



## **AGENDA**

### **REGULAR MEETING OF THE BOARD OF ZONING APPEALS**

**Thursday, May 07, 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** *(for items not scheduled for a public hearing)*
- 5. Approval of Minutes**
  - A.** Approval of BZA Regular Meeting Minutes of April 2, 2026
- 6. BZA Preface**
- 7. Public Hearing**
  - A.** Public Hearing: A-26-002 (471 Algene) Dimensional Variance Request
- 8. Action Items**
  - A.** A-26-002 (471 Algene) Dimensional Variance Request
  - B.** Adoption to the Amendments to the Board of Zoning Appeals Bylaws
- 9. Unfinished Business**

**10. Second Hearing of the Public for Non-Agenda Items Only** (for items not scheduled for a public hearing)

**11. Board Member Comments**

**12. Next Regular Meeting - June 4, 2026**

**13. Adjournment**

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

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



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## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** May 7, 2026

**TOPIC:** Approval of BZA Regular Meeting Minutes of April 2, 2026

**RECOMMENDED MOTION:**

To approve the April 2, 2026, Regular Meeting Minutes of Board of Zoning Appeals, as presented.



## MINUTES

### REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, April 2, 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, April 2, 2026 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order by Chairperson Mathisen at 6:30 p.m.

#### 2. Roll Call and Determination of Quorum

##### PRESENT

Chairperson Brad Mathisen

Vice Chairperson Raymond Putz

Board Member Henry Lorant

Board Member Mary Chayka-Crawford

##### ABSENT

Secretary Brenton Bailo

##### STAFF PRESENT

Village Planning and Zoning Coordinator Sommer Nafal

Laura Mangan, McKenna

Recording Secretary Danielle Smith

#### 3. Approval of Agenda

Board Member Lorant moved, Board Member Chayka-Crawford seconded, to approve the April 2, 2026 regular meeting agenda of the Board of Zoning Appeals, as presented.

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

**NAYS:** None

**ABSENT:** Bailo

**MOTION:** Carried

**4. First Hearing of the Public**

None.

**5. Approval of Minutes**

**A. Approval of BZA Minutes – December 4, 2025**

Board Member Lorant moved, Board Member Chayka-Crawford seconded, to approve the December 4, 2025 regular meeting minutes of the Board of Zoning Appeals, as presented.

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

**NAYS:** None

**ABSENT:** Bailo

**MOTION:** Carried

**6. BZA Preface**

Chairperson Mathisen reviewed the meeting procedures.

**7. Public Hearing**

**A. Public Hearing: A-26-001 (356 Oak Lane) Dimensional Variance Request**

Board Member Lorant moved, Board Member Chayka-Crawford seconded, to open the public hearing for case A-26-001 concerning the requested dimensional variance for an accessory mechanical unit located at 356 Oak Lane at 6:32 p.m.

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

**NAYS:** None

**ABSENT:** Bailo

**MOTION:** Carried

Elyse Barry, applicant, 356 Oak Lane, Lake Orion, MI 48362, presented the request and was available to answer any questions of the Board.

Board Member Lorant moved, Board Member Mathisen seconded, to close the public hearing for case A-26-001 concerning the requested dimensional variance for an accessory mechanical unit located at 356 Oak Lane at 6:34 p.m.

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

**NAYS:** None

**ABSENT:** Bailo

**MOTION:** Carried

**8. Action Items**

**A. A-26-001 – 356 Oak Lane Dimensional Variance Request**

The applicant is proposing to install a standby whole-house generator in the required street front yard. This lot has a street front yard and a lake front yard. As proposed, the installation of the generator in the required street front yard would make the use nonconforming. The location of the

proposed generator would require one (1) variance from the standards of the zoning ordinance. The applicant is requesting the following variances from the Zoning Ordinance:

ARTICLE 13, GENERAL PROVISIONS, SECTION 13.11.E - ACCESSORY MECHANICAL UNITS

Location:	Required:	Any yard other than the required front yard
	Proposed (ex):	Front yard (street)
	<b>Variance:</b>	<b>Front yard (street)</b>

Laura Mangan, McKenna, gave a synopsis of the request, reviewed the findings of fact and was available to answer any questions of the Board.

FINDINGS OF FACT

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
  - Strict compliance with side/rear yard placement is unnecessarily burdensome due to the lot having two front yards and no rear yard, a narrow width (40 ft), and required safety clearances.
  - Placement in a side yard is impractical and could conflict with electrical code requirements and the manufacturer’s clearances.
2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
  - Locating the generator in the proposed street front yard location increases separation from adjacent homes and reduces potential impacts compared to side yard placement.
3. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
  - The requested variance is the minimum necessary to allow reasonable use of the property for a permitted purpose (safe operation of a standby generator).
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 proposed location of the generator is effectively screened from the street and neighboring properties due to grade differences, a retaining wall and existing vegetation.
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 hardship is not self-created; it results from ordinance constraints and site conditions rather than actions of the applicant.

- 6. Granting the variance will not impair the public health, safety, comfort or welfare of the inhabitants of Lake Orion.
  - Granting the variance will not negatively impact public health, safety or welfare and may reduce impacts on neighboring properties compared to a compliant location.

Board Member Mathisen stated that the survey provided in the packet does not match the survey that was submitted with the application. Ms. Barry clarified that one survey was for the street near her property while the other was a survey of her home.

**MOTION**

Board Member Mathisen moved, Board Member Lorant seconded, to approve the variance for 356 Oak Lane, Parcel #09-02-301-004, per the findings of fact as listed in page four of the McKenna letter.

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

**B. Discussion of the BZA Bylaws, Including Article V: Order of Business**

The Zoning Board of Appeals has requested to review the current bylaws and begin a discussion of updating them. The existing bylaws were adopted on December 7, 2023.

Board Member Mathisen shared that he would like the order of business changed to see public hearings incorporated within the cases the Board reviews.

**MOTION**

Board Member Mathisen moved, Board Member Chayka-Crawford seconded, to direct staff to revise the Board of Zoning Appeals Bylaws, including Article V: Order of Business, based on discussion.

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

**9. Unfinished Business**

None.

**10. Second Hearing of the Public**

None.

**11. Board Member Comments**

Board Member Lorant wished everyone a Happy Easter.

Board Member Putz wished everyone a Happy Easter.

Board Member Chayka-Crawford thanked the village planners for all they do.

Board Member Mathisen wished everyone a Happy Easter. Additionally, Board Member Mathisen shared that he does not believe the Board packet is referencing current village codes and asked the village planners to investigate further. Lastly, he shared that annual training is a requirement listed in the Board of Zoning Appeals Bylaws and would like the Board to be given training opportunities.

Planner Mangan asked Board Member Mathisen if he was looking for training opportunities to be conducted at the village or hosted by various organizations off site. Board Member Mathisen stated that he would prefer the training be held at the Village Hall.

Board Member Mathisen asked if there were any potential zoning ordinance amendments the Board should be aware of. Planner Nafal shared that a public hearing is scheduled for the April 6, 2026 Planning Commission meeting for zoning ordinance amendments to Sections 13.11 and 13.17 related to recreational vehicle parking.

Board Member Putz asked for a copy of the village’s strategic plan. Planner Nafal shared that the strategic plan is an agenda item for the April 6, 2026 Planning Commission meeting. Additionally, she shared that all comments regarding the strategic plan are incorporated in the Planning Commission packet.

**12. Next Regular Meeting – May 7, 2026**

**13. Adjournment**

Board Member Lorant moved, Board Member Mathisen seconded, to adjourn the meeting at 6:55 p.m.

