



**CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS MINUTES**  
**REGULAR MEETING - MONDAY, AUGUST 26, 2013**

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Moved by Board Member Painter, supported by Acting Chairman Durham to recess the regular meeting and to hold a closed session with the Township Attorney in the conference room at 7:02 p.m. **Motion carried 4-0** (Walker was absent).

Acting Chairman Durham recessed the regular meeting to hold a closed session with the Township Attorney in the conference room at 7:02 p.m.

Acting Chairman Durham reconvened the regular meeting at 7:24 p.m.

Mrs. Gonzales informed members that their attorney has realized that he has a conflict of interest and won't be representing them, so they do not have legal representation here tonight. She then noted that they would like to postpone their case until they can find new representation.

Mr. Gonzales noted that their attorney just notified them this morning of his conflict of interest.

Acting Chairman Durham replied that he understands that but the board does need to move forward with this tonight.

Mr. Dan Kelly, Township Attorney, suggested that members take a vote on their request to postpone it.

Moved by Board Member Flood, supported by Board Member Painter regarding case AB-2013-15, Macedonio and Judith Gonzales, regarding vacant parcel Sidwell #09-32-377-072 located on the east side of S. Baldwin Road, **to deny** the petitioner's request to postpone this matter to a future meeting. Roll call vote was as follows: Flood, yes; Painter, yes; Koscierzynski, yes; Durham, yes. **Motion carried 4-0** (Walker was absent).

Acting Chairman Durham overviewed actions taken by the Planning Commission and that they all need to stay focused on those issues. He then inquired which waivers they are asking to be overturned. He then read the waivers into the record.

Mrs. Gonzales replied that they are asking to appeal all three actions for waivers. She reviewed things that have occurred during the process of the proposed Sonic Restaurant Site Plan thus far. She noted that the buffers and the waivers were a real concern for them, because of the proximity to their property. They had made an agreement with Mr. Martin Scypinski that he would purchase their property and at the same time there was a board member that indicated that they did not have the OHM report in their hands yet to review that and they also didn't have the exact agreement between Sonic and Taco Bell in terms of the cross-access portion of it. The Planning Commission went pretty much on Mr. Scypinski's word that there was an agreement and they've now found out that there's a cross-access agreement, however, it doesn't state that all of their drive-through patrons that would go into their stalls, all of those would have to exit through Taco Bell. She stated that Mr. Scypinski had told the Planning Commission that he was the property owner and that he had the authority to make the decision and he was proposing to buy their property because he understood the hardship that this Sonic in their back yard would cause them. It is the Gonzales' opinion that the meeting should have been stopped right then and she said that because of this new evidence, they

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should have these documents and paperwork before proceeding with the decision.

Acting Chairman Durham inquired, is it your opinion that the Planning Commission did what they did only because Mr. Scypinski said he would purchase your property?

Mrs. Gonzales stated, I think that's the result of the 4-3 vote, yes. The Chairperson was the last vote and I believe that she would have voted in favor of us if Mr. Scypinski's comments had not been made.

Mr. Gonzles stated, her comments were that they did not have enough property.

Mrs. Gonzales stated, right and that the only other option was to purchase more property and that this was their third effort in order to bring a site plan to them, and that this was the best one so far. It's a very small, odd-shaped piece of property for what they're trying to put on it. There just really isn't any other way to do that without purchasing more property. So yes, the Chairperson did make that decision based on Martin Scypinski's comments and statement that he was going to purchase our property, he and his stepmother, and he perjured himself and certainly persuaded however he saw fit to obtain his outcome and then ultimately, after the meeting, everything was fine, talked about the details again in length, not a problem, have our attorney contact you and get the details in writing and he said absolutely that's not a problem and when the attorney attempted to do that, it was, there is no deal and we're not purchasing and do not ever have your attorney contact us again. So, he really did a fraudulent thing to gain the outcome that he did. We would have voiced our opinion that evening in terms of all of the ordinances. She then noted that their attorney advised them that they would be facing some huge problems with their property values if this is allowed to go in. This is something that the Township needs to protect us and should not give the waivers that they requested, because they don't have enough property. This is a huge detriment to their property value and it carries further that now that you've set this up, it's an inverse condemnation that we have now been given and it even goes further that the last two remaining parcels to the south of us, if you're going to give Sonic these waivers, then they would also get the waivers and that would leave our home in the middle of development on both sides. She feels that the Township needs to be very cautious and cannot be obscured from all of this because of the topography or we would have gotten up and said, we want a 20-foot wall, there's a 20-foot difference in the topography.

