



MCKENNA

June 6, 2024

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

Subject : A-24-03 : 512 Longpointe Variance Requests
Parcel: OL-09-02-351-002

Board Members:

We have reviewed the above-referenced variance application submitted by Ron and Linda Roy (the “Applicant”) who propose demolishing an existing two-story single-family home and building a new three-story single-family home. The property is located on the west side of Longpointe Drive and is zoned RL, Lake Single Family Residential. The lot is legally nonconforming with respect to its area (7,200 SF required vs. 4,362 SF – including accreted land) and is 70-ft.-wide by an average of about 60-ft.-deep. An existing boat house on the property will remain.

In April and May 2019 and again in April 2020, different variances had been granted by the Board for this property; the minutes for those meetings are attached. Per Section 19.04(I), Board approval is no longer valid if the approved structures or uses are not established within 12 months. In any case, this is a different request and must be reconsidered and, as with all variance requests, all cases must be considered on an individual basis.

REQUEST

To build the proposed home, the applicant is requesting three (3) variances from the Zoning Ordinance:

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

Lake Front (West) Yard Setback:	25.0 feet minimum required 12.5 feet existing / 13.1 proposed 11.9-foot variance requested
Street Front (East) Yard Setback:	25.0 feet minimum required 0.0 feet existing / 11.7 feet proposed 13.3-foot variance requested
Maximum Building Height	30.0 feet maximum required 25.0 feet existing / 34.3 proposed 4.3-foot variance requested



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 a practical difficulties exists. To meet the test of practical difficulty, the applicant must demonstrate compliance with ALL of the following:

- (a) **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 site is zoned for single-family residential uses. Compliance with the required street and waterfront setbacks would result in a buildable area of roughly 5 ft. by 60 ft., effectively preventing the establishment of a principal permitted use on the property. Compliance with the required maximum building height, however, would not prevent the use of the property, as reasonable alternative design solutions could be employed.

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

Approval of the variances to the required setbacks would provide substantial justice to the applicant by allowing them to establish a principal permitted use on the property. This provides justice to neighboring property owners as well insofar as the Village is upholding the intent of the single-family districts to encourage construction of single-family dwellings and investment in property, thereby enhancing the neighborhood.

Approval of the variance to the maximum required height, however, would only provide justice to the applicant. Particularly on the lake, minimizing the height (and mass) of structures and preserving viewsheds is of critical importance to the Village as a whole. Upholding these standards for this property with visibility from the lake on two sides would provide substantial justice to neighboring properties and users of the lake.

- (c) **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 home is roughly 31 ft. deep by 57 ft. wide. It is likely that the requested setback variances are not the minimum possible, as the floor plans could be modified to further reduce the footprint. No room within the proposed home, except for possibly the second floor living room, appears to have a dimension larger than 25 ft.; homes on narrow (but relatively deep) lots around the lake have been built to this width, which is enough space to accommodate a hallway and any reasonably sized room. With three floors, there is plenty of opportunity to reorganize rooms, decks, and throughways to achieve a lesser variance. Similarly, but more concretely, reasonable design alternatives could bring the home into full compliance with the maximum height requirement.



- (d) **The need for variance(s) 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.**

Though regularly shaped, the subject parcel is nonconforming, as it is smaller than required for the district. While small, nonconforming lots are not uncommon around the lake, the buildable area of the lot is severely limited due to the shallowness of the property as originally platted, which is not generally applicable to other properties in the district (except for the applicant's immediate neighbors) which trend toward longer (deeper) and narrower lots. The need for a variance to the maximum building height standard is not due to any unique circumstances peculiar to the property.

- (e) **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 applicant is taking affirmative action to demolish the existing nonconforming home, rather than maintaining and upgrading, to build a larger nonconforming home. This logic holds for the requested variance for building height, which is entirely self-created, as reasonable alternative design solutions can be employed to achieve compliance. But whether through affirmative action by the applicant or some act of nature the house is lost, as mentioned above, the peculiar lot depth necessitating variances for street and waterfront setbacks is not self-created, as this is an originally platted lot (with additional accreted land) and has been rendered unbuildable by through strict compliance with the Ordinance.



RECOMMENDATION

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 **approve reduced variances** from the minimum required street and waterfront setbacks, for the proposed single-family home at 512 Longpointe, based on finding that:

- (1) Compliance with the ordinance standards for street and waterfront setbacks renders the lot unbuildable, thus preventing the establishment of a principal permitted use.
- (2) Substantial justice would be afforded to the applicant and neighbors by encouraging the construction and establishment of single family homes and uses, thereby enhancing the neighborhood.
- (3) The variances requested are not the minimum possible; the applicant must pursue alternative layouts to achieve no more than a 10-ft. variance from either setback.
- (4) The parcel is prohibitively shallow and is not characteristic of most homes within the same district.
- (5) The need for the variances is not self-created, instead arising from strict compliance with the Ordinance on an originally-platted lot.

Further, we recommend that the Board of Zoning Appeals **deny** the requested variance from the maximum required building height, based on finding that:

- (1) Compliance with the ordinance standards for maximum building height would not prevent the use of property for a permitted purpose.
- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; minimizing the height and mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate additional floors, rooms, or taller ceilings.
- (3) The variance requested is not the minimum possible; the applicant must pursue alternative designs to achieve full compliance.
- (4) The need for the variance is not due to any unique circumstances peculiar to the property.
- (5) The need for the variance is entirely self-created.

Should you have any questions, please reach out to us.

Respectfully,

McKENNA

Gage Belko, AICP
Associate Planner

Ashley E. Amey, NCI
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362
Applicant: Rob and Linda Roy, 1859 Haverhill Drive, Rochester Hills, MI 48306



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: 512 Longpointe Drive Parcel ID #: 09-02-351-002

Parcel Size (Sq.Ft.): 3825.5 Zoning District: RL

Has the property previously been approved for a variance(s)? Yes / No (If yes, indicate date: Yes (04/20/2020))

OWNER INFORMATION

Property Owner Name: Ron and Linda Roy Address: 1859 Haverhill Drive

Property Owner Phone #: 248-933-2803 E-Mail: ronlindaroy@gmail.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
4.03 B	Lake Setback	12.5 Feet	25 Feet	13.1 Feet	11.11 Feet
4.03 B	Street Setback	0 Feet	25 Feet	11.7	13.5 Feet
4.03 B	Building Height	25 Feet	30 Feet	34.3	4.3 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.

Do to the non-conforming nature and size of the lot, (70' wide x 55' deep) it is extremely challenging to design a home and adhere to the existing restrictions. When you factor in modern design concepts, heating & cooling requirements and what people want in a new lake house, these restrictions make the lot unbuildable.

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

This lot is one of the flatist lots on the street, which negates having a lower level partially underground, as many of the homes around the lake have. The designed plan would improve our direct neighbors sight lines and build a house that is in scale with our neighbors from a height perspective.

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.

By granting the proposed height variance the applicant can incorporate an elevator in the structure to allow the homeowner the ability to enjoy all levels of the structure due to her medical limitations from a multiple hip replacements and knee surgeries.

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.

Again, because of the non-conforming nature of the lot size, we have spent a great amount of time designing a home that would be functional to us, pleasing to the neighbors and allow us to spend many years in the house.

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.

The existing ordinance would render the existing structure as well as the new structure equally non-conforming to the current ordinance guidelines. The requests are modest and minimal in an effort to construct a home comparable with other newer lake homes.

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

Granting the variances will not impact or impair 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.)*

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.

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

Ronald Ray

Date: April 30th, 2024

Signature of Applicant:

Ronald Ray

Date: April 30th, 2024

To whom it may concern,

We appreciated the opportunity to petition the board back in spring 2020 and for granting our variance requests. Unfortunately, due to Linda's health, Covid, Sky-rocketing costs, labor and supply shortages we felt it was best not to proceed with the build back then. We are now in a position to move forward with this project and hope the board will see the efforts we made to build a house that will continue the beautification of the lake and re-approve our variance requests.

We hired a new architect who brought some fresh ideas and we really like what she has come up with. We actually reduced the Street Side Setback by 7' from what we originally requested. The Lake Side Setback request went up by 2' due to a 2nd level deck that was part of the new design. Otherwise the ground level actually reduced the setback by 2'. The one ask we have is regarding height, we had gotten 32.37' approved before but the new design needs 34.3'

As we reach a certain age in life there are things that become necessary. When we started looking at a 3-story house, with our age and health, we determined an elevator would probably be required in order for us to get longer use of the house. After we looked into this and what was required structurally, we had to change the layout of the house to accommodate the elevator. The elevator requires us to increase the height by 2' more than the 1'6" variance already granted.

One of the great things about living on the lake is spending time out of doors, and with our current structure, we have a wraparound porch on three sides. The front porch actually touches the road. This, and the fact that we are 1 of 3 houses at street level, allowed us to meet, entertain and enjoy lake living. While this new house won't exactly be the same, we want to continue with that lifestyle.

While we realize we are asking for a little more height, still shorter than the existing neighbors, we believe this will allow us to build a house we can live a healthy lifestyle, and adds beauty to the street and lake.

Sincerely,

Ron and Linda Roy
512 Longpointe Dr.
Lake Orion, MI
48362

2023 VILLAGE TAX STATEMENT * RETAIN THIS PORTION FOR YOUR RECORDS

**CHARTER TOWNSHIP OF ORION
2023 VILLAGE TAX STATEMENT**

Fiscal years covered by this statement
Village 07-1-2023 to 06-30-2024

PAYABLE JULY 1, 2023 - SEPT. 14, 2023

**See reverse side regarding additional penalties
and interest beginning Sept. 15, 2023.**

**All payments must be received on or before
September 14, 2023 to avoid interest.
U.S. POSTMARKS ARE NOT ACCEPTED**

ROY, RONALD
ROY, LINDA

1859 HAVERHILL DR
ROCHESTER HILLS, MI 48306-3239

Property Address

512 LONGPOINTE DR
LAKE ORION, MI 48362-2342

T4N, R10E, SEC 2 ORION IMP
COMPANY'S SUB NO 11LOT 24 BLK 9

**SEE REVERSE SIDE FOR
IMPORTANT INFORMATION**

Kimberly Urbanowski, Treasurer

248-391-0304 EXT. 8000

**MAIL TAX PAYMENTS TO:
CHARTER TOWNSHIP OF ORION
2323 JOSLYN RD
LAKE ORION MI 48360-1904**

CODE NO.	*P.R.E. TAX BASE	PARCEL I.D. NUMBER	SCHOOL DIST.
	0	OL-09-02-351-002	63230
*DECLARED AS P.R.E.	*NON-P.R.E. TAX BASE	TAXABLE VALUE	STATE EQUALIZED VALUE
0.0000	110,820	110,820	155,020
TAX DESCRIPTION		BASE PER \$1,000	AMOUNT
GENERAL OPERATE		9.78440	1,084.30
VILLAGE POLICE		2.89120	320.39
<p style="font-size: 1.2em; color: #000080;">Paid 8/31/23 CK# 6070</p> <p style="font-size: 0.8em; margin-top: 20px;">*P.R.E. - Principal Residence Exemption</p> <div style="text-align: center; color: #C00000; font-weight: bold; font-size: 1.5em;">PAID</div> <p style="color: #C00000; font-weight: bold; font-size: 1.2em;">AUG 31 2023</p> <p style="color: #C00000; font-weight: bold; font-size: 1.1em;">Charter TWP of Orion Treasurer's Office</p>			
TOTAL	Int/Penalty	Total Paid	Balance Due
1,404.69			1,404.69

PROPERTY DESCRIPTION
 512 LONGPONT DRIVE, LAKE OREGON, OR 97143

THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE TO ANY EXISTING OR ADJACENT PROPERTY OR FOR ANY COSTS INCURRED BY THE CLIENT IN OBTAINING PERMITS AND APPROVALS. THE DESIGNER'S SERVICES ARE LIMITED TO THE DESIGN OF THE RESIDENCE AND DO NOT INCLUDE CONSTRUCTION OF THE RESIDENCE OR ANY OTHER STRUCTURES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE TO ANY EXISTING OR ADJACENT PROPERTY OR FOR ANY COSTS INCURRED BY THE CLIENT IN OBTAINING PERMITS AND APPROVALS. THE DESIGNER'S SERVICES ARE LIMITED TO THE DESIGN OF THE RESIDENCE AND DO NOT INCLUDE CONSTRUCTION OF THE RESIDENCE OR ANY OTHER STRUCTURES.

PROPOSED LOT COVERAGE

AREA OF PARCEL 00.00.00.000
 = 4,320 S.F.

AREA OF PARCEL 00.00.00.000
 TO WATER'S EDGE
 = 4,320 S.F.

AREA OF PROPOSED RESIDENCE
 AND GARAGE
 = 1,500 S.F.

AREA OF COVERED FRONT PATIO
 = 180 S.F.

AREA OF DECK AND STEPS TO
 BOAT HOUSE
 = 450 S.F.

TOTAL LOT COVERAGE
 PROPOSED (24,320 S.F.)
 = 1,600 S.F.

PROPOSED LOT COVERAGE 1,600 / 24,320 = 6.58%

MAXIMUM LOT COVERAGE ALLOWED = 40%

PROPOSED SETBACKS

MEASURED	REQUIRED	VARIANCE
FRONT 20'	11'-7"	13'-5"
SOUTH-SIDE 5'	6'-0"	N/A
NORTH-SIDE 5'	7'-0"	N/A
WATERFRONT 20'	15'-1"	11'-11"

PROPOSED BALCONY HEIGHT

MAX. ALLOWED	PROPOSED	VARIANCE
8'-0"	8'-3"	4'-3"

- NOTES**
- The existing 8' x 10' deck and 4' x 6' deck remain in place as shown on this sheet.
 - The existing existing deck will not be water sealed and will remain on the existing concrete.
 - The deck will be water sealed with a water sealant.
 - The deck will be water sealed with a water sealant.
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 - The deck will be water sealed with a water sealant.
 - The deck will be water sealed with a water sealant.

SURVEY PREPARED BY
LAND SURVEYORS, INC.
 1300 W. LAKE DRIVE
 LAKE OREGON, OR 97143
 CH 6228-2241

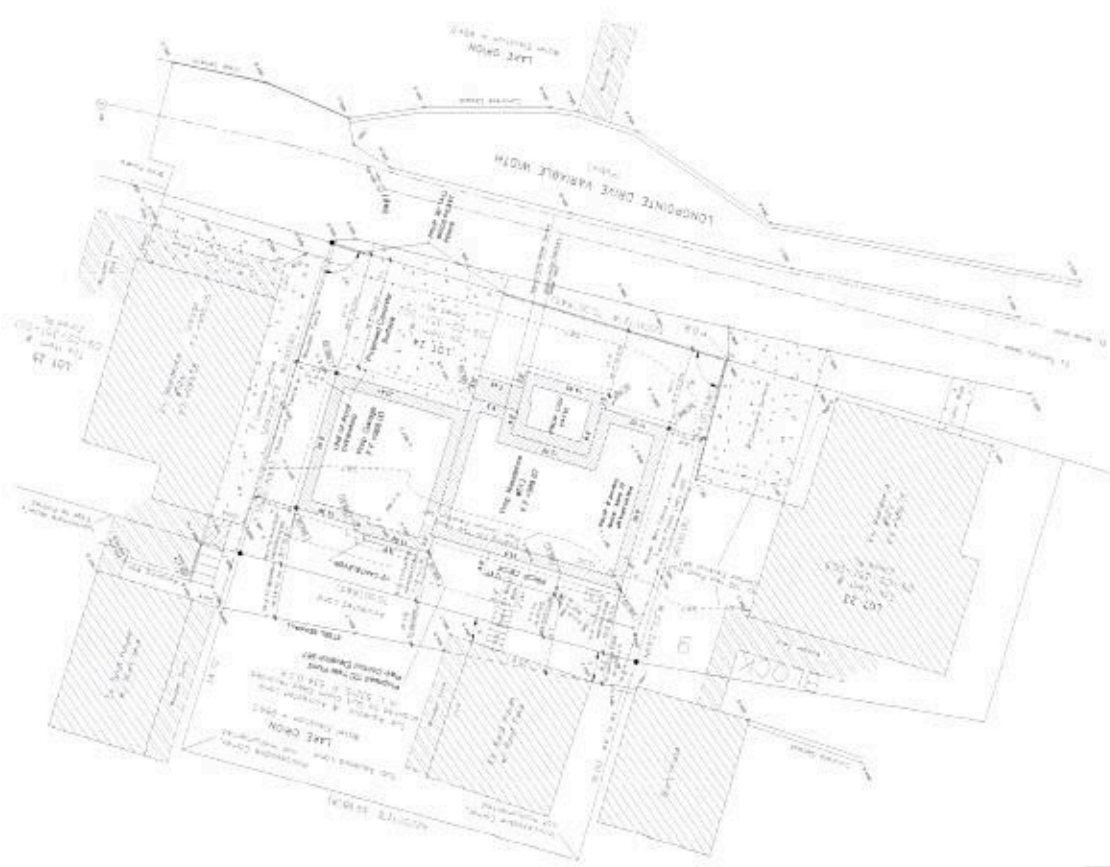


ADDRESS
 512 LONGPONT DRIVE
 LAKE OREGON, OR 97143
 TEL: 503.438.1000
 FAX: 503.438.1001
 www.jja.com

SCALE
 1/8"=1'-0"

PROPOSED PLOT PLAN
 SCALE: 1" = 10'-0"

- LEGEND**
- PROPOSED CONSTRUCTION
 - EXISTING CONSTRUCTION
 - EXISTING DRIVE
 - EXISTING PATIO
 - EXISTING DECK
 - EXISTING STEPS
 - EXISTING FENCE
 - EXISTING WALL
 - EXISTING WINDOW
 - EXISTING DOOR
 - EXISTING LIGHT
 - EXISTING PLANT
 - EXISTING TREE
 - EXISTING SHRUB
 - EXISTING BUSH
 - EXISTING HERB
 - EXISTING VINE
 - EXISTING WOOD
 - EXISTING METAL
 - EXISTING PLASTIC
 - EXISTING RUBBER
 - EXISTING GLASS
 - EXISTING CERAMIC
 - EXISTING STONE
 - EXISTING BRICK
 - EXISTING CONCRETE
 - EXISTING ASPHALT
 - EXISTING GRAVEL
 - EXISTING SAND
 - EXISTING SOIL
 - EXISTING ROCK
 - EXISTING VEGETATION
 - EXISTING WATER
 - EXISTING SWAMP
 - EXISTING MUD
 - EXISTING SLUDGE
 - EXISTING SILT
 - EXISTING CLAY
 - EXISTING SANDSTONE
 - EXISTING LIMESTONE
 - EXISTING GNEISS
 - EXISTING GRANITE
 - EXISTING QUARTZITE
 - EXISTING METAMORPHIC
 - EXISTING IGGNEOUS
 - EXISTING SEDIMENTARY
 - EXISTING METAMORPHIC
 - EXISTING IGGNEOUS
 - EXISTING SEDIMENTARY

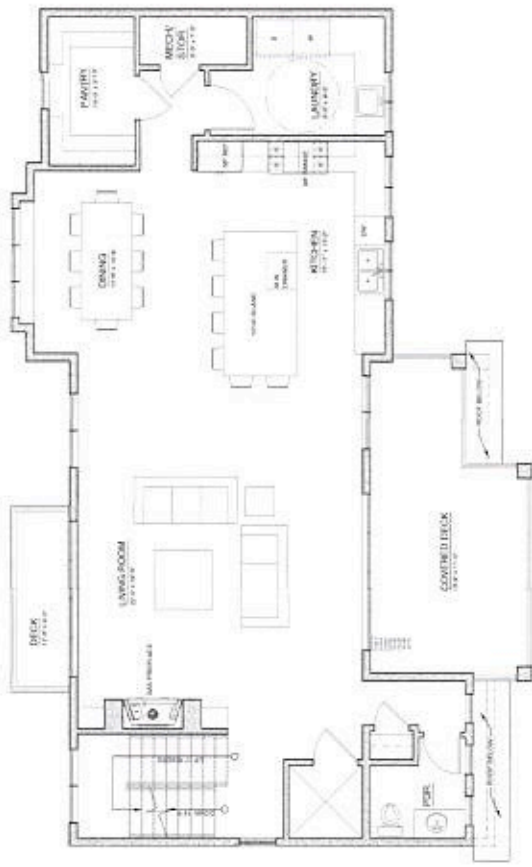


BENCHMARK (BM)

BM 1 = 512 LONGPONT DRIVE
 BM 2 = 512 LONGPONT DRIVE
 BM 3 = 512 LONGPONT DRIVE
 BM 4 = 512 LONGPONT DRIVE
 BM 5 = 512 LONGPONT DRIVE
 BM 6 = 512 LONGPONT DRIVE
 BM 7 = 512 LONGPONT DRIVE
 BM 8 = 512 LONGPONT DRIVE
 BM 9 = 512 LONGPONT DRIVE
 BM 10 = 512 LONGPONT DRIVE

ISSUE DATE:	11/11/10
DATE:	11/11/10
PROJECT:	ROY RESIDENCE
CLIENT:	D. JONES
ARCHITECT:	D. L. JONES & ASSOCIATES ARCHITECTS, P.L.L.C.
SCALE:	AS SHOWN

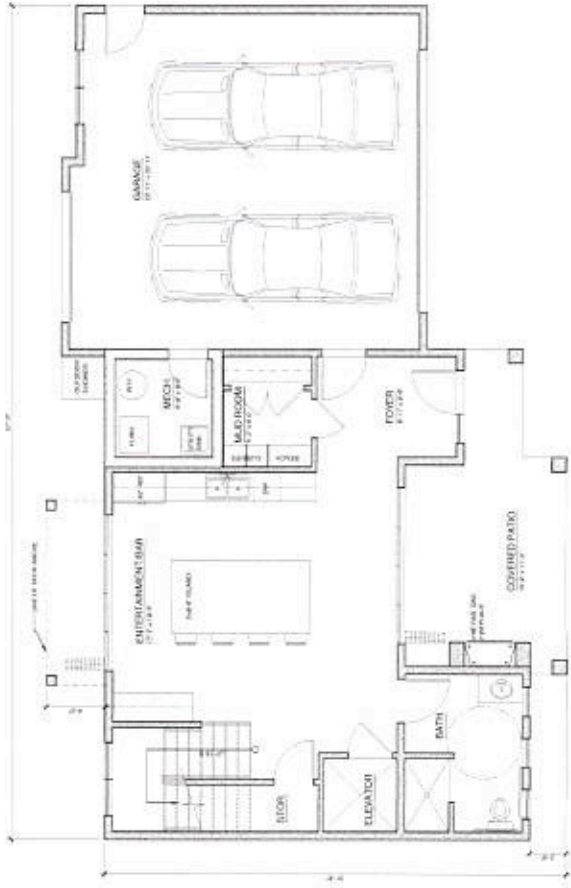
SCALE:	AS SHOWN
DESIGNER:	D. JONES
ARCHITECT:	D. L. JONES & ASSOCIATES ARCHITECTS, P.L.L.C.
SHEET NO.:	1 OF 2



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"



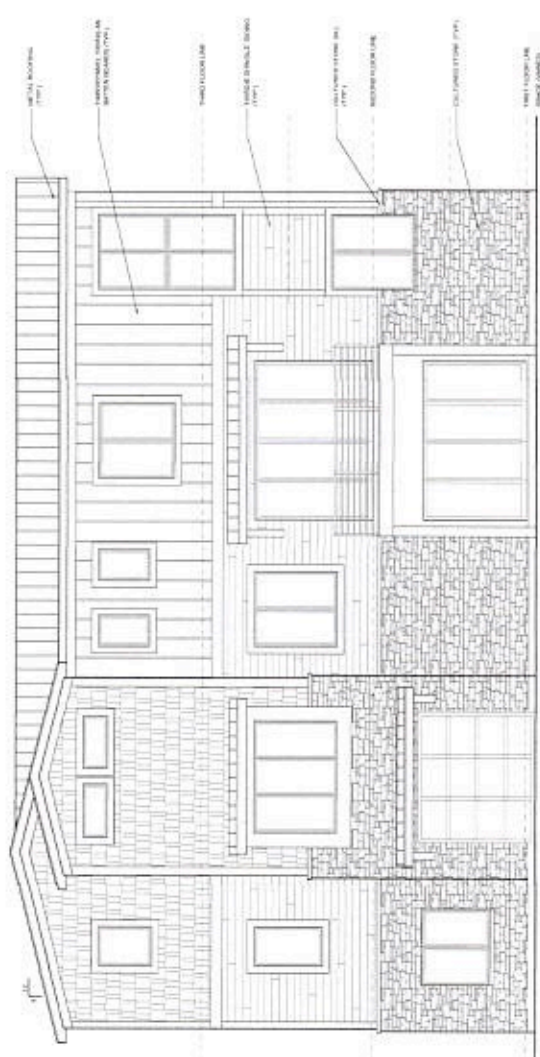
PROPOSED THIRD FLOOR PLAN
 SCALE: 1/4" = 1'-0"



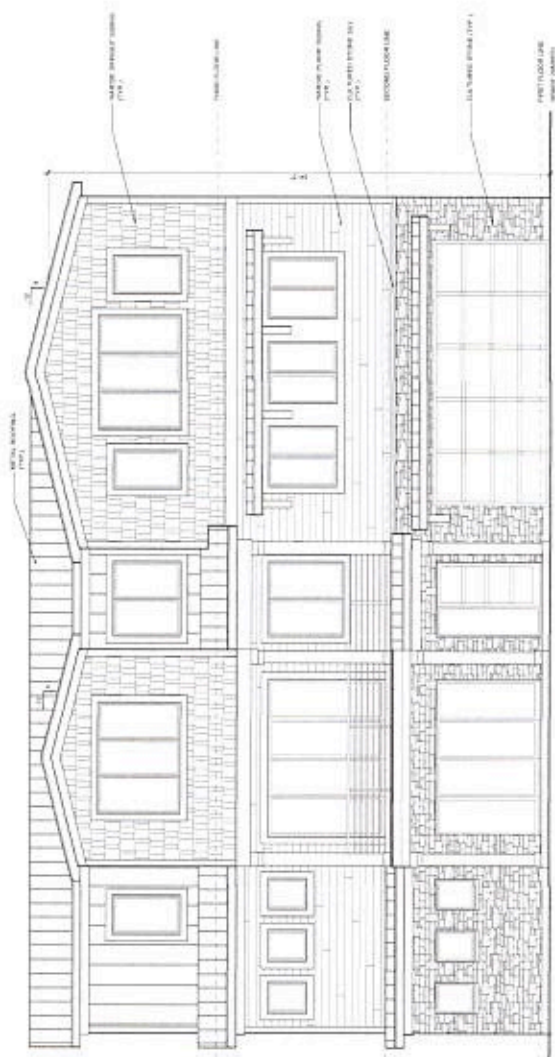
PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

ISSUE DATES	
NO. 01	ISSUE DATE

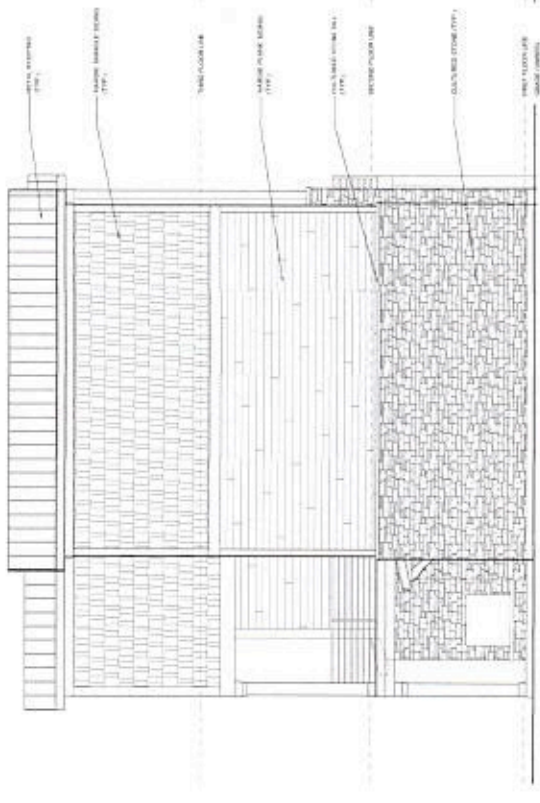
SEAL
 D. JONES
 25.004
 SHEET NO.



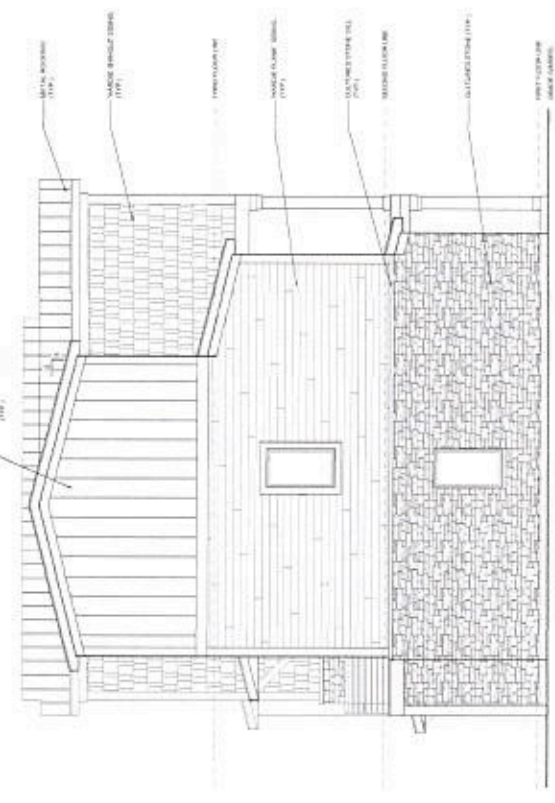
PROPOSED FRONT (LAKE) ELEVATION
 SCALE: 1/4" = 1'-0"



PROPOSED FRONT (ROAD) ELEVATION
 SCALE: 1/4" = 1'-0"



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



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

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2019 SEP -6 PM 2:02

144639
LIBER 53215 PAGE 53
\$26.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$4.30 TRANSFER TX COMBINED
09/06/2019 02:24:28 P.M. RECEIPT# 102926
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

Quit Claim Deed

KNOW ALL MEN BY THESE PRESENTS: CARL R. RUEBELMAN, of 634 Oxford Oaks Court, Oxford, Michigan 48362

QUIT CLAIMS to RONALD R. ROY and LINDA A. ROY, Husband and Wife

all right title and interest, inclusive of such rights secured by virtue of exclusive, open, notorious, uninterrupted use, occupancy, improvement and possession to the full extent of the borders and acquiescence in and to the following described property situated in the Township of Orion, County of Oakland, and State of Michigan legally described as:

Part of the Southwest 1/4 of Section 2, Town 4 North, Range 10 East, Village of Lake Orion, Oakland County, Michigan. Being more particularly described as commencing at the East 1/4 corner of said Section 11, Town 4 North, Range 10 East, Village of Lake Orion, Oakland County, Michigan; thence South 80°54'20" West 2349.00 feet along the East-West 1/4 line of said Section 11 to the Center of said Section 11; thence North 31°39'19" West 4180.81 feet to the southwest corner of Lot 24, Block 9 of "ORION IMPROVEMENT COMPANY'S SUBDIVISION NO. 1" as recorded in Liber 4 of Plats, on page 19 of Oakland County Records; thence North 69°27'53" West 54.00 feet along the southwesterly line of said Lot 24 to the northwest corner of said Lot 24 and the Point of Beginning; thence proceeding North 69°27'53" West 36.00 feet on an extension of the southwesterly line of said Lot 24; thence North 20°31'12" East 69.98 feet to a point on the extension of the northeasterly line of said Lot 24; thence South 69°29'05" East 34.70 feet along the extension of the northeasterly line of said Lot 24 to the northeast corner of said Lot 24; thence South 19°27'21" West 70.00 feet along the northeasterly line of said Lot 24 to the Point of Beginning. Containing 2,478 Square Feet or 0.057 of an Acre (Gross Area). Reserved therefrom all easements and right of ways of record.

Part of Tax Parcel No. ^{1#24} 09-02-351-002

lake orion
pt. 09-02-306-002

**and Part of lot 24
Orion Imp Co's
Sub No. 1*

More Commonly Known as 512 Longpointe Drive, Lake Orion, MI 48362

for the full consideration of Three Hundred and No/100 (\$300.00) Dollar

Dated: August 2⁹, 2019

Grantor:

Carl R. Ruebelman
CARL R. RUEBELMAN

STATE OF MICHIGAN	REAL ESTATE
OAKLAND	TRANSFER TAX
9/06/2019	\$1.55 CD
102926	\$3.75 SF
	1228877*

State of Michigan)
)ss
County of Oakland)

*IP
CS*

The foregoing instrument was acknowledged before me on the 29TH day of August, 2019, by CARL R. RUEBELMAN,

My Commission Expires:

M.L. TRIBISONDI
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jun 6, 2025
ACTING IN COUNTY OF OAKLAND

M.L. Tribisondi

Acting in Oakland County, Michigan

-Notary Public

KENNEDY SURVEYING, INC.

105 N. Washington St.
Oxford, Michigan 48371
CERTIFIED SURVEY

Phone (248) 628-4241
Fax (248) 628-7191

Certified Exclusively To: Ron & Linda Roy

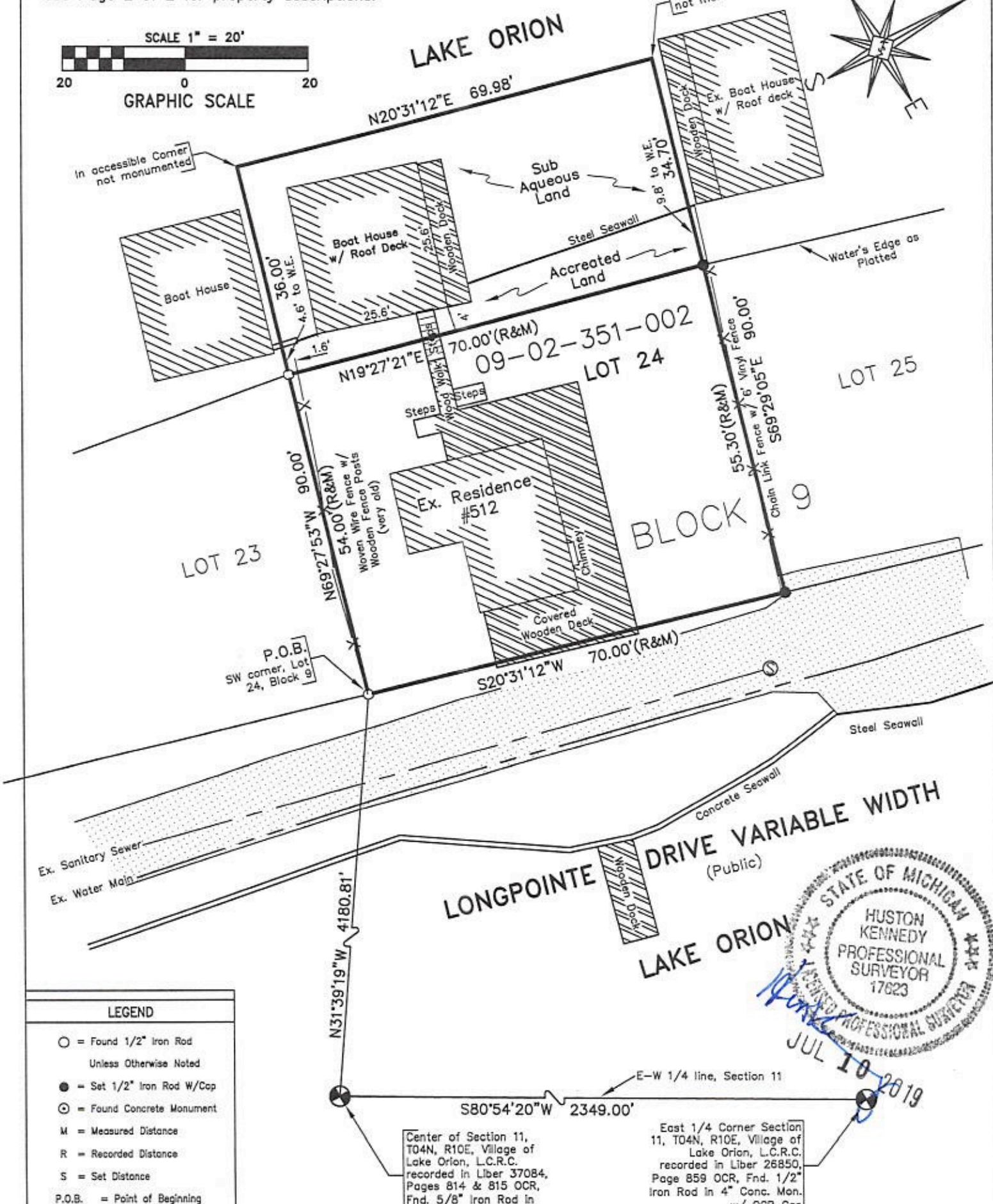
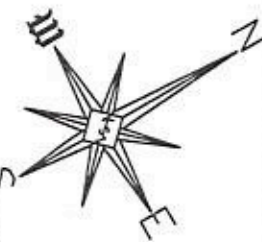
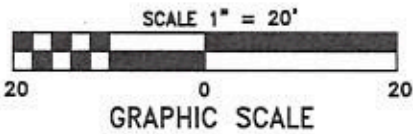
Date: July 10, 2019

Address: 1850 Havenhill Drive, Rochester Hills, Michigan 48306

Job No. 18-8122 Page 1 of 2

This is to certify that I, [Signature], Licensed Professional Surveyor, on this date have surveyed and mapped the land platted below, and that the relative positional precision of the corner identified for this survey and shown on the map are within the limits accepted by the practice of Professional Surveying. I certify that the requirements for 1970 PA 132, MCL 54.213 have been met.:

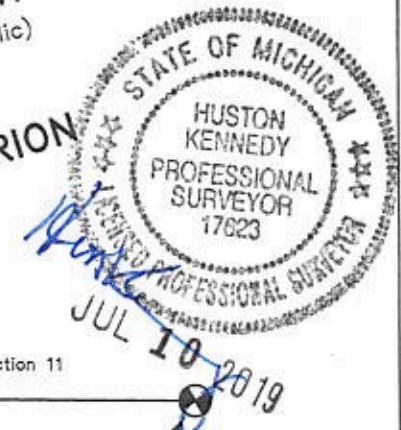
See Page 2 of 2 for property descriptions.



