



Zoning Board of Appeals Regular Meeting Minutes, Monday, July 23, 2012

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, July 23, 2012 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT: Loren Yaros, Chairman; Don Walker, PC Rep. to ZBA; Dan Durham, Board Member; Tony Cook, Alternate for Joe Geraci

ZBA MEMBERS ABSENT: Joe Geraci, Vice-Chairman; Neal Porter, TB Rep. to ZBA

CONSULTANT PRESENT: Thomas Berger, Building Official

OTHERS PRESENT: Darryl Anderson, Robert St. John, Royce Knepper, Bill Gunter, 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 Porter was absent.
- 3. MINUTES:** Moved by Board Member Walker, supported by Board Member Cook to approve the June 25, 2012 regular meeting minutes as presented. **Motion carried 4-0** (Porter was absent).
- 4. AGENDA REVIEW AND APPROVAL:** No changes were made to the agenda.
- 5. ZBA BUSINESS**

A. AB-2012-13, Robin and Darryl Anderson, 1773 Hopefield, Sidwell #09-33-253-008: Chairman Yaros commented that the petitioner is seeking three variances from Zoning Ordinance No. 78, for a detached accessory building (existing): 1)Article XXVII, Section 27.02, A, 8, Lot Size ½ to 1 acre, Maximum Floor Area of Detached Accessory Buildings – requesting a 1,108-square foot variance over the allowed 900 square feet in maximum floor area of detached accessory buildings for a detached accessory building equaling 2,008 square feet; 2)Article XXVII, Section 27.02, A, 8, Lot Size ½ to 1 acre, Total Maximum Floor Area of All Accessory Buildings – requesting a 708-square foot variance over the allowed 1,300 square feet in total maximum floor area of all accessory buildings for a detached accessory building equaling 2,008 square feet; and, 3)Article XXVII, section 27.01,F,1 – seeking a variance to increase the size of a non-conforming structure.

Mr. Darryl Anderson, of 1773 Hopefield, was present and noted that he purchased his home in 2001 and that the detached accessory building was existing on the site at that time.

Chairman Yaros stated, as far as we know, the building has been there since 1974 at least on the aerials, but we really don't know when it was built. We don't know what the ordinances were at that time either. The 88 feet is what we're concerned about. What is the hardship that you need those 88 square feet?

Mr. Anderson noted that he needs it for storage for all the excess belongings they have, to get it all out of the house. At this time, they have car parts and accessories like that stored in the building.

Board Member Cook inquired what the purpose is for the car parts.

Mr. Anderson noted that they actually belong to his brother-in-law and is currently working on two cars there, which are stored there and are not going to be moved. He also has Christmas items and clothing that are stored there so far.

Board Member Walker inquired, that building is existing, correct?

Mr. Anderson stated, yes and all I added is the four feet piece along the side.

Chairman Yaros noted that what we have is an existing building that is 2,008 square feet minus the 88 square feet that has been there for a long time. We don't have any records on it, but we know it has been there since 1974 from viewing those aerials. I don't believe we even need to deal with the size of the existing building, because we don't know what the ordinances were and we don't know whether this site had any variances granted or not. We need to look at that 88 square feet regarding increasing the non-conformity. The non-conforming building is existing as far as I'm concerned. I don't know if anybody else wants to do something different with that.

Board Member Durham commented that it wouldn't really be practical and the past is the past and should start with today's non-conforming use and make the decision on the rest of it.

Board Member Cook noted that the only difficulty with taking that position is that you run the risk of more people building buildings and then coming to us asking for variances, because this begins to set a precedent that the past is the past.

Chairman Yaros noted that we do have ordinances that address the recent years, but we don't have ordinances that address when this building was built, however, we do know that it was at least there in 1974 from our aerials.

Board Member Cook stated, so the past does not become the past when we have ordinances that come into play.

Chairman Yaros stated, yes.

Board Member Cook stated, ok, as long as we have some basis for it.

Chairman Yaros offered time for public comments.

Mr. Royce Knepper, of 1841 Hopefield, inquired why Mr. Anderson needs to have the additional 88 square feet.

Chairman Yaros asked Mr. Anderson to explain what he wants to do with the 88-square foot addition to his building.

Mr. Anderson commented that the addition is already attached to the side of the garage. It's a lean-to with sides and doors and it's already there. Nothing else is going to be built. It's just there for storage.

Board Member Durham noted his concern of increasing a non-conforming use and that he, himself, cannot vote to approve an increase in the non-conformity.

Chairman Yaros stated, the existing accessory building, without the 88-square foot addition, is still way over the ordinance requirements to start with, but it exists and you have it. Maybe if you could adjust your belongings in there, you may not need that additional storage.