Acting Chairman Durham noted that with all due respect, they cannot re-hear the entire case tonight.

Board Member Flood commented regarding the site walk report for this case and that there was nothing mentioned about purchasing land. It was all dealing with storm water, etc. Also, that members have documentation from OHM, Carlisle/Wortman, and noted the waivers were discussed early on in the process prior to the decision made by the Planning Commission on June 19, 2013. This has been in the works for months and months that they knew they

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would need some type of a waiver, which was a recommendation from the Township Planner. Also, there were some setback variances that had to be addressed by this body a few weeks ago. He then noted that area is now zoned BIZ Zoning District.

Attorney Kelly noted that the BIZ Zoning District is an overlay and the underlying residential property remains residential, so the variances for being beside a residential property would still apply.

Acting Chairman Durham inquired whether the Gonzales' had anything additional they would like to say.

Mrs. Gonzales noted that Martin Scypinski stated that there was an agreement between Taco Bell and Sonic, which there isn't. They have not come to an agreement and a representative from Taco Bell is here if he could speak. She inquired whether they could allow that.

Acting Chairman Durham noted that he would allow anyone that can add to this situation to come up, identify themselves, and speak to this matter.

Mr. Bill Beckett commented that he is with WT Development and he is representing Taco Bell of America, LLC. In 2010 he represented Taco Bell going through this process. Taco Bell has yet to be contacted by Sonic in any official capacity. Through the public notifications it went through, Taco Bell's chain of command, eventually it came back and they asked him to take a look at what has transpired to date and to attend this meeting. Taco Bell, until this last week, had not seen their site plan, had no discussions with anyone from Sonic or their owner or consultants. The basis tonight of the Gonzales' case is slightly different than where Taco Bell is coming from. Taco Bell, until this past week, had not seen a site plan. Now that we have a copy of the site plan, the first thing I did was emailed a letter to Tammy and requested that it be read into the record of the last ZBA meeting. Was it read into the record?

Acting Chairman Durham replied that to the best of his knowledge it was not read into the record since this case was not heard and was postponed at the last meeting.

Mr. Beckett noted that the letter had nothing to do with the Gonzales' case. It was to do with Sonic's variances. Are you aware of the letter?

Acting Chairman Durham replied that he has seen the letter, but he is not personally aware that it was made part of the official record.

Mr. Beckett stated, therefore, based on the Planning Commission's approval of Sonic's site plan, I cited a few things that were wrong with that site plan and for whatever reason, the consultants, staff, and Planning Commission apparently ignored the fact that the north three feet of Sonic's development encroaches over Taco Bell's south property line and is on Taco Bell's property, therefore, that alone should invalidate the Planning Commission's approval of the site plan. What it does to the variances that this board granted, does it invalidate the waivers? Number one, the 20-foot landscape along Baldwin Road to the west, it won't impact that. It

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will impact the second and third ones because when Sonic redesigns to take their site development off of Taco Bell's parcel, they're going to need to come back to get other variances that are not what were granted. With regard to cross-access, the site plan is a disaster. Sonic's drive-through lane, the second, third, fourth cars in that drive-through lane can pull out and cross Taco Bell's ingress traffic. There is not a traffic engineer that would ever approve that site plan. Your own engineers did not recommend approval of that, yet the Planning Commission granted approval of it. We think the entire site plan approval at the Planning Commission level is invalid. If you look at their site plan, the north three feet of their development encroaches over Taco Bell's property line. I'd be happy to give you an exhibit to that effect. He then distributed copies of the Sonic site plan, which also shows Taco Bell's site\*. What we're showing here is Sonic's site plan with Taco Bell to the north. Right along Sonic's north property line there's a three-foot encroachment onto Taco Bell's site. If this is approved, it would allow them to develop three feet in of Taco Bell's property with no legal authority to do that. The common property line, the drive-through lane, part of their landscaping, what they refer to as a rumble strip, all of that is actually on Taco Bell's parcel. Taco Bell has not seen this prior to this past week. The other thing that we don't like about this is it goes along the same guidance with the fact that the drive-through exiting at the Taco Bell's main drive aisle is unsafe and so are all the traffic movements related throughout this site plan. They have a bypass lane that circles around the south, comes up to the east, heads north toward Taco Bell and from that point all the way to the rear parking of Taco Bell to the east, that's about a 50-foot wide open expanse with no pavement markings, no curbs, no traffic guidance, nothing. It's just a free-for-all in that whole area. Taco Bell is a successful business. They have good drive-through business and they have a busy peak hour at lunch and at dinner. Introducing and allowing these unsafe movements throughout the Sonic site and overflowing onto the Taco Bell site is not sound engineering practice. It's placing all of Taco Bell's clients, customers, and employees at risk. We did not show shifting the entire site plan to the south, but they will have to do something to eliminate their encroachment on Taco Bell's property. Taco Bell did agree to cross-access. The Township and the County required it when we developed this site we were told that we had to provide one driveway for this entire parcel. We come back and see Sonic's site plan and they have their own driveway.

