



AGENDA

REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, October 01, 2026

6:30 PM

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

(248) 693-8391 ext. 102

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

1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of Agenda
4. First Hearing of the Public for Non-Agenda Items Only *(3 minute limit)*
5. Approval of Minutes
 - A. Approval of September 3, 2026, BZA Regular Meeting Minutes
6. BZA Preface
7. Action Items
 - A. Training Session for BZA Members
8. Unfinished Business
9. Second Hearing of the Public for Non-Agenda Items Only *(3 minute limit)*
10. Board Member Comments
11. Next Regular Meeting - November 5, 2026
12. Adjournment

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

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



BOARD ACTION SUMMARY SHEET

MEETING DATE: October 1, 2026

TOPIC: Approval of September 3, 2026, BZA Regular Meeting Minutes

RECOMMENDED MOTION: To approve the September 3, 2026, Board of Zoning Appeals Regular Meeting Minutes, as presented.



MINUTES

REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, September 3, 2026

6:30 PM

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

(248) 693-8391 ext. 102

1. Call to Order

The Thursday, September 3, 2026 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order by Chairperson Mathisen at 6:33 p.m.

2. Roll Call and Determination of Quorum

PRESENT

Chairperson Brad Mathisen
Vice Chairperson Raymond Putz
Board Member Henry Lorant

ABSENT

Secretary Brenton Bailo
Board Member Mary Chayka-Crawford

STAFF PRESENT

Village Planning and Zoning Coordinator Jake VanBoxel
Recording Secretary Danielle Smith

3. Approval of Agenda

Board Member Lorant moved, Board Member Mathisen seconded, to approve the September 3, 2026 regular meeting agenda of the Board of Zoning Appeals, as presented.

AYES: Mathisen, Putz, Lorant

NAYS: None

ABSENT: Chayka-Crawford, Bailo

MOTION: Carried

4. First Hearing of the Public

None.

5. Approval of Minutes

A. Approval of BZA Minutes – August 6, 2026

Board Member Lorant moved, Board Member Putz seconded, to approve the August 6, 2026 regular meeting minutes of the Board of Zoning Appeals, as presented.

AYES: Mathisen, Putz, Lorant

NAYS: None

ABSENT: Chayka-Crawford, Bailo

MOTION: Carried

6. BZA Preface

Chairperson Mathisen reviewed the meeting procedures.

7. Action Items

A. A-26-006 (214 S. Broadway Ste. 300 Dimensional Variance Request

This application relates to Appeal No. A-26-006 regarding the property at 214 S. Broadway Ste. 300 (Parcel #09-11-231-007). The site is zoned planned unit development (PUD), with an underlying mixed use (MU) district, in the Village of Lake Orion. The applicant is proposing to construct a sign on a multi-tenant commercial building and is requesting two (2) variances from the sign ordinance.

The applicant previously submitted an application, A-26-003, for the variance, which received a public hearing and a motion of denial at the July 2, 2026 Board of Zoning Appeals regular meeting. Provisions specifying how the Board should act on applications previously denied were included in the Board Members' packets.

Kari Torkko and Richard Hallowell, applicants, Elivate Wellness + Aesthetics, 214 S. Broadway Street, Suite 300, Lake Orion, MI 48362, presented the request and were available to answer any questions of the Board.

MOTION

Board Member Lorant moved, Board Member Mathisen seconded, to approve a public hearing and variance hearing of case A-26-006 for the requested dimensional variances for signage at 214 S. Broadway Ste. 300.

AYES: Mathisen, Putz, Lorant

NAYS: None

ABSENT: Chayka-Crawford, Bailo

MOTION: Carried

B. Public Hearing: A-26-006 (214 S. Broadway Ste. 300) Dimensional Variance Request

Board Member Putz moved, Board Member Mathisen seconded, to open the public hearing for case A-26-006 concerning the requested dimensional variance for signage size located at 214 S. Broadway Ste. 300 at 6:47 p.m.

