



Village of Lake Orion

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

BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

PROPERTY INFORMATION

Site Address: 638 Buena Vista Avenue. Lake Orion Parcel ID #: 0902354020

Parcel Size (Sq.Ft.): 8,289.6 Sq. Ft. Zoning District: RV - Village Single Fam. Res.

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

OWNER INFORMATION

Property Owner Name: David and Caren Otto Address: 638 Buena Vista

Property Owner Phone #: 586-707-9824 E-Mail: djotto1000@gmail.com

APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: Anton Rozhanskiy Address: 5909 Chesnut Hill, Clarkston MI

Applicant Phone #: 248-620-3867 E-Mail: ian@olaxinc.com

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

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	16.1 Feet	25 Feet	14.5 Feet	10.5 Feet
	SIDE (WEST)	6.5 FT	10 FT	6.5 FT	3.5 FT

TO BE COMPLETED BY VILLAGE STAFF - Date Received:

Fee:

Receipt #:

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.)

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.

REQUIRED SETBACKS PREVENT OWNER FROM HAVING ATTACHED GARAGE W/ DIRECT ACCESS TO HOME.

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

EXISTING CONDITIONS OF DECK/STAIR HAVE BECOME A SAFETY CONCERN FOR OWNER & GUESTS. GRANTING THEM THE VARIANCE WILL ALLOW OWNER/GUESTS ENTER THE HOME IN A SAFELY MANNER.

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.

WE ARE REQUESTING THE MINIMUM VARIANCE IN ORDER TO COMFORTABLY FIT OWNERS CARS INTO NEW GARAGE & DIRECTLY ENTER THE HOME.

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.

WITHOUT DIRECT ACCESS TO HOME FROM GARAGE, OWNERS NEED TO CARRY GROCERIES/LUGGAGE ETC. OUTSIDE AND UP A ROTTEN & UNLEVEL STAIRWAY TO FRONT DOOR.

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.

Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

WE DESIGNED THE HOME TO HAVE MINIMAL IMPACT ON SURROUNDING PROPERTIES BY AVOIDING ANY ADDITIONAL LIGHT/AIR/VIEW OBSTRUCTIONS.

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.)*

N/A

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.)*

N/A

ADDITIONAL INFORMATION AND REQUIREMENTS

Section 19.04(F) identifies all information required for a complete application.

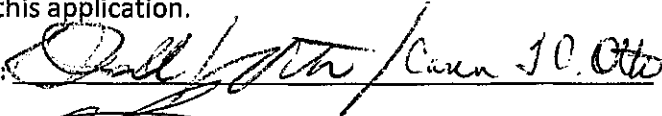

Please place your initials below next to all items included in your application.

If you believe the information is not relevant please place 'N/A' for not applicable next to the item.

- AR 1) A completed application signed by the property owner.
- AR 2) Proof of ownership.
- _____ 3) Property owner authorization for an applicant to act on their behalf.
- AR 4) Project Narrative – A letter to the BZA explaining the variance or review request.
- AR 5) Land Survey – A survey prepared by a professional surveyor.
- AR 6) Site Plan – A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.
- AR 7) Architectural plans and elevations – A set of drawings illustrating the details of any proposed structures.
- AR 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.
- AR 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: 6/17/2024
Signature of Applicant:  Date: 6/17/2024

Anton Rozhanskiy
5633 Sashabaw Rd,
Clarkston, MI 48346

June 14, 2024

Subject: Variance Application for Residential Addition at **638 Buena Vista, Lake Orion**

Dear Members of the Village of Lake Orion Zoning Board,

I am writing to submit a variance application for a proposed addition to our customers' residence located at 638 Buena Vista Avenue. The purpose of this addition is to enhance the functionality and livability of our customers' home while respecting the architectural character of the neighborhood. I am seeking a variance from the current zoning regulations to allow for this necessary expansion.

Project Description:

The proposed project involves removing a multi-tiered dilapidated deck and retaining wall and adding approximately 698 square feet to the front of the existing structure in its place. The addition will include an attached garage with some storage space and a breezeway connecting the existing garage. The proposed garage will have a roof deck that cohesively connects to the existing main entrance of the home. The design of the addition has been thoughtfully developed to match the existing architectural style and materials, ensuring it blends seamlessly with the current structure and surrounding properties.

Justification for Variance:

1. **Practical Difficulty:** Due to the unique shape and topography of the lot, adhering to the current setback requirements would result in a layout that is not practical for modern parking needs. The existing garage does not have direct access into the home that has not only become an inconvenience, but also a safety concern. The addition will not only provide direct access to the home to allow the owners to carry in groceries, luggage, etc.; we will also simplify the stairway run to the main entrance to provide a more direct and safe way for guests to enter the home.
2. **Minimal Impact:** The proposed addition will have minimal impact on the surrounding properties. The design has been planned to avoid any significant obstruction of light, air, or views for neighboring homes. Landscaping and privacy measures will be implemented to further mitigate any potential impact.
3. **Neighborhood Character:** The addition is designed to be harmonious with the architectural character of the neighborhood. By maintaining similar building materials, rooflines, and exterior finishes, the project will enhance the aesthetic continuity of the area.
4. **Increased Livability:** The primary goal of this addition is to accommodate the growing needs of our client. The additional space will allow us to remain in our home and community, contributing positively to the neighborhood's stability and cohesiveness.

Community and Environmental Considerations:

- **Environmental Impact:** Measures will be taken to minimize any environmental impact during construction. This includes proper waste management and erosion control throughout the construction process.
- **Community Feedback:** The Otto's have discussed the proposed addition with my immediate neighbors, and they have expressed support for the project. They are committed to maintaining open communication with all affected parties throughout the planning and construction phases.

Conclusion:

In conclusion, we believe that granting this variance will not only address the practical difficulties posed by the current zoning regulations but also enhance the quality of life for the Otto's while preserving the character and integrity of the neighborhood. We respectfully request your favorable consideration of this application.

Thank you for your time and attention to this matter. We are available to provide any additional information or answer any questions you may have.

Sincerely,

The Olax Team and the Ottos



MCKENNA

July 2, 2024

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

Subject : A-24-04 : 638 Buena Vista Variance Requests
Parcel: OL-09-02-354-020

Board Members:

We have reviewed the above-referenced variance request application submitted by Anton Rozhansky (Olax Inc.) on behalf of David and Caren Otto (the "Applicants") who propose a 698-square-foot addition to the front of an existing ~2,655-square-foot single-family home located at 638 Buena Vista. This addition is part of a larger investment to update the property and will include an attached garage and rooftop patio; the existing patio and landscape retaining wall will be demolished to accommodate it. The property is located on Bellevue Island, north of Buena Vista Avenue and just east of Bellevue Avenue, within the RV, Village Single Family District.



HEADQUARTERS
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REQUEST

To build the proposed addition, the applicant is requesting three (3) variances from the Zoning Ordinance:

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

- | | | |
|-----|---------------------------------|---|
| (1) | Front (Southeast) Yard Setback: | 22.85 feet minimum required (Established Front Setback)
16.1 feet existing (non-conforming)
14.5 feet proposed
8.35-foot variance requested |
| (2) | Side (Southwest) Yard Setback: | 10.0 feet minimum required
6.5 feet existing (non-conforming)
6.5 feet proposed (expanding the nonconformity)
4.5-foot variance requested |

SECTION 13.11, ACCESSORY BUILDINGS AND STRUCTURES – RV ZONING DISTRICT

- | | | |
|-----|----------------------------------|--|
| (3) | Placement (Front Building Line): | Behind front building line of existing residence
10.4 inch projection in front of existing residence
10.4-inch variance requested |
|-----|----------------------------------|--|

For the purposes of this letter, “Variance 1” references the Front Yard Setback variance request, “Variance 2” references the Side Yard Setback variance request, and “Variance 3” references the placement/projection variance request.



