



MINUTES

REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Thursday, July 2, 2026

6:30 PM

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

(248) 693-8391 ext. 102

1. Call to Order

The Thursday, July 2, 2026 Regular Meeting of the Lake Orion Board of Zoning Appeals was called to order by Chairperson Mathisen at 6:30 p.m.

2. Roll Call and Determination of Quorum

PRESENT

Chairperson Brad Mathisen
Vice Chairperson Raymond Putz
Secretary Brenton Bailo
Board Member Henry Lorant

ABSENT

Board Member Mary Chayka-Crawford

STAFF PRESENT

Village Planning and Zoning Coordinator Jake VanBoxel
Recording Secretary Danielle Smith

3. Approval of Agenda

Board Member Lorant moved, Board Member Mathisen seconded, to approve the July 2, 2026 regular meeting agenda of the Board of Zoning Appeals, as presented.

AYES: Mathisen, Putz, Bailo, Lorant

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

4. First Hearing of the Public

Timo Nicholaou, 8 S. North Shore Dr., expressed concerns regarding renovations that are being done at 358 W. Flint St. Mr. Nicholaou stated that the property is being converted from a single-family home to a multi-unit property and asked the Board if they were aware and to confirm whether that was the case. The Board stated that they would have either the Village Planner or clerk get back to him.

5. Approval of Minutes

A. Approval of BZA Minutes – May 7, 2026

Board Member Bailo moved, Board Member Lorant seconded, to approve the May 7, 2026 regular meeting minutes of the Board of Zoning Appeals, as presented.

AYES: Mathisen, Putz, Bailo, Lorant

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

6. BZA Preface

Chairperson Mathisen reviewed the meeting procedures.

7. New Business

A. Public Hearing: A-26-003 (214 S. Broadway, Suite 300) Dimensional Variance Request

Board Member Lorant moved, Board Member Bailo seconded, to open the public hearing for A-26-003 214 S. Broadway, Suite 300 at 6:35 p.m.

AYES: Mathisen, Putz, Bailo, Lorant

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

There being no public comment, Board Member Lorant moved, Board Member Bailo seconded, to close the public hearing for A-26-003 214 S. Broadway, Suite 300 at 6:35 p.m.

AYES: Mathisen, Lorant, Putz, Bailo

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

B. A-26-003 (214 S. Broadway, Suite 300) Dimensional Variance Request

The applicant is proposing to construct a sign on a multi-tenant commercial building and is requesting the following one (1) variance from the Sign Ordinance:

155.06 DISTRICT REGULATIONS. (D) CC and MU Districts: non-residential uses
Permanent wall sign: multi-tenant building (units with shared public entrance)

Wall Sign Size:	Required:	12'0" ft. maximum
	Existing:	-
	Proposed:	23'0" sq. ft.
	Variance:	11'0" sq. ft.

Planner VanBoxel presented the request, reviewed the findings of fact and was available to answer any questions of the Board.

FINDINGS OF FACT

1. 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 current regulations do not unreasonably prevent the owner from using the property for a permitted purpose. The proposed variance for increased signage would promote visibility to the business, though compliance with the standards would not create an unnecessary burden.
2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
 - The variance would provide justice to the applicant by improving visibility to patrons and new customers of their business.
3. 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 variance is not the minimum necessary to provide relief or would be consistent with justice to other tenants in the building.
4. The need for a 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 variance requested is due to some unique circumstances to the property since there is no public entrance on the south side of the building. Additionally, granting the variance may set a precedence.
5. 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 by the applicant, however strict compliance with the ordinance is possible without the granting of the variance.

6. Granting the variance will not impair the public health, safety, comfort or welfare of the inhabitants of Lake Orion.
 - Granting the variance would not impair public health, safety, comfort or welfare of the inhabitants of the Village of Lake Orion.

Board Member Lorant stated that a letter was sent by the Village to neighboring property owners after the sign was already up. Planner VanBoxel explained that was because the sign was erected without any approval or permit.

