

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
******* MINUTES *******
REGULAR MEETING - MONDAY, OCTOBER 14, 2013

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, October 14, 2013 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Loren Yaros, Chairman	Mike Flood, BOT Rep. to ZBA
Don Walker, PC Rep. to ZBA	Lucy Koscierynski, Board Member
Mary Painter, Alternate	

ZBA MEMBER ABSENT:

Dan Durham, Vice-Chairman (not scheduled)

CONSULTANT PRESENT:

Tammy Girling, Zoning/Planning Administrator

OTHERS PRESENT:

Richard Bischer	Duane Smith	James Andritsis
Edward R. Eckler, Sr.	Edward R. Eckler, Jr.	Eugene McNabb
Gene McNabb, Jr.	Phoebe Schutz	

1. OPEN MEETING

Chairman Yaros called the meeting to order at 7:00 p.m.

2. ROLL CALL

Dan Durham (not scheduled) was absent.

3. MINUTES

Moved by Board Member Walker, supported by Board Member Koscierynski to accept the September 9, 2013 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-2013-22, Steven Holder, 1048 McClellan Street, Sidwell #09-01-412-017

Chairman Yaros noted that the petitioner is seeking a variance from Zoning Ordinance No. 78, Article 6, Section 6.02, B, 2, to park a stake truck on a Single-Family Residential-3 (R-3) zoned property. Also, that this case was postponed from the September 9, 2013 regular meeting to this meeting in order to obtain a legal opinion with regard to the change in the zoning law for a use variance.

Mr. Steven Holder, of 1048 McClellan Street, was not present.

Chairman Yaros overviewed correspondence received from Ms. Carla Nettle, PC/ZBA Coordinator, dated October 7, 2013* and attached correspondence from the Township Attorney, dated September 30, 2013*.

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Moved by Board Member Walker, supported by Board Member Painter regarding case AB-2013-22, Steven Holder, 1048 McClellan Street, Sidwell #09-01-412-017, **to dismiss this case** since it has been determined that it is not under the Zoning Board of Appeals' jurisdiction. Roll call vote was as follows: Koscierzynski, yes; Flood, yes; Painter, yes; Walker, yes; Yaros, yes.

Motion carried 5-0.

B. AB-2013-23, Joe Fornwall, 4177 Gregory Road, Sidwell #09-31-126-030

Chairman Yaros overviewed correspondence received from Ms. Carla Nettle, PC/ZBA Coordinator, dated October 14, 2013*, which included correspondence from Mr. Joe Fornwall requesting to be postponed from this evening's meeting*. There was also correspondence received from Mr. John Graham, Ordinance Enforcement Officer* and correspondence received from Matthew and Meagan Cross, of 4350 Gregory Road*. He then noted that these pieces of correspondence will be included in the meeting packets the next time this case is on the agenda.

Chairman Yaros offered time for public comments.

Mr. Duane Smith, of 4270 Lou-Mar Lane, commented that he lives directly behind the petitioner and also owns a 2.5-acre lot to the east of the petitioner. He is concerned about the proposed outbuilding for many reasons. The owner has a kennel business, which you can see online, and noted that he told him that he has four dogs living in his basement. Those dogs run loose and do their business on Mr. Smith's lots. He then gave pictures to the Chair to be used in the future packet. He requested that the Township give Mr. Fornwall a copy of the rules and regulations for kennels and leash laws.

Moved by Board Member Painter, supported by Chairman Yaros regarding case AB-2013-23, Joe Fornwall, 4177 Gregory Road, Sidwell #09-31-126-030, that the petitioner was unable to be here tonight and has requested to be put on another meeting, so I move **to postpone** this case until the October 28, 2013 regular meeting. Roll call vote was as follows: Flood, yes; Painter, yes; Walker, yes; Koscierzynski, yes; Yaros, yes. **Motion carried 5-0.**

C. AB-2013-24, Richard & Dawn Bischer, 581 N. Long Lake Boulevard, Sidwell #09-01-135-015

Chairman Yaros noted that the petitioner is seeking four variances from Zoning Ordinance No. 78, for an existing nonconforming deck:

