

September 3, 2024

Village of Lake Orion  
Board of Zoning Appeals  
21 East Church St.  
Lake Orion, MI 48362

Re: 44 E. Flint / ZBA Review

On August 5, 2024 this project received Site Plan Approval with the condition of a variance request for the 4<sup>th</sup> floor 10'-0" setback that is required in the DC zoning district with the height overlay.

We have worked closely with the Planning Commission to design a building that will be a beautiful addition to Downtown Lake Orion. We are requesting a 1'-9" variance to the required 10'-0" setback found in Section 10.05(b.) of the zoning ordinance. The current building design provides deep reveals in the building façade and balconies fronting Flint St. on floors 2-4. We are requesting the variance as we feel that the current building design meets the intent of the ordinance (by providing a setback of 8'-3"), while allowing the maximum leasable space on all floors and utilizing efficient construction systems to ensure that the building can be built as designed.

Below are our answers to the "practical difficulties" items that are required for this submittal.

**DIMENSIONAL / NON-USE VARIANCE – EXPLANATION OF PRACTICAL DIFFICULTIES**

- 1. 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 proposed building utilizes deep reveals and setbacks on floors 2-3 of 8'-3" to create building interest and provides balcony/terrace space fronting Flint St. which is not a requirement of the ordinance. The 4th floor balcony/terrace walls stack on the lower floor walls for ease of construction. We feel that the current proposal meets the intent of the ordinance and does not require the top floor to take the full burden of the setback as it is present on the lower floors as well.

- 2. The variance will provide substantial justice to the applicant, as well as other property owners.**

Granting the variance requested will provide substantial justice to the applicant and surrounding property owners. The building as designed, will provide a fresh street scape view and will create extension of the downtown businesses. The small variance request of the 4th floor setback allows the building to be built efficiently while still making a statement with the overall building design.

- 3. 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 1'-9" variance request is the minimum variance needed to provide usable balconies on floors 2-4 while also providing an attractive building front on Flint St.

**4. 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.**

The property is located on corner lot located in the Downtown Center zoning district. Therefore, we felt that the building had to be designed in a way that highlights this property and helps extend the walk-ability of the downtown by creating spaces on the upper floors that allow for pedestrian activation on Flint St.

**5. 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.**

The building could be designed with a 10'-0" 4th floor setback (to comply with the zoning ordinance) but this would require floors 2 & 3 to lose the balconies to make up for the loss of space on floor 4. We feel that this would drastically affect the current building design in a negative way and want to ensure that the building is carefully designed on this prominent corner.

**6. Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.**

Granting of the variance will not impact public health, safety, comfort or welfare. The building will be designed and constructed in a manner that respects the character of downtown Lake Orion. We have taken measures with the building and parking design to lessen the impact of the variance requests while providing a high-quality project.

If you have any further comments, concerns or questions; please do not hesitate to contact me.

Thank you,

Jeff Klatt  
Principal