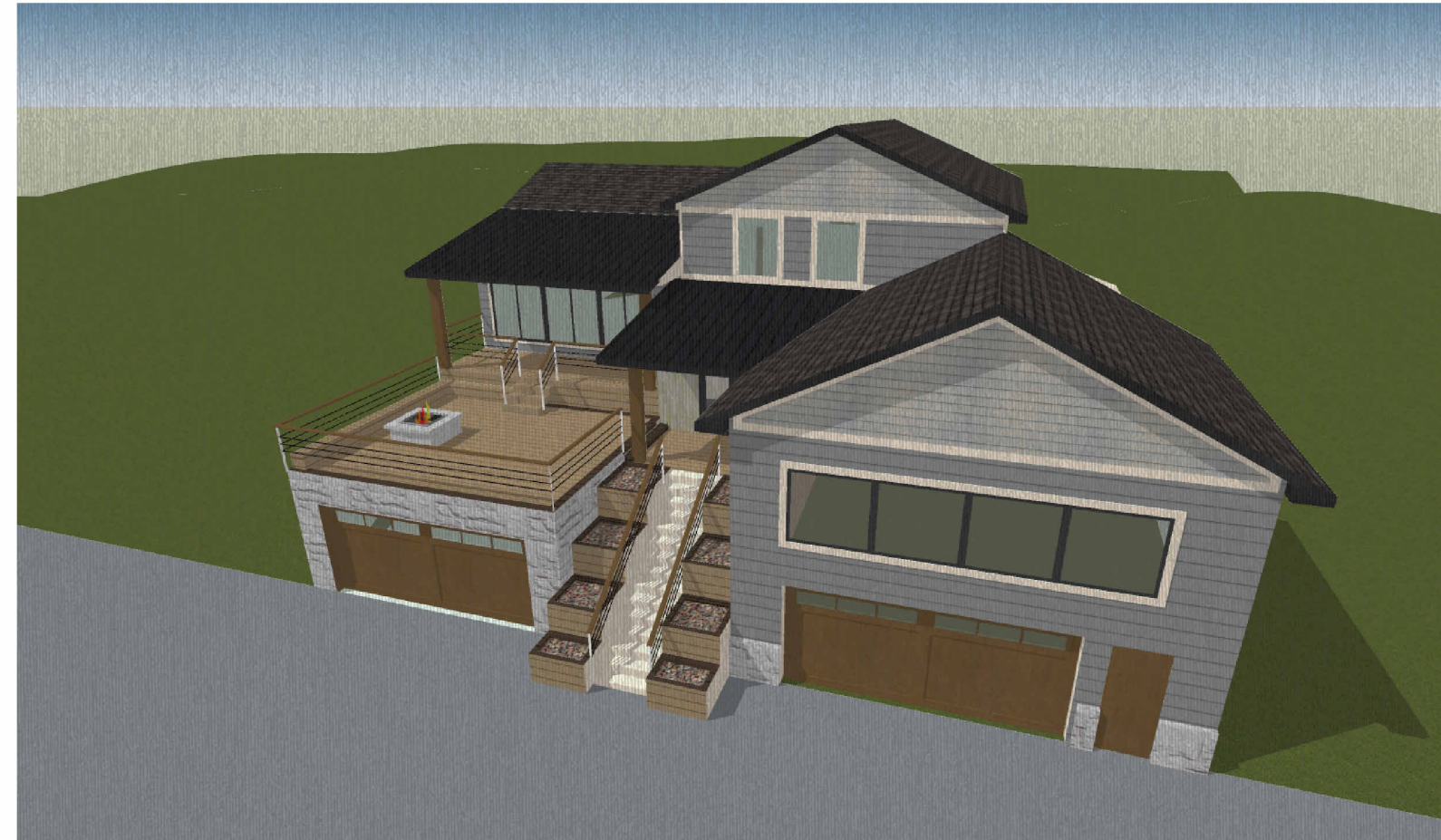
EXISTING



CONCEPTUAL RENDERING



ADDITIONAL PERSPECTIVES



248-620-3867
5633 Sashabaw Rd,
Clarkston, MI 48346
info@olaxinc.com

PHONE:
ADDRESS:
EMAIL:

DAVID AND CAREN OTTO
638 Buena Vista
Lake Orion, MI



Questions: Visit: ConsumersEnergy.com Call us: 800-477-5050	Amount Due: \$29.62
	Please pay by: July 02, 2024

▶ **Thank You** - We received your last payment of **\$54.61** on **May 30, 2024**

▶ **Service Address:**
638 BUENA VIS
LAKE ORION MI 48362-2303

CAREN TC OTTO
DAVE OTTO
638 BUENA VIS
LAKE ORION MI 48362-2303



June Energy Bill

Service dates: May 09, 2024 - June 07, 2024 (30 days)

Total Natural Gas Use (Mcf - thousand cubic feet)

June Natural Gas Use



1.8 Mcf

Cost per day: **\$0.95**

Mcf per day: **0.060**

Mcf = 1 thousand cubic feet of natural gas can heat an average home for 4 days.

ACTUAL ▲

STAY SAFE: Call 9-1-1 and 800-477-5050. We'll respond day or night.



Downed power lines.
Stay 25 feet away. Call from a safe location.

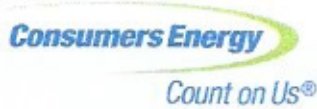


If you smell natural gas.
If the "rotten egg" odor of gas is apparent, call from a safe location.

Verify your contact information. Confirm your email, phone number and mailing address are correct so we can notify you about work affecting your service and other updates. Visit www.ConsumersEnergy.com/updatemyinfo

The Consumers Energy app for iOS and Android is here. It has never been easier to manage your account. From checking and paying your bill to quick ways to report an outage or setting custom alerts, we are putting the tools you need at your fingertips. Download from the app store today.

Get outage and billing alerts. Choose the reminders you want, and how often you want them. Customize yours in the app or at: www.ConsumersEnergy.com/Alerts



Need to talk to us? Visit ConsumersEnergy.com
or call **800-477-5050**
Telecommunications Relay Services: Call 7-1-1

Service Address:
638 BUENA VIS; LAKE ORION MI 48362-2303

Section 7, Item A.

Account: **1030 0749 0446**

Account Information

Bill Month: June
Service Dates: 05/09/2024 - 06/07/2024
Days Billed: 30
Portion: 12 06/24

To help you complete a Home Heating Credit form, here are your 2023 heating costs for 12 months: \$1,262.17.

Rate Information

Gas Residential Service
Rate Code: 250

Meter Information

Your next scheduled meter read date is on or around 07/09/2024

Gas Service: AMR Meter
Meter Number: 96027995
POD Number: 0000001654921
Beginning Read Date: 05-09
Ending Read Date: 06-07
Beginning Read: 6266
Ending Read: 6284 (Actual)
Differential: 18
Constant: 0.1
Correction factor: 1.00000
Usage: 1.8 Mcf
Total Metered Energy Use: 1.8 Mcf

June Energy Bill

Invoice: 205102052446

Account Summary

Last Month's Account Balance	\$54.61
Payment on May 30, 2024	\$54.61-
Balance Forward	\$0.00

Payments applied after Jun 10, 2024 are not included.