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

**NAYS:** None

**ABSENT:** Bailo

**MOTION:** Carried

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Dr. Brenton Bailo  
Secretary

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Sonja Stout  
Village Clerk/Treasurer

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Danielle Smith  
Recording Secretary

Date Approved:



**BOARD ACTION SUMMARY SHEET**

**MEETING DATE:** April 2, 2026

**TOPIC:** Public Hearing: A-26-002 (471 Algene) Dimensional Variance Request

**BACKGROUND BRIEF:** The **PUBLIC HEARING** relates to Appeal No. A-26-002 regarding the property at **471 Algene Street** (Parcel #09-11-257-004). The site is zoned RL, Lake Single Family Residential in the Village of Lake Orion. The applicant is proposing to construct an addition to the existing single-family dwelling and is requesting the following one (1) variance from the Zoning Ordinance:

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

<u>Water Front Setback:</u>	Required:	25.0 ft. minimum
	Existing (building):	18 ft
	Proposed:	5.833 ft
	<b>Variance:</b>	<b>19.17 ft</b>

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

**RECOMMENDED MOTION(s):**

- 1. **To open** the public hearing for **Case A-26-002** concerning the requested **dimensional variance** for waterfront setback located at 471 Algene.
- 2. **To close** the public hearing for **Case A-26-002** concerning the requested **dimensional variance** for waterfront setback located at 471 Algene.



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

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

**PROPERTY INFORMATION**

Site Address: 471 Algene Parcel ID #: \_\_\_\_\_

Parcel Size (Sq.Ft.): 6,304 sq. ft. Zoning District: RL

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

**OWNER INFORMATION**

Property Owner Name: Tracey & Jon Hurford Address: (current) 1728 John Paul Ct. Oxford MI 48371

Property Owner Phone #: [REDACTED] E-Mail: [REDACTED]

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

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

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

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

**TYPE OF VARIANCE AND/OR REVIEW REQUESTED**

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

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

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

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

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

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

**DIMENSIONAL VARIANCE – REQUESTED DEVIATION FROM REQUIREMENTS**

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

Section #	Section 4.03	Type of Dimensional Requirement	Existing Distance	Required Distance	Proposed Distance	Variance (=Required – Proposed)
Example:	Table 12.02	Front Setback	28 Feet	25 Feet	20 Feet	5 Feet
		Front setback (lake)	18 feet	25 feet	5.833 feet	19.17 feet

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

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

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

Please explain how: Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

~~Original home built in 1940 is approximately 650 sq. ft. The intention is to renovate the property minimally to transform it into a permanent retirement home. We will make use of the existing footprint, modifying it to create a more functional, enjoyable, full time living space. Existing raised deck structure is in need of updating and cannot be accessed safely from the home. The existing steep slope drives a street-side location for bedroom/bath being proposed.~~

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

~~We started our family in Lake Orion and have always wanted to live on the lake and within the community again. The current state/design of the home is not conducive to full time use. We have every intention of respecting the history of the property, the neighbors and the area. Part of the allure was the original home, which we will preserve as much as possible.~~

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.

~~Proposed plan makes use of existing footprint of the raised deck(12ft deep), not expanding, but modifying in order to create a more functional year-round use. Twelve feet is the minimal size for sitting/dining area. The plan enhances privacy for all neighbors, as well as improving the home visually.~~

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.

~~While not peculiar, the existing structure is already present (foot print will not change). We are requesting a smaller variance than that present in surrounding properties. With a narrow lot, steep slope, and close surrounding homes, proposed plan maximizes use of existing structure size.~~

Please explain how: The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.

~~The construction date of the existing deck structure is unknown. We are assuming it was built prior to the current ordinance. The revised site plan seeks to maintain the existing square footage, while modernizing for full time use. Based on existing placement of home, only option for adding additional living space is on lake side of the home and therefore, not self-created.~~





COPY

**WARRANTY DEED**

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KNOW ALL PERSONS BY THESE PRESENTS: That Megan Burny  
whose address is 10515 S. State Road Goodrich, MI 48438

Convey(s) and Warrant(s) to Jonathan Paul Hurford and Tracey Ann Hurford, husband and wife  
whose address is [REDACTED]

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

Lot 38, Recreation Heights Addition to Village of Orion, as recorded in Liber 10 of Plats, Page 47, Oakland County Records.

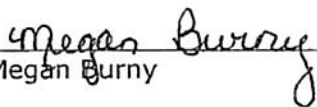
Commonly known as: 471 Algene Drive, Lake Orion, MI 48362  
Tax Parcel # OL-09-11-257-004

for the consideration of: Three Hundred Seventy Two Thousand Five Hundred and 00/100 Dollars (\$372,500.00)

subject to easement, use, building, and other restrictions of record, if any.

Dated: October 24, 2025

Signed and Sealed:


  
Megan Burny

(Warranty Deed (page 2) dated: October 24, 2025  
between Megan Burny, Seller(s) and Jonathan Paul Hurford and Tracey Ann Hurford, husband and wife,  
Purchaser(s).)

STATE OF MICHIGAN

COUNTY OF Genesee

The foregoing instrument was acknowledged before me on October 24, 2025, by Megan Burny.

Notary Signature:   
Notary Name Printed:  
Notary County, Michigan  
Acting in County  
My commission expires:

KRISTY WINNIE  
Notary Public, Genesee County, Michigan  
My Commission Expires July 22, 2030  
Acting in Genesee County, Michigan

File No. 471327FLT

Drafted by:	Return to:
Megan Burny 10515 S. State Road Goodrich, MI 48438	Jonathan Paul Hurford 471 Algene Drive Lake Orion, MI 48362
County Treasurer's Certificate	City Treasurer's Certificate

## EXHIBIT A

Land situated in the Village of Lake Orion, County of Oakland, State of Michigan to wit:

Lot 38, Recreation Heights Addition, according to the plat thereof as recorded in Liber 10, Page 47 of Plats, Oakland County Records.

Commonly Known As: 471 Algene Street, Lake Orion, MI 48362

Tax Item No. 09-11-257-004

Escrow File No.: **31847**



PRIORITY ENGINEERING, LLC



Engineer's Seal

Certification

North SCALE

GRAPHIC SCALE: 1" = 10'

Project  
**471 ALGENE**  
 PARCEL ID: 09-11-257-004

Project Location  
**471 ALGENE**  
 LAKE ORION, MICHIGAN

Sheet Name  
**TOPOGRAPHIC SURVEY**

Revisions			
REV	ISSUED FOR	ISSUE DATE	BY

Date: 02-23-2026

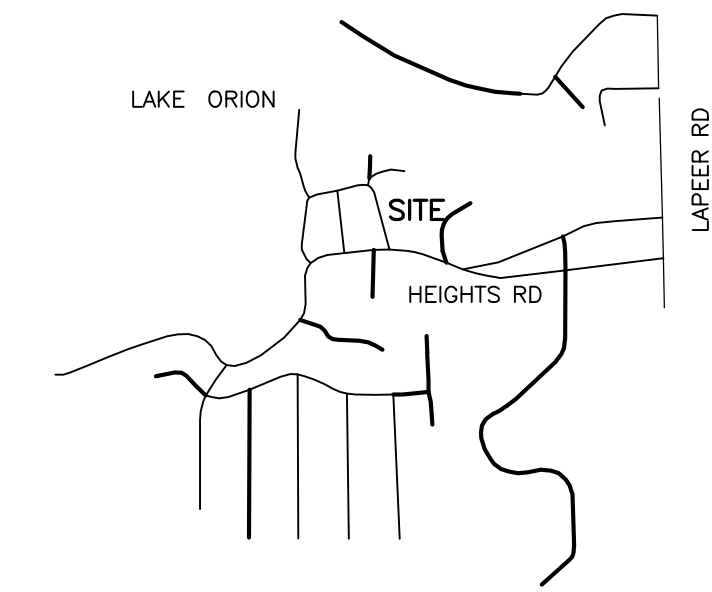
Reviewed By: TCS

ENG/CADD: JGR

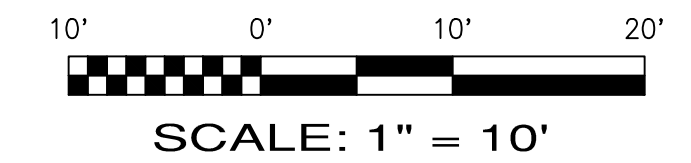
Checked By: TMS

PE Project No. 25-0142

Sheet No. **SURV - 1.0**



LOCATION MAP  
 NO SCALE



**LEGEND**

- EX. GRADE
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- EX. GAS
- EX. FENCE
- EX. RAILROAD
- EX. WALL
- EX. Q. OF DITCH
- EX. WETLAND
- HYDRANT
- CATCH BASIN
- MANHOLE
- SIGN
- GATE VALVE
- LIGHT POLE
- UTILITY POLE
- METAL LIGHT POLE
- TOP OF BEAM
- TOE OF BEAM
- TREE TAG
- TOP OF CURB
- GUTTER
- TOP OF ASPHALT
- TOP OF WALK
- TOP OF WALL
- FOUND IRON ROD
- SET IRON ROD
- FOUND IRON PIPE

