



AGENDA

SPECIAL OF THE LAKE ORION BOARD OF ZONING APPEALS

Thursday, January 11, 2024

6:30 PM

Lake Orion Village Hall Council Chambers

21 East Church Street

LAKE ORION, MI 48362

(248) 693-8391 ext. 102

REQUIREMENTS FOR PUBLIC COMMENT

- *Anyone that would like to make a public comment at any point during the meeting must first sign the "Sign In" sheet located near the main entrance door.*
- *Prior to making any comment a member of the audience **MUST** first state your name and address for the record.*

I. Call to Order 6:30 PM

II. Designation of Alternate, as necessary

III. Roll Call

IV. Purpose of Special Meeting

The purpose of the Special BZA meeting is to approve the minutes from the December 7, 2023 regular meeting and to hold a public hearing regarding a variance request relating to **600 Longpointe**.

V. Approval of Agenda

VI. Approve of Minutes

1. Board of Zoning Appeals Regular Meeting Minutes - December 7, 2023

VII. Public Comment on Non-Agenda Items Only

VIII. Review of BZA Order of Procedure for Handling Appeals - Initial Consideration

IX. Action Items

1. Case: Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive; Variance Review #1

X. Next Regularly Scheduled BZA Meeting

February 1, 2024

XI. Adjournment

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village, at least three (3) business days in advance of the meeting, if requesting accommodations. The Village of Lake Orion will provide foreign language or hearing impaired interpretation services for those individuals who contact the village to request such services at least seven (7) days prior to the meeting.

En el espíritu de la observancia de la Ley de Estadounidenses con Discapacidades, las personas con discapacidad debe sentirse libre para ponerse en contacto con el pueblo, por lo menos tres (3) días hábiles de antelación a la fecha de la reunión, si se solicitan alojamiento. El municipio de Lake Orion proporcionará idioma extranjero o personas con problemas de audición servicios de interpretación para las personas que se ponen en contacto con el pueblo de solicitar dichos servicios con no menos de siete (7) días antes de la reunión.



MEETING DATE: January 11, 2024

TOPIC: Board of Zoning Appeals Regular Meeting Minutes - December 7, 2023

RECOMMENDED MOTION: To approve the December 7, 2023 regular meeting minutes of Board of Zoning Appeals regular meeting, as presented.

ATTACHMENTS:

2023-12-07 Board of Zoning Appeals - Full Minutes-4320



MINUTES

REGULAR MEETING OF THE LAKE ORION BOARD OF ZONING APPEALS

Thursday, December 7, 2023

7:30 PM

Lake Orion Village Hall Council Chambers

21 East Church Street

LAKE ORION, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The Thursday, December 7, 2023 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order in the Lake Orion Village Hall Council Chambers located in the 21 East Church Street, Lake Orion, MI 48362 by Chairperson Brenton Bailo at 7:30 PM followed by the Pledge of Allegiance.

2. Roll Call and Determination of Quorum

Attendee Name	Organization	Title	Status	Arrived
Brenton Bailo	Village of Lake Orion	Chairperson	Present	
Mary Chayka-Crawford	Village of Lake Orion	Vice Chairperson	Excused	
Raymond Putz	Village of Lake Orion	Board Member	Excused	
Henry Lorant	Village of Lake Orion	Board Member	Present	
Bradley Mathisen	Village of Lake Orion	Secretary	Present	

Others present:

Gage Bielko, Planner

Susan Galeczka, Village Clerk

Mary Jo Pachla, Recording Secretary

3. Designation of Alternate, as necessary

None.

4. Approval of Agenda

1. **Motion to:** Approve the Board of Zoning Appeals Agenda of December 7, 2023 as presented

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Henry Lorant, Board Member
SECONDER:	Bradley Mathisen, Secretary
AYES:	Bailo, Lorant, Mathisen
EXCUSED:	Chayka-Crawford, Putz

5. Approval of Minutes

- A. Board of Zoning Appeals Regular Meeting Minutes -June 16, 2022

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Henry Lorant, Board Member
SECONDER:	Bradley Mathisen, Secretary
AYES:	Bailo, Lorant, Mathisen
EXCUSED:	Chayka-Crawford, Putz

RESOLVED: To approve the Thursday, June 16, 2022 regular meeting minutes of the Board of Zoning Appeals (BZA) as presented.

6. Public Comments on Non-Agenda Items Only

Let the record show no public comments were received.

7. Review of BZA Order of Procedure for Handling Appeals - Initial Consideration

8. Action Items

- A. Election of Officers

Chairperson Bailo nominated Bradley Mathisen to be the Chair for the upcoming year. Mathisen seconded and accepted the nomination. The vote was unanimous to elect Bradley Mathisen as Chairperson.

Chairperson Bailo nominated Raymond Putz to be Vice Chairperson for the upcoming year. Secretary Mathisen seconded the nomination. The vote was unanimous to elect Raymond Putz as Vice Chairperson.

Secretary Mathisen nominated Dr. Brenton Bailo to be the Secretary for the upcoming year. Chairperson Bailo seconded and accepted the nomination. The vote was unanimous to elect Dr. Brenton Bailo as Secretary.

Village of Lake Orion Board of Zoning Appeals Minutes

Regular Meeting, Thursday, December 7, 2023

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B. Adoption of Board of Zoning Appeals By-Laws

Chairperson Bailo directed the Board to review the proposed Bylaws, noting that these were the procedures that the Board has already been undertaking.

Secretary Mathisen questioned the proposal for Article IV regarding a date change for the meetings.

Clerk Galeczka noted that the proposed change to Tuesday was a suggestion for the Board's consideration if it would work for the Board members.

Mr. Bielko stated that whatever the Board decides will be reflected in the motion for the proposed agenda dates, the next item to be considered.

Mr. Lorant stated that Tuesdays would pose a problem as it conflicts with other Village meetings.

Chairperson Bailo suggested the meetings be kept on Thursdays, but begin at 6:30 p.m. Board members concurred.

Secretary Mathisen moved to adopt the proposed bylaws. The motion was seconded by Mr. Lorant. The proposed Bylaws were adopted by unanimous vote.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Henry Lorant, Board Member
AYES:	Bailo, Lorant, Mathisen
EXCUSED:	Snayke-Crawford, Putz

C. Adopt Resolution Establishing 2024 Board of Zoning Appeals Meeting Schedule

Chairperson Bailo noted that two options were provided for the meeting schedule for 2024. Option 1 was to meet once a month on the first Thursday; Option 2 was to meet on the second and fourth Thursday. He noted that per the Board's discussion, the meetings would begin at 6:30 p.m.

Clerk Galeczka noted that the Board previously decided on two meetings a month due to the publication deadlines and scheduling of cases. In the event that the noticing did not align with publication deadlines, applicants often had to wait over a month for their appeal to be heard. The other option was to call a special meeting in lieu of a set second meeting each month.