COMMENTS

Per Section 19.04.D.1 of the Village's Zoning Ordinance and the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional (or non-use) variance upon a finding that a practical difficulty exists.

To meet the test of practical difficulty, the Board must find evidence of ALL the following standards:

- (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.**

Applicant response: Required setbacks prevent the owner from having an attached garage with direct access to the home.

The property is already in use for permitted purposes, with an existing single-family residence with an attached two-car garage. As discussed in **Item (d)** below, the subject property (specifically the lot itself) is not unique, save for the fact that it complies with Zoning Ordinance requirements for lot size (most lots near the lakefront do not comply with minimum standards and are nonconforming), which should make it easier to comply with established setback standards. The existing structure, however, is nonconforming regarding the side yard and front yard setback requirements, which the Applicants intends to increase. Under these circumstances, we find that the Applicants are more than capable of updating their home without increasing the structure's nonconformities and note that the existing attached two-car garage could reasonably be retrofitted to provide such direct access to the home, as they are already proposing several interior and exterior structural changes to this portion of the home.

- (b) The variance(s) will provide substantial justice to applicant as well as neighboring property owners.**

Applicant response: Existing conditions of the deck and stairs have become a safety concern for the owner and guests. Granting them the variance will allow the owner and guests to enter the home in a safe manner.

Because the Applicants occupy a compliant lot along the lake and for the reasons noted above under **Item (a)**, we do not find that there is any justice to be granted to the Applicants, as reasonable design alternatives would allow them to make necessary property investments without variances. In fact, upholding the Ordinance requirements would provide the ultimate justice to neighboring property owners and the Village, where most property owners make an effort to comply with the Ordinance. As discussed further under Item (f), approval of the variances may set a precedent for nearby properties that wish to increase the non-conformity of their structure(s), which would defeat the purpose of established Ordinance standards. Nothing in the Zoning Ordinance precludes the applicants from updating their home for safe, convenient access – this could be accomplished within the limits of the code.

- (c) The variance(s) requested is(are) the minimum variance(s) needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.**



Applicant response: We are requesting the minimum variance in order to comfortably fit the owner's cars into the new garage and directly enter the home.

From the renderings and plans, the entire home appears to be proposed for updates, both interior and exterior; however, we note that the applicant has not provided alternative design solutions that could rule out the need for variances. Variance 1 increases the extent of the nonconforming side yard encroachment for the placement of a second two-car garage and roof-top patio. Variance 2 increases the extent of structure encroaching into the Establish Front Setback and, further, the proposed accessory structure extends past the front building line of the existing home, resulting in the need for Variance 3.

While granting these variances would clearly provide relief to the Applicant, none of the requested variances are the minimum possible. As mentioned several times, with an existing attached garage, we find that alternative design solutions could be reasonably explored without further deviation from the Zoning Ordinance. Nonconforming structures are allowed to be repaired/modernized without variances, provided such improvements do not expand any nonconformity (or introduce new ones) and are less than 50% of the True Cash Value of the property.

(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.

Applicant response: Without direct access to the home from the garage, the owners need to carry groceries, luggage, etc. outside and up a rotting and uneven stairway to the front door.

Per the table below, the subject site is not unique. Not only is it very similar to nearby properties in shape and dimension, but it also complies with the requirements of the Zoning District. Although the existing structure is nonconforming with regard to setback requirements, the Applicant will be increasing these. Overall, the need for variances is not due to the lot's non-conformity or other unique circumstances but is instead entirely self-created (see **Item (e)**).

RV District Schedule of Regulations (requested setback variances highlighted in grey):

Standard	Required	Existing	Proposed	Notes
Minimum Lot Width	60 ft.	70 ft.	70 ft.	Complies
Minimum Lot Area	7,200 sq. ft.	8,289.6 sq. ft.	8,289.6 sq. ft.	Complies
Maximum Building Height	30 ft.	<30 ft.	<30 ft.	Complies
Established Front Setback	22.85 ft.	16.1 ft.	14.5 ft.	<u>Increasing non-compliance</u>
Minimum Side Yard Setback	10 ft.	6.5 ft. (S.W.) / 5.8 ft. (S.E.)	6.5 ft. (S.W.) / 5.8 ft. (S.E.)	<u>Increasing non-compliance</u>
Rear Setback	25 ft.	>25 ft.	>25 ft.	Complies
Maximum Lot Coverage	40%	30.8%	36.32%	Complies
Minimum Floor Area	1,200 sq. ft.	2,256 sq. ft.	2,893.4 sq. ft.	Complies



Due to the property's location adjacent to Lake Orion and its classification on the Future Land Use map, the lot could be rezoned to the RL, Lake Single Family Residential District. This new zoning classification would maintain the property's compliance with Zoning Ordinance standards and remove the necessity for the side yard setback variance (which is 5 feet in the RL district) and the accessory structure placement variance, as attached accessory structures are allowed in front of a residence in the RL district and up to 20 feet from the street lot line, thereby also reducing the variance needed for the front yard setback. The Board of Zoning Appeals may consider approving the side yard setback variance as proposed and a lesser front yard setback variance of 5.5 feet (as opposed to the requested 8.35 feet) with the condition of having the property rezoned within one (1) year, to align the Zoning Map with the Future Land Use Map.

- (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.**

Applicant Response: None provided.

The need for variances is entirely self-created, as the Applicant is taking affirmative action to demolish an existing structure on the property to accommodate an addition to the single-family dwelling, rather than simply modifying/upgrading the existing structure(s), which could be done without expanding or creating nonconforming dimensions.

- (f) Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.**

Applicant Response: We designed the home to have minimal impact on surrounding properties by avoiding any additional light / air / view obstructions.

The variance requests for this particular application would have minimal negative impact on the public health, safety, comfort, and welfare of the inhabitants of Lake Orion. However, approving the variances without certain conditions is likely to set a perceived precedent for nearby properties that may wish to increase nonconforming structures on otherwise conforming lots, which may ultimately jeopardize the public welfare by undermining the Zoning Ordinance without due cause.



RECOMMENDATION

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 recommend that the Board of Zoning Appeals take the following actions:

Variance 1 – Front Setback:

Motion to approve the requested variance from the minimum required front yard setback for accessory structures in the, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, therefore conferring approval of a lesser variance of 5.5 feet, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for front yard setbacks would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be modernized to fit established zoning standards. A lesser variance could be achieved for the proposed addition through rezoning to RL, Lake Single Family Residential.
- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential by reducing the need for a variance and aligning the property with the Future Lane Use map.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.

Variance 2 – Side Setback:

Motion to approve the requested variance from the minimum required side yard setback, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for side yard setbacks would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be



modernized to fit established zoning standards. Compliance could also be achieved through rezoning to RL, Lake Single Family Residential, eliminating the need for the variance.

- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.

Variance 3: Accessory Structure Placement:

Motion to approve the requested variance from the minimum required accessory structure placement behind the front building line, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for accessory structure placement would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be modernized to fit established zoning standards. Compliance could also be achieved through rezoning to RL, Lake Single Family Residential.
- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.



- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.

