



MINUTES

REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, March 6, 2025

6:30 PM

Village Hall – 21 East Church Street, Lake Orion, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The Thursday, March 6, 2025 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order by Chairperson Mathisen at 6:30 p.m.

2. Roll Call and Determination of Quorum

PRESENT

Chairperson Brad Mathisen

Vice Chairperson Raymond Putz (arrived at 6:32 p.m.)

Secretary Brenton Bailo

Board Member Mary Chayka-Crawford (arrived at 6:32 p.m.)

Board Member Henry Lorant

ABSENT

None

STAFF PRESENT

Village Planning and Zoning Coordinator Gage Belko

Recording Secretary Danielle Smith

3. Approval of Agenda

Board Member Bailo moved, Board Member Lorant seconded, to approve the March 6, 2025 regular meeting agenda of the Board of Zoning Appeals, as presented.

AYES: Mathisen, Lorant, Bailo

NAYS: None

ABSENT: Putz, Chayka-Crawford

MOTION: Carried

4. First Hearing of the Public – Public Comment on Non – Agenda Items Only

None.

5. Approval of Minutes

A. Approval of BZA Minutes – December 12, 2024

Board Member Lorant moved, Board Member Bailo seconded, to approve the December 12, 2024 special meeting minutes of the Board of Zoning Appeals, as presented.

AYES: Mathisen, Lorant, Bailo

NAYS: None

ABSENT: Putz, Chayka-Crawford

MOTION: Carried

Board Members Putz and Chayka-Crawford arrived at 6:32 p.m.

6. BZA Preface

Chairperson Mathisen reviewed the meeting procedures.

7. Public Hearing

A. Public Hearing: A-25-01 (424 Algene) Dimensional Variance Request

Board Member Bailo moved, Board Member Chayka-Crawford seconded, to open the public hearing at 6:34 p.m.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

Julie Siwek, 453 Algene Street, submitted a letter that was read to the board by Planner Belko. In the letter, Ms. Siwek stated she would like to see the project scope and logistics plan before supporting the property application.

Board Member Bailo moved, Chairperson Mathisen seconded, to close the public hearing at 6:36 p.m.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

B. Public Hearing: A-25-02 (635 Central) Dimensional Variance Request

Board Member Lorant moved, Board Member Chayka-Crawford seconded, to open the public hearing at 6:36 p.m.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None
ABSENT: None
MOTION: Carried

The following individuals spoke in favor of the variance request:

Mark and Theresa Holobaugh, 599 Central Drive, submitted a letter that was read to the board by Planner Belko. In the letter, the Holobaughs shared that they believe the renovations made at the property in question have enhanced the neighborhood and that the applicant's request for variances are no different than any other variances requested within the neighborhood.

Nick Christi, 635 Central Drive, shared that the improvements he has made to his home has helped increase the property value for surrounding properties. Additionally, Mr. Christi stated he purchased the home as his retirement home and the variances will assist with making the property handicap accessible.

John Cervoni, 607 Central Drive, shared that the additions Mr. Christi has made to his home enhance the other properties.

Shawn Gall, 553 Central Drive, stated he does not have any concerns regarding the property in question.

Allen Murray, 641 Central Drive, stated he has no issues with the proposed variances.

The following individuals spoke against the variance request:

Carolyn Dumeah, 629 Central Drive, stated she does not have an issue with any renovations done to the house, but the deck Mr. Christi built encroaches on her property line.

Michelle Dumeah, 95 N North Shore, stated the east side of the property in question creates a problem for her mother's property next door since the deck is "inches" from the property line.

Board Member Lorant moved, Board Member Chayka-Crawford seconded, to close the public hearing at 6:53 p.m.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo
NAYS: None
ABSENT: None
MOTION: Carried

8. Unfinished Business

None.

9. Action Items

A. A-25-01 (424 Algene) Dimensional Variance Request

Proposal to renovate and expand an existing, conforming (per 2001 approvals), single-family structure at 424 Algene. An existing nonconforming deck projects into the waterfront setback and was built without permits, likely by a different owner. When applying for zoning compliance for renovations to the existing home, the applicant was told that renovations would need to stay entirely within the footprint of the existing principal structure and that the unpermitted deck would need to be removed.

Section 17.05 of the Zoning Ordinance permits renovations to nonconforming structures provided the cost of the renovations do not exceed 50% of the True Cash value of the property and do not have the effect of expanding the existing nonconformities.