Mr. Lorant concurred with scheduling one meeting for the first Thursday of the month, and calling a special meeting if required.

Village of Lake Orion Board of Zoning Appeals Minutes

Regular Meeting, Thursday, December 7, 2023

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Chairperson Bailo noted that July 4 was the first Thursday.

Clerk Galeczka responded that a special meeting could be scheduled for an alternate date in July if needed.

Secretary Mathisen moved Option 1 with meetings beginning at 6:30 p.m. Chairperson Bailo seconded the motion. The vote was unanimous and Option 1 was adopted with meetings beginning at 6:30 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Brenton Bailo, Chairperson
AYES:	Bailo, Lorant, Mathisen
EXCUSED:	Chayka-Crawford, Putz

RESOLVED: To adopt the 2024 regular meeting schedule of the Lake Orion Zoning Board of Appeals as follows:

THURSDAY, JANUARY 4, 2024
 THURSDAY, FEBRUARY 1, 2024
 THURSDAY, MARCH 7, 2024
 THURSDAY, APRIL 4, 2024
 THURSDAY, MAY 2, 2024
 THURSDAY, JUNE 6, 2024
 JULY: No Meeting Scheduled
 THURSDAY, AUGUST 1, 2024
 THURSDAY, SEPTEMBER 5, 2024
 THURSDAY, OCTOBER 3, 2024
 THURSDAY, NOVEMBER 7, 2024
 THURSDAY, DECEMBER 5, 2024

**ALL MEETINGS WILL BE HELD AT THE
 VILLAGE OF LAKE ORION COUNCIL CHAMBERS
 21 E. CHURCH STREET
 LAKE ORION, MICHIGAN
 AND BEGIN AT 6:30 PM**

BE IT FURTHER RESOLVED: To direct the Village Clerk to post the public notice of the regular meeting schedule in accordance with Section 5(2) of the Michigan Open Meetings Act.

9. Next Regularly Scheduled BZA Meeting

Clerk Galeczka noted that there were no agenda items scheduled for December 21, 2023 and this meeting would be cancelled.

Secretary Mathisen congratulated Clerk Galeczka on her upcoming retirement, noting that she will be missed. He thanked her for her work for the Village and all the assistance she provided during his times on the Board.

10. Adjournment

1. **Motion to:** Adjourn the Board of Zoning Appeals Meeting at 7:40 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Henry Lorant, Board Member
SECONDER:	Bradley Mathisen, Secretary
AYES:	Bailo, Lorant, Mathisen
EXCUSED:	Chayka-Crawford, Putz

Brad Mathisen
Secretary

Mary Jo Pachla
Recording Secretary

Susan C. Galeczka, CMC CMMC
Village Clerk

Date Approved: _____



MEETING DATE: January 11, 2024

TOPIC: Case: Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive; Variance Review #1

CASE SUMMARY: The applicant is proposing to construct a patio and roof overhang above an existing garage. The home as it exists is legally non-conforming with respect to current front and side setback requirements. The proposed improvements, specifically the roof overhang structure, constitute a vertical enlargement of the existing nonconformities, which is prohibited by Ordinance Section 17.04(B). Thus, the applicant is seeking a 11.5-foot variance from the front (street/east) setback requirement and a 1.5-foot variance from the side (north) setback requirement.

The Planners have reviewed the request and McKenna's review letter is included in the packet for your information.

MOTION TEMPLATE:

In Case No. **A-24-01**. Parcel ID Number 09-02-351-019 more commonly known as **600 Longpointe**, located in the RL (Lake Single-Family Residential) District.

That the following variance be **approved/denied** to construct a roof overhang on the southeast side of an existing dwelling.

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE - RL ZONING DISTRICT

Front (Street) Yard Setback:	25.0 feet minimum required
	<u>13.5 feet existing / proposed (to southeast corner overhang)</u>

11.5-foot variance requested

Side (North) Yard Setback:

5.0 feet minimum required

3.5 feet existing / proposed (to northeast corner overhang)

1.5-foot variance requested

The said variances are **approved/denied/tabled** based upon the following findings of fact as noted in the January 2, 2024 letter from McKenna, *a copy of which is attached and incorporated as part of these minutes*, as follows:

- (1) Compliance with the ordinance standards would allow the applicant to have a second story deck without an overhang which is not construed as being unnecessarily burdensome.
- (2) The existing nonconforming setback is not adequate justification for increasing the structure's nonconformity.
- (3) Approval of the variances is averse to the interests of the adjacent properties and contrary to the intent of the Zoning Ordinance and sound planning principles.
- (4) Approval of variances to building an overhang covering the deck can set a precedent for similar requests from other property owners with second story open decks.
- (5) The variances requested are not the minimum possible.
- (6) The parcel is not unique.
- (7) The need for the variances is entirely self-created.

This **approval/denial** of the variances does not set a precedent for **approval/denial/tabling** of similar requests from other property owners or applicants in the future.

This action is pursuant to:

1. Board of Zoning Appeals application consisting of seven (7) pages, including a letter of request from the applicant.

2. McKenna Review #1, dated January 2, 2024, consisting of three (3) pages
3. Construction Drawings for 600 Longpointe, AMK Designs, date 11/27/23, consisting of two (2) pages.
4. Site Survey for 596 Longpointe, Kennedy Surveying P.C., dated 1/31/2020, Job No. 19-82242, consisting of one (1) page. **NOTE:** the survey submitted was not completed for the subject site but includes a reasonable amount of verifiable information for the purposes of review. The applicant has included hand sketches to supplement their construction documents.

ATTACHMENTS:

A-24-01 Petoskey Application

A-24-01 Petoskey Plans

A-24-01 Petoskey Survey (596 Longpointe)

A-24-01 Petoskey Residence (600 Longpointe) Review #1



Village of Lake Orion

21 E. Church Street
Lake Orion, Michigan 48362
Tel 248.693.8391
Fax 248.693.5874
www.lakeorion.org

BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

PROPERTY INFORMATION

Site Address: 600 Long Pointe Drive Parcel ID #: 09-02-351-019

Parcel Size (Sq.Ft.): 5300 square feet Zoning District: RL

Has the property previously been approved for a variance(s)? Yes / No (If yes, indicate date: No)

OWNER INFORMATION

Property Owner Name: David Petoskey Address: 600 Long Pointe Drive

Property Owner Phone #: 248-568-6617 E-Mail: David.Petoskey@lpl.com

APPLICANT INFORMATION (If applicant is **NOT** property owner)

Applicant Name: David Petoskey Address: _____

Applicant Phone #: _____ E-Mail: _____

Applicant is: (i.e. contractor or business owner or architect, etc.) Owner

TYPE OF VARIANCE AND/OR REVIEW REQUESTED

Please check one. A request for multiple types of reviews may require a separate form.

