

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
******* MINUTES *******
REGULAR MEETING – MONDAY, FEBRUARY 11, 2019 – 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, February 11, 2019 at 7:00pm 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

ZBA MEMBER ABSENT:

Loren Yaros, Chairman

CONSULTANT PRESENT:

Dave Goodloe, Building Department Official

OTHERS PRESENT:

John Navarro
Vicki Navarro

Nathan Eller
Lynn Harrison

1. OPEN MEETING

Vice Chairman Durham called the meeting to order at 7:00pm.

2. ROLL CALL

As noted

3. MINUTES

01-14-2019, Regular Meeting Minutes

Moved by Trustee Flood, seconded by Secretary Koscierzynski, to approve the 01-14-2019, Regular Meeting minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. ZBA BUSINESS

A. AB-2019-02, John Navarro, Vacant Lot N. Long Lake, 09-01-176-048

Vice Chairman Durham explained that the following case was postponed from the January 14, 2019 ZBA meeting. He read the petitioner's request as follows:

He is requesting four variances from Zoning Ordinance 78, Article VI, Section 6.04, Zoned R-3:

1. a 10-ft. front yard setback variance from the required 30-ft. front yard setback to build a home 20-ft. from the front property line (N. Long Lake)
2. a 22-ft. front yard setback variance from the required 30-ft. front yard setback to build a home 8-ft. from the front property line (Beardslee Drive)
3. a 17-ft. rear yard setback variance from the required 35-ft. rear yard setback to build a home 18-ft. from the rear property line

4. a 4.02% variance above the Maximum Lot Coverage allowed of 25% for a Maximum Lot Coverage of 29.02%

Mr. John Navarro, 1456 Oakmont Ct, the applicant, presented.

Mr. Navarro handed the Board documentation he put together regarding how he plans on handling drainage on said property (copy obtained for the file). The major concern expressed by neighbors at the initial meeting was current water problems in that area. He went over that document for the record.

Mr. Navarro said he has also been in contact with the County Road Commission. He noted that one of the drains he and Building Official Goodloe looked at actually does not drain to the lake, it is just for retention. There are two retention areas and the "rest of them" there drain out to the lake. The RCOC representative agreed there is not enough drainage for that area but told Mr. Navarro those drains will be scheduled first to be cleaned in the spring and will be placed on a routine cleaning schedule.

Vice Chairman Durham explained to the applicant that tonight the Board only consists of 4 of its 5 members. For a motion to be successful, it will need 3 votes in favor of it. Mr. Navarro indicated he understood.

Vice Chairman Durham noted that Building Official Goodloe has been consulted about this issue and asked him for his findings.

Building Official Goodloe said that he met with the applicant at the property and what Mr. Navarro explained in his document is exactly what had been discussed between the two of them. A ditch line was discussed off the front of the property which would not affect the neighbor adjacent to this property or the one across the road from it; especially once the drains are cleaned by RCOC. He also believed that the Road Commission will be putting in another retention drain. It was his opinion that what Mr. Navarro is proposing will take care of the water concerns.

Vice Chairman Durham asked Mr. Navarro if he had any further discussions with the neighbors that were present at the last meeting? Mr. Navarro replied, yes, the one to the north of the property and the one across the street from it.

Building Official Goodloe replied, too, the neighbor across the street who had rushing water on their property when it rains, has that problem because there is an incline directly into their garage and porch. That neighbor didn't seem to have any issues with what Mr. Navarro was proposing and was cooperative. Mr. Navarro said he also called the neighbor north of the property.

Building Official Goodloe pointed out there would only be a 4% lot coverage increase with these plans - a possible 4% increase in extra water. It was his opinion that Mr. Navarro was going above and beyond what he has to do. Mr. Navarro added that they want to be "welcomed into the neighborhood".

Building Official Goodloe then commented on how full of dirt the drain was that the looked at, a big reason for the water issues.

Vice Chairman Durham asked for questions from the Board.

