



Village of Lake Orion

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

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.



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BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

PROPERTY INFORMATION

Site Address: 96 PARK ISLAND RD. LAKE ORION 48326 Parcel ID #: 09-11-252-005

Parcel Size (Sq.Ft.): 0.18 Zoning District: RM

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

OWNER INFORMATION

Property Owner Name: Matthew Phillips Address: 96 PARK ISLAND RD. LAKE ORION 48326

Property Owner Phone #: [REDACTED] E-Mail: [REDACTED]

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

Applicant Name: Justin Madill Address: 3300 Auburn Rd Suite 300

Applicant Phone #: 2486014422 E-Mail: jmadill@designhaus.com

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

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
Table 12.02	Front Setback	21'-7"	25'	3'-6"	21'-6"
Table 12.02	Side Setback	12'-8"	10'	5'	5'
Table 12.02	Back Setback	0'-0"	25'	0'-0"	25'-0"

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.)*

FRONT SETBACK

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.

Strict compliance with the front setback requirement would prevent any reasonable ability to expand the home for a permitted residential use. The lot is shallow, with limited depth between the roadway and the lake, and expanding toward the rear would reduce usable lakefront area and negatively impact the property's primary amenity. The only feasible direction for an addition is toward the street, consistent with the established development pattern in this neighborhood. Requiring full conformity would make it unreasonably burdensome to improve the home in a functional and code-compliant manner.

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

Granting the variance provides substantial justice because nearly all homes in this area of the Village are located very close to the street, reflecting the historic development pattern of shallow front setbacks. The proposed addition aligns with this existing character and does not place the structure any closer to the roadway than many surrounding properties. Approval allows the applicant to make reasonable improvements while maintaining fairness and consistency with how similar properties have been treated.

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.

The variance requested is the minimum necessary to allow the addition to be constructed in a functional location without reducing the rear yard or lakefront area to an unusable depth. The addition has been placed as far back as possible while still maintaining safe access and appropriate building alignment. No additional relief is requested beyond what is required to accommodate the existing lot constraints.

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 variance arises from unique circumstances specific to this property, including its shallow lot depth between the roadway and the lake, the existing placement of the home, and the historic pattern of development in the neighborhood. These conditions are not typical of standard interior lots and create a situation where strict compliance with the front setback is not feasible without eliminating reasonable residential improvements.

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 need for the variance is not self-created. The home's location, the shallow depth of the lot, and the historic development pattern all predate the applicant. The applicant did not create the limited buildable area or the existing nonconforming conditions. The hardship results from the application of current zoning standards to a lot that was developed long before those standards were adopted.

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 not impair public health, safety, comfort, or welfare. The addition maintains visibility along the roadway, does not obstruct traffic, and is consistent with the scale and placement of neighboring homes. The project improves the property's functionality without creating any adverse impacts to the surrounding community.~~

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.)*

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.*)

SIDE SETBACK

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.

Strict compliance with the RM district side setback requirement would prevent reasonable use of the property for a single-family home. Although the parcel is zoned RM, the property is developed and used as a single-family residence, and every surrounding home in this area maintains side setbacks of approximately 5 feet. Applying the larger RM side setback standard to a single-family lot creates an unnecessary burden and restricts the ability to make improvements consistent with the neighborhood's established pattern.

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

Granting the variance provides substantial justice because the requested side setback matches the 5-foot side yard condition that exists throughout the surrounding properties. The variance aligns the property with the prevailing development pattern and ensures the home is treated the same as neighboring single-family homes, despite the RM zoning classification. Approval maintains fairness and consistency with how similar properties have been historically developed and maintained

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.

The variance requested is the minimum necessary to match the existing 5-foot side yard pattern found on all nearby homes. No additional relief is being requested beyond what is required to maintain consistency with the surrounding single-family development. A larger setback would be inconsistent with the neighborhood and would unnecessarily restrict the functional use of the property.

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 variance arises from unique circumstances specific to this property, including its shallow lot depth between the roadway and the lake, the existing placement of the home, and the historic pattern of development in the neighborhood. These conditions are not typical of standard interior lots and create a situation where strict compliance with the front setback is not feasible without eliminating reasonable residential improvements.