Discussion was had amongst the Board Members regarding whether to fine the applicant for installing the sign without proper approvals, table the request or approve or deny the variance request. Planner VanBoxel recommended either the Board approve or deny the variance request based on the information presented and the findings of fact. He further shared that the Board has no authority to fine an applicant and postponing the request until the applicant could be in attendance may set a precedence.

MOTION

Board Member Mathisen moved, Board Member Bailo seconded, to deny Case A-26-003 requested dimensional variance sign with the findings of fact as listed in the McKenna letter and that this decision of denial does not set a precedence for any other case.

AYES: Mathisen, Lorant, Putz, Bailo

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

C. Public Hearing: A-26-004 (96 Park Island Road) Dimensional Variance Request

Board Member Lorant moved, Board Member Mathisen seconded, to open the public hearing for A-26-004 96 Park Island Road at 6:53 p.m.

AYES: Mathisen, Lorant, Putz, Bailo

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

Drew Ciora, 112 Park Island, spoke in favor of the variance request.

Brian and Nancy Bondarenko, 80 Park Island Drive, wrote a letter in favor of the variance request.

Christopher and Jamie Hoekstra, 104 Park Island Drive, wrote a letter in favor of the variance request.

Jeff Stelmach, 90 Park Island Drive, wrote a letter in favor of the variance request.

There being no further public comment, Board Member Bailo moved, Board Member Mathisen seconded, to close the public hearing for 96 Park Island Road at 6:54 p.m.

AYES: Mathisen, Lorant, Putz, Bailo

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

D. A-26-004 (96 Park Island Road) Dimensional Variance Request

The applicant is proposing to construct an addition to the existing single-family dwelling and is requesting the following three (3) variances from the Zoning Ordinance:

ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – SUBSECTION (g) - RM ZONING DISTRICT

Front Setback:	Required:	25.0 ft. minimum
	Existing (building):	21'-7" ft.
	Proposed:	3'-6" ft.
	Variance:	21'6" ft.
Side Setback:	Required:	10.0 ft. minimum
	Existing (building):	12'-8" ft.
	Proposed:	5'-0" ft.
	Variance:	5'-0" ft.
Rear Setback:	Required:	25.0 ft. Minimum
	Existing (building):	0'-0" ft.
	Proposed:	0'-0" ft.
	Variance:	25'-0" ft.

Planner VanBoxel gave a synopsis of the request, reviewed the findings of fact and was available to answer any questions of the Board.

FINDINGS OF FACT

1. 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 applicant has provided a graphic demonstrating that most of the properties along the western side of Park Island Drive encroach the front yard setback or, in some cases, even the ROW. Section 12.04.M details the procedures on how the Zoning Administrator can determine an Established Front Setback Line by calculating the average of front setbacks of adjacent principal buildings. While this is one way of determining what is an appropriate setback based on historical build patterns, the Board of Zoning Appeals may use a similar

approach in determining whether the proposed location of the garage within the front setback is inconsistent with the surrounding properties located along the street.

The applicant is proposing a 5-foot side yard setback. The subject property is currently zoned for multi-family residential despite most of the properties appearing to be single family residential homes. Additionally, the Village's Future Land Use Map within the Master Plan indicates that all of the properties along the western side of Park Island Drive planned to be zoned as a Lake Single Family Residential. This would allow the proposed structure to exist at a 5-foot side yard setback without a variance.

Regarding the rear (waterfront) setback, the applicant is requesting to improve what has historically been on the property. If the property were to be rezoned (as supported by the Master Plan's Future Land Use Map), the applicant would be able to construct a larger accessory structure (boathouse) without the same restrictions that are placed on multi-family zoning districts. A boathouse would be the only structure permitted that is not subject to waterfront yard setback requirements, per Section 13.11.D.3.f. The applicant has confirmed that the accessory structure will not be a boathouse (which would be required to meet a 25-foot setback requirement from the water lot line). The Board of Zoning Appeals should consider all information and public feedback from the meeting to determine whether strict compliance to setback regulations should be considered unnecessarily burdensome for the property owner and unreasonably prevent the property owner from using the property for a permitted purpose.