____ Appeal of Administrative Order ____ Interpretation of Map ____ Interpretation of Section # ____

XXX Dimensional Variance (required setback, height, lot coverage, lot width, lot size, etc.)

____ Use Variance (specify intended use): _____

____ Variance from Zoning Ordinance Requirement - Section # _____

____ Other (please specify): _____

DIMENSIONAL VARIANCE – REQUESTED DEVIATION FROM REQUIREMENTS

Please complete the table below for each deviation from the dimensional requirements which you are requesting.

Section #	Type of Dimensional Requirement	Existing Distance	Required Distance	Proposed Distance	Variance (=Required – Proposed)
Example: Table 12.02	Front Setback	28 Feet	25 Feet	20 Feet	5 Feet
	Front Setback	13.5'	25'	13.5'	11.5 feet
	Side Setback	3.5'	5'	3.5'	1.5' feet

Please only fill out the section for the type of variance or review you are requesting.

**DIMENSIONAL VARIANCES AND VARIANCES FROM ZONING ORDINANCE REQUIREMENTS -
EXPLANATION OF PRACTICAL DIFFICULTIES**

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Board of Zoning Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. *(Attach additional sheets if necessary.)*

Please explain how: Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
The flat roof portion of the home where deck and roof are proposed are pre-existing. The proposed roof structure over the existing garage was designed with a minimal 2 post support system to keep neighboring views unobstructed. Conformity to the ordinance would be unnecessarily burdensome.

Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.
A majority of the improved properties on Long Pointe Drive include 2nd story decks and patios over the garage and add charm and character and have become an inclusion to nearly every recently improved Long Pointe property to date. The subtle improvement would provide substantial justice to the applicant as well as other property owners.

Please explain how: The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
The proposed covered area would only cover the existing flat roof and not extend beyond any other existing setback. The improvement would be consistent in design of other neighboring Long Pointe properties.

Please explain how: The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
Most of the properties on Long Pointe possess a similar condition. Low grade on the street side as well as the lake side so the properties are built through a hill. In many instances garages are placed in front of the home with decks and patios on top to enjoy the unique water views East and West of the homes.

Please explain how: The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.
We agree our request is partially self created. We also feel that the request will compliment the other homes on the street as well as provide a place for our family to enjoy the outdoors with some protection from the sun and rain.

Attachment: A-24-01 Petoskey Application (6504 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)

Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Board of Zoning Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. *(Attach additional sheets if necessary.)*

APPEALS OF ADMINISTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Board of Zoning Appeals. Per Section 19.04(C), the Board of Zoning Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. *(Attach additional sheets if necessary.)*

Attachment: A-24-01 Petoskey Application (6504 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)

ADDITIONAL INFORMATION AND REQUIREMENTS

Section 19.04(F) identifies all information required for a complete application.

Please place your initials below next to all items included in your application.

If you believe the information is not relevant please place 'N/A' for not applicable next to the item.

- XXX 1) A completed application signed by the property owner.
- xxx 2) Proof of ownership.
- _____ 3) Property owner authorization for an applicant to act on their behalf.
- xxx 4) Project Narrative – A letter to the BZA explaining the variance or review request.
- xxx 5) Land Survey – A survey prepared by a professional surveyor.
- xxx 6) Site Plan – A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.
- xxx 7) Architectural plans and elevations – A set of drawings illustrating the details of any proposed structures.
- xxx 8) PDF files - A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.
- xxx 9) Payment of fees.

By signing below you acknowledge all of the following:

- The undersigned acknowledges that they have read Section 19.04 of the Village of Lake Orion Zoning Ordinance, has received and read the instructions and understands the application process.
- The undersigned acknowledges that in their opinion they believe the additional information included with this application meets the submittal requirements for a variance or review application and accept all responsibility for any lack of required information.
- The undersigned acknowledges that any lack of information which may result in a delay of the review process is the sole responsibility of the applicant.
- The undersigned deposes that the forgoing statements and answers and accompanying information are true and correct.
- The undersigned hereby authorizes Village representatives to enter the subject property in connection with this application.

Signature of Property Owner: David J Petoskey

Date: 11-29-23

Signature of Applicant: David J Petoskey

Date: 11-29-23

November 29, 2023

Village of Lake Orion

21 E Church Street

Lake Orion, Michigan 48362

ATTN: Board of Zoning (BZA)

RE: 600 Long Pointe Drive, Lake Orion

Dear Board:

We are submitting this application regarding the property listed above. We have been a part of the Long Pointe community for almost three years now. But have been visiting and spending time in Lake Orion for almost twenty years with several friends in the area and also several businesses that we frequent on a regular basis. Now that we have taken the time to understand our neighborhood, we have decided to improve our property with a new deck and overhang roof over our existing garage area. We came up with this improvement idea from walking our street and viewing how several neighbors have also made improvements to their decks, etc. to further enhance their lake views. The lake is certainly such an amazing view, and we would love to be able to enjoy it from both sides of our property.

Our request, as mentioned on the attached application, is a new decking surface with a proposed roof structure that would be over our existing garage, with the roof being designed with a minimal 2 post support system to keep neighboring views unobstructed. We feel that this would also enhance our property as well as the neighborhood street to better align our home with neighboring homes.

My wife and I, along with our two daughters feel that not only will this compliment the other homes on Long Pointe but will also provide another area for our family to enjoy the outdoors, with the lake views, but also bring us protection from the sun and other weather conditions.

I appreciate your review of this application, and should you have any further questions or comments, I can be reached at 248 – 568 – 6617. Thank you.

Sincerely,



Dave Petoskey

Attachment: A-24-01 Petoskey Application (6504 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)

**NOTICE OF ASSESSMENT, TAXABLE VALUATION,
AND PROPERTY CLASSIFICATION**

This form is issued under the authority of P.A. 206
of 1893, Sec. 211.24 (c) and 211.34 (c), as amended.
This is a model assessment notice to be used by the
local assessor.

Michigan Dep't
1019 (Rev. 12-

9.1.a

L-4400

FROM CHARTER TOWNSHIP OF ORION

2525 JOSLYN ROAD
LAKE ORION MI 48360

**THIS IS NOT
A TAX BILL**

NAME AND ADDRESS OF OWNER OR PERSON NAMED ON ASSESSMENT ROLL:

PETOSKEY, DAVID J
PESTOSKEY, KATHRYN C
600 LONGPOINTE DR
LAKE ORION MI 48362-2343

PROPERTY IDENTIFICATION: (Parcel Code required. Property address
and legal description optional.):

OL-09-02-351-019

600 LONGPOINTE DR

SCHOOL DISTRICT: 63230

THIS PROPERTY IS CLASSIFIED AS: 408 (RESIDENTIAL-IMPROVED WA1

PRIOR YEAR'S CLASSIFICATION IF DIFFERENT:

Since 1995 your property taxes have been calculated on your Taxable Value (see line 1 below). The Taxable Value number entered in the "Change" column does not indicate a change in your taxes. This number indicates the change in the Taxable Value.