Acting Chairman Durham noted that what is in front of this board tonight is not traffic related and it is not complete site plan revision at this time. The major points that you talk about have all been dealt with at another level and they have not come down to here. I believe our decision tonight is regarding three waivers that were granted. He then asked Attorney Kelly what he believes.

Attorney Kelly stated, that is correct. It is not the job of this board to review the site plan unless it relates to the appeal of the Gonzales'. Most of the complaints and whether or not there is a cross-access agreement satisfactory to the site plan is a private issue between Taco Bell and Sonic. It's not appropriate for this board to be reviewing the site plan unless it relates to the three appeals in front of this board.

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Acting Chairman Durham noted that he has no opinion regarding whether you have issues, be they legitimate or not legitimate, but you will have other avenues to pursue them if you feel you or your clients have been wronged. For here tonight, we need to stick with what we were brought here to do. I understand the bigger picture that if that hadn't happened, this wouldn't have happened and we wouldn't be here. I understand where you spent the last few minutes getting to. We still have three questions to render a decision on tonight. That does not remove remedies that you have outside this room at another time.

Mr. Beckett commented that with regard to the Gonzales', Item 2 & 3, the 20 feet of the 30-foot greenbelt on the north property line would be impacted and 20 feet of the 30-foot residential setback at the southeast, those two items will be impacted because the site plan was improperly approved to begin with.

Mrs. Judith Gonzales commented, with the issues of the buffers and the variances from our property and the property value and the protection that we would not have, she feels that more discussion would have been done at the Planning Commission level to protect us with a wall or some means of making a barrier that we could then enjoy what we're entitled to, to go in our back yard and have quiet and peace and Sonic certainly doesn't do that. We feel that the Planning Commission should have turned it down and we ask that this board turn it down as well at this level because of the ordinances that are stated that should protect us first.

Mr. Macedonio Gonzales commented that he is getting the feeling that this board will probably end up approving, but Taco Bell is not going away and we're not going away. We don't have an attorney here tonight, but we have one and we will be going forward.

Acting Chairman Durham commented that he would never discourage anybody from pursuing what they believe to be legitimate remedies.

Moved by Board Member Flood, supported by Board Member Painter regarding case AB-2013-15, Macedonio and Judith Gonzales, regarding vacant parcel Sidwell #09-32-377-072 located on the east side of S. Baldwin Road (referencing case PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072). Based upon the records submitted and all the evidence reviewed, comments and presentations of the interested parties, I move that the Planning Commission decision **be affirmed** for the reason that the required number one waiver is justified upon the following findings of fact: 1) that the documentation that has been provided for us by our engineering firm and our planning consultants confirm that the Planning Commission was well within their right of granting the waiver, which was for the 20-foot landscape buffer requirement in the front yard, which is the west side of the property and is adjacent to Baldwin Road. Roll call vote was as follows: Painter, yes; Koscierzynski, no; Flood, yes; Durham, yes. **Motion carried 3-1** (Walker was absent).

Moved by Board Member Flood, supported by Acting Chairman Durham regarding case AB-2013-15, Macedonio and Judith Gonzales, regarding vacant parcel

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Sidwell #09-32-377-072 located on the east side of S. Baldwin Road (referencing case PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072). Based upon the records submitted and all the evidence reviewed, comments and presentations of the interested parties, I move that the Planning Commission decision **be affirmed** for the reason that the required number two waiver is justified based upon the following findings of fact: 1)that the documentation that has been provided for us by our engineering firm and our planning consultants confirm that the Planning Commission was well within their right of granting the waiver, which was for 20 feet of the 30-foot greenbelt buffer required on the north side of the property due to the fact that the site is very tough to fit in and they have the whole site pushed to the north. Roll call vote was as follows: Koscierszynski, yes; Flood, yes; Painter, yes; Durham, yes. **Motion carried 4-0** (Walker was absent).