1. Article VI, Section 6.07, R-3 Zoning District, Minimum Lot Setbacks, Front Yard - requesting a 21.56-foot front yard setback variance from the required 30-foot front yard setback for an existing deck 8.44 feet from the front property line.
2. Article XXVII, Section 27.03,C, 3,b. Yard and Bulk Requirements, Projections Into Required Yards, In Rear Yards, Decks - requesting a 11.51-foot rear yard setback variance from the required 20-foot rear yard setback for an existing deck 8.41 feet from the rear property line.
3. Article XXVII, Section 27.01, C, 1, b Nonconforming Lot Width 55 to 59 feet , Side Yard Setback - requesting a 7-foot side yard setback variance from the required 7-foot side yard setback for an existing deck zero feet from the west side property line.

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4. Article VI, Section 6.07, R-3 Zoning District, Maximum Lot Coverage - requesting a 15% lot coverage variance, above the allowed maximum lot coverage of 25%, for an existing deck resulting in 40% lot coverage.

Mr. Richard Bischer, of 581 N. Long Lake Boulevard, presented the reasons he is requesting these variances.

Chairman Yaros noted that he only is one vote out of the five board members, but his opinion is that: 1)you're at a dead-end street; 2)it doesn't appear that the land next to you will be developed any time in the immediate future; 3)the road right-of-way is incorporated into your front yard, because there is about 35 feet there when the rest of the road is only about 20 feet wide; 4)and in looking down the street, there were decks that were six or seven feet off the edge of the actual road. What you did looks a lot better than what you had. In fact, you lessened the impact with the front, the way you turned the deck and it doesn't come out quite as far.

Chairman Yaros offered time for public comments.

No comments were given.

Board Member Flood noted that he concurs with Chairman Yaros and that bringing this house up to the present standards is great for that community. The small lake lots are really tough to work with.

Board Member Painter noted that when she visited the site, she spoke with the petitioner and that road is crazy and it looks like in the old picture that the water accumulated under the steps and the petitioner had said that there was a water problem there.

Mr. Bischer noted that there was a water issue there that was actually turned in by the neighbor to the Township, but then after he bought it, he brought it so it wasn't an issue.

Board Member Painter noted that there have been many improvements and is safer as well, which was a concern of hers.

Moved by Board Member Painter, supported by Chairman Yaros regarding case AB-2013-24, Richard & Dawn Bischer, 581 N. Long Lake Boulevard, Sidwell #09-01-135-015, the petitioner is seeking four variances from Zoning Ordinance No. 78, for an existing nonconforming deck:

1. Article VI, Section 6.07, R-3 Zoning District, Minimum Lot Setbacks, Front Yard - requesting a 21.56-foot front yard setback variance from the required 30-foot front yard setback for an existing deck 8.44 feet from the front property line.
2. Article XXVII, Section 27.03,C, 3,b. Yard and Bulk Requirements, Projections Into Required Yards, In Rear Yards, Decks - requesting a 11.51-foot rear yard setback variance from the required 20-foot rear yard setback for an existing deck 8.41 feet from the rear property line.

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4. Article VI, Section 6.07, R-3 Zoning District, Maximum Lot Coverage - requesting a 15% lot coverage variance, above the allowed maximum lot coverage of 25%, for an existing deck resulting in 40% lot coverage.

I move that we **grant these variances as requested**, that he lives out in Long Lake where the road is almost non-existent in his yard. He has made improvements to the property, which looks nice and it's safe. Also, there is currently nothing to the west nor probably will be in the near future and that is a dead-end location. He has improved an existing property for all his neighbors. Roll call vote was as follows: Painter, yes; Walker, yes; Koscierzynski, yes; Flood, yes; Yaros, yes. **Motion carried 5-0.**

6. PUBLIC COMMENTS

Public comments were heard.

7. COMMUNICATIONS

Chairman Yaros thanked the recording secretary for the various boards' minutes for members' information.

8. COMMITTEE REPORTS

No reports are due at this time.

9. MEMBERS' COMMENTS

None further.

10. ADJOURNMENT

Moved by Board Member Flood, supported by Board Member Painter to adjourn the meeting at 7:22 p.m. **Motion carried unanimously.**

* Attachment