The State Equalized Value (see line 4 below) is the Assessed Value (see line 2 below) multiplied by the Equalization Factor, if any (see line 3 below). The State Equalized Value must be approximately 50% of the market value.

IF THERE WAS A TRANSFER OF OWNERSHIP on your property in 2021, your 2022 Taxable Value will be the same as your 2022 State Equalized Value. Please see line 5 below regarding Transfer of Ownership on your property.

IF THERE WAS NOT A TRANSFER OF OWNERSHIP on your property in 2021, your 2022 Taxable Value is calculated by multiplying your 2021 Taxable Value (see line 1 below) by 1.033 (which is the Inflation Rate Multiplier for the current year).

Physical changes in your property may also increase or decrease your Taxable Value. Your 2022 Taxable Value cannot be higher than your 2022 State Equalized Value.

***This change in Taxable Value will increase/decrease your 2022
tax bill by approximately: \$168.68 based on the 2021 tax rates.**

	PRIOR AMOUNT YEAR: 2021	CURRENT AMOUNT YEAR: 2022	CHANGE
1. TAXABLE VALUE (Current amount is tentative):	246,590	249,300	2,71
2. ASSESSED VALUE:	246,590	249,300	2,71
3. TENTATIVE EQUALIZATION FACTOR: 1.000			
4. STATE EQUALIZED VALUE (Current amount is tentative):	246,590	249,300	2,71

There WAS/WAS NOT a transfer of ownership on this property in 2021: WAS NOT

The Board of Review will meet at The Orion Center (1335 Joslyn Rd. Lake Orion, MI 48360) on Tuesday, March 8th from 9:00 am until 9:30 am for an Organizational Meeting.

Appeals will begin on:

Tuesday, March 8th from 9:30 am until 12:00 noon and 1:00 pm until 4:30 pm.

Monday, March 14th from 9:00 am until 12:00 noon and 1:00 pm until 4:30 pm.

Wednesday, March 16th from 1:00 pm until 5:00 pm and 6:00 pm until 9:00 pm.

To schedule an appointment IN ADVANCE for the Board of Review, please contact Oakland County Equalization Division

Toll Free at 1-888-350-0900, Extension 80776 or (248) 858-0776.

The Board of Review will accept written appeals if received prior to the closing of the Board of Review.

% Exempt As "Principal Residence" or "Michigan Business Tax": 2022	.00%	Year End 2021 P. R. E.	.00%
% Exempt As "Qual. Agricultural / Qual. Forest Property":	.00%	% Exempt as "Development Property":	.00%

The denial of an exemption from the local school operating tax for "qualified agricultural properties" may be appealed to the local Board of Review. The denial of an exemption from the local school operating tax for a "homeowner's principal residence" may be appealed to the Michigan Tax Tribunal by the filing of a petition within 35 days of issuance of this notice. Michigan Tax Tribunal forms are available at www.michigan.gov/taxtrib.

Properties classified as Agricultural and Residential must protest at the Board of Review to protect the right to future appeals to the Michigan Tax Tribunal for valuation an exemption appeals and/or the State Tax Commission for classification appeals prior to July 31. Properties classified Commercial, Industrial or Developmental Real may be appealed to the March Board of Review or to the Michigan Tax Tribunal prior to May 31. Commercial, Industrial, or Utility Personal Property may be appealed to the May Board of Review or to the Michigan Tax Tribunal prior to May 31 if a Personal Property Statement was filed with the local unit prior to the commencement of the Board of Review as provided in MCL 211.19, except as otherwise provided by MCL 211.9m, MCL 211.9n and MCL 211.9o.

HOMEOWNER'S PRINCIPAL RESIDENCE AFFIDAVIT INFORMATION REQUIRED BY P.A. 114 of 2012. If you purchased your principal residence after May 1 last year, to claim the principal residence exemption, if you have not already done so, you are required to file an affidavit by June 1 for the immediately succeeding summer tax levy and all subsequent tax levies or by November 1 for the immediately succeeding winter tax levy and all subsequent tax levies.

Packet Pg. 17

Attachment: A-24-01 Petoskey Application (6504 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)