**TOPO. NOTES:**

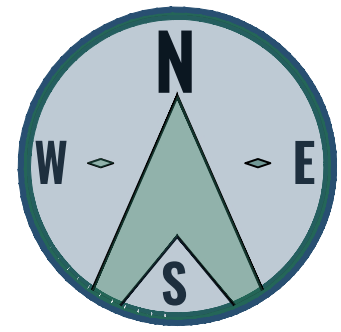
- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
- ALL ELEVATIONS ARE EXISTING ELEVATIONS
- A PORTION OF SUBJECT PROPERTY IS LOCATED IN ZONE AE. PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0238F EFFECTIVE DATE: SEPTEMBER 29, 2006.
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

**LEGAL DESCRIPTION:**

LOT 39, RECREATION HEIGHTS ADDITION, VILLAGE OF LAKE ORION, OAKLAND COUNTY, MICHIGAN.

**BENCHMARK DATA:**

NAIL IN POWER POLE  
 NORTHING: 4925.8667'  
 EASTING: 5002.4542'  
 ELEVATION: 1000.75  
 (NAVD88 DATUM)

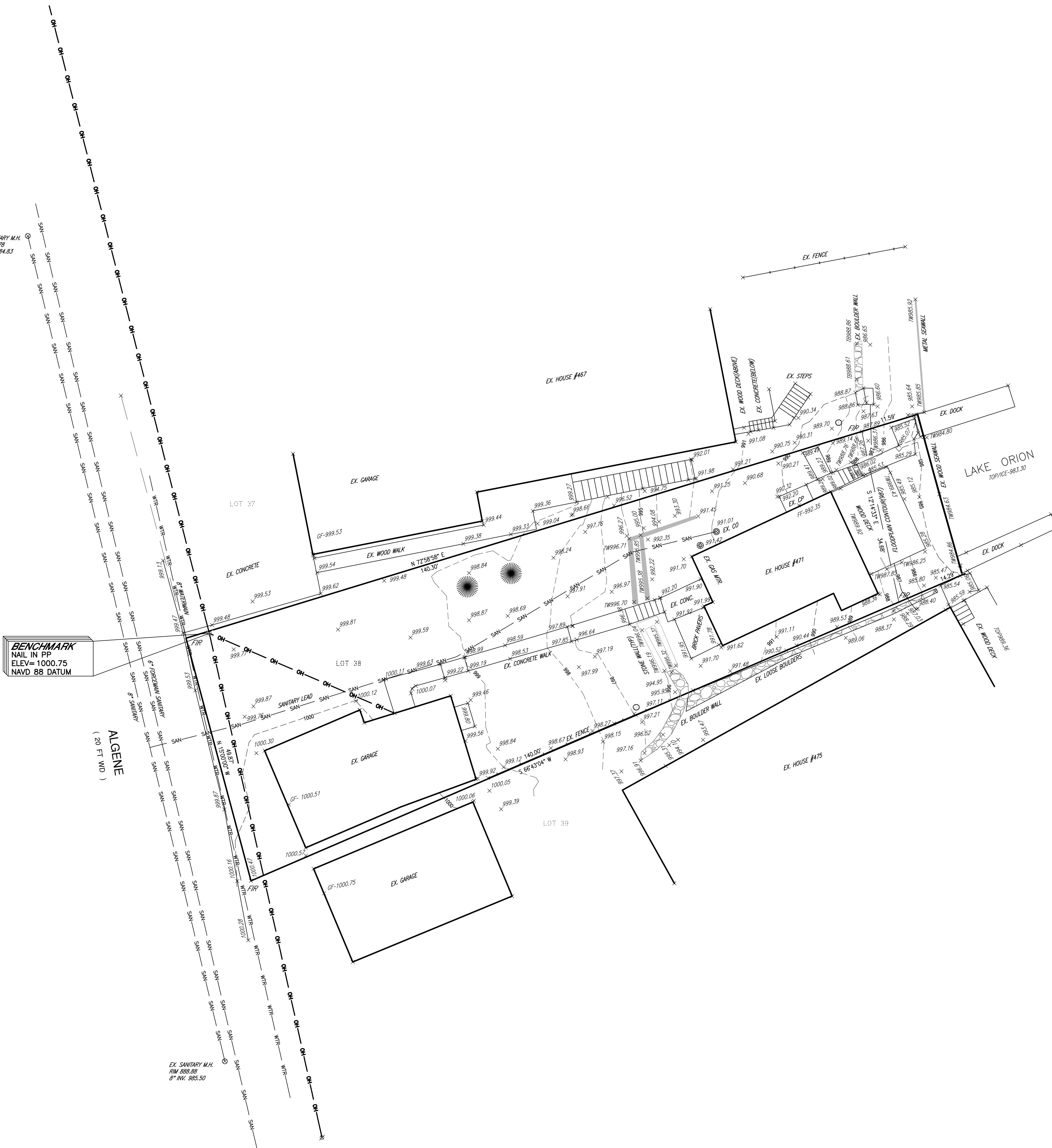


EX. SANITARY M.H.  
 R/W 397.78  
 8" IN. 984.83

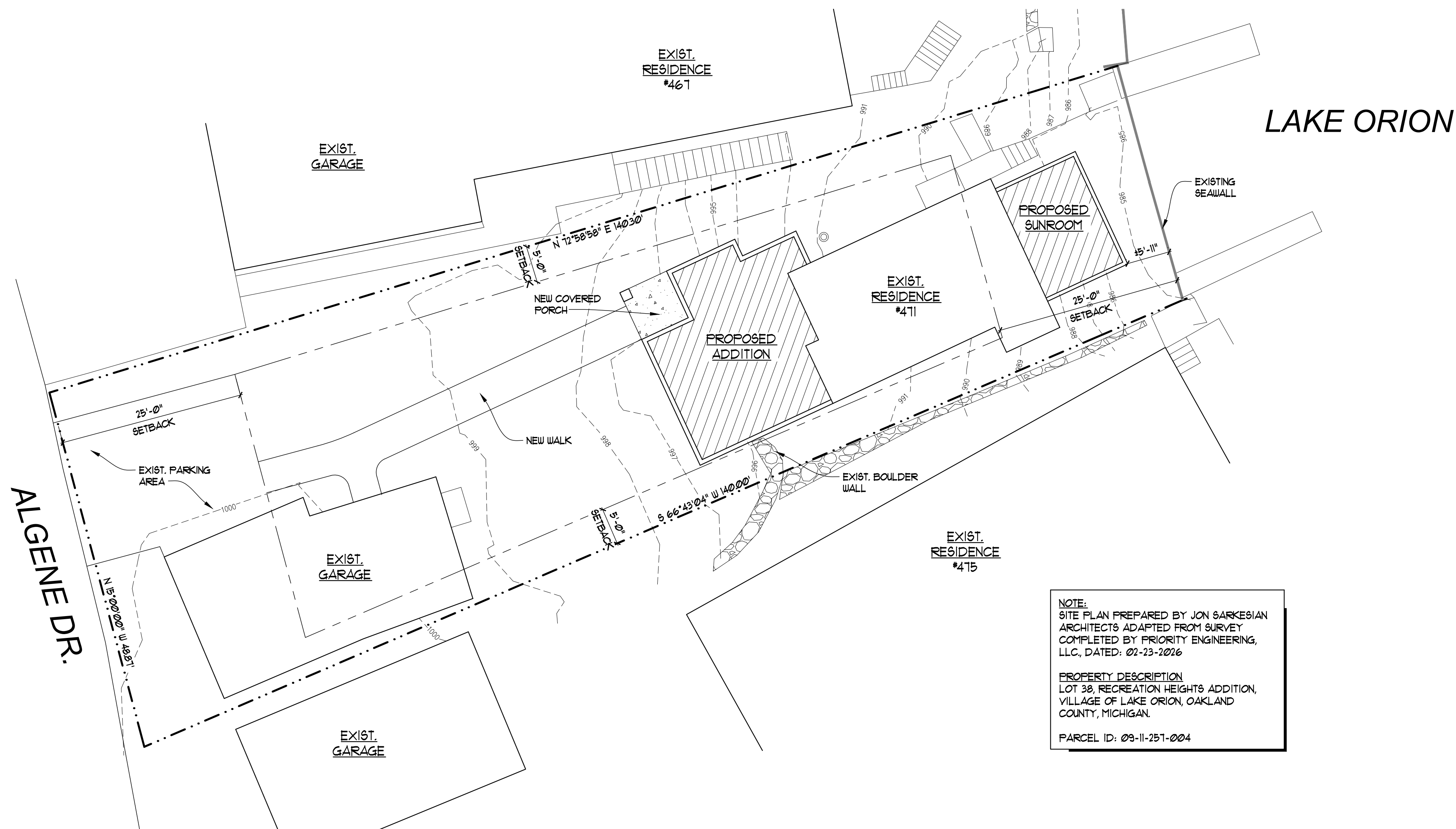
**BENCHMARK**  
 NAIL IN PP  
 ELEV= 1000.75  
 NAVD 88 DATUM