Moved by Board Member Painter, supported by Acting Chairman Durham regarding case AB-2013-15, Macedonio and Judith Gonzales, regarding vacant parcel Sidwell #09-32-377-072 located on the east side of S. Baldwin Road (referencing case PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072). Based upon the records submitted and all the evidence reviewed, comments and presentations of the interested parties, I move that the Planning Commission decision **be affirmed** for the reason that the required, number three, waiver is justified based upon the following findings of fact: 1)that this was pretty much contested because the petitioners felt that the members might have voted for it because of comments that were made and it cannot be proven that the Planning Commission's decision to grant the waiver was based on Mr. Martin Scypinski's announcement to purchase the property and I see nothing in the record that would cause me to reverse the Planning Commission's decision. Roll call vote was as follows: Koscierszynski, yes; Flood, yes; Painter, yes; Durham, yes. **Motion carried 4-0** (Walker was absent).

Attorney Dan Kelly stated, just so that the record is clear, you might want to tell the Gonzales' that within ten days, and they may have left but, within ten days we will send them notice of the board's decision signed by the Chair. It's required by the ordinance.

Ms. Pauline Michael, of 4834 Georgia Drive, commented that she moved here from Rochester Hills thinking that it would be better here and noted that she is upset with the procedures here.

Acting Chairman Durham replied that he is sorry that she feels that way.

**B. AB-2013-18, Par-Tech, 139 Premier Drive, Sidwell #09-35-451-003**

Acting Chairman Durham noted that the petitioner is seeking a variance from Zoning Ordinance No. 78, Article 18, Section 18.05, J, 1 to allow a covered trash area in the front yard.

Mr. David Parker, of Par-Tech, was present.

Board Member Flood noted that when he visited the site, he noticed a difficulty with the property that he has no access to get to the rear of

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the property so they can't put the dumpster in the back. He noted his concern of the drainage ditch condition if the dumpster is moved to the proposed location.

Mr. Parker noted that he would have to check on that with the engineer.

Board Member Painter inquired whether it has been in its current location all these years.

Mr. Parker noted that part of the time it was inside, but the odors were making the employees ill.

Board Member Painter inquired whether they would be responsible and take care of it in such a way that the gate would be kept closed and the enclosure and area around it would be maintained as it should be.

Mr. Parker replied that he will be installing a self-closing door on the dumpster enclosure and monitor that to be sure that they're shut and that they keep a clean business site.

Acting Chairman Durham requested that they have someone that would be responsible to pick up any garbage that may be in the yard.

Mr. Parker agreed that he would see to that.

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

Mr. Harry Sorensen, of Campbell Sorensen and Sorensen Industries, introduced his wife, Penny, to members. He noted that their business is west of the subject site and the petitioner's garbage is always blowing into their yard and that his own employees have to go out and pick it up since the petitioner does not take care of it. He is concerned about their property values dropping if that dumpster is allowed to be in the front yard. His company has their dumpster inside their building. They are asking the ZBA tonight to deny the dumpster being in the front yard since it is such an eyesore. He also noted that passers-by come there and throw trash into the dumpster too since it is close to the road.

Mrs. Sorensen noted that the petitioner has not been responsible with maintaining it. He leaves it out there with the lid open most of the time. Also, he has applied for this variance before and has been denied twice. By changing it by a few inches it is enough for him to apply again. He hasn't been taking care of it properly for all these years, why would he change his behavior now? It is really a negative.

Mr. Parker commented that they keep their dumpster closed and that he cannot remember one time in eight years that they had garbage on the ground and the neighboring business' employees had to pick it up. He took pictures of other dumpsters in the area that had their lids open.

Mr. Sorensen commented that the petitioner answered a question on the application inaccurately.

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Mr. Parker agreed.

Acting Chairman Durham commented that he may want to fill out his own application next time.

Board Member Flood noted that he is concerned about fires with storing the dumpster in the building.

