

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

******* MINUTES *******

REGULAR MEETING - MONDAY, OCTOBER 28, 2013

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, October 28, 2013 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Dan Durham, Vice-Chairman	Mike Flood, BOT Rep. to ZBA
Don Walker, PC Rep. to ZBA	Lucy Koscierzynski, Board Member
Mary Painter, Alternate	

ZBA MEMBER ABSENT:

Loren Yaros, Chairman (not scheduled)

CONSULTANT PRESENT:

Tom Berger, Township Building Official

OTHERS PRESENT:

Bruce MacDonald	Gene McNabb, Jr.	Don Hickmott
Jim Oliver	Aira Fornwall	Steven Cyr
Dan Laforce	Fred Hengel	Jessica Abey
Eugene McNabb	Regina Meo	Lyndon Meo
Nick Christi	Patrick Conroy	Gail Sherman
Charles Sherman	George Dandalides	Kim Fodor
Phoebe Schutz		

1. OPEN MEETING

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

2. ROLL CALL

Loren Yaros (not scheduled) was absent.

3. MINUTES

Moved by Board Member Flood, supported by Board Members Painter and Walker to accept the October 14, 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-2013-23, Joe Fornwall, 4177 Gregory Road, Sidwell #09-31-126-030

Acting Chairman Durham noted that at the petitioner's request, the ruling on this request was postponed at the October 14, 2013 meeting to allow the petitioner to be present. The petitioner is seeking a variance from Zoning Ordinance No. 78, Article XXVII Section 27.02, A, 8, Lot Size over 2.5 acres, Total Maximum Floor Area of All Accessory Buildings, requesting a 490-square foot variance in Total Maximum Floor Area of All Accessory Buildings, above the allowed 1,900 square feet, in order to construct a 1,200-square foot detached accessory building that will result in Total Maximum Floor Area of All Accessory Buildings equaling 2,390 square feet.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

Mrs. Aira Fornwall, of 4177 Gregory Road, commented that she is here to speak on behalf of her husband since he was again called out of town for business. They have reduced the size of the structure and are only requesting one variance. She noted that they have maintenance equipment and recreational vehicles they want to store in the proposed structure.

Acting Chairman Durham noted that they have received a printout of the Dead End Kennels, which is the Fornwall's website, pictures of quail coops and dog trailers*. He then inquired, do you run a business out of your home?

Mrs. Fornwall replied, we do not run a business out of our home nor have we ever run a business out of our home.

Acting Chairman Durham inquired, does your husband train bird dogs?

Mrs. Fornwall replied, yes he does. We have three dogs as a hobby. Mostly the dogs are in the house. They have an outdoor area so they can stretch their legs. We do not train them onsite. My husband does have a website for some of his bird dog activities, which was from our former home in North Branch. We moved here about a year ago and left that behind. It was never a business, just a hobby. The website is still in effect, because you pay for a certain number of years at a time, so he still has it. It's now with his friend that lives in Emmett. If we had a pole barn, the dog pens would be in the barn.

Board Member Flood noted that while he did receive the 300' notification letter from the Township, because he lives within 300 feet of the subject site, he has no conflict of interest in this case. This is the first time he ever met the Fornwall's and has no personal gain or interest in this case. He then inquired whether their ordinance violation that was in the last meeting packet has been taken care of.

Mrs. Fornwall noted that she believes it was taken care of.

Mr. Berger noted that he is not sure about that at this time. Also, he noted that only two dogs are allowed.

Acting Chairman Durham inquired how many dogs they have.

Mrs. Fornwall replied, we have three dogs.

Board Member Walker inquired, what is Dead End Kennels the name of.

Mrs. Fornwall replied, that is the name of his hobby website for the dogs. We have never had an official business. This was at our old home in North Branch on Jones Road. We haven't trained anyone else's dogs or sold any dogs or done anything of the sort in many years since we had children and our parents all passed away, we decided to move closer to where we work, which is here in Lake Orion.

Board Member Koscierynski inquired whether the ordinance violation has been taken care of.

Mrs. Fornwall replied, I believe it has been taken care of.