Village of Lake Orion
EST. 1959

21 E. CHURCH STREET, LAKE ORION, MICHIGAN 48362

SERVICE FROM 10/01/2022 SERVICE TO 12/31/2022

SERVICE PROVIDED AT THIS LOCATION
600 LONG POINT

PREVIOUS READING 141500 CURRENT READING 141600

ACCT NUMBER 055-6000 CONSUMPTION CU FEET 100

BALANCE FORWARD	\$0.00
WATER USE	\$5.90
WATER BASE	\$44.18
SEWER USE	\$4.53
SEWER BASE	\$77.02
GARBAGE	\$41.31

AMOUNT DUE \$172.94

IF LATE

\$190.23

quadiant

01/12/2023

US POSTAGE \$000.44



ZIP 48362

041M11471160

ICE FESTIVAL FEB 2-28 2023

BOAT PASS SALES START MARCH

128425265

RETURN THIS STUB WITH PAYMENT

Due Date 02/16/2023

Account No. 055-6000

AMOUNT \$172.94

DUE IF LATE \$190.23

PETOSKEY, DAVID

600 LONGPOINTE DR

LAKE ORION, MI 48362-2343

\$ 178.13

1-26-13



project
Petoskey Addition
600 Longpointe Dr.
Lake Orion, MI 48362

zoning

date
10.24.2023 PRELIMINARY DESIGN
11.27.2023 PERMIT / CONSTRUCTION

sheet title

ELEVATIONS

date	10.24.2023 PRELIMINARY DESIGN
	11.27.2023 PERMIT / CONSTRUCTION

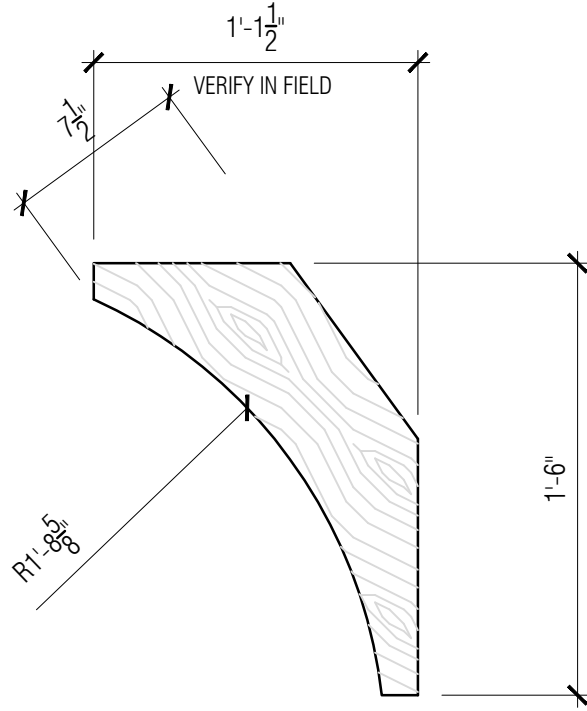
AARON KOZACHIK

ARCHITECTURAL DESIGN
& CONSTRUCTION

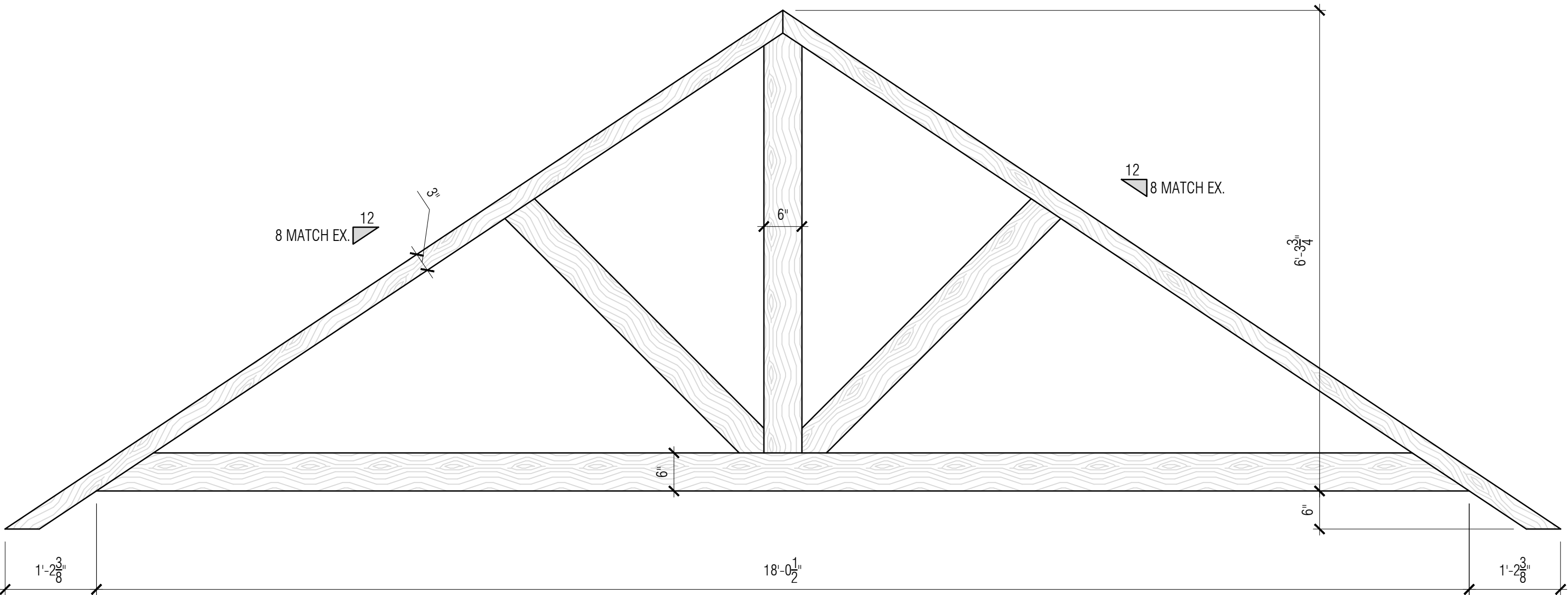
EMAIL: AKOZACHIK@GMAIL.COM
PHONE: 248.770.9384