Moved by Board Member Flood, supported by Board Member Koscierynski regarding case AB-2013-18, Par-Tech, 139 Premier Drive, Sidwell #09-35-451-003, I would move that the petitioner's request for a non-use variance, that the petitioner is seeking a variance from Zoning Ordinance No. 78, Article 18, Section 18.05, J, 1 to allow a covered trash area in the front yard **be granted**, because the petitioner did demonstrate that practical difficulties exist in this case and that he 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: 1) no access drive along either of the east or west property lines to allow access to the rear of the property; 2) granting the variance request would do substantial justice to the petitioner as well as other property owners in the area or less relaxation than the relief applied for would substantially relieve the property owner involved in being more consistent with justice to other property owners, based on the following: 1) constructing a covered trash area and screened front in compliance with Ord. No. 78, Zoning Ordinance, construction, in the front east side of property to hide the trash dumpster is a reasonable alternative, than currently having an exposed dumpster on the front loading ramp; 3) the petitioner's plague is due to unique circumstances of the property based on the following: a) along the east property line exists a storm water run-off ditch and the west property line is adjacent to another commercial facility. North of the building rear is landlocked by another commercial facility and landscaping; 4) the problem is not self-created based on the following: a) the commercial building was built as stands without an access drive to the rear property due to the above-mentioned side yard difficulties and abutting other commercial properties in the rear yard. Also, referencing the Fire Chief's letter that stated that the dumpster should not be stored indoors. Roll call vote was as follows: Flood, yes; Painter, yes; Koscierynski, yes; Durham, yes. **Motion carried 4-0** (Walker was absent).

**C. AB-2013-19, Gaye Rankin, 1398 Kempster, Sidwell #09-10-301-025**

Acting Chairman Durham noted that the petitioner is seeking a variance from Zoning Ordinance No. 78, Article 6, Section 6.07, Zoning R-3, Minimum Lot Setbacks, Front Yard--Requesting a 19-foot front yard setback variance from the required 30 feet, to install a covered walkway and attached garage 11 feet from the front lot line.

Mr. John Rankin and Mrs. Gaye Rankin were present.

Board Member Painter noted that she believes this garage and walkway would be a nice improvement to the subject site.

Acting Chairman Durham referenced three letters from neighboring property owners that are all very much in support of this variance request:

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- William and Janis Ripple, 1340 Kempster Street, dated August 19, 2013\*
- Charles S. Lester, 1365 Kempster, dated August 20, 2013\*
- Jerry Moon, 1450 Kempster, dated August 23, 2013\*.

Board Member Flood noted that he has no problem with this request.

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

Ms. Lois Whitham, of 1434 Kempster, commented that she is totally in favor of this request.

Moved by Board Member Koscierzynski, supported by Board Member Flood regarding case AB-2013-19, Gaye Rankin, 1398 Kempster, Sidwell #09-10-301-025, that the petitioner is seeking a variance from Zoning Ordinance No. 78, Article 6, Section 6.07, Zoning R-3, Minimum Lot Setbacks, Front Yard-- Requesting a 19-foot front yard setback variance from the required 30 feet, to install a covered walkway and attached garage 11 feet from the front lot line. I would move that the petitioner's request for the non-use variance **be granted**, because the petitioner did demonstrate that practical difficulties exist and that she set forth facts within that this will replace the existing carport with a six-foot wide breezeway with a 22-foot by 24-foot, and 8-foot high polebarn/garage attached to the principal structure. 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: the property in question is unique when compared with other properties in the surrounding area, because the total property has two driveways, two drainfields, and a septic system. Granting the requested variance would do substantial justice to the petitioner as well to other property owners in the area based on the following: 1) as stated by residents in their letters of support and Ms. Lois Whitham tonight voicing her support, the petitioner's plight is due to unique circumstances of the property based on the following: 1) that the road is unpaved, very narrow, at an angle. The problem was not self-created based on the following, again, that the road is unpaved, very narrow, and at an angle. Roll call vote was as follows: Painter; yes Koscierzynski, yes; Flood, yes; Durham, yes. **Motion carried 4-0** (Walker was absent).

**D. AB-2013-20, Steven Cyr, Vacant Lot #169 Lake Orion Groves Sub., Sidwell #09-03-458-001**

Acting Chairman Durham noted that the petitioner is seeking four variances from Zoning Ordinance No. 78 to build a detached structure: 1) Article 27, Section 27.02, A, 1-- Requesting a variance to build a detached accessory structure on a parcel without a principal structure; 2) Article 27, Section 27.02, A, 8, Lot Size Up to 1/2 acre, Maximum Floor Area of Detached Accessory Buildings -- Requesting a 1,841.46-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750 square feet, in order to construct a 2,591.46-square foot detached accessory building; 3) Article 27, Section 27.02, A, 8, Lot Size Up to 1/2 acre, Total Maximum Floor Area of All Accessory Buildings -- Requesting a 1,441.46-square foot variance in Total Maximum Floor Area of All Accessory Buildings, above the allowed 1,150 square feet, in order to construct a

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2,591.46-square foot detached accessory building; and, 4)Article 6, Section 6.07, Zoning R-3, Minimum Lot Setbacks, Front Yard--Requesting a 20-foot front yard setback variance, from the required 30 feet, to construct a detached structure ten feet from the front property line.