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.

Granting the variance will not impair public health, safety, comfort, or welfare. A 5-foot side setback is consistent with every surrounding home and has been safely functioning in this neighborhood for decades. The variance does not increase density, does not create congestion, and does not negatively impact adjacent properties. It simply aligns the property with the existing and stable development pattern.

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 not impair public health, safety, comfort, or welfare. The addition maintains visibility along the roadway, does not obstruct traffic, and is consistent with the scale and placement of neighboring homes. The project improves the property's functionality without creating any adverse impacts to the surrounding community.~~

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.)*

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.)*

REAR SETBACK

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.

Strict compliance with the rear (waterfront) setback requirement would prevent reasonable use of the property because the existing structure already sits at a 0'-0" rear setback on an existing concrete foundation and pad that predates the current zoning ordinance. The lot is shallow, with limited depth between the roadway and the lake, and the home was originally constructed long before modern setback standards were adopted. Requiring full compliance would make it impossible to maintain or improve the historic structure being rebuilt on its existing concrete foundation and pad without removing long-standing, legally established portions of the home and the existing pad.

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

Granting the variance provides substantial justice because nearly all lakefront homes in this area of the Village have nonconforming rear setbacks due to historic shoreline development. The requested variance does not increase the existing encroachment or alter the footprint of the existing concrete foundation and pad. The historic structure being rebuilt on this existing foundation will remain in the same location it has occupied for decades, consistent with neighboring properties. Approval ensures the property is treated fairly and consistently with similar lakefront parcels.

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.

The variance requested is the minimum necessary because the existing 0'-0" condition is not being expanded or intensified. The historic structure is being rebuilt entirely on its existing concrete foundation and pad, and no additional encroachment toward the lake is proposed. The request simply acknowledges the long-standing, legally established footprint and allows the homeowner to maintain and improve the structure without altering its relationship to the shoreline.

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 variance arises from unique circumstances, including the property's shallow depth between the street and the lake, the historic placement of the home, and the fact that many lakefront homes in this area were built before modern zoning standards. The existing -12'-6" setback and the existing concrete pad are direct results of these historic conditions and are not typical of standard interior lots.

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 need for the variance is not self-created. The existing rear setback encroachment and the existing concrete foundation and pad were established long before the applicant's ownership and long before the current zoning ordinance. The applicant did not create the shallow lot depth, the historic shoreline development pattern, or the existing nonconforming condition. The historic structure being rebuilt on its existing concrete foundation and pad reflects long-standing site conditions that cannot be corrected without a variance.

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 not impair public health, safety, comfort, or welfare. The request does not increase the existing encroachment, does not alter drainage patterns, does not impact neighboring properties, and does not affect lake access or visibility. The historic structure being rebuilt on its existing concrete foundation and pad will continue to function as it has for decades without any adverse impact on the community or the shoreline environment.

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.)*

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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.

- JM 1) A completed application signed by the property owner.
- JM 2) Proof of ownership.
- JM 3) Property owner authorization for an applicant to act on their behalf.
- JM 4) Project Narrative – *A letter to the BZA explaining the variance or review request.*
- JM 5) Land Survey – *A survey prepared by a professional surveyor.*
- JM 6) Site Plan – *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
- N/A 7) Architectural plans and elevations – *A set of drawings illustrating the details of any proposed structures.*
- JM 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.*
- JM 9) Payment of fees.

By signing below you acknowledge all of the following:

- The undersigned acknowledges that they have read Section 19.04 of the Village of Lake Orion Zoning Ordinance, has received and read the instructions and understands the application process.
- The undersigned acknowledges that in their opinion they believe the additional information included with this application meets the submittal requirements for a variance or review application and accept all responsibility for any lack of required information.
- The undersigned acknowledges that any lack of information which may result in a delay of the review process is the sole responsibility of the applicant.
- The undersigned deposes that the forgoing statements and answers and accompanying information are true and correct.
- The undersigned hereby authorizes Village representatives to enter the subject property in connection with this application.

Signature of Property Owner: _____

Date: 6-1-2026

Signature of Applicant: _____

Date: 6-1-2026