

Attn Village of Lake Orion BZA Committee

Reference 301 Park Ave request for variance on 5' setback and addition

- We have enjoyed our neighbors and like them a lot, yet were surprised when we received the letter from the Village regarding request to build, as we know several others around Central shared details & got their neighbor's support prior to any request to build and did not receive that consideration

- The concerns we have would be any expansion on or around the North wall (including Northern aspects of East & West walls), which currently sits at a minimum 3-6" from our lot line, our property, fence & structures

- The 1st concern would be **watershed and erosion**, as existing non-code overhangs are already right at our lot line, which includes our stone wall that has high risks for erosion (see pic A- red circle overhangs and our lot line in blue, our stone wall in green)

- Per Peech Building & Architect, "the arc angle of rainfall and water not captured by gutters could be up to 122% further out with the 2nd story build versus current and the water pressure hitting the ground would be substantially greater with double the height"
- "This could cause enormous risks for both properties, including increased erosion for 305 Park Ave's stone walls, fencing and overall yard (all built in 1940's) and then erosion risk to basement wall of 301 Park Ave that has already been "patched" for faulty cement and could cause structural risk over 5,10,20 years" (Pics B & D)

- **Trespassing and Aerial Trespassing** are 2nd concern: to build any addition at all on the north side, unless they are able to maintain an addition that meets the hard-set 5 ft setbacks for the North wall (and northern portions of the W & E walls), workers and equipment would have to be on our property and/or have equipment pass over the property line at various times during the build for aerial trespassing. There is a great risk of safety and liability here that we as owners of 305 are not willing to accept. We would not approve to have any worker, contractor, ladders, equipment, support, etc on our property. (See pic F & G for big picture and see how close this already is)

- Even random nails or screws or other material falling just inches from the build could fall into our yard where we walk barefoot and have two dogs playing outside, so safety risk is just too close, being inches away

- This trespassing detail confirmed with an Oakland County builder who has built nearly 1000 homes around Royal Oak, Hazel Park, etc. and also mentioned the owners will never be able to do long term maintenance on their roof, gutters, siding, etc on N wall without trespassing

- 3rd is **Privacy**: If a 2nd story is built within this proximity, the occupants would literally be able to look directly in our living room doorwall and bedroom doorwall on the lake side. Currently there is no privacy issue. This demonstrates: "Loss of reasonable privacy that currently exists between homes."

-Lastly- I emailed with Fire Marshall Jeff Williams and he could not provide comment without being bias as a consultant for BZA board, so we then spoke with the Fire Marshall from Southfield Fire Department

and here are his comments if the Northeast corner is added to: "this tight space just promotes fire spread!"

- That NE corner would literally be built inches from our existing deck and directly over our wood fencing- both have been there for many decades and this just causes potential structural risks and fire safety risks (Pic E & H)

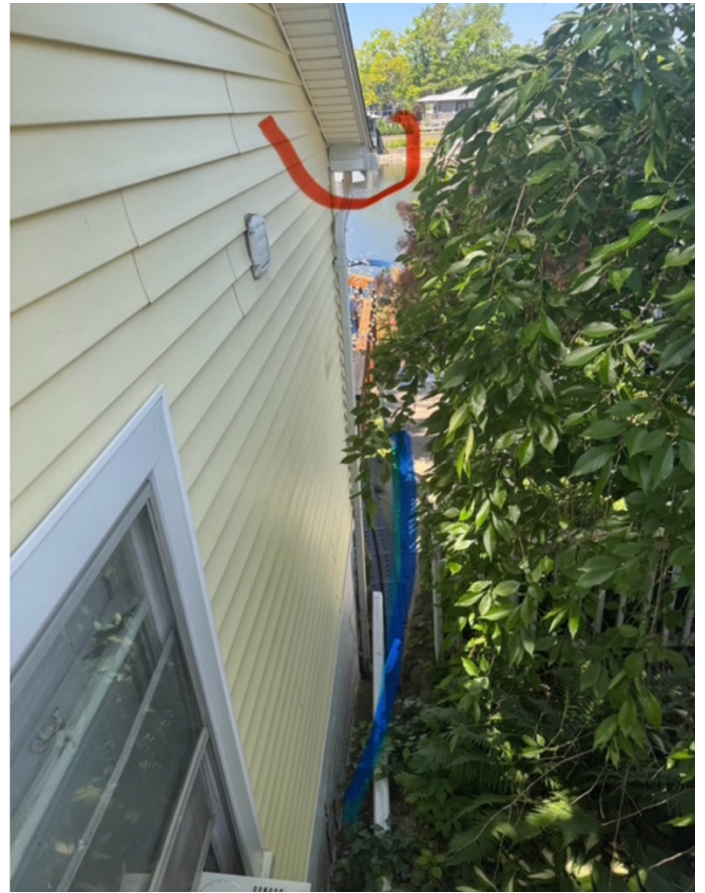
Overall- the village has stood strong on 5' setbacks, with village comments that these were not being allowed (per Mario Ortega- summer of 2025 email), so if there is any addition built for this house, we would ask for any walls, addition, roof, including overhangs, be 5 ft from our property line and no variance being approved to build within the 5 feet setback, as there is great risk for trespassing, aerial trespassing, privacy, damage, erosion, watershed & fire safety.

Thanks
Jason Verbrugghe, MSM
Global Lean Six Sigma Leader
COO/ Strategy & Operations

Ref A



Ref pic B & D



Ref Pic F & G



Ref Pic E & H



*** Final reference and suggestion from Peech Builder & Architect: “The property plat for this sub was drawn up and **approved in March of 1891**. The original plat picture below was provided by Oakland County Register of Deeds to us on June 15, 2026 as **the 1st drawing of record** around any lot lines and division of properties for this area. As you can see, the lot lines were simply drawn as straight lines for all of these surrounding properties, yet there are many properties here built around the lake and around difficult ground, where walls, fences, structures and other detail fell across those simple lines. Per Michigan Law referenced below, and despite of any surveys, all of these said structures, walls, fences, etc are grandfathered in after the initial 15-year acceptance period outlined in Michigan and since all of these structures have been in place for the existing properties for nearly 90 years, they are grandfathered as ownership of land beneath them. This does not, however, provide any approval for any new build, so I am advising the owners of 305 Park Ave to show evidence to their local municipality that these properties are too close to allow an addition of 301 Park Ave without interfering with trespassing, erosion, privacy and fire risk laws.”

Michigan law primarily views walls or fences that have stood unchallenged for 90 years through the legal doctrines of **adverse possession** and **acquiescence**. Because the wall has existed for far longer than the statutory 15-year period, it effectively establishes the permanent boundary between the adjacent properties. [1, 2]

The Key Legal Concepts

- **Adverse Possession:** Under [Michigan Compiled Laws \(MCL\) 600.5801](#), if a physical structure (like a wall or fence) encroaches on a neighbor's property and remains visible, open, and uninterrupted for 15 years without permission, the encroaching party can legally claim ownership of the land beneath it. A 90-year-old wall solidifies this claim.
- **Doctrine of Acquiescence:** If neighbors mutually recognize and treat an artificial boundary (such as a wall) as their property line for at least 15 years, Michigan courts generally consider that to be the official boundary, even if a new survey suggests otherwise.