Acting Chairman Durham noted that whether or not there is an outstanding ordinance violation, it can be handled separately by the Ordinance Officer and need not have any direct bearing on what we do tonight.

**CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013**

Board Member Walker commented, you just need a larger pole barn because you've got a lot of stuff.

Mrs. Fornwall stated, that is correct.

Board Member Flood noted that if there were a kennel business, they would have to go through the Planning Commission to get a Special Land Use.

Mrs. Fornwall stated, we don't have a kennel business.

Acting Chairman Durham offered time for public comments.

None were given.

Board Member Flood noted that this request was reduced by 392 square feet from the original request.

Moved by Board Member Flood, supported by Board Member Painter regarding case AB-2013-23, Joe Fornwall, 4177 Gregory Road, Sidwell #09-31-126-030, **to grant as requested** a non-use variance from Zoning Ordinance No. 78, Article XXVII Section 27.02, A, 8, Lot Size over 2.5 acres, Total Maximum Floor Area of All Accessory Buildings, requesting a 490-square foot variance in Total Maximum Floor Area of All Accessory Buildings, above the allowed 1,900 square feet, in order to construct a 1,200-square foot detached accessory building that will result in Total Maximum Floor Area of All Accessory Buildings equaling 2,390 square feet. Because the petitioner did demonstrate that practical difficulties exist in this case and that she set forth facts that show that compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome based on the following: 1)that they need room for storage in order to put their things in the building; and, 2)the lot size conforms with the area out there. Granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the area or that a lesser relaxation than that relief applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners based on the following: 1)it conforms with the large residential lots out in that area who currently have pole barns and they are used strictly for storage, not to be used for running a business out of. The petitioner's plight is due to the unique circumstances of the property, based on the following: 1)the lot size is conforming. The problem is not self-created. Roll call vote was as follows: Koscierzynski, yes; Flood, yes; Painter, yes; Walker, no; Durham, yes. **Motion carried 4-1.**

B. AB-2013-25, Steven Cyr, Vacant Lot #169, Lake Orion Groves Subdivision, Sidwell #09-03-458-001

Acting Chairman Durham noted that the petitioner is seeking three non-use variances from Zoning Ordinance No. 78, to construct a detached structure:

1. Article XXVII, Section 27.02, A, 1, Requesting a variance to build a detached structure on a parcel without a principal structure.
2. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre, Maximum Floor Area of Detached Accessory Buildings - Requesting a 1,086-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750 square feet, in order to construct a 1,836-square foot detached accessory building.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

3. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre, Total Maximum Floor Area of All Accessory Buildings - Requesting a 686-square foot variance in Total Maximum Floor Area of All Accessory Buildings, above the allowed 1,150 square feet, in order to construct a 1,836-square foot detached accessory building.

Mr. Steven Cyr, of 896 Pine Tree Road, West, commented that he is the petitioner requesting the non-use variances on the vacant lot he owns, Sidwell #09-03-458-001 and that he also owns the house adjacent to the vacant lot. He was before this board in August 2013. He has reduced the variances by reducing the size and moved it away from the road between his house and his vacant lot that is platted, but doesn't exist there.

Acting Chairman Durham inquired what the petitioner would do with that large building.

Mr. Cyr noted that they currently have a three-car garage that they want to convert into living space, so he wants to move all his items including collector cars, boat trailer, tractor, jet skis into the new structure.

Board Member Flood noted that his main concern back in August is still his main concern now and that is the platted road. He would have no problem with this if the platted road was taken care of and you combine those two lots.

Mr. Tom Berger, Township Building Official, noted that it's a platted road within a platted subdivision. The only way it can be abandoned is through the Circuit Court. He could go to Circuit Court and abandon the road. He owns property on both sides of the road. Not all of it that would be abandoned would be property that it would be contiguous with, so the neighbors that would also own property within that road abandonment road right-of-way width, would then acquire that property also. So the property abutting that abandonment would become his. He could then combine those lots to be under one parcel number. He would then have a principal structure on that one lot and then the accessory building would be allowed without that variance request, because there would be a principal residence on the property. This was discussed in the previous meeting with the petitioner.