ALGENE  
 (20 FT WD)

EX. SANITARY M.H.  
 R/W 888.88  
 8" IN. 985.50



SITE INFORMATION	
ZONED:	RL - LAKE SINGLE FAMILY RESIDENTIAL
TOTAL EXISTING SITE AREA:	6,304 SF.
<b>BUILDING FLOOR AREA:</b>	
EXISTING HOUSE	612 SF.
EXISTING GARAGE	121 SF.
NEW ADDITION	504 SF.
NEW SUNROOM	202 SF.
TOTAL	2,046 SF.
<b>LOT COVERAGE (40% MAX.):</b>	
2,046 SF. / 6,304 SF. = 0.32(100) =	32% ACTUAL PROPOSED LOT COVERAGE



NOTE:  
SITE PLAN PREPARED BY JON SARKESIAN  
ARCHITECTS ADAPTED FROM SURVEY  
COMPLETED BY PRIORITY ENGINEERING,  
LLC, DATED: 02-23-2026

PROPERTY DESCRIPTION  
LOT 38, RECREATION HEIGHTS ADDITION,  
VILLAGE OF LAKE ORION, OAKLAND  
COUNTY, MICHIGAN

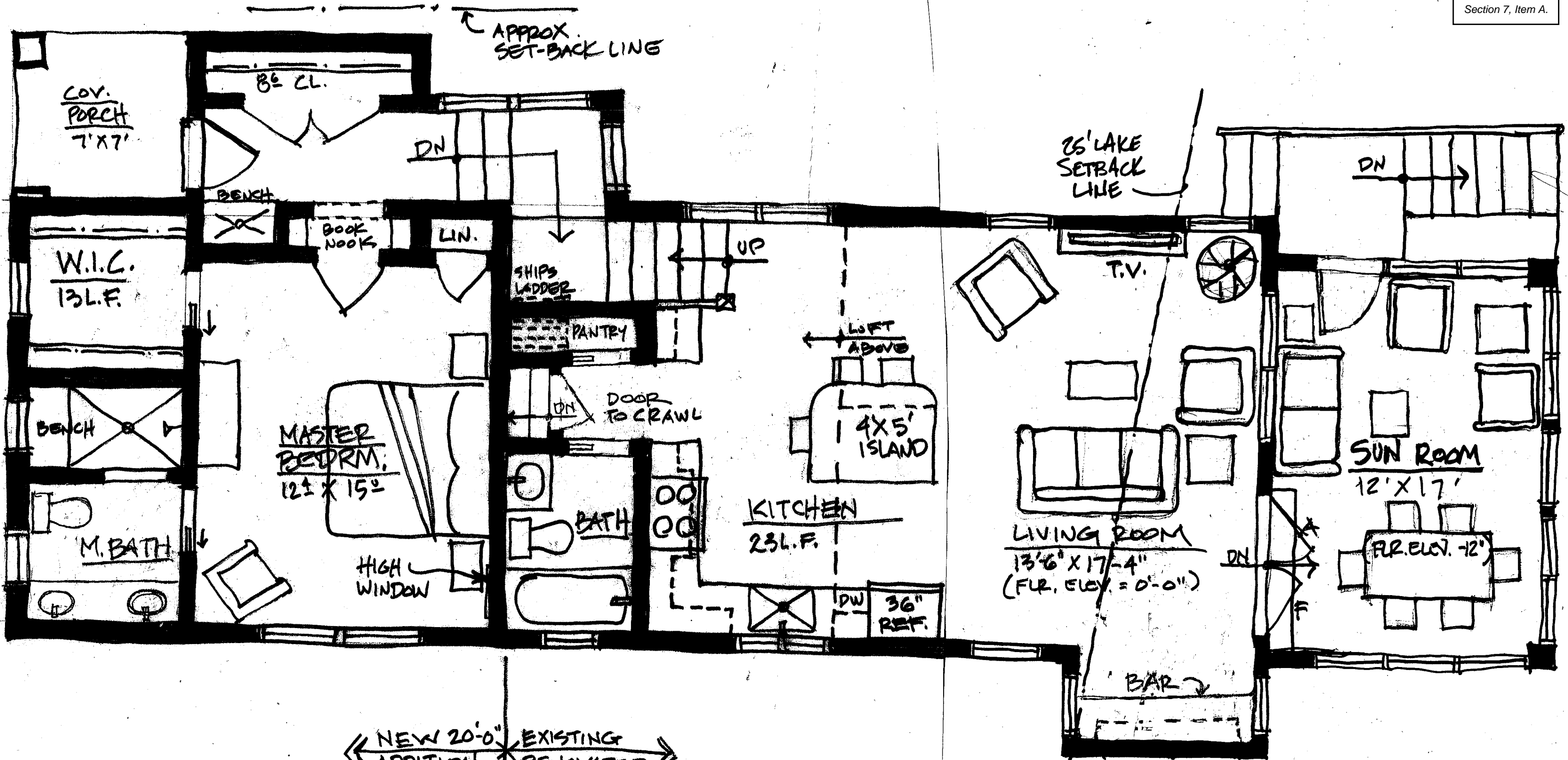
PARCEL ID: 03-11-251-004

ARCHITECTURAL SITE PLAN  
SCALE: 1" = 10'-0"