Should the Applicants fail to lawfully rezone their property to RL, Lake Single Family Residential within one (1) year to align with the planned Future Land Use of this area as a condition of the Board's approval of certain variances, such approved variances would be null and void and the Village shall cause for the abatement of any resulting violations of the Zoning Ordinance.

Should you have any questions, please reach out to us.

Respectfully,

McKENNA

Gage Belko, AICP
Associate Planner

Ashley E. Amey, NCI
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362
Applicant: David and Caren Otto, 638 Buena Vista, Lake Orion, MI 48362

EXISTING PERCENTAGE OF COVERAGE (09-02-354-020)

Area of Parcel 09-02-354-020	=	8,289.6 Sq. Ft.
Area of Existing Residence #638	=	2,256.0 Sq. Ft.
Area of Existing Side Storage	=	12.4 Sq. Ft.
Area of 1000.8 Wooden Deck & Steps	=	164.3 Sq. Ft.
Area of Existing Shed	=	120.1 Sq. Ft.
Total Area of Coverage	=	2,552.8 Sq. Ft.
Existing Percentage of Coverage	$\frac{2,552.8 \times 100}{8,289.6}$	= 30.8%

GENERAL NOTES:

- 1.) The 100 year flood plain contour line follows existing retaining walls and is shown on the STAKED SURVEY.
- 2.) The existing sanitary sewer lead and water service lead are shown on the STAKED SURVEY. Field verify prior to any construction.
- 3.) There are no existing easements encumbering this site.
- 4.) There are no drainage courses encumbering this site.
- 5.) Ground mounted AC Unit is shown.
- 6.) A Complete set of Architectural drawings has not been provided to Kennedy Surveying, Inc. at the time of this "STAKED SURVEY".
- 7.) Proposed roof height of the proposed Garage were not provided. Estimated to be below 12 feet.
- 8.) The Lot lines as shown on this STAKED SURVEY are held as previously surveyed or occupied and may not be necessarily the same lot lines as platted. See Surveyor's Notes below the description.
- 9.) The exact location and elevation of the existing sanitary sewer lead shall be determined prior to any construction. Extend the sanitary sewer lead using 6" PVC sch. 40 w/ water tight joints @ min. of 1% grade with a min of 4' of cover.
- 10.) The water service lead shall be 1" K Copper of approved equal with a min. of 5.5' of cover

PROPOSED PERCENTAGE OF COVERAGE (09-02-354-020)

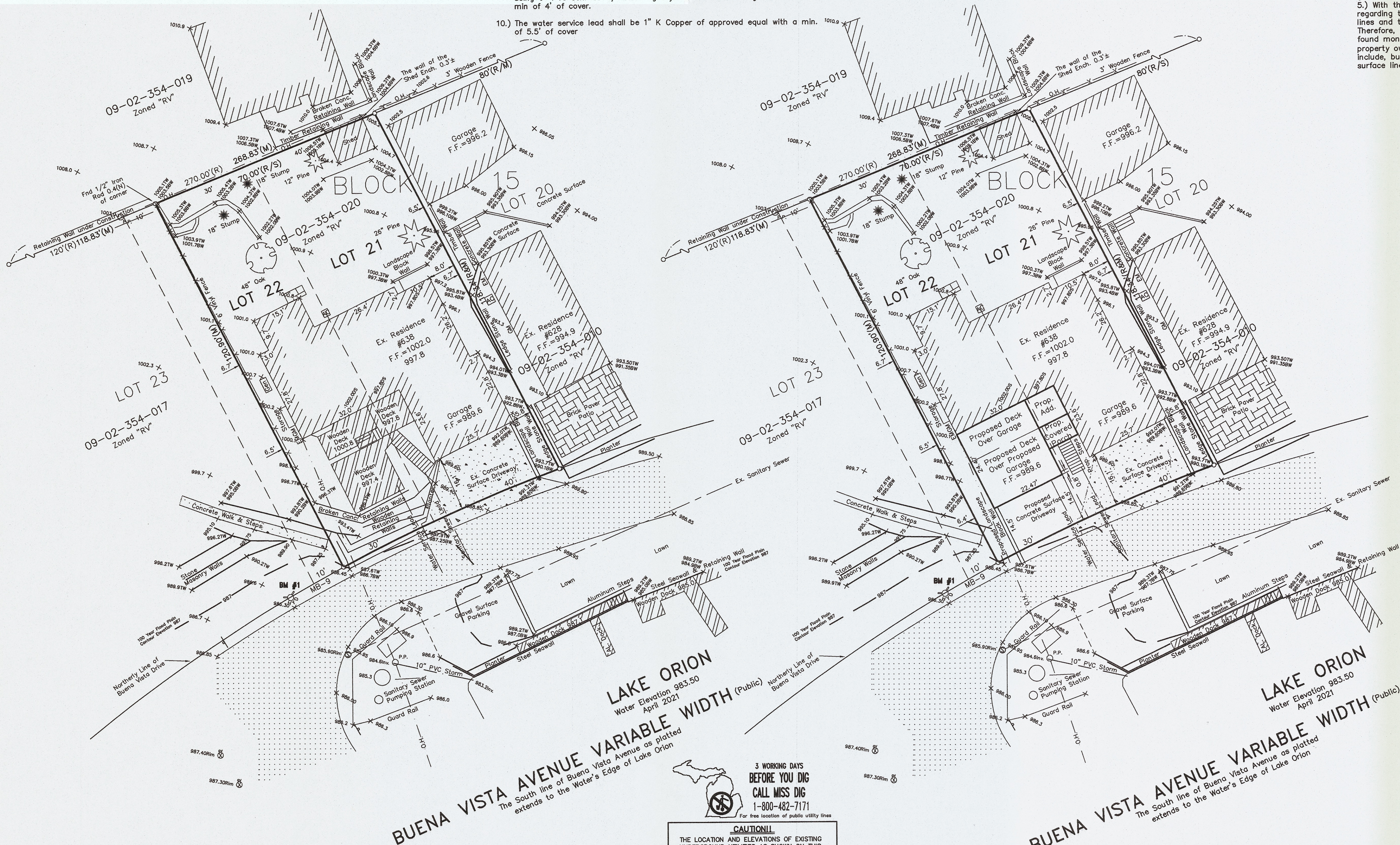
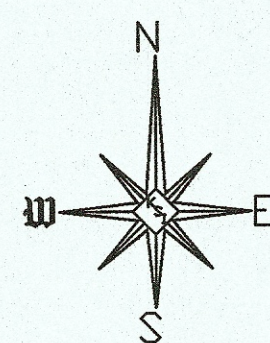
Area of Parcel 09-02-354-020	=	8,289.6 Sq. Ft.
Area of Existing Residence #638	=	2,256.0 Sq. Ft.
Area of Existing Side Storage	=	12.4 Sq. Ft.
Area of Proposed Lower Level Garage	=	549.8 Sq. Ft.
Area of Proposed Addition	=	87.6 Sq. Ft.
Area of Proposed Covered Porch	=	65.3 Sq. Ft.
Area of Proposed Steps	=	39.6 Sq. Ft.
Total Area of Coverage	=	3,010.7 Sq. Ft.
Existing Percentage of Coverage	$\frac{3,010.7 \times 100}{8,289.6}$	= 36.3%

PROPERTY DESCRIPTION: PARCEL 09-02-354-016

Lot 21, and the Easterly 30 feet of Lot 22, Block 12, of "ORION IMPROVEMENT COMPANY'S SUBDIVISION NO. 1", being part of Section 2, 3 10 and 11, Town 4 North, Range 10 East, Village of Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, on Page 19 of Oakland County Records. Also a strip of submerged land on the southerly side of the above Lot 21 and portion of Lot 22.