Mr. Cyr noted that there are no guarantees when you try to do that. He has looked into this, but he has found that it would cost several thousands of dollars to do it.

Acting Chairman Durham commented, correct me if I'm wrong, but wasn't that the action you had planned to take when you left here from the last meeting, to look into getting the parcels combined.

Mr. Cyr noted that he looked into it, but he had quotes of several thousands of dollars to try to do so, so that's a lot more costs to add onto the project.

Acting Chairman Durham inquired, so you decided rather than to take that route, just to downsize your building and come back again.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

Mr. Cyr noted, that seemed to be the main concern last time was the size of the building and being too close to the platted road.

Acting Chairman Durham read aloud correspondence received from Mr. Joseph L. Maniace, of 872 Pine Tree Road, West, dated October 25, 2013, in opposition to the non-use variance requests*.

Board Member Flood noted that he believes that the petitioner should exhaust the avenue of pursuing the road abandonment and then he would not even need a variance.

Board Member Painter commented that she does have a problem with this request, because the petitioner does have other avenues that he can pursue.

Mr. Cyr inquired whether he could postpone his case until he determines whether or not he can have that road abandoned and if it can't be, then he would like to come back and continue this request.

Acting Chairman Durham offered time for public comments on this case.

Mr. Kim Fodor, of 926 Pine Tree Road, West, commented that he lives adjacent to the subject site. The area is made up of single-family homes with attached or detached garages. The size of the structure that he's asking for is bigger than the house itself and does not fit in the conformity of that area whatsoever for homes and home values. He would like to see the platted road put in, because parking there is a problem and that would assist in better circulation for the traffic. He is opposed to both the variance requests as well as abandoning the platted road.

Mr. Cyr and members discussed postponing this case.

Acting Chairman Durham asked Mr. Cyr if he would be comfortable with the date of Monday, January 27, 2014.

Mr. Cyr stated, at this point I have no way of knowing, but yes I'll accept that at this point.

Moved by Board Member Koscierszynski, supported by Board Member Flood regarding case AB-2013-25, Steven Cyr, Vacant Lot #169, Lake Orion Groves Subdivision, Sidwell #09-03-458-001, that the petitioner is seeking three non-use variances from Zoning Ordinance No. 78, to construct a detached structure:

1. Article XXVII, Section 27.02, A, 1, Requesting a variance to build a detached structure on a parcel without a principal structure.
2. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre, Maximum Floor Area of Detached Accessory Buildings - Requesting a 1,086-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750 square feet, in order to construct a 1,836-square foot detached accessory building.
3. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre, Total Maximum Floor Area of All Accessory Buildings - Requesting a 686-square foot variance in Total Maximum Floor Area of All Accessory

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

Buildings, above the allowed 1,150 square feet, in order to construct a 1,836-square foot detached accessory building.

I move to postpone this case until the January 27, 2014 regular meeting to investigate whether pursuing a road abandonment would be feasible and to present his findings back to this board on January 27, 2014. Roll call vote was as follows: Flood, yes; Painter, yes; Walker, yes; Koscierszynski, yes; Durham, yes. **Motion carried 5-0.**

C. AB-2013-26, Fred Hengel, 462 Armada Island, Sidwell #09-11-304-007

Acting Chairman Durham noted that the petitioner is requesting four non-use variances from Zoning Ordinance No. 78, to construct a detached structure, a boathouse.

1. Article XXVII, Section 27.17, B, Wetland Setbacks, All structures or buildings. Requesting a 25-foot variance from the required 25-foot setback to construct a boathouse.
2. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre Maximum Floor Area of Detached Accessory Buildings. Requesting a 1,350-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750-square feet, in order to construct a 2,100-square foot detached accessory building.
3. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre Total Maximum Floor Area of All Accessory Buildings. Requesting a 1,017-square foot variance in Total Maximum Floor Area of All Accessory Buildings, exceeding the allowed 1,150-square feet, for a total accessory building square footage of 2,167- square feet.
4. Article XXVII, Section 27.02, A. 5, Detached Accessory Buildings or Structures in residential districts shall not exceed the height of the principal building or structure as constructed. Requesting a 6-foot height variance for a proposed 25-foot high accessory building, exceeding the principal structure height of 19 feet.