LEGEND	
○	= Found 1/2" Iron Rod Unless Otherwise Noted
●	= Set 1/2" Iron Rod w/Cap
⊙	= Found Concrete Monument
M	= Measured Distance
R	= Recorded Distance
S	= Set Distance
P.O.B.	= Point of Beginning
—	= Ex. Fence Line
DWG No. 18-81223	
Drawn By: SST	

Center of Section 11,
T04N, R10E, Village of
Lake Orion, L.C.R.C.
recorded in Liber 37084,
Pages 814 & 815 OCR,
Fnd. 5/8" Iron Rod in
Mon. Box

East 1/4 Corner Section
11, T04N, R10E, Village of
Lake Orion, L.C.R.C.
recorded in Liber 26850,
Page 859 OCR, Fnd. 1/2"
Iron Rod in 4" Conc. Mon.
w/ OCR Cap



This survey was done without the benefit of a Title Policy, therefore, all easements of record and other factors relevant to title may not be shown.

When Recorded Please
Return Original(s) To:
Kennedy Surveying, Inc.
105 N. Washington St.
Oxford, Michigan 48371

April 9, 2020

Board of Zoning Appeals
Village of Lake Orion
21 E. Church Street
Lake Orion, Michigan 48362

Subject: A-20-01 Roy Residence / 512 Longpointe; Variance Review #1
See Exhibit A prepared by Village Administration for list of materials reviewed

Dear Board Members,

We have reviewed the above referenced variance application submitted by Ron and Linda Roy to demolish an existing dwelling and replace it with a new dwelling and attached garage. The site is located on the west side of Longpointe Drive, and is zoned the RL (Residential Lake One Family Dwelling) district. The parcel is non-conforming with respect to the minimum lot area for the district.

VARIANCES

The proposal requires the following variances from the Zoning Ordinance:

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

- Front Yard Setback - 25.00 feet minimum required
- 6.10 feet proposed (to deck overhang)
- 18.90 foot variance requested

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

- Waterfront Yard Setback - 25.00 feet minimum required
- 15.10 feet proposed (to rear overhang to seawall)
- 9.90 foot variance requested

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

- Building Height - 30.00 feet maximum allowed
- 32.37 feet proposed (32' 4 1/2")
- 2.37 foot variance requested

COMMENTS

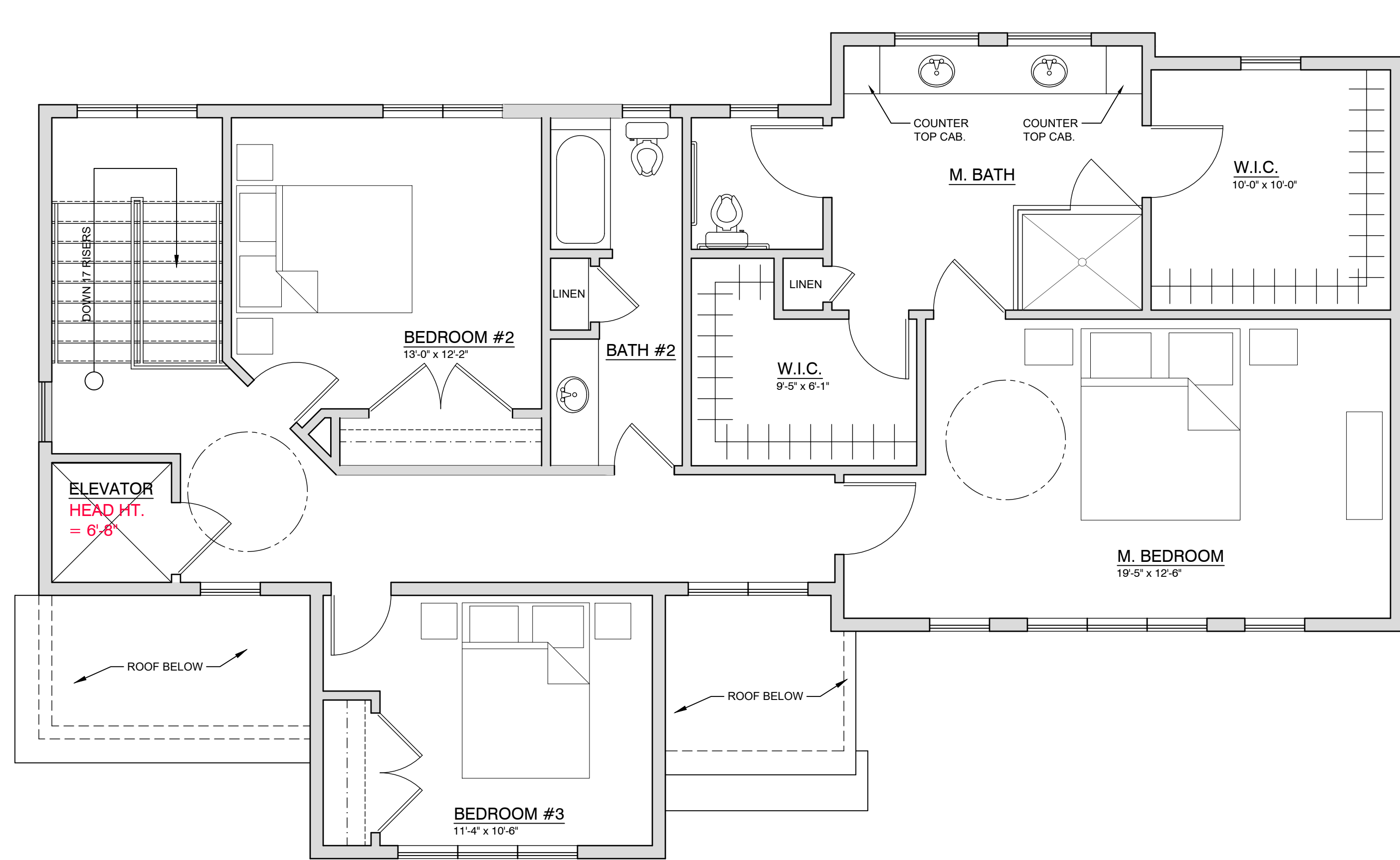
Per Section 19.04.D.1 of the Village's Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional or non-use variance upon a finding 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. The subject lot has a lot width of 70 feet, but a lot depth of only 55.30 feet which results in a lot

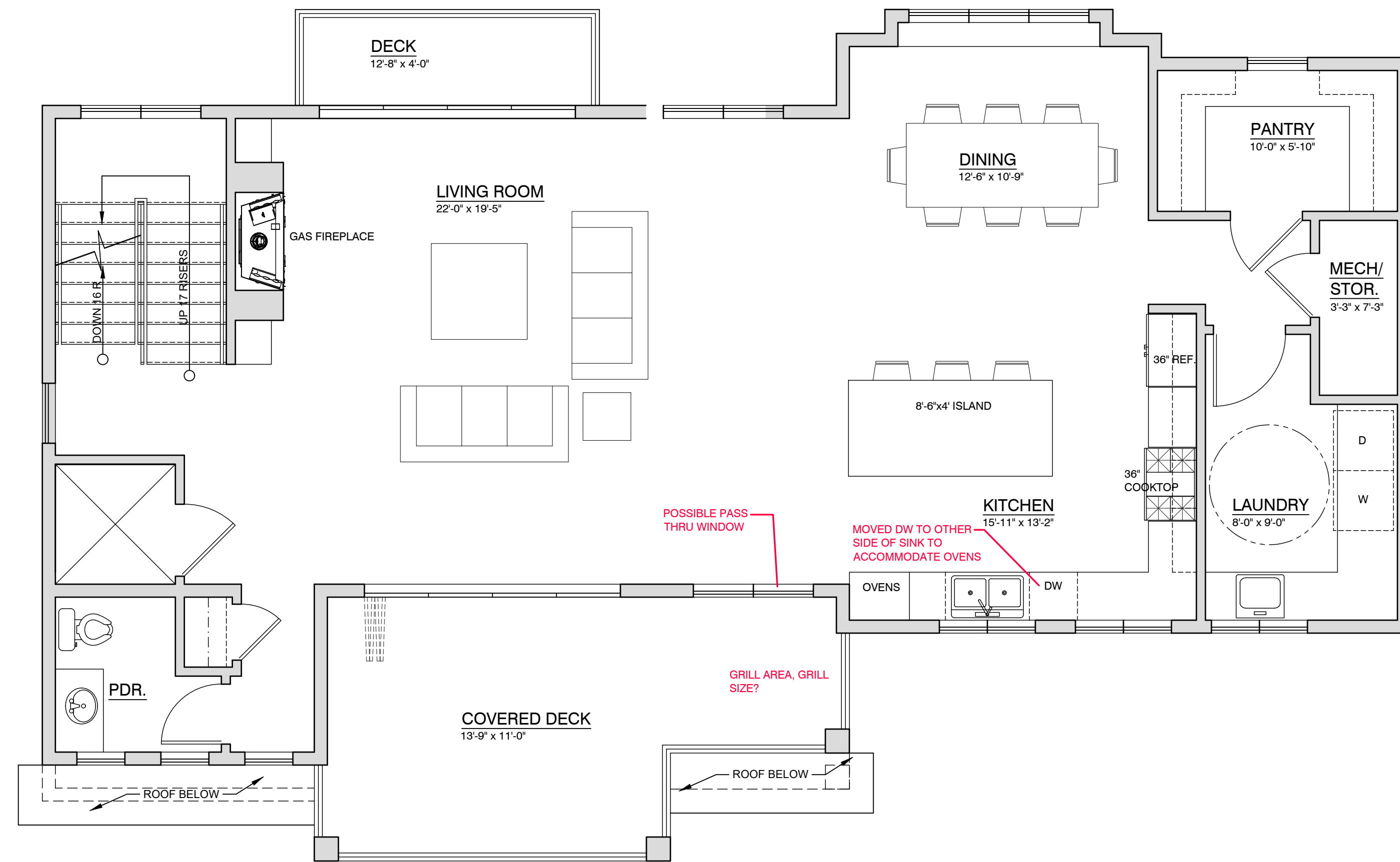
HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

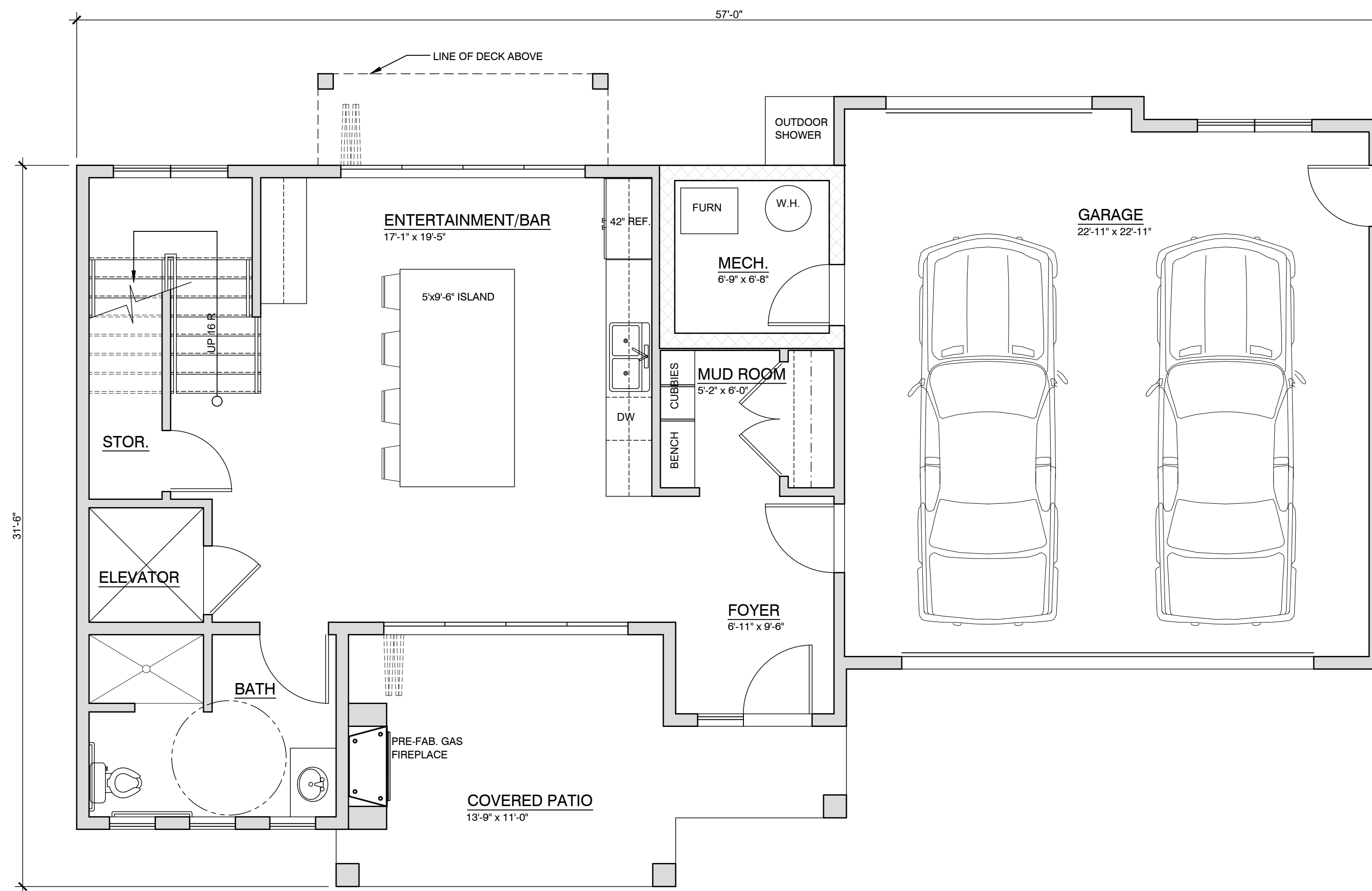
Communities for real life.



PRELIMINARY THIRD FLOOR PLAN - OPTION B
SCALE: 1/4" = 1'-0"



PRELIMINARY SECOND FLOOR PLAN - OPTION B
SCALE: 1/4" = 1'-0"



PRELIMINARY FIRST FLOOR PLAN - OPTION B
SCALE: 1/4" = 1'-0"

FIRST FLOOR - 821 S.F.
SECOND FLOOR - 1,396 S.F.
THIRD FLOOR - 1,429 S.F.
FIRST FLOOR COV. PATIO - 186 S.F.
SECOND FLOOR COV. DECK - 156 S.F.
TOTAL: 3,646 S.F. + 186 S.F. OF COV. PATIO AND 156 S.F. OF COV. DECK

PRELIMINARY - NOT FOR CONSTRUCTION

D. L. JONES & ASSOCIATES ARCHITECTS, P. L.L.C.
ARCHITECTURE PLANNING INTERIOR DESIGN
1501 HARWOOD
OAKLAND, CA 94612
(415) 763-2000
DLJONESARCHT@SBGLOBAL.NET

CONSULTANT

OPTION B
PRELIMINARY FLOOR PLANS
ROY RESIDENCE
512 LONGPOINTE DRIVE
LAKE ORION, MI

ISSUE DATES	
DESIGN	10-20-2023
DESIGN	12-28-2023
DESIGN	1-16-2024

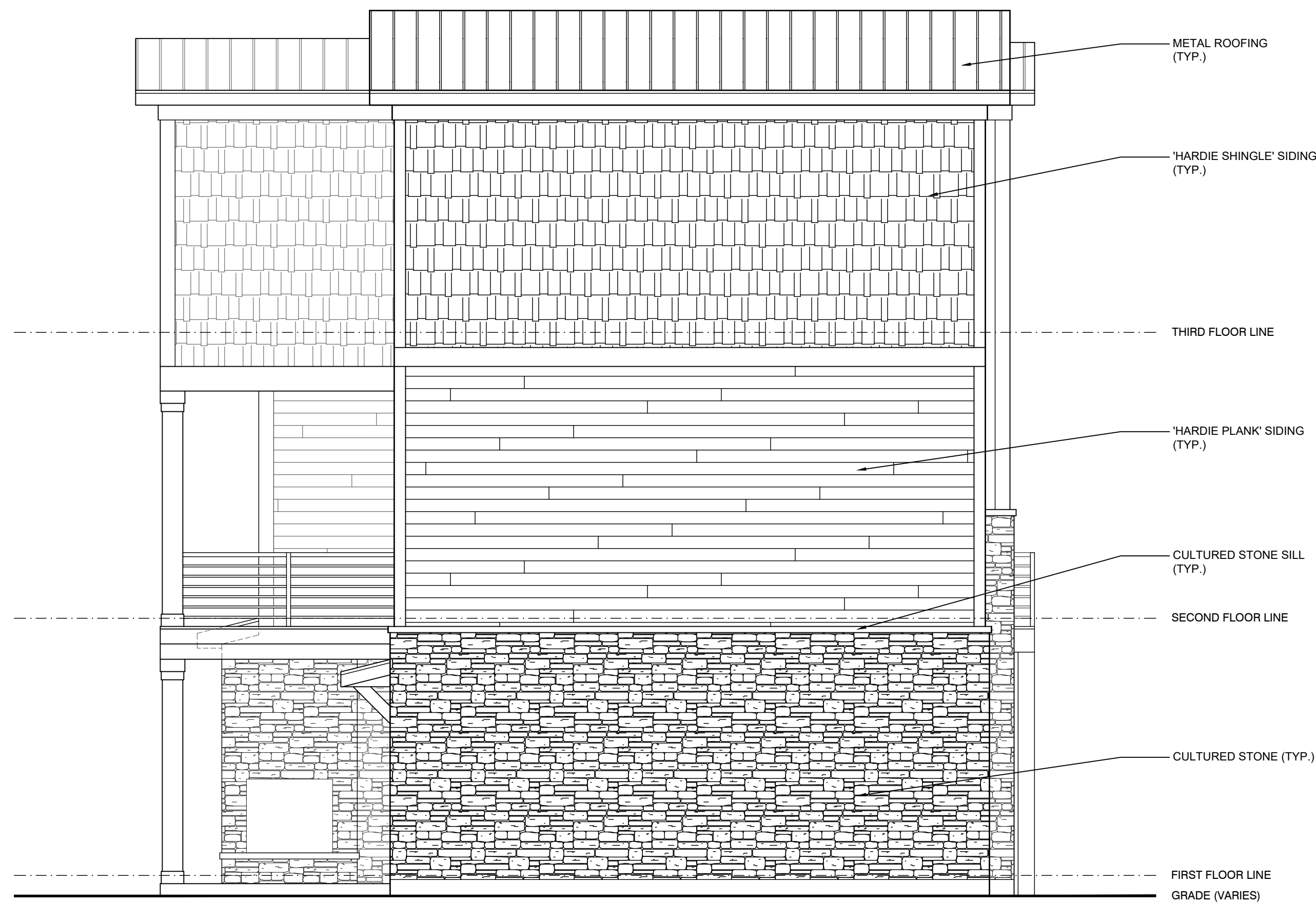
SEAL

APPROVED

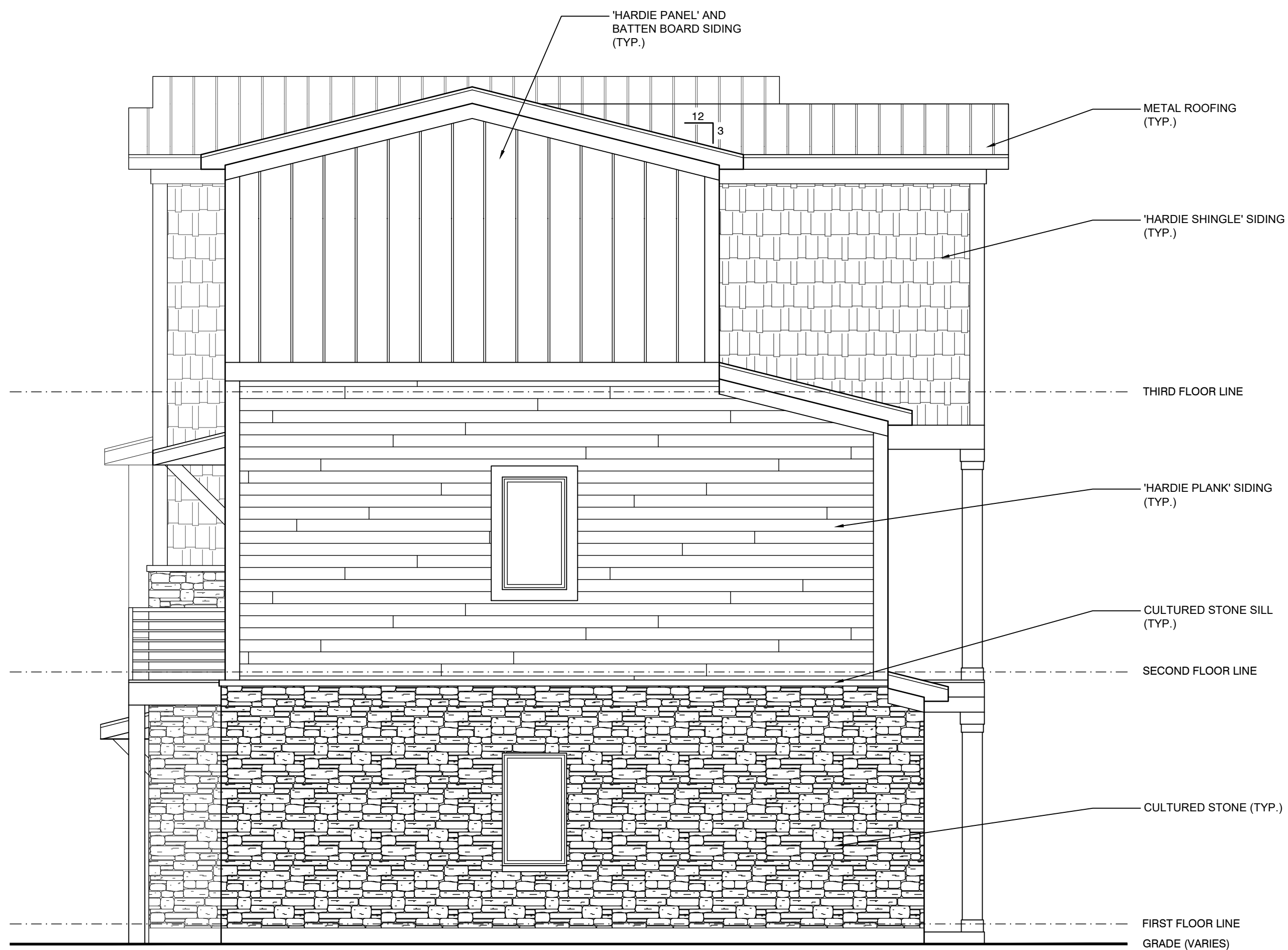
DRAWN
D. JONES

JOB NO.
23-004

SHEET NO.
2 OF **4**



PRELIMINARY RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



PRELIMINARY LEFT ELEVATION
SCALE: 1/4" = 1'-0"



PRELIMINARY FRONT (ROAD) ELEVATION
SCALE: 1/4" = 1'-0"



PRELIMINARY FRONT (ROAD) ELEVATION
SCALE: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

D. L. JONES & ASSOCIATES ARCHITECTS, P. L. L. C.
ARCHITECTURE PLANNING INTERIOR DESIGN
1551 HARWOOD
OKLAHOMA CITY, MO 73104
DLJONESARCHT@SBCGLOBAL.NET

CONSULTANT

OPTION B
PRELIMINARY ELEVATIONS
ROY RESIDENCE
512 LONGPOINTE DRIVE
LAKE ORION, MI

ISSUE DATES	
DESIGN	10-20-2023
DESIGN	12-28-2023
DESIGN	1-16-2024

SEAL

APPROVED

DRAWN
D. JONES

JOB NO.
23-004

SHEET NO.
3 OF 4



PRELIMINARY SOUTHWEST VIEW
NO SCALE



PRELIMINARY NORTHEAST VIEW
NO SCALE

PRELIMINARY - NOT FOR CONSTRUCTION

D. L. JONES & ASSOCIATES ARCHITECTS, P.L.L.C.
ARCHITECTURE PLANNING INTERIOR DESIGN
1551 HARWOOD
ORION, MI 48362-2004
DLJONESARCHT@SBCGLOBAL.NET

CONSULTANT

OPTION B
PRELIMINARY ELEVATIONS
ROY RESIDENCE
512 LONGPOINTE DRIVE
LAKE ORION, MI

ISSUE DATES	
DESIGN	10-20-2023
DESIGN	12-28-2023
DESIGN	1-16-2024

SEAL

APPROVED

DRAWN
D. JONES

JOB NO.
23-004

SHEET NO.
4 OF 4



MINUTES

REGULAR MEETING OF THE LAKE ORION BOARD OF ZONING APPEALS

Thursday, April 4, 2019

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, April 4, 2019 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 Jeffrey Sutherland at 7:30 PM followed by the Pledge of Allegiance.

2. Roll Call and Determination of Quorum

Attendee Name	Organization	Title	Status	Arrived
Jeffrey Sutherland	Village of Lake Orion	Chairperson	Present	
Brenton Bailo	Village of Lake Orion	Vice Chairperson	Present	
Bradley Mathisen	Village of Lake Orion	Secretary	Excused	
Mary Chayka-Crawford	Village of Lake Orion	Board Member	Present	
Robert Reighard	Village of Lake Orion	Board Member	Present	
Natalie M. Daversa	Village of Lake Orion	Alternate Member	Excused	

STAFF PRESENT: Greg Elliott, Village Planner
Joe Young, Village Manager
Susan McCullough, Recording Secretary

3. Designation of Alternate, as necessary

4. Approval of Agenda

Motion to: approve the Thursday, April 4, 2019 Zoning Board of Appeals Agenda.

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Brenton Bailo, Vice Chairperson
SECONDER:	Robert Reighard, Board Member
AYES:	Jeffrey Sutherland, Brenton Bailo, Mary Chayka-Crawford, Robert Reighard
EXCUSED:	Bradley Mathisen, Natalie M. Daversa

5. Approval of Minutes

Regular Meeting Minutes - February 21, 2019

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Chayka-Crawford, Board Member
SECONDER:	Robert Reighard, Board Member
AYES:	Jeffrey Sutherland, Brenton Bailo, Mary Chayka-Crawford, Robert Reighard
EXCUSED:	Bradley Mathisen, Natalie M. Daversa

RESOLVED: To approve the Board of Zoning Appeals regular meeting Minutes of February 21, 2019 as presented.

6. Public Comments on Non-Agenda Items Only

Let the record show, no public comments were received on non-agenda items.

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

Chairman Sutherland reviewed the procedures for handling appeals as follows:

- Summary of the Case by the Village Planner
- Applicant's Presentation
- Public Hearing
- Planner Recommendation
- Deliberation and Action by the Board of Zoning Appeals

8. Action Items

- A. Case No. A-19-05 - 512 Longpointe Drive

1. Planner's Presentation

Village Planner Greg Elliott stated that the applicant proposed to demolish an existing residential dwelling and construct a new single-family dwelling with

attached garage. The site is located on the west side of Longpointe Drive, and is zoned the RL (Residential Lake One Family Dwelling) district. The parcel is non-conforming with respect to the minimum lot area requirement for the district. He stated that three variances are requested from the Zoning Ordinance, for Front (Street) Yard Setback, Front (Lake) Yard Setback, and Building Height. Because the first requested variance for Front (Street) Yard Setback was mis-noticed as requiring an 8.10 foot variance and should have stated that it required an 8.9 foot variance, the Board cannot take action on this request and the matter will require postponement until the May 2, 2019 meeting in order to comply with the 15-day notice requirement. He further reviewed the application in relationship to the following factors:

- 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. The subject lot has an area of 3,825.5 square feet, and a lot width of 70 feet, which makes it conforming with respect to lot width but non-conforming with respect to lot size. The applicant is proposing to demolish the existing residential dwelling and construct a new single-family dwelling with an attached garage. Per the applicant, the structure was a summer cottage and the property owners would now like to construct a full-time residence. With a lot width that complies, but a lot depth of only 55 feet, compliance with the setbacks would render the parcel unbuildable. The subject site is a rectangle with the wider side facing the street, and the narrower side being the depth. As a result, the structure constructed on the lot is wider than deeper. The applicant's justification in requesting the height increase is to build an "attractive and efficient new home." The applicant also contends that the additional height is necessary due to the flat grade of the lot. Due to the lot's visibility from the lake on both the east and west sides, the building mass will be highly visible on the lake. The applicant has not yet presented any information on a possible modification of the roof pitch to allow for compliance with building height or reducing the requested variance. Compliance with the Ordinance standards for front and lake yard setbacks would render the parcel unbuildable which would be unnecessarily burdensome; however, compliance with building height standards would only result in marginally lower ceiling heights and/or an altered roof pitch, neither of which can be construed as being unnecessarily burdensome.
- b) The variance will provide substantial justice to applicant as well as property owners. Approval of the setback variance will provide substantial justice to the applicant by allowing them to construct a new dwelling with attached

garage to meet their needs and desires, and is not adverse to the interests of other property owners in the neighborhood. The proposed dwelling is in compliance with the side yard setbacks which is important for maintaining access in the event of an emergency. The property is also the second to last parcel on the Lakepointe peninsula, and the larger dwelling is not likely to negatively impact any lines of sight on the street. Approval of a variance from building height will provide the applicant with substantial justice, but may be adverse to the Village's Zoning Ordinance as a whole, if a variance is granted without adequate justification on why the structure cannot be lowered or roof pitch altered. Approval of a height variance will create an impression of a much larger structure on the lake since the parcel has lake views on the east and west sides, and can set a precedent for similar requests from other property owners.

- c) Variance requested is minimum possible. The variance requested from front and lake yard setback is reasonable. The setback is to the overhang of a front porch which is only four (4) feet wide. Eliminating the porch to increase the setback will not allow the applicant to have a proper entry to the main dwelling. The variance from building height could possibly be minimized or eliminated altogether with a marginal reduction in the ceiling height of each floor and a modification of roof pitch (unless the applicant can present information or justification as to why such changes cannot be made).
- d) Need for variance(s) is due to unique circumstances peculiar to the property. The need for variances is partly due to the small size and orientation of the lot. The lake side is characterized by several narrow and deep lots, while the subject site is challenged by a shallow depth. While not unique to this site, it is a characteristic common to many parcels on Longpointe Drive.
- e) Problem necessitating variance is not self-created. The problem necessitating the variances from setbacks is not self-created. The problem necessitating the variance from building height is to some extent self-created by the applicant's desire to build a taller dwelling with "ceiling heights in common in modern construction."

2. Applicant Presentation

Ed Sabol of Island Pointe Building Company, Inc. was in attendance representing the property owners, Ron and Linda Roy. Mr. Sabol stated that the depth of the property would render the site unbuildable without a variance. Regarding the height of the residence, Mr. Sabol explained that the lot is flat, rendering it

impossible to lower the house and construct a walkout. He further explained that adjusting the pitch of the roof would be difficult because current building code requires certain accommodation for the insulation. He further stated that decreasing the pitch of the roof would cause the roof to not shed rain and snow efficiently. The 1.5-foot variance request is very minimal considering the issues that changing the pitch would cause to the structure and surrounding property. Mr. Reighard stated that he does not have an issue with the 1.5-foot variance that is requested but asked whether Mr. Sabol had considered changing the configuration of the trusses. Mr. Sabol stated that it would be possible in theory; however, it would compromise the integrity of the structure and would also cause the structure to look different from those in the surrounding area. Dr. Bailo asked if the structure is within the lot coverage standard. Mr. Sabol stated that it is just below the maximum standard.

3. Public Hearing

Chairman Sutherland opened the Public Hearing at 8:04 p.m.

Doug Dendel, 520, 544, 552 Longpointe, stated that he is a fourth-generation owner on Longpointe. Mr. Dendel informed the Board of the history of the homes on Longpointe. He agreed that the flat grade of this property does not allow for the builder to lower the height by including a walkout feature. He further agreed that building codes have changed, requiring a lot of compliance that take up space. He feels that this is a nice design that fits with the neighboring homes on Longpointe and he has no objection to the requested variances.

Seeing no other public input, Chairman Sutherland closed the Public Hearing at 8:18 p.m.

4. Planner Recommendation

Village Planner Elliott stated that the recommendation is to approve the variance for a front (lake) yard setback of 17.40 feet and to approve the building height variance of 1.5 feet based on the following findings of fact:

- (1) Compliance with the Ordinance standards for front (lake) yard setbacks and height of the residence would render the parcel unbuildable, which would be unnecessarily burdensome.
- (2) The parcel is characterized by a wide width but a very shallow depth.

- (3) The variances will provide substantial justice to the applicant. The applicant has demonstrated sufficiently that ceiling heights cannot be marginally reduced, nor the roof pitch modified as follows:
 - (a) The height variance is minimal and necessary to provide a maintainable pitch and to ensure longevity of the roof;
 - (b) The height variance is necessary to keep the roof pitch in line with neighboring structures to ensure conformity;
 - (c) The height variance is necessary because the flat grade of the site prevents an excavated basement.
- (4) The requested variances are not likely to affect traffic on Longpointe Drive.
- (5) The variances are reasonable.
- (6) The need for variances results partly from the small size and orientation of the lot and from its topography, but is not unique to the subject site, and is characteristic of several Longpointe Drive properties.

5. Board Deliberation and Action

MOTION NO. 1

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brenton Bailo, Vice Chairperson
SECONDER:	Mary Chayka-Crawford, Board Member
AYES:	Jeffrey Sutherland, Brenton Bailo, Mary Chayka-Crawford, Robert Reighard
EXCUSED:	Bradley Mathisen, Natalie M. Daversa

Motion to: Postpone consideration of the applicant's request for an 8.9-foot variance (previously incorrectly noticed as an 8.10-foot variance) to the Front (Street) Yard Setback until the May 2, 2019 Board of Zoning Appeals meeting in order to meet the 15-day notice requirement.

MOTION NO. 2

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brenton Bailo, Vice Chairperson
SECONDER:	Mary Chayka-Crawford, Board Member
AYES:	Jeffrey Sutherland, Brenton Bailo, Mary Chayka-Crawford, Robert Reighard
EXCUSED:	Bradley Mathisen, Natalie M. Daversa

In Case No. A-19-05, Parcel ID Number 09-02-351-012, described as T4N, R10E, Lot 24, Block 9 of "ORION IMPROVEMENT COMPANY'S SUB NO. 1" more commonly known as 512 Longpointe Drive, located in the RL (Lake Single Family Residential) Zoning District.

That the following variances be **approved** to redevelop the site with a new single-family residential structure with an attached garage:

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

Front (Lake) Yard Setback	25.00 feet minimum required
	<u>7.60 feet proposed (from overhang to platted lot line)</u>
	17.40 variance requested

APPROVED

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

Building Height	30.00 feet maximum permitted
	<u>31.50 feet proposed</u>
	1.50 variance requested

APPROVED

That said variances are **approved** based upon the following findings as noted in the March 25, 2019 letter from McKenna Associates, Inc., *a copy of which is attached and incorporated as part of these minutes*, as follows:

1. Compliance with the Ordinance standards for front (lake) yard setbacks and height of the residence would render the parcel unbuildable, which would be unnecessarily burdensome.
2. The parcel is characterized by a wide width but a very shallow depth.
3. The variances will provide substantial justice to the applicant. The applicant has demonstrated sufficiently that ceiling heights cannot be marginally reduced, nor the roof pitch modified as follows:

- (a) The height variance is minimal and necessary to provide a maintainable pitch and to ensure longevity of the roof;
 - (b) The height variance is necessary to keep the roof pitch in line with neighboring structures to ensure conformity;
 - (c) The height variance is necessary because the flat grade of the site prevents an excavated basement.
- 4. The requested variances are not likely to affect traffic on Longpointe Drive.
 - 5. The variances are reasonable.
 - 6. The need for variances results partly from the small size and orientation of the lot and from its topography, but is not unique to the subject site, and is characteristic of several Longpointe Drive properties.

Subject to the following conditions:

- 1. The applicant shall remit the necessary funds to cover the costs of Planning Consultant review fees above and beyond the amount placed in escrow at the time of application and administrative fees, as necessary, to cover costs expended by the Village in processing the subject request.

This **approval** of the variances does not set a precedent for **approval/denial** 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 four (4) pages signed 02/28/19.
- 2. Narrative letter consisting of one (1) page dated 02/23/19.
- 3. McKenna Variance Review #1 letter consisting of four (4) pages dated 03/25/19.
- 4. Authorized Agent Signature Form consisting of one (1) page date stamped 03/01/19.
- 5. Survey drafted by Kennedy Surveying consisting of one (1) page, Job No. 18-8122 dated 12/17/18.
- 6. Drawings and Elevations consisting of ten (10) pages date stamped 03/01/19.
- 7. 2018 Winter Tax Statement w/receipt consisting of two (2) pages date paid 12/27/18.