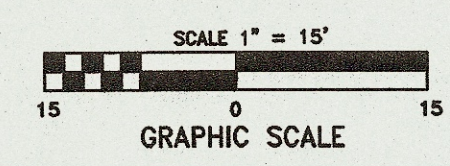
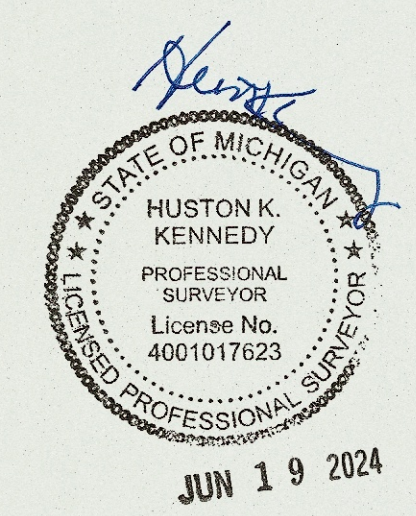
SURVEYOR'S NOTES:

- 1.) This survey is based upon the description as cited on an "AFFIDAVIT OF SCRIVENER'S ERROR", recorded in Liber 41605, Page 593 of Oakland County Records.
- 2.) The width of the R/W for Buena Vista Drive is not stated on the Plat, however the south line of Buena Vista Drive apparently extends to the water's edge of Lake Orion in 1888.
- 3.) The last statement in the property description "ALSO A STRIP OF SUBMERGED LAND ON THE SOUTHERLY SIDE OF THE ABOVE LOT 21 AND PORTION OF LOT 22" is a very ambiguous statement. The statement does not give the width of the submerged strip of land and is adjacent to the southerly line of Buena Vista Drive, which is shown on the plat as extending to the water's edge in 1888, the date of the plat.
- 4.) All the monumentation that was recovered is either second or third generation, not original.
- 5.) With the information that is provided on the above mentioned plat regarding the angular relationship between the platted street right of way lines and the lot lines, it is almost impossible to recreate this plat. Therefore, when I am doing a retracement survey in this plat, I hold the found monumentation, occupation lines and conservations with adjoining property owner's to help determine a "best fit". Occupation lines would include, but not limited to, fence lines, shrub or planting lines, hard surface lines and sea wall joints.



LEGEND:

- 993.45 X = EXISTING ELEVATION
- BM = BENCH MARK
- = FND. 1/2" IRON ROD UNLESS NOTED
- = SET 1/2" IRON ROD W/ ID CAP
- ▲ = SET #60 NAIL W/ LATH
- = EX. POWER POLE
- = EX. LIGHT POLE W/ CONTROL BOX
- = EX. UTILITY RISER / PANEL
- = GUY POLE
- = GUY WIRE
- = EX. SANITARY SEWER MANHOLE
- = EX. STORM SEWER STRUCTURE
- = CATCH BASIN
- = CLEAN OUT
- = EX. FIRE HYDRANT
- = EX. GATE VALVE
- = EX. SIGN
- F.F. = FINISHED FLOOR
- O.H. = OVERHEAD LINES
- UG = UNDER GROUND LINES
- GM = GAS METER
- EM = ELECTRIC METER
- DS = DOOR SILL
- R = RECORDED DISTANCE
- M = MEASURED DISTANCE
- C = CALCULATED DISTANCE
- = DIRECTION OF FLOW
- ▨ = EX. BITUMINOUS SURFACE
- ▨ = EX. CONCRETE SURFACE
- ▨ = EX. GRAVEL SURFACE
- ▨ = EX. WOODEN SURFACE
- ▨ = EX. BRICK PAVEMENT SURFACE



BENCH MARK (BM)
 BM #1 = Arrow on top of Fire Hydrant
 Elev. = 988.55 NAVD88

EXISTING CONDITIONS:

PROPOSED CONDITIONS:

BUENA VISTA AVENUE VARIABLE WIDTH (Public)
 The South line of Buena Vista Avenue as platted extends to the Water's Edge of Lake Orion

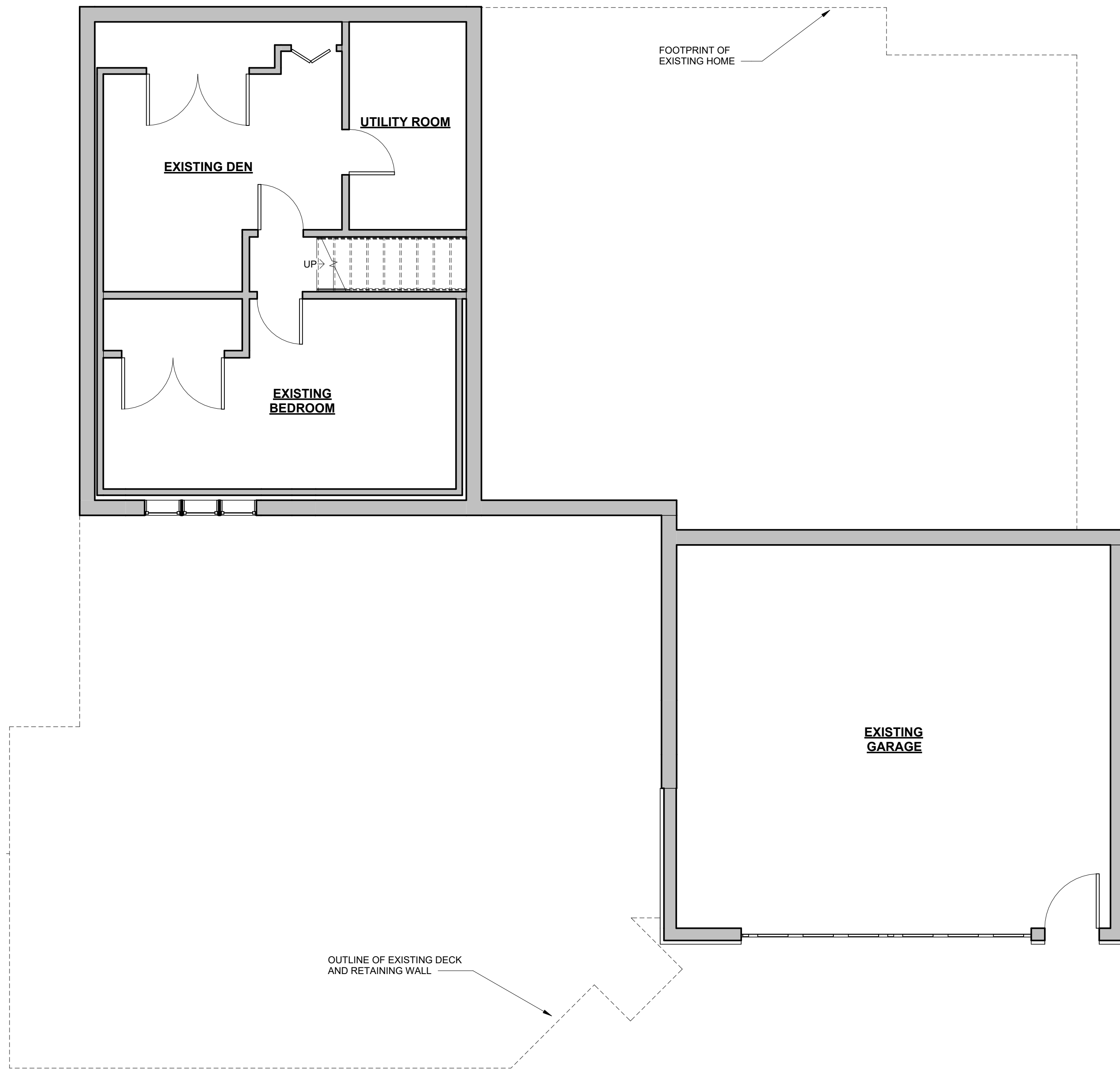
BUENA VISTA AVENUE VARIABLE WIDTH (Public)
 The South line of Buena Vista Avenue as platted extends to the Water's Edge of Lake Orion