Mr. Patrick Conroy, of Patrick S. Conroy & Associates, Inc., P.O. Box 542, Lake Orion, Michigan 48361, commented that he is representing Mr. Fred Hengel, the petitioner, who was also present. He then noted that Mr. Hengel has applied and received a Michigan Department of Environmental Quality (MDEQ) wetland permit, dated September 3, 2013 and to expire on September 3, 2018, to build a seawall around his part of the island and to construct two upland boat wells within a boathouse, which have already been approved by the State of Michigan*.

Acting Chairman Durham inquired how many property owners there are on the island.

Mr. Conroy replied, there are two property owners, there are four pieces of property. Mr. Hengel owns the two pieces on the east side and Mr. Bruce MacDonald owns the two pieces on the west side. Mr. Fred Hengel's boats will be stored in this boathouse.

Board Member Painter requested a copy of their Wetland Permit from the MDEQ and requested that they supply one for the file.

Mr. Conroy replied that he would provide a copy of the wetland permit for the case file.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

Acting Chairman Durham inquired, you would be hoisting the boats out of the water and storing them in the boathouse for the winter?

Mr. Conroy replied, that's correct. Currently, they're stored in an outbuilding on an outlot that Mr. Hengel and Mr. MacDonald own as part of the island and they're stored on the mainland, so those two boats will be now stored on his property, correct. Regarding variance #2, this is a two-story building.

Acting Chairman Durham inquired, why two stories?

Mr. Conroy replied that they live on an island with limited storage and they need additional storage. He then overviewed the third and fourth variance requests. He doesn't believe that the height of the boathouse would obstruct anyone's view, because there are trees there that are above the 60 feet tall telephone poles now.

Board Member Painter inquired whether there would be any bunk beds in the loft.

Mr. Conroy replied that it would be used strictly for storage, but if the use changes, Mr. Hengel will come back to the Township for any other request he needs.

Acting Chairman Durham offered time for public comments on this case.

Mrs. Gail Sherman and Mr. Charles Sherman, of 461 Heights Road, commented that they have property across the water and across Heights Road from the subject site and would like to know which side the boathouse is going to be on. Also, how it would affect the waterway.

Mr. Conroy noted that it is going on the southeast corner of the island and that it would not affect the waterway.

Mr. George Dandalides, of 503 Bellevue, commented that this is a huge variance request and being two-story is much more than just a place to put two boatwells. Each variance is major and not just a small variance from the zoning ordinance. This is a huge excessive structure for just two boats.

Ms. Jessica Abey, of 445 Heights Road, commented that she lives directly across the channel from Armada Island. The east portion of the island is directly in her line of sight in her home. She then gave pictures showing the area to members for their review. She is concerned that the 25 feet tall boathouse is going to encroach on her view from her home and that it is significantly larger than any of the outbuildings in their neighborhood. It is not a good fit for the neighborhood and it will not benefit the price of the home she just bought there. She agrees with Mr. Dandalides that it would be three times the size of what is currently allowed and will not benefit anyone's views in the area.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

Acting Chairman Durham inquired whether the pontoons that are shrink-wrapped down on the shore, are those some of the ones that are going to be in the boathouse?

Mr. Conroy replied, yes, there are four there that are allowed. Mr. MacDonald owns two and he will probably keep storing his on his property and that Mr. Hengel will store his on the island.

Acting Chairman Durham stated, so it won't completely eliminate it, but it will lessen it some.

Mr. Conroy stated, no, correct.

Board Member Flood inquired whether there would be a boat hoist in the boathouse.

Mr. Conroy stated, that is correct and there are boat docks on both sides of the boatwell and the boats are 18½ feet wide.

Acting Chairman Durham inquired, can you do what you need to do with less?

Mr. Conroy stated, no.