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

There being no comment, Board Member Mathisen moved, Board Member Lorant seconded, to close the public hearing for case A-26-006 concerning the requested dimensional variance for signage size located at 214 S. Broadway Ste. 300 at 6:48 p.m.

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

C. A-26-006 (214 S. Broadway Ste. 300) Dimensional Variance Request

This application relates to Appeal No. A-26-006 regarding the property at 214 S. Broadway Ste. 300 (Parcel #09-11-231-007). The site is zoned planned unit development (PUD), with an underlying mixed use (MU) district, in the Village of Lake Orion. The applicant is proposing to construct a sign on a multi-tenant commercial building and is requesting the following two (2) variances from the sign ordinance:

155.06 DISTRICT REGULATIONS. (D) CC AND MU DISTRICTS: non-residential uses

Permanent wall sign: multi-tenant building (units with shared public entrance)

- | | |
|-----------|---|
| Required: | 1 on each facade which has a separate public entrance, plus 1 additional wall sign not to exceed 12 sq. ft. in area |
| Existing: | N/A |
| Proposed: | 23 sq. ft |
| Variance: | 11 sq. ft |

Permanent wall sign: multi-tenant building (units with shared public entrance)

- | | |
|-----------|---|
| Required: | 1 on each facade which has a separate public entrance, plus 1 additional wall sign not to exceed 12 sq. ft. in area |
| Existing: | N/A |
| Proposed: | 1 sign on facade without a separate public entrance |
| Variance: | 1 permanent sign on wall without a separate public entrance |

Ms. Torkko and Mr. Hallowell continued their presentation of the request and were available to answer any additional questions of the Board.

Planner VanBoxel gave a synopsis of the variance request, reviewed the Findings of Fact and was available to answer any questions of the Board. Additionally, Planner VanBoxel shared that upon discussion with the applicant, it was determined that the applicant misunderstood the process and did not intend to maliciously violate the ordinance in having the sign installed.

FINDINGS OF FACT

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - The requested sign remains compatible with the character of the surrounding commercial corridor.
2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
 - The variance would provide justice to the applicant by allowing greatly improved visibility for patrons and new customers of their business and would allow drivers along S. Broadway to see the sign.
3. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - The requested relief would improve site identification and access without negatively affecting adjacent properties.
4. The need for a variance(s) is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - The practical difficulty arises from unique physical characteristics of the property.
5. The problem and resulting need for the variance has been created by strict compliance with the zoning ordinance, and not by the applicant or applicant's predecessors; it is not self-created.
 - The conditions were not created by the applicant.
6. Granting the variance will not impair the public health, safety, comfort or welfare of the inhabitants of Lake Orion.
 - Approval would not impair public health, safety, comfort or welfare.

Board Member Mathisen asked if the applicants have spoken with the other tenants regarding the company's sign. The applicants stated the building is mainly office space and the tenants that they spoke with do not have a desire to install a sign.

Board Member Putz asked if village staff received any correspondence from neighboring tenants and other businesses. Planner VanBoxel stated that no correspondence was received.

Board Member Lorant shared that he lives in the area of the business and understands the visibility challenges that the applicants are facing and is in favor of the variance request.

Board Member Mathisen shared his concerns regarding not wanting to set a precedence. The applicants stated that most of the offices in the building do not want retail exposure.

Board Member Putz asked if the sign has helped with increasing foot traffic for the business. The applicants shared that the foot traffic has been beneficial and that they have received positive feedback regarding the sign as well as new clients.

MOTION

Board Member Lorant moved, Board Member Mathisen seconded, to approve this should the Board determine that the practical difficulty standards have been met, the following findings may support approval:

1. The practical difficulty arises from unique physical characteristics of the property.
2. The conditions were not created by the applicant.
3. The requested relief would provide site identification and access without negatively affecting adjacent properties.
4. Approval would not impair public health, safety, comfort or welfare.
5. The requested sign remains compatible with the character of the surroundings.