9.

Next Regularly Scheduled BZA Meeting

The next scheduled meeting will be April 18, 2019 at 7:30 p.m.

10. Adjournment

Motion to: adjourn the Thursday, April 4, 2019 Board of Zoning Appeals meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeffrey Sutherland, Chairperson
SECONDER:	Mary Chayka-Crawford, Board Member
AYES:	Jeffrey Sutherland, Brenton Bailo, Mary Chayka-Crawford, Robert Reighard
EXCUSED:	Bradley Mathisen, Natalie M. Daversa

The Thursday, April 4, 2019 regular Board of Zoning Appeals Meeting adjourned at 8:28 p.m.

Brad Mathisen
Secretary

Mary Jo Pachla
Recording Secretary

Susan C. Galeczka, CMC CMMC
Village Clerk

Date Approved:: April 18, 2019, as presented.



MEETING DATE: April 4, 2019

TOPIC: Regular Meeting Minutes - February 21, 2019

RECOMMENDED MOTION: To approve the Board of Zoning Appeals regular meeting Minutes of February 21, 2019 as presented.



MEETING DATE: April 4, 2019

TOPIC: Case No. A-19-05 - 512 Longpointe Drive

CASE INTRODUCTION:

Ed Sabot of Island Pointe Building Inc., on behalf of Ron and Linda Roy submitted a variance application to demolish an existing residential dwelling and construct a new single-family dwelling with attached garage at 512 Longpointe Drive. They are requesting three variances from the Zoning Ordinance. Attached for your review and consideration are the documents identified below. The Action before the BZA, after hearing from the consultant, the petitioner, and any citizen who wishes to be heard, is to approve, approve with conditions, or deny the request for the variance.

POSSIBLE MOTION:

In Case No. A-19-05, Parcel ID Number 09 - 02 - 351 - 002, described as T4N R10E, Lot 24, Block 9 of "ORION IMPROVEMENT COMPANY'S SUB NO. 1"1, more commonly known as 512 Longpointe Drive, located in the RL (Lake Single Family Residential) Zoning District.

That the following variance be **approved/denied** to redevelop the site with a new single-family residential structure with an attached garage:

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

Front (Street) Yard Setback	- 25.00 feet minimum required
	- 16.10 feet proposed (to edge of covered porch)
	<hr/>
	- 8.10 variance requested APPROVED/DENIED

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

Front (Lake) Yard Setback - 25.00 feet minimum required
- 7.60 feet proposed (from overhang to plated lot line)

- 17.40 variance requested

APPROVED/DENIED

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

Building Height - 30.00 feet maximum permitted
- 31.50 feet proposed

- 1.50 variance requested

APPROVED/DENIED

That said variances are **approved/denied** based upon the following findings as noted in the March 25, 2019 letter from McKenna Associates, Inc., *a copy of which is attached and incorporated as part of these minutes*, as follows:

- 1.
- 2.
- 3.
- 4.

Subject to the following conditions:

- 1. The applicant shall remit the necessary funds to cover the costs of Planning Consultant review fees above and beyond the amount placed in escrow at the time of application and administrative fees, as necessary, to cover actual costs expended by the Village in processing the subject request.
- 2.
- 3.
- 4.

This **approval/denial** of the variances does not set a precedent for **approval/denial** 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 four (4) pages signed 2/28/19
2. Narrative letter consisting of one (1) page dated 2/23/19
3. McKenna Variance Review #1 letter consisting of four (4) pages dated 3/25/19
4. Authorized Agent Signature Form consisting of one (1) page date stamped 03/01/19
5. Survey drafted by Kennedy Surveying consisting of one (1) page, Job No. 18-8122 dated 12/17/18
6. Drawings and Elevations consisting of ten (10) pages date stamped 3/1/19
7. 2018 Winter Tax Statement w/receipt consisting of two (2) pages date paid 12/27/18

ATTACHMENTS:

512 Longpoint - Application

A-19-05.512LongpointeDr.-varrev#1

512 Longpoint - Survey and Proposed Site Plan

Longpointe - Drawings and Elevations 1

Longpointe - Drawings and Elevations 2

A-19-05 - 512 Longpointe Public Notice



RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

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: 512 Longpointe Parcel ID #: 09-02-351-002

Parcel Size (Sq.Ft.): 3825.5 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: Ron and Linda Roy Address: 1859 Haverhill Dr.

Property Owner Phone #: 248-933-2803 E-Mail: Ronlindaroy@gmail.com

APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: Island Pointe Building Inc. Address: 2 Highland Ave., Lake Orion, MI. 48362

Applicant Phone #: 248.219.8188 E-Mail: Islandpointebuilding@live.com

Applicant is: (i.e. contractor or business owner or architect, etc.) Ed Sabol - Builder- Island Pointe Building Inc.

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
4.03 B	Lake setback	12.5 Feet	25 Feet	8.2 Feet	16.8 Feet
4.03 B	Street Setback	0 Feet	25 Feet	16.1 Feet	8.9 Feet
4.03 B	Building Height	25 Feet	30 Feet	31.5 Feet	1.5 Feet

TO BE COMPLETED BY VILLAGE STAFF - Date Received:

Fee:

Receipt #:

Attachment: 512 Longpointe - Application (2604 : Case No. A-19-05 - 512 Longpointe Drive)

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.

Being that the parcel is 55 feet deep, maintaining lake and road setbacks would render the property unbuildable.

~~Strict compliance to the height setback would translate to 7' ceiling heights on each floor which would not allow room for ductwork, and other necessary mechanical installations.~~

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

Granting the setback variances as requested would allow for a much needed distance between the proposed structure and the street. Longpointe is a long narrow street with no cul-de-sac at the end. With the existing setbacks, multiple instances of property damage have occurred from vehicles trying to turn around in such a tight area.

~~The proposed height variance would allow the applicant to build an attractive and efficient new home that is in keeping with common building practices in the neighborhood.~~

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.

A 30' wide structure is abundantly common in this neighborhood due to typical 40 foot wide lots with 5' setbacks. The footprint proposed would allow the applicant to build a new efficient home comperable to various other improvements on the street. In efforts to preserve as much green space as possible, we have modified the design to fit within the allowable area of coverage. The flat grade of the property common to only 5% of homes on Lake Orion makes the 30' height requirement burdensome, as a result, we are requesting a modest 1.5' height variance for relief from awkward ceiling heights in a new home.

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.

The need for the requested variances are due to the narrow depth of the property and untypically flat grade. The existing depth would only allow for a 4' wide home making the property unbuildable.

~~Due to the flat and near lake level details of the property, building a home in keeping with current size and square foot cost trends, the height requirement would create awkward ceiling heights uncommon in modern construction, or eliminate a story resulting in extreemly high building cost in relation to dollars per square foot, which would be burdensome to the applicant.~~

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.

The zoning ordinance would render the existing structure as well as the proposed structure equally non-conforming to the current ordinance. The requests are modest and minimal in efforts to construct a home comparable to other new improvements in the neighborhood, and not self created.

Attachment: 512 Longpoint - Application - 2604 : Case No. A-19-05 - 512 Longpointe Drive

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

By placing the new home further from the street, the applicant will actually be increasing the level of safety to the applicant as well as other residents. Public health, safety, comfort and welfare will not be impaired as a result of the proposed improvements.

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: 512 Longpoint - Application (2604 : Case No. A-19-05 - 512 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.

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

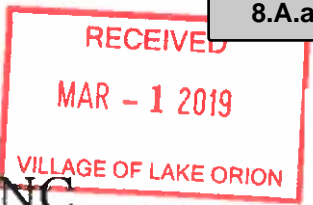
Signature of Property Owner: Ronald Ry

Date: 2-28-19

Signature of Applicant: [Signature]

Date: 2-28-19

Attachment: 512 Longpoint - Application (2604 : Case No. A-19-05 - 512 Longpointe Drive)



ISLAND POINTE BUILDING COMPANY INC.

2 Highland Ave, Lake Orion Michigan 48362

Phone 248.219.8188

islandpointebuilding@live.com

Builders License # 2101182812

February 23, 2019

To Whom It May Concern:

We are currently working with Ron and Linda Roy to construct a new single family home on a particularly narrow parcel on Longpointe. Although the existing seasonal summer cottage has suited their needs to date, Ron and Linda would like to construct a full time residence for them and their family.

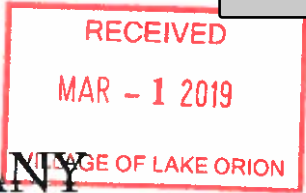
The narrow and flat nature of the parcel create particular difficulties very uncommon when compared to other lake front properties on Lake Orion. The dimensional standards set forth in the existing zoning ordinance would make construction on this Lot of Record impossible.

We sincerely appreciate your review and consideration of the requested variances due to the unique characteristics of this particular property.

Best regards,

Ed Sabol

Island Pointe Building Company Inc.



ISLAND POINTE BUILDING COMPANY

2 Highland Ave., Lake Orion Michigan 48362
Phone 248.219.8188
islandpointebuilding@live.com
Builders License # 2101182812

Authorized Agent Signature Form

Owner Name <u>Ron & Linda Roy</u>	Agent Name <u>Edward Sabol</u>
Company Name _____	Company Name <u>Island Pointe</u>
Street Address <u>512 Longpointe</u>	Street Address <u>2 Highland Ave.</u>
City <u>Lake Orion</u>	City <u>Lake Orion</u>
Phone <u>(248) 961-3164</u>	Phone <u>(248) 219- 8188</u>
Email <u>ronlindaroy@gmail.com</u>	Email <u>islandpointebuilding@live.com</u>

The agent may act on my behalf for the property located on Longpointe in The Village of Lake Orion, Parcel ID# 09-02-351-002 Oakland County Michigan

I, Ron or Linda Roy, hereby authorize
Print Owner Name Here
Edward Sabol of Island Pointe Building Company
Print Agent Name Here

to act as my agent and to execute any and all documents pertaining to zoning variance requests, building permits, and State of Michigan DEQ permits, as I the undersigned, might or could do if personally present. The authority of the person appointed as my agent to exercise the powers granted herein shall commence on the date set below and shall remain in full force and effect until notice of written cancellation by either individual.

I understand that by signing this instrument, I am authorizing the Village of Lake Orion and Orion Township to process permit documents and/ or issue building permits based on the signature of my above- named agent. I further understand that I am fully responsible and legally bound for the acts performed by my agent.

Note: Authorized Agents may sign for permits, document re-submittal applications, submit and pick up revisions and/ or documents.



Signature of Owner



Signature of Agent

Attachment: 512 Longpoint - Application - Application (2604 : Case No. A-19-05 - 512 Longpointe Drive)

2018 WINTER TAX STATEMENT * RETAIN THIS PORTION FOR YOUR RECORDS

**CHARTER TOWNSHIP OF ORION
2018 WINTER TAX STATEMENT**

Fiscal years covered by this statement
Zoo Authority - County Parks - Oct 1st - Sept 30th
Township - Metro Parks - Jan 1st - Dec 31st

PAYABLE DEC. 1, 2018 - FEB. 14, 2019

See reverse side regarding additional penalties beginning Feb. 15, 2019

**All payments must be received on or before February 14, 2019 to avoid 3% penalty.
U.S. POSTMARKS ARE NOT ACCEPTED**

ROY, RONALD
ROY, LINDA

1859 HAVERHILL DR
ROCHESTER HILLS, MI 48306-3239

Property Address
512 LONGPOINTE DR
LAKE ORION, MI 48362-2342

T4N, R10E, SEC 2 ORION IMP
COMPANY'S SUB NO 1LOT 24 BLK 9

**SEE REVERSE SIDE FOR
IMPORTANT INFORMATION**

Donni Steele, Treasurer

248-391-0304 EXT. 8000
CHARTER TOWNSHIP OF ORION
2525 JOSLYN RD
LAKE ORION MI 48360

6276

CODE NO.	*P.R.E. TAX BASE	PARCEL I.D. NUMBER	SCHOOL I
	0	OL-09-02-351-002	150
DECLARED AS P.R.E.	*NON-P.R.E. TAX BASE	TAXABLE VALUE	STATE EQUALIZED
0.0000	96,590	96,590	113
TAX DESCRIPTION		BASE PER \$1,000	AMOUNT
COUNTY PARKS		0.23490	22.
METRO PARKS		0.21290	20.
ZOO AUTHORITY		0.09820	9.
ART AUTHORITY		0.19450	18.
GENERAL FUND		0.89770	86.
FIRE FUND 1		1.93950	187.
FIRE FUND 2		0.57780	55.
SAFETY PATH		0.22930	22.
LIBRARY OPERATE		1.36660	131.
NOTA		0.24050	23.
TWP PARKS		1.00000	96.
LK ORION WEEDS			109.
TOTAL	Int/Penalty	Total Paid	Balance Du
785.25			78

PAID

DEC 27 2018

*P.R.E. = **Charter TWP of Orion** Principal Residence Exemption
Treasurer's Office

Attachment: 512 Longpoint - Application - Application (2604 : Case No. A-19-05 - 512 Longpoint Drive)

RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

VILLAGE OF LAKE ORION
21 E. CHURCH ST.
LAKE ORION, MI 48362
Phone : (248) 693-8391
LAKEORION.ORG

Received From:
ISLAND POINTE BUILDING COMPANY
Date: 03/01/2019 Time: 9:04:02 AM
Receipt: 17228
Cashier: AEASTMAN

512 LONG POINTE VARIANCE REVIEW

ITEM REFERENCE	AMOUNT
ZVARFEE BZA VARIANCE FEE	
1 @ \$340.00 BZA VARIANCE FEE	\$340.00
ZVARPLES BZA VARIANCE PLAN ESCROW	
1 @ \$555.00 BZA VARIANCE PLAN	\$555.00
TOTAL	\$895.00
CHECK 1485	\$895.00
Total Tendered:	\$895.00
Change:	\$0.00

Attachment: 512 Longpoint - Application - Application (2604 : Case No. A-19-05 - 512 Longpointe Drive)



MCKENNA

March 25, 2019

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

Subject: A-19-05 Ron and Linda Roy Residence / 512 Longpointe Drive; Variance Review #1
See Exhibit A prepared by Village Administration for list of materials reviewed.

Dear Board Members:

We have reviewed the above referenced variance application submitted by Ed Sabol of Island Pointe Building Inc., on behalf of Ron and Linda Roy to demolish an existing residential dwelling and construct a new single-family dwelling with attached garage. The site is located on the west side of Longpointe Drive, and is zoned the RL (Residential Lake One Family Dwelling) district. The parcel is non-conforming with respect to the minimum lot area requirement for the district.

VARIANCES

The proposal requires the following 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
- 16.10.00 feet proposed (to edge of covered porch)
- *8.10 foot variance requested*

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

- Front (Lake) Yard Setback - 25.00 feet minimum required
- 7.60 feet proposed (from overhang to plated lot line)
- *17.40 foot variance requested*

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

- Building Hieght - 30.00 feet maximum permitted
- 31.50 feet proposed
- *1.50 foot height variance requested*

Attachment: A-19-05.512LongpointeDr.-varrev#1 (2604 : Case No. A-19-05 - 512 Longpointe Drive)

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



REVIEW 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. The subject lot has an area of 3,825.5 square feet, and a lot width of 70 feet, which makes it a conforming with respect to lot width but non-conforming with respect to lot size.

The applicant is proposing to demolish the existing residential dwelling and construct a new single-family dwelling with an attached garage. Per the applicant, the structure was a summer cottage and the property owners would now like to construct a full time residence on it. With a lot width that complies, but a lot depth of only 55 feet, compliance with the setbacks would render the parcel unbuildable. The subject site is a rectangle with the wider side facing the street, and the narrower side being the depth. As a result the structure constructed on the lot is wider than deeper, whereas we typically see narrow frontages and deeper lots.

The applicant's justification in requesting the height increase is to build an "*attractive and efficient new home*". The applicant also contends that the additional height is necessary due to the flat grade of the lot. While the proposed ceiling height of eight (8)-feet on each floor is not excessive, due to the flat grade of the site, even a minimal increase in height will create a larger impression of mass and height on the parcel. Due to the lot's visibility from the lake on both the east and west sides, the building mass will be highly visible on the Lake. The applicant has not presented any information on a possible modification of the roof pitch to allow for compliance with building height or reducing the requested variance.

Compliance with the Ordinance standards for front and lake yard setbacks would render the parcel unbuildable which would be unnecessarily burdensome; however, compliance with building height standards would only result in marginally lower ceiling heights and/or an altered roof pitch, neither of which can be construed as being unnecessarily burdensome.

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

Approval of the setback variances will provide substantial justice to the applicant by allowing them to construct a new dwelling with attached garage to meet their needs and desires, and is not adverse to the interests of other property owners in the neighborhood. The proposed dwelling is compliance with the side yard setbacks which is important for maintaining access in the event of an emergency. The property is also the second to last parcel on the Lakepointe peninsula, and the larger dwelling is not likely to negatively impact any lines of sight on the street.

Approval of a variance from building height will provide the applicant with substantial justice, but may be adverse to the Village's Zoning Ordinance as a whole, if a variance is granted without adequate justification on why the structure cannot be lowered or roof pitch altered. Approval of a height variance



will create an impression of a much larger structure on the lake since the parcel has lake views on the east and west sides, and can set a precedent for similar requests from other property owners.

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

The variance requested from front and lake yard setback is reasonable. The setback is to the overhang of a front porch which is only four (4)-feet wide. Eliminating the porch to increase the setback will not allow the applicant to have a proper entry to the main dwelling.

The variance from building height could possibly be minimized or eliminated altogether with a marginal reduction in the ceiling height of each floor and a modification of roof pitch (unless the applicant can present information or justification as to why such changes cannot be made).

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

The need for variances is partly due to the small size and orientation of the lot. The lakeside is characterized by several narrow and deep lots, while the subject site is challenged by a shallow depth. While not unique to this site, it is a characteristic common to many parcels on Longpointe Drive.

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

The problem necessitating the variances from setbacks is not self-created. The problem necessitating the variance from building height is to some extent self-created by the applicant's desire to build a taller dwelling with "*ceiling heights common in modern construction*".

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 **take the follow action on** the requested variances for the property located at 512 Longpointe Drive:*

1. **Approve** the variances for front (street) and front (lake) yard setbacks, as requested.
2. **Deny** the variance requested for building height, unless the applicant can adequately demonstrate that ceiling heights cannot be marginally reduced or roof pitch modified to comply with the Ordinance.

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

- (1) *Compliance with the Ordinance standards for front yard seatbacks would render the parcel unbuildable, which would be unnecessarily burdensome.*
- (2) *The parcel is characterized by a wide width but a very shallow depth.*
- (3) *The variances will provide substantial justice to the applicant; however, the variance from building height without adequate justification is adverse to the Zoning Ordinance and likely to set a precedent.*



- (4) *The requested variances are not likely to affect traffic on Longpointe Drive.*
- (5) *The variances from front yard setbacks are reasonable; however the variance from building height can likely be minimized or eliminated.*
- (6) *The need for variances results partly from the small size and orientation of the lot, but is not unique to the subject site, and is characteristic of several Longpointe Drive properties.*
- (7) *The need for variance from height is partly self-created.*

Respectfully submitted,

McKENNA

Vidya Krishnan
Senior Planner

cc: Village Clerk: Susan Galeczka, 21 E. Church Street, Lake Orion, MI 48362
Owner: Ron and Linda Roy, via e-mail: Ronlindaroy@gmail.com
Applicant: Ed Sabol, via e-mail: islandpointebuilding@live.com

Attachment: A-19-05.512LongpointeDr.-varrev#1 (2604 : Case No. A-19-05 - 512 Longpointe Drive)

EXISTING PERCENTAGE OF COVERAGE (09-02-351-002)

Area of Parcel 09-02-351-002 to the Platted Water's Edge	=	3,825.5 Sq. Ft.
Area of Existing Residence #512	=	456.5 Sq. Ft.
Area of Wooden Porch & Steps on Platted Lot	=	645.4 Sq. Ft.
Total Area of Coverage	=	1,101.9 Sq. Ft.
Existing Percentage of Coverage	=	28.8 %

PROPOSED PERCENTAGE OF COVERAGE (09-02-351-002)

Area of Parcel 09-02-351-002 to the Platted Water's Edge	=	3,825.5 Sq. Ft.
Area of Proposed Residence #512	=	1,405.5 Sq. Ft.
Area of Proposed Covered Porch	=	87.0 Sq. Ft.
Area of Wooden Walk & Steps on Platted Lot	=	25.2 Sq. Ft.
Total Area of Coverage	=	1,517.7 Sq. Ft.
Proposed Percentage of Coverage	=	39.7 %

PROPERTY DESCRIPTION: Tax Item # 09-02-351-002

Lot 24, Block 9 of "ORION IMPROVEMENT COMPANY'S SUB. NO. 1" being a subdivision of part of Sections 2, 3, 10 and 11, Town 4 North, Range 10 East, Village of Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, page 19 of Oakland County Records.

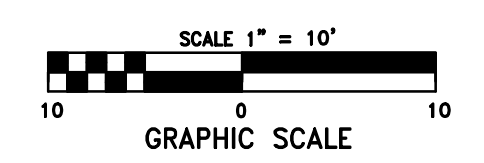
FLOOD PLAIN NOTE:
Permits from all governmental agencies MUST be secured prior to any fill material is placed within the 100 year flood plain.

LEGEND:

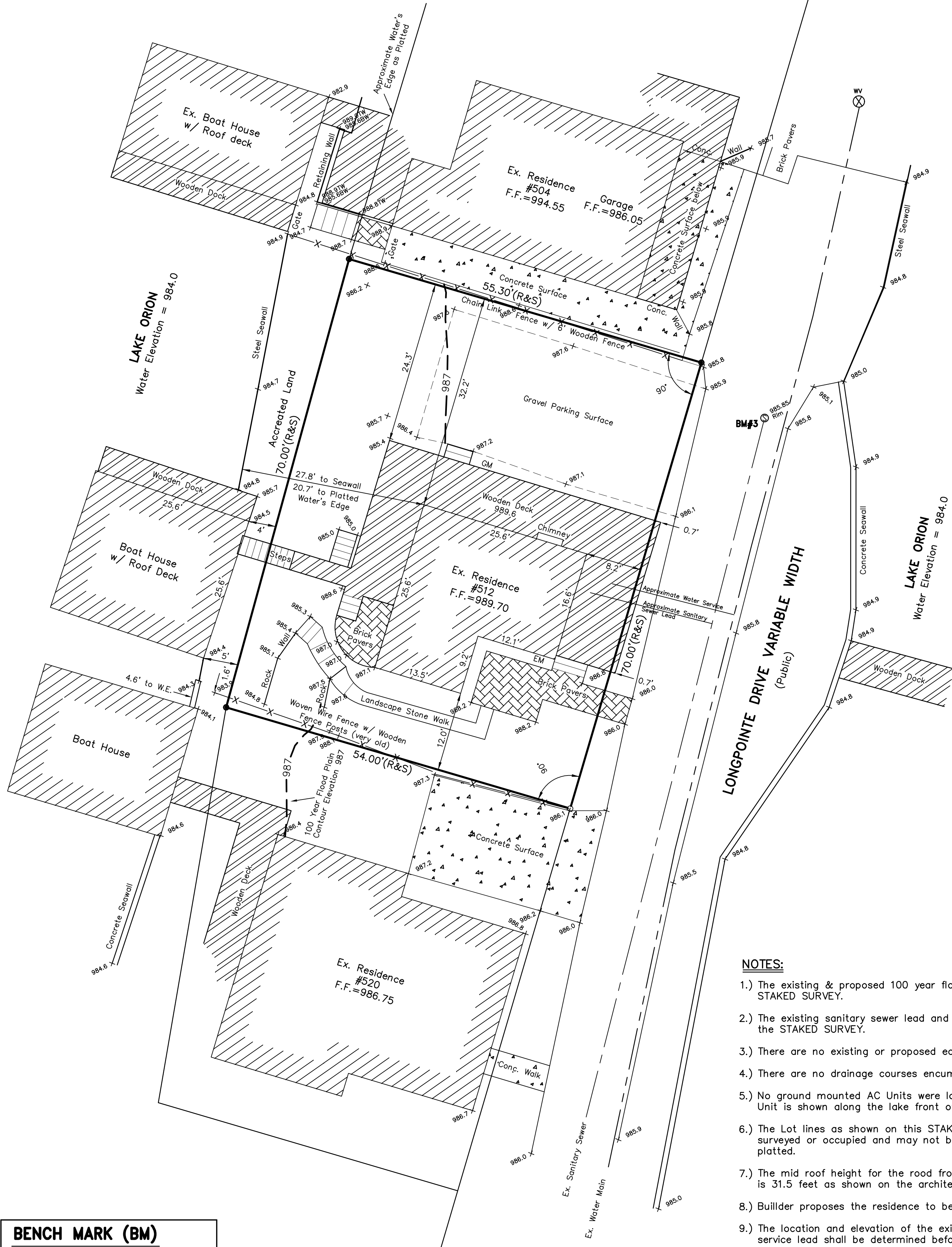
- 988.5 x = EXISTING ELEVATION
- 987 — = EXISTING CONTOUR
- BM = BENCH MARK
- ⊗ = EX. WATER VALVE
- ⊕ = EX. FIRE HYDRANT
- ⊕ = EX. WATER SHUT OFF
- ⊕ = EX. POWER POLE
- ⊕ = EX. WATER VALVE
- ⊕ = EX. SANITARY MANHOLE
- P.P. ⊕ = EX. POWER POLE
- ☆ = EX. YARD LIGHT
- F.F. = FINISHED FLOOR
- X — X = EX. FENCE
- OH = OVER HANG
- R = RECORD
- S = SET
- C = CALCULATED
- RSB = REAR SETBACK
- ▨ = EX. BITUMINOUS SURFACE
- ▨ = EX. CONCRETE SURFACE
- ▨ = EX. BRICK PAVERS
- ▨ = EX. GRAVEL SURFACE
- ▨ = EX. WOODEN SURFACE

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

CAUTION!
THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE 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	Chk	Description	DATE
STAKE SURVEY For:				
RON & LINDA ROY 1850 Haverhill Drive Rochester Hills, Michigan 48306				
Builder/Contact Person: Ed Sabol Island Pointe Building Co. Phone: (248) 219-8188				
KENNEDY SURVEYING, INC. 105 N. Washington St. Oxford, Michigan 48371				
Fax: (248) 628-7191			Phone: (248) 628-4241	
Drawn By:	SST	Date:	12/17/18	Scale: 1" = 10'
Chk'd:	HKK	Drawing No.:	18-81222	Job No.:
			18-8122	Sheet No. 1



BENCH MARK (BM)

BM #1 = Spike in 12" Locust Tree across from Lots 9 & 10
Elevation = 988.60

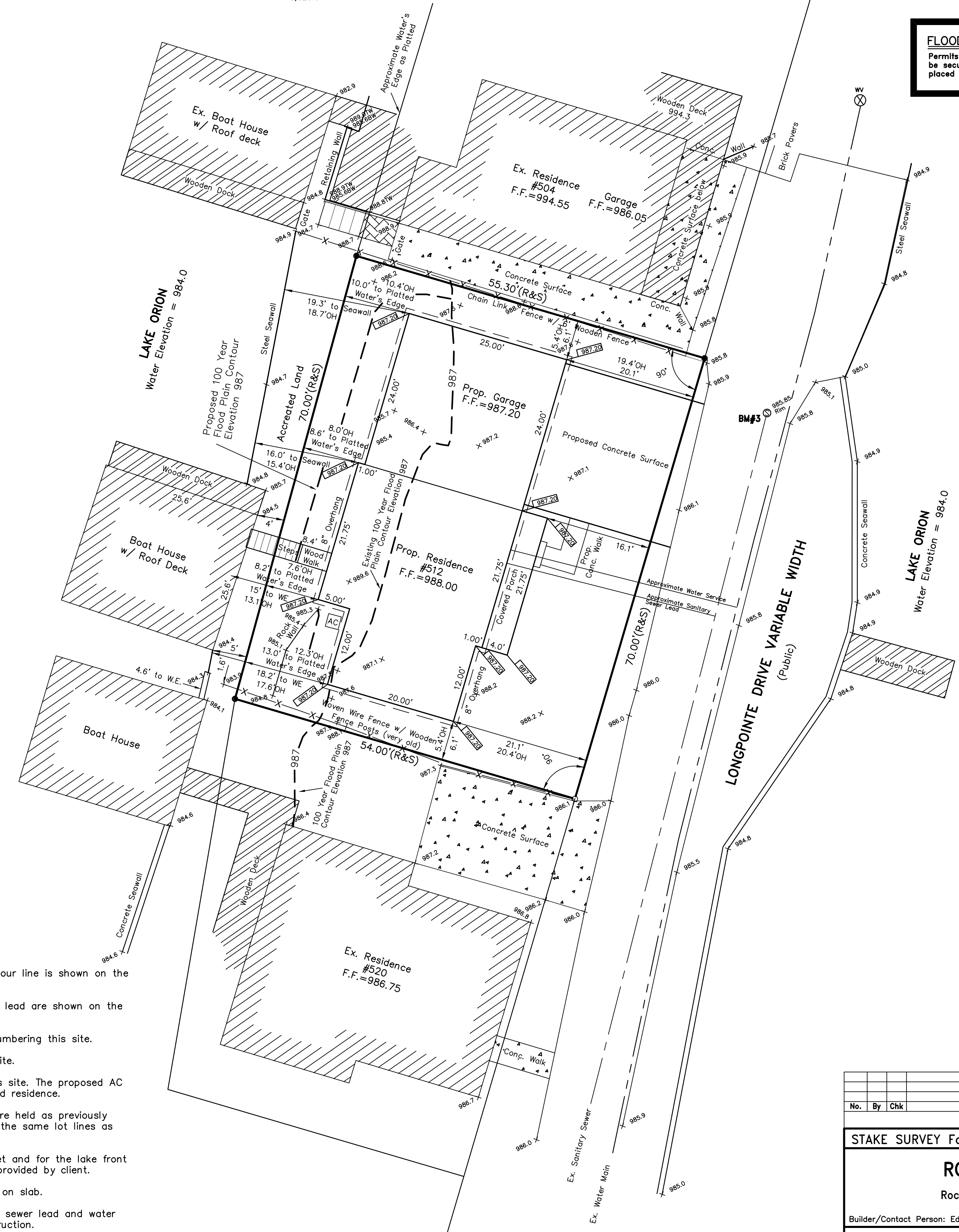
BM #2 = East Rim Sanitary Sewer Manhole Cover across from #560 Long Point Ave.
Elevation = 988.60

BM #3 = East Rim Sanitary Sewer Manhole Cover between #504 & #512 Long Point Ave.
Elevation = 988.60

EXISTING CONDITIONS:

NOTES:

- The existing & proposed 100 year flood plain contour line is shown on the STAKED SURVEY.
- The existing sanitary sewer lead and water service lead are shown on the STAKED SURVEY.
- There are no existing or proposed easements encumbering this site.
- There are no drainage courses encumbering this site.
- No ground mounted AC Units were located on this site. The proposed AC Unit is shown along the lake front of the proposed residence.
- The lot lines as shown on this STAKED SURVEY are held as previously surveyed or occupied and may not be necessarily the same lot lines as platted.
- The mid roof height for the roof front is 31.5 feet and for the lake front is 31.5 feet as shown on the architectural plans provided by client.
- Buillder proposes the residence to be constructed on slab.
- The location and elevation of the existing sanitary sewer lead and water service lead shall be determined before any construction.
- The existing sanitary sewer lead shall be extended using 6" PVC schedule 40 @ a minimum of 1% grade with a minimum of 4' of cover.
- The existing water service lead shall be 1" K copper or approved equal with a minimum of 5.5' of cover.
- A permit maybe required from the Michigan Department of Environmental Quality (DEQ) for fill being placed with in the 100 year Flood Plain.



PROPOSED CONDITIONS:

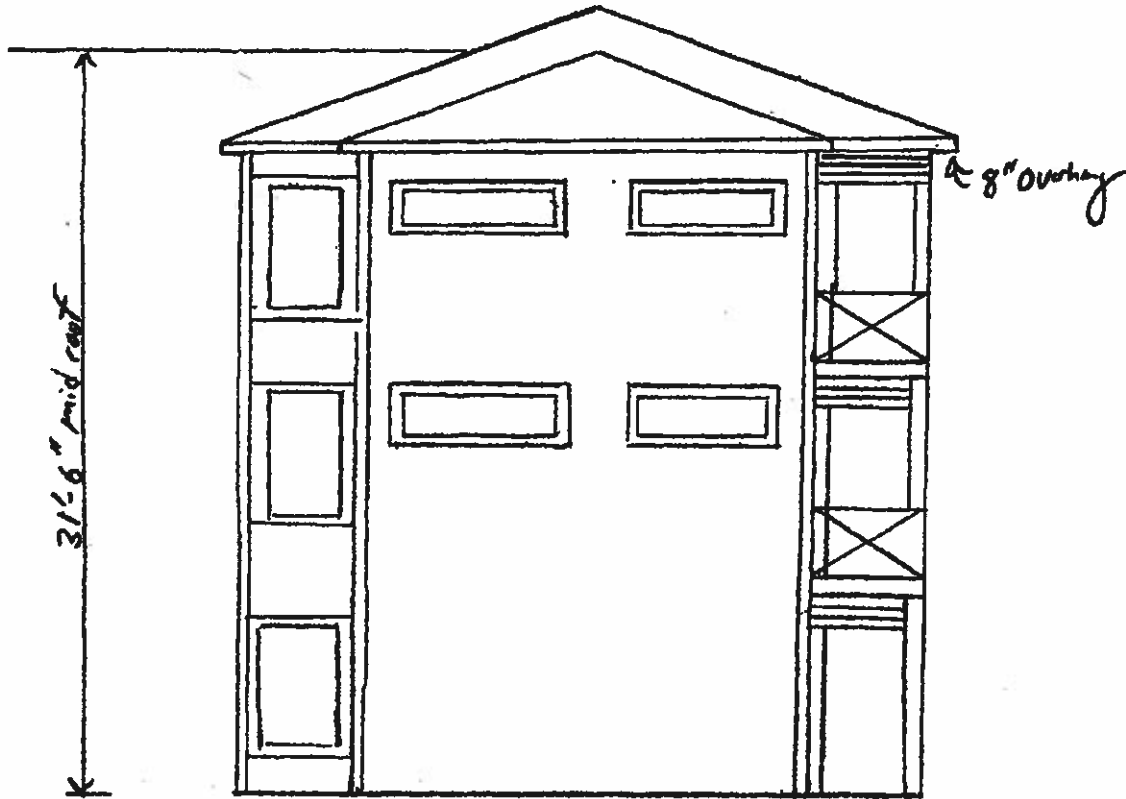
512 Longpointe
East Elevation
1/8" = 1'-0"



RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

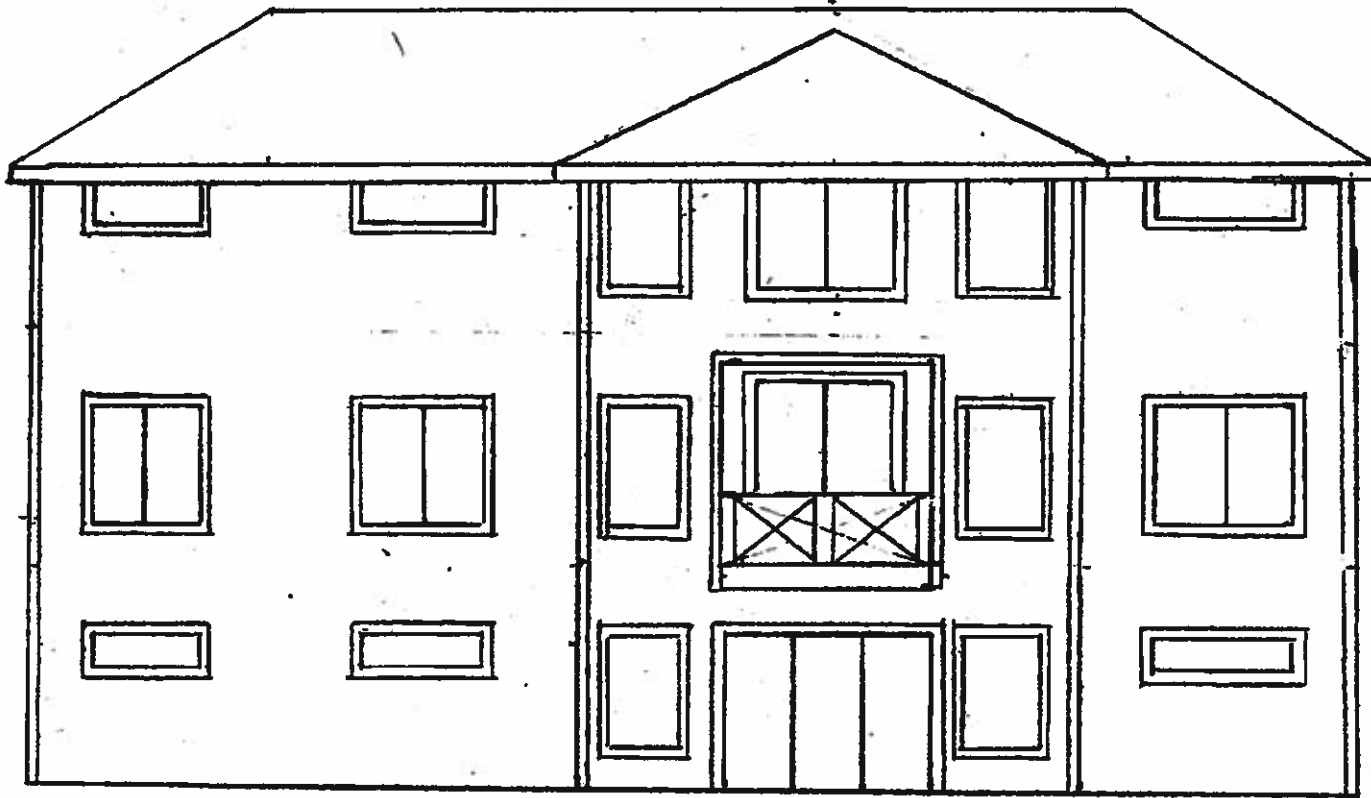
Attachment: Longpointe - Drawings and Elevations 1 (2604 : Case No. A-19-05 - 512 Longpointe Drive)