Board Member Walker inquired about the MDEQ permit.

Mr. Tom Berger, Building Official, commented that the petitioner went to the MDEQ and applied for the ability to work within the wetlands. The one thing that the Township asks for is that we require a 25-foot setback from the water's edge, so that's all he's asking for in his first variance request, because the MDEQ is allowing him to build his breakwater wall and do everything that is adjacent to the lake and he's not trying to increase his property size. He's doing it with what the edge of the land is to the water's edge now. He got permission from the MDEQ to work in that direction and the actual inland part of the land, he has the ability to do that work within his land and it would be impossible to set it back from the water's edge with this, because you have to have the water to do it.

Ms. Sherman noted that the area is a water lily pad area, so with him going in and out with the boats there, that will destroy that area. Is it ok to destroy that lily pad area then?

Board Member Flood noted that the boatwells have already been approved by the MDEQ and this board has no say on that, which has already been done by the State of Michigan. The petitioner is now asking to put a cover over top of the boathouse.

Ms. Sherman inquired how she would go about finding out about whether the State has ok'd the destruction of the water lily pad area.

Board Member Flood replied that he believes that she could contact the MDEQ.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

Mr. Conroy noted that the MDEQ has been out to the site many times and it is not something that they grant or take lightly. If they had a problem with it, they would not have granted the wetlands permit.

Board Member Koscierynski commented that she believes that this is a much needed improvement to the area.

Board Member Flood inquired whether the petitioner would bring the height down some.

Mr. Conroy replied that they don't believe they need to since the trees around it are taller than the boathouse.

Mr. Fred Hengel commented that the color scheme they picked is light green so it will blend in with the trees. The peak of the structure will be less than half the height of the trees and half the height of the power pole on the island. Also, they asked for the storage area, because the cottages were just built for shelter and they need more storage room. They also need a full bathroom since they only have a half-bath right now. He then noted that the neighbor, Mr. MacDonald, is in support of the project.

Mr. Bruce MacDonald, of 6834 Oak Hills Drive, Bloomfield Hills, Michigan 4830, commented that he owns the other two cottages on the island. He noted that Mr. Hengel is a model neighbor and has gone out of his way to make sure that his family understands all of the planning that he's been involved in. We have been islanders since 1974 and are supporting Mr. Hengel's plans.

Moved by Board Member Koscierynski, supported by Acting Chairman Durham regarding case AB-2013-26, Fred Hengel, 462 Armada Island, Sidwell #09-11-304-007, **to grant as requested** the four non-use variances from Zoning Ordinance No. 78, to construct a detached structure, a boathouse, as follows:

1. Article XXVII, Section 27.17, B, Wetland Setbacks, All structures or buildings. Requesting a 25-foot variance from the required 25-foot setback to construct a boathouse.
2. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre Maximum Floor Area of Detached Accessory Buildings. Requesting a 1,350-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750-square feet, in order to construct a 2,100-square foot detached accessory building.
3. Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre Total Maximum Floor Area of All Accessory Buildings. Requesting a 1,017-square foot variance in Total Maximum Floor Area of All Accessory Buildings, exceeding the allowed 1,150-square feet, for a total accessory building square footage of 2,167- square feet.
4. Article XXVII, Section 27.02, A. 5, Detached Accessory Buildings or Structures in residential districts shall not exceed the height of the principal building or structure as constructed. Requesting a 6-foot height variance for a proposed 25-foot high accessory building, exceeding the principal structure height of 19 feet.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

The petitioner has demonstrated that practical difficulties exist in this case in that he has set forth facts which show that: 1) compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome based on the following: a) the house is on an island and was built in the early 1920's and it would be a great improvement. Granting the variances requested would do substantial justice to the petitioner as well as to other property owners in the area or that a lesser relaxation than that relief applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners based on the following: a) this is an island and the other property owner is in support of the variances. The petitioner's plight is due to the unique circumstances of the property, based on the following: a) turn of the century buildings and docks. The problem is not self-created based on the following: a) Michigan Department of Environmental Quality (MDEQ) has issued a wetland permit to construct the boathouse, seawall, and boat docks. Roll call vote was as follows: Painter, no; Walker, no; Koscierzynski, yes; Flood, yes; Durham, yes. **Motion carried 3-2.**