2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
 - Based on what has been the building pattern located along the western side of Park Island Drive and the Master Plan's Future Land Use Map, both the front and side yard setbacks could be viewed as appropriate and provide substantial justice to the property owner. It is (the planner's) understanding that the neighboring properties that abut the subject parcel intend to be in attendance during the July 2 BZA meeting and have expressed no concern with the proposed location of an accessory structure that would encroach on the rear/waterfront setback.
3. 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.
 - It's unclear whether the front yard setback is the minimum needed, however, based on the property's nonconformance, any ability to construct a garage on the property would require a front yard setback variance.

The side yard variance request is not the minimum necessary as the applicant could request for the property to be rezoned. Rezoning the property is supported by the Master Plan and would eliminate the need for the variance request.

4. The need for a 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.
 - Currently, the majority of the properties located on the western side of Park Island Drive are nonconforming and/or have been granted a variance to exist with the current front yard setbacks. Additionally, there is not a single property along this stretch of Park Island Drive that conforms to the side yard setbacks, meaning they are either legally nonconforming or were granted a variance due to the historic placements and build patterns.

The rear setback variance is unique in nature because the variance would not be necessary if the property was zoned RL-Lake Single Family Residential, and the structure proposed was a boat house. Because the applicant proposed an accessory structure rather than a boathouse, the request does not qualify for the reduced setback provisions applicable to boathouses. The Board should determine whether the unique circumstances of the property justify a variance.

5. 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.
 - Considering that every dwelling structure on the street is nonconforming to current side yard setback standards, and most dwelling structures are nonconforming to the front yard setback standards, the need for the variance has not been self-created. Additionally, (the planner) believes that these properties are not zoned appropriately and would recommend these properties be considered for rezoning based on the planned classification of the Master Plan's Future Land Use plan.
6. Granting the variance will not impair the public health, safety, comfort or welfare of the inhabitants of Lake Orion.
 - (The planner) does not expect the granting of any of the proposed variance(s) to impact and/or impair public health, safety, comfort or welfare for the residents of Lake Orion.

Peter Stuhlreyer, architect, DesignHaus, 3300 Auburn Rd., Ste. 300, Auburn Hills, MI 48326, presented the request on behalf of the applicant and was available to answer any questions of the Board.

The Board asked for clarification regarding the proposed conforming structure and whether it was going to be used as a boathouse. Mr. Stuhlreyer explained that the foundation is a solid concrete slab and that it would not be used as a boathouse as the structure is not over water.

MOTION

Board Member Bailo moved, Board Member Mathisen seconded, to accept the front yard setback from the existing 21'-7" ft. to the proposed 3'-6" ft., Case number A-26-004 96 Park Island Road 09-11-252-005 with the findings of fact according to McKenna Associates.

AYES: Bailo, Putz, Lorant, Mathisen

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

Mr. Stuhlreyer said he would rescind the side and rear yard setback variance requests so the property owners could potentially move forward with a rezoning request.

E. Public Hearing: A-26-005 (301 Park Avenue) Dimensional Variance Request

Board Member Mathisen moved, Board Member Bailo seconded, to open the public hearing at 7:29 p.m.

AYES: Mathisen, Lorant, Putz, Bailo

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

Jason Verbrugghe, 305 Park Ave., spoke in opposition to the variance request and wrote a letter that was included in the board members' packets.

Christie Schiller, 305 Park Ave., spoke in opposition to the variance request.

Scott Gall, 559 Central Dr., wrote a letter in opposition to the variance request.

Paul Tracey, applicant, 301 Park Ave., spoke in favor of the variance request.