Natural Gas Charges

Customer Charge		\$13.60
Gas Distribution	1.8@ 5.219100	\$9.39
Other Surcharges	1.8@ 0.335900	\$0.61
Gas Cost Recovery	1.8@ 2.710600	\$4.88
Total Natural Gas		\$28.48
State Sales Tax		\$1.14
Total Energy Charges		\$29.62

Amount Due: \$29.62
by July 02, 2024

If you pay after the due date, a 2% late payment charge will be added to your next bill.

Please make any inquiry or complaint about this bill before the due date listed on the front. Visit ConsumersEnergy.com/aboutmybill for details about the above charges.

NEWS AND INFORMATION

Compare natural gas prices among us and other providers at www.Michigan.gov/CompareMIGas

For information on safety and customer rights: www.ConsumersEnergy.com/CustomerGuides

4 beds / 3 full baths / 0 half baths / 2655 sq ft

Residential Property Profile

09-02-354-020

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) : **DAVID J OTTO & CAREN OTTO**
Postal Address : **638 BUENA VISTA AVE LAKE ORION MI 48362-2303**

Location Information

Site Address : **638 BUENA VISTA AVE LAKE ORION MI 48362-2303**
PIN : **09-02-354-020** Neighborhood Code : **VLO**
Municipality : **Village of Lake Orion**
School District : **63230 LAKE ORION COMMUNITY SCHOOLS**
Class Code : **401 Residential - Improved**

Property Description

T4N, R10E, SEC 2 ORION IMP COMPANY'S SUB NO 1 LOT 21, ALSO ELY 30 FT OF LOT 22 BLK 12

Split/Combination Information

Added Status : **Added Parcel**
Added Date : **02/26/1980** Added From : **FROM 354-009**

Most Recent Sale Since 1994

Date : **07/25/2013**
Amount : **\$288,000** Liber : **46158:648**
Grantee : **OTTO, DAVID J**
Grantor : **THORPE, MARY L** **OTTO, CAREN**

Next Most Recent Sale

Date : **06/08/2012**
Amount : **\$1** Liber : **44277:844**
Grantee : **THORPE, MARY L**
Grantor : **THORPE, CHARLES J** **THORPE, CHARLES J**

4 beds / 3 full baths / 0 half baths / 2655 sq ft

Residential Property Profile

09-02-354-020

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.

Tax Information

Taxable Value	: \$195,070	State Equalized Value	: \$335,980
Current Assessed Value	: \$335,980	Capped Value	: \$195,070
Effective Date For Taxes	: 12/01/2023	Principal Residence Exemption Type	: N/A
Summer Principal Residence Exemption Percent	: 100%	Winter Principal Residence Exemption Percent	: 100%
2022 Taxes		2023 Taxes	
Summer	: \$4,246.90	Summer	: \$4,459.05
Winter	: \$1,556.88	Winter	: \$1,620.35
Village	: \$2,242.93	Village	: \$2,354.98

Lot Information

Description	: LEVEL ROLLING HIGH	Area	: 0.193 ACRES
-------------	-----------------------------	------	----------------------

Primary Structure

Structure	: Colonial/2Sty	Living Area	: 2655 SQ FT
Ground Floor	: 1923 SQ FT	Year Built	: 1986
Effective Year	: 1988	Remodel Year	: 1997
Stories	: 1 Story	Rooms	: 10
Bedrooms	: 4	Full Baths	: 3
Half Baths	: 0	Fireplaces	: 1
Ext Walls	: Wood Siding	Basement	: YES - FULL
Garage	: ATTACHED - 2 car (586 SQ FT)	Heat	: Forced Heat & Cool
Fuel Type	: Gas	Central Air	: Yes

Basement Information

Finish	: RECREATION ROOM FINISH	Area	: 345 SQ FT
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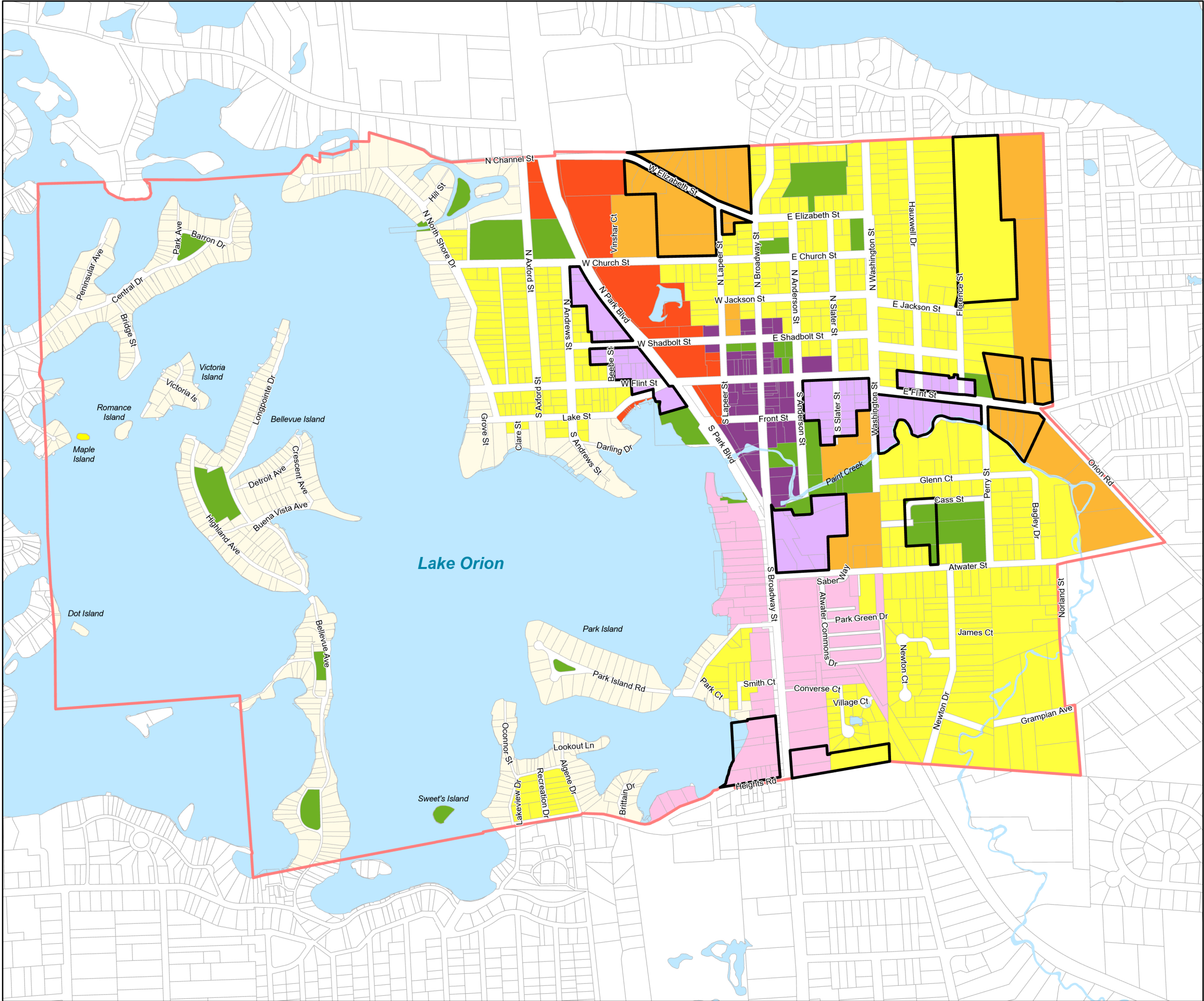
Porch Information