CAUTION!
 THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OF ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION PRIOR TO THE START OF CONSTRUCTION.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

1	SST	HKK	Village Comments	06/19/24
No.	By	Chk	Description	DATE
REVISIONS				
STAKE SURVEY "EXISTING & PROPOSED CONDITIONS" For:				
DAVID & CAREN OTTO				
638 Buena Vista Avenue Lake Orion, Michigan 48362				
Contact Person: Ian Konnie			Phone: (248) 534-2484	
KENNEDY SURVEYING, INC.				
105 N. Washington St. Oxford, Michigan 48371				
Fax: (248) 628-7191		Scale: 1" = 15'		Sheet No. 1
Drawn By: SST	Date: 05/20/24	Drawing No. 13-70252	Job No. 13-7025	

EXISTING



1 FOUNDATION PLAN - EXISTING
1/4" = 1'-0"

PROPOSED



2 FOUNDATION PLAN - PROPOSED
1/4" = 1'-0"

SCOPE OF WORK

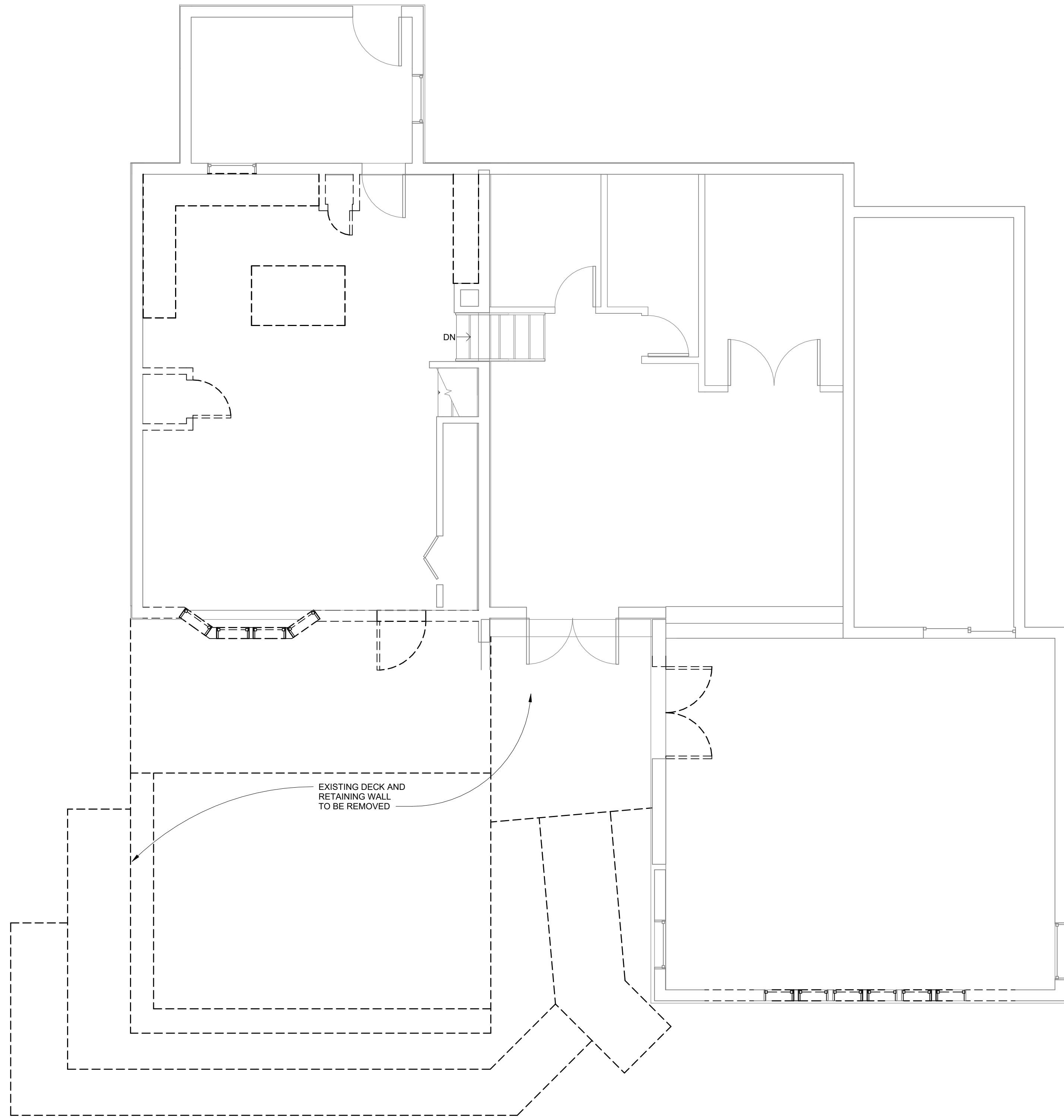
1. NEW STAIRS TO NEW ENTRY W/ FLANKING TIERED PLANTERS
2. NEW 23'-6"X20'-1" GARAGE
3. NEW ENTRY INTO BASEMENT FROM PROPOSED GARAGE
4. FULLY EXCAVATED STORAGE ROOM AND BREEZEWAY TO CONNECT EXISTING GARAGE TO PROPOSED GARAGE
5. OPTIONAL MAN DOOR TO PROPOSED GARAGE



PHONE: 248-620-3867
 ADDRESS: 5633 Sashabaw Rd,
 Clarkston, MI 48346
 EMAIL: info@olaxinc.com