The applicant maintained their desire to expand the nonconforming structure, which requires variances for not only the expanded portion of the home, but the entire structure. To renovate the home as proposed, the applicant is requesting one (1) variance from the Zoning Ordinance:

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

Lake Front (West) Yard Setback:	25.0 ft minimum required 16 feet existing/11.41 proposed 4.59-foot variance requested
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Planner Belko gave a synopsis of the variance request, reviewed the findings of fact and was available to answer any questions of the Board.

FINDINGS OF FACT

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - The use of property as a single-family home is already established and is not prevented by strict compliance with standards for street and waterfront setbacks, despite the structure being nonconforming.
2. The variance will provide substantial justice to applicant as well as neighboring property owners.
 - It is unclear whether substantial justice would be provided to the neighboring property owners who may have completed renovations in compliance with the ordinance.
3. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - The variances requested are not the minimum possible; renovations to a nonconforming structure are permitted without the need for variances but are limited to 50% of the true

cash value of the property. Further, accessory decks raised not more than 8 inches above grade are permitted to project into the required waterfront yard.

4. 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.
 - Although the lot is nonconforming and so positioned on the lake to have two (2) waterfront yards instead of one (1), these circumstances do not prevent the owner from renovating the home without expanding the nonconformities; many lots and homes along the lake are nonconforming and must comply with ordinance standards unless specifically exempt.
5. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.
 - The need for the variances is entirely self-created, as the applicant is taking affirmative action to expand the structure, rather than staying within the existing setbacks and limiting renovations to 50% of the true cash value.

Chairperson Mathisen moved, Board Member Putz seconded, to open the agenda item up to discussion.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

Sunny Grewal, representing the applicant, stated that his clients were not made aware of the fact that no permits for the structure were pulled by the previous owner(s) and is requesting that the existing deck be grandfathered. He further stated that his clients are willing to not enclose the deck if that will resolve the issue. Planner Belko shared that the size of the deck is the reason the variance is needed.

Sanjeev Kaul, owner of the property in question, stated anything that was not legal during the closing on the sale of the property should have been disclosed. He further stated that he may not have purchased the property if he knew the existing deck was nonconforming. Mr. Kaul shared that his goal was to make the property his retirement home and the nonconformities are making renovations difficult.

Planner Belko stated that the homeowners can still have a deck on the second and third floors of the home if it stays within the allotted setbacks. The current deck on the first floor would need to be reduced to make it a conforming structure.

Mr. Grewal asked whether the decks on the surrounding properties are conforming structures as he is wanting his client to be treated fairly. Planner Belko shared that he is currently looking into some of those properties.

Sue Serra, 234 Lakeview, shared that she is in favor of the variance and the homeowners have improved the property. She further stated that she believes the homeowners are being penalized because they purchased a home with a deck they did not know was nonconforming.

The board members discussed the case and suggested the applicant reduce the current deck by three feet, which would bring the deck into compliance and allow renovations to continue without any variance requests.

Board Member Bailo moved, Board Member Chayka-Crawford seconded, to close the discussion for the agenda item.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo
NAYS: None
ABSENT: None
MOTION: Carried

Board Member Chayka-Crawford moved, Chairperson Mathisen seconded, to deny the requested variance of 4.59 feet from the west waterfront setback requirement for the property located at 424 Algene, parcel 09-11-178-013 based on the Findings of Fact in the McKenna letter dated February 17, 2025.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo
NAYS: None
ABSENT: None
MOTION: Carried

B. A-25-02 (635 Central) Dimensional Variance Request

The applicant was granted a zoning permit (Z-23-048) to renovate an existing single-family structure, with the condition that certain improvements – namely, a proposed nonconforming deck extension and a new balcony – be removed/reduced so as not to violate the zoning ordinance. Section 17.05 of the zoning ordinance permits renovations to nonconforming structures provided the cost of the renovations do not exceed 50% of the true cash value of the property and do not have the effect of expanding the existing nonconformities. The nonconforming deck on the west side was permitted to be renovated provided its nonconformity is not enlarged.

The applicant took willful action in violating the condition of the zoning permit and made improvements to the property that expanded the nonconforming deck on the west and introduced a new nonconforming balcony on the east. A stop work order was placed and the applicant was ordered to either remove the unpermitted improvements or apply for and obtain variances to allow the improvements to remain.