PROJECT:  
**HURFORD RESIDENCE**  
ADDRESS:  
471 ALGENE DR., LAKE ORION, MI 48362

ISSUED FOR:  
ZBA SUBMITTAL  
04-08-26

SHEET NO.  
**A3-1**



← NEW 20'-0" ADDITION (+ 6'-0" FL. ELEV.) →  
 ← EXISTING RENOVATED (0'-0" FL. ELEV.) →

← EXISTING RENOVATED →  
 ← NEW 12'-0" ADDITION (- 12" FIN. FL. ELEV.) →

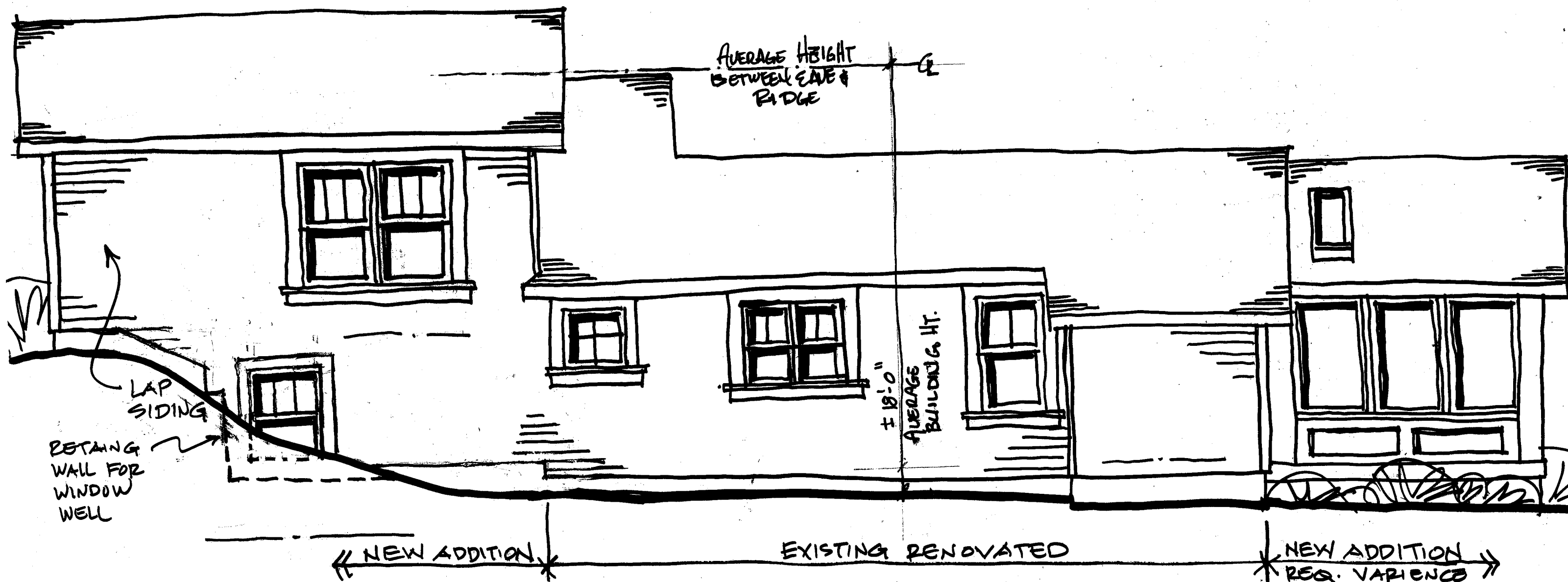
# HURFORD COTTAGE

1/4" = 1'-0"

J.S.K.

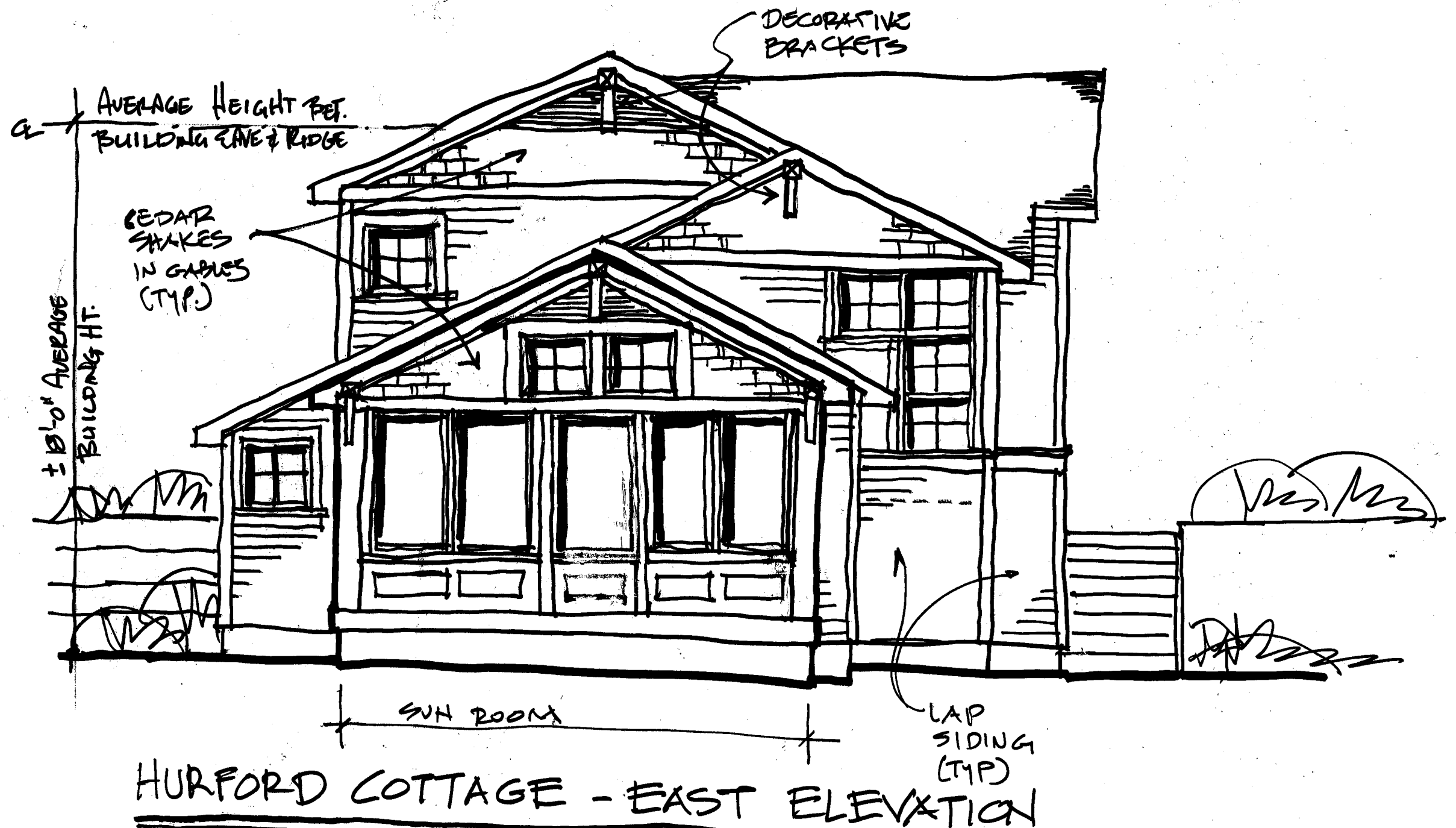
- REV 1. 29.26
- REV 3. 9.26
- REV 3. 12.26
- REV 3. 18.26 (ADD STAIRS TO CRAWL)

ZBA 4.9.26



# HURFORD COTTAGE - SOUTH ELEVATION

$\frac{1}{4}'' = 1'-0''$       J.S.A.      3.18.26      ZBA 4.8.26



# HURFORD COTTAGE - EAST ELEVATION

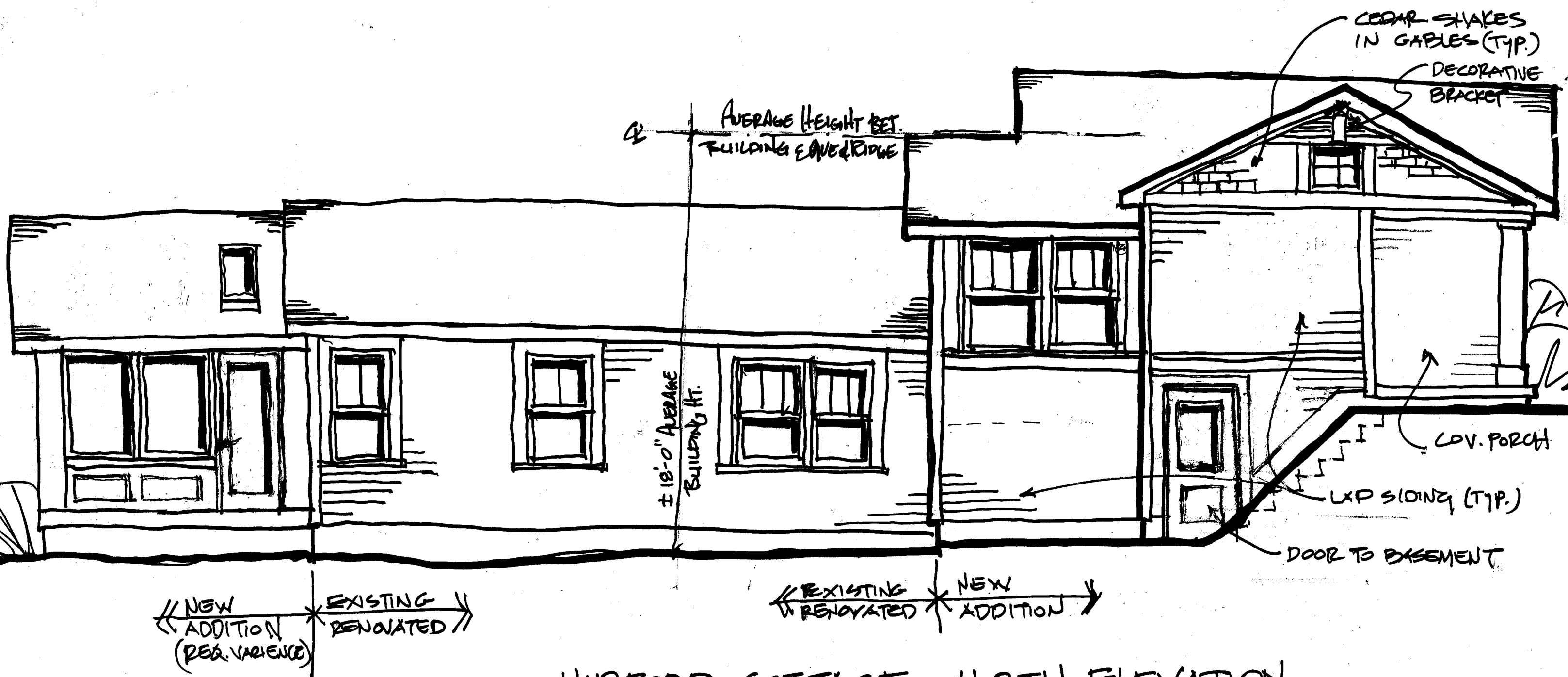
1/4" = 1'-0"

