



Zoning Board of Appeals Regular Meeting Minutes, Monday, March 12, 2012

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, March 12, 2012 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT: Loren Yaros, Chairman; Joe Geraci, Vice-Chairman; Mark Crane, TB Rep. to ZBA; Dan Durham, Board Member; Tony Cook, Alternate Board Member

CONSULTANT PRESENT: Tom Berger, Township Building Official

OTHERS PRESENT: Michael Frontera, Wade Sullivan, Bruce Wiinamaki, Eugene McNabb, Jr., Eugene McNabb, Phoebe Schutz

1. **OPEN MEETING:** Chairman Yaros called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** Board Member Cook served as alternate for the currently vacant position of PC representative to the ZBA.
3. **MINUTES:** Moved by Vice-Chairman Geraci, supported by Board Member Crane to approve the February 13, 2012 regular meeting minutes as presented. **Motion carried 5-0.**
4. **AGENDA REVIEW AND APPROVAL:** No changes were made to the agenda.

5. ZBA BUSINESS

A. AB-2012-02, Michael Frontera, 452 Shorewood Court, Sidwell #09-03-405-004: Chairman Yaros commented that the Petitioner is seeking three variances from Zoning Ordinance No. 78, Single-Family Residential-3 (R-3) Zoning District, to construct a detached accessory structure:

1. Article VI, Section 6.07, Minimum Lot Setbacks, Each Side Yard - requesting a 5.1-foot side yard setback variance from the required 10-foot side yard setback (west side).
2. Article VI, Section 6.07, Minimum Lot Setbacks, Each Side Yard -requesting a 6-foot side yard setback variance from the required 10-foot side yard setback (east side).
3. Article VI, Section 6.07, Maximum Lot Coverage - requesting a 3.29% variance over the allowed 25% in maximum lot coverage to construct a detached garage that will result in maximum lot coverage equaling 28.29%.

Mr. Michael Frontera, of 452 Shorewood Court, commented that he and his wife purchased this home in June 2011. They've done many exterior improvements to the home since then. It's an unusual piece of property with only 12 feet of road frontage and 30 feet on the water's edge and is an extremely small lot. There is no storage or accessory building currently on the property, so he needs somewhere to store his outdoor recreation and lawn equipment to keep it from being an eyesore in the neighborhood. He noted that his neighbor recently got a variance.

Chairman Yaros noted that they need to find a way that the emergency vehicles can get around on the site safely. The water well is also an obstacle to work around. There's just not much room there. That area is just so cluttered.

Mr. Frontera commented that his house is within one foot of the lot line on the west side and two feet on the east side, but he has no storage and needs somewhere to store all of his belongings. He believes that it would be an upgrade to the area.

Board Member Crane noted that the Petitioner's neighbor's case was a different set of circumstances and the variance actually made the site less nonconforming.

Board Member Cook inquired whether this house is a flip.

Mr. Frontera replied, oh no, absolutely not, we're going to be moving here.

Board Member Cook inquired whether he had considered changing the dimensions to 9' x 24' so he'd still have the opening, but it would be longer.

Mr. Frontera replied that he needs an opening of at least 9' to get the jet ski trailer in there and room to get in and out of the car in the garage.

Vice-Chairman Geraci explained the procedures, that members have to follow when considering a variance from the zoning ordinance, to the Petitioner. This site is already nonconforming and to add another nonconformity issue to an already existing nonconformity, that is something that our guidelines state should never happen. Everything about this has issues with the public health and safety. Anything you do, you're adding to an existing nonconformity.

Mr. Frontera noted that there will be stuff there regardless of whether it is a garage or their stuff setting all together there in the yard, so he believes that it would look nicer put away in a garage than outside on the yard. He noted that he has signatures from his neighbors stating that they are in favor of the garage*.

Board Member Durham noted that two firefighters with tanks will not make it through there carrying a ground ladder, there is just not enough space.

Board Member Crane inquired whether the sewer lead is going under that garage and would we have issues with that. On the survey it looks like there's a sanitary sewer lead going right under where the proposed slab will be.

Mr. Tom Berger, Township Building Official, commented that it would cost the Petitioner a lot of money if repairs had to be done and there was the slab and garage built on top of it.

Mr. Wade Sullivan, of 270 Shady Oaks, commented that he may be working with Mr. Frontera on this project. Five-foot side yard setbacks are acceptable in the Village. Mr. Frontera has taken the time to design this structure with the fire rated wall on both sides. A one-hour wall with 5/8" board inside and out. He also likes it when people can put their belongings away to look nicer. Also, it will look like the house and be very nice looking.

Board Member Cook noted that he has a proposal or option for Mr. Frontera. Right now he'd have 216 square feet and if he goes to 11' x 22' he'll have 242 square feet, which will give you more storage room and it would shift it more toward the neighbor's house to the left. It would reduce what you're asking for on the right side of the house and that is his concern. If you want to go out to your property and take a look at that, then you could bring it back to members for their review.

Mr. Frontera replied, that would be fine.

Chairman Yaros noted that Board Member Cook's suggestion would change the amount of the lot coverage.

Vice-Chairman Geraci noted that if the Petitioner ever had to repair the water well, he would also have to think about getting a well truck back in there to pull it out.

Mr. Frontera noted that he would like to revise his plans and bring them back for members' review.

Moved by Board Member Crane, supported by Chairman Yaros regarding case AB-2012-02, Michael Frontera, 452 Shorewood Court, Sidwell #09-03-405-004, **to postpone** action on this case to the March 26, 2012 regular meeting to allow the petitioner time to revise and submit plans for further review. Roll call vote was as follows: Geraci, no; Crane, yes; Durham, yes; Cook, yes; Yaros, yes. **Motion carried 4-1.**

6. PUBLIC COMMENTS: Mr. Eugene McNabb, of 2981 Judah Road, commented regarding gravel and mining permitted sites in the Township.

7. COMMUNICATIONS: None.

8. COMMITTEE REPORTS: None.

9. MEMBERS' COMMENTS: None further.

10. ADJOURNMENT: Moved by Board Member Crane, supported by Board Member Durham to adjourn at 7:59 p.m. **Motion carried 5-0**

* on file