Type	Area
WCP (1 Story)	80 SQ FT
CGEP (1 Story)	143 SQ FT
Treated Wood	447 SQ FT

Future Land Use

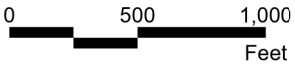
Village of Lake Orion, Oakland County, MI

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
- Civic/Institutional/Recreation and Open Space



Basemap Source: Michigan Center for Geographic Information, Version 17a.
Data Source: Village of Lake Orion 2021. McKenna 2021.



BOARD ACTION SUMMARY SHEET

MEETING DATE: July 11th, 2024

TOPIC Monthly Planning and Zoning Report

BACKGROUND BRIEF:

McKenna has prepared a monthly report of May-June planning and zoning activities:

- Special Projects
- Permits
- Variances
- Active Development
- Anticipated Development

SUMMARY OF PREVIOUS COMMISSION ACTION:

None.

FINANCIAL IMPACT:

None.

RECOMMENDED MOTION:

Receive and file.



21 E. Church Street
Lake Orion, Michigan 48362
Tel 248.693.8391
Fax 248.693.5874
www.lakeorion.org

Monthly Planning & Zoning Report

MAY–JUNE 2024

June 26, 2024

Dear Commissioners:

The following report contains a summarized update of recent Village planning, zoning, and development activities.

SPECIAL PROJECTS

Planning and Zoning Training: Village Administration approved an in-house basic training for the Board of Zoning Appeals, Planning Commission, Council, and staff, presented by McKenna. Two (2) two-hour sessions were held June 20, 2024, which were attended by 22 people representing each group. A PDF of the presentation is attached; additional in-house and external training opportunities will be available in the coming months.

Engineering Standards for Single-Family Homes: The Village Council is interested in implementing engineering design standards for single-family homes. The Township already requires engineering plot plans for all new single-family homes. Village staff and consultants would need to propose amendments to the Engineering Design Standards and revise applications and internal policy to facilitate administrative engineering review for single-family homes. Standards and permit procedures for residential driveway approaches will also be included.

Township BS&A Review and Permitting Process: Ongoing coordination with the Township Building Department to establish BS&A access and revised project flow. This will be utilized for project tracking for major and minor developments and code enforcement. Anticipated launch: July 1, 2024.

Tax-Exempt Parcels and Village ROW Inventory – Oakland County is auditing their record of tax-exempt parcels and requests an updated list and map of such parcels under Village ownership. Staff were authorized to create a map of all tax-exempt parcels and Village rights-of-way. This process will be finalized in early July.

Master Plan – Strategic Action Plan: Council approved a proposal to prepare a Master Plan amendment to develop a Strategic Action Plan. Analysis of past plans and engagement data is complete; a draft matrix of objectives and action items will be reviewed by Village staff and included in your August agenda packet for review and discussion prior to mid-August release of a public opinion survey. Data from this survey will inform our revisions, which will be followed by additional public review and adoption.

CIP & Fee Schedule – As part of the FY 24/25 budget process, the Council will be working to update the municipal fee schedule and adopt a 6-year capital improvements plan.

RRC Certification: Council received a presentation from the Village RRC representative on January 22, 2024, as a refresher on the benefits and process of obtaining certification. Outstanding items to reach “Essentials” status:

- Master Plan Implementation Matrix, Action Plan (BP 1.1 – In Progress)
- 6-year CIP available online. (BP 1.3 – In Progress)
- Public engagement activities within PC Annual Report. (BP 1.4 – In Progress)
- Development Guide to be updated and uploaded to Village website. (BP 3.4, 3.8 – In Progress)
- Update board/commission applications. (BP 4.1 – Not Started)
- Adopted BZA Bylaws uploaded to Village website. (BP 4.4 – Complete)
- Updated training strategy for all boards and commissions (BP 4.6 – In Progress)

PERMIT DETAILS

PERMIT TYPE	ADDRESS / PROJECT	DESCRIPTION	SUBMITTED	APPROVED
ZONING COMPLIANCE				
Z-24-16	420 Bellevue	Residential minor	10/16/2023	5/7/2024
Z-24-17	10 S. Park Blvd (Marina)	Commercial/mixed use, minor/accessory	5/2/2024	5/14/2002
Z-24-18	444 Bellevue	Residential, single family, new build	6/5/2024	6/25/2024
TEMPORARY USE OF RIGHT OF WAY				
R-24-09	Broadway & M-24	Temporary special event banner	4/11/2024	5/1/2024
R-24-10	54 W Elizabeth	Install gas service.	4/16/2024	5/1/2024
R-24-11	Flower and Art Fair	Special event, road closures.	1/2/2024	5/14/2024
R-24-12	Memorial Day Race	Special event, road closures.	2/20/2024	5/14/2024
R-24-13	Memorial Day Parade	Special event, road closures.	2/26/2024	5/14/2024
R-24-14	Lions Jubilee	Special event, road closures.	1/23/2023	6/18/2024
R-24-15	616 Longpointe	Temporary construction material storage.	6/18/2024	6/18/2024
SIGNAGE				
S-24-06	120 S. Broadway	1 wall sign, 1 blade sign	1/22/2024	5/1/2024
S-24-07	Flower and Art Fair	Event sign, temporary banner	2/8/2024	5/14/2024
S-24-08	Memorial Day Race	Event signs, temporary yard signs	2/13/2024	5/14/2024
FENCE / WALL				
F-24-01	447 N Shore	4-6 ft. black aluminum privacy fence	4/30/2024	5/7/2024
F-24-02	616 Longpointe	<4-ft. concrete block landscape retaining wall	6/18/2024	6/18/2024