I suggest for approval.

Board Member Lorant moved, Board Member Mathisen seconded that granting a variance would not set a precedence.

AYES: Lorant, Putz, Mathisen

NAYS: None

ABSENT: Chayka-Crawford, Bailo

MOTION: Carried

Vote on original motion:

AYES: Putz, Lorant, Mathisen

NAYS: None

ABSENT: Chayka-Crawford, Bailo

MOTION: Carried

8. Unfinished Business

None.

9. Second Hearing of the Public

None.

10. Board Member Comments

Board Member Putz stated he would like to have advanced notice of whether a case will be coming before the Board for scheduling purposes. He shared that he only receives this information from the local newspaper.

Board Member Mathisen shared that he found tonight's case difficult. Additionally, Board Member Mathisen asked if the proposed ordinance amendments went to Village Council for approval. Planner VanBoxel stated that the Council sent the ordinance back to the Planning Commission for revisions.

Board Member Mathisen asked why the village's sign ordinance is not a part of the zoning ordinance. Planner VanBoxel stated that he was unsure why the sign ordinance is not a part of the zoning ordinance since he was not working in the Village at the time that decision was made.

11. Next Regular Meeting – October 1, 2026

12. Adjournment

Board Member Lorant moved, Board Member Mathisen seconded, to adjourn the meeting at 7:24 p.m.

AYES: Mathisen, Putz, Lorant

NAYS: None

ABSENT: Chayka-Crawford, Bailo

MOTION: Carried

Dr. Brenton Bailo
Secretary

Sonja Stout, MiCPT
Village Clerk/Treasurer

Danielle Smith
Recording Secretary

Date Approved:



BOARD ACTION SUMMARY SHEET

MEETING DATE: October 1, 2026

TOPIC: Training Session for BZA Members

BACKGROUND BRIEF:

On August 6th, 2026, McKenna Planners hosted a training session for the members of the Board of Zoning Appeals during the regularly scheduled meeting.

The discussion was centered on planning and zoning essentials and the roles, responsibilities, and rules of procedures for a quasi-judicial board.

To continue these efforts, McKenna has prepared further training materials to present to the Board, which includes mock hearings to further promote interactive learning.

RECOMMENDED MOTION(s):

No motion. Discussion of training materials.

MCKENNA

Memorandum

TO: Village of Lake Orion Board of Zoning Appeals

FROM: Jake VanBoxel, MSA, Principal Planner
Sommer Nafal, Assistant Planner

SUBJECT: Board of Zoning Appeals Training Session #2

DATE: September 24, 2026

TRAINING SESSION #2: MOCK HEARINGS

The purpose of this training session is to provide Board members with an opportunity to practice applying variance standards in a structured and educational setting. The mock hearings are designed to mirror real-world cases and help members develop confidence in evaluating evidence, applying the practical difficulty criteria, making findings of fact, and reaching legally defensible decisions.

The three mock hearings have been intentionally organized so that each case becomes progressively more difficult. The first scenario is a relatively straightforward residential setback variance that focuses on the fundamentals of variance review. The second introduces additional complexity through corner lot conditions, questions regarding Board authority, and considerations related to prior approvals. The third and most advanced scenario involves a downtown sign variance where members must evaluate competing planning objectives, historic building constraints, business concerns, and the potential implications of precedent.

As you work through the exercises, focus less on finding the “correct” answer and more on developing your reasoning. Consider how the variance standards apply to the facts presented, what evidence supports your conclusions, and whether your decision could be justified based on the record. The goal of the training is to strengthen your understanding of the decision-making process and encourage meaningful discussion among Board members.

Please review each mock hearing packet over the next week and complete the questions and decision sections to the best of your ability. During the training session, we will discuss each scenario as a group, review different perspectives, and examine how the variance standards apply to the facts of each case. Staff will facilitate the discussion, provide recommended analyses, and review potential approval and denial outcomes, including the findings necessary to support a defensible decision.

