



MINUTES

REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, June 06, 2024

6:30 PM

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

(248) 693-8391 ext. 102

1. Call to Order

The June 6, 2024 Board of Zoning Appeals Regular Meeting was called to order at 6:31 PM.

2. Roll Call and Determination of Quorum

PRESENT

Chairperson Brad Mathisen

Vice Chairperson Raymond Putz

Secretary Brenton Bailo

Board Member Mary Chayka-Crawford

Board Member Henry Lorant

STAFF PRESENT

Village Planning and Zoning Coordinator Gage Belko

Village Clerk/Treasurer Sonja Stout

Deputy Clerk/Treasurer Lynsey Blough

Recording Secretary Danielle Smith

3. Approval of Agenda

MOTION made by Secretary Bailo, Seconded by Board Member/Planning Commission Representative Lorant, to approve the June 6, 2024 Regular Meeting Agenda of Board of Zoning Appeals, as presented.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

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

None.

5. Approval of Minutes

A. BZA Minute Approval- May 2, 2024

MOTION made by Board Member Chayka-Crawford, Seconded by Board Member/Planning Commission Representative Lorant, to approve the May 2, 2024 Board of Zoning Appeals Minutes, as presented.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

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

7. Public Hearing

A. Public Hearing: A-24-03 (512 Longpointe) Variance Request

MOTION made by Board Member Chayka-Crawford, Seconded by Secretary Bailo, to open the Public Hearing.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

Chairperson Mathisen opened the public hearing at 6:35 PM.

Planner Belko made a note about minor discrepancies in the dimensions that were noticed in the Public Notice, versus what was actually being requested for the 512 Longpointe Variance Request. The request was made in decimal format versus fractional.

The proposed amounts were:

13.1 ft for Water Setback, with a variance of 11.11 ft,
11.7 ft for Street Setback, with variance of 13.5 ft, and
34.3 ft for Building Height, with variance of 4.3 ft.

The corrected proposed is:

13 ft 1 in for Water Setback, with variance of 11 ft 11 in. (11.92 ft),
11 ft 7 in for Street Setback, with variance of 13 ft 5 in. (13.42 ft), and
34 ft 3 in for Building Height, with a variance of 4ft 3 in. (4.25 ft).

The email is attached and incorporated as part of the minutes.

Planner Belko presented the recommendation for approving reduced variances from the minimum required street and water setbacks and recommended denying the variance for the height setbacks for the proposed home at 512 Longpointe.

Ron Roy, the property owner at 512 Longpointe, and the Architect from D.L. Jones & Associates Architects, P.L.L.C explained the purpose of asking for the variance which would be for medical purposes and to have the house ADA compliant.

Ed Sabol, 2 Highland, asked questions to Planner Belko in regard to the ordinance in question that involves height.

Jeff Butler, 540 Longpointe, spoke about his support for all the variances being requested.

Bill Martin, 548 Longpointe, spoke about his support of accepting the variances being requested.

Planner Belko also read in the text messages the members of the public in support of the proposed variances. They are the following:

- Brad & Sarah Luchsinger, 568 Longpointe
- William Whedon, 560 Longpointe
- Paul & Renee Hayes, 604 Longpointe
- Jeff & Lori Flaughner, 572 Longpointe
- David & Kathy Petoskey, 600 Longpointe
- Amy & Craig Przygoda, 584 Longpointe
- Mike & Mary Byers, 592 Longpointe

The email and screenshots of text messages are also incorporated as part of the minutes.

Chairperson Mathisen read a letter from “*Longpointe Neighbor*” who disagreed with the variance request. The letter is attached and incorporated as part of the minutes.

MOTION made by Board Member/Planning Commission Representative Lorant, Seconded by Secretary Bailo to close the Public Hearing.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

Chairperson Mathisen closed the public hearing at 7:24 PM.

8. New Business

A. A-24-03 (512 Longpointe) Variance Request

MOTION made by Board Member Chayka-Crawford, Seconded by Vice Chairperson Putz to deny lakefront west yard setback 25 ft minimum required, 12.5 existing, 13.1 proposed, 7.9 variance requested.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

Planner Belko suggested the use of the language from the agenda packet to the Board to be included in the motion.