VARIANCE REQUESTS

NAME / LOCATION	REQUESTED VARIANCES	MEETINGS / STATUS
A-24-01 600 Longpointe Zoned: RL November 29, 2023	Construct accessory deck above garage with encroaching overhang/roof. Front yard: 11.5 ft. Side yard: 1.5 ft.	BZA meeting held January 11, 2024 – Tabled. BZA meeting held February 1, 2024 – Approved: Front yard: 11.5 ft. Side yard: 1.5 ft.
A-24-02 136 Axford (RV) Zoned: RV April 1, 2024	Install above-ground swimming pool in rear yard, adjacent to newly constructed deck. Rear yard: 15 ft. Lot coverage: 1.95%	BZA meeting held May 2, 2024 – Tabled. BZA meeting held June 6, 2024 – Denied: Rear yard: 15 ft. Lot coverage: 1.95%
A-24-03 512 Longpointe Zoned: RL April 30, 2024	Demolition of existing (non-conforming) home; build new single-family home. Front (street): 11.92 ft. Front (water): 13.42 ft. Height: 3.25 ft.	BZA meeting held May 2, 2024 – Tabled. BZA meeting held June 6, 2024 – Approved: Front (street): 10 ft. max. Front (water): 10 ft. max. Height: 3.25 ft.
A-24-04 638 Buena Vista Zoned: RV June 17, 2024	Construct addition of accessory garage w/deck above, new entry stairs and porch. Front (EFS): 8.35 ft. Side: 4.5 ft. Projection: 10.4 in.	BZA meeting to be held July 11, 2024.

ACTIVE DEVELOPMENT PROJECTS

NAME / LOCATION	DESCRIPTION	REVIEW & APPROVAL STATUS
Lake Street Realignment and Improvements	Realign / restore Lake St at Flint for safer access pursuant to agreement between the Village and developer.	Received conceptual plan and license agreement approval from Council on August 14, 2023; updated agreement approved November 27, 2023. Engineering review (#3) transmitted to applicant.
VLO-24-01 Snug Harbor 160 Heights	Multifamily development; adjacent to Mystic Cove	Received Planning Commission approval May 6, 2024. Engineering review (#2) transmitted to applicant
VLO-24-02 44. E Flint	4-story, mixed-use, multi-family, retail, and office on existing parking lot.	Site was previously approved for a parking lot (2021) and had permits pulled but developer proposed higher and better uses; site plan received May 6, 2024; first review letters transmitted May 24, 2024; applicant meeting June 4, 2024 – revised plans placed on the July 1, 2024 Planning Commission agenda for discussion only.
VLO-24-03 112 Park Island	Private recreation facility (pickleball court) for special land use and site plan approval.	Applicant submitted materials May 14 and has been reviewed by staff; significant additional revisions and review required prior to bringing before the Planning Commission.
VLO-23-03 Orion Villas 597 E. Flint	Multifamily residential SPR for 8-unit townhome condominium development.	Planning Commission approval on June 5, 2023. Final plans approved by the Township and Village engineers and the Village planner. The applicant will have one year to obtain building permits. Condo documents approved by Council April 8, 2024; reviewed by Village/Twp. engineers, then recorded with County. Site preparation underway, incl. drain connections.
VLO-23-04 West Village former Ehman Center 55 W. Elizabeth	PUD site plan review for mixed-use, multi-family residential development at the former Ehman Center property.	Planning Commission prelim. approval of site plan / PUD development plan September 5, 2023. Council approved PUD agreement on December 11, 2023, again on February 12, 2024; Council approved PUD addendum (PA adj. lot) June 10, 2024 – executed / recorded with County. Requires final site plan / engineering approval; may require prelim. hearing for amended development plan.
VLO-22-05 Mystic Cove	Mixed-use, incl. multifamily townhomes & dock/shoreline improvements.	Planning Commission approved site plan on October 3, 2022. Parcel reconfigurations approved by Council June 2023. Building permits issued, construction underway; ready for as-built permits.
VLO-23-05 Starboard (former Orion Marina)	Mixed-use, incl. multifamily townhomes & marina improvements.	Planning Commission approved the site plan on November 6, 2023. Council approved improvement of ROW November 27, 2023; agreements executed and recorded with the County. Under engineering review (#2); received separate Eng. SWM review.
VLO-23-02 Constellation Bay	Mixed-use, incl. multifamily townhomes at Broadway & Atwater.	Site plan approved by the Planning Commission on October 3, 2022. Modified site plan approved by the Planning Commission on April 3, 2023. Under final engineering review (#3) for permitting.
VLO-23-07 The Peninsula (adjacent to Starboard)	Three single-family site condos adjacent to the Starboard.	Received Planning Commission approval on February 5, 2024. Condominium documents and draft agreement to improve ROW to be approved by Council April 8, 2024. Under engineering review (#2); received separate Eng. SWM review. County to record condominium docs.
VLO-23-06 146 S. Broadway	Commercial SPR “white box” tenant space, interior demolition, and façade modifications.	The plans were approved by the Planning Commission on October 2, 2023. Applicant provided changes per Planning Commission and received final site plan approval on November 22, 2023. Building permits have been issued and construction is in progress.

VLO-21-10 Cloud Retail 494 S. Broadway	Commercial SPR for the construction of a retail service building – marijuana provisioning center.	Lot reconfiguration approved by Council on March 13, 2023, and finalized by the County in May 2023. Site plan approved by the Planning Commission on April 3, 2023. Under engineering review (#2) and final site plan review (#2).
VLO-21-04 M818 Apartments 141 W. Elizabeth	Multi-family residential PUD for 16 units.	PUD eligibility approved by PC on August 2, 2021; VC on August 9. Preliminary PUD plan approved by PC March 7, 2022; VC March 14. Final development plan approved by PC August 1, 2022. Pending final engineering, fire, and site plan approval.

ANTICIPATED DEVELOPMENT PROJECTS

The following projects are in varying stages of conceptual and pre-application discussions; fees have not been collected and formal reviews have not commenced.

NAME / LOCATION	DESCRIPTION	REVIEW & APPROVAL STATUS
Jacobsen’s Flowers	Possible redevelopment into multiple-family, mixed use.	This site is primarily within Orion Township; discussion is ongoing as to the application of Ordinance standards, PUD eligibility, and an interlocal agreement facilitating development across Township and Village boundaries. Awaiting Township’s lead.
Orion Lumberyard	Mixed-use redevelopment and public parking lot/pavilion	The DDA acquired the former Orion Lumberyard property; conceptual plans for the site have been proposed in recent years. The DDA is actively looking to partner with a developer to realize a shared vision for public and private use of the site. Environmental investigations and development of management strategies is underway.

Prepared by:



McKenna provides day-to-day assistance to Village staff and administration, applicants and developers, and the public regarding planning, zoning, and economic development matters. We also assist in the administration of the Planning Commission and the Board of Zoning Appeals.

Contact your McKenna team via email:

- **Gage Belko**, Associate Planner (gbelko@mcka.com)
- **Laura Haw**, Vice President (lhaw@mcka.com)
- **Ashley Amey**, Assistant Planner (aamey@mcka.com)
- **Vidya Krishnan**, Senior Principal Planner (vkrishnan@mcka.com)

Or visit us during on-site office hours, every Tuesday from 9:30am-4:30pm.