We appreciate your participation and look forward to a productive discussion that will enhance the effectiveness and consistency of future decisions made by the Village of Lake Orion Board of Zoning Appeals.

Respectfully submitted,

McKENNA



Jake VanBoxel, MSA
Principal Planner



Sommer Nafal, NCI
Assistant Planner

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235 East Main Street
Suite 105
Northville, Michigan 48167

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MCKENNA

October 1, 2026

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

Subject: **BZA Training Session Mock Hearing #1
Dimensional Variance Review**
Location: **123 Oak Street – Parcel ID# 01-23-456-789**
Zoning: **RV - Village Single Family Residential District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by John and Sarah Miller (the “Applicants”) who are the property owners of the cited residence. The applicants are proposing a dimensional variance within the front yard to construct a 24’ x 26’ attached garage.

LOCATION AND PROPOSED PROJECT

The subject lot is approximately 8,400 square feet in area and is occupied by a single-family principal residence. The lot is located on Oak Street, just north of Pine Street and is zoned RV, Village Single Family Residential District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to construct a 24’ x 26’ attached garage to the existing principal structure (residential dwelling). The front yard setback in the RV District is 25 feet. The proposed location of the attached garage would encroach on the front yard setback by 8 feet.

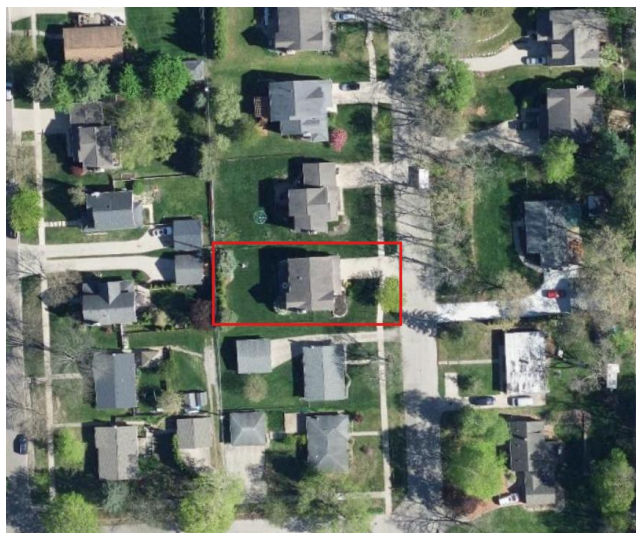
ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

Section 4.03.B of the Village of Lake Orion Zoning Ordinance requires minimum front yard setbacks of 25 feet for the RV – Village Single Family Residential District.

ARTICLE 4 – Single Family Residential Districts
SECTION 4.03 – DEVELOPMENT STANDARDS
SUBSECTION B – Area, Height, Bulk and Placement Requirements

The Applicant is requesting the following variance from the Zoning Ordinance:

Type of Dimensional Variance:	Front Yard Setback
Existing Distance:	41 feet
Required Distance:	25 feet
Proposed Distance:	17 feet
Variance (= Required – Proposed):	8 feet



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BACKGROUND INFORMATION

Applicants' Arguments:

- "Based on the existing driveway location, the proposed placement of the garage is the most practical."
- "The lot is somewhat narrow compared to newer development."
- "Our family needs additional storage and parking space."