Mr. Robert St. John, also residing at 1773 Hopefield, commented that they have a storage unit, not on the property, that they're paying \$400 per month for and that's why they need extra storage. They want to get it out of storage so they can store it at their place.

Board Member Cook inquired what the dimensions of the storage unit are.

Mr. St. John noted that they have three storage units: one double storage unit and one single storage unit. The dimensions are approximately 20'x30' on one of them and he is not sure of the other unit. They are trying to cut down on the amount of belongings they have, so they can store them at their place. He also noted that his son's cars and stuff are in there and is down in Texas because his wife is in the Army and he will be coming back eventually, but he stuck in Texas right now.

Chairman Yaros inquired if this 88 feet would eliminate the need for a storage unit for them.

Mr. Bill Gunter noted that he, too, is currently living at 1773 Hopefield. He is a carpenter and has built many shelves to put their belongings on in the building and organizing the interior. They've been going through their belongings and what they're keeping goes into the building and is being organized.

Board Member Cook inquired what their time line is for completing that project for the shelving.

Mr. Gunter noted that they have 90% of the belongings out of the back yard already. They have a lot of personal belongings that they don't want to lose, but they have been going through and condensing it down and getting rid of things that they don't need.

Board Member Cook inquired what the height of the building is.

Mr. Gunter commented that the main garage probably has a 10-foot ceiling.

Board Member Cook stated, I understand that paying for the storage is the hardship. Have you looked at other options such as going through the stuff again?

Mr. Anderson replied, we do and take stuff to the sale, the Church, as the kids outgrow it, there's just a lot of stuff, but we have been consolidating it. The addition was to help to relieve some of the pressure of the storage units, because we've been paying that for five years now.

Board Member Cook suggested as an option that the petitioner may wish to consider postponing action on this case and when they are 100% done with their shelving and sorting, come back before the ZBA to determine if the addition is even still necessary or they can vote on it tonight based on the information before them.

Mr. Anderson noted that they will definitely need the 88-square foot addition and that it is necessary.

Moved by Board Member Cook regarding case AB-2012-13, Robin and Darryl Anderson, 1773 Hopefield, Sidwell #09-33-253-008, that the petitioner is seeking three variances from Zoning Ordinance No. 78, for a detached accessory building (existing): 1)Article XXVII, Section 27.02, A, 8, Lot Size ½ to 1 acre, Maximum Floor Area of Detached Accessory Buildings – requesting a 1,008-square foot variance over the allowed 1,000 square feet in maximum floor area of detached accessory buildings for a detached accessory building equaling 2,008 square feet; 2)Article XXVII, Section 27.02, A, 8, Lot Size 1 acre to 2.5 acres, Total Maximum Floor Area of All Accessory Buildings – requesting a 420-square foot variance over the allowed 1,000 square feet in total maximum floor area of all accessory buildings for a detached accessory building; and, 3)Article XXVII, section 27.01,F,1 – seeking a variance to increase the size of a non-conforming structure, that the requests be **granted**, because the petitioner has demonstrated that practical difficulties exist. The petitioner has demonstrated a hardship due to the size of his family and the fact that he is currently in the process of organizing it.

Chairman Yaros supported for discussion and stated, I'll support that if you'll add for the purpose of discussion that the maximum floor area of detached accessory buildings according to Section 27.02,A,8, was 1,000 square feet and they're requesting a total of 2,008 square feet and 1,920 of that is existing. The total maximum floor of all accessory buildings, 1 acre to 2.5 acres, is 1,500 square feet and they're requesting 2,008 square feet, which of that, 420 is existing out of the 508 square feet that they would need to provide for an 88-square foot increase in a non-conforming building. The petitioner has said he has a hardship due to the fact that they had off-site storage for a very expensive amount of money and has five children and even though we don't normally consider monetary things, it is something that he has a problem with. Roll call vote was as follows: Cook, yes; Durham, no; Walker, yes; Yaros, yes. **Motion carried 3-1** (Porter was absent).

6. PUBLIC COMMENTS

Mr. Eugene McNabb, Jr., of 680 E. Silverbell Road, commented that his case would be on the next ZBA agenda and invited members to come out to his residence to review the site.

Mr. Eugene McNabb, of 2981 Judah Road, noted that Judah Road continues to be very dusty.

7. COMMUNICATIONS: Chairman Yaros thanked the recording secretary for the Board of Trustees and the Planning Commission meeting minutes that are in the meeting packets for members' information.

8. COMMITTEE REPORTS: None.

9. MEMBERS' COMMENTS: None further.

10. ADJOURNMENT: Moved by Board Member Walker, supported by Board Member Cook to adjourn at 7:50 p.m. **Motion carried 4-0** (Porter was absent).

* on file