J.S.A.

3.12.26

REV. 3.18.26

ZBA 4.8.26



# HURFORD COTTAGE - NORTH ELEVATION

1/4" = 1'-0"

J.S.A.

REV. 3.12.26  
 REV. 3.18.26  
 ZBA 4.8.26



HURFORD - WEST ELEV

1/4" = 1'-0"

JSA 3.12.26  
ZBA 4.8.26

Jon and Tracey Hurford

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

April 6, 2026

Board of Zoning Appeals  
21 E Church St  
Lake Orion, MI 48362

Dear Members of the Board,

We are writing to formally request a setback variance from the dimensional zoning requirement for our property located at 471 Algene in Lake Orion. The property requires significant modifications to accommodate our full-time, permanent residence and the narrow lot, steep slope, and proximity to neighbors drives a modification to the existing deck to provide adequate living space.

We are proposing a modification to the existing structure, particularly the existing deck, which currently sits inside setback requirements on the lake side. We will not be expanding the current footprint of the existing deck size, rather, we are modifying it per the plans we are providing to you for review for better year-round use.

The cottage is modest in size, and to transform it into a suitable full-time residence, modifications are necessary. The variance we are requesting is essential to make the property a viable and safe living space while also maintaining the character and charm of the area.

We assure you that the proposed changes will be executed with the utmost respect for the surrounding environment and community aesthetics. We are committed to following all other applicable guidelines and ensuring that the construction enhances the neighborhood's overall appeal.

Thank you for considering this request. We are excited to make this our permanent home and are very hopeful for a positive response. We are willing to provide any additional information or meet with the board at any time to discuss this matter further.

Sincerely,

[Redacted Signature]



Current structure (deck) to be modified to four-season room utilizing existing space occupied by deck.



**BOARD ACTION SUMMARY SHEET**

**MEETING DATE:** April 2, 2026

**TOPIC:** A-26-002 (471 Algene) Dimensional Variance Request

**BACKGROUND BRIEF:**

This application relates to Appeal No. A-26-002 regarding the property at **471 Algene Street** (Parcel #09-11-257-004). The site is zoned RL, Lake Single Family Residential in the Village of Lake Orion. The applicant is proposing to construct an addition to the existing single-family dwelling and is requesting the following one (1) variance from the Zoning Ordinance:

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

<u>Water Front Setback:</u>	<b>Required:</b>	<u>25.0 ft. minimum</u>
	Existing (building):	18 ft
	Proposed:	5.833 ft
	<b>Variance:</b>	<b>19.17 ft</b>

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

**RECOMMENDED MOTION(s):**

**To recommend denial** for **Case A-26-002** requested **dimensional variance** for waterfront setback located at 471 Algene.

# MCKENNA

April 28, 2026

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

Subject: **Dimensional Variance Review** (Plans received April 6, 2026)  
Location: **471 Algene Drive – Parcel ID# 09-11-257-004**  
Zoning: **RL - Lake Single Family Residential District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Tracey and Jon Hurford (the “Applicants”) who are the property owners of the cited residence. They are proposing a dimensional variance within the front (water) yard to replace their current structure (deck) and construct a four-season room in its place.

## LOCATION AND PROPOSED PROJECT

The subject lot is approximately 5,950 square feet in area and is occupied by a single-family principal residence. The lot is located on Algene Drive, just north of Heights Drive and is zoned the RL, Lake Single Family Residential District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to install additions on each side of the house. The subject lot has both a street front yard and a lake front yard. The proposed addition to the west (street-facing front yard) does conform to the zoning ordinance. The existing dwelling is currently non-conforming to the Village’s zoning ordinance regulations and the proposed addition to the east (water-facing front yard) would further delineate from those regulations.

It should also be noted that the square footage calculations provided by the applicant in the site plan appear to be incorrect. The site plan indicates the current dwelling is 612 sf, however, Oakland County GIS indicates that the structure is 631 sf. The existing garage is listed at 727 sf, whereas our best calculation indicates the accessory structure closer to 820 sf. This would need to be confirmed to provide accurate representation of lot coverage. Finally, the covered porch was not included in the square footage calculations, however, the floor plan drawing provided demonstrates that the covered section will be 49 sf. The total proposed lot coverage equates to *roughly* 37%, which is under the required 40% and is acceptable. However, due the discrepancies regarding square footage calculations, **if** a variance is to be approved, the Board should require confirmation on the square footage for existing structures to ensure that an additional variance for total lot coverage will not be necessary for the applicants to move forward.



### HEADQUARTERS

235 East Main Street  
Suite 105  
Northville, Michigan 48167

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**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 RL – Lake Single Family Residential District.

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

**RL District Regulations**

Minimum Lot Width.....60 ft. <sup>2</sup>

Minimum Lot Area .....7,200 sq. ft. <sup>2</sup>

Maximum Building Height.....30 ft.

Minimum Setbacks

Front (Street) .....25 ft.

Front (Water) .....25 ft.

Side .....5 ft.

Rear.....25 ft.

Maximum Lot Coverage .....40%

Minimum Floor Area .....900 sq. ft.

1. See Section 4.03(C)(2), below, for exceptions to these standards.
2. See Section 13.11(C)(2) for exceptions to these standards.

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

Type of Dimensional Variance:	Front Yard (Water) Setback
Existing Distance:	18 feet
Required Distance:	25 feet
Proposed Distance:	5.833 feet
Variance (= Required – Proposed):	19.17 feet

**VARIANCE STANDARDS FOR APPROVAL**

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

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

- A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

Applicant Response:

*“Original home built in 1940 is approximately 650 sq. ft. The intention is to renovate the property minimally to transform it into a permanent retirement home. We will make use of the existing footprint, modifying it to create a more functional enjoyable, full time living space. Existing raised deck structure is in need of updating and cannot be accessed safely from the home. The existing steep slope drives a street-side location for bedroom/bath being proposed.”*

Planner Response:

The request is to construct a sunroom beyond the setback limitations. The setbacks exist to protect waterfront views and preserve residential character. We do not view this as “unreasonably preventing the owner from using the property for a permitted use.” The existing dwelling unit is already encroaching the front (water) setback as a prior non-conforming structure.

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

Applicant Response:

*“We started our family in Lake Orion and have always wanted to live on the lake and within the community again. The current state/design of the home is not conducive to full time use. We have every intention of respecting the history of the property, the neighbors and the area. Part of the allure was the original home, which we will preserve as much as possible.”*

Planner Response:

Approving the request *could* trigger a chain of future requests to waive waterfront setbacks or place the Village at risk when denying such requests in the future. Additionally, the Board should affirm protecting the waterfront views for residents and residential character of the district.