512 Longpointe
Not to Scale
South Elevation



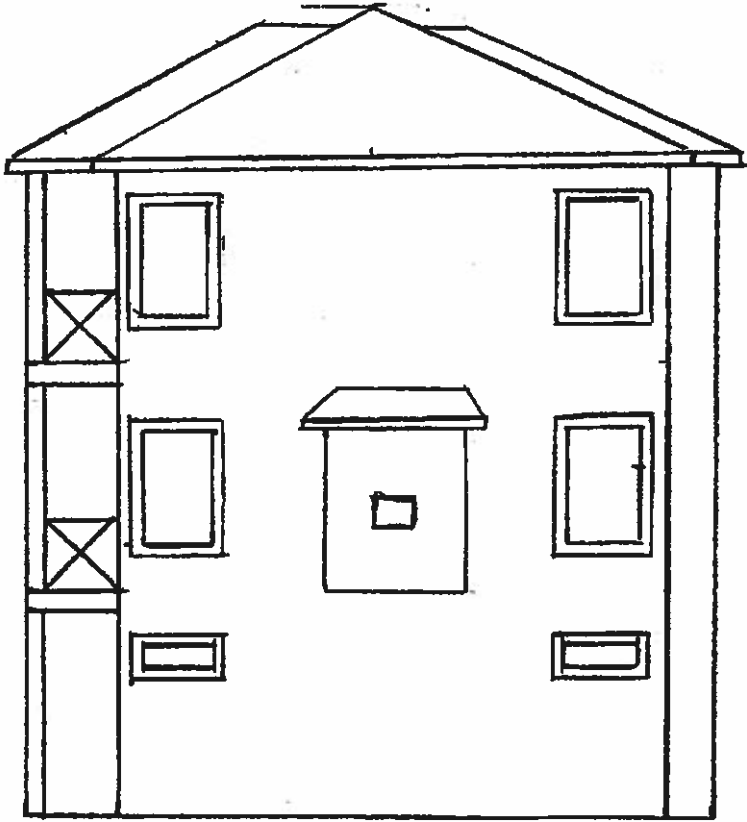
RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

512 Longpointe
West Elevation
1/8" = 1'-0"



RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

512 Longpointe
North Elevation
1/8" = 1'-0"



RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

512 Long Point

1st Floor

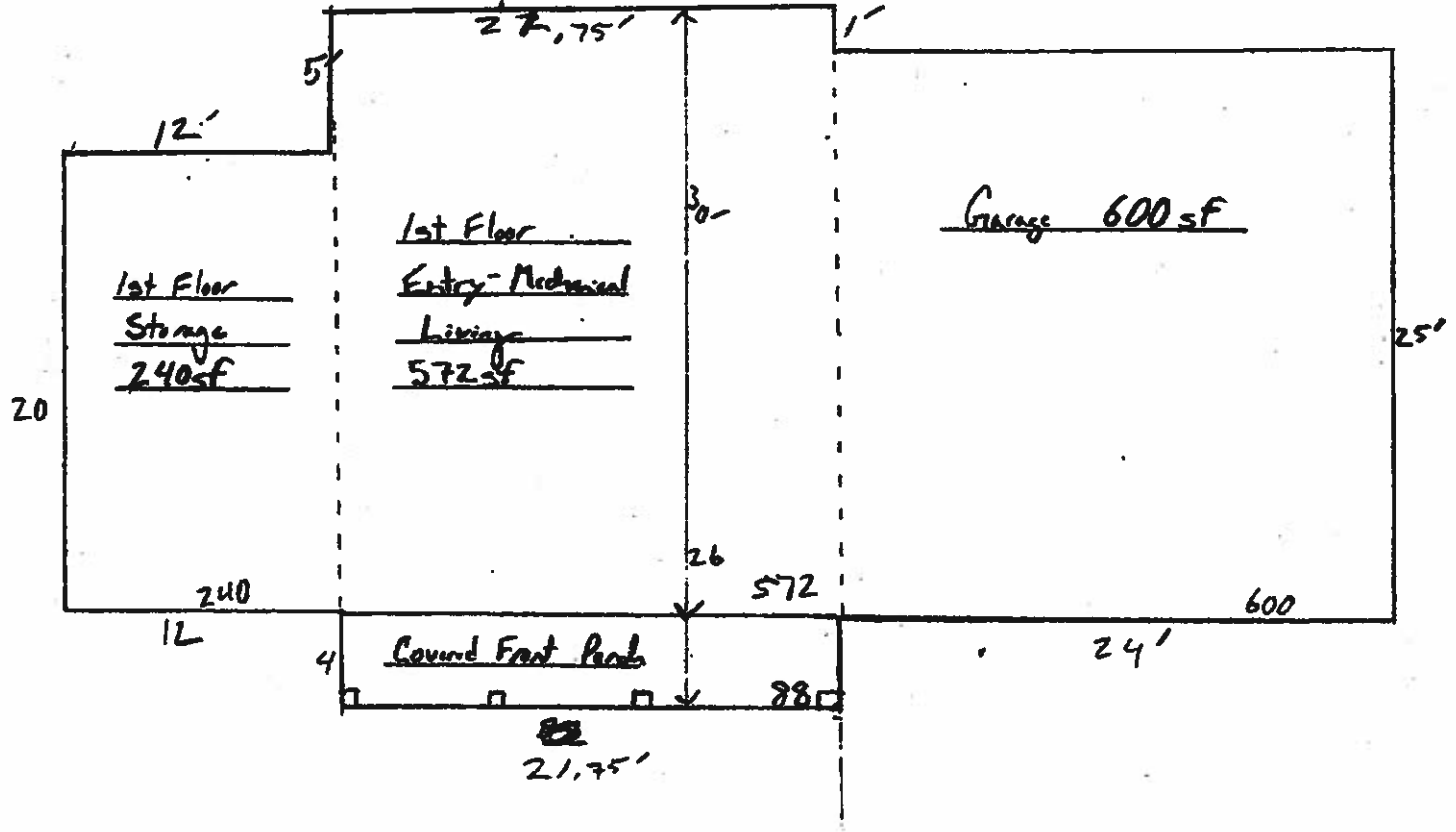
1/8" = 1'-0"

Storage 240sf

Living Spce. 572sf

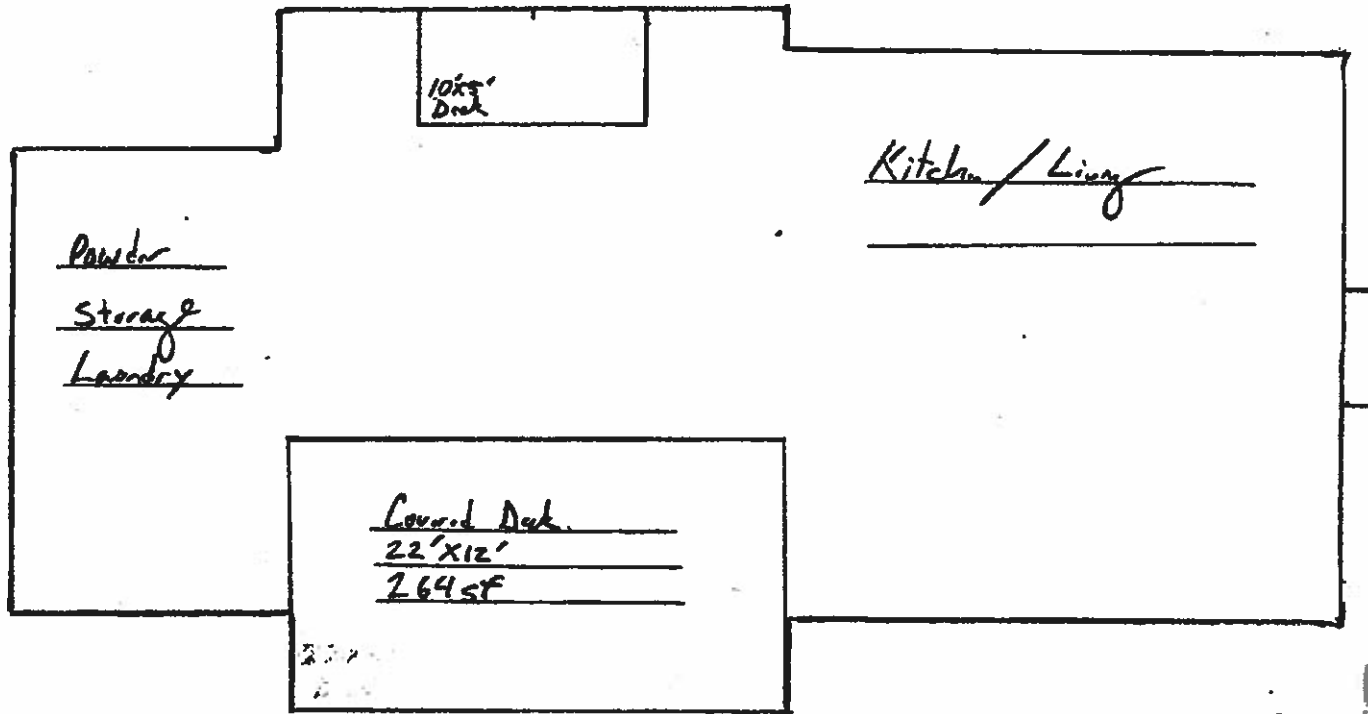
Garage 600sf

Covered Porch 88sf



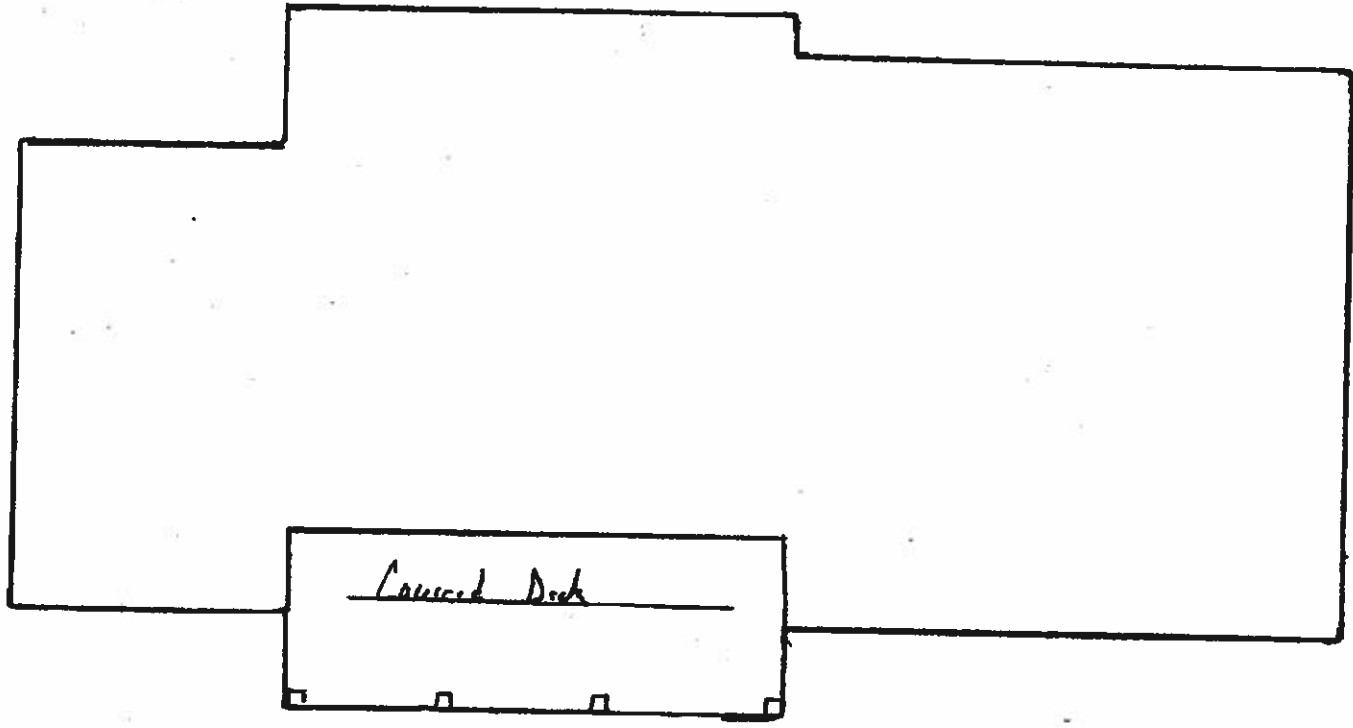
Attachment: Longpointe - Drawings and Elevations 1 (2604 : Case No. A-19-05 - 512 Longpointe Drive)

512 Longpointe
2nd Floor
1186 sf floor space
314 sf Decks



RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

512 Longpointe
3rd Floor
1/8" = 1'-0"
3 Bedrooms/Bathrooms 1324sf
Covered Deck 176sf

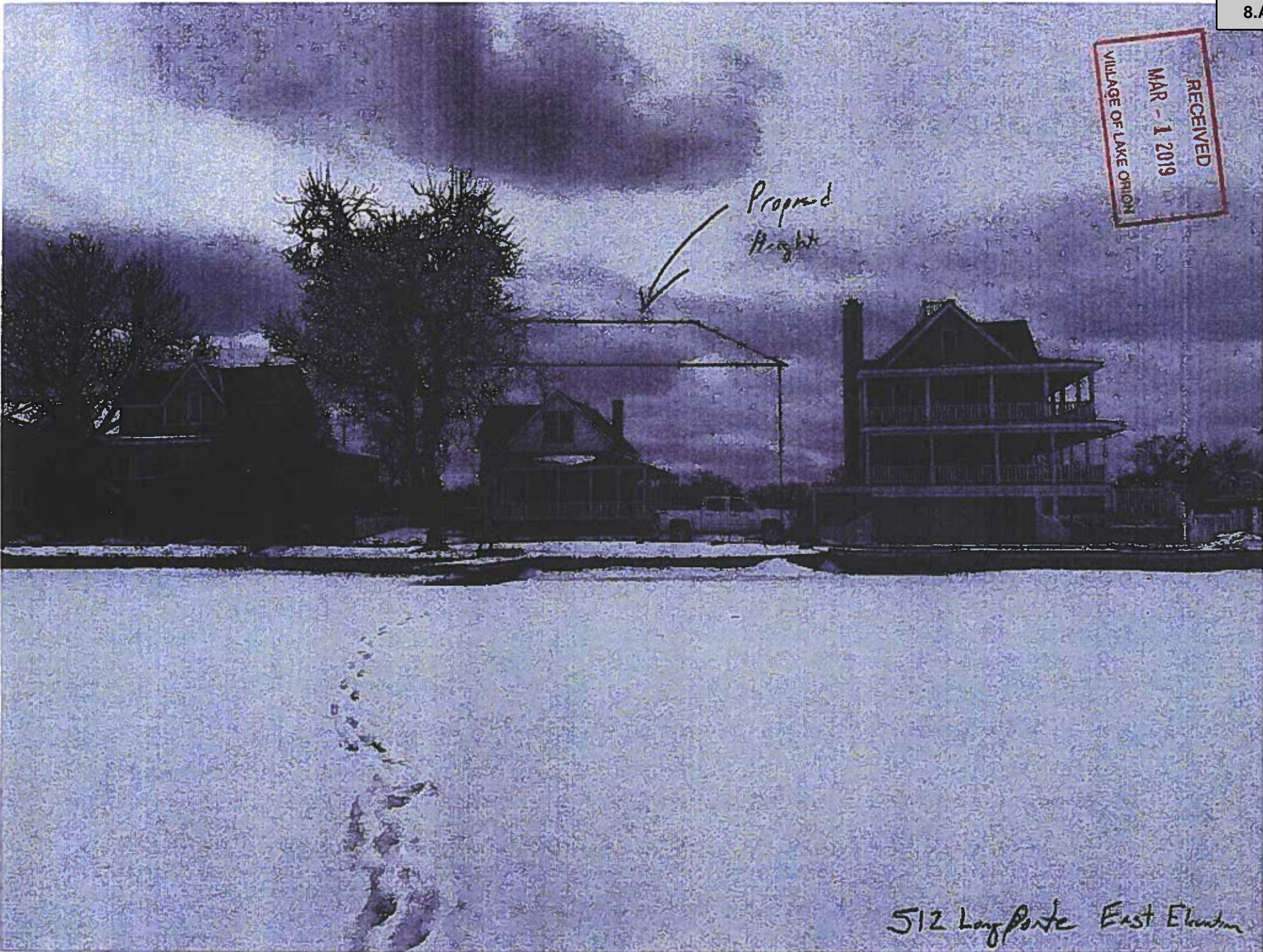


RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

Attachment: Longpointe - Drawings and Elevations 1 (2604 : Case No. A-19-05 - 512 Longpointe Drive)

RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION

Proposed
Height



512 Longpointe East Elevation

Attachment: Longpointe - Drawings and Elevations 1 (2604 : Case No. A-19-05 - 512 Longpointe Drive)

RECEIVED
MAR -1 2019
VILLAGE OF LAKE ORION

Revised
Height

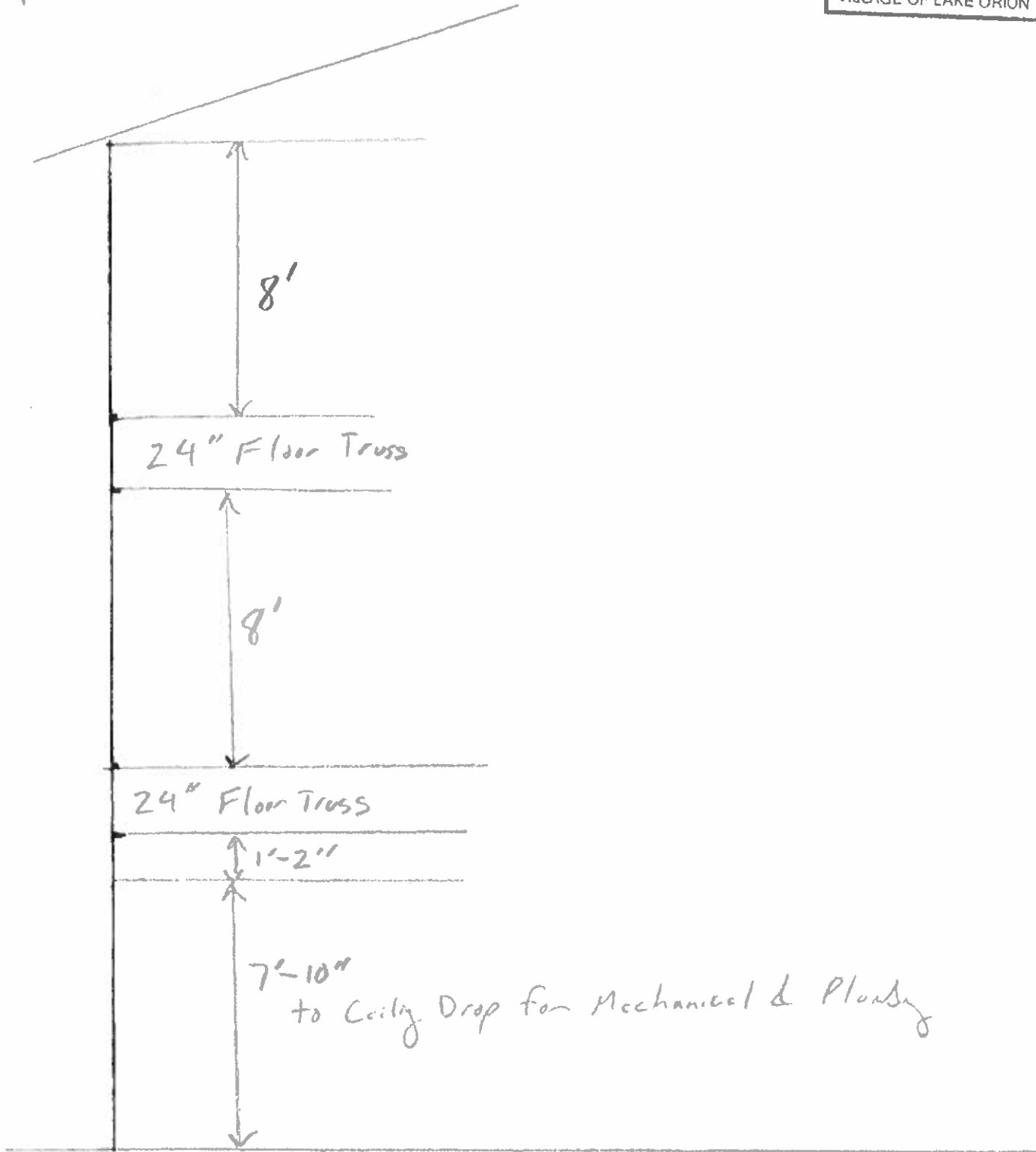


512 Longpointe West Elevation

Attachment: Longpointe - Drawings and Elevations 1 (2604 : Case No. A-19-05 - 512 Longpointe Drive)

512 Longpointe
Section Drawing
1/4" = 1'

RECEIVED
MAR - 1 2019
VILLAGE OF LAKE ORION



Attachment: Longpointe - Drawings and Elevations 2 (2604 : Case No. A-19-05 - 512 Longpointe Drive)



**VILLAGE OF LAKE ORION
PUBLIC HEARING NOTICE
BOARD OF ZONING APPEALS
THURSDAY, APRIL 4, 2019**

The Village of Lake Orion Board of Zoning Appeals will hold a Public Hearing on Appeal No. A-19-05 at the Lake Orion Village Hall, 21 E. Church Street, Lake Orion, MI 48362, on **Thursday, April 4, 2019 at 7:30 PM** in the Council Chambers.

This Public Hearing relates to **512 Longpointe Drive** (Parcel ID Numbers 09-02-351-002). A complete legal description of the property is on file in the Village Offices. The subject site is located within the Village of Lake Orion in the RL (Lake Single Family Residential) Zoning District.

The applicant proposes to construct a single family residential structure with an attached garage. The proposal requires the following three (3) 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
 - 16.10 feet proposed (to edge of covered porch)
 - 8.10 foot variance requested

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

- Front (Lake) Yard Setback - 25.00 feet minimum required
 - 7.60 feet proposed (from overhang to platted lot line)
 - 17.40 foot variance requested

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

- Building Height - 30.00 feet maximum required
 - 31.50 feet proposed
 - 1.50 foot variance requested

Interested parties are welcome to attend the Public Hearing and offer comments. Written comments will be accepted prior to the date and time of the Public Hearing by the Village Clerk. The plan and supporting documentation will be available for inspection and additional information may be obtained by contacting Village Offices at (248) 693-8391, ext. 102 or visiting the Village Office located at 21 E. Church Street, Lake Orion, MI 48362 during regular business hours, 9:00 a.m. – 4:30 p.m. Monday through Friday.

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village office, at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.

Susan C. Galeczka, CMC CMMC
Village Clerk



MEETING DATE: April 4, 2019

TOPIC: Case No. A-19-05 - 512 Longpointe Drive

CASE INTRODUCTION:

Ed Sabot of Island Pointe Building Inc., on behalf of Ron and Linda Roy submitted a variance application to demolish an existing residential dwelling and construct a new single-family dwelling with attached garage at 512 Longpointe Drive. They are requesting three variances from the Zoning Ordinance. Attached for your review and consideration are the documents identified below. The Action before the BZA, after hearing from the consultant, the petitioner, and any citizen who wishes to be heard, is to approve, approve with conditions, or deny the request for the variance.

POSSIBLE MOTION:

In Case No. A-19-05, Parcel ID Number 09 - 02 - 351 - 002, described as T4N R10E, Lot 24, Block 9 of "ORION IMPROVEMENT COMPANY'S SUB NO. 1"1, more commonly known as 512 Longpointe Drive, located in the RL (Lake Single Family Residential) Zoning District.

That the following variance be **approved/denied** to redevelop the site with a new single-family residential structure with an attached garage:

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

Front (Street) Yard Setback	- 25.00 feet minimum required
	- 16.10 feet proposed (to edge of covered porch)
	<hr/>
	- 8.10 variance requested APPROVED/DENIED

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

Front (Lake) Yard Setback - 25.00 feet minimum required
- 7.60 feet proposed (from overhang to plated lot line)

- 17.40 variance requested

APPROVED/DENIED

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

Building Height - 30.00 feet maximum permitted
- 31.50 feet proposed

- 1.50 variance requested

APPROVED/DENIED

That said variances are **approved/denied** based upon the following findings as noted in the March 25, 2019 letter from McKenna Associates, Inc., *a copy of which is attached and incorporated as part of these minutes*, as follows:

- 1.
- 2.
- 3.
- 4.

Subject to the following conditions:

1. The applicant shall remit the necessary funds to cover the costs of Planning Consultant review fees above and beyond the amount placed in escrow at the time of application and administrative fees, as necessary, to cover actual costs expended by the Village in processing the subject request.
- 2.
- 3.
- 4.

This **approval/denial** of the variances does not set a precedent for **approval/denial** 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 four (4) pages signed 2/28/19
2. Narrative letter consisting of one (1) page dated 2/23/19
3. McKenna Variance Review #1 letter consisting of four (4) pages dated 3/25/19
4. Authorized Agent Signature Form consisting of one (1) page date stamped 03/01/19
5. Survey drafted by Kennedy Surveying consisting of one (1) page, Job No. 18-8122 dated 12/17/18
6. Drawings and Elevations consisting of ten (10) pages date stamped 3/1/19
7. 2018 Winter Tax Statement w/receipt consisting of two (2) pages date paid 12/27/18



MINUTES

REGULAR MEETING OF THE LAKE ORION BOARD OF ZONING APPEALS

Thursday, April 16, 2020

7:30 PM

Lake Orion Village

Virtual Meeting – Zoom Application

LAKE ORION, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The Thursday, April 16, 2020 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order via Zoom Teleconference by Chairperson Jeffrey Sutherland at 7:30 PM.

2. Roll Call and Determination of Quorum

Attendee Name	Organization	Title	Status	Arrived
Jeffrey Sutherland	Village of Lake Orion	Chairperson	Remote	
Brenton Bailo	Village of Lake Orion	Vice Chairperson	Remote	
Mary Chayka-Crawford	Village of Lake Orion	Board Member	Remote	
Natalie M. Daversa	Village of Lake Orion	Alternate Member	Absent	
Cindy Pennington	Village of Lake Orion	Alternate Member	Absent	
Robert Reighard	Village of Lake Orion	Commissioner	Remote	
Bradley Mathisen	Village of Lake Orion	Secretary	Remote	

STAFF PRESENT (Remote):
Doug Plachcinski, Village Planner
Susan Galeczka, Village Clerk
Joe Young, Village Manager
Katie Wynn, Meeting Technician
Mary Jo Pachla, Recording Secretary

3. Designation of Alternate, as necessary

None.

4. Approval of Agenda

1. **Motion to:** Approve the Thursday, April 16, 2020 Zoning Board of Appeals Agenda as amended to add Policy for Handling Virtual Meeting to follow Approval of Agenda

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Mary Chayka-Crawford, Board Member
AYES:	Sutherland, Bailo, Chayka-Crawford, Reighard, Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington

2. **Motion to:** Accept Policy Number BZA-2020-001 Public Input Procedure for Virtual Meetings

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Brenton Bailo, Vice Chairperson
AYES:	Sutherland, Bailo, Chayka-Crawford, Reighard, Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington

5. Approval of Minutes

- A. BZA Minutes - Thursday, January 2, 2020

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeffrey Sutherland, Chairperson
SECONDER:	Mary Chayka-Crawford, Board Member
AYES:	Sutherland, Bailo, Chayka-Crawford, Reighard, Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington

RESOLVED: To approve the Board of Zoning Appeals regular meeting minutes of Thursday, January 2, 2020, as presented.

6. Public Comments on Non-Agenda Items Only

Let the record show that there were no public comment, email, or written communications received on non-agenda items.

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

Chairperson Sutherland reviewed the procedures for handling appeals as follows:

- Summary of Case by the Village Planner
- Applicant's Presentation
- Public Hearing
- Planner Recommendation
- Deliberation and Action by the Board of Zoning Appeals

8. Action Items

- A. Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).

1. Planner's Presentation

Village Planner Doug Plachcinski stated that the proposal is to build a garage addition to an existing residential dwelling. The site is located on the west side of Longpointe Drive, and is zoned RL (Residential Lake One Family Dwelling). The parcel is non-conforming with respect to the minimum lot area and lot width requirement for the district. The existing dwelling is non-conforming with respect to the north (side) yard setback. He explained that the proposal requires two variances from the Zoning Ordinance, Front Yard Setback (25.00 feet minimum required, 11.70 feet proposed to deck, 13.30 foot variance requested) and Maximum Lot Coverage (40.0% maximum permitted - 2,159.36 sq. ft., 34.2% coverage existing - 1,846 sq. ft., 45.3% proposed lot coverage - 2,444 sq. ft., 5.3% coverage variance requested - 284.64 sq. ft.)

He reviewed the findings relative to practical difficulty, noting the following:

- Unnecessarily Burdensome: The lot is non-conforming relative to lot area and width. The existing garage is under the dwelling resulting in a steep driveway. The applicant wishes to convert the existing garage to living space and build a new garage, along with constructing an interior stairway to replace a spiral staircase. Based on topography, the grade difference from the street to the garage is 10 feet, which is steeper than other garages on Longpointe. A 22-foot deep standard garage is proposed. Requiring the garage to be pushed back could lead to the elimination of the interior stairwell, which could be a safety hazard and could be considered unnecessarily burdensome.
- The proposal will result in the construction of a garage and expanded living space, along with interior access to the dwelling. It will provide substantial justice to the applicant and is not averse to the neighbors. The property is located on a dead-end street, and adjacent dwellings have garages closer to the street. Longpointe also has a small public parking area. There will be adequate room to maneuver.
- Minimum possible variance: The proposed garage at 22 feet is not excessive. While it could likely be set back more, it would affect the placement at street grade.
- Unique circumstances: The property is small and rectangular in shape. The property's small size and the presence of lake frontage to the east and west provides the need for safe access.
- Not self-created: The problem necessitating the variance is partly self-created by the

applicant's desire to provide a safer access into the garage from the street, and interior access to the various levels of the dwelling.

2. Presentation of Petitioner

Kenneth Kutchek, Applicant, 596 Longpointe, stated that he wants to make improvements to the existing home, and explained that the lot is small and narrow. He noted that the garage is currently under the main level of the house and is higher than the street, resulting in a steep driveway. He stated that safety is his main concern and reason for construction a new garage at street elevation with a stairway connecting the lower level of the house to the main level. He noted that the garage addition proposed is similar and consistent with least three of his neighbors to the north and south, and mentioned that he will not be going any closer to the road than his neighbors are.

Mr. Reighard questioned whether neighboring properties have garages 13 feet from the street.

Mr. Kutchek responded that all neighbors have a similar setup where there is a short drive going into their street-level garages.

Village Planner Plachcinski confirmed that in reviewing Google Maps the applicant's statement is correct and all drives look close to the street, and not all of the adjacent drives could accommodate a vehicle parked in front.

3. Public Hearing

Chairperson Sutherland Opened the Public Hearing at 7:50 p.m.

Ed Sabol, virtual meeting participant, indicated that he supported the applicant's proposal. He stated that while he was not a next-door neighbor, he is close to the property.

George Davis, participating by telephone, stated that he lives next door to the subject property and commented that the offset is almost identical to his property. He explained that six properties in a row will have the same type of variance. He stated that he was in support and commented that it will make the street more attractive.

Mike and Mary Byers, 592 Longpointe, stated in a written communication read into the record by Village Clerk Galeczka, that they live next door and supported the variances. They noted that all lots require variances, and the proposed addition will increase property values on the street and make it more attractive.

Steven and Jennifer Remondini, 580 Longpointe, stated in an email read into the record by Village Clerk Galeczka that they supported the variance request and noted that it is consistent with neighboring properties on Longpointe.

Seeing no public comment, Chairperson Sutherland Closed the Public Hearing at 7:55 p.m.

4. Planner Recommendation

The Planner's Recommendation was to approve the variances based on the findings of fact listed in McKenna's letter dated March 10, 2020.

5. Board Deliberation and Action

Chairperson Sutherland commented that the proposal is consistent with the surrounding properties and he would have no problem with approving the variances.

Ms. Chayka-Crawford and Secretary Mathisen agreed.

Mr. Reighard commented that while he is not sure that these variances should have been granted in the past, as they had been for the other property owners they could not deny the variance in this instance.

Chairperson Sutherland stated that he did not believe that the Board was setting a precedent; it was merely reviewing what had been previously done on the street.

Motion by Chayka-Crawford, Seconded by Bailo:

In Case No. A-19-10, Parcel ID Number 09 - 02 - 351 - 008, described as Lot 7, Block 9 of "ORION IMPROVEMENT COMPANY'S SUB NO. 1" more commonly known as 596 Long Pointe, located in the RL (Lake Single Family Residential Zoning District).

That the following variance be **approved** to redevelop the site with an addition and new deck: new single family residential structure with an attached garage:

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

- Front Yard Setback - 25.00 feet minimum required
- 11.70 feet proposed (to deck)
- 13.30 foot variance requested

APPROVED

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

- Maximum Lot Coverage - 40.0% maximum permitted (2,159.36 sq. ft.)
- 34.2% coverage existing (1,846 sq. ft.)
 - 45.3% proposed lot coverage (2,444 sq. ft.)
 - 5.3% coverage variance requested (284.64 sq. ft.)

APPROVED

That said variances are **approved** based upon the following findings as noted in the December 12, 2019 letter from McKenna Associates, Inc., *a copy of which is attached and incorporated as part of these minutes*, as follows:

1. Compliance with Ordinance standards would likely eliminate the interior stairway proposed.
2. Approval of the variances will allow for the garage to be built at street grade for safer entry
3. Approval of the variances will allow for demolition of the exterior stairway and connect the various levels of the dwelling unit with an interior stairway, which is safer.
4. A reduced front yard setback will not impact sight lines on Longpointe Drive, which is a dead-end street.
5. A reduction in the depth of the garage may not allow for construction of the garage at street level.
6. The parcel is non-conforming and shares similar characteristics with parcels along Longpointe.
7. The need for the variances is partly self-created.

Subject to the following conditions:

1. The applicant shall remit the necessary funds to cover the costs of Planning Consultant review fees above and beyond the amount placed in escrow at the time of application and administrative fees, as necessary, to cover actual costs expended by the Village in processing the subject request.

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

This action is pursuant to:

1. Board of Zoning Appeals application submitted by Kenneth Kutchek consisting of sixteen (16) pages signed 11/09/2019.
2. McKenna Review Letter 1, consisting of three (3) pages, dated 12/12/2019.

3. Kennedy Engineering Survey, consisting of one (1) page, Job No. 19-8224, Drawing No. 19-82242 dated 01/31/2020.
4. Site Plan by AMK Designs consisting of six (6) pages dated 11/04/2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary Chayka-Crawford, Board Member
SECONDER:	Brenton Bailo, Vice Chairperson
AYES:	Sutherland, Bailo, Chayka-Crawford, Reighard, Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington

- A. Case . A-20-01 – Roy Residence/512 Longpointe Drive (Parcel ID Number 09-02-351-002).

1. Planner's Presentation

Village Planner Doug Plachcinski stated that the applicant proposes to demolish an existing dwelling and replace it with a new dwelling and attached garage. The site is located on the west side of Longpointe, zoned RL (Residential Lake One Family Dwelling) district. The parcel is non-conforming with respect to the minimum lot area for the district.

He explained that three variances are being requested, for Front Yard Setback (25.00 minimum required, 6.10 feet proposed to deck overhang, 18.90 foot variance requested), Waterfront Yard Setback (25.00 feet minimum required, 15.10 feet proposed to rear overhang to seawall, 9.90 foot variance requested) and Building Height (30.00 feet maximum allowed, 32.37 feet proposed 32'4-1/2", 2.37 foot variance requested).

He reviewed the standards for consideration of the variance, noting the following:

- The subject lot is 70 feet in width but only 55.3 feet in depth, and has an area of 4,326 sq. ft. which is non-conforming. There is also accreted land; however, the ownership of the accreted land is not verified. The boathouse on the west side is on accreted land. Variances were previously granted in 2019; however, the applicant has since determined the need for an elevator and different setbacks. The applicant also cites higher ceilings seen in modern lakefront homes. The applicant also notes that the second story deck will have support posts only at grade. The existing dwelling of 456.5 sq. ft. will be replaced with a dwelling and garage of 1,486.5 sq. ft. It is noted that the increase in height of the structure even by a few inches has a significant impact on the view from the lake. Furthermore, while higher ceilings may be desirable, they are not a

necessity. The applicant's proposed floor plan and expansive living areas necessitate a larger footprint, reduced setbacks, and could be considered excessive. Compliance with the ordinance standards for building height would require a reduction in ceiling height at each level, which is not considered unnecessarily burdensome.

- While the proposal would provide substantial justice to the applicant by allowing construction of a larger dwelling, it is not in the interest of the village as a whole, resulting in a large building mass on the peninsula.