As always, thank you for your support and participation – *it takes a Village!*



PLANNING & ZONING TRAINING

Village of Lake Orion, Michigan
June 20, 2024

1

AGENDA

1. Introduction to Planning and Zoning
2. Review and Approval Procedures
3. Roles and Responsibilities
4. Best Practices and Additional Resources



Village Of Lake Orion, MI
Planning & Zoning Training

2



INTRODUCTION TO PLANNING & ZONING

3



Anticipate
change



Ensure
wide use
of resources



Implement
a vision
for the future



Protect
our
environment



Preserve
our
quality of life

4

STATUTORY BASIS



Village Of Lake Orion, MI
Planning & Zoning Training

Michigan Planning Enabling Act (P.A. of 2008)

Master Plans

- Community data
- Policies and objectives
- Future Land Use Map and Zoning Plan

Planning Commissions

- Establishment
- Membership, terms, etc.



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MASTER PLAN

Lake Orion
MICHIGAN

Lake Orion Master Plan 2022 Amendment

Village of Lake Orion, Oakland County, Michigan

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

Purpose

- Basis for zoning and other land use regulation
- Balances community rights and landowner rights
- Provide mix of land uses for a good tax base
- Protect key natural and historic resources
- Identifies existing conditions & trends
- Sets goals with public input
- Considers alternatives
- Provides recommendations for future development, including a **Future Land Use Map**
- Must review at least every five years

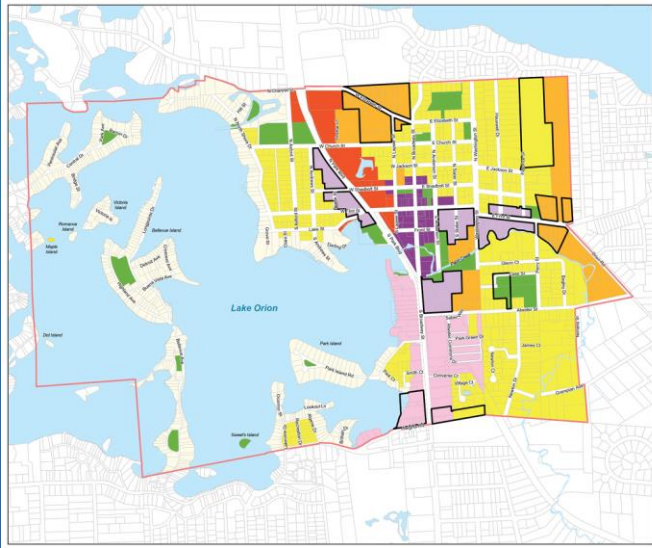
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Section 7, Item B.

FUTURE LAND USE MAP




Village Of Lake Orion, MI
Planning & Zoning Training

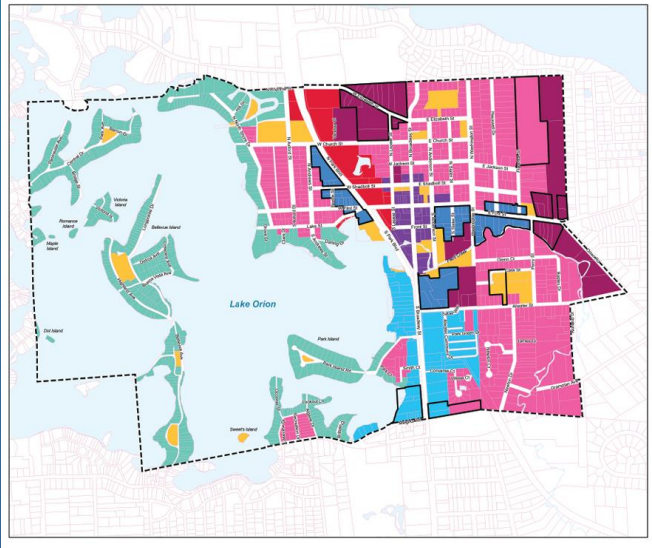


7

FUTURE LAND USE MAP



Village Of Lake Orion, MI
Planning & Zoning Training



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WHAT IS ZONING?

- 1 Public regulation of use of the land
- 2 Primary tool to implement Master Plan
- 3 Adopted by Village Board = LAW
- 4 Divides the Village into districts
- 5 Regulates use, buildings, and structures
- 6 Includes procedures for permits, amendments, appeals, variances, and conditional uses



Village Of Lake Orion, MI
Planning & Zoning Training

9

STATUTORY BASIS

Michigan Zoning Enabling Act (P.A. 110 of 2006)

Zoning Ordinances

- Uses, structures, densities, and development alternatives
- Amendments
- Variances & Appeals
- Conditional Use
- Zoning Map
- Planned Unit Developments

Board of Zoning Appeals


Case Law = Additional Guidance/Clarification



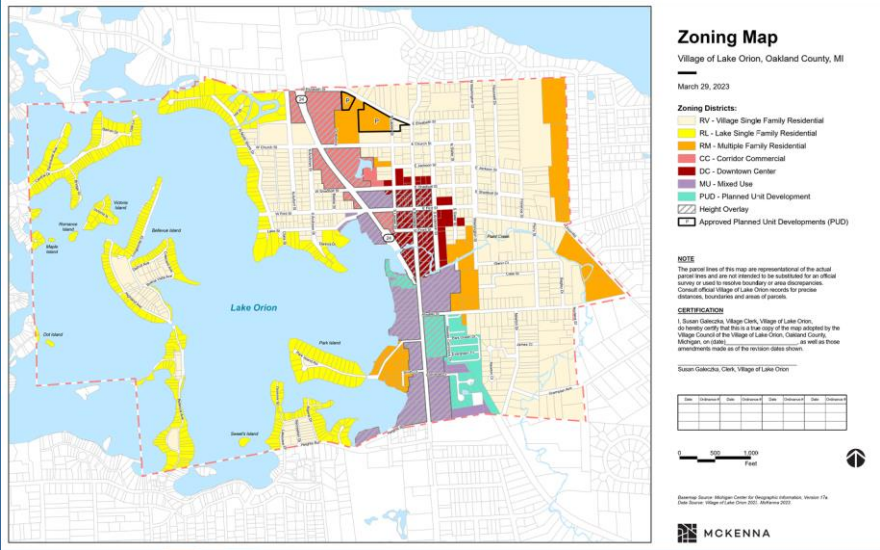
Village Of Lake Orion, MI
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ZONING MAP