AMK
DESIGNS

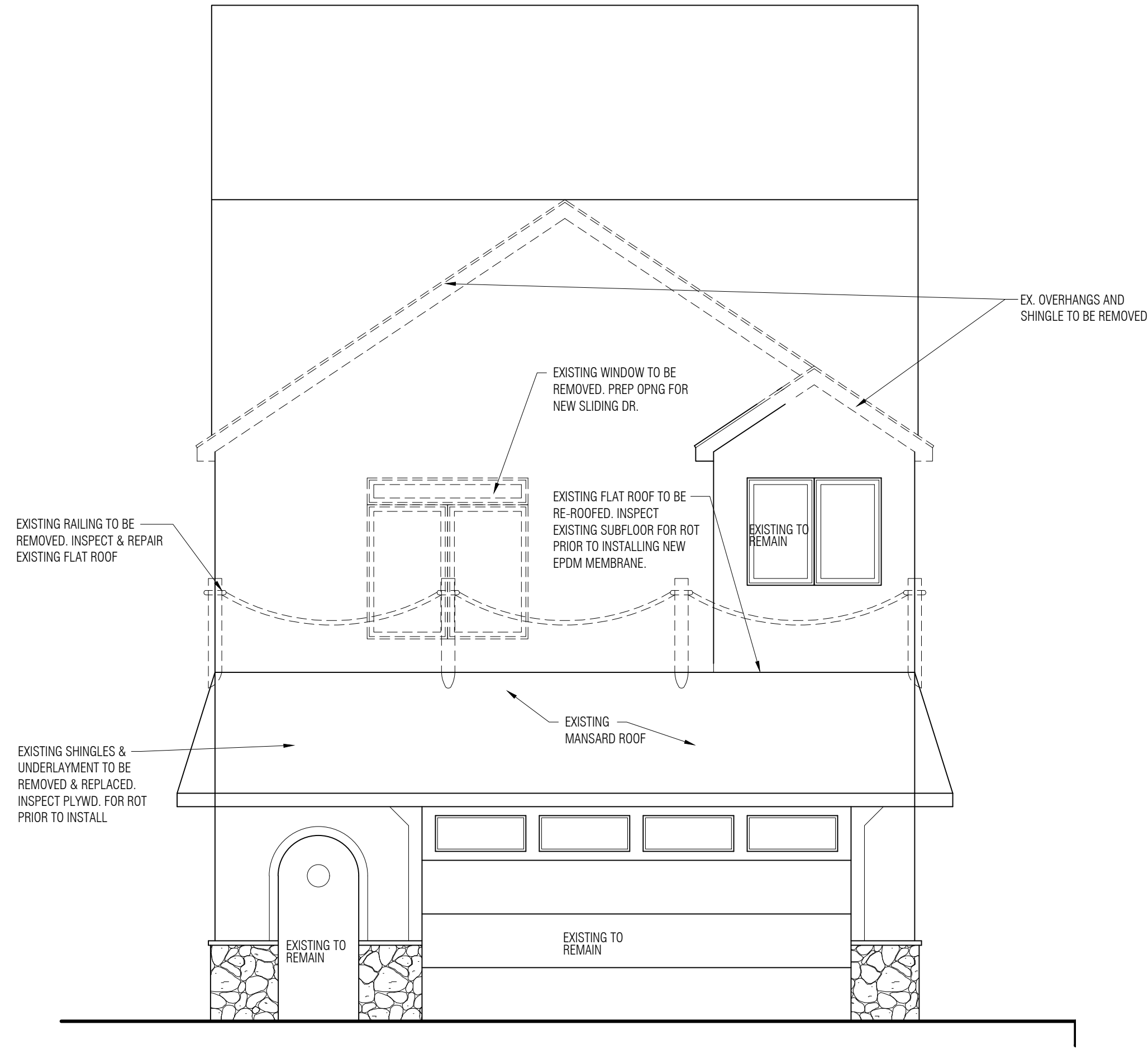
sheet



C **TIMBER CORBEL DETAIL**
A-2 SCALE: 1-1/2" = 1'-0"

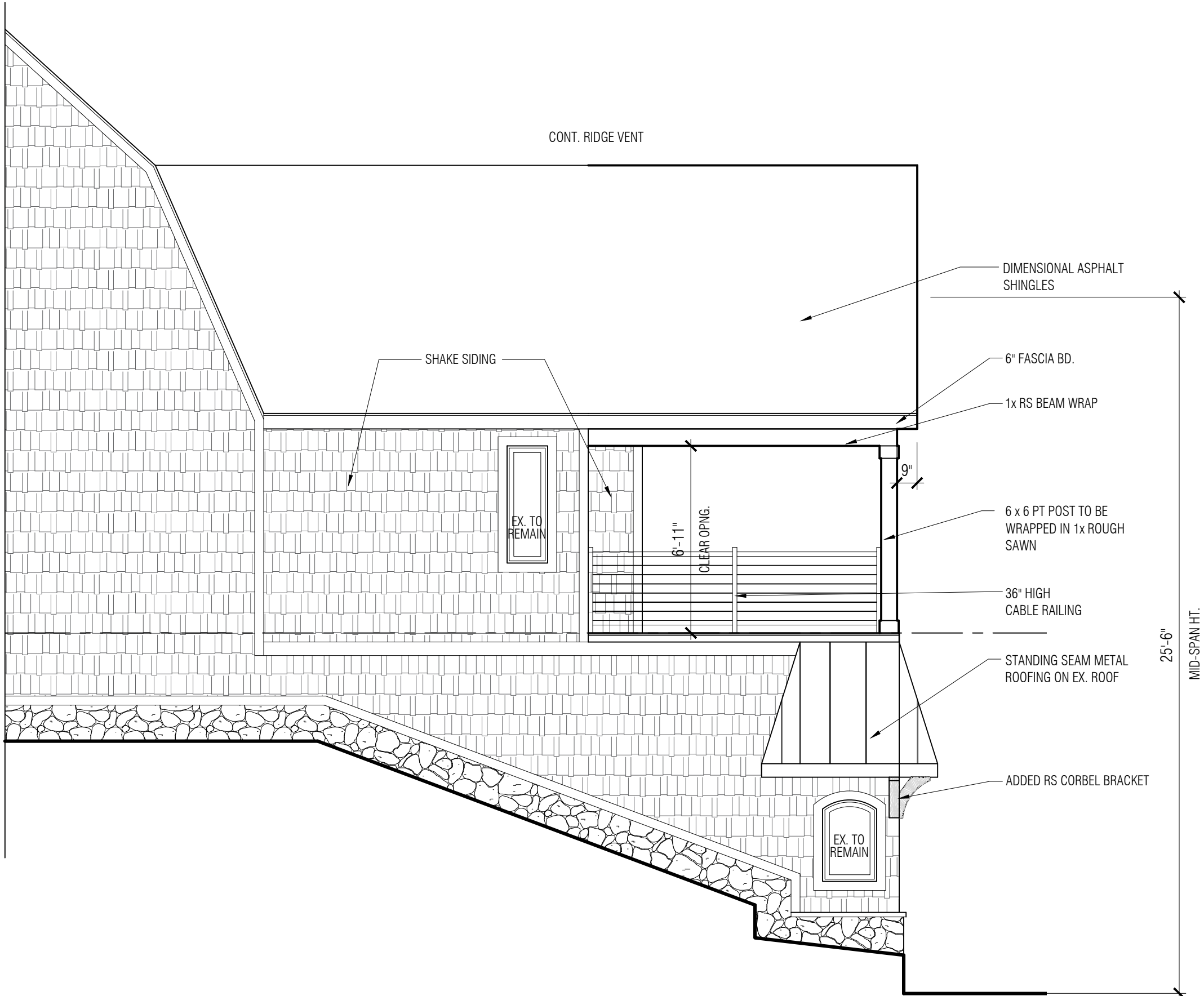


B **TIMBER GABLE DETAIL**
A-2 SCALE: 3/4" = 1'-0"