- The variances are not the minimum possible. Reduction in the ceiling heights can eliminate the need for the variance for building height. Alteration of the floor plan to create living spaces proportionate to the size of the lot will result in smaller setback variances being requested.

- The parcel is smaller than required for the district; however, it is rectangular. The need for the variances is due to the applicant's desire to build a dwelling with living space far in excess of what the lot can accommodate.

- The problem necessitating the variances is entirely self-created.

2. Petitioner's Presentation

Applicant Ron Roy stated that these requested variances address concerns that were raised following the granting of variances in 2019. He noted that his property is unique as it sits wide and not deep, and would result in a large mass if the proposed home was turned to fit onto the lot differently. He displayed a photograph of the current house and noted it was very close to the road. He pointed out that the two-story deck will not have garage under it as the garage is proposed to be set back 10 feet.

He explained that after receiving a variance for 31.5 feet in height, it was determined that his wife's rheumatoid arthritis will necessitate having a personal elevator installed. Because of the roof pitch required, additional space is required between floors to allow for the elevator. In addition, 24" floor joists will be required to support the load of long spans and stabilize the structure for the elevator's movement. He pointed out that the height will be above one neighbor, but less than the other adjacent neighbor. He pointed out that the original design included a recessed deck; however, because of the elevator and staircase, the deck has been pushed out. For the waterside setback, the structure was pushed one foot closer to allow for the porch and not infringe on the front setback as much.

Ed Sabol, 2 Highland, stated that he is the owner of Island Pointe Building Company, and he displayed two photographs of three-story homes constructed on Victoria Island. He stressed that decks are important and break up wall masses. He displayed photographs of various roof pitches and tiered porches. He explained the need for a ceiling height of 8'7" and requirement that floor joists not be undersized.

Discussion ensued regarding what variances were previously approved and the difference requested now.

A question was raised as to whether the variances approved a year ago would still be in effect if the request tonight was denied.

Village Planner Plachcinski stated that the Ordinance would allow for an extension of the previous variance.

Discussion ensued regarding lot coverage. It was noted that both the previous proposal and this proposal were below maximum lot coverage due to the accreted land.

Discussion ensued regarding the need for joist sizes. Mr. Sabol noted that 24" would be required and added that there are some substantial spans. He added that the addition of granite countertops and appliances could result in sagging should the joists be undersized. He noted that the elevator must be located in the center of the house as it requires the car to be able to travel two-feet higher beyond a typical ceiling.

Dr. Bailo questioned whether the applicant has looked into steel floor joists.

Mr. Sabol responded that it would hinder the budget.

3. Public Hearing

Chairperson Sutherland Opened the Public Hearing an 8:49 p.m.

George Davis, resident on Longpointe, participated by telephone, and noted that he fully supports the design.

There were no additional comments, calls, or written communications.

Seeing no further public input, Chairperson Sutherland Closed the Public Hearing at 8:51 p.m.

4. Planner Recommendation

Village Planner Doug Plachcinski stated that the recommendation is to deny the requests, based on the findings included in McKenna's letter of April 9, 2020, which included findings that the proposed structure is excessive for the lot, and would create an excess building mass on the peninsula.

5. Board Deliberation and Action

The Board discussed whether a motion could include an extension of the current variance.

Chairperson Sutherland noted that it would be difficult to make this structure the minimum possible, and stated that the Board struggled with the original variance request a year ago.

Mr. Reighard pointed out that the lot is flat, and if it had been a walkout, the applicant would be allowed to build 10 feet higher. He commented that he did not believe that the request was excessive.

Dr. Bailo stated that he would be in agreement with the height, but questioned the setbacks.

Discussion ensued whether the deck could be reduced.

Mr. Roy stated that the current house is on the road, and this proposal will step back to 16 feet.

Ms. Chayka-Crawford moved to accept the recommendations and findings of McKenna and deny the variances requested.

Discussion whether the elevator would be considered a need or a want.

Moved by Chayka-Crawford moved, seconded by Mathisen to accept the recommendations and findings of McKenna and deny the variances requested:

RESULT:	FAILED [2 TO 3]
MOVER:	Mary Chayka-Crawford, Board Member
SECONDER:	Bradley Mathisen, Secretary
AYES:	Mary Chayka-Crawford, Bradley Mathisen
NAYS:	Jeffrey Sutherland, Brenton Bailo, Robert Reighard
ABSENT:	Natalie M. Daversa, Cindy Pennington

C. **Motion to:** Approve the Variances

In Case No. A-20-01 Parcel ID Number 09-20-351-002 known as 512 Long Pointe, located in the RL (Residential Lake One Family Dwelling) Zoning District

That the following variance be approved to redevelop the site with an addition and new deck: new single family residential structure with an attached garage:

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE - RL ZONING DISTRICT
Front Yard Setback - 25.00 minimum required
- 6.10 feet proposed (to deck overhang)
- 18.90 foot variance requested
APPROVED
2. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE - RL ZONING DISTRICT
Waterfront Yard Setback - 25.00 feet minimum required
- 15.10 feet proposed (to rear overhang to seawall)
- 9.90 foot variance requested
APPROVED
3. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE - RL ZONING DISTRICT
Building Height - 30.00 feet maximum allowed
- 32.37 feet proposed (32' 4-1/2")
- 2.37 foot variance requested
APPROVED

That said variances are APPROVED based on the following findings as listed below:

1. Compliance with the ordinance standard for building height cannot be achieved, while increased compliance with setbacks is not feasible.

2. The proposed structure is not excessive for the lot.
3. Approval of the variances is consistent with the intent of the Zoning Ordinance and does create an excess building mass on the peninsula.
4. The variances requested are the minimum possible.
5. The parcel is non-conforming and similar to parcels along Longpointe Drive.
6. The need for the variances is not entirely self-created.

Subject to the following conditions:

1. The applicant shall remit the necessary funds to cover the costs of Planning Consultant review fees above and beyond the amount placed in escrow at the time of application and administrative fees, as necessary, to cover actual costs expended by the Village in processing the subject request.

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

This action is pursuant to:

1. Board of Zoning Appeals application submitted by Ronald and Linda Roy, consisting of eight (8) pages signed 2/10/2020.
2. McKenna Review Letter 1, consisting of four (4) pages, dated 4/09/2020
3. Site Plan, Kennedy Surveying Inc, dated 01/24/2020, Drawing No. 18-81222, Job No. 18-8122 consisting of one (1) sheet.
4. Elevations drawn by Island Point Building Co. dated 02/13/2020, Job No. 190507 consisting of one (1) sheet.

RESULT:	APPROVED [3 TO 2]
MOVER:	Brenton Bailo, Vice Chairperson
SECONDER:	Robert Reighard, Commissioner
AYES:	Jeffrey Sutherland, Brenton Bailo, Robert Reighard
NAYS:	Mary Chayka-Crawford, Bradley Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington

9. Next Regularly Scheduled BZA Meeting

May 7, 2020

10. Adjournment

1. **Motion to:** Adjourn the Board of Zoning Appeals Meeting at 9:23 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeffrey Sutherland, Chairperson
SECONDER:	Bradley Mathisen, Secretary
AYES:	Sutherland, Bailo, Chayka-Crawford, Reighard, Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington

Brad Mathisen
Secretary

Mary Jo Pachla
Recording Secretary

Susan C. Galeczka, CMC CMMC
Village Clerk

Date Approved: May 7,2020, as presented



MEETING DATE: April 16, 2020

TOPIC: BZA Minutes - Thursday, January 2, 2020

RECOMMENDED MOTION: To approve the Board of Zoning Appeals regular meeting minutes of Thursday, January 2, 2020, as presented.

ATTACHMENTS:

010220 BZA Meeting Minutes - Draft



MINUTES

REGULAR MEETING OF THE LAKE ORION BOARD OF ZONING APPEALS

Thursday, January 2, 2020

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, January 2, 2020 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 Jeffrey Sutherland at 7:30 PM followed by the Pledge of Allegiance.

2. Roll Call and Determination of Quorum

Attendee Name	Organization	Title	Status	Arrived
Jeffrey Sutherland	Village of Lake Orion	Chairperson	Present	
Brenton Bailo	Village of Lake Orion	Vice Chairperson	Present	
Mary Chayka-Crawford	Village of Lake Orion	Board Member	Excused	
Natalie M. Daversa	Village of Lake Orion	Alternate Member	Absent	
Cindy Pennington	Village of Lake Orion	Alternate Member	Absent	
Robert Reighard	Village of Lake Orion	Commissioner	Excused	
Bradley Mathisen	Village of Lake Orion	Secretary	Present	

STAFF PRESENT: Vidya Krishnan, Village Planner
Susan Galeczka, Village Clerk
Mary Jo Pachla, Recording Secretary

3. Designation of Alternate, as necessary

None.

Attachment: 010220 BZA Meeting Minutes - Draft (3605 : 202-01-01 BZA Minutes)

4. Approval of Agenda

1. **Motion to:** Approve the Thursday, January 2, 2020 Zoning Board of Appeals Agenda

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Brenton Bailo, Vice Chairperson
AYES:	Jeffrey Sutherland, Brenton Bailo, Bradley Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington
EXCUSED:	Mary Chayka-Crawford, Robert Reighard

5. Approval of Minutes

- A. BZA Minutes - Thursday, July 18, 2019

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Brenton Bailo, Vice Chairperson
AYES:	Jeffrey Sutherland, Brenton Bailo, Bradley Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington
EXCUSED:	Mary Chayka-Crawford, Robert Reighard

RESOLVED: To approve the Board of Zoning Appeals regular meeting minutes of Thursday, July 18, 2019 as presented.

6. Public Comments on Non-Agenda Items Only

Let the record show no public comments were received on non-agenda items.

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

Chairperson Sutherland reviewed the procedures for handling appeals as follows:

- Summary of Case by the Village Planner
- Applicant's Presentation
- Public Hearing
- Planner Recommendation
- Deliberation and Action by the Board of Zoning Appeals

8. Action Items

- A. Case A-19-09 - N. North Shore

1. Planner's Presentation

Village Planner Vidya Krishnan stated that the applicant proposed to demolish an existing covered porch on the south side of a single-family residential dwelling and replace it with an addition and new deck. She explained that the site is located on the

south side of N. Shore Drive and is zoned RL (Residential Lake One Family Dwelling) district. The parcel is conforming with respect to minimum lot area and lot width requirement for the district. The applicant's proposal as presented requires two variances from the Zoning Ordinance, for side yard (East) and side yard (West) setback. She noted that information received by email today called into question the accuracy of the staked survey's location of the existing foundation, based upon photographs received. The staked survey notes 2.8 feet to the existing foundation; while photographs submitted appear to show a measuring tape at approximately a one-foot distance to the property line. She commented that based on this information, there appears to be a disconnect between the survey submitted and the ground reality, calling into question whether a new survey should be required. She stated that she would not go further into summarizing her review until she could ascertain which was correct. She added that lot coverage should be addressed in the survey as well.

She summarized that the existing structure is close to the property line, and the statement offered by the applicant that the structure will be built on the same foundation would be incorrect based on the discrepancies of the survey versus the photographs.

She noted that the Ordinance states that if the principal wall of the structure meets the five-foot setback requirement, then a 12-inch overhang can be constructed; however, if any portion of the building is within the setback, then the entire structure including the overhang must be included when considering the distance.

She added that when computing lot coverage, driveways do not have to be included; however, deck square footage must be included. She suggested that the application be revised to reflect the actual distance, the driveway and parking spot be removed and the deck added to the computations for lot coverage. She commented that by making the deck shorter the west side could be found to comply with the ordinance, and the east side might require a revision of the drawings. She stated that a revised survey should be submitted.

2. Applicant's Presentation

David Plautz, Crest Homes, representing the applicant, suggested that the proposed plan offered improved aesthetics.

Ms. Krishnan responded that aesthetics cannot be offered as justification for a variance, and that justification must be based on why the structure cannot meet the ordinance regulations.

Ken Van Portfliet, in attendance, questioned whether the Planner was directing the applicant. He questioned whether the porch was permitted and noted that the existing foundation consists of posts on blocks. He questioned how the survey was validated.

Mr. Plautz, commented that he was not aware that another survey existed with a different outcome.

Chairperson Sutherland stated that in order to determine the propriety of the variances requested, an accurate survey is required. He commented that he would suggest the applicant consider requesting this item be tabled, and the application revised to include the deck in lot coverage computations. He noted that he would continue on with the Public Hearing to receive public comments this evening.

3. Public Hearing.

Chairperson Sutherland Opened the Public Hearing at 8:00 p.m.

Ray Putz, 403 North Shore, stated that he was in possession of a stake survey from Kennedy Surveying that indicated the actual distance was 2'3" rather than 2'8" He stated that this issue needs to be resolved. He stated that the homes are very close. He pointed out that the existing porch foundation consists of 4x4s on cinder blocks and commented that they should not be considered. He stated that as this was not a true foundation, they would insist that any proposal have no variance. He commented that the proposed structure will go through his sight line from his patio.

Cherelle Putz, 403 North Shore, stated that while they have enjoyed a neighborly relationship with the applicant and have tried to be very flexible, they feel the need to defend their investment in their property. She noted that they will lose a portion of their view and will be looking into the neighbor's window.

Clerk Galeczka read a letter into the record from Thomas E. Gross, 417 North Shore, which stated that he and his wife Marie have no objection to the variance and welcome the significant investment the owners are willing to make in their property.

Seeing no further public input, Chairperson Sutherland Closed the Public Hearing at 8:15 p.m.

4. Planner Comments.

In response to public questions, Planner Krishnan stated that her job is to let an applicant know the process and how to apply to appear before the board. She stated that she provided guidelines on this case to let the applicant have the information they need to move forward as there has been much confusion; and she stated that she did not provide this information as a means to negotiate with the applicant.

5. Board Deliberation and Action.

Chairperson Sutherland asked the applicant if he would like to request tabling of this item.

Mr. Plautz responded that he wished to ask the board to table the item.

- B. **Motion to:** Table the request for variance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brenton Bailo, Vice Chairperson
SECONDER:	Jeffrey Sutherland, Chairperson
AYES:	Jeffrey Sutherland, Brenton Bailo, Bradley Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington
EXCUSED:	Mary Chayka-Crawford, Robert Reighard

RESOLVED: that the Board of Zoning Appeals tables the request for variance for 411 N. North Shore.

- C. Adopt Resolution Establishing 2020 Board of Zoning Appeals Meeting Schedule

Village Clerk Galeczka noted that the Board was provided with two schedules, with one meeting per month and one offering two meetings per month. She stated that on behalf of the Administration, having the availability of two meeting dates each month allows more flexibility for noticing requirements.

Chairperson Sutherland noted that in the past the Board has supported two meetings each month.

It was the consensus of the board to select option 2 for two meetings per month.

Attachment: 010220 BZA Meeting Minutes - Draft (3605 : 202-01-01 BZA Minutes)

Village of Lake Orion Board of Zoning Appeals Minutes

Regular Meeting, Thursday, January 2, 2020

Page 6 of 7

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Brenton Bailo, Vice Chairperson
AYES:	Jeffrey Sutherland, Brenton Bailo, Bradley Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington
EXCUSED:	Mary Chayka-Crawford, Robert Reighard

RESOLVED: To adopt the 2020 regular meeting schedule of the Lake Orion Zoning Board of Appeals as follows:

THURSDAY, JANUARY 2, 2020	THURSDAY, JANUARY 16, 2020
THURSDAY, FEBRUARY 6, 2020	THURSDAY, FEBRUARY 20, 2020
THURSDAY, MARCH 5, 2020	THURSDAY, MARCH 19, 2020
THURSDAY, APRIL 2, 2020	THURSDAY, APRIL 16, 2020
THURSDAY, MAY 7, 2020	THURSDAY, MAY 21, 2020
THURSDAY, JUNE 4, 2020	THURSDAY, JUNE 18, 2020
THURSDAY, JULY 2, 2020	THURSDAY, JULY 16, 2020
THURSDAY, AUGUST 6, 2020	THURSDAY, AUGUST 20, 2020
THURSDAY, SEPTEMBER 3, 2020	THURSDAY, SEPTEMBER 17, 2020
THURSDAY, OCTOBER 1, 2020	THURSDAY, OCTOBER 15, 2020
THURSDAY, NOVEMBER 5, 2020	THURSDAY, NOVEMBER 19, 2020
THURSDAY, DECEMBER 3, 2020	THURSDAY, DECEMBER 17, 2020

**ALL MEETINGS WILL BE HELD AT THE
VILLAGE OF LAKE ORION COUNCIL CHAMBERS
21 E. CHURCH STREET
LAKE ORION MICHIGAN
AND BEGIN AT 7:30 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*January 16, 2020***10. Adjournment**

1. **Motion to:** Adjourn the Board of Zoning Appeals Meeting at 8:22 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bradley Mathisen, Secretary
SECONDER:	Brenton Bailo, Vice Chairperson
AYES:	Jeffrey Sutherland, Brenton Bailo, Bradley Mathisen
ABSENT:	Natalie M. Daversa, Cindy Pennington
EXCUSED:	Mary Chayka-Crawford, Robert Reighard

 Brad Mathisen
 Secretary

 Mary Jo Pachla
 Recording Secretary

 Susan C. Galeczka, CMC CMMC
 Village Clerk

Date Approved: _____

DRAFT

Attachment: 010220 BZA Meeting Minutes - Draft (3605 : 202-01-01 BZA Minutes)



MEETING DATE: April 16, 2020

TOPIC: Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).

CASE INTRODUCTION:

Kenneth Kutcek is seeking two (2) variances to build a garage addition to an existing residential dwelling. at 596 Long Pointe. The site is zoned the RL (Residential Lake One Family Dwelling) district. The parcel is non-conforming with respect to the minimum lot area and lot width requirement for the district. The existing dwelling is non-conforming with respect to the north (side) yard setback.

The Action before the BZA, after hearing from the consultant, the petitioner, and any citizen who wishes to be heard, is to approve, approve with conditions, or deny the request for the variance.

POSSIBLE MOTION:

In Case No. A-19-10, Parcel ID Number 09-02-351-018, described as Lot 7, Block 9 of "ORION IMPROVEMENT COMPANY'S SUB NO. 1" more commonly known as **596 Long Pointe**, located in the RL (Lake Single Family Residential) Zoning District.

That the following variance be **approved/denied** to redevelop the site with an addition and new deck: new single family residential structure with an attached garage:

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

- | | |
|--------------------|--|
| Front Yard Setback | - 25.00 feet minimum required |
| | - <u>11.70 feet proposed (to deck)</u> |
| | - 13.30 foot variance requested |

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

- Maximum Lot Coverage
- 40.0 % maximum permitted (2,159.36 sq. ft)
 - 34.2% coverage existing (1,846 sq. ft)
 - 45.3 % proposed lot coverage (2,444 sq. ft)
 - **5.3 % coverage variance requested (284.64 sq. ft)**

That said variances are **approved/denied** based upon the following findings as noted in the December 12, 2019 letter from McKenna Associates, Inc., *a copy of which is attached and incorporated as part of these minutes*, as follows:

- 1.
- 2.
- 3.
- 4.

Subject to the following conditions:

1. The applicant shall remit the necessary funds to cover the costs of Planning Consultant review fees above and beyond the amount placed in escrow at the time of application and administrative fees, as necessary, to cover actual costs expended by the Village in processing the subject request.
- 2.
- 3.
- 4.

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

This action is pursuant to:

1. Board of Zoning Appeals application submitted by Kenneth Kutchek consisting of seven (16) pages signed 11/09/2019
2. McKenna Review Letter 1, consisting of three (3) pages, dated 12/12/2019
3. Kennedy Engineering Survey, consisting of one (1) page, Job No. 19-8224, Drawing No.19-82242 dated 01/31/2020

4. Site Plan by AMK Designs consisting of six (6) pages dated 11/04/2019

ATTACHMENTS:

A-19-10.Kutcek-596Longpointe.VarRev#1

596 Longpointe Application

Kulchek 596 Longpointe Survey

Kutcek 596 Longpointe_PLANS-A-1_LOWER LEVEL DEMO FOUNDATION PLANS

Kutcek 596 Longpointe_PLANS-A-2_MAIN LEVEL DEMO_FRAMING PLAN

Kutcek 596 Longpointe_PLANS-A-3_MAIN LEVEL FLOOR PLANS

Kutcek 596 Longpointe_PLANS-A-4_ELEVATIONS

Kutcek 596 Longpointe_PLANS-A-5_BUILIDING SECTION

Kutcek 596 Longpointe_PLANS-A-6_STRUCTURAL NOTES

A-19-10 586 Longpointe Notice 02202020




March 10, 2020

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

Subject: A-19-10 Kutchek Residence / 596 Longpointe; Variance Review #1
See Exhibit A prepared by Village Administration for list of materials reviewed.

Dear Board Members:

We have reviewed the above referenced variance application submitted by Kenneth Kutchek to build a garage addition to an existing residential dwelling. The site is located on the west side of Longpointe Drive, and is zoned the RL (Residential Lake One Family Dwelling) district. The parcel is non-conforming with respect to the minimum lot area and lot width requirement for the district. The existing dwelling is non-conforming with respect to the north (side) yard setback.

VARIANCES

The proposal requires the following variance from the Zoning Ordinance:

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

- | | | |
|--------------------|---|--------------------------------------|
| Front Yard Setback | - | 25.00 feet minimum required |
| | - | <u>11.70 feet proposed (to deck)</u> |
| | - | <i>13.30 foot variance requested</i> |

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

- | | | |
|----------------------|---|--|
| Maximum Lot Coverage | - | 40.0 % maximum permitted (2,159.36 sq. ft) |
| | - | 34.2% coverage existing (1,846 sq. ft) |
| | - | <u>45.3 % proposed lot coverage (2,444 sq. ft)</u> |
| | - | <i>5.3 % coverage variance requested (284.64 sq. ft)</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. The subject lot has an area of 5,398 square feet and a lot width of 40 feet, which makes it a non-conforming lot with respect to lot area and lot width.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



Per the applicant, the existing garage is under the main level of the dwelling. The elevation of the garage is significantly higher than Longpointe Drive resulting in a steep driveway. The applicant proposes to convert the existing garage into living space and build a garage addition closer to the street and at street elevation. The plan also proposes the addition of an interior stairway from the main to lower levels to replace an existing spiral staircase.

Based on a review of the topography shown on the site plan/survey, the grade difference from the street to the garage is approximately 10 feet. While this does not appear to be a 'very steep' slope as seen in pictures, it is definitely at a steeper grade when compared to all the other garages on Longpointe. The proposed garage is approximately 22 feet deep which is a standard size to accommodate most vehicles, and is not considered excessive. Compliance with Ordinance standards would likely result in the applicant not being able to build the garage as proposed, since pushing back the structure from the street would result in the possible elimination of the proposed interior stairway. While such a modification is possible, having only an exterior stairway for access from lower to upper levels of the dwelling can be a safety hazard and can be considered as being unnecessarily burdensome.

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

Approval of the variances will provide substantial justice to the applicant by allowing them to construct a garage, expand their living space and provide for interior access in their dwelling, and is not averse to the interest of other property owners. While we typically have concerns regarding reduced front yard setback affecting traffic flow and sight distance on the abutting roadway, Longpointe Drive is a dead-end street. All of the dwellings adjacent to the subject site have garages placed closer to and on level with the street elevation. Longpointe Drive also has a small public parking area on its east side along the site's frontage. Vehicles existing the site will have adequate room for maneuvering.

(c) Variance requested is minimum possible.

As previously noted, the proposed garage is 22 feet deep which is not excessive for a garage built to accommodate two regular sized vehicles. The garage could likely be setback more from the street; however, such a change may impact the applicant's ability to place the garage at street grade. Reducing the depth of the garage will not result in any significant benefit and may likely result in vehicles being parked in the driveway on the event the applicant owns a larger vehicle.

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

The subject parcel is smaller than required for the district, but is rectangular shaped. This is not a feature unique to the subject site and is common to almost all properties located on Longpointe. However, the small size and the presence of Lake frontage to the east and west creates a need for safe access in the form of indoor stairway that would not ice-over or be a hazard in winters.

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

The problem necessitating the variances is partly self-created by the applicant's desire to provide a safer access into the garage from the street and interior access to the various levels of the dwelling.



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 **approve** the requested variances for the property located at 596 Longpointe Drive.

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

- (1) Compliance with Ordinance standards would likely eliminate the interior stairway proposed.
- (2) Approval of the variances will allow for the garage to be built at street grade for safer entry.
- (3) Approval of the variances will allow for demolition of the exterior stairway and connect the various levels of the dwelling unit with an interior stairway, which is safer.
- (4) A reduced front yard setback will not impact sight lines on Longpointe Drive, which is a dead-end street.
- (5) A reduction in the depth of the garage may not allow for construction of the garage at street level.
- (6) The parcel is non-conforming and shares similar characteristics with parcels along Longpointe.
- (7) The need for the variances is partly self-created.

Respectfully submitted,

McKENNA

Vidya Krishnan
Principal Planner

cc: Village Clerk: Susan Galeczka, 21 E. Church Street, Lake Orion, MI 48362
Applicant/Owner: Ken Kutchek, via e-mail: ken_kutcek@hotmail.com



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: 596 Longpointe Drive Parcel ID #: 09-02-351-018

Parcel Size (Sq.Ft.): 5418 (40ft x 135.5ft) 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: Kenneth Kutchek Address: 596 Longpointe

Property Owner Phone #: 248-640-5077 E-Mail: ken_kutchek@hotmail.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
4.03	Front Setback	28.7 feet	25 feet	13.8 feet	11.2 feet

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.

~~Lake front lots are small and narrow which limits your options when trying to make~~
~~improvements. The required setbacks take up a significant portion of usable lot space.~~
The required setbacks prevent me from utilizing 52.7% of the property.

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

~~Garage addition is similar and consistent with neighboring properties.~~
Requested variance is similar consistent to neighboring properties.
Requested variance is consistent with the Established Front Setback Line.

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.

~~Garage addition is similar and consistent with neighboring properties.~~
Requested variance is similar consistent to neighboring 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.

~~This lake front lot is small and narrow which limits your options when trying to make~~
~~improvements. The existing driveway is very steep and a safety concern for all who walk or~~
drive on it. The variance will allow me to shift the garage forward and down to the street level.

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.

~~The variance request is modest and minimal in efforts to make improvements comparable to~~
~~other homes in the neighborhood.~~

Attachment: 596 Longpointe Application (3604 : Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)

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

~~Granting the variance will improve safety for the owners and all visitors of the property, by allowing me to remove the very steep driveway in front of the existing garage. The steep driveway is currently a safety concern for all who walk or drive on it.~~

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: 596 Longpointe Application (3604 : Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)

November 9, 2019

To:
Village of Lake Orion Zoning
21 East Church Street
Lake Orion, MI, 48362

From:
Kenneth Kutchek
596 Longpointe Dr.
Lake Orion, MI, 48362

Re: Project Narrative

I would like to make improvements to our existing home which are similar and consistent to neighboring properties. This lakefront lot is small and narrow. The lot size, along with the dimensional standards in the existing zoning ordinance, limits your options when trying to make improvements.

The existing garage is under the main level of the house. The existing garage elevation is significantly higher than the Longpointe roadway which makes the driveway very steep and a safety concern for all who walk or drive on it.

The desired improvements include building a new attached garage in front of the existing garage but at the road elevation. The existing garage will then be converted to interior space. The addition will include adding an interior stairway from the main level to the lower levels to replace the existing spiral staircase.

I am requesting a variance of the front setback to allow for the improvements to our home.

I sincerely appreciate your review and consideration of the requested variances due to the unique characteristics of this particular property.

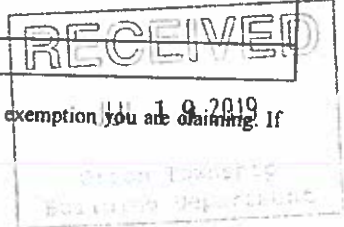
Thank you,

Kenneth Kutchek

PROPERTY TRANSFER AFFIDAVIT

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). **The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer.** The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property 596 Longpointe Dr., Lake Orion, MI 48362		2. County Oakland	3. Date of Transfer (or land contract was signed) July 19, 2019
4. Location of Real Estate (Check appropriate field and enter name in the space below) <input type="checkbox"/> City <input type="checkbox"/> Township <input checked="" type="checkbox"/> Village Lake Orion		5. Purchase Price of Real Estate \$636,000.00	
7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letter. It is on the property tax bill and on the assessment notice. 09-02-351-018		6. Seller's (Transferor) Name Bostick Alaska, LLC, an Alaska limited liability company 6408 Barrington Dr. Rochester, MI 48306	
8. Buyer's (Transferee) Name and Mailing Address Kenneth Kutchek 596 Longpointe Dr., Lake Orion, MI 48362		9. Buyer's (Transferee) Telephone Number (248) 640-6077	
Items 10-15 are optional. However, by completing them you may avoid further correspondence.			
10. Type of transfer: <u>Transfers</u> include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interesting a business. See Page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Other (specify)			
11. Was property purchased from a financial institution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		12. Is the transfer between related persons? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
13. Amount of Down Payment \$410,000.00		15. Amount Financed (Borrowed) \$126,000.00	
14. If you financed the purchase, did you pay market rate of interest? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
EXEMPTIONS			



Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- Transfer from one spouse to the other spouse
- Change in ownership solely to exclude or include a spouse
- Transfer between certain family members *(See page 2)
- Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor *(see page 2)
- Transfer to effect the foreclosure or forfeiture of real property
- Transfer by redemption from a tax sale
- Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- Transfer resulting from a court order unless the order specifies a monetary payment
- Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- Transfer to establish or release a security interest (collateral)
- Transfer of real estate through normal public trading of stocks
- Transfer between entities under common control or among members of an affiliated group
- Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- Transfer of land with qualified conservation easement (land only - not improvements)
- Other, specify: _____

CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

Printed Name Kenneth Kutchek		
Signature <i>Kenneth Kutchek</i>	Date 7/19/2019	
If signer is other than the owner	Daytime Phone Number	E-mail Address

Attachment: 596 Longpointe Application (3604 : Case : A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)

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.

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

Signature of Applicant: *Genneth Yuntz*

Date: 11/09/2019

Date: 11/09/2019

Attachment: 596 Longpointe Application (3604 : Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)



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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.



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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.



BUILDING PERMIT APPLICATION

Charter Township of Orion Building Department

2525 Joslyn Road, Lake Orion, MI 48360
Phone 248-391-0304 ext. 131 Fax 248-391-1454

I. LOCATION OF BUILDING

ADDRESS 596 Longpointe Drive		ZIP CODE 48362
SUBDIVISION ORION IMP COMPANY SUB NO 1	LOT# 7	SIDWELL# 09-02-351-018
ZONING RL	ESTIMATED COST OF CONSTRUCTION \$	

II. APPLICANT

<input type="radio"/> OWNER XX	<input type="radio"/> LESEE	<input type="radio"/> ARCHITECT	<input type="radio"/> ENGINEER	<input type="radio"/> CONTRACTOR
CONTACT Kenneth Kutchek			TELEPHONE NO. 248-640-5077	

III. OWNER / LESSEE

NAME Kenneth Kutchek		TELEPHONE NO. 248-640-5077	
ADDRESS 596 Longpointe Drive	CITY Lake Orion	STATE MI	ZIP CODE 48362
EMAIL ADDRESS ken_kutchek@hotmail.com			FAX NO.

IV. ARCHITECT / ENGINEER

NAME		TELEPHONE NO.	
ADDRESS	CITY	STATE	ZIP CODE
LICENSE NUMBER		EXPIRATION DATE	
EMAIL ADDRESS			FAX NO.

V. CONTRACTOR

NAME		TELEPHONE NO.	
ADDRESS	CITY	STATE	ZIP CODE
BUILDERS LICENSE NUMBER		EXPIRATION DATE	
EMAIL ADDRESS			FAX NO.

VI. PROPOSED USE OF BUILDING

A. RESIDENTIAL			
<input type="radio"/> SINGLE FAMILY	<input type="radio"/> MULTI-FAMILY (NO. OF UNITS____)	<input type="radio"/> ATTACHED GARAGE	<input type="radio"/> DETACHED ACCESSORY BLDG.
<input type="radio"/> OTHER (SPECIFY) _____ (NEW RESIDENTIAL ONLY - NUMBER OF BEDROOMS ____ NUMBER OF BATHROOMS - FULL ____ PARTIAL ____)			
B. NON-RESIDENTIAL			
<input type="radio"/> COMMERCIAL	<input type="radio"/> INDUSTRIAL	<input type="radio"/> MEDICAL	<input type="radio"/> OFFICE / PROFESSIONAL
<input type="radio"/> TOWER	<input type="radio"/> SIGN	<input type="radio"/> OTHER (SPECIFY) _____	

VII. DESCRIBE IN DETAIL PROPOSED USE OF BUILDING

Attached Garage addition, existing garage under house will be converted to interior space.
Addition of front entryway. Addition of stairs from main level to lower level.

VIII. TYPE OF IMPROVEMENT

- | | | | |
|---|----------------------------------|--|--|
| <input type="radio"/> NEW BUILDING | <input type="radio"/> ALTERATION | <input type="radio"/> MOBILE HOME SET-UP | <input type="radio"/> OTHER SPECIFY _____ |
| <input type="radio"/> ADDITION | <input type="radio"/> REPAIR | <input type="radio"/> DECK | <input type="radio"/> FOUNDATION ONLY |
| <input type="radio"/> ACCESSORY STRUCTURE | <input type="radio"/> DEMOLITION | <input type="radio"/> POOL | <input type="radio"/> IN GROUND <input type="radio"/> ABOVE GROUND |

IX. ENVIRONMENTAL

A. PRINCIPAL TYPE OF SEWAGE DISPOSAL

- PUBLIC **XX** SEPTIC SYSTEM

B. PRINCIPAL TYPE OF WATER SUPPLY

- PUBLIC **XX** PRIVATE WELL

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS AUTHORIZED AGENT AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

SECTION 23a OF THE STATE CONSTRUCTION CODE ACT OF 1972, 1972 PA 230, MCL 125.15239, PROHIBITS A PERSON FROM CONSPIRING TO CIRCUMVENT THE LICENSING REQUIREMENTS OF THIS STATE RELATING TO PERSONS WHO ARE TO PERFORM WORK ON A RESIDENTIAL BUILDING OR A RESIDENTIAL STRUCTURE. VIOLATORS OF SECTION 23a ARE SUBJECT TO CIVIL FINES.

PERMIT FEES

APPLICATION AND MINIMUM PLAN REVIEW FEES SHALL BE PAID WHEN PLANS ARE SUBMITTED.

I UNDERSTAND THERE WILL BE ADDITIONAL FEES DUE WHEN MY PERMIT IS ISSUED. INITIAL **KK**

SIGNATURE OF APPLICANT *Kenneth Kutchek* DATE 11/10/2019
 PRINT NAME Kenneth Kutchek

OFFICE USE ONLY

FEES

VILLAGE APPLICATION

APPLICATION \$ _____

PLAN REVIEW (min.) \$ _____

REGISTRATION \$ _____

TOTAL \$ _____

PLAN REVIEW (balance due) \$ _____

PERMIT FEES \$ _____

TOTAL \$ _____

INFORMATION

TYPE _____

USE GROUP _____

SQUARE FOOTAGE _____

CONSTRUCTION COST \$ _____

PROJECT # _____

**COMMERCIAL (NEW/EXISTING) AND NEW RESIDENTIAL APPLICANTS
 PLEASE CONTACT ORION TOWNSHIP PUBLIC WORKS FOR WATER AND SEWER FEES
 248-391-0304 EXT. 117
 WATER/SEWER FEES MUST BE PAID PRIOR TO ISSUING YOUR BUILDING PERMIT**

Attachment: 596 Longpointe Application (3604 : Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)



Village of Lake Orion

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www.lakeorion.org

HOW TO APPLY FOR A BUILDING PERMIT

REVIEW AND APPROVAL PROCESS

The following outlines the steps required to obtain a residential or non-residential building permit.

- A. Submit all required documents and fees (*listed below*) to the Village Zoning Coordinator.
- B. Application will be reviewed and a Village Zoning Compliance Permit will be issued for an application meeting all requirements of the Village Zoning Ordinance.
- C. Those applications receiving a Village Zoning Compliance permit will have their Township building permit application transmitted by Village staff to the Orion Township Building Department.
- D. The Orion Township Building Department staff will contact you with any questions. When your application meets all applicable code requirements Orion Township will contact you stating your approved permit is available for pick up at Township Hall and with the amount due for review/inspection fees.
- E. Please display your approved permits in a prominent location visible from the street.

REQUIRED DOCUMENTS

The following lists all documents required for a complete submittal of a building permit application.

Failure to submit all required documents WILL DELAY processing your application.

- X 1. Completed Village of Lake Orion Zoning Compliance Permit Application. (Must be signed by Property Owner)
- X 2. Proof of Ownership of Property. (*Required if different than current Tax Roll*)
3. Detailed plot plan. (*Two (2) copies of a plot plan or survey showing dimensions of the lot, existing structures, proposed structures, dimensions of all structures from the property lines and water's edge, streets, drives, sidewalks, bodies of water and easements.*)
4. Village fees for zoning compliance review.
5. Completed Orion Township Building Permit Application.
6. Detailed construction plans. (*Three (3) copies for Residential – Four (4) copies for Non-residential*)
7. Copy of Oakland County Soil Erosion Permit or Letter of Exemption. (*if applicable*)
8. Valid contractor license. (*if applicable*)
9. Digital copies of all documents. (*For any documents larger than 11 in. x 17 in.*)



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REVIEW TIME AND WHERE TO OBTAIN APPLICATIONS

The time required for Village of Lake Orion and Orion Township to review building permit applications varies depending upon the number of applications received prior to your submission. Be sure to provide sufficient information and allow sufficient time for review.