Staff Report:

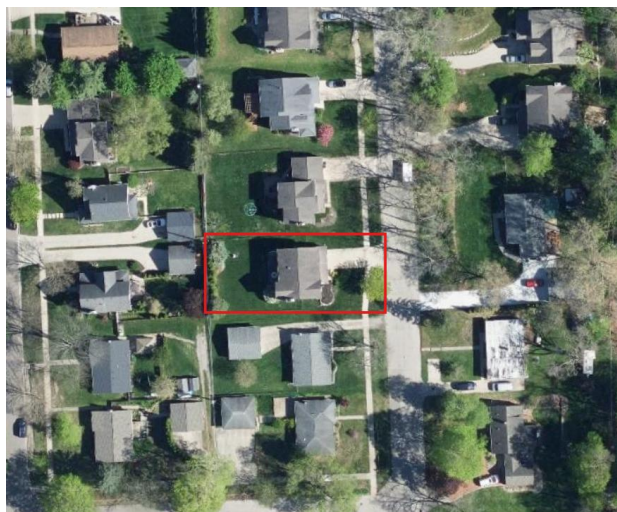
- The subject lot meets district standards.
- Several nearby homes comply with the front yard setback requirement.
- Alternative garage locations appear feasible.

Nearby Property Owners (during the public hearing):

Neighbor 1: Supports the request

Neighbor 2: Opposes the request and states that the garage will protrude closer to the street than surrounding homes in the neighborhood.

Aerial Photo:



Proposed Build:



VARIANCE STANDARDS FOR APPROVAL

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

(Consider the information provided and provide your thoughts/reasoning below)

- 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.

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

- C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

- 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.

- 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.

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

QUESTIONS FOR BZA MEMBERS

(Provide your thoughts/reasoning)

1. Is there a practical difficulty?

2. Is the condition unique to the property?

3. Is the hardship self-created?

4. Is there a reasonable alternative?

5. Is the variance the minimum necessary?

DISCUSSION TWIST

During the hearing, the applicant states, "the builder says moving the garage elsewhere would cost an additional \$15,000."

Does additional cost justify a variance? Why or Why Not?

DECISION

Should the BZA Approve or Deny the request? **Why?**

MCKENNA

October 1, 2026

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

Subject: **BZA Training Session Mock Hearing #2
Dimensional Variance Review**
Location: **27 Maple Street – Parcel ID# 01-23-456-789**
Zoning: **RV - Village Single Family Residential District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Alan Parsons (the “Applicant”) who is the property owner of the cited residence. The applicant is proposing a 6-foot privacy fence in the front yard of their property which is located on a corner lot.

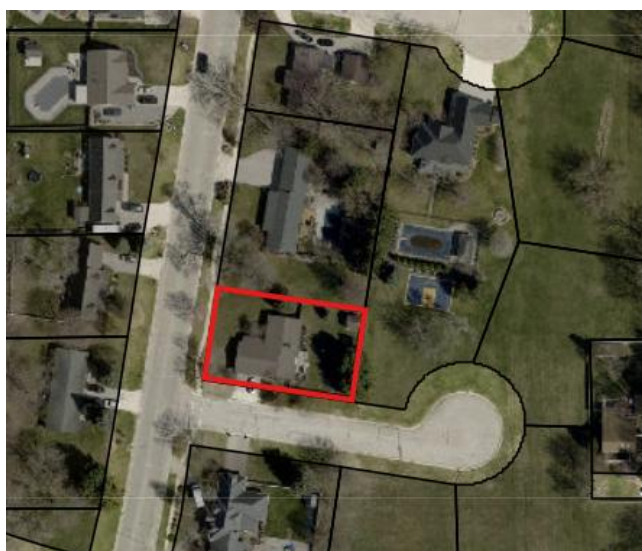
LOCATION AND PROPOSED PROJECT

The subject lot is approximately 13,500 square feet in area and is occupied by a single-family principal residence. The lot is located on Maple Street, just north of Elm Street (a cul-de-sac) and is zoned RV, Village Single Family Residential District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to construct a 6-foot privacy fence in a front yard. The height limit for a front yard fence is 4 feet. The proposed height of the fence would deviate from the regulation by 2 feet. Additionally, the proposed fence would not conform to the decorative (non-obscuring) requirements for front yard fences.

Finally, the applicant appears to believe he owns the property to the edge of the road and is proposing to construct the fence in part of the Village’s Right of Way.

