

HOW TO APPLY FOR A VARIANCE

FUNCTION OF THE BOARD OF ZONING APPEALS (BZA)

The Board of Zoning Appeals is a five (5)-member body, appointed by the Lake Orion Village Council pursuant to the provisions of the Village Zoning Ordinance and State Law (PA 110 of 2006, as amended; Zoning Enabling Act). The purpose of this Board is to hear appeals of determinations of the Zoning Administrator or any other administrative official in enforcing any provision of the Zoning Ordinance and to hear appeals where there are practical difficulties for dimensional variances or unnecessary hardships for use variances in carrying out the strict application of the Zoning Ordinance.

REVIEW AND APPROVAL PROCESS

The Board of Zoning Appeals meets the first and third Thursdays of every month at 7:30 p.m. in the Village Hall Council Chambers. The following outlines the steps taken in the BZA variance or review process.

- A. Submit all required documents and fees (*listed below*) to the Village Zoning Coordinator **30 days prior** to the next regularly scheduled BZA meeting.
- B. Public Notice: A notification of the requested variances or review will be mailed to all residents and property owners within 300 feet of the subject property 15 days prior to the date of the BZA hearing. The notification will be published in a newspaper of local circulation 15 days prior to the date of the BZA hearing.
- C. Consultant Review: The application will be reviewed by the Village Planning Consultant for compliance with the Zoning Ordinance standards of approval. A letter will be prepared and forwarded to the BZA and the applicant.
- D. BZA Meeting Date: The applicant and/or an agent must be present at the meeting to address any questions or concerns that may arise. Action will not be taken in the absence of the applicant or an agent.
- E. BZA Action: The BZA may deny, approve or approve with conditions any application. The affirmative vote of 3 members of the BZA is necessary to approve or approve with conditions an application. Approval of a case involving a Use Variance requires an affirmative vote of 4 members of the BZA.

Decisions of the BZA are final. However, anyone having an interest affected by the BZA decision may appeal that decision to the Oakland County Circuit Court.

Approval is valid for 12 months during which time conditions of approval must be fulfilled, and lawful construction or use begun or the approval will be null and void. Structures must be completed within 24 months after the order of the BZA or approval will be null and void.

The BZA may, upon receiving application in writing stating reasons therefore, extend either the 12 month or 24 month period for one additional 3 month period, if the request is received prior to the expiration of the variance.



Village of Lake Orion

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

REQUIRED DOCUMENTS

The following lists all documents required for a complete submittal of a BZA application for a variance or review.

A complete application and all associated documents must be submitted 30 DAYS prior to the next available meeting date to be eligible for the agenda.

1. **Completed Village of Lake Orion BZA Variance or Review Application.** *(Must be signed by Property Owner)*
2. **Proof of ownership of property.**
3. **Property owner authorization for an applicant to act on their behalf.**
4. **Project narrative.** *A letter to the BZA explaining the variance or review request.*
5. **Land survey.** *A survey prepared by a professional surveyor.*
6. **Site plan.** *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
7. **Architectural plans and elevations.** *A set of drawings illustrating the details of any proposed structures.*
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.*
9. **Payment of fees.** *See fee schedule for appropriate fees. Please make separate checks for application and escrow fees payable to the Village of Lake Orion. Additional funds will be required for additional reviews. Escrow balances will be refunded when case is closed.*

ADDITIONAL PERMIT APPLICATIONS AND PROJECT CONSULTATION

The Village Zoning Ordinance and all Village permit application packets are available at the Village of Lake Orion office Monday through Friday from 9:00am to 4:30pm. They are also available online at www.lakeorion.org.

It is highly recommended that you review your project with the Village Planning and Zoning Department prior to submittal. Please contact the Village Zoning Coordinator with any questions at (248) 693-8391 extension 107.



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BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

PROPERTY INFORMATION

Site Address: 44 East Flint St. Parcel ID #: 09-02-481-007 & 008

Parcel Size (Sq.Ft.): 13,440 sq.ft. Zoning District: DC (Downtown Center)

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

OWNER INFORMATION

Property Owner Name: JS Capitol Equities, LLC Address: 155 Romeo Rd. Ste. 300 Rochester, MI 48307

Property Owner Phone #: 248-909-7697 E-Mail: jeff.schmitz@jscapitol.com

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

Applicant Name: _____ Address: _____

Applicant Phone #: _____ E-Mail: _____

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

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 # _____

☒ 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
Section 10.05 (B.)	Fourth Story North Setback	0'-0"	10'-0"	8'-3"	1'-9"

TO BE COMPLETED BY VILLAGE STAFF - Date Received: _____

Fee: _____

Receipt #: _____

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.

~~Please see the attached narrative letter.~~

Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

~~Please see the attached narrative letter.~~

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.

~~Please see the attached narrative letter.~~

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.

~~Please see the attached narrative letter.~~

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.

~~Please see the attached narrative letter.~~

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

~~Please see the attached narrative letter.~~

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.)*

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.***

- X 1) A completed application signed by the property owner.
- X 2) Proof of ownership.
- X 3) Property owner authorization for an applicant to act on their behalf.
- X 4) Project Narrative – *A letter to the BZA explaining the variance or review request.*
- X 5) Land Survey – *A survey prepared by a professional surveyor.*
- X 6) Site Plan – *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
- X 7) Architectural plans and elevations – *A set of drawings illustrating the details of any proposed structures.*
- X 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.*
- X 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: _____

Date: 09-03-2024

Signature of Applicant: _____

Date: 09-03-24