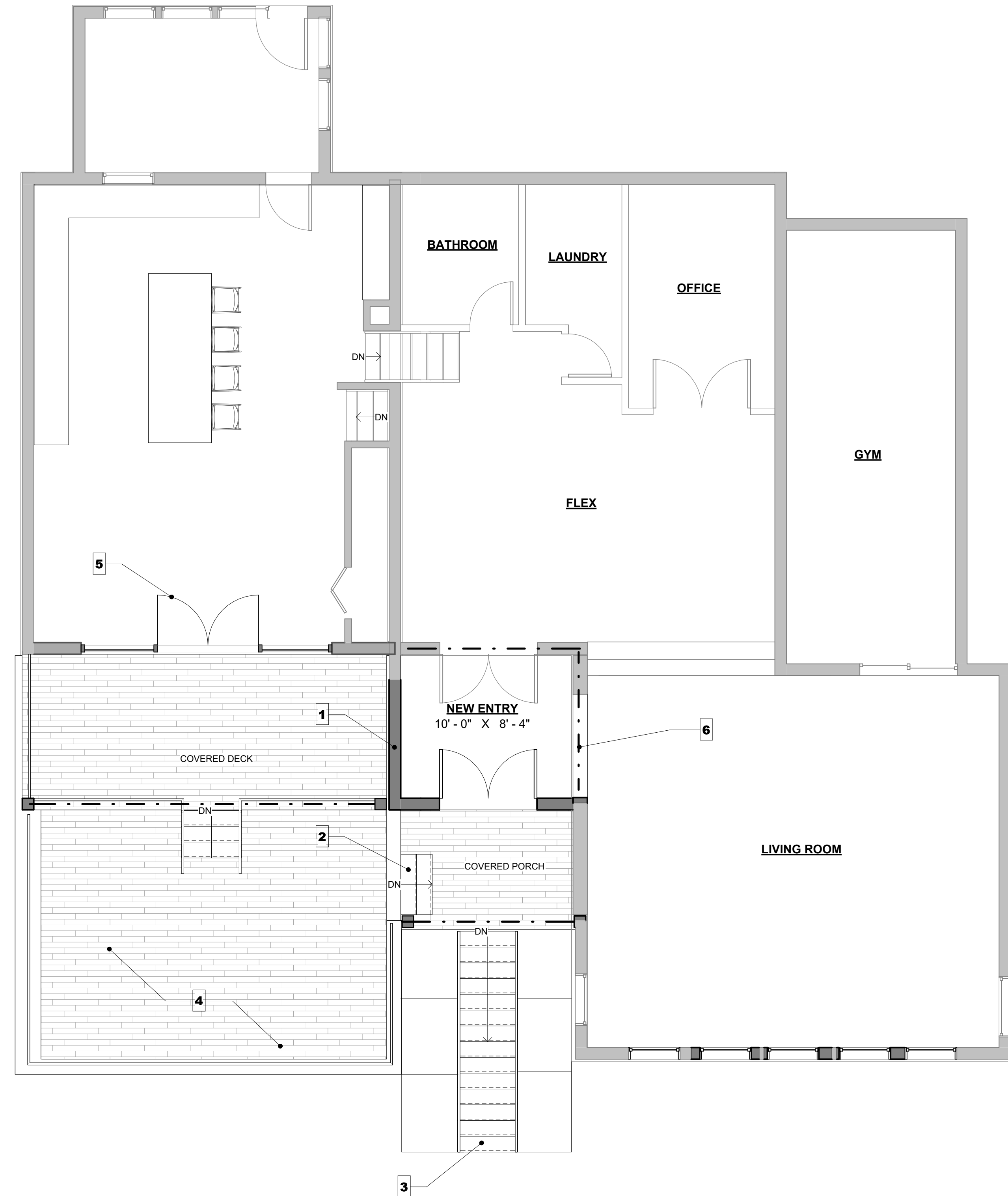
DAVID AND CAREN OTTO
 638 Buena Vista
 Lake Orion, MI

EXISTING



2 MAIN ENTRANCE - EXISTING
SCHEMATIC 1/4" = 1'-0"

PROPOSED



1 MAIN ENTRANCE - PROPOSED
SCHEMATIC 1/4" = 1'-0"

SCOPE OF WORK

1. EXTEND MAIN ENTRANCE TO CONNECT TO FLEX SPACE AND LIVING ROOM
2. ADD COVERED PORCH WITH BREEZEWAY BETWEEN GARAGES UNDERNEATH
3. NEW STAIRS TO NEW ENTRY W/ FLANKING TIERED PLANTERS
4. NEW TIERED DECK OVER NEW GARAGE W/ CABLE RAILING
5. NEW FLOOR TO CEILING WINDOWS AND FRENCH DOOR (OR SLIDING) INTO DINING AREA
6. REMOVED EXTERIOR DOOR AT LIVING ROOM AND CREATED LARGE OPENING TO CONNECT THE SPACES
7. REPLACED AND ADDED WINDOWS AT THE LAKEFRONT FACADE OF LIVING SPACE



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 ADDRESS: 5633 Sashabaw Rd,
 Clarkston, MI 48346
 EMAIL: info@olaxinc.com

DAVID AND CAREN OTTO

638 Buena Vista
 Lake Orion, MI

EXISTING



OLAX INC.