D. AB-2013-27, Regina Meo, 838 Fairview, Sidwell #09-03-453-003

Acting Chairman Durham noted that the petitioner is seeking a non-use variance from Zoning Ordinance No. 78, Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre Maximum Floor Area of Detached Accessory Buildings - Requesting a 258-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750 square feet, in order to construct a 432-square foot addition to an existing garage that will result in Maximum Floor Area of Detached Accessory Buildings equaling 1,008 square feet.

Ms. Regina Meo, of 67 Sheron, commented that her husband, Mr. Gregory Nowak, was not able to be here tonight. The subject property is the result of a field swampland. An attempt to convert it into a residence requiring filling would be extraordinarily costly and unnecessarily burdensome. We are only asking for a very small variance regarding the existing garage or detached accessory building. This is a unique circumstance. Strict compliance under the circumstances would unreasonably prevent me (the applicant) from using additional property for a permitted purpose. Substantial justice would be served by issuing the variance of 258 square feet. The variance requested relates to the characteristics of the property. There are other large detached accessory buildings and the lot configuration supports the construction of a larger detached accessory building. The property adjacent to our property is separate from the residence across the street and it has a large accessory building on it. We've got all the blessings of the neighbors to do this. We ask that the board give us consideration and grant this variance. She noted that their request has been reduced by about half since their last variance request and that they took into consideration everything that everyone said last time they were here before the board.

Acting Chairman Durham noted that when he visited the site, he asked a neighbor how they would feel about what the petitioner is proposing. They had no problem with it.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

Acting Chairman Durham read aloud correspondence, dated October 22, 2013, from Mr. Thomas A. Klingler, of 39 Sheron Road, in full support of the proposed variance request at 838 Fairview*.

Board Member Flood commented that he appreciates that they reduced their request.

Acting Chairman Durham offered time for public comments on this case.

Mr. Nick Christi, 553 Central, noted that he is the former owner of that lot and that he believes it is an unbuildable lot. It's an old filled swamp and to build a home on it would require pilings and a lot of money and it's not really worth it. He believes that it's always better to store belongings inside of a building.

Moved by Board Member Walker, supported by Board Member Flood regarding case AB-2013-27, Regina Meo, 838 Fairview, Sidwell #09-03-453-003, **to grant as requested** a non-use variance from Zoning Ordinance No. 78, Article XXVII, Section 27.02, A, 8, Lot Size Up to ½-acre Maximum Floor Area of Detached Accessory Buildings - Requesting a 258-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750 square feet, in order to construct a 432-square foot addition to an existing garage that will result in Maximum Floor Area of Detached Accessory Buildings equaling 1,008 square feet. The petitioner was previously here in October 2012 with a much larger request that was denied by this board. She is back with the present request and I would move that the request be granted because the petitioner has demonstrated that practical difficulties exist in this case in that she set forth facts not only by the petitioner, but also correspondence and testimony from the neighbors. Based upon the strict compliance with the letter of this ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. In addition, the requested variance would do substantial justice to the petitioner as well as to other property owners in the area. The petitioner's plight is due to the unique circumstances of the unbuildable nature of the property and it is not self-created. Roll call vote was as follows: Walker, yes; Koscierzynski, yes; Flood, yes; Painter, no; Durham, yes. **Motion carried 4-1.**

6. PUBLIC COMMENTS

Public comments were heard.

7. COMMUNICATIONS

None further.

8. COMMITTEE REPORTS

No reports are due at this time.

9. MEMBERS' COMMENTS

Board Member Flood noted he appreciates hearing both sides of the issues.

Acting Chairman Durham thanked members for their hard work tonight.

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING - MONDAY, OCTOBER 28, 2013

10. ADJOURNMENT

Moved by Board Member Flood, supported by Board Members Painter and Koscierzynski to adjourn at 9:03 p.m. **Motion carried unanimously.**

* Attachment