As such, the applicant is requesting two (2) variances from the zoning ordinance:

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

Side Yard (West) Setback:	5.0 ft minimum required 2.5 feet existing (Prev) 2.3 feet proposed (Ex) 2.7-foot variance requested
Side Yard (East) Setback:	5.0 ft minimum required 4.3 feet existing (Prev) 1.1 feet proposed (Ex) 3.9-foot variance requested

Planner Belko gave a synopsis of the variance request, reviewed the findings of fact and was available to answer any questions of the Board.

FINDINGS OF FACT

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - Compliance with the ordinance standards for side setbacks would not prevent the owner from using the property for its permitted use.
2. The variance will provide substantial justice to applicant as well as neighboring property owners.
 - Substantial justice would likely not be afforded to the neighboring property owners by allowing willful violation of a zoning permit to go unchanged; justice would be served by upholding the conditions of the permit and the general intent of the zoning ordinance.
3. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - The variances requested are not the minimum possible, as a previously approved design was in compliance with the zoning ordinance.
4. 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.
 - The property is consistent with lots in the general area and does not present unique circumstances necessitating the variances.
5. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.
 - The need for the variances is entirely self-created as the improvements were completed in willful violation of the zoning permit that approved a compliant design.

Board Member Chayka-Crawford moved, Board Member Lorant seconded, to open the agenda item up for discussion.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

Board Member Chayka-Crawford stated that she is not in support of the variance regarding the west side of the property as it was once granted to a certain setback and then violated.

Nick Christi (applicant), 635 Central Drive, Lake Orion, MI 48362, shared that the property in question was built in 1935, and he could have chosen to demolish the home, but decided to enhance the property and neighborhood by performing renovations. He believes his request for the variances are minimal and thanked the board for its consideration.

Board Member Putz moved, Board Member Bailo seconded, to deny the requested variance of 2.7 feet from the west side yard setback requirement for the property located at 635 Central, parcel 09-03-435-008 based on the Findings of Fact listed in the McKenna letter dated February 21, 2025.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

Board Member Chayka-Crawford reiterated her statement regarding the variance request for the west side of the property and shared that it applies to the east side of the property as well.

Board Member Putz stated that the neighboring property is against the variance request, which makes it difficult to support the variance request.

Carolyn Dumeah, 629 Central Drive, claimed that the property in question is not a single-family home and that the property owner(s) pays two water bills and two waste hauler bills. She further stated she received this information from the village.

Mr. Christi confirmed that there is only one water bill, one electric bill and one heating bill for the property. He further stated he has two roommates that live below him but reiterated that the property in question is a single-family home.

Planner Belko reiterated what the current case and variance requests are for and shared that the matter Ms. Dumeah brought up has been settled.

Board Member Bailo moved, Board Member Lorant seconded, to deny the requested variance of 3.9 feet from the east side yard setback requirement for the property located at 635 Central, parcel 09-03-435-008 based on the Findings of Fact listed in the McKenna letter dated February 21, 2025.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

Chairperson Mathisen moved, Board Member Putz seconded, to direct the applicant to cause for the removal of the noncompliant improvements withing 21 days of this meeting held on March 6, 2025 and maintain compliance with all approved plans, permits and conditions.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

C. Board of Zoning Appeals Annual Training

The Board of Zoning Appeals bylaws stipulate that each member shall attend at least four (4) hours of training each calendar year during their term. This training can be obtained through a variety of sources, including in-house training by planning and zoning staff, as well as external training by reputable organizations.

Planner Belko shared upcoming trainings the board is welcome to attend.

10. Second Hearing of the Public – Public Comment on Non-Agenda Items Only

None.

11. Board Member Comments

Board Member Bailo said he believes the current order of the agenda causes confusion for the board members and doesn't like having the public hearings as separate items from the cases. Planner Belko said he would take the board's feedback and present a change to the bylaws at a future meeting.

Chairperson Mathisen agreed with Board Member Bailo regarding the agenda order and asked Planner Belko if there are any cases for next month's meeting. Planner Belko shared that no cases are currently pending. Additionally, Planner Belko shared that training for the board should be put together in late April or May.

12. Next Regular Meeting – April 3, 2025

13. Adjournment

Board Member Lorant moved, Board Member Chayka-Crawford seconded, to adjourn the meeting at 8:04 p.m.

AYES: Mathisen, Putz, Lorant, Chayka-Crawford, Bailo

NAYS: None

ABSENT: None

MOTION: Carried

Dr. Brenton Bailo
Secretary

Sonja Stout
Village Clerk/Treasurer

Danielle Smith
Recording Secretary

Date Approved: as presented June 5, 2025