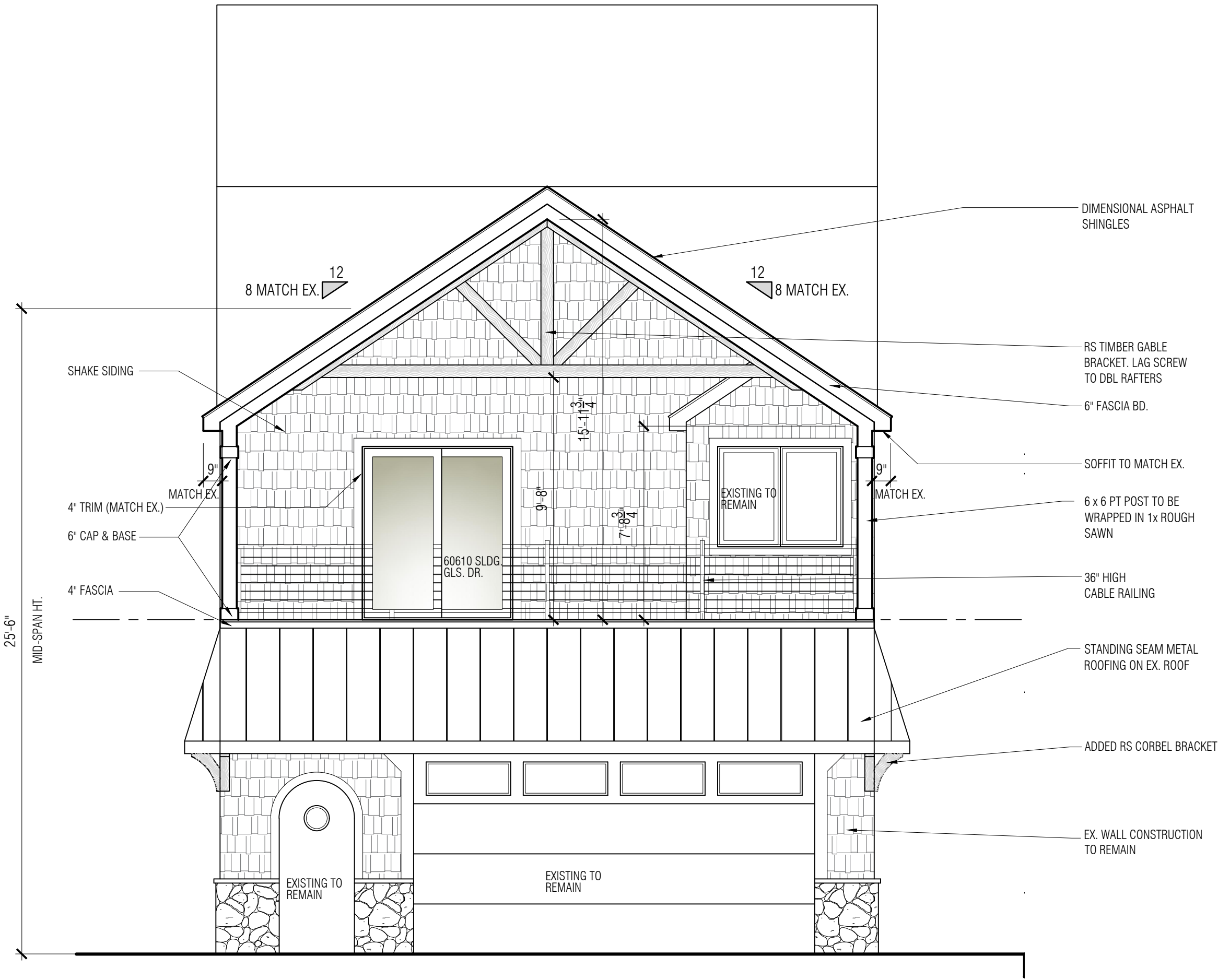


EXISTING / DEMO EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
ALL DIMENSIONS TO THE ROUGH.
VERIFY AND MATCH EX. CONDITIONS



PROPOSED SIDE (SOUTH) ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTES:

- 1) The 100 year flood plain contour is located along the existing sea walls adjacent to the shore line as shown on the STAKED SURVEY.
- 2) The existing sanitary sewer lead and water service lead are shown on the STAKED SURVEY.
- 3) There are no existing easements encumbering this parcel. A current Title Insurance Policy has not been provided.
- 4) There are no drainage courses encumbering this parcel.
- 5) The existing ground mounted AC Unit is shown.
- 6) The lot lines as shown on this STAKED SURVEY are held as previously surveyed or occupied and may not be necessary the same as those as plotted.
- 7) All Parcels along Longpoint Drive are Zoned LAKE ONE FAMILY DWELING "RL".
- 8) Current Title Insurance Policy has not been provided as of the date of this STAKED SURVEY.
- 9) The proposed addition mid point height is approximately 23 feet.

PROPERTY DESCRIPTION: Tax Item # 09-02-351-018

Lot 7 Block 9 of "ORION IMPROVEMENT COMPANY'S SUB NO. 1" being subdivision of part of Sections 2, 3, 10 and 11, Town 4 North, Range East, Orion Township, Oakland County, Michigan. As recorded in Liber 4 Plats, page 19 of Oakland County Records.

LEGEND:

- 99.7 = EXISTING ELEVATION
 99.7 = PROPOSED ELEVATION
 BM = BENCH MARK
 ○ = FND 1/2" IRON ROD UNLESS NOTED
 ● = SET 1/2" IRON ROD W/ O CAP
 ○ = EX. POWER POLE
 □ = EX. UTILITY RISER
 ○ = CLEAN OUT
 ○ = EX. SANITARY SEWER MANHOLE
 ○ = GATE VALVE & WELL
 ○ = FIRE HYDRANT
 ○ = WATER SHUT OFF
 FF = FINISHED FLOOR
 O.H. = OVERHEAD LINES
 UG = UNDER GROUND LINES
 GM = GAS METER
 EM = ELECTRIC METER
 TW = TOP OF WALL
 BW = BOTTOM OF WALL
 R = RECORDED DISTANCE
 M = MEASURED DISTANCE
 C = CALCULATED DISTANCE
 ED = ENTRY DOOR
 DD = DOUBLE DOOR
 GD = GARAGE DOOR
 SF = SILT FABRIC FENCE
 — = DIRECTION OF FLOW
 EX. BITUMINOUS SURFACE
 EX. CONCRETE SURFACE
 EX. WOODEN SURFACE
 EX. GRAVEL SURFACE
 EX. BRICK PAVEMENT SURFACE
 PROP. ADDITION

SCALE 1" = 10'
 GRAPHIC SCALE

LAKE ORION

Top of Ice 984.2
February 2017

LAKE ORION

Top of Ice 984.2
February 2017

EXISTING PERCENTAGE OF COVERAGE (09-02-351-018)

Existing Residence	= 1,188 Sq. Ft.
Existing Garage w/ Deck over Top (to be removed)	= 146 Sq. Ft.
Existing Lower Deck	= 344 Sq. Ft.
Existing Upper Deck (rings not included)	= 168 Sq. Ft.
Total Area of Coverage	= 1,846 Sq. Ft.
Total Area of Parcel 09-02-351-018	= 5,386.4 Sq. Ft.

Existing Percentage of Coverage = $\frac{1,846 \times 100}{5,386.4} = 34.2\%$

PROPOSED PERCENTAGE OF COVERAGE (09-02-351-018)

Existing Residence	= 1,188 Sq. Ft.
Existing Lower Level Deck	= 344 Sq. Ft.
Existing Upper Level Deck (rings not included)	= 168 Sq. Ft.
Proposed Addition	= 744 Sq. Ft.
Total Area of Coverage	= 2,444 Sq. Ft.
Total Area of Parcel 09-02-351-018	= 5,386.4 Sq. Ft.