MCKENNA Village Of Lake Orion, MI
Planning & Zoning Training



11

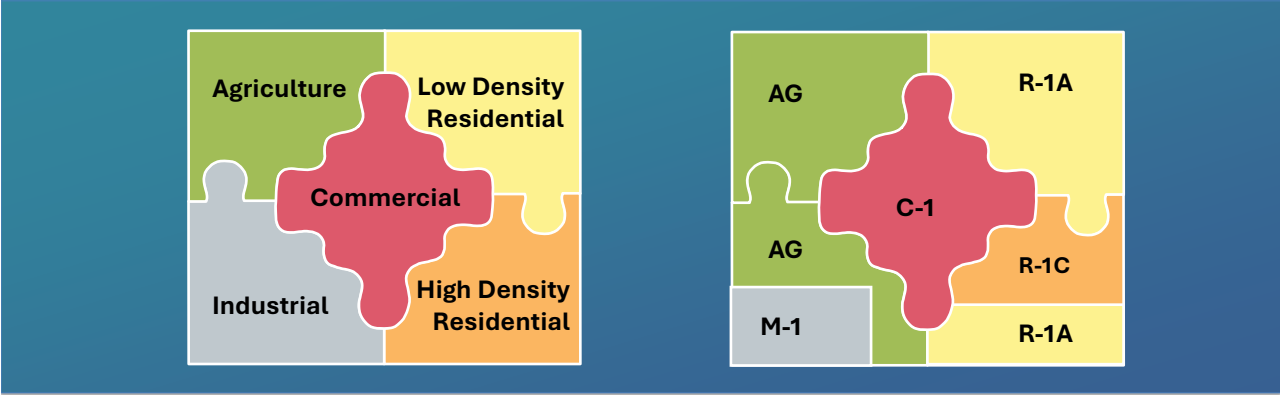
RELATIONSHIP OF PLANNING TO ZONING



MCKENNA Village Of Lake Orion, MI
Planning & Zoning Training

Master Plan	VS	Zoning Ordinance
Guide for the FUTURE	vs	Regulation for TODAY
Policy	vs	Law
Future land use maps may be general	vs	Zoning maps are specific and follow property lines
Flexible to respond to changing conditions	vs	Specific standards
Adopted/Amended by Planning Commission and Village Council	vs	Adopted by Village Council upon recommendation by the Planning Commission

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Master Plan

- Future Land Use Districts
- Character Areas
- Flexible / Discretionary

Zoning Ordinance

- Zoning Districts
- Lot Standards
- Rigid / Compulsory

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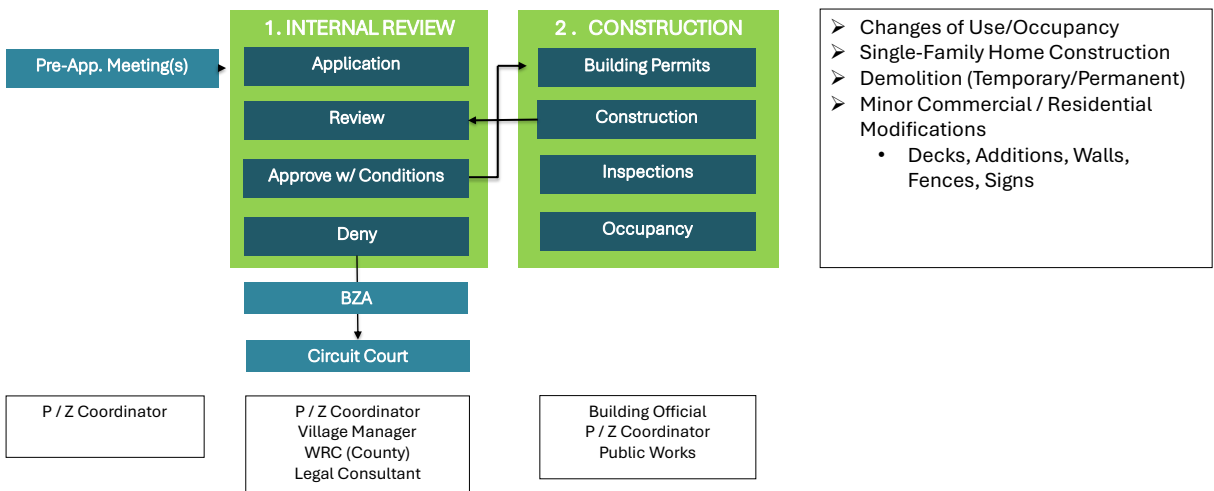


Zoning Compliance Review

- Nearly all improvements within the Village require some form of review:
 - “There shall be no new, changed, altered or moved uses or occupancies of land or any buildings or structures thereon, including excavations and construction, without first applying for and obtaining a zoning compliance permit from the Zoning Administrator.”
- Upon finding that a project complies with the Zoning Ordinance, the Zoning Administrator shall issue a Zoning Compliance permit.

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Zoning Compliance Review Process



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SITE PLANS

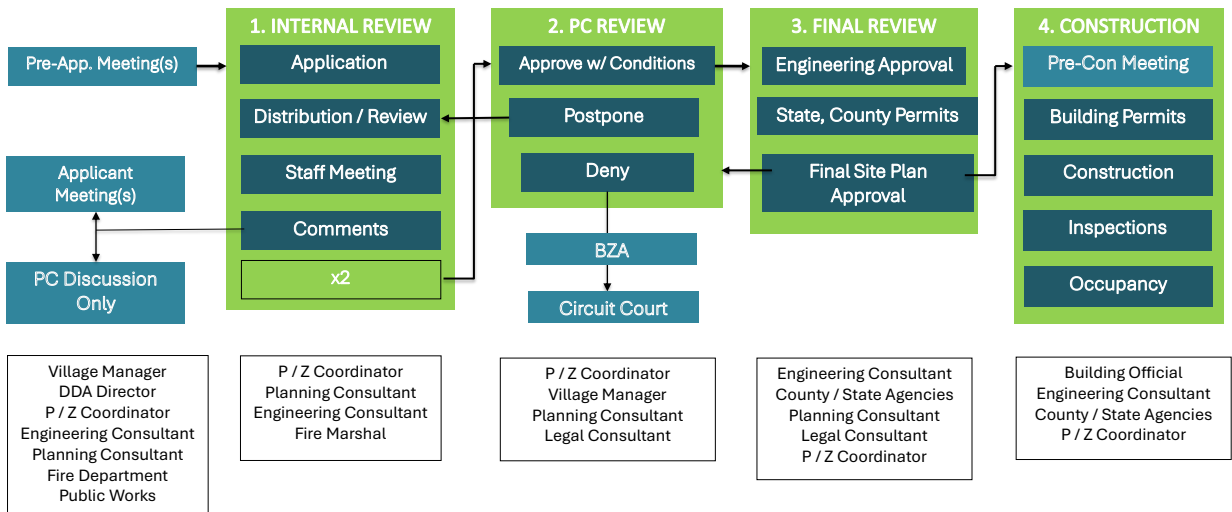
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Site Plan Review

- Except as provided in Section 19.02, all development requires site plan review by the Planning Commission
 - “Prior to the erection of any building or structure, a change of use, construction of parking facilities, or the creation or addition of a new use in any zoning district, or any land use requiring special land use approval, site plan review and approval shall be required.”
- Planning Commission may approve (with or without conditions), postpone, or deny a site plan request based on its standards in Section 19.02

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Site Plan/Special Use Review Process