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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PERMITS REQUIRED FOR YOUR CONSTRUCTION PROJECT

All construction projects located in the Village of Lake Orion must obtain a permit prior to beginning construction. The type and number of permits you will need depends on the type of construction you will be performing. Please review the description of permits below to determine which permit you must apply for.

- **Village Zoning Compliance Permits** are required for all new buildings or structures, including work that is exempt from the requirements of the Construction Code. **Projects that do not require a building permit listed below still require a Zoning Compliance Permit.** Such projects include residential sheds that are less than 200 sq. ft. and under 10' tall, above ground swimming pools over 24" deep, or accessory mechanical units.
- **Residential Building Permits** are required for new residential construction or when any type of structural work is done on a dwelling/residence, constructing decks, swimming pools, additions, garages, detached sheds or structures over 200 sq. ft., foundation repairs, enlarging of the existing doors or windows, adding or changing interior walls, finishing interior attic or basement space. A building permit is NOT required for adding or changing the exterior siding or replacing roof shingles, up to two (2) layers. However, repairing a roof, including replacing plywood sheeting, does require a permit.
- **Commercial Building Permits** are typically required for all interior and exterior projects. Please review requirements with the Village Planning and Zoning Department. New businesses must submit a Change of Use / Occupancy form to the Village Office prior to applying for a building permit and may be subject to further review requirements.
- **Soil Erosion Permits.** Any construction project that is within 500 feet of the water's edge of a lake or stream and/or disturbs one (1) or more acres of land must apply for a Soil Erosion Permit from the Oakland County Water Resources Commissioner. An approved permit or a Letter of Determination from Oakland County stating that a soil erosion permit is not necessary MUST be submitted for any project within 500 feet of the water's edge that disturbs greater than 220 square feet of soil. The Village of Lake Orion will not accept a building permit application without one of these documents. Contact the Oakland County Water Resources Commissioner for instructions on how to fill out the application at 248-858-5389.
- **Sign or Fence Permits.** The erection of any new fence or wall requires a Village fence permit. The repair or replacement of a section of an existing fence does not require permit provided the type of material, height or location does not change. Any change in material, height or location requires a Village fence permit. Erecting or replacing any sign will require a Village sign permit and a Township building permit. All applications for permits must be submitted to the Village for processing.
- **Electrical, Mechanical and Plumbing Permits.** Any electrical, mechanical or plumbing construction that is NOT part of a structural construction project may obtain permits directly from Orion Township. If structural work is being performed a building permit must be obtained BEFORE going to Orion Township for electrical, mechanical or plumbing permits. Contact Orion Township Building Department for the list of the currently enforced construction codes. Applications may be obtained directly from the Orion Township Building Department website.

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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ZONING COMPLIANCE PERMIT APPLICATION

PROPERTY INFORMATION

Site Address: 596 Longpointe Drive

Parcel ID # (Refer to Tax Bill): 09-02-351-018 Zoning District: RL

OWNER INFORMATION

Property Owner Name: Kenneth Kutchek Address: 596 Longpointe Drive

Property Owner Phone #: 248-640-5077 E-Mail: ken_kutchek@hotmail.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.) _____

PROJECT DESCRIPTION

Describe Proposed Project: Addition
(i.e. New Residence, Addition, Detached Garage, Deck, Shed, Pool, Roof, Foundation Repair, etc.)

PLEASE REFER TO THE VILLAGE ZONING ORDINANCE TO ENSURE YOUR PROPOSED PROJECT IS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS AND REGULATIONS.

ADDITIONAL REQUIRED INFORMATION

1) Plot Plan: A dimensioned or scaled plan containing, at a minimum, the following information is required:

- Dimensions of Lot
- Dimension of Existing and Proposed Structures (all structures 8" above grade)
- Proposed Structures Distance from Adjacent Property Lines (Include Waters Edge if applicable)
- Streets, Sidewalks, Driveways and Bodies of Water

2) Additional Permits May Be Required: Your project may require additional permits for soil erosion by the Oakland County Water Resources Commissioner or for structural, mechanical, electrical or plumbing work from Orion Township. Please refer to the Building Permit Instructions sheet in your packet to determine what you may need.

I, the undersigned, depose that the foregoing statements and drawings are true and correct to the best of my knowledge. I, the undersigned, hereby authorize the Village of Lake Orion or designated representative to enter the subject property in connection with this application, if necessary;

Signature of Property Owner: Kenneth Kutchek Date: 11/09/2019

Signature of Applicant/Contractor: Kenneth Kutchek Date: 11/09/2019

TO BE COMPLETED BY VILLAGE STAFF: Date Received: _____ Fee: _____ Receipt #: _____ Rev 7/19/2016

Attachment: 596 Longpointe Application (3604 : Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)

****VILLAGE STAFF USE ONLY - DO NOT WRITE BELOW ****

Village of Lake Orion Building Permit / Zoning Compliance Permit Worksheet

Reviewed by: _____ Date: _____ Parcel #: _____

Proof of Ownership Verified using: _____ Owner Signature(s): Yes / No

Building Plan Copies Included: _____ # of Plot Plan Copies Included _____ Cost of Improvement \$: _____

Lot Dimensions: _____ x _____ Area Sq. Ft. _____ Lot Shape: _____

Is Subject Property Adjacent to Different Zoning Districts? Yes / No If Yes, explain: _____

	Applicable?	Existing:	Proposed:	Regulations:	Compliant:
Maximum Lot Coverage		_____	_____	_____	Yes / No
Height of Structure		_____	_____	_____	Yes / No
Front (street) Yard Setback	N/A	_____	_____	_____	Yes / No
Water Front Setback	N/A	_____	_____	_____	Yes / No
Rear Yard Setback	N/A	_____	_____	_____	Yes / No
One Side Yard Setback	N/A	_____	_____	_____	Yes / No
Other Side Yard Setback	N/A	_____	_____	_____	Yes / No
Side Street Yard Setback	N/A	_____	_____	_____	Yes / No

Corner Lot Visibility - Unobstructed triangular as formed by the street property lines at a line connecting them at points 25 feet from the intersection of the street lines. Yes / No N/A

Driveway Visibility - Unobstructed area formed by the street lot line, the edge of the driveway and a line connecting them at points ten (10) feet from their intersection. Yes / No N/A

FOR RV Districts: Established Front Setback Setback A _____ + Setback B _____ = _____ ÷ 2 = _____ EFS

FOR COMMERCIAL PROPERTY: Has it had Prior Site Plan Approval? Yes / No If yes, date: _____

Has Property had prior BZA approvals? Yes / No If yes, date & result _____ Water Tap:

Easements: _____ Topographical Remarks: _____

Existing / New / Disconnect / N/A Sewer Tap: Existing / New / Disconnect / N/A

If Disconnecting Water or Sewer, please circle one: Temporary Permanent

Existing Structures Conforming: Yes / No N/A Proposed Structure Conforming: Yes / No N/A

If Structural Alterations to a Non-Conforming Structure:

TCV of Building Only \$ _____

Divide by 2 = \$ _____ (permitted improvement amount)

Amount of Proposed Improvement \$ _____

Difference \$ _____ (over / under permitted amount)

Does the Application meet the Regulations of the Ordinance? Yes / No

Building Permit Required? Yes/ No SESC Permit or Exemption Attached? Yes / No N/A

Staked Survey or Additional Information Required: _____

Approval by: Zoning Administrator BZA PC VC

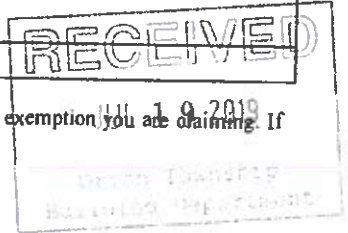
Remarks: _____

Attachment: 596 Longpointe Application (3604 : Case . A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)

PROPERTY TRANSFER AFFIDAVIT

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). **The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer.** The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property 596 Longpointe Dr., Lake Orion, MI 48362		2. County Oakland	3. Date of Transfer (or land contract was signed) July 19, 2019
4. Location of Real Estate (Check appropriate field and enter name in the space below) <input type="checkbox"/> City <input type="checkbox"/> Township <input checked="" type="checkbox"/> Village Lake Orion		5. Purchase Price of Real Estate \$636,000.00	
7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letter. It is on the property tax bill and on the assessment notice. 09-02-351-018		6. Seller's (Transferor) Name. Bostick Alaska, LLC, an Alaska limited liability company 5408 Barrington Dr. Rochester, MI 48306	
8. Buyer's (Transferee) Name and Mailing Address Kenneth Kutchek 596 Longpointe Dr., Lake Orion, MI 48362		9. Buyer's (Transferee) Telephone Number (248) 640-5077	
Items 10-15 are optional. However, by completing them you may avoid further correspondence.			
10. Type of transfer <u>Transfers</u> include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interesting a business. See Page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Other (specify)			
11. Was property purchased from a financial institution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		12. Is the transfer between related persons? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
13. Amount of Down Payment \$410,000.00		15. Amount Financed (Borrowed) \$126,000.00	
14. If you financed the purchase, did you pay market rate of interest? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
EXEMPTIONS			



Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

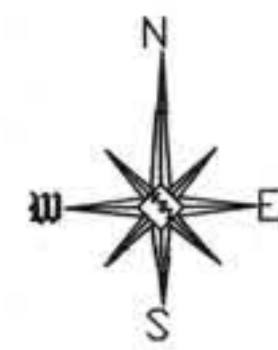
- Transfer from one spouse to the other spouse
- Change in ownership solely to exclude or include a spouse
- Transfer between certain family members *(See page 2)
- Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor **(see page 2)
- Transfer to effect the foreclosure or forfeiture or real property
- Transfer by redemption from a tax sale
- Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- Transfer resulting from a court order unless the order specifies a monetary payment
- Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- Transfer to establish or release a security interest (collateral)
- Transfer of real estate through normal public trading of stocks
- Transfer between entities under common control or among members of an affiliated group
- Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- Transfer of land with qualified conservation easement (land only - not improvements)
- Other, specify: _____

CERTIFICATION

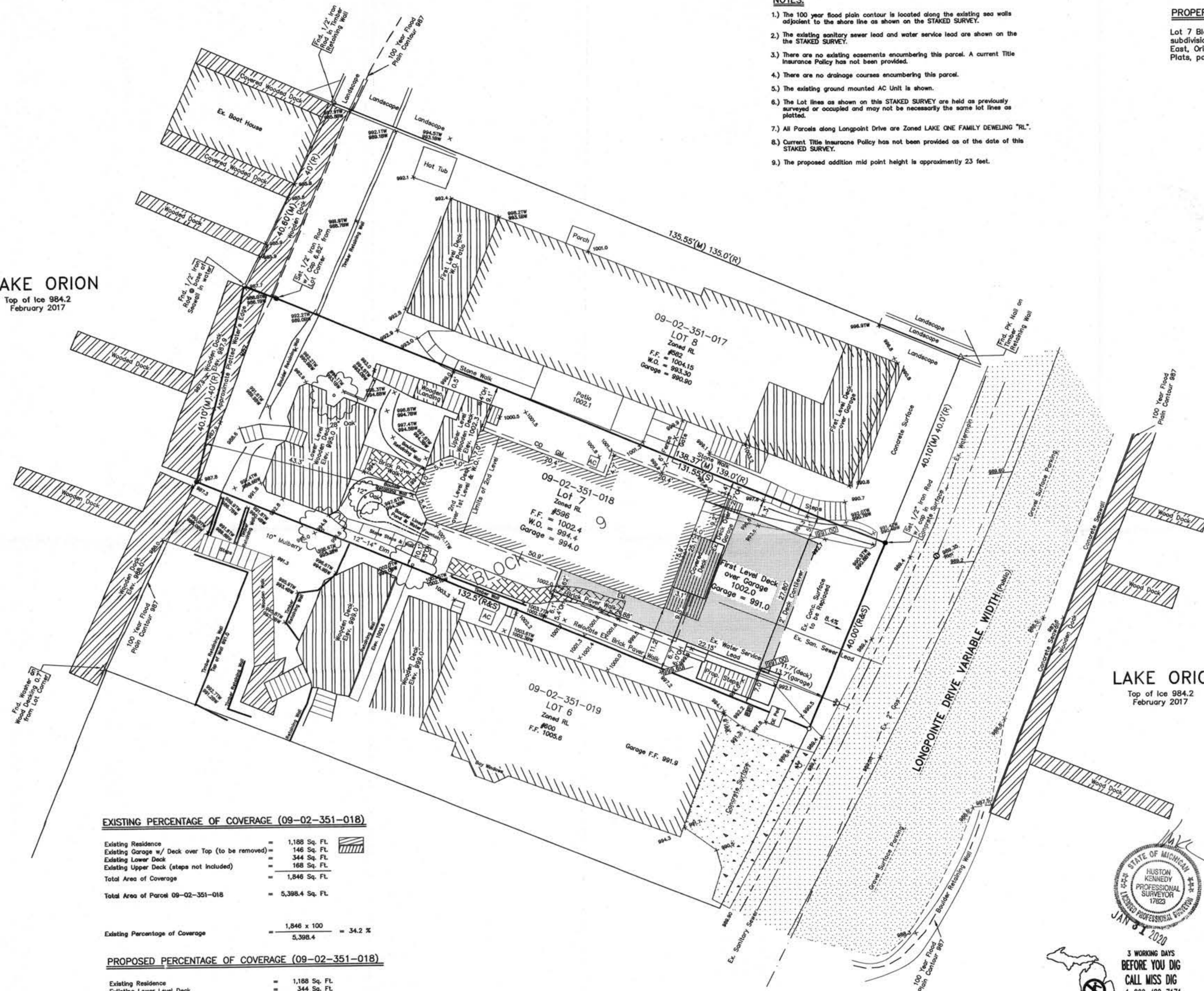
I certify that the information above is true and complete to the best of my knowledge.

Printed Name Kenneth Kutchek		
Signature <i>Kenneth Kutchek</i>	Date 7/19/2019	
If signer is other than the owner	Daytime Phone Number	E-mail Address

Attachment: 596 Longpointe Application (3604 : Case : A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018).)



LAKE ORION
Top of Ice 984.2
February 2017



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 necessarily the same lot lines as plotted.
- 7.) All Parcels along Longpoint Drive are Zoned LAKE ONE FAMILY DEWELING "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 a subdivision of part of Sections 2, 3, 10 and 11, Town 4 North, Range 10 East, Orion Township, Oakland County, Michigan. As recorded in Liber 4 of Plats, page 19 of Oakland County Records.

LEGEND:

- 990.7 x = EXISTING ELEVATION
- 991.000 = PROPOSED ELEVATION
- BM = BENCH MARK
- = FND. 1/2" IRON ROD UNLESS NOTED
- = SET 1/2" IRON ROD W/ ID CAP
- P.P.○ = EX. POWER POLE
- ▨ = EX. UTILITY RISER
- = CLEAN OUT
- ⊙ = EX. SANITARY SEWER MANHOLE
- ⊕ = GATE VALVE & WELL
- ⊙ = FIRE HYDRANT
- ⊕ = WATER SHUT OFF
- F.F. = 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

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 (steps not included)	=	168 Sq. Ft.
Total Area of Coverage	=	1,846 Sq. Ft.
Total Area of Parcel 09-02-351-018	=	5,398.4 Sq. Ft.

Existing Percentage of Coverage = $\frac{1,846 \times 100}{5,398.4} = 34.2\%$

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 (steps 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	=	5,398.4 Sq. Ft.

Proposed Percentage of Coverage = $\frac{2,444 \times 100}{5,398.4} = 45.3\%$

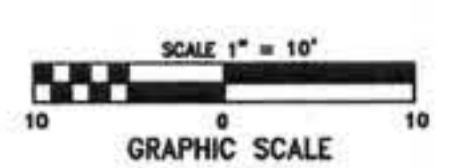
BENCH MARK (BM)

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



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

CAUTION!
THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE 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	Chk	Description	DATE
REVISIONS				

STAKED SURVEY For:
KEN KUTCHEK
596 Longpointe Drive
Lake Orion, Michigan 48362
Phone: (248) 640-5077

KENNEDY SURVEYING, INC.
105 N. Washington St.
Oxford, Michigan 48371
Fax: (248) 628-7191 Phone: (248) 628-4241

Drawn By:	SST	Date:	01/31/20	Scale:	1" = 10'	Sheet No.:	1
Chk'd:	HKK	Drawing No.:	19-82242	Job No.:	19-8224		



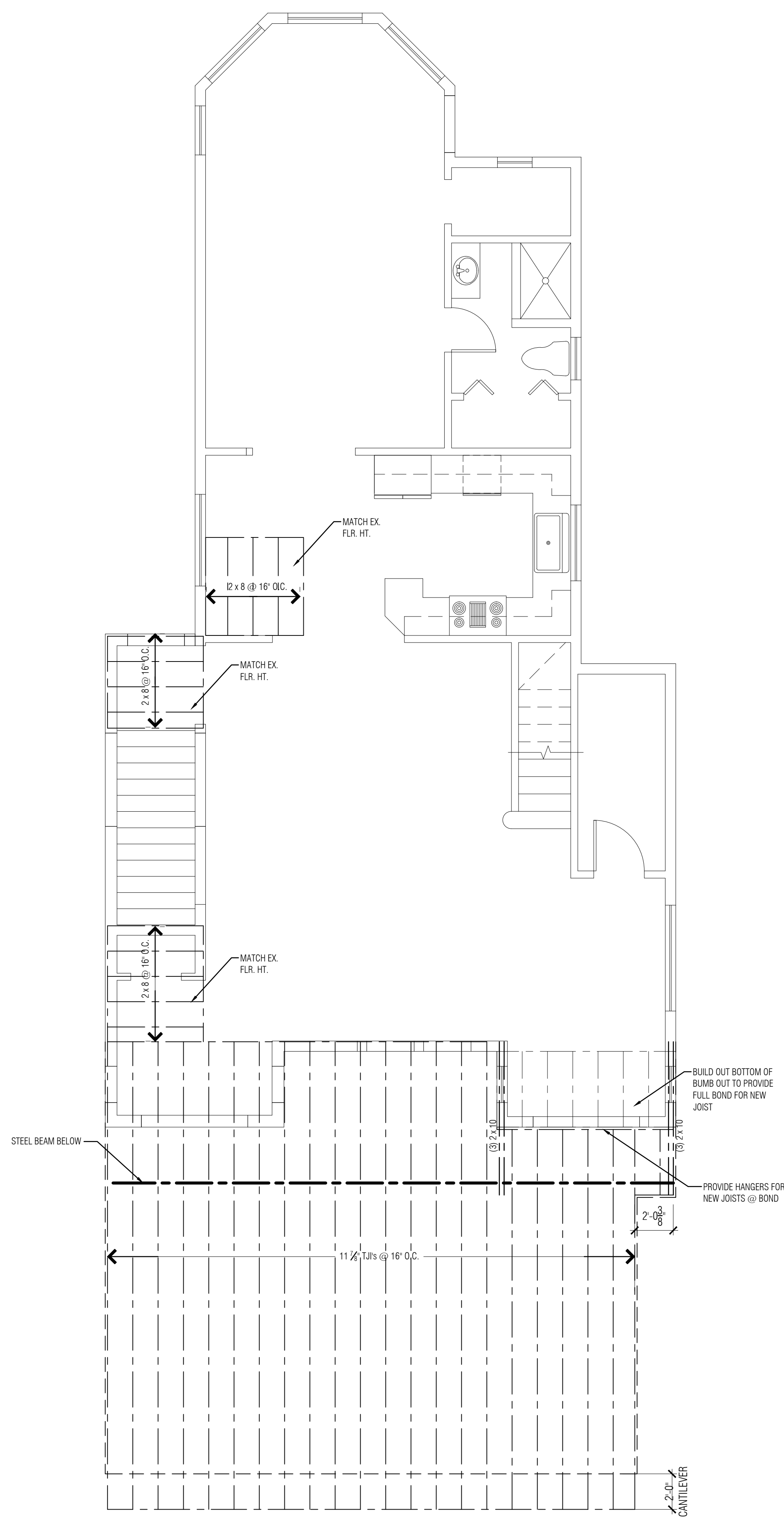
project
Kutchek Addition
596 Longpointe Dr.
Lake Orion, MI 48362
zoning

CODE:
DESIGNED IN ACCORDANCE WITH MICHIGAN BUILDING
CODE 2015, MICHIGAN PLUMBING CODE 2015,
MICHIGAN MECHANICAL CODE 2015 AND THE 2015
NATIONAL ELECTRICAL CODE.

sheet title
**MAIN LEVEL
DEMO / FRAMING
PLAN**

date	description
09.25.2019	PRELIMINARY DESIGN
10.03.2019	REVISIONS
10.24.2019	FINAL REVIEW
11.04.2019	PERMITS / CONSTRUCTION

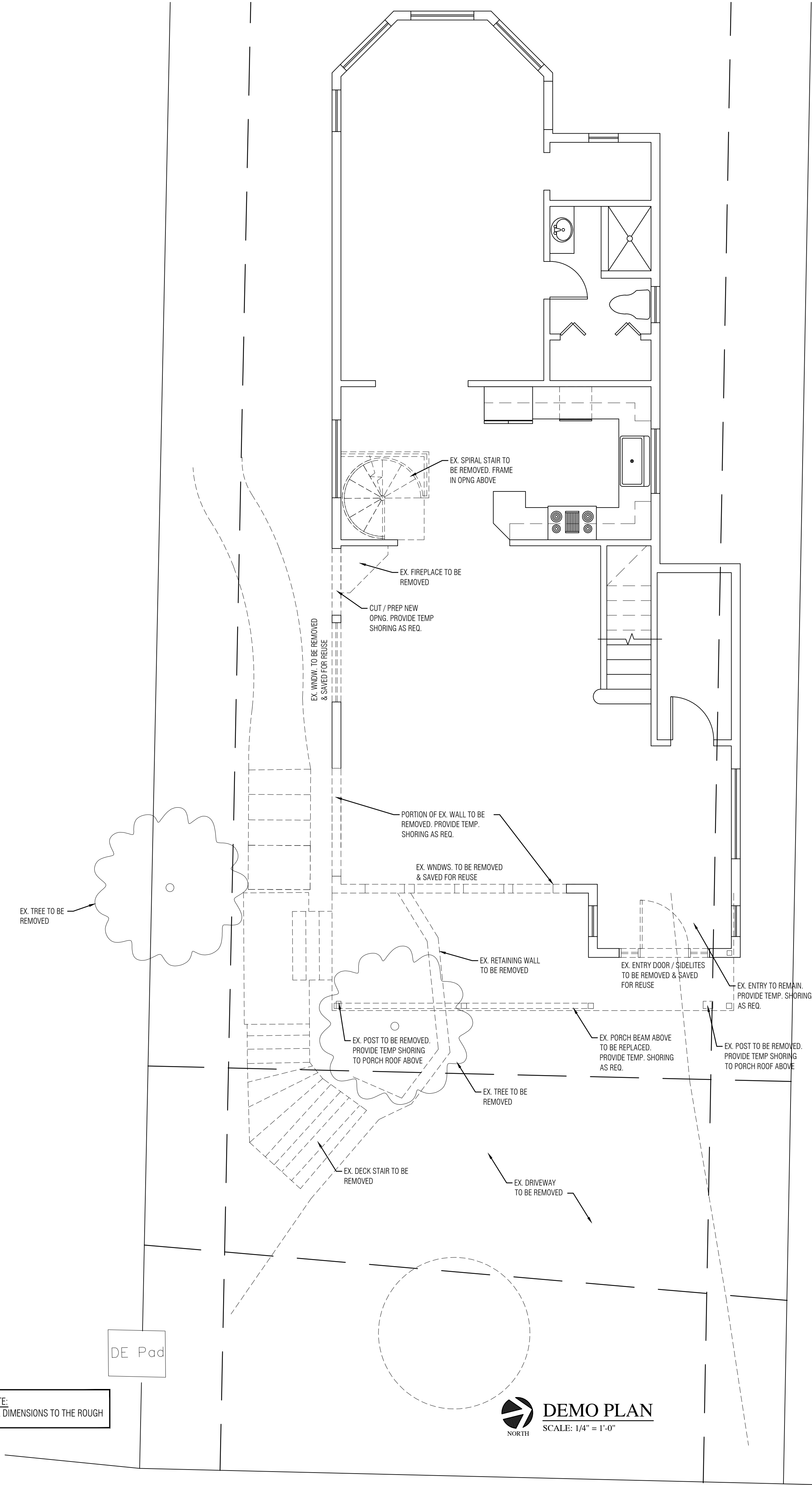
Attachment: Kutchek 596 Longpointe PLANS-A-2 MAIN LEVEL DEMO FRAMING PLAN (3604 : Case - A-19-10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018))



MAIN LEVEL FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"

NOTE:
ALL ELEVATIONS BASED ON ML
FINISH FLOOR ELEVATION = 1204.4'

NOTE:
ALL DIMENSIONS TO THE ROUGH



DEMO PLAN
SCALE: 1/4" = 1'-0"

AutoCAD v2014
Drawn By: Aaron Kozachik
sheet



project

Kutchek Addition
596 Longpointe Dr.
Lake Orion, MI 48362

zoning

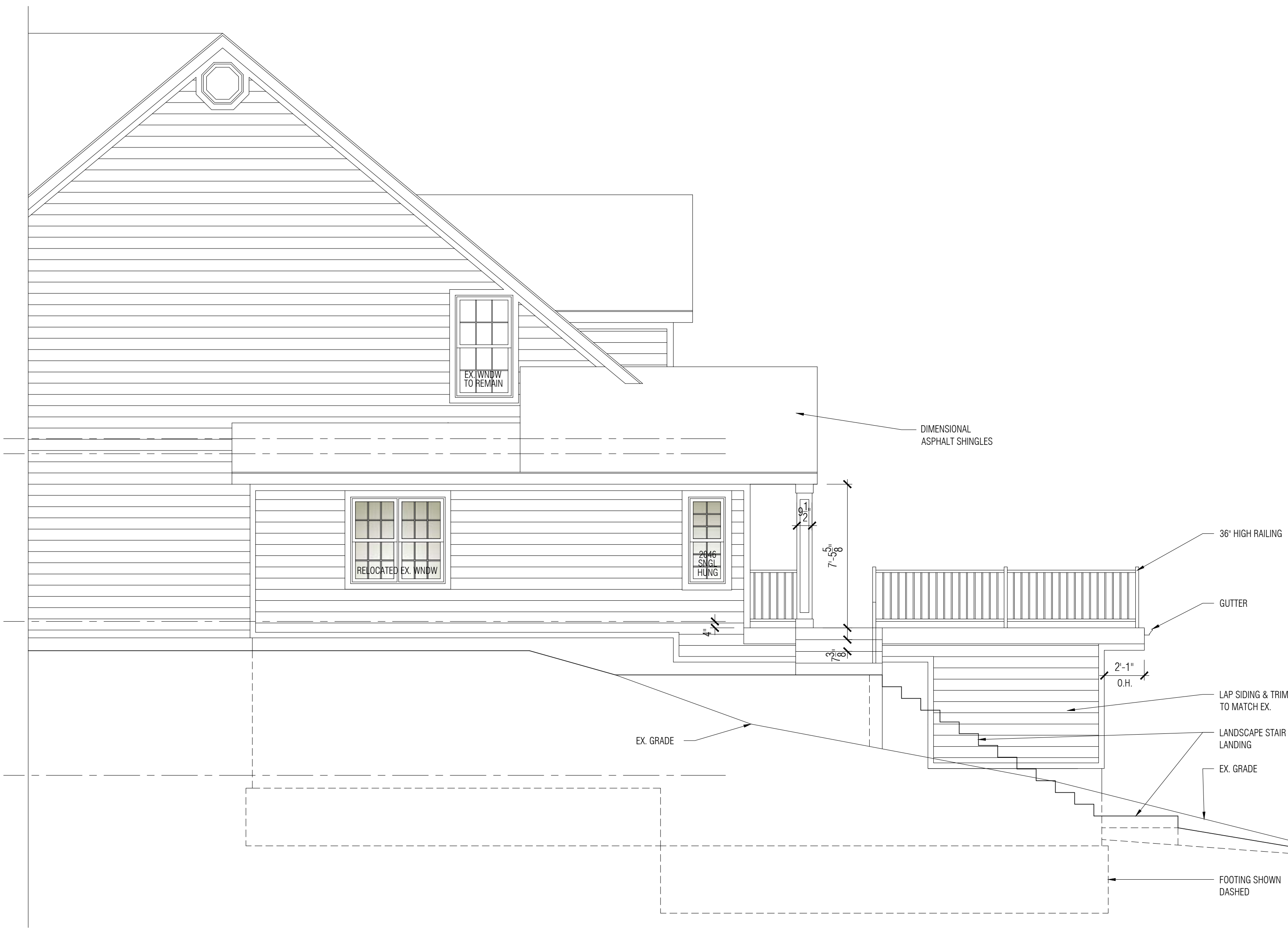
CODE:
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CODE 2015, MICHIGAN PLUMBING CODE 2015,
MICHIGAN MECHANICAL CODE 2015 AND THE 2015
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sheet title

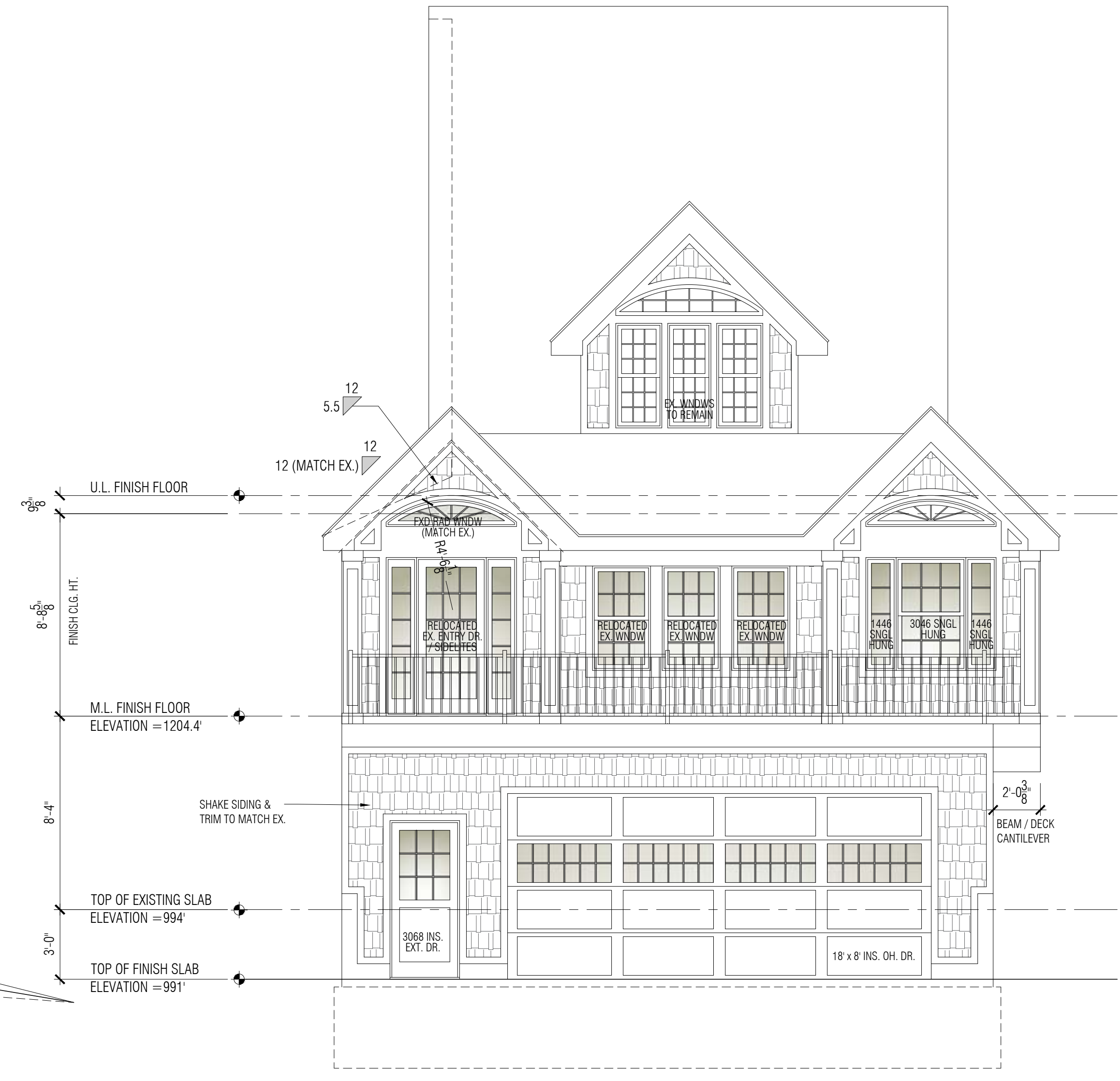
ELEVATIONS

date

09.25.2019	PRELIMINARY DESIGN
10.03.2019	REVISIONS
10.24.2019	FINAL REVIEW
11.04.2019	PERMITS / CONSTRUCTION



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



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

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

AutoCAD v2014
Drawn By: Aaron Kozachik
sheet

Attachment: Kutchek 596 Longpointe_PLANS-A-4_ELEVATIONS (3604 : Case : A - 19 - 10 - 596 Long Pointe Drive (Parcel ID Number 09-02-351-018))

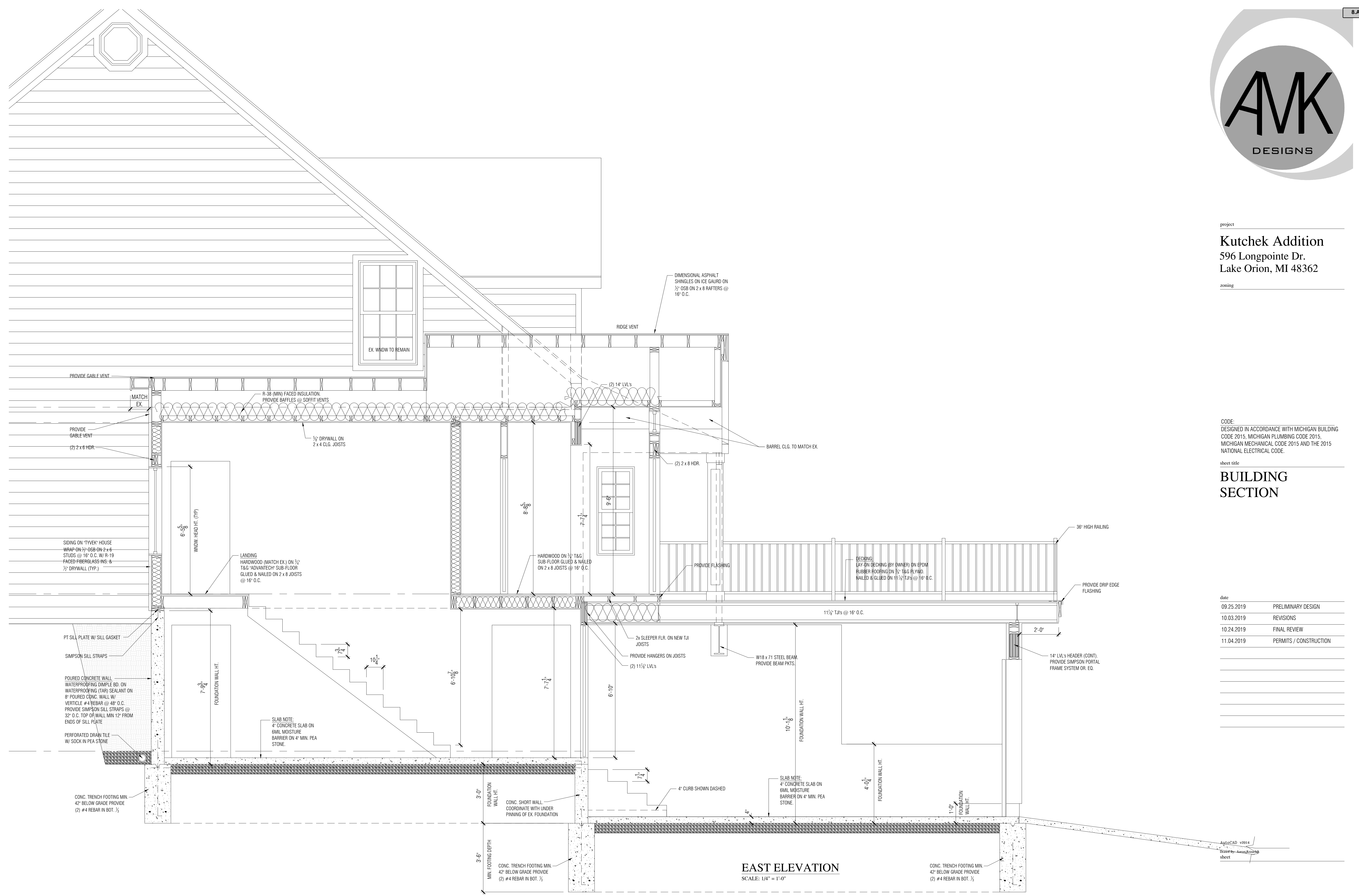


project
Kutcheck Addition
596 Longpointe Dr.
Lake Orion, MI 48362
zoning

CODE:
DESIGNED IN ACCORDANCE WITH MICHIGAN BUILDING
CODE 2015, MICHIGAN PLUMBING CODE 2015,
MICHIGAN MECHANICAL CODE 2015 AND THE 2015
NATIONAL ELECTRICAL CODE.

sheet title
BUILDING SECTION

date	description
09.25.2019	PRELIMINARY DESIGN
10.03.2019	REVISIONS
10.24.2019	FINAL REVIEW
11.04.2019	PERMITS / CONSTRUCTION



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

AutoCAD v2014
Drawn by: Aaron Kutcheck
sheet



Whitican Machine Dynamics L.L.C.
 Structural Engineering Services
 Steven M. Whitican P.E.
 4015 Wadhams Rd
 North Street, MI 48049

wmdresearch.com
 +1 (810) 292-9258
 steve@wmdresearch.com
 Lic. # 6201063567

Site Report

The purpose of this report is to size the specified beams for 596 Long Point Dr, Lake Orion, MI. The main beam is to be installed in the garage and to clear span 27 feet with a minor cantilever. The beam carries the load from the floor above. The floor above is an outdoor patio. Live loading is assumed at 40 psf. The beam also carries a share of the loading from the outlooks and roofs above.