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

Applicant Response:

*“Proposed plan makes use of existing footprint of the raised deck (12ft deep), not expanding, but modifying in order to create a more functional year-round use. Twelve feet is the minimal size for sitting/dining area. The plan enhances privacy for all neighbors, as well as improving the home visually.”*

Planner Response:

The current dwelling is already non-conforming as it is located 18 feet from the water (rather than 25 feet). Approving the request allows the property to move further away from zoning conformity. Additionally, the current deck structure is not enclosed, nor does it impede waterfront views for the neighboring properties.

- 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:

*“While not in particular, the existing structure is already present (footprint will not change). We are requesting a smaller variance than that present in surrounding properties. With a narrow lot, steep slope, and close surrounding homes, proposed plan maximizes use of existing structure size.”*

Planner Response:

We do not view this as unique or peculiar circumstances.

**E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant’s predecessors; it is not self-created.**

Applicant Response:

*“The construction date of the existing deck structure is unknown. We are assuming it was built prior to the current ordinance. The revised site plan seeks to maintain the existing square footage, while modernizing for full time use. Based on existing placement of home, only option for adding additional living space is on lake side of the home and therefore, not self-created.”*

Planner Response:

The request is to construct a sunroom beyond the setback limitations. The applicant has proposed an addition between existing structure and the garage to utilize space on the lot, given this, the proposed addition of a sunroom closer to the water, indicates that the problem is self-created. Additionally, the current deck structure does not contribute to the square footage used to calculate lot coverage, whereas, an enclosed sunroom would.

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

Applicant Response:

*“The renovation plan makes the existing structure safer, more aesthetically pleasing and improves the value of the existing property and those surrounding properties. The proposed plan contributes to the culture of Lake Orion through preservation of the original structure and modest beautification of the overall property.”*

Planner Response:

The proposed addition would improve the aesthetics and value of the property, however, approving the request *could* lead to additional requests which will impact the waterfront views for neighbors along with the character of the district.

## RECOMMENDATION

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

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

1. The current regulations do not unreasonably prevent the owner from using the property for a permitted purpose.
2. Granting the variance could result in risk to future property owners' waterfront views and negatively impact the residential character of the zoning district.
3. The requested variance is not the minimum necessary to provide relief as the existing building is already encroaching on the front (water) setback.
4. The need for variance(s) is not due to unique circumstances peculiar to the property.
5. The applicant has not demonstrated that the hardship has not been self-created.
6. Granting the variance could negatively impact public health, safety, or welfare, and may reduce impacts on neighboring properties compared to a compliant location.

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

Respectfully submitted,

**McKENNA**



Jacob VanBoxel, MSA  
Principal Planner



Sommer Nafal, NCI  
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362  
Property Owner: Elyse Berry, 356 Oak Ln, Lake Orion 48362



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## BOARD ACTION SUMMARY SHEET

**MEETING DATE:** April 2, 2026

**TOPIC** Adoption to the Amendments to the Board of Zoning Appeals Bylaws

**BACKGROUND BRIEF:**

The Zoning Board of Appeals has requested to review the current By-Laws and begin a discussion of updating them. The existing Bylaws were adopted December 7, 2023.

Chairperson Mathisen provided a proposed revised Article V of the BZA By-laws, which was presented to the Board at the April 7, 2026 regular meeting.

**RECOMMENDED MOTION(s):**

**To adopt** the proposed revised Board of Zoning Appeals Bylaws.

# BOARD OF ZONING APPEALS BYLAWS VILLAGE OF LAKE ORION, MI

Adopted:

## **Article I - Purpose**

The following rules of procedure are hereby adopted by the Lake Orion Board of Zoning Appeals (hereinafter known as the BZA) to facilitate the performance of its duties as set forth in Article 18 and Article 19 of the Lake Orion Code of Ordinances; and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended (MCL 125.3601, et seq.) (“the Zoning Act”).

## **Article II - Membership**

**Section 1. Composition.** The membership of the BZA shall be five (5) members (plus two (2) alternates) and appointed according to the procedure as established in the Lake Orion Zoning Ordinance (Section 18.04), and Section 601 of the Zoning Act. One (1) of the regular members of the BZA may be a member of the Planning Commission and one (1) regular or alternate member of the BZA member of the Village Council, but the member of the Village Council shall not serve as chairperson of the BZA. The terms of office for members appointed to the BZA shall be three (3) years, except for members serving because of their membership on the Planning Commission or Village Council, whose terms shall be limited to the time they are members of those bodies. Members of the BZA shall be subject to Section 18.04 of the Lake Orion Zoning Ordinance as to removal, vacancies, and compensation.

**Section 2. Attendance.** A BZA member shall notify the Village Administration and the BZA Chairperson in advance if they are going to be absent from the meeting. If any member of the BZA is absent from three (3) consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Lake Orion Village Council to remove a member from the BZA for nonperformance of duty or misconduct after holding a public hearing on the matter. The BZA secretary shall keep attendance records and shall notify the Village Council whenever any BZA member is absent from three (3) consecutive regularly scheduled meetings, so the Village Council can consider further action allowed under law or excuse the absences.

**Section 3. Training.** Each BZA member shall attend at least four (4) hours per calendar year of training in planning and zoning during the member’s current term of office. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University, or a similar continuing education program found to be acceptable to the Village Administration. BZA members shall produce a list of their trainings to the Village Administration by the end of each calendar year.

**Section 4. Liaisons.** The purpose of liaisons is to provide certain Village officials the ability to

participate in discussion with the BZA in addition to speaking in public, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements. Liaisons, if not already appointed BZA members, are Planning/Zoning Department staff and their agents and consultants, or the Village Attorney.

**Section 5. Ethics & Conflicts of Interest.** Each member of the BZA shall abide by the Village Ethics Ordinance (§30.61 et. seq. of the Village Code) as amended from time to time, to avoid or address conflicts of interest and/or incompatibility of office.

**Section 6. Ex Parte Contact.** Members shall avoid ex parte contact about cases where an administrative decision is before the BZA whenever possible. If ex parte contact is unavoidable, BZA members should take detailed notes on what was said and report what was said to the BZA at a public meeting or hearing.

**Section 7. Not Voting on the Same Issue Twice.** Any BZA member shall avoid situations where they are sitting in judgement and voting on a decision, which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:

- a. When the appeal is of an administrative or other decision by Planning Commission, and the BZA member sits both on the Planning Commission and BZA.
- b. When the appeal is of an administrative or other decision by Village Council, and the BZA member sits both on Village Council and the BZA.
- c. When the appeal is of an administrative or other decision by any committee of the Planning Commission, Village Council, other committee, and the BZA member sits both on that committee and the BZA.

**Article III - Officers**

**Section 1. Nomination.** At the first regular meeting of each fiscal year (on or after July 1<sup>st</sup>) the BZA shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. A candidate receiving a majority vote of the entire membership of the BZA shall be declared elected. A member may accept a nomination in absentia if they have advised the BZA in writing (e-mail is acceptable) prior to the meeting.

All officers are eligible for re-election. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the BZA shall select a successor to the office of the Vice-Chairperson for the unexpired term. In the event the office of the Secretary becomes vacant, the BZA may designate another person who is not a member of the BZA to be the recording secretary.

**Section 2. Tenure.** The Chairperson, Vice-Chairperson, and Secretary shall take office the following month after their selection and shall hold office for a term of one-year or until their successors are selected and assume office.

**Section 3. Chairperson Duties.** The Chairperson shall:

- a. Preside at all meeting and hearings of the BZA, and have the duties normally conferred by parliamentary usage on such officers;
- b. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the BZA;
- c. Appoint committees, and appoint officers of those committees or choose to let the committee select their own officers;
- d. Call special meetings;
- e. Represent the BZA, along with the Village Council BZA member, before Village Council or the Planning Commission; and
- f. Perform such other duties as may be ordered by the BZA.

**Section 4. Vice-Chairperson Duties.** The Vice-Chairperson shall act as the Chairperson in their absence and perform such other duties as may be ordered by the BZA.