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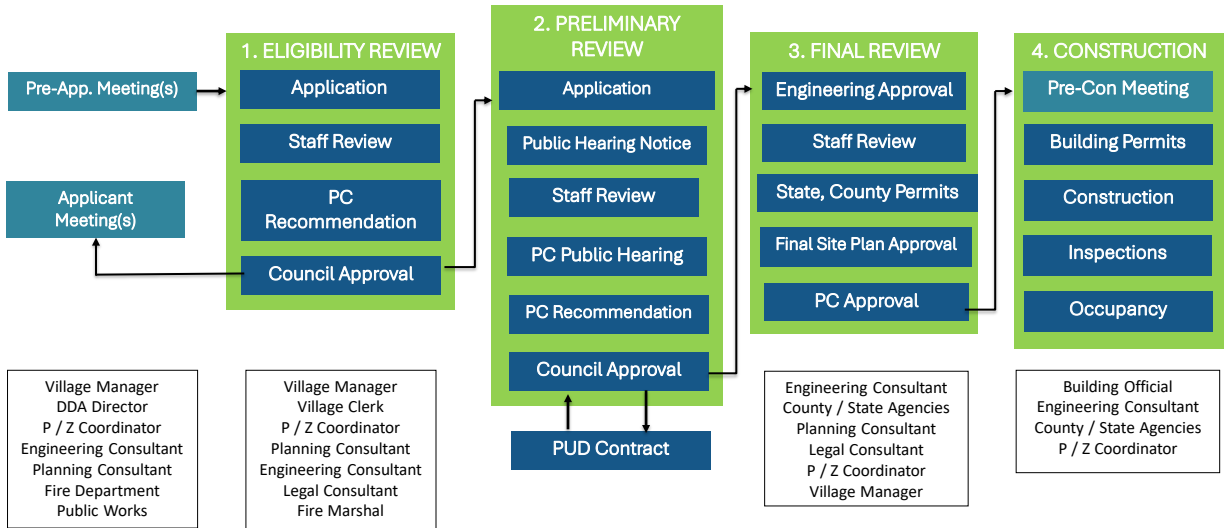
PUD Option

- PUD is a mutually-agreeable solution providing zoning flexibility to achieve higher-quality design and other benefits.

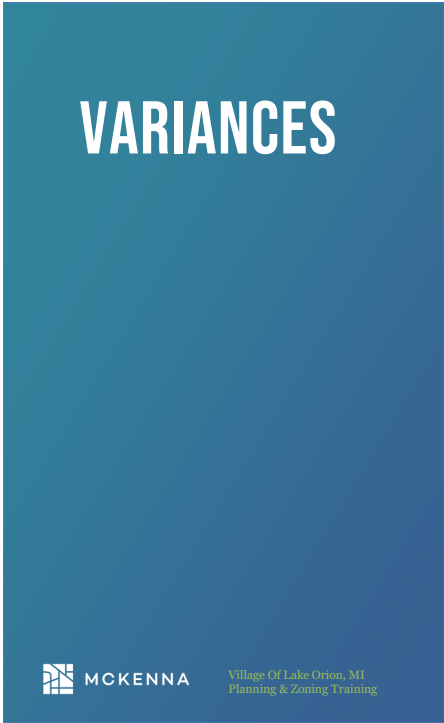
“The PUD is an optional method of development that may be permitted in any location and zoning district in the Village, only after review and recommendation by the Planning Commission and discretionary approval of the Village Council.”

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PUD Review Process



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Variance Review

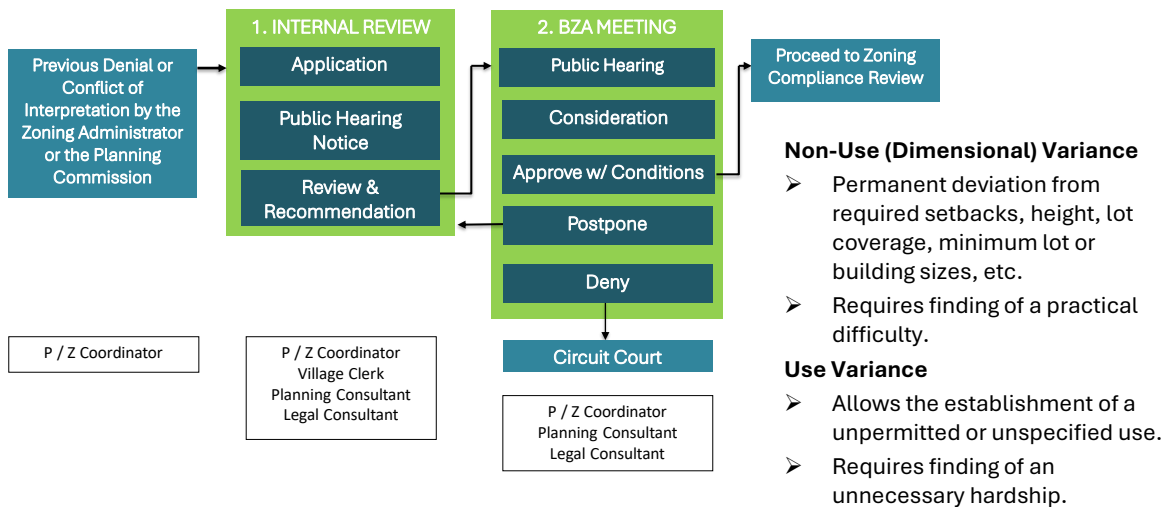
- Conflicts regarding the interpretation or administration of the Zoning Ordinance between an aggrieved party and the Zoning Administrator may compel BZA review:

“The Board of Zoning Appeals shall have the authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, the public health safety and general welfare secured, and substantial justice done.

- The BZA may approve (with or without conditions), postpone, or deny a variance request based on its standards in Section 19.04.

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Variance Review Process



22

Is There a Practical Difficulty or Unnecessary Hardship?

1. Strict compliance is unnecessarily burdensome	➔	1. Will denial prevent the use of property for a permitted purpose?
2. Unique circumstances applying to the property	➔	2. How is this property different from others?
3. Variance will not adversely affect adjacent properties	➔	3. Is there harm?
4. Variance is not self-created	➔	4. Did the applicant (or their predecessors) take any action that made the variance necessary?
5. Variance is the minimum necessary	➔	5. Would a lesser variance relieve the practical difficulty?

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VARIANCES

Incorrect Reasons to Grant Variance

- No one came to object
- It's the only sign they make
- The ordinance is too strict
- We have to give it to them or they will leave
- It will make the area better
- We gave this variance before
- It's already built
- We know he will do a good job
- It's only a small variance...