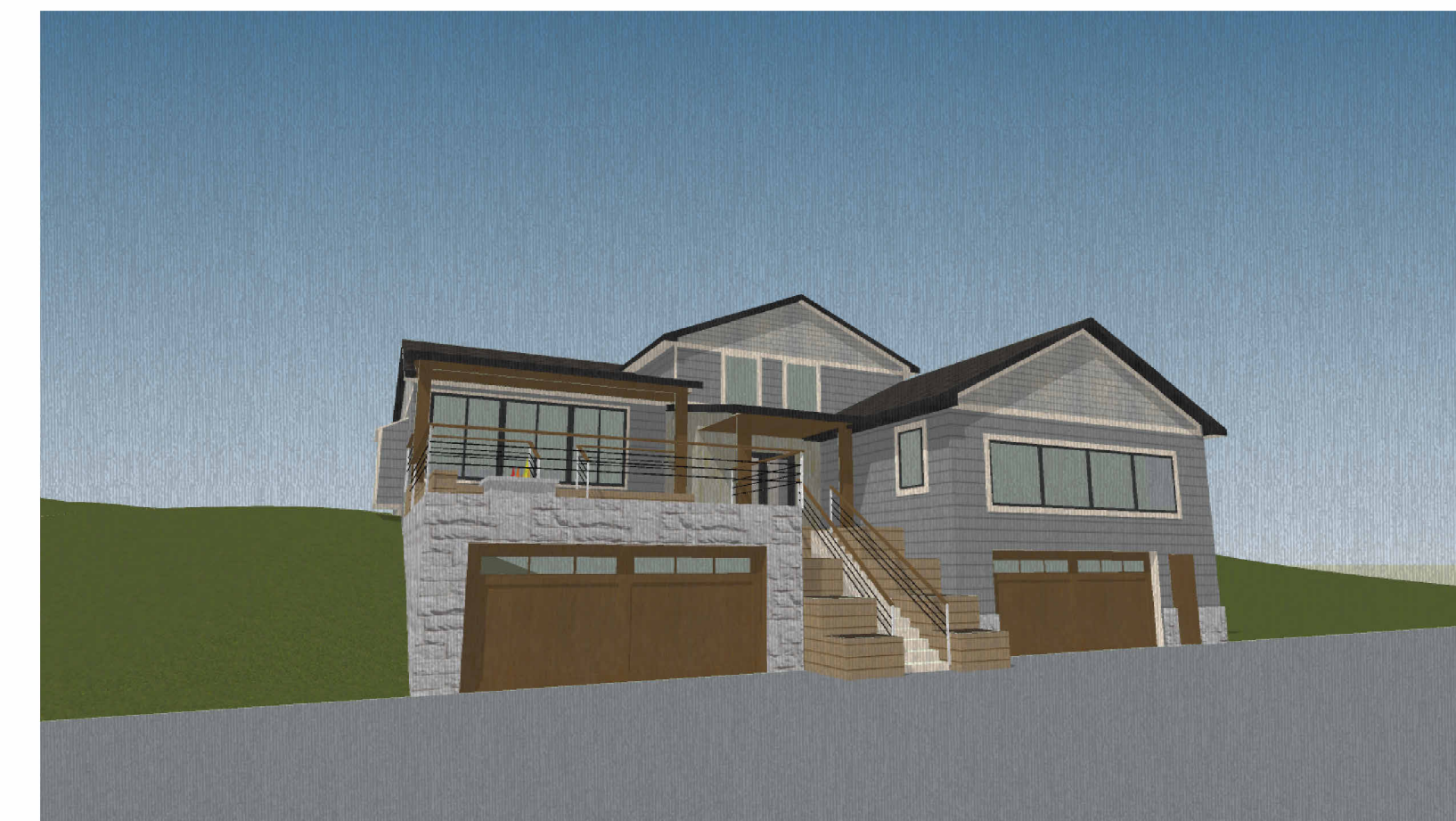
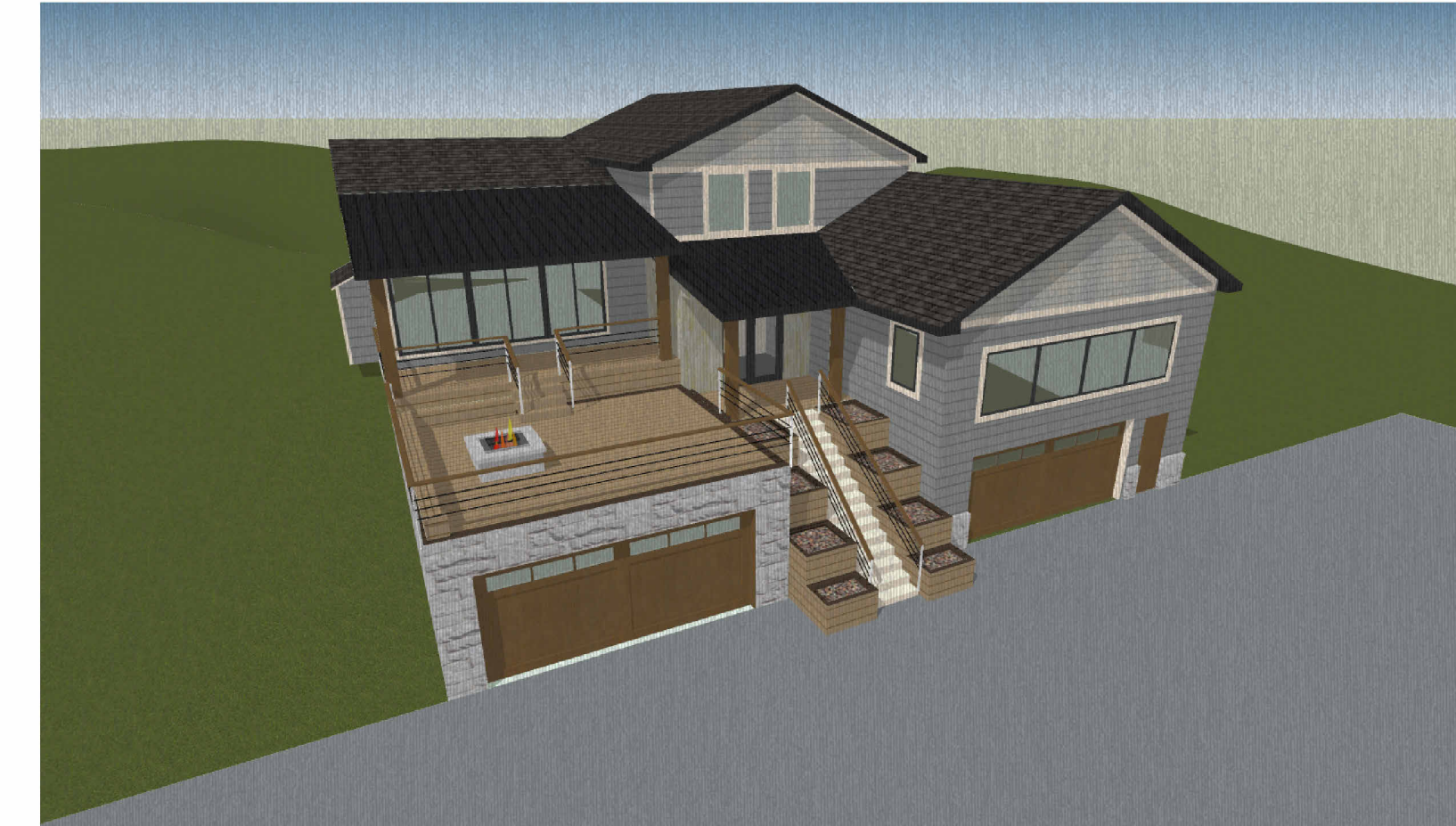
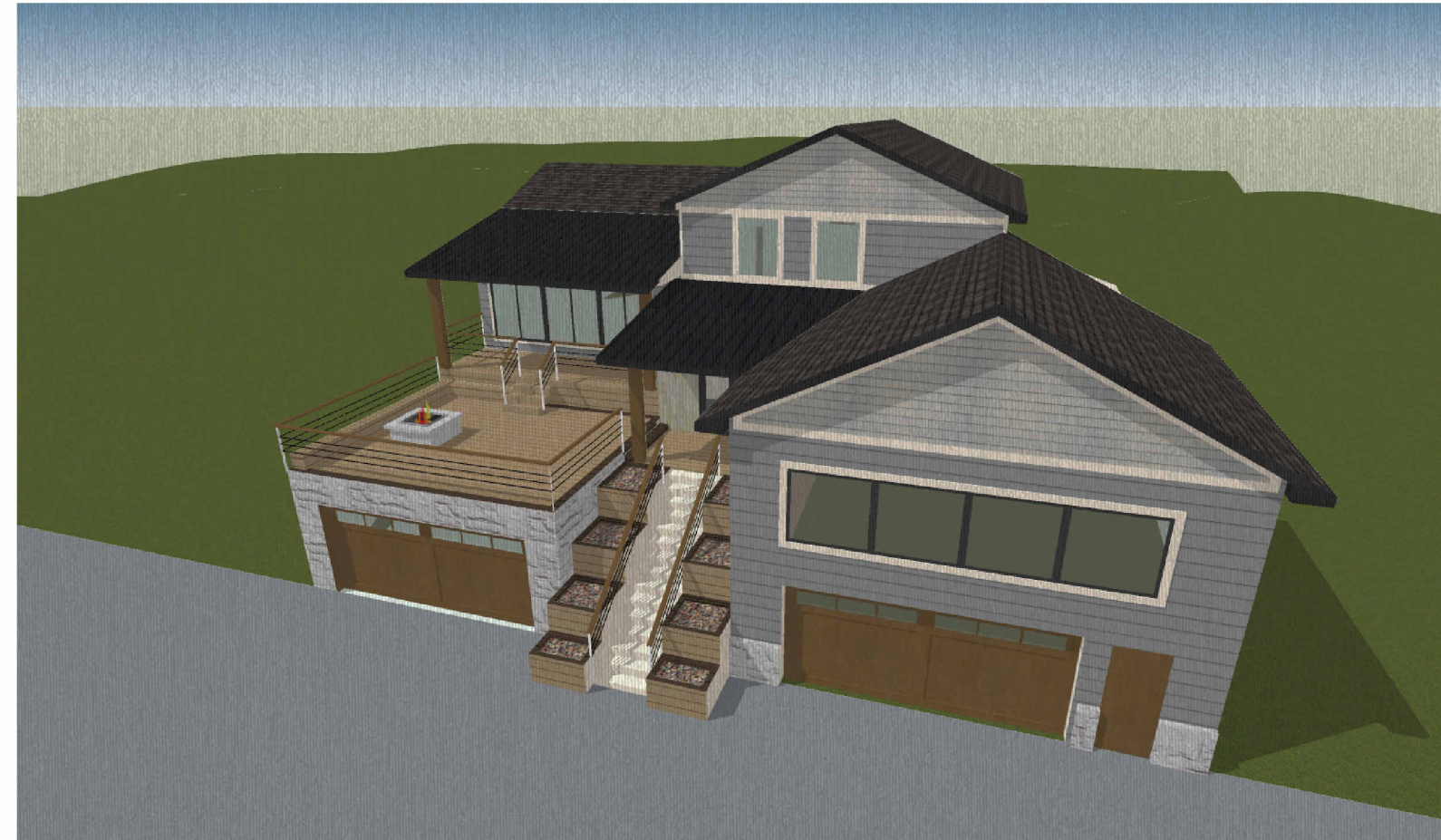
248-620-3867
5633 Sashabaw Rd,
Clarkston, MI 48346
info@olaxinc.com

