



MCKENNA

September 24, 2025

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

Subject: **Single Family Residence Addition – Variance Review** (*Plans received September 2, 2025*)

Location: **493 Algene Dr – Parcel ID# 09-11-257-006** (*East side of Algene Dr, north of Heights Rd.*)

Zoning: **RL Lake Single Family Residential**

Board Members:

We have reviewed the above-referenced variance application submitted by Michael and Caroline Gillam (the “Applicant”) who are the property owners and residents of the cited residence. The applicant is proposing an addition to the existing principal structure.

LOCATION AND PROPOSED PROJECT

The lot is approximately 6,911 square feet (SF) in area and is occupied by an 878 SF one-story single family principal residence, a 465 SF attached rear deck and a 600 SF detached accessory structure (garage). The lot has a legal nonconforming lot width and area. The structure has a legal nonconforming minimum floor area and northern side yard setback. It is located on the east side of Algene Dr, north of Heights Rd. The site is zoned RL Lake Single Family Residential. An aerial photo of the subject site and the surrounding area is provided for context.

The applicant is proposing to construct a 485 SF basement and main floor addition on the west elevation in the street/front yard and a 175 SF porch addition on the south elevation in the side yard.



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ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

As proposed, the construction of the porch addition on the south elevation in the side yard is in compliance with all zoning ordinance dimensional requirements. The additional square footage would remove the existing minimum floor area legal nonconformity and make the structure legally conforming to this standard. The location of the proposed main floor addition on the west elevation in the street/front yard would require one (1) variance from the dimensional standards of the zoning ordinance. The applicant is requesting the following variances from the Zoning Ordinance

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

Side Yard (North) Setback:	Required:	5.0 ft. minimum
	Existing:	2.1 ft.
	Proposed (Ex.):	2.1 ft.
	Variance:	2.9 ft.

VARIANCE STANDARDS FOR APPROVAL

Per the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a requested variance, consider and make findings regarding several factors. Specifically, in Section 19.04.D.1 of the Village’s Zoning Ordinance, the Board may grant a dimensional variance upon a finding that a practical difficulty exists. A finding of practical difficulty exists when the applicant has demonstrated that all of the zoning ordinance criteria exist. Each of the required standards is described below followed by an analysis of whether those conditions exist in this particular case.

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 use, and it is currently being used as a single family residence. Compliance with ordinance requirements has not prevented the owner from using the property for a permitted purpose. Conformity with the minimum five (5) foot side yard setback would require a reduction in the width of the proposed addition. The addition is proposed to match the existing 24.75 ft width of the existing home which is not considered large or excessive when compared to other homes along the lake. Conformance would also require a reduction in the size of the rooms in the addition. The proposed rooms in the addition are modest in nature and do not appear to be excessive in features. The addition would provide rooms that reflect modern living standards, unlike the older cottage style homes which are now considered small and inefficient. The addition also appears to provide hallways and entrances built to accessibility standards. Compliance with the minimum side yard could be construed as unnecessarily burdensome by resulting in an addition that is not built to modern standards and features.

B. The variance will provide substantial justice to the applicant as well as neighboring property owners.

Granting of the variance would give substantive relief to the owner of the property involved and be more consistent with justice to other property owners. There are other instances in the Village where a residence having less than the minimum required floor area has been allowed to be increased in size. The majority of lake front homes in the immediate area are larger than the existing home. If the addition were to be constructed as proposed the resulting residence would still be smaller than most of the other lake front homes. These homes have been built to modern standards and have features comparable to current residential trends and expectations.



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 requested setback variance can be construed to be the minimum variance needed to provide substantial relief. The applicant is not proposing to increase the existing encroachment into the side yard. They are maintaining the same distance as the current structure. The proposed overall length of the building wall along the side lot line is consistent with the length of other existing sidewalls found on both the immediate adjacent lot to the north and other lakefront lots in the area.

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.

The need for the variance is due to the width of the lot and the location of the structure on the lot. While the lot width issue is not entirely unique to this one lot, the location of the structure in relation to the side lot line is not found always found on adjacent lots. Other lots have had their homes located in compliance with the minimum five foot standard. The existing structure's location encroaching in the required side yard is not something a majority of lake front property owners must contend with.

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 need for the variance is not self-created. The current property owner did not place the existing structure in its' current location.

RECOMMENDATION

The Board of Zoning Appeals shall only grant a variance from the requirements of the Zoning Ordinance upon finding the criteria described above have been met for the variance requested. In making your determinations relative to the requested variance, the BZA shall specify the grounds for the decision. 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 find the proposed development satisfies the requirements of the ordinance criteria and recommend the BZA grant the variance as requested based on the cited findings of fact.

We look forward to reviewing these findings and recommendations with you. Please feel free to contact us with any questions.

Respectfully submitted,

McKENNA

Mario A. Ortega, AICP
Senior Principal Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362
Property Owner: Michael & Caroline Gillam, 493 Algene St, Lake Orion 48362