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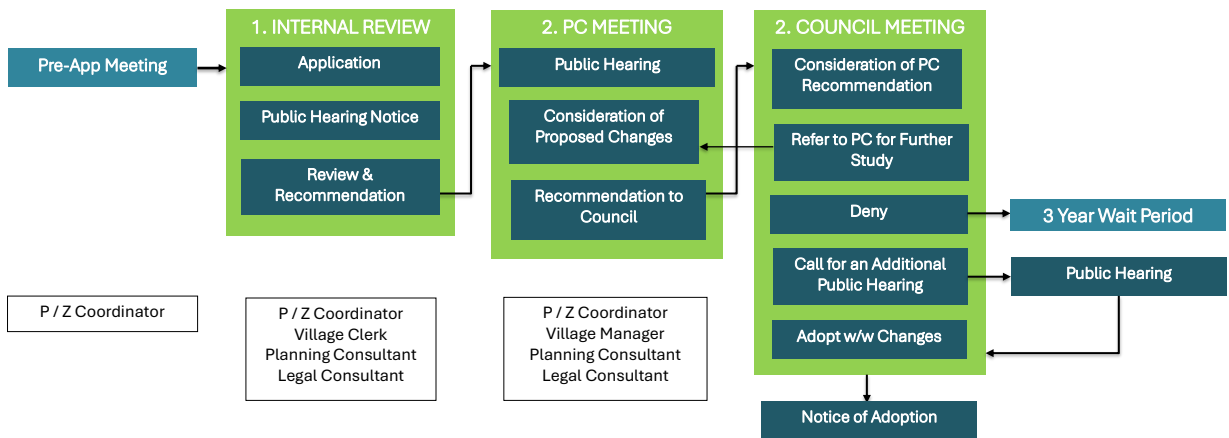


Initiation of Amendments

- Amendments are legislative changes to the Zoning Ordinance – either its text or its map.
- Amendments may be initiated by:
 - Village Council
 - Planning Commission
 - Property owners (typically a map (rezoning) amendment)

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Amendment Procedure



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The best time to update the Zoning Ordinance is...

- A. Whenever we get sued, and lose
- B. When our attorney or planner tells us
- C. Whenever something comes up we didn't think of
- D. After the master plan is completed
- E. Once a year
- F. All of the above

3

ROLES AND RESPONSIBILITIES

Authority and Responsibility

Study planning issues and educate the community

Awareness of other entities

- Orion Township (Building, Fire)
- Downtown Development Authority (DDA)
- Parks and Recreation Commission
- Economic Development Corporation (EDC)
- Oakland County (Assessing, Road Commission, WRC)
- SEMCOG
- EGLE, LARA, and other State agencies

VILLAGE COUNCIL

Legislative Body

Responsibilities

- Adopts Zoning Ordinance
- Adopts text and map amendments to Zoning Ordinance
- Sets permit and application fees
- Appoints Planning Commission and BZA members
- Approves proposed development within Planned Unit Developments
- Approves Capital Improvement Plans

PLANNING COMMISSION

Nine members
appointed by
Village Council



MCKENNA

Village Of Lake Orion, MI
Planning & Zoning Training

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Responsibilities

- Develop Zoning Ordinance and Zoning Map, and make recommendations to the Village Council
- Hold public hearings on Special Land Uses, Zoning Ordinance amendments, and PUDs and make recommendations to the Village Council
- Approve Special Land Uses and Site Plans
- Review matters referred by the Council
- Make reports on the viability of the Zoning Ordinance
- Develop, review, and update Master Plan

BOARD OF ZONING APPEALS (BZA)

Five members
appointed by
Village Council



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Planning & Zoning Training

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Responsibilities

- Hear and decide appeals of administrative decisions
- Hear and decide requests for interpretation of the ZO, including the Zoning Map
- Authorize variances from the ZO
- Authorize a variation, modification or exception to Article 14, Parking
- Permit temporary buildings and uses for periods not more than one year
- Permit temporary uses of land

**ZONING ADMINISTRATOR
+
PLANNING AND ZONING COORDINATOR**

 **MCKENNA** Village Of Lake Orion, MI
Planning & Zoning Training

Responsibilities

- Enforce Zoning Ordinance
- Consult with applicants before application
- Review applications and plans
- Maintain records for nonconforming uses, structures, and lots
- Write reports to Village Council, PC and BZA
- Issue Zoning Permits
- Conduct Inspections

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**BEST PRACTICES AND
ADDITIONAL RESOURCES**



TIPS

Smooth Hearings

- Do not hold private conferences prior to the meeting
- The chair should strictly enforce meeting procedures
- Print hearing rules on the agenda
- Limit speaking time and the number of times a person can speak
- Do not tolerate interruptions and personal attacks
- Make sure all participants can see and hear the proceedings

TIPS

Smooth Hearings

- Make copies of staff reports and agenda before the hearing
- Separate fact from opinion, and lay opinion from expert opinion
- Ask for alternatives or additional information if you're not comfortable with the proposal presented
- Legal counsel should be present when necessary

TIPS

Decision Making

- Disclose conflicts of interest and recuse as necessary
- Adopt rules of procedure for the body and follow them
- Know the standards of review and action, and apply them consistently
- Refer to the standards of review in the Zoning Ordinance
- Do not act based on emotion or the sentiment of the audience
- Keep accurate and complete records
- Keep Master Plan and Zoning Ordinance up to date
- Distinguish between reasonable rate of return vs. highest profit

Motion -- MUSTS

- Site plan name and number
- Date of plan (including revision dates)
- The result (approved, approved with conditions, denied, postponed)
- Reasons for action(s) taken
- Any conditions (with time tables if applicable)
- Who will verify conditions are met (if applicable)

Motions should be:

- Clear to everyone
- Formed properly



Motions -- HINTS

- Phrase motions carefully to withstand scrutiny by a court
- Ensure everyone is clear on motion
- Reference relevant sections of ordinance and reports
- Conditions may be imposed on any zoning decision, except rezoning

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Sample Motion

Whereas, based on the above information which **demonstrates conformance** with the requirements of **Sections 6.5 and 10.2** of the Willis Township **Zoning Ordinance**, I move that the request by the **Adams Development** Company for a **special use permit** for a shopping center at **77 Sunset Strip, parcel #18-22-14-200-0010**, be **approved**, with the following **conditions**:

- *Concluding Finding*
- *Applicant*
- *Approval Type*
- *Site*
- *Decision*

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TIPS

Decision Making

- Do not exclude lawful land uses if there is a demand and appropriate location
- Reasonable conditions of approval are appropriate, but do not impose conditions or demand improvements that are unrelated to the project
- Do not act hastily and resolve questions of doubt before taking action
- When members vote, they should state the reasoning behind their vote
- Rely on legal counsel, planning consultants, and Zoning Administrator for advice
- Correct any mistakes immediately



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TIPS

Next time you feel badly about turning down a request ...

Think about:

- The hundreds (or thousands) of property owners who DID comply
- The amount of time and effort the drafters of the Zoning Ordinance spent in developing the language
- The effectiveness of your Zoning Ordinance if it is commonly known that all you need to do is *ask* for a variance and it will be granted



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TIPS

Risk Management

- You **CAN'T** avoid litigation
- You **CAN** manage risk & liability exposure by:
 - Avoiding conflicts of interest
 - Using consistent rules and procedures
 - Treating everyone fairly and consistently
 - Keeping accurate and complete records
 - Keeping current on your trainings



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THANK YOU!

QUESTIONS? EMAIL : ZONING@LAKEORION.ORG

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