Aerial Photo:



Proposed Fence:



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ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

Section 15.04.B (Walls and Fences)

B. Single Family Residential Districts. Fences and walls in single family residential districts are subject to the following requirements:

1. Non-Lakefront Lot

a) Fences and walls shall be permitted as follows:

- 1) Fences and walls six (6) feet or less in height above grade shall be permitted behind the house, no closer to the front lot line than the rear of the house. In the case of a house with a side door entrance, the fence may extend towards the front of the house sufficiently to enclose the side door entrance.
- 2) Fences and walls four (4) feet or less in height above grade shall be permitted from the rear or side door of the house, forward to the front lot line and may enclose the remainder of the lot.
- 3) Clear vision triangles shall be maintained, as required by Section 13.19. Any fence or wall located in the clear vision triangle shall be either non-obscuring or 30 inches or less in height above grade to provide for view at intersections and for vehicles exiting a driveway.

b) All fences and walls in front of the rear building line or side door of the house shall be decorative and non-obscuring in construction and design; however chain link fence shall not be permitted, as it is inconsistent with the traditional historic small town character of the Village.

The Applicant is requesting the following variance from Section 15.04.B of the Zoning Ordinance:

Type of Dimensional Variance:	Height
Existing Height:	N/A
Required Height:	4 feet
Proposed Height:	6 feet
Variance (= Required – Proposed):	2 feet

BACKGROUND INFORMATION

The subject parcel at 27 Maple Street is a corner lot located at the entrance of Elm Street (a cul-de-sac). The applicant's home sits such that what functions as the family's primary usable side/rear yard is legally considered a front yard because of the corner lot configuration. The applicant seeks to install a 6-foot privacy fence to create a secure and enclosed area for young children.

A key planning consideration is that the property abuts residential rear yards and vacant land in a manner that reduces visibility impacts typically associated with front-yard privacy fences. Staff noted that the adjacent property to the east is likely to remain undeveloped and that neighboring properties would experience limited impacts.

Applicants' Arguments:

- *"I want to create a safe enclosed area for young children while maximizing the use of the yard."*
- *"The lot immediately behind us could build a 6-foot privacy fence because it's their rear yard."*
- *"I should be able to utilize as much of my property as possible."*

Staff Report:

- Alternative fence designs may be possible.
- The parcel to the east is a "through lot" and could construct a 6-foot privacy fence in the same location along Maple Street as the applicant.
- The adjacent land is largely vacant, and future development would be limited due to the available space and length of the cul-de-sac. This significantly reduces the visibility concerns of a privacy fence in a front yard.
- The proposed fence would likely appear harmonious due to the adjacent rear yard of the through lot.
- The proposed fence is encroaching into the public right of way. The BZA cannot authorize actions outside its legal authority.
- Should the BZA decide to grant the variance, it should be done with a condition that the applicant will revise the plans to have the fence located entirely within his property.

VARIANCE STANDARDS FOR APPROVAL

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

(Consider the information provided and provide your thoughts/reasoning below)

- 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.

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

- C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

- 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.

- 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.

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

QUESTIONS FOR BZA MEMBERS

(Provide your thoughts/reasoning)

1.

Am I evaluating the land rather than the applicant/emotional arguments?
2.

Is there a practical difficulty?
3.

Is the condition unique to the property?
4.

Is the hardship self-created?
5.

Is there a reasonable alternative?
6.

Is the variance the minimum necessary?

DISCUSSION TWIST

During the hearing, staff notes that the Board has approved similar variance requests in the past, including some with less compelling circumstances.

To what extent should prior approvals influence the Board's decision in this case? Explain your reasoning.

DECISION

Should the BZA Approve, Approve with Conditions, or Deny the request? Why?

MCKENNA

October 1, 2026

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

Subject: **BZA Training Session Mock Hearing #3
Dimensional Variance Review**
Location: **11827 S. Broadway Street – Parcel ID# 01-23-456-789**
Zoning: **DC – Downtown Center District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Joe Dirté (the “Applicant”) who is the tenant and business owner at the cited residence. The applicant is proposing a dimensional variance to install an additional wall sign on the building.