**Section 5. Secretary Duties.** The Secretary shall:

- a. Execute documents in the name of the BZA;
- b. Be responsible for the minutes of each meeting, if there is not a recording secretary;
- c. Review the draft of the minutes, sign them, and submit them for approval by the BZA. Copies of minutes shall be distributed to each BZA member prior to the next meeting of the BZA (the Secretary may delegate this duty to Village staff);
- d. Receive all communications, petitions and reports to be addressed by the BZA, delivered or mailed to the Secretary in care of the Village office;
- e. Keep attendance records;
- f. Provide notice to the public and members of the BZA for all regular and special meetings, pursuant to the Open Meetings Act, PA 267 of 1976, as amended, MCL 15.261 et seq. (the Secretary may delegate this duty to Village staff); and
- g. Prepare an agenda for BZA meetings (the Secretary may delegate this duty to Village staff).

## **Article IV - Meetings**

**Section 1. Regular Meetings.** Regular meetings shall be held on the first Thursdays of each month at 6:30 PM, or as needed, in the Village Council Chambers at the Lake Orion Village Hall, Lake Orion, Michigan or where otherwise designated by Village Council. When the regular meeting falls on a holiday, the meeting shall be held on such other day as determined by the BZA. When there is no business scheduled, the Chairperson may cancel the meeting.

**Section 2. Majority.** There are five (5) members on the BZA, plus two (2) alternates. Three (3) members constitute a quorum. A majority vote of those present and voting is required for a motion of approval or denial.

**Section 3. Motions.**

- a. Motions shall be restated by the Chairperson before a vote is taken.
- b. Findings of Fact. All actions taken in an administrative capacity (including but not limited to appeals, variances, determination of compliance with an adopted plan) shall

include each of the following parts:

1. The findings of fact, listing what the BZA determines to be relevant facts (including parcel owner, parcel legal description, what is applied for) in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
  2. Conclusions, listing reasons based on the facts for the BZA's action.
  3. The BZA's action, recommendation or position, approval, approval with conditions, or disapproval.
- c. Any other motion shall be stated in prose or in the form of a resolution.

**Section 4. Voting.** Voting shall be by voice vote or roll call vote; roll call votes shall be recorded by "yes" or "no" as part of the minutes. If a member abstains from the vote, it shall be recorded as such in the minutes.

**Section 5. Special Meetings.** Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call such a meeting when requested to do so in writing by a majority of the members of the BZA. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the BZA. The Secretary shall notify all members of the BZA in writing not less than five (5) days in advance of such special meeting.

**Section 6. Petitioner Attendance.** When a petitioner fails to appear at a properly scheduled BZA meeting, the Chairperson may entertain a motion from the BZA to dismiss the case for want of prosecution. In the absence of a motion by the BZA, the Chairperson shall rule. In cases which are dismissed for want of prosecution, the petitioner will be furnished written notice of the action by the Secretary. The applicant shall have seven (7) days from the date of the notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Village Administration for reinstatement. Reinstatement shall be at the discretion of the Chairperson for good cause shown, and upon payment of a fee set from time to time by the Village Council. In all cases reinstated in the above-described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

**Section 7. Recesses.** The Chairperson, or the BZA, after the meeting has been in session for two (2) hours, shall suspend the BZA's business and evaluate the remaining items on its agenda. The BZA shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year and location the BZA will reconvene. If more than 18 hours will pass before the reconvened appeals board meeting, public notice shall be given to comply with PA 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The BZA shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

## **Article V - Order of Business**

**Section 1. Order.** The order of business at regular meetings shall be:

- I. Call to Order
- II. Roll Call and Determination of Quorum
- III. Approval of Agenda
- IV. First Hearing of the Public for Non-Agenda Items Only (3 minute limit)
- V. Approval of Minutes
- VI. BZA Preface
- VII. New Business
- VIII. Action Items\*
- IX. Unfinished Business
- X. Second Hearing of the Public for Non-Agenda Items Only (3 minute limit)
- XI. Board Member Comments
- XII. Adjournment

\*Public Hearing on Specific Agenda Item to be included in specific case.

**Section 2. Parliamentary Procedure.** Parliamentary procedure shall be governed by Robert's Rules of Order by Henry Martyn Robert for issues not specifically covered by these bylaws. Where these bylaws conflict or are different than Robert's Rules of Order, then these bylaws control.

### **Section 3. Public Participation.**

- a. All meetings, hearings, records, and accounts shall be open to the public, and posted in compliance with PA 267 of 1976, as amended, (being the Michigan Open Meetings Act). All regular and special meetings, hearings, records, and accounts shall be open to the public.
- b. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the BZA may direct questions to members of the public. Public comment is at the beginning of the meeting so the BZA can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
- c. Members of the public shall be allowed a maximum of three (3) minutes for each person wishing to make public comment at a BZA meeting. The Chairperson may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the BZA meeting without time limit or an extended time limit.

**Section 4. Delivery of Agenda.** The agenda and accompanying materials shall be hand delivered or emailed to BZA members, so it is reasonably expected to be received at least five (5) days prior to the regular meeting date.

**Section 5. Minutes and Record.** The Secretary shall keep, or cause to be kept, a record of BZA meetings, including meeting notices; a copy of the minutes and all attachments and summaries; and any action, supporting documents, or correspondence.

**Section 6. Retention.** BZA records shall be preserved and kept on file according to the State of Michigan General Retention Schedules for Local Governments.

**Article VI – Appeals and Hearings**

**Section 1. Filing for an Appeal.**

- a. The following may file for an appeal:
  - 1. Any aggrieved person, or the person’s authorized agent;
  - 2. Officer, department, board, or bureau of the state; and
  - 3. Officer, department, board, or bureau of a local unit of government.
  
- b. The filing for an appeal of a decision or for a variance shall be in writing on a form provided by the Village Administration, and upon payment of a fee as may be established by the Village Council. Such Demand for Appeal shall be filed with the Village not more than 30 days from the date of the decision being appealed. A Demand for Appeal for a variance shall be filed with the Village at any time.
  
- c. Within 10 days from the date of the receipt of the Demand for Appeal which is found to be complete, the Village Administration shall contact the Chairperson of the BZA and set up a date(s) and time for the BZA to meet to hold a hearing and a meeting to consider and act on the case.

**Section 2. Hearings.** Before granting or rejecting an Appeal or Variance, the BZA shall hold a public hearing on the matter:

- a. Notice of the time and place of the hearing shall be given, not less than fifteen (15) days prior to such hearing, by at least one publication in a newspaper of general circulation.
- b. Notices shall be:
  - 1. Sent by mail or personal delivery to owner(s) of property(ies) for the land which is the subject of the appeal.
  - 2. Sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property(ies) which is the subject of the appeal regardless of whether the owner and property is located in the zoning jurisdiction or not.
  - 3. Sent by mail or personal delivery to all persons which occupy all structures within 300 feet of the property(ies) which is the subject of the appeal regardless of whether the structure and occupant is located in the zoning jurisdiction or not.
- c. The notice shall include the following information:
  - 1. Describe the nature of the request;
  - 2. Indicate the property(ies) which is(are) subject of the hearing;
  - 3. A listing of all existing street addresses within the property(ies) which is(are) subject of the appeal (street addresses do not need to be created and listed if no such addresses currently exist); if there are no street addresses another means of identification may be used;
  - 4. A statement of when and where the issue will be considered; and

5. An indication of when and where written comments will be received.

**Section 3. Deadline for Action.** The BZA shall hear a case and render and file its decision with a statement of reasons for the decision with the Village Administration not more than 30 days after receipt of the case unless a longer period of time is mutually agreed upon by the petitioner and BZA.

**Section 4. Other Hearings.** In addition to the hearings required by law, the BZA may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

**Article VII – Annual Report**

The BZA shall make a written report to the Village Council of the work of the BZA during the preceding calendar year.

**Article VIII – Amendments**

These Bylaws may be amended by at least 2/3 vote of the entire membership of the BZA, provided notice of the proposed change is given at a previous meeting.

**Article IX – Adoption**

These Bylaws were adopted on December 7, 2023, and will take immediate effect.

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Bradley Mathisen  
Board of Zoning Appeals Chairperson

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Dr. Brenton Bailo  
Board of Zoning Appeals Secretary

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Susan Galeczka  
Clerk, Village of Lake Orion