Proposed Percentage of Coverage = $\frac{2,444 \times 100}{5,386.4} = 45.3\%$

BENCH MARK (BM)

BM #1 - Arrow on Fire Hydrant
Elev. = 992.42 (NAVD)

Proposed Improvement to
600 Long Point Drive
Proposed Add Roof Height 25'6"

BM#1

3 WORKING DAYS
 BEFORE YOU DIG
 CALL MISS DIG
 1-800-482-7171
 For the location of public utility lines

CAUTION:
 THE LOCATION AND ELEVATIONS OF EXISTING
 UNDERGROUND UTILITIES AS SHOWN ON THIS
 DRAWING ARE ONLY APPROXIMATE. NO GUAR-
 ANTEE IS EITHER EXPRESSED OR IMPLIED AS
 TO THE COMPLETENESS OF ACCURACY THEREOF.
 THE CONTRACTOR SHALL BE EXCLUSIVELY
 RESPONSIBLE FOR DETERMINING THE EXACT
 LOCATION AND ELEVATION PRIOR TO THE
 START OF CONSTRUCTION.

No.	By	Chg.	Description
STAKED SURVEY For:			
KEN KUTCHER 596 Longpoint Drive Lake Orion, Michigan 48362 Phone (248) 64			
KENNEDY SURVEYING, INC. 105 N. Washington St. Orion, Michigan 48371			
Fax: (248) 628-7191		Drawn By: SST Date:	
CHK'd	HKK	Drawing	

Packet Pg. 21

MCKENNA

January 2, 2024

Board of Zoning Appeals
Village of Lake Orion
21 E. Church Street
Lake Orion, MI 48362-3274

Subject: A-24-01 Petoskey Residence/ 600 Longpointe Drive; Variance Review #1

Dear Board Members:

We have reviewed the above referenced variance application submitted by David Petoskey to construct a new deck with a roof overhang, above an existing garage. The site is located on the west side of Longpointe Drive and is zoned RL (Residential Lake One Family Dwelling) district. The parcel is nonconforming with respect to the minimum lot area and lot width for the district. The subject site has an existing two-story dwelling with an attached single-story garage.

REQUEST

The proposal requires the following two (2) variances from the Zoning Ordinance:

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – RL ZONING DISTRICT

- | | | |
|-----------------------------|---|--------------------------------------|
| Front (street) Yard Setback | - | 25.00 feet minimum required |
| | - | <u>13.50 feet proposed</u> |
| | - | <i>11.50 foot variance requested</i> |

2. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – RL ZONING DISTRICT

- | | | |
|---------------------------|---|-------------------------------------|
| Side (north) Yard Setback | - | 5.00 feet minimum required |
| | - | <u>3.50 feet proposed</u> |
| | - | <i>1.50 foot variance requested</i> |

COMMENTS

Per Section 19.04.D.1 of the Village's Zoning Ordinance and the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional (or non-use) variance upon a finding that practical difficulties exist. To meet the test of practical difficulty, the applicant must demonstrate compliance with the following:

- (a) **Compliance with Ordinance standards prevents use of property or is unnecessarily burdensome.**
The minimum required lot size for parcels in the RL district is 7,200 square feet and the required lot width is 60 feet. With an area of approximately 5,300 sq. ft and a lot width of 40 feet, the subject site is nonconforming with respect to the minimum required lot width and area for the district. The parcel is currently occupied by a two-story dwelling with a single story attached garage that is in the front yard. The existing dwelling is nonconforming with respect to the front and north side yard setbacks.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.

The applicant proposes to build a covered deck over the roof of the existing garage. Per the applicant the flat roof portion over the garage where the deck is to be located is existing. The applicant contends that the majority of the homes along Longpointe have second story decks and the proposed deck is in character with the existing street view.

The required front yard setback is 25 feet and the proposed dwelling is located at a setback of 13.5 feet with a mansard roof design. The applicant's proposal essentially replaces the mansard roof with a standing seam metal roof and creates a new flat roof with a roof overhang supported by two structural poles, creating a two-story roof line at the reduced setback. While the applicant is correct that most of the homes on Longpointe have second story decks, none of them appear to have an overhang covering the entire deck (see image below). The dwelling currently does not have any doorwall or access to the area on top of the garage roof. The applicant could install the doorwall on the east second story façade, create access to the roof over the garage and create a usable second story deck, *without the need for a roof overhang*. Compliance with the Ordinance standards would prevent the construction of an overhang but will not prevent the improvement and use of the area above the garage as a deck, consistent with other dwellings on the street. Therefore, compliance with Ordinance standards is not deemed as unnecessarily burdensome.



Source: Google Images

(b) **The variance will provide substantial justice to applicant as well as property owners.**

Approval of the variance will provide substantial justice to the applicant by allowing them to build a fully covered deck at a reduced setback but this is not in the interest of the abutting property owners or the Village as a whole. As seen in the image above, most dwellings on Longpointe have ***open and uncovered*** second story decks. The applicant's proposal to cover the deck would extend their roofline closer to the street than any of their neighbors. This would likely set a precedent for similar requests from other property owners to build overhangs covering their deck, and thereby creating greater building mass closer to the street.

(c) **Variance requested is minimum possible.**

The variances requested are not the minimum possible. As discussed above, the applicant can create a second story deck consistent with other dwellings on the street/in the neighborhood, without the need to build a roof overhang which necessitates the variances.

(d) **Need for variance(s) is due to unique circumstances peculiar to the property.**

There are no unique circumstances associated with the subject site. The subject site is a nonconforming parcel in terms of lot size and width; however, that is not an uncommon situation in lakeside properties. The existing dwelling is already nonconforming. There is no justification for making the structure more nonconforming when the applicant can build a deck without an overhang consistent with other neighboring dwellings.

(e) **Problem necessitating variance is not self-created.**

The problem necessitating the variances is self-created by the applicant's desire to build an overhang above the entire deck, rather than create an open deck, and is not due to any physical challenges or limitations on the site itself.

RECOMMENDATION AND FINDINGS

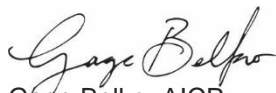
*Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals **deny** the requested variances for the property located at 600 Longpointe Drive.*

The above recommendation is based on the following findings of fact:

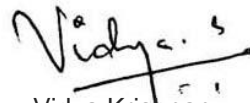
- (1) Compliance with the ordinance standards would allow the applicant to have a second story deck without an overhang which is not construed as being unnecessarily burdensome.
- (2) The existing nonconforming setback is not adequate justification for increasing the structure's nonconformity.
- (3) Approval of the variances is averse to the interests of the adjacent properties and contrary to the intent of the Zoning Ordinance and sound planning principles.
- (4) Approval of variances to building an overhang covering the deck can set a precedent for similar requests from other property owners with second story open decks.
- (5) The variances requested are not the minimum possible.
- (6) The parcel is not unique.
- (7) The need for the variances is entirely self-created.

Respectfully,

McKENNA



Gage Belko, AICP
Associate Planner



Vidya Krishnan
Senior Principal Planner

cc: Village Clerk: Susan Galezka, 21 E. Church Street, Lake Orion, MI 48362
Applicant: David Petoskey, via email: David.Petoskey@lpl.com