The Board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen to withdraw the previous motion from the table.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

MOTION made by Board Member Chayka-Crawford, Seconded by Vice Chairperson Putz, to approve a reduced variance from the minimum required street front setback for the proposed single-family home at 512 Longpointe. This recommendation is based on the findings numbers # 1 through 5 as listed in the planner's report, noting that item number #3 states the variance requested is not the minimum possible, and it recommends that the applicant pursue alternative layouts to achieve no more than a 10-ft. variance from this setback, as recommended by McKenna Associates.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

The Board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Secretary Bailo, to approve a reduced variance from the minimum required waterfront setback for the proposed single-family home at 512 Longpointe. This recommendation is based on the findings numbers # 1 through 5 as listed in the planner's report noting that item number #3 states the variance requested is not the minimum possible, and it recommends that the applicant pursue alternative layouts to achieve no more than a 10-ft. variance from this setback, as recommended by McKenna Associates.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

The board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen, to deny the requested variance from the maximum required building height for the proposed single-family home at 512 Longpointe. This recommendation is based on the findings numbers #1 through 5 as listed in the planners' report.

VOTING YEA: Mathisen, Chayka-Crawford

VOTING NAY: Bailo, Putz, Lorant

ABSENT: None

MOTION: Failed

The board had a discussion.

MOTION made by Board Member/Planning Commission Representative Lorant, Seconded by Secretary Bailo, to approve the proposed variance of 34 ft. 3 in. for the building height for proposed single-family home at 512 Longpointe, as requested.

VOTING YEA: Bailo, Lorant, Putz
VOTING NAY: Chayka-Crawford, Mathisen
ABSENT: None
MOTION: Carried

9. Unfinished Business

A. A-24-02: 136 Axford Dimensional Variance Request

Planner Belko went over the recommended letter from McKenna to deny this postponed item from the May 2, 2024 meeting.

The Board had a discussion.

Sue Overmeyer, the mother of the owner of the house, spoke about the homeowner's plans for the seasonal pool.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen, to deny the requested variance of 15 feet from the required minimum rear setback for the installation of an above-ground pool at 136 Axford, based on findings that findings numbers # 1 through 5 as listed in the planner's report.

VOTING YEA: Mathisen, Putz, Chayka-Crawford
VOTING NAY: Lorant, Bailo
ABSENT: None
MOTION: Carried

Chairperson Mathisen read a statement of support from the neighbors at 136 Axford supporting the decision of the variance being requested.

The Board had a discussion.

MOTION made by Board Member Chayka-Crawford, Seconded by Chairperson Mathisen, to deny the requested variance of 1.95 percent from the required maximum lot coverage for the installation of an above-ground pool at 136 Axford, based on finding that findings numbers # 1 through 5 as listed in the planner's report.

VOTING YEA: Mathisen, Putz, Chayka-Crawford
VOTING NAY: Lorant, Bailo
ABSENT: None
MOTION: Carried

10. Second Hearing - on Non-Agenda Items Only

Planner Belko went over an upcoming training event that will be open to all Board members. It is scheduled to be held tentatively on June 20, 2024, with specific times to be announced in the the upcoming weeks. Both virtual and in-person event options will be available.

11. Board Member Comments

Board Member/Planning Commission Representative Lorant had no comment.

Secretary Bailo had no comment.

Board Member Chayka-Crawford spoke.

Vice Chairperson Putz spoke.

Chairperson Mathisen spoke.

12. Adjournment

MOTION made by Board Member Chayka-Crawford, Seconded by Board Member/Planning Commission Representative Lorant, to adjourn the June 6th, 2024 Board of Zoning Appeals Regular Meeting.

VOTING YEA: Mathisen, Putz, Bailo, Lorant, Chayka-Crawford

VOTING NAY: None

ABSENT: None

MOTION: Carried

The June 6th, 2024 Board of Zoning Appeals Regular Meeting adjourned at 8:11 PM.

Dr. Brenton Bailo
Secretary

Sonja Stout
Village Clerk/Treasurer

Lynsey Blough
Deputy Clerk/Treasurer

Date Approved: as presented on July 11th, 2024.