Loading was extracted from the I-joists given their static indeterminacy. Loading utilized on the beam based on the floor joists is 1276. All loading is included on the I-joist (5/8" sheetrock, joist weight, subfloor, and an allowance for barrier and flooring).

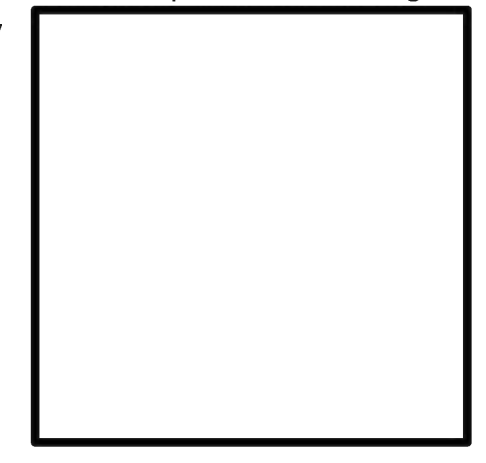
Displacement plots of the I-joists are shown below. The joists achieve a standard of L/612. Figure 1 shows the distortion plot for the I-joist. 12" I-joists were utilized. Figure 2 shows the reaction loads on the I-joist. It is important to note that the end of the joist nearest the existing home experiences a minor uplift force.

Displacement plots of the main beam are given in Figure 3. With an W18 X 71 beam, the standard achieved is L/557. Loading is summarized in Figure 4 and Figure 5. If a W21 X 73 beam is utilized, a standard of L/772 is achieved.

Approximately 18,860 lbf is experienced at both beam pockets. Adequate reinforcement of the foundation wall is necessary to carry this load.

Figure 6 shows the beam arrangement to carry the rafter tails and second floor joists. The 14" beam is sufficient. The portion of the beam right of the (3) ply 2 x 8 will be subjected to loads from the ceiling sheetrock, ceiling joists, live floor loads, sheathing and floor coverings. The beam to the right of the (3) ply 2 x 8 will also be carrying the rafter tails including the roof snow load and materials. The distance of beam carrying this load is approximately 48". The entirety of the beam carries a portion of the ceiling loads from the outlook. The left portion of the beam pertains only to span the appropriate distance.

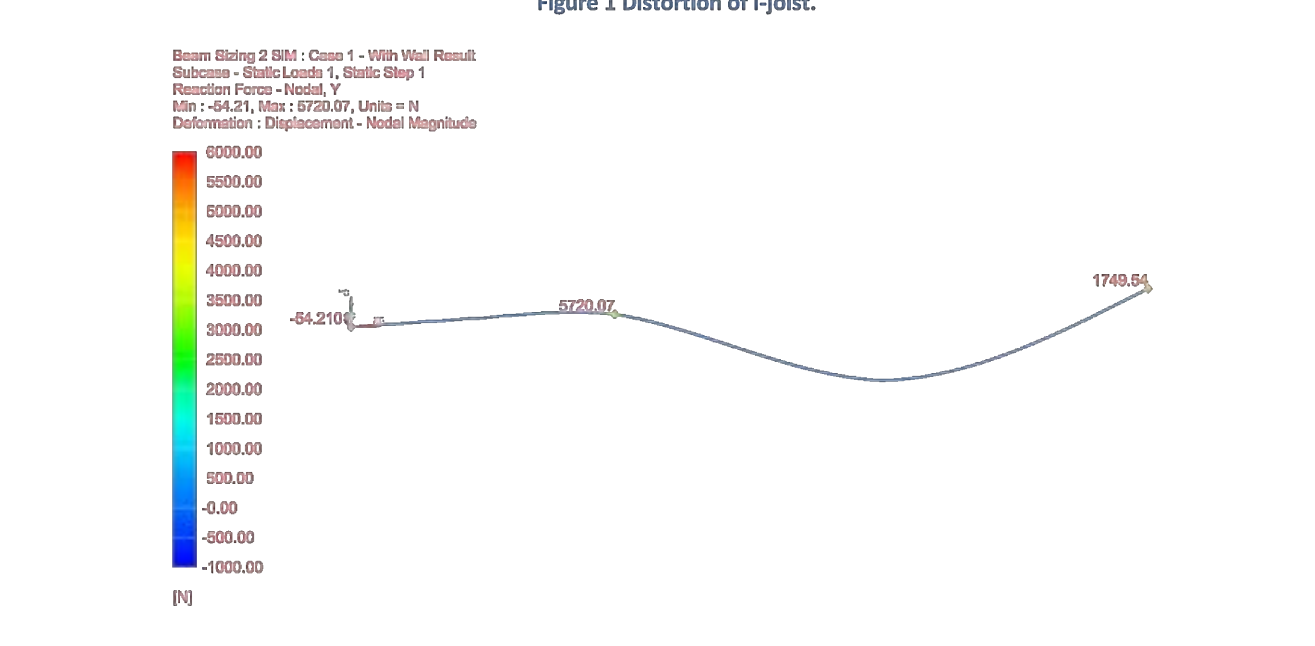
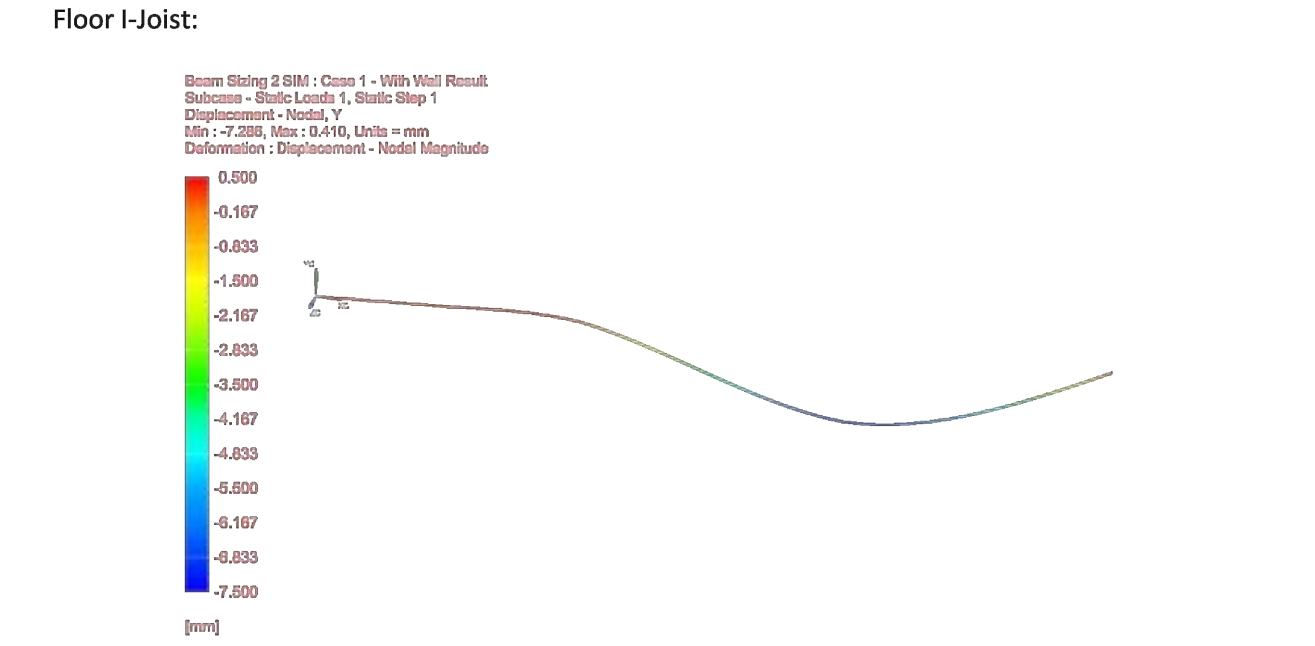
Three ply 14" LVL for the garage is sufficient. The standard achieved is L/755. Three ply 12" LVL would also be sufficient. The standard achieved is L/460. The garage door header picks up the tail loads of the floor joists. Loading the floor joists are subjected to is described above.



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wmdresearch.com
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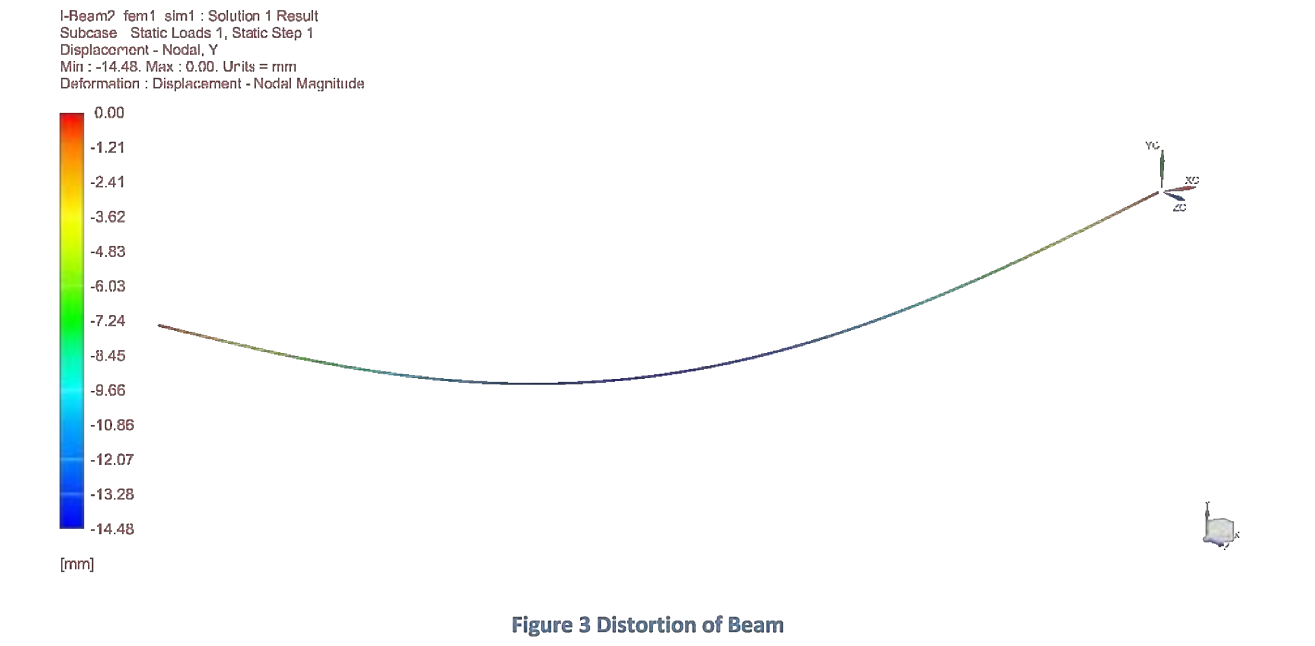
Site Report



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Site Report



0000049 Aaron Kozachik: 596 Long Point Dr, Lake Orion MI

1

0000049 Aaron Kozachik: 596 Long Point Dr, Lake Orion MI

2

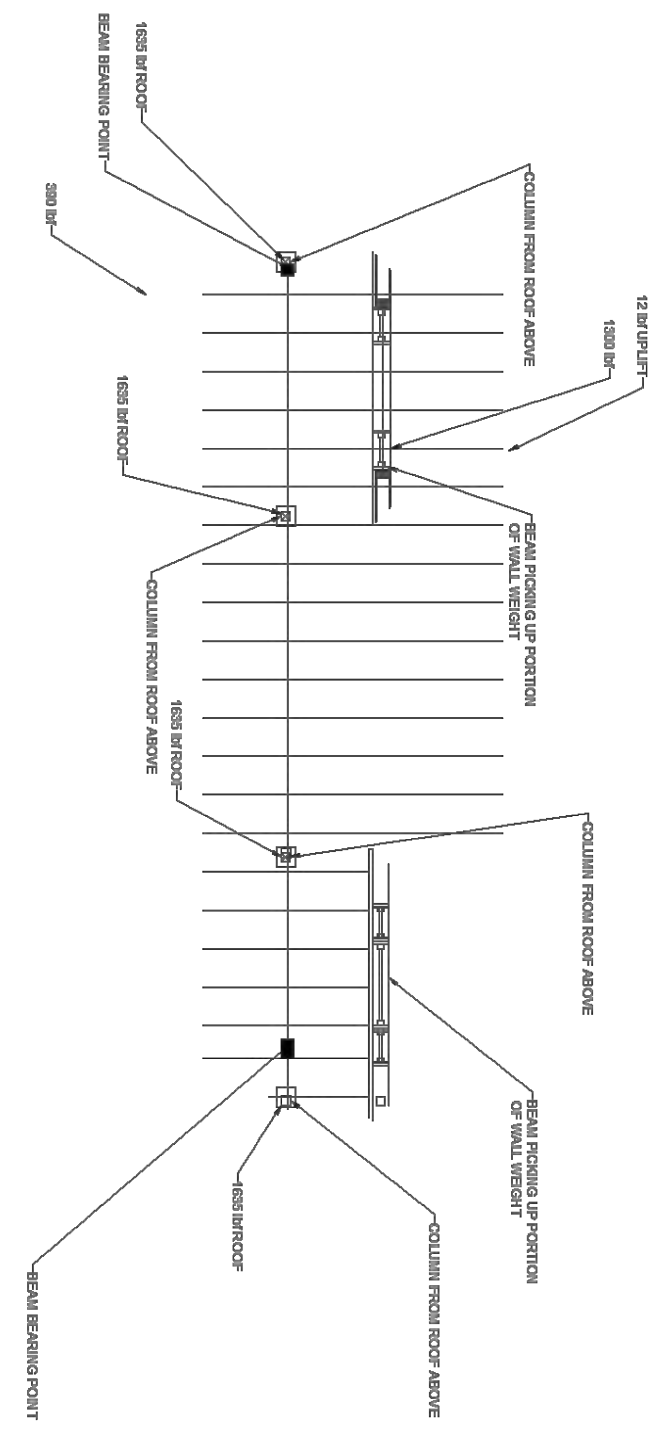
0000049 Aaron Kozachik: 596 Long Point Dr, Lake Orion MI

3

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Site Report



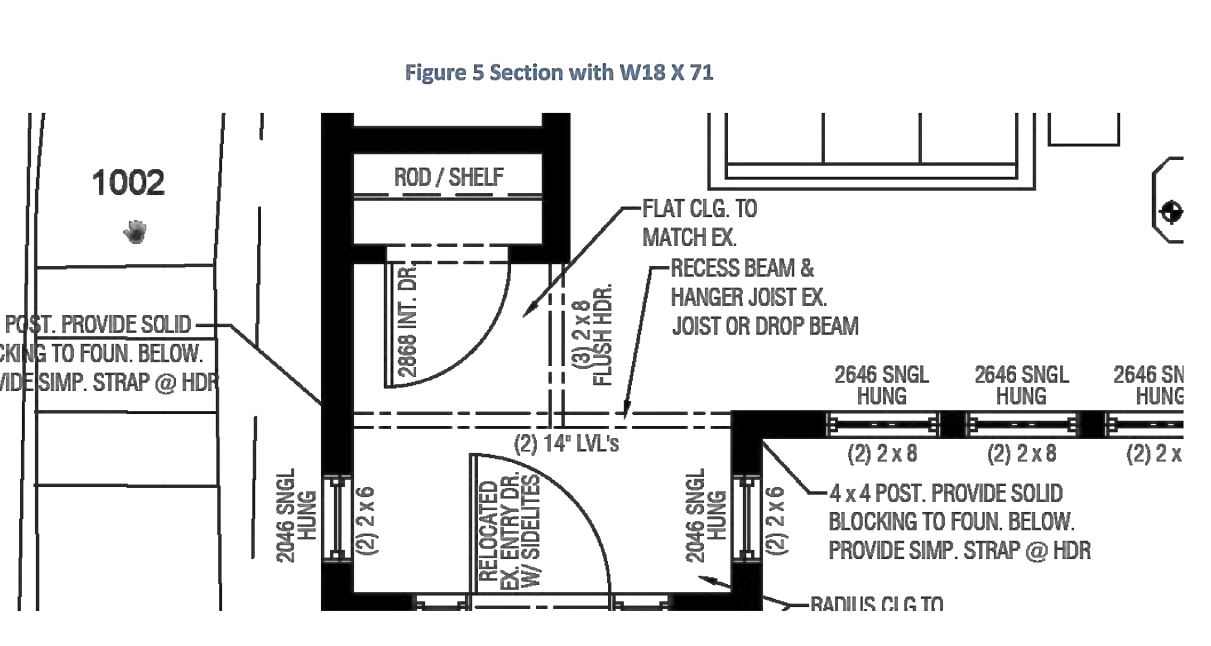
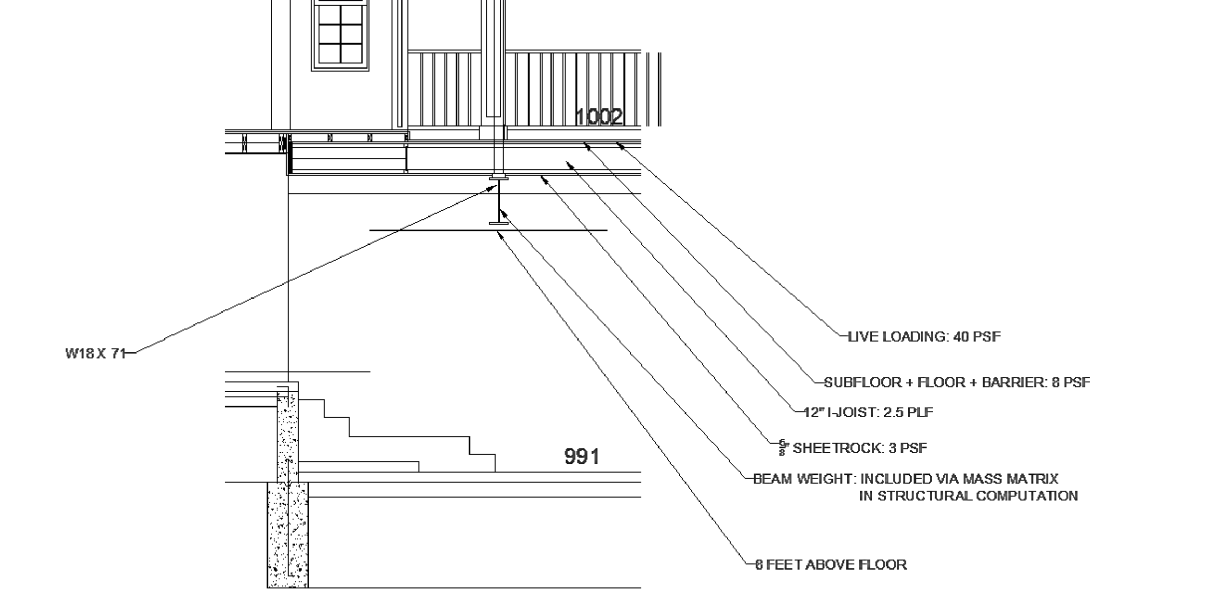
0000049 Aaron Kozachik: 596 Long Point Dr, Lake Orion MI

4

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Site Report



0000049 Aaron Kozachik: 596 Long Point Dr, Lake Orion MI

5

project
Kutcheck Addition
 596 Longpointe Dr.
 Lake Orion, MI 48362

zoning

CODE:
 DESIGNED IN ACCORDANCE WITH MICHIGAN BUILDING CODE 2015, MICHIGAN PLUMBING CODE 2015, MICHIGAN MECHANICAL CODE 2015 AND THE 2015 NATIONAL ELECTRICAL CODE.

sheet title

STRUCTURAL NOTES

date	
09.25.2019	PRELIMINARY DESIGN
10.03.2019	REVISIONS
10.24.2019	FINAL REVIEW
11.04.2019	PERMITS / CONSTRUCTION

AutoCAD v2014
 Drawn By: Aaron Kozachik
 sheet



**VILLAGE OF LAKE ORION
PUBLIC HEARING NOTICE
BOARD OF ZONING APPEALS
THURSDAY, March 19th, 2020**

The Village of Lake Orion Board of Zoning Appeals will hold a Public Hearing on Appeal No. A-19-10 at the Lake Orion Village Hall, 21 E. Church Street, Lake Orion, MI 48362, on **Thursday, March 19th, 2020 at 7:30 PM** in the Council Chambers.

This Public Hearing relates to 596 Long Pointe Drive (parcel ID number 09-02-351-018). A complete legal description of the property is on file in the Village Offices. The subject site is located entirely within the Village, in the RL (Lake Single Family Residential) Zoning District.

The applicant proposes to reconstruct an addition (garage) on his property. The applicant requests the following variances from the Village's Zoning Ordinance for this project:

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

- | | |
|--------------------|--|
| Front Yard Setback | <ul style="list-style-type: none"> - 25.00 feet minimum required - <u>11.70 feet proposed (to deck)</u> - 13.30 foot variance requested |
|--------------------|--|

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

- | | |
|----------------------|--|
| Maximum Lot Coverage | <ul style="list-style-type: none"> - 40.0 % maximum permitted (2,159.36 sq. ft) - 34.2% coverage existing (1,846 sq. ft) - 45.3 % proposed lot coverage (2,444 sq. ft) - 5.3 % coverage variance requested (284.64 sq. ft) |
|----------------------|--|

Interested parties are welcome to attend the Public Hearing and offer comments. Written comments will be accepted prior to the date and time of the Public Hearing by the Village Clerk. The site plan and supporting documentation will be available for inspection and additional information may be obtained by contacting Village Offices at (248) 693-8391, ext. 102 or visiting the Village Office located at 21 E. Church Street, Lake Orion, MI 48362 during regular business hours, 9:00 a.m. – 4:30 p.m. Monday through Friday.

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village office, at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.

Susan C. Galeczka, CMC CMMC
Village Clerk



MEETING DATE: April 16, 2020

TOPIC: A-20-01 Roy Residence / 512 Longpointe (Parcel ID Number 09-02-351-002)

CASE INTRODUCTION:

Ron and Linda Roy are seeking three (3) variances to demolish an existing dwelling and replace it with a new dwelling and an attached garage. The site is located on the west side of Longpointe Drive, and is zoned in the RL (Residential Lake One Family Dwelling) district. The parcel is nonconforming with respect to the minimum lot area for the district.

The Action before the BZA, after hearing from the consultant, the petitioner, and any citizen who wishes to be heard, is to approve, approve with conditions, or deny the request for the variance.

POSSIBLE MOTION:

In Case No. A-20-01 Parcel ID Number 512 Longpointe, Parcel ID Number 09-02-351-002 known as 512 **Long Pointe**, located in the RL (Residential Lake One Family Dwelling) Zoning District.

That the following variance be **approved/denied** to redevelop the site with an addition and new deck: new single family residential structure with an attached garage:

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

- | | |
|--------------------|--|
| Front Yard Setback | - 25.00 feet minimum required |
| | - <u>6.10 feet proposed (to deck overhang)</u> |
| | - <i>18.90 foot variance requested</i> |

approved/denied

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

- Waterfront Yard Setback - 25.00 feet minimum required
- 15.10 feet proposed (to rear overhang to seawall)
- 9.90 foot variance requested

approved/denied

3. ARTICLE 12, SCHEDULE OF REGULATIONS, **approved/denied** SECTION 12.02 TABLE - RL ZONING DISTRICT

- Building Height - 30.00 feet maximum allowed
- 32.37 feet proposed (32' 4 1/2")
- 2.37 foot variance requested

approved/denied

That said variances are **approved/denied** based upon the following findings as noted in the April 9, 2020 letter from McKenna Associates, Inc., *a copy of which is attached and incorporated as part of these minutes*, as follows:

- 1.
- 2.
- 3.
- 4.

Subject to the following conditions:

1. The applicant shall remit the necessary funds to cover the costs of Planning Consultant review fees above and beyond the amount placed in escrow at the time of application and administrative fees, as necessary, to cover actual costs expended by the Village in processing the subject request.
- 2.

- 3.
- 4.

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

This action is pursuant to:

1. Board of Zoning Appeals application submitted by Ronald and Linda Roy, consisting of eight (8) pages signed 02/10/2020
2. McKenna Review Letter 1, consisting of four (4) pages, dated 04/09/2020
3. Site Plan, Kennedy Surveying Inc, dated 01/24/2020, Drawing No. 18-81222, Job No. 18-8122 consisting of one (1) sheet
4. Elevations drawn by Island Point Building Co, dated 02/13/2020, Job No. 190507 consisting of one (1) sheet

ATTACHMENTS:

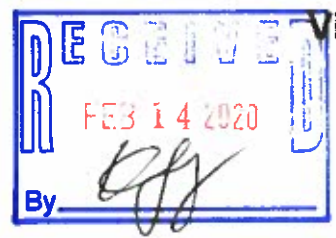
A-20-01 Application - 512 Longpointe

McKenna Letter A-20-01. 512 Longpointe.VarRev#1

512 Longpointe Revised Site Plan 04082020

512 Longpointe Revised elevations 04082020

A-20-01



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: 512 Longpointe Parcel ID #: 09-02-351-002

Parcel Size (Sq.Ft.): _____ Zoning District: RL

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

OWNER INFORMATION

Property Owner Name: Ronald & Linda Roy Address: 1859 Haverhill Dr., Rochester Hill

Property Owner Phone #: 248-933-2803 E-Mail: RonLinda.Roy@gmail.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): Extension of previously granted variance

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 (Street) Setback	25 feet			
	Front (Street) Setback	7' beyond	25 feet	6.1 feet	18.9 feet
	Height	24'	30'	32'-6"	2'-6"

TO BE COMPLETED BY VILLAGE STAFF - Date Received:

Fee:

Receipt #:

Attachment: A-20-01 Application - 512 Longpointe - Case .A-20-01 Roy Residence / 512 Longpointe)

VILLAGE OF LAKE ORION
21 E. CHURCH ST.
LAKE ORION, MI 48362
Phone : (248) 693-8391
LAKEORION.ORG

Received From: ISLAND POINTE BUILDING
Date: 02/18/2020 Time: 9:03
Receipt: 22664
Cashier: HEDRICKC

512 LONG POINTE

ITEM REFERENCE

ITEM REFERENCE	A	V
ZVARFEE BZA VARIANCE FEE		
1 @ \$340.00 BZA VARIANCE FEE	\$3	00
ZVARPLES BZA VARIANCE PLAN ESCROW		
1 @ \$555.00 BZA VARIANCE PLAN	\$5	00
TOTAL	\$89	00
CHECK 1698	\$89	00
Total Tendered:	\$89	00
Change:	\$	00

Attachment: A-20-01 Application - 512 Longpointe (3609 : Case .A-20-01 Roy Residence / 512 Longpointe)

CHECKS GUARANTEED • BANK SAFETY

1698
RECORDED BY
ESPENHILDA
74-4331724

Date February 14, 2020 \$ 895.00 Dollars

Island Pointe Building Company, Inc.
2 Highland, Inc.
Lake Orion, MI 48362

Pay to the order of Village of Lake Orion

Eight hundred ninety five and 00/100

OXFORD BANK
DELIVERING VALUE FOR LIFE

FOR 512 Long Pointe

⑆001698⑆ ⑆072404333⑆ ⑆1⑆3810⑆8⑆

#1 - Explain how strict compliance with restrictionswill unreasonably prevent the owner from using the property.....or will render ordinance conformity unnecessarily burdensome.

Do to the non-conforming nature and size of the lot, it is extremely challenging to design a home and adhere to the existing restrictions. Modern lakefront homes of today generally have 9+ foot ceilings. When you factor in ductwork and other mechanical installations the original height variance of 31.5' will not work. Also the fact that we have a 4/12 roof pitch, which is not desirable, just to try and keep within range of 30'.

The other request is for an adjustment to the front setback is to allow support posts for a second story deck, that will enhance the design of the home and make it more conforming to neighboring properties as required by Section 13.14 Design Standards #7

#2 - Explain how granting the variance will provide substantial justice to the applicant, as well as other property owners.

Granting the revised setback provides a significant distance between proposed structure and street and still provides green space, since the requested revised setback is only to incorporate 3 to 4 support post and is not an enclosed room and will not hinder views from either neighbor. It will provide a safe distance from the road which is similar to distances of neighboring structures on Longpointe.

By granting the proposed height variance the applicant can incorporate an elevator in the structure to allow the homeowner the ability to enjoy all levels of the structure due to her medical limitations from a hip replacement and three knee surgeries.

3 – 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.

By granting the revised front setback, the proposed footprint stays the same as already approved, but the 3 to 4 support post provides the exterior design of the home to be substantially similar in style to other homes on the street. We also acquired the accreated land on the back side of the property to alleviate any lot coverage concerns.

Granting the requested height variance will allow the homeowners the ability to live in the home when they cannot use the numerous stairs to access the three levels of the home, via the elevator. To limit height variances where no variance limit exists would be to overlook the unique circumstances of the property, and infringe on modest headroom called for in modern construction. There are NO CATHEDRAL CEILINGS proposed in the building plans.

4 – 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

The need for the requested variances is due to the untypically flat grade and narrow depth of the property. As you drive to the end of long ponite the proximity of homes to the road becomes closer and closer as the peninsula narrows. To set the home any farther from the road than proposed would hinder constructability of a home that meets design criteria as well as creating an “oddity” in this portion of the street.

The abnormally flat grade of the lot makes for a challenge when trying to construct a home comparable in design to other homes being constructed in the neighborhood in regard to ceiling heights and increasingly large floor framing components. Traditionally homes were constructed with 10 to 12 inch floor framing members. Modern building standards call for 16 to 24 inch floor framing components which constrict ceiling heights in the 30 feet to mid-roof permitted. Although we are requesting for additional height, the home design, if approved by the BZA will not be nearly as tall as other homes recently constructed on the same street.

5- 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 the applicants predecessors: it is not self-created

The zoning ordinance would render the existing structure as well as the proposed structure equally non- conforming to the current ordinance. The requests are modest and minimal in efforts to construct a home comparable to other new improvements in the neighborhood, and not self created. Could any efforts to improve this property be viewed as self created? At a glance, yes. However, to further constrict the constructability of a home worth building that will harmonize with the neighborhood and whose plans have full support of neighboring property owners would be a hardship in itself.

6 – Explain how granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

The proposed home will remove the existing non conforming structure from the public right of way improving the level of safety to the applicant as well as other residents. Public health, safety, comfort and welfare WILL NOT be impaired as a result of the proposed improvements.

In addition to the two variance requests, we would also like to request an extension on the variances granted last year for the same building plan.

From: Ron Linda Roy ronlindaroy@gmail.com
Subject: Cover Letter to the BZA From Linda and Ron Roy
Date: Feb 10, 2020 at 2:07:52 PM
To: islandpointebuilding@live.com

Thank you Board of Zoning Appeals for taking the time to consider the attached request for variances for our property at 512 Longpointe Lake Orion.

Almost a year ago we came before you requesting variances to build our permanent resident, which you did approve, and we are very grateful.

We had thought by this time we would be wrapping up the building of our new home and looking forward to enjoying this summer in our permanent residence on Lake Orion.

However, we haven't started our build because we realized several challenges our property poses since it is not a typical 40 feet wide and 100 feet (plus) deep lot found on Longpointe, but it is 70 feet wide and 55 feet deep.

In planning the interior of our home we reevaluated what living in a three story house would require and realized with our age and health issues (hip replacement and three knee surgeries) an elevator is a necessity and will allow us to live unburdened in our home.

We have tried for the past ten months to rework an acceptable floor plan incorporating the elevator into the current approved footprint and even purchased the accreted land on the back side of the property. The addition of an elevator really changed the footprint in two ways:

First, an elevator requires additional height because of the mechanical requirements and we already have a 12/4 roof pitch.

Second, the elevator needs to be in the middle of the home (the highest point of the roof line) so we have to move the second story deck forward, toward the road and will require the support posts to be placed outside of the current approved footprint.

However, the ground level will remain open and not hinder views. The posts will still be further from the road than the current home placement and will in fact be further from the road than the neighboring structures.

We are disappointed we didn't have the insight to plan for an elevator prior to submitting our original plan, but we are thankful we have the opportunity to request these variances prior to building. These variances will provide us with a home we can easily age in, even if we aren't able to navigate the three levels of steps and will also allow us to enjoy the outside from our second story balcony as most of our neighbors do.

It is with our deepest appreciation that you consider and approve the two additional variances.

Sincerely,
Linda and Ronald Roy



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.*

- JK 1) A completed application signed by the property owner.
- JK 2) Proof of ownership.
- JK 3) Property owner authorization for an applicant to act on their behalf.
- JK 4) Project Narrative – A letter to the BZA explaining the variance or review request.
- JK 5) Land Survey – A survey prepared by a professional surveyor.
- JK 6) Site Plan – A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.
- JK 7) Architectural plans and elevations – A set of drawings illustrating the details of any proposed structures.
- JK 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.
- JK 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: *Debra Roy* Date: 02-10-2020

Signature of Applicant: _____ Date: _____

Attachment: A-20-01 Application - 512 Longpointe - 512 Longpointe (3609 : Case .A-20-01 Roy Residence / 512 Longpointe)

**CHARTER TOWNSHIP OF ORION
2018 WINTER TAX STATEMENT**

Fiscal years covered by this statement
Zoo Authority - County Parks - Oct 1st - Sept 30th
Township - Metro Parks - Jan 1st - Dec 31st

PAYABLE DEC. 1, 2018 - FEB. 14, 2019

See reverse side regarding additional penalties beginning Feb. 15, 2019

All payments must be received on or before February 14, 2019 to avoid 3% penalty.

U.S. POSTMARKS ARE NOT ACCEPTED

ROY, RONALD
ROY, LINDA

1859 HAVERHILL DR
ROCHESTER HILLS, MI 48306-3239

Property Address
512 LONGPOINTE DR
LAKE ORION, MI 48362-2342

T4N, R10E, SEC 2 ORION IMP
COMPANY'S SUB NO 1LOT 24 BLK 9

**SEE REVERSE SIDE FOR
IMPORTANT INFORMATION**

Donni Steele, Treasurer

248-391-0304 EXT. 8000
CHARTER TOWNSHIP OF ORION
2525 JOSLYN RD
LAKE ORION MI 48360

278

COUNTY NO.	TOWNSHIP TAX RATE	COUNTY ID NUMBER	SEC
	0	OL-09-02-351-002	150
TOTAL TAX	TAX RATE	TAXABLE VALUE	TOTAL TAX
0.0000	96,590	96,590	
TAX DESCRIPTION		BASE PER \$1,000	AMOUNT
COUNTY PARKS		0.23490	
METRO PARKS		0.21290	
ZOO AUTHORITY		0.09820	
ART AUTHORITY		0.19450	
GENERAL FUND		0.89770	
FIRE FUND 1		1.93950	
FIRE FUND 2		0.57780	
SAFETY PATH		0.22930	
LIBRARY OPERATE		1.36660	
NOTA		0.24050	
TWP PARKS		1.00000	
LK ORION WEEDS			
PAID			
DEC 27 2018			
*P.R.E. - Charter TWP of Orion Principal Residence Exemption Treasurer's Office			
TOTAL	TAX / FUND	TOTAL TAX	Balance
785.25			

Attachment: A-20-01 Application - 512 Longpointe - 512 Longpointe / 512 Longpointe



MCKENNA

April 9, 2020

Board of Zoning Appeals
Village of Lake Orion
21 E. Church Street
Lake Orion, Michigan 48362

Subject: A-20-01 Roy Residence / 512 Longpointe; Variance Review #1
See Exhibit A prepared by Village Administration for list of materials reviewed

Dear Board Members,

We have reviewed the above referenced variance application submitted by Ron and Linda Roy to demolish an existing dwelling and replace it with a new dwelling and attached garage. The site is located on the west side of Longpointe Drive, and is zoned the RL (Residential Lake One Family Dwelling) district. The parcel is non-conforming with respect to the minimum lot area for the district.

VARIANCES

The proposal requires the following variances from the Zoning Ordinance:

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

- | | | |
|--------------------|---|--|
| Front Yard Setback | - | 25.00 feet minimum required |
| | - | <u>6.10 feet proposed (to deck overhang)</u> |
| | - | 18.90 foot variance requested |

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

- | | | |
|-------------------------|---|--|
| Waterfront Yard Setback | - | 25.00 feet minimum required |
| | - | <u>15.10 feet proposed (to rear overhang to seawall)</u> |
| | - | 9.90 foot variance requested |

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

- | | | |
|-----------------|---|---|
| Building Height | - | 30.00 feet maximum allowed |
| | - | <u>32.37 feet proposed (32' 4 1/2")</u> |
| | - | 2.37 foot variance requested |

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. The subject lot has a lot width of 70 feet, but a lot depth of only 55.30 feet which results in a lot

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



area of 4,326.2 square feet, which makes it a non-conforming lot with respect to lot area. The subject site also has accreted land frontage; however there is no proof of ownership of accreted land. This lack of proof does not affect the variances requested at this time, but must be provided to the Village, since the boathouse is located on the accreted land.