Mr. Steven Cyr, commented that he is the petitioner and the owner of the Vacant Lot #169 Lake Orion Groves Sub., Sidwell #09-03-458-001, as well as the house adjacent to the property. He would like to convert his current garage into living space and build the proposed garage on his vacant lot. It is separated from his other property only by an unimproved road, that's why he's asking for the 20 feet to get ten feet from the unimproved road that exists between the lot and his structure.

Acting Chairman Durham inquired why he needs such a large building.

Mr. Cyr replied that he has collector cars that he works on, jet skis, lawn tractor, kids' toys, etc. He felt that the dormers made it look more architectural. He intends to get the unimproved road abandoned someday.

Mr. Tom Berger, Building Official, explained that the road is platted that goes between his two lots, so you couldn't combine them. The petitioner would have to go to Circuit Court to get that road abandoned before they could legally combine the lots.

Acting Chairman Durham read aloud correspondence received from Mr. Joseph L. Maniace, of 872 Pine Tree Road, West, dated August 26, 2013, in opposition to the variance requests\*.

Acting Chairman Durham read aloud correspondence received from Mr. Kim Robert Fodor, of 926 Pine Tree Road, West, dated August 26, 2013, in opposition to the variance requests\*.

Ms. Melissa Dendel, of 920 Pine Tree Road, commented that she is opposed to the request.

Board Members Painter and Koscierzynski noted that they are concerned about the large size of the proposed building.

Mr. Cyr commented that is the size of building that he needs to store all of his belongings. In their home the closets are small and they need the storage. He will be converting the current garage into living space with a large kitchen and mudspace. The new garage will have one slot bigger and also the upstairs area.

Moved by Board Member Flood, supported by Board Member Koscierzynski regarding case AB-2013-20, Steven Cyr, Vacant Lot #169 Lake Orion Groves Sub., Sidwell #09-03-458-001, that the petitioner is seeking four non-use variances from Zoning Ordinance No. 78 to build a detached structure:  
1)Article 27, Section 27.02, A, 1--Requesting a variance to build a detached accessory structure on a parcel without a principal structure;  
2)Article 27, Section 27.02, A, 8, Lot Size Up to 1/2 acre, Maximum Floor Area of Detached Accessory Buildings -- Requesting a 1,841.46-square foot variance in Maximum Floor Area of Detached Accessory Buildings, above the allowed 750 square feet, in order to construct a 2,591.46-square foot

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detached accessory building; 3)Article 27, Section 27.02, A, 8, Lot Size Up to 1/2 acre, Total Maximum Floor Area of All Accessory Buildings -- Requesting a 1,441.46-square foot variance in Total Maximum Floor Area of All Accessory Buildings, above the allowed 1,150 square feet, in order to construct a 2,591.46-square foot detached accessory building; and, 4)Article 6, Section 6.07, Zoning R-3, Minimum Lot Setbacks, Front Yard-- Requesting a 20-foot front yard setback variance, from the required 30 feet, to construct a detached structure ten feet from the front property line. I would move that this request for the non-use variance **be denied** because the petitioner did not demonstrate that practical difficulties exist in this case in that he did not set forth facts to show that this is not a self-created problem. Roll call vote was as follows: Koscierzynski, yes; Flood, yes; Painter, yes; Durham, yes. **Motion carried 4-0** (Walker was absent).

**6. PUBLIC COMMENTS**

No comments were given.

**7. COMMUNICATIONS**

Board Member Flood commented that the Dragon-on-the-Lake Event was very enjoyable and encouraged members to volunteer next year.

**8. COMMITTEE REPORTS**

None at this time.

**9. MEMBERS' COMMENTS**

Acting Chairman Durham thanked Mr. Berger and members for their support tonight.

**10. ADJOURNMENT**

Moved by Board Member Koscierzynski, supported by Board Member Flood to adjourn at 9:11 p.m. **Motion carried unanimously.**

\* Attachment