LOCATION AND PROPOSED PROJECT

The subject property is an existing historic two-story commercial building located in the Downtown Center District. The building was originally constructed as a theater and retains a prominent marquee-style architectural feature projecting toward Broadway Street.

The building contains multiple commercial tenants, including a newly established restaurant occupying a tenant space toward the rear of the structure.

The applicant proposes installation of an additional wall sign intended to improve visibility and identification of the restaurant from Broadway Street. The requested sign would cause the building to exceed the sign area otherwise available to the tenants of the building.

The applicant argues that the location of the restaurant entrance, combined with the unique building design, creates visibility challenges not experienced by many other downtown businesses.

ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

Section 155.06(C) (Signs in the DC District)

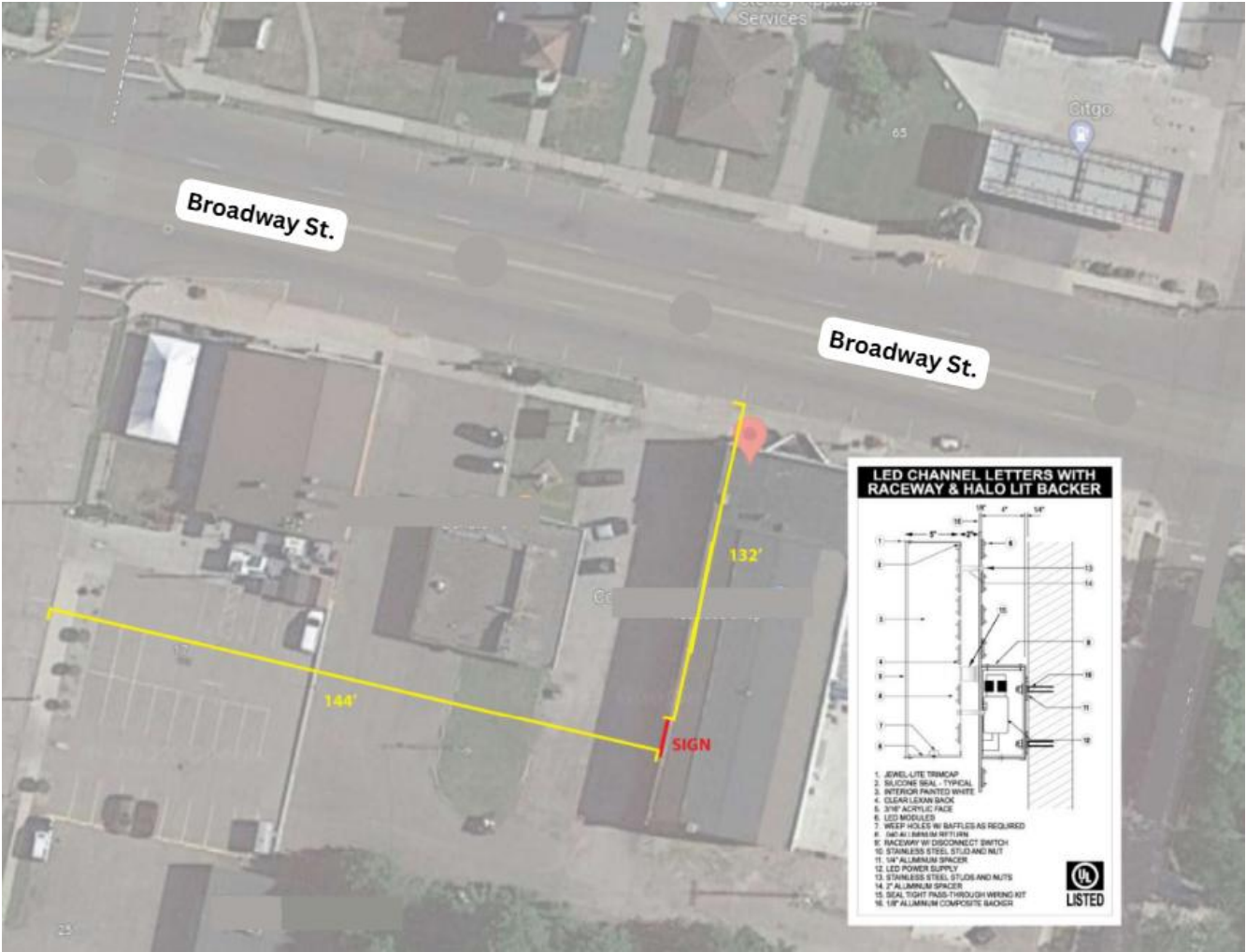
One wall sign per business unit, plus one additional wall sign, with a maximum sign area of 10% of the front wall area per business and not more than 50 square feet per business.