The applicant was granted variances in early 2019 for a proposal to build on this parcel. It included a 1.5-foot height variance, an 8.10-foot front yard variance and a 17.4-foot lakeside setback variance. The applicant however subsequently determined the need for an elevator in the structure and has revised the plans, which resulted in the need for an increased height variance and different setback variances. Per the applicant, the need for the height variance is due to the need for higher ceilings in “modern lakefront homes”. The applicant also contends that the front yard setback variances are to provide support poles for the second story deck only. The application does not list the need for a variance from the waterfront yard setback, which is also required.

Although the applicant references the prior approval and its extension at this time, a variance review is based on the facts presented with the application at this time. Our review of the proposal is based on the floor plans submitted at this time, and not based on any prior action.

The existing dwelling on the site is 456.5 square feet, and is being replaced with a dwelling and garage, 1,486.5 square feet in size. The subject site is the second property from the end of Longpointe peninsula, allowing for visibility from the Lake on the east and west sides. The increase in the height of the structure even by a few inches has a significant impact on the view from the Lake. While higher ceilings are certainly desirable in modern construction, they are not a necessity for use of the property. The proposed plan for the dwelling includes a recreation room with kitchenette and personal elevator on the lower level; decks on the front and rear, along with a ± 550 square feet great room on the second story; and a master suite with a ± 240 square foot bathroom and a separate laundry room. While the floor plan is the applicant’s prerogative, the proposed expansive living areas necessitate a larger footprint for the dwelling and consequently reduced setbacks.

We acknowledge that the reduced depth of the lot and the smaller size pose a challenge and will likely require approval of some variances; however, the dwelling proposed on the site is excessive. The lots along Longpointe were originally platted and intended as lakefront cottages. Over the years, the structures evolved into year-round residences. While the need to upgrade these structures to provide convenience and comfort as full time dwellings is understandable, the size of the structure proposed must be reasonable.

Compliance with Ordinance standard for building height would require a reduction in the ceiling heights at each level, which is not considered as being unnecessarily burdensome. Compliance with the Ordinance standards in its entirety for front and waterfront setbacks would render the parcel unbuildable. We are supportive of some variance from these setback requirements to allow for the construction of a reasonable dwelling; however the proposal at this time is excessive and cannot be supported.

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

Approval of the variances will provide substantial justice to the applicant by allowing them to construct a large dwelling with an attached garage as desired, but is not in the interest of the Village as a whole or the intent of the Zoning Ordinance. While the structure is proposed to be located in compliance with side yard setbacks, the increase in height and reduced setbacks will create the visual of a large building mass



on the peninsula. The Village has previously heard concerns from residents about the mass and height of structures on the lake. The visibility of this structure from both sides on the Lake and the lack of any significant tree cover create the impression of an excessively built lot.

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

The variances requested are not the minimum possible. Reduction in the ceiling heights can eliminate the need for a variance from building height. Alteration of the floor plan to create living spaces that are proportionate to the size of the lot will result in smaller setback variances being requested.

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

The subject parcel is smaller than required for the district, but is rectangular shaped. This is not a feature unique to the subject site and is common to almost all properties located on Longpointe. The need for the variances is due to the applicant's desire to build a dwelling with living space far in excess of what the lot can accommodate.

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

The problem necessitating the variances is entirely self-created by the applicants desire to replace an existing small dwelling with a significantly larger dwelling with attached garage.



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 512 Longpointe Drive.

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

- (1) Compliance with the ordinance standard for building height can be achieved, while increased compliance with setbacks is feasible.
- (2) The proposed structure is excessive for the lot.
- (3) Approval of the variances is contrary to the intent of the Zoning Ordinance and creates an excess building mass on the peninsula.
- (4) The variances requested are not the minimum possible.
- (5) The parcel is non-conforming and similar to parcels along Longpointe.
- (6) The need for the variances is entirely self-created.
- (7) While the need for setback variances can be considered on a revised proposal; the structure as proposed is excessive.

Respectfully,

McKENNA

Vidya Krishnan
Principal Planner

cc: Village Clerk: Susan Galezka, 21 E. Church Street, Lake Orion, MI 48362
Applicant/Owner: Ron and Linda Roy, via e-mail: ronlindaroy@gmail.com

PROPERTY DESCRIPTION: Tax Item # 09-02-351-002

All of Lot 24, Block 9 being part of "ORION IMPROVEMENT COMPANY'S SUBDIVISION NO. 1" being a subdivision of part of Sections 2, 3, 10 and 11, Town 4 North, Range 10 East, Village of Lake Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, on page 19 of Oakland County Records; also part of the Southwest 1/4 of Section 2, Town 4 North, Range 10 East, Village of Lake Orion, Oakland County, Michigan. Being more particularly described as commencing at the East 1/4 corner of said Section 11; thence South 80°54'20" West 2349.00 feet along the East-West 1/4 line of said Section 11 to the center of said Section 11; thence North 31°39'19" West 4180.81 feet to the southwest corner of said Lot 24 and the Point of Beginning; thence proceeding North 69°27'53" West 90.00 feet along the extension of the southwesterly line of said Lot 24 to a point; thence North 20°31'12" East 69.98 feet to the intersection of the extension of the northeasterly line of said Lot 24; thence South 69°29'05" East 90.00 feet along the extension of the northeasterly line said Lot 24 to the southeast corner of said Lot 24; thence South 20°31'12" West 70.00 feet along the southeasterly line of said Lot 24 to the Point of Beginning. Containing 6,299 Square Feet or 0.145 of an Acre (Gross Area). Reserved therefrom all easements and right of ways of record.

PROPOSED PERCENTAGE OF COVERAGE (09-02-351-002)

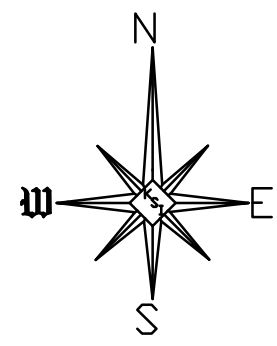
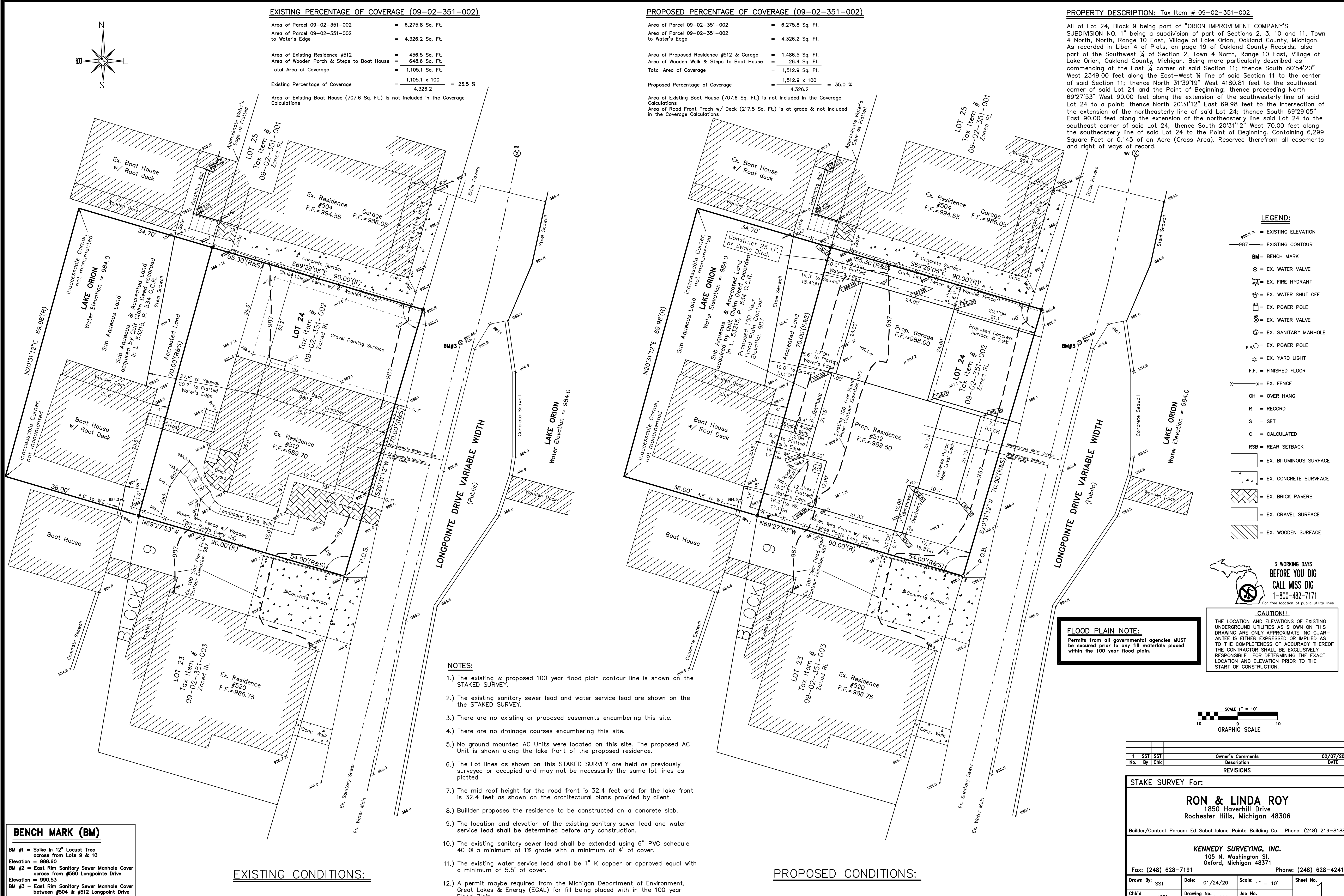
Area of Parcel 09-02-351-002 = 6,275.8 Sq. Ft.
Area of Parcel 09-02-351-002 to Water's Edge = 4,326.2 Sq. Ft.
Area of Proposed Residence #512 & Garage = 1,486.5 Sq. Ft.
Area of Wooden Walk & Steps to Boat House = 26.4 Sq. Ft.
Total Area of Coverage = 1,512.9 Sq. Ft.
Proposed Percentage of Coverage = 1,512.9 x 100 = 35.0 %

Area of Existing Boat House (707.6 Sq. Ft.) is not included in the Coverage Calculations
Area of Road Front Proch w/ Deck (217.5 Sq. Ft.) is at grade & not included in the Coverage Calculations

EXISTING PERCENTAGE OF COVERAGE (09-02-351-002)

Area of Parcel 09-02-351-002 = 6,275.8 Sq. Ft.
Area of Parcel 09-02-351-002 to Water's Edge = 4,326.2 Sq. Ft.
Area of Existing Residence #512 = 456.5 Sq. Ft.
Area of Wooden Porch & Steps to Boat House = 648.6 Sq. Ft.
Total Area of Coverage = 1,105.1 Sq. Ft.
Existing Percentage of Coverage = 1,105.1 x 100 = 25.5 %

Area of Existing Boat House (707.6 Sq. Ft.) is not included in the Coverage Calculations



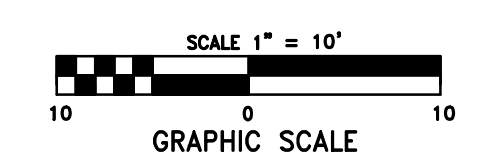
LEGEND:

- 988.5 x = EXISTING ELEVATION
-987- = EXISTING CONTOUR
BM = BENCH MARK
⊕ = EX. WATER VALVE
⊕ = EX. FIRE HYDRANT
⊕ = EX. WATER SHUT OFF
⊕ = EX. POWER POLE
⊕ = EX. WATER VALVE
⊕ = EX. SANITARY MANHOLE
P.P. ⊕ = EX. POWER POLE
⊕ = EX. YARD LIGHT
F.F. = FINISHED FLOOR
X-X = EX. FENCE
OH = OVER HANG
R = RECORD
S = SET
C = CALCULATED
RSB = REAR SETBACK
[Symbol] = EX. BITUMINOUS SURFACE
[Symbol] = EX. CONCRETE SURFACE
[Symbol] = EX. BRICK PAVERS
[Symbol] = EX. GRAVEL SURFACE
[Symbol] = EX. WOODEN SURFACE

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

FLOOD PLAIN NOTE: Permits from all governmental agencies MUST be secured prior to any fill materials placed within the 100 year flood plain.

CAUTION! THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE 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.



NOTES:

- 1. The existing & proposed 100 year flood plain contour line is shown on the STAKED SURVEY.
2. The existing sanitary sewer lead and water service lead are shown on the the STAKED SURVEY.
3. There are no existing or proposed easements encumbering this site.
4. There are no drainage courses encumbering this site.
5. No ground mounted AC Units were located on this site. The proposed AC Unit is shown along the lake front of the proposed residence.
6. The Lot lines as shown on this STAKED SURVEY are held as previously surveyed or occupied and may not be necessarily the same lot lines as platted.
7. The mid roof height for the road front is 32.4 feet and for the lake front is 32.4 feet as shown on the architectural plans provided by client.
8. Builder proposes the residence to be constructed on a concrete slab.
9. The location and elevation of the existing sanitary sewer lead and water service lead shall be determined before any construction.
10. The existing sanitary sewer lead shall be extended using 6" PVC schedule 40 @ a minimum of 1% grade with a minimum of 4' of cover.
11. The existing water service lead shall be 1" K copper or approved equal with a minimum of 5.5' of cover.
12. A permit maybe required from the Michigan Department of Environment, Great Lakes & Energy (EGAL) for fill being placed within in the 100 year Flood Plain.

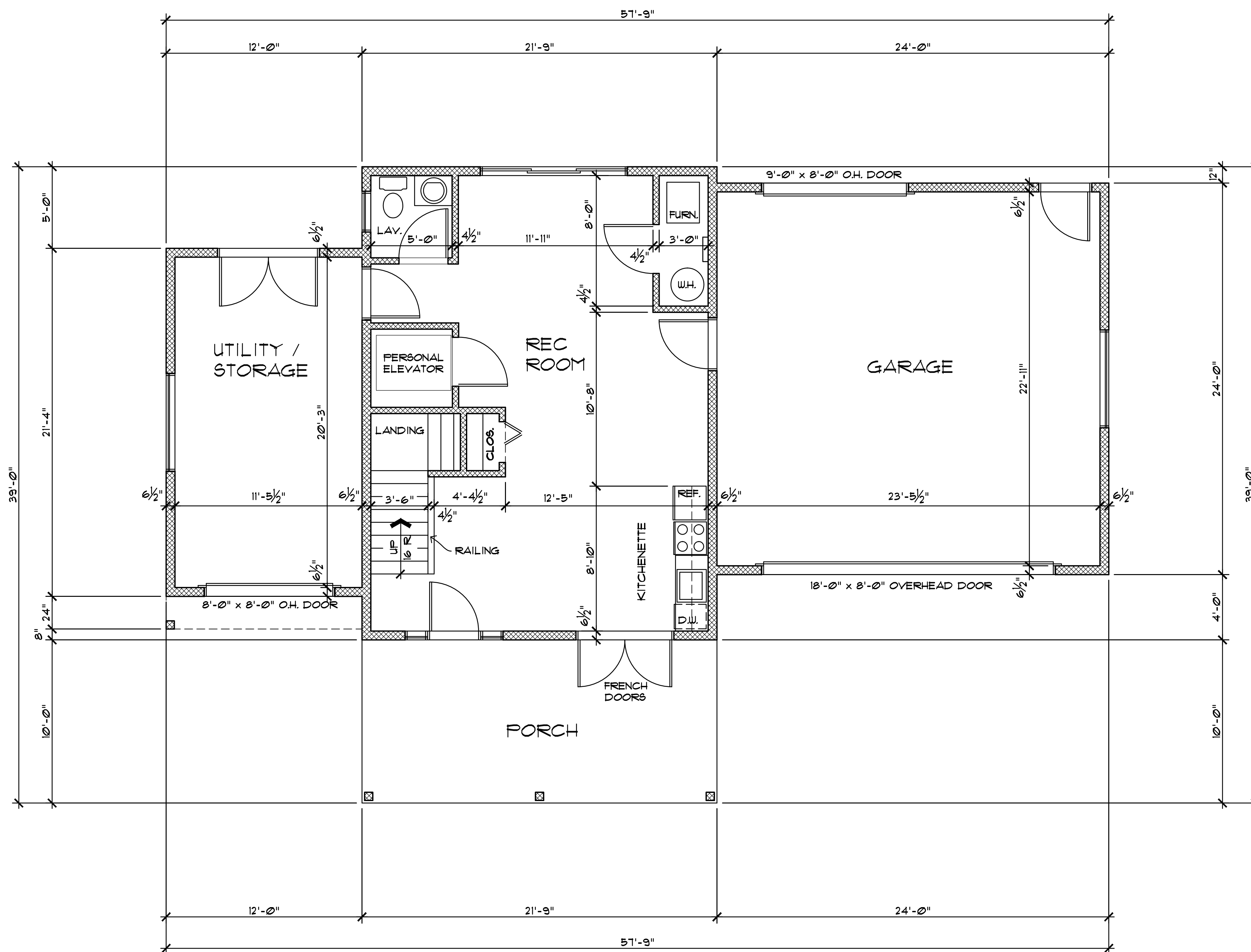
PROPOSED CONDITIONS:

EXISTING CONDITIONS:

BENCH MARK (BM)
BM #1 = Spike in 12" Locust Tree across from Lots 9 & 10 Elevation = 988.60
BM #2 = East Rim Sanitary Sewer Manhole Cover across from #560 Longpointe Drive Elevation = 990.53
BM #3 = East Rim Sanitary Sewer Manhole Cover between #504 & #512 Longpoint Drive Elevation = 985.85

Table with columns for No., Sst, Sst, Owner's Comments, Description, Date. Includes sections for REVISIONS, STAKE SURVEY For: RON & LINDA ROY, and KENNEDY SURVEYING, INC. information.

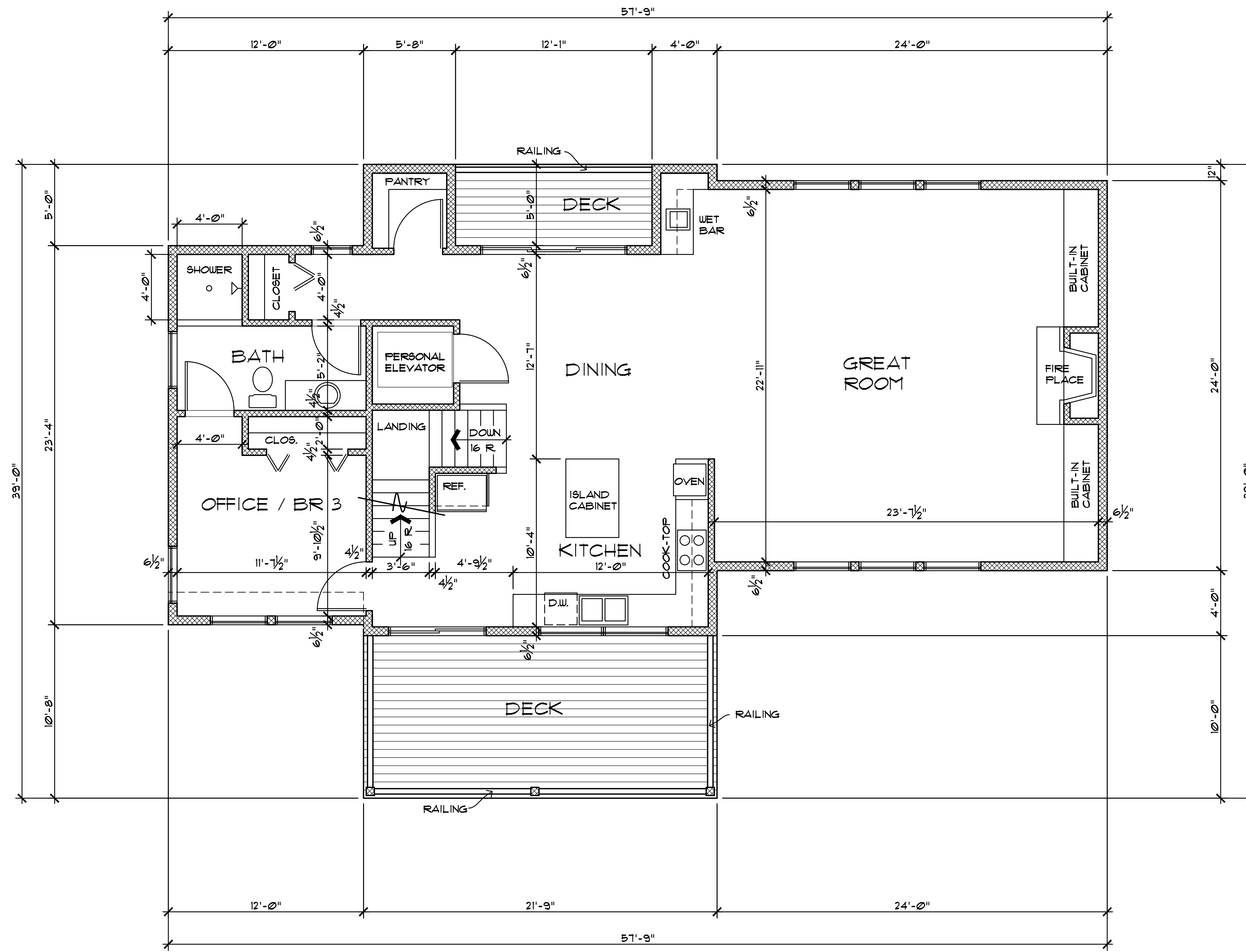
Attachment: 512 Longpointe Revised Site Plan 04/02/20 (3609 : Case A-20-01 Roy Residence / 512 Longpointe)



LOWER LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 TOTAL SQ. FT.: 4314

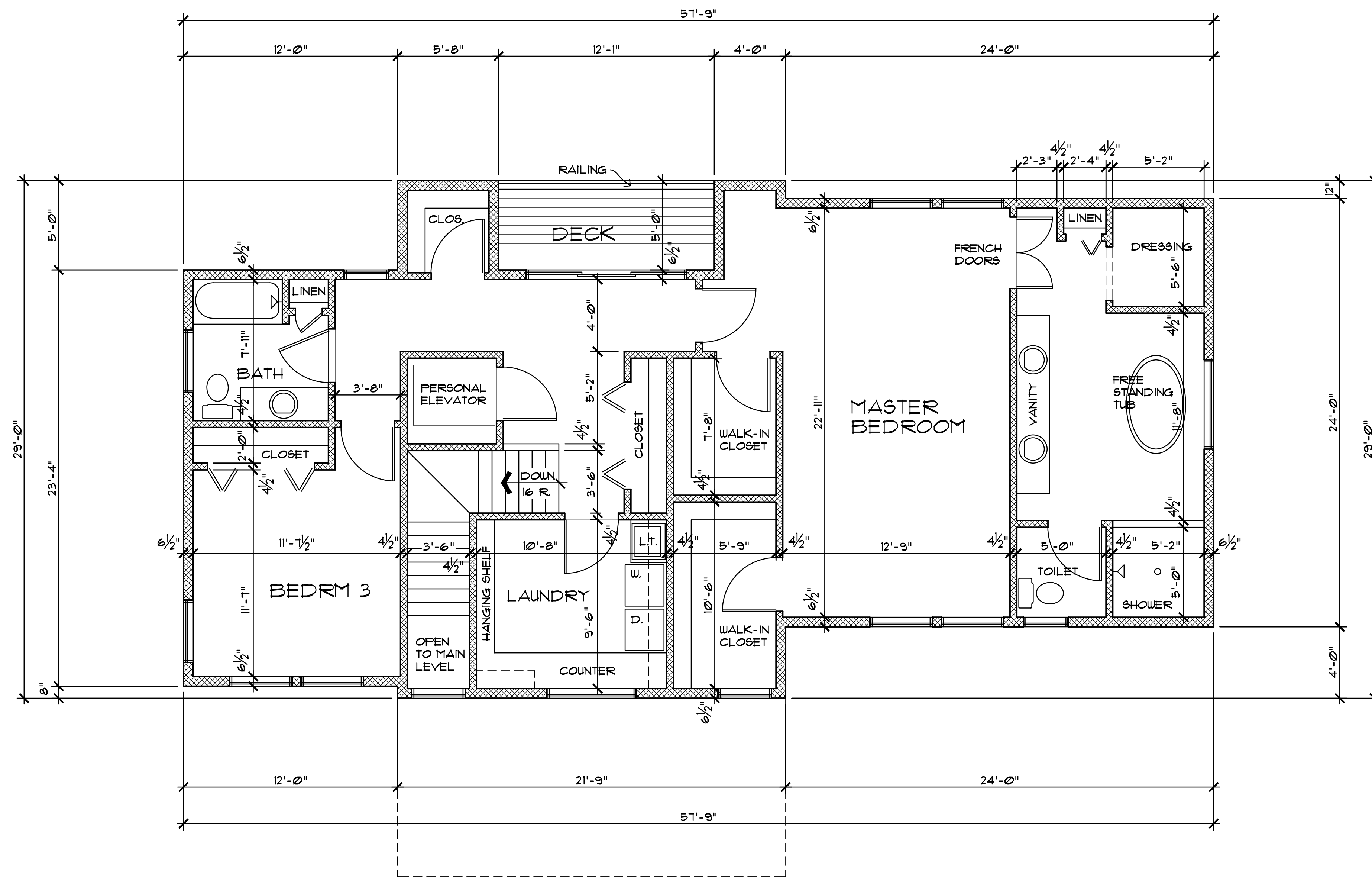
1462 SQ. FT.

PROJECT: ROY RESIDENCE 512 LONGPOINTE DRIVE LAKE ORION, MICHIGAN		
BUILDER: ISLAND POINTE BUILDING CO. 2 HIGHLAND AVE. LAKE ORION, MI. 48362 248-219-8188		
DESIGNER: CONSTRUCTION DESIGN SERVICE 2867 GLENWOOD COURT LAKE ORION, MI 48360 586-216-5953		
DATE: 2-13-20	JOB No.: 190507	SHEET No.: A-1



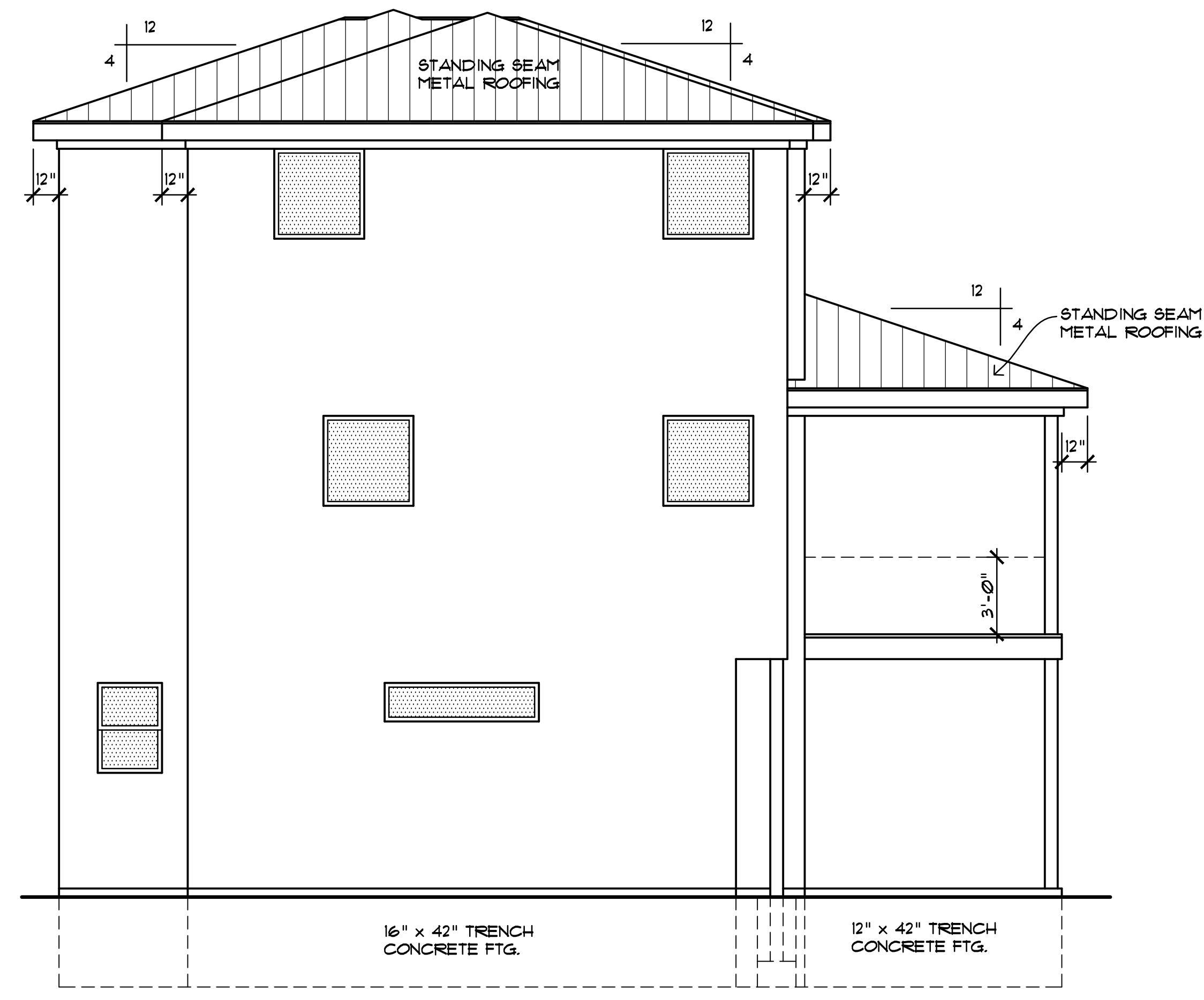
MAIN LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1426 SQ. FT.

JOB No.:	SHEET No.:
190501	A-2

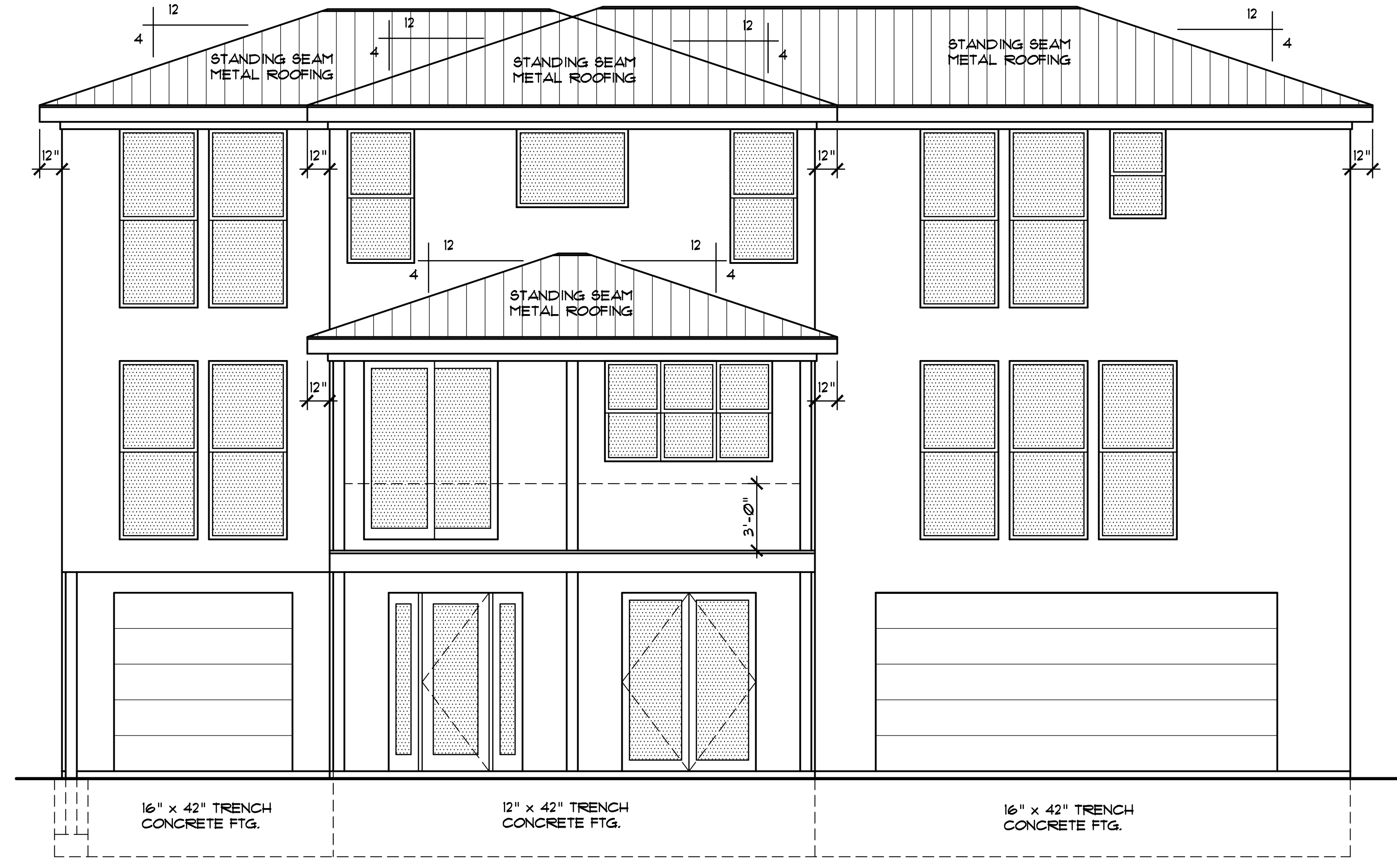


UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"
1426 SQ. FT.

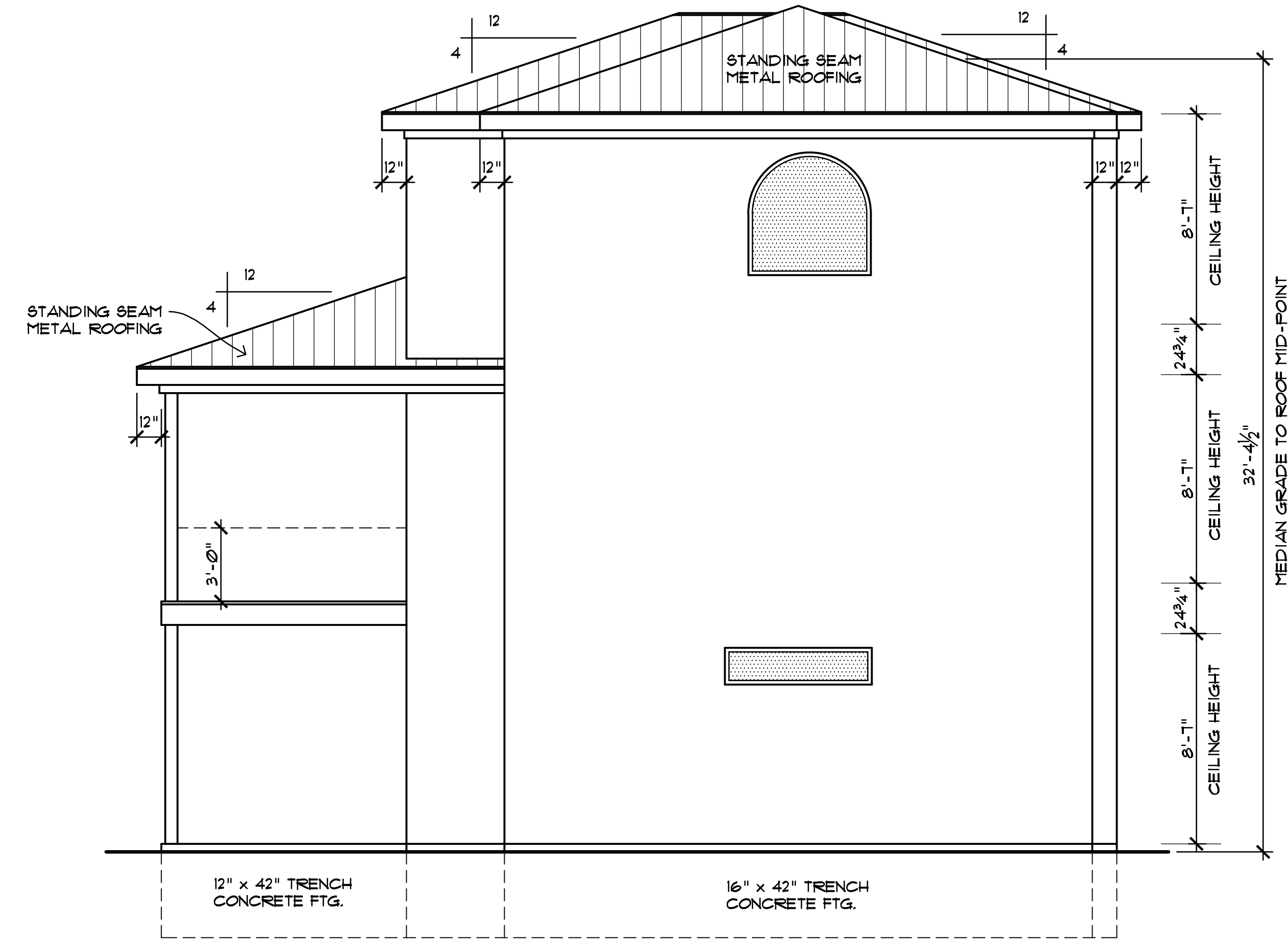
JOB No.:	SHEET No.:
190507	A-3



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



FRONT (EAST) ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"



REAR (WEST) ELEVATION
SCALE: 1/4" = 1'-0"

JOB No.:	SHEET No.:
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