PHONE:
ADDRESS:
EMAIL:

CONCEPTUAL RENDERING



ADDITIONAL PERSPECTIVES



DAVID AND CAREN OTTO
638 Buena Vista
Lake Orion, MI



Questions:
Visit: ConsumersEnergy.com
Call us: 800-477-5050

Amount Due: **\$29.62**

Please pay by: **July 02, 2024**

▶ **Thank You** - We received your last payment of **\$54.61** on **May 30, 2024**

▶ **Service Address:**
638 BUENA VIS
LAKE ORION MI 48362-2303

CAREN TC OTTO
DAVE OTTO
638 BUENA VIS
LAKE ORION MI 48362-2303



June Energy Bill

Service dates: May 09, 2024 - June 07, 2024 (30 days)

Total Natural Gas Use (Mcf - thousand cubic feet)

June Natural Gas Use



1.8 Mcf

Cost per day:
\$0.95

Mcf per day:
0.060

Mcf = 1 thousand cubic feet of natural gas can heat an average home for 4 days.

ACTUAL ▲

STAY SAFE: Call 9-1-1 and 800-477-5050. We'll respond day or night.



Downed power lines.
Stay 25 feet away. Call from a safe location.



If you smell natural gas.
If the "rotten egg" odor of gas is apparent, call from a safe location.

Verify your contact information. Confirm your email, phone number and mailing address are correct so we can notify you about work affecting your service and other updates. Visit www.ConsumersEnergy.com/updatemyinfo

The Consumers Energy app for iOS and Android is here. It has never been easier to manage your account. From checking and paying your bill to quick ways to report an outage or setting custom alerts, we are putting the tools you need at your fingertips. Download from the app store today.

Get outage and billing alerts. Choose the reminders you want, and how often you want them. Customize yours in the app or at: www.ConsumersEnergy.com/Alerts



Need to talk to us? Visit ConsumersEnergy.com
or call **800-477-5050**
Telecommunications Relay Services: Call 7-1-1

Service Address:
638 BUENA VIS; LAKE ORION MI 48362-2303

Account: **1030 0749 0446**

Account Information

Bill Month: June
Service Dates: 05/09/2024 - 06/07/2024
Days Billed: 30
Portion: 12 06/24

To help you complete a Home Heating Credit form, here are your 2023 heating costs for 12 months: \$1,262.17.

Rate Information

Gas Residential Service
Rate Code: 250

Meter Information

Your next scheduled meter read date is on or around 07/09/2024

Gas Service: AMR Meter
Meter Number: 96027995
POD Number: 0000001654921
Beginning Read Date: 05-09
Ending Read Date: 06-07
Beginning Read: 6266
Ending Read: 6284 (Actual)
Differential: 18
Constant: 0.1
Correction factor: 1.00000
Usage: 1.8 Mcf
Total Metered Energy Use: 1.8 Mcf

June Energy Bill

Invoice: 205102052446

Account Summary

Last Month's Account Balance	\$54.61
Payment on May 30, 2024	\$54.61-
Balance Forward	\$0.00

Payments applied after Jun 10, 2024 are not included.

Natural Gas Charges

Customer Charge		\$13.60
Gas Distribution	1.8@ 5.219100	\$9.39
Other Surcharges	1.8@ 0.335900	\$0.61
Gas Cost Recovery	1.8@ 2.710600	\$4.88
Total Natural Gas		\$28.48
State Sales Tax		\$1.14
Total Energy Charges		\$29.62

Amount Due: \$29.62
by July 02, 2024

If you pay after the due date, a 2% late payment charge will be added to your next bill.

Please make any inquiry or complaint about this bill before the due date listed on the front. Visit ConsumersEnergy.com/aboutmybill for details about the above charges.

NEWS AND INFORMATION

Compare natural gas prices among us and other providers at www.Michigan.gov/CompareMIGas

For information on safety and customer rights: www.ConsumersEnergy.com/CustomerGuides

4 beds / 3 full baths / 0 half baths / 2655 sq ft

Residential Property Profile

09-02-354-020

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : **DAVID J OTTO & CAREN OTTO**
 Postal Address : **638 BUENA VISTA AVE LAKE ORION MI 48362-2303**

Location Information

Site Address : **638 BUENA VISTA AVE LAKE ORION MI 48362-2303**
 PIN : **09-02-354-020** Neighborhood Code : **VLO**
 Municipality : **Village of Lake Orion**
 School District : **63230 LAKE ORION COMMUNITY SCHOOLS**
 Class Code : **401 Residential - Improved**

Property Description**T4N, R10E, SEC 2 ORION IMP COMPANY'S SUB NO 1 LOT 21, ALSO ELY 30 FT OF LOT 22 BLK 12****Split/Combination Information**

Added Status : **Added Parcel**
 Added Date : **02/26/1980** Added From : **FROM 354-009**

Most Recent Sale Since 1994

Date : **07/25/2013**
 Amount : **\$288,000** Liber : **46158:648**
 Grantor : **THORPE, MARY L** Grantee : **OTTO, DAVID J**
 : **OTTO, CAREN**

Next Most Recent Sale

Date : **06/08/2012**
 Amount : **\$1** Liber : **44277:844**
 Grantor : **THORPE, CHARLES J** Grantee : **THORPE, MARY L**
 : **THORPE, CHARLES J**

4 beds / 3 full baths / 0 half baths / 2655 sq ft

Residential Property Profile

09-02-354-020

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Tax Information

Taxable Value	: \$195,070	State Equalized Value	: \$335,980
Current Assessed Value	: \$335,980	Capped Value	: \$195,070
Effective Date For Taxes	: 12/01/2023	Principal Residence Exemption Type	: N/A
Summer Principal Residence Exemption Percent	: 100%	Winter Principal Residence Exemption Percent	: 100%
2022 Taxes		2023 Taxes	
Summer	: \$4,246.90	Summer	: \$4,459.05
Winter	: \$1,556.88	Winter	: \$1,620.35
Village	: \$2,242.93	Village	: \$2,354.98

Lot Information

Description	: LEVEL ROLLING HIGH	Area	: 0.193 ACRES
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Primary Structure

Structure	: Colonial/2Sty	Living Area	: 2655 SQ FT
Ground Floor	: 1923 SQ FT	Year Built	: 1986
Effective Year	: 1988	Remodel Year	: 1997
Stories	: 1 Story	Rooms	: 10
Bedrooms	: 4	Full Baths	: 3
Half Baths	: 0	Fireplaces	: 1
Ext Walls	: Wood Siding	Basement	: YES - FULL
Garage	: ATTACHED - 2 car (586 SQ FT)	Heat	: Forced Heat & Cool
Fuel Type	: Gas	Central Air	: Yes

Basement Information

Finish	: RECREATION ROOM FINISH	Area	: 345 SQ FT
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Porch Information

Type	Area
WCP (1 Story)	80 SQ FT
CGEP (1 Story)	143 SQ FT
Treated Wood	447 SQ FT