Trustee Flood explained that this Board looks at each request on a case by case basis and doesn't want to set any type of a precedence. When he reviews a request, he looks for the "practical difficulty" and "unique characteristics" of the property as to why a variance(s) is needed. This subdivision is one of the older ones in the Township and he described the configuration of this lot as it appears on the plot plan – the result of a combination of two parcels. He noted one of the unique things about the property is that it is a corner lot and will be held to two front yard setbacks. Mr. Navarro could probably build a

220 sq. ft. house on the property without needing any variances if that condition (the two front yards) didn't exist; that would be an extremely small house. He understands why variances will be necessary to build a house on this property. He calculated that if the front deck and rear porch were deducted from the square footage of the house, it would be under the allowed 25% lot coverage. He also noted that the retaining wall between the subject property and the property behind it was built directly on the property line as indicated by the property iron actually being in that wall. Another concern was the possible obstruction of the line-of-sight on that corner. When looking at the plans, the house will be far enough back on the property that there should be no line-of-sight issues.

Vice Chairman Durham asked if there were any comments from the public. There was comment from the public that they would build on that property if Mr. Navarro didn't.

Vice Chairman Durham asked Building Official Goodloe if he could explain how the retention drains work - water has to eventually go somewhere. It was Building Official Goodloe's opinion that they probably have some type of percolation system into the ground that eventually probably goes out to the lake.

Moved by Trustee Flood, seconded by Vice Chairman Durham, that in the matter of ZBA case #AB-2019-02, John Navarro, vacant lot on N. Long Lake, 09-01-176-048, the applicant is requesting four variances from Zoning Ordinance 78, Article VI, Section 6.04, Zoned R-3: 1) a 10-ft. front yard setback variance from the required 30-ft. front yard setback to build a home 20-ft. from the front property line (N. Long Lake), 2) a 22-ft. front yard setback variance from the required 30-ft. front yard setback to build a home 8-ft. from the front property line (Beardslee Drive), 3) a 17-ft. rear yard setback variance from the required 35-ft. rear yard setback to build a home 18-ft. from the rear property line, and 4) a 4.02% variance above the Maximum Lot Coverage allowed of 25% for a Maximum Lot Coverage of 29.02%, be **granted** because the applicant did demonstrate that the following standards for variances have been met in this case in that he set forth facts which show that in this case: the following Practical Difficulty: the characteristics of the property and the location, in the Bunny Run subdivision; the following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same zoning district: this is a corner lot which requires two front yard setbacks per the ordinance, one on N. Long Lake which is a County road and one on Beardslee which is a private road, and the lot was platted long ago and does not conform to today's standards – a need for one of the variances; the variances are necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following: because of these small lots, many of the homes don't comply with today's standards, the request is a permitted use on this lot and without the variances, couldn't build a house on it; granting the variances or modification will not be materially detrimental to public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following: the requested variances are not overly exorbitant and the applicant is only asking for 4% over the allowed 25% lot coverage, the house itself will only have 20% lot coverage, because of the front deck and back porch, it puts the total lot coverage over 25%; further, based on the following findings of facts, granting these variances would not: impair an adequate supply of light or air to adjacent property – the property to the rear is at a very high elevation and the applicant is not asking for a height variance, also the property, as does the whole north side of the road, runs to the lake and the applicant has addressed the drainage concern, a unique characteristic, by meeting with the Building Official and the Road Commission and submitting a drainage plan (from the eaves of the house into a retention drain) and that be part of this motion that it be installed if a permit is issued; it will not unreasonably increase congestion in public streets; it would not increase the danger of fire or endanger public safety: the fire department expressed no concerns; it would not unreasonably diminish or impair established property values within the surrounding area: it would probably raise values in that neighborhood by allowing a nice structure to be built on that old vacant lot; or, in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Roll call vote was as follows: Flood, yes; Koscierzynski, yes; Walker, yes; Durham, yes. **Motion Carried 4-0**

7. PUBLIC COMMENTS

None

8. COMMUNICATIONS

A. Memo from Planning & Zoning Clerk Harrison regarding Item Postponement Dates

9. COMMITTEE REPORTS

None

10. MEMBERS' COMMENTS

Board Member Walker thanked Trustee Flood for the calculations he presented regarding tonight's case.

11. ADJOURNMENT

Moved by Secretary Koscierzynski, seconded by Vice Chairman Durham to adjourn the meeting at 7:26pm. **Motion Carried**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

2/26/19
Zoning Board of Appeals Approval