The Applicant is proposing:

- An additional wall sign beyond what is permitted.
- Or a wall sign exceeding the 50-square-foot maximum.
- Or a second tenant sign where existing signage allocations have already been consumed by the theater façade and marquee design.

Photos:





BACKGROUND INFORMATION

The DC District is intended to preserve the historic character of downtown Lake Orion while encouraging a vibrant commercial environment. Buildings are expected to maintain strong relationships to the public street and support pedestrian activity.

The downtown area also benefits from shared parking resources and a compact development pattern that often creates site constraints not found elsewhere in the Village.

Applicants' Arguments:

- *"The restaurant entrance is not highly visible from Broadway Street."*
- *"Customers often pass the business without realizing it is open."*
- *"The proposed sign would improve wayfinding and identification."*
- *"The theater-style building limits opportunities for tenant signage."*
- *"The business should have visibility comparable to neighboring downtown establishments."*

Staff Report:

Factors Supporting Approval

- The historic theater façade is unusual compared to most downtown buildings.
- The marquee occupies a significant amount of façade area.
- The proposed sign is unlikely to negatively impact adjacent properties.
- The request may be attributable to the building design rather than the business itself.

Factors Supporting Denial

- Downtown businesses commonly experience visibility challenges.
- Economic success alone is not grounds for a variance.
- The ordinance already provides signage opportunities.
- The building currently exceeds normal wall-sign allocation.

VARIANCE STANDARDS FOR APPROVAL

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

(Consider the information provided and provide your thoughts/reasoning below)

- 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.

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

- C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

- 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.

- 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.

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

QUESTIONS FOR BZA MEMBERS

(Provide your thoughts/reasoning)

1. What facts are important and what facts are not? Which are zoning factors and which are not?
 - The building's historic theater design
 - The applicant's desire for increased visibility
 - The financial success of the business
 - The location of the restaurant entrance
2. Is the hardship associated with the building or with the business operating inside the building?

3. Should the Board consider the design limitations of a historic theater building when evaluating practical difficulty?

4. Would granting the variance support or undermine the character of the DC Downtown Center District?
 Discuss:
 - Historic preservation
 - Pedestrian environment
 - Sign clutter
 - Business vitality
5. If every business on Broadway made the same request, would the Board approve all of them? Why or why not?

6. Could you defend your vote in Circuit Court using only the variance standards and the evidence in the record?
 If not, what additional findings would be needed?

DISCUSSION TWIST

During the hearing, several downtown business owners speak in opposition. One states, "Most businesses along Broadway would like additional sign area. If this variance is approved simply because a business wants better visibility, every business downtown could make the same argument".

Staff notes that the theater-style architecture is uncommon within the Village and consumes a substantial portion of the building's available sign area.

Should the Board view the hardship as a business visibility issue that many downtown properties experience, or as a unique architectural limitation associated with this specific historic building? Explain how that distinction affects the variance analysis.

DECISION

Should the BZA Approve, Approve with Conditions, or Deny the request? **Why?**