Board Member Lorant moved, Board Member Bailo seconded, to close the public hearing at 7:49 p.m.

AYES: Mathisen, Lorant, Putz, Bailo

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

F. A-26-005 (301 Park Avenue) Dimensional Variance Request

The applicant is proposing to construct an addition to the existing single-family dwelling and is requesting the following one (1) variance from the Zoning Ordinance:

ARTICLE 17, SECTION 17.04 - NONCONFORMING STRUCTURES

B.2. Permitted Extension

A nonconforming structure may be extended if such extension does not increase the extent of the nonconformity. A nonconformity shall be considered increased if any of the following conditions exist: b) The vertical (height) dimension of a bearing wall is increased at a nonconforming setback, even if the same horizontal nonconformity is maintained.

Planner VanBoxel gave a synopsis of the request, reviewed the findings of fact and was available to answer any questions of the Board.

FINDINGS OF FACT

1. 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 applicant is proposing only to build upward and will not expand or increase the nonconformity in any other way. The increase in livable floor area brings the subject structure further into compliance with the Village Zoning Ordinance requirements.
2. The variance will provide substantial justice to the applicant as well as neighboring property owners.
 - Whether granting the variance would provide substantial justice to both the applicant and neighboring property owners is a discretionary determination to be made by the Zoning Board of Appeals based on the evidence presented and the applicable variance standards. Approval of the request would allow the applicant to expand the existing dwelling vertically while maintaining the existing building footprint and would not increase the degree of the existing side setback encroachments.

Correspondence from the adjacent property owner at 305 Park Avenue has been included in the meeting packet for the Board's consideration. The correspondence raises concerns regarding trespassing, aerial encroachment, privacy, potential property damage, erosion, stormwater drainage, and fire safety. Several of these matters, including compliance with building and fire codes, stormwater management and soil erosion control, are addressed through separate permitting and regulatory processes rather than through the variance review.

(The planner) notes that both the applicant's property (301 Park Avenue) and the adjacent property (305 Park Avenue) contain dwellings that encroach into the required side setbacks. Based on the available records, these encroachments result from the age and placement of the structures, which predate the Village's current zoning regulations.

The Board should consider the evidence presented and determine whether the requested variance would provide substantial justice to the applicant while avoiding unreasonable impacts on neighboring properties.

3. 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 applicant is requesting the minimum variance needed to proceed and is proposing only to build vertically (and within the 30-foot height requirement of the zoning district). There

will be no changes made to the footprint of the structure so nonconformity of the structure will not be expanded. Many properties within the Village are located on non-conforming lots due to the nature of being a waterfront community. If this property were located on a larger parcel, there would be no issue with the height at which the applicant is proposing. (The planner) recommend(s) the Board of Zoning Appeals and Planning Commission review this section of the ordinance for consideration of amendment.

4. The need for a 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.
 - Based on available property records and the original plat, (the planner) has determined that the need for the requested variance is not the result of a division of the property, as indicated in the applicant's statement. Rather, the existing dwelling predates the adoption of the current zoning regulations and associated setback requirements. The structure is therefore legally nonconforming with respect to the applicable setbacks.

The Board must determine whether the need for the variance arises from unique circumstances peculiar to the property, rather than conditions generally applicable to other properties within the zoning district. In making this determination, the Board may consider the age and existing placement of the dwelling, the property's dimensions and configuration, and any other site-specific characteristics relevant to the requested variance.

5. 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.
 - Based on the available information, the need for the requested variance appears to result from the location of the existing dwelling, which predates the current zoning regulations and setback requirements, rather than from an action taken by the current property owner or the applicant's predecessors. The proposed addition would be constructed vertically within the existing building footprint and would not further increase the existing setback encroachment.
6. Granting the variance will not impair the public health, safety, comfort or welfare of the inhabitants of Lake Orion.
 - Because the proposed addition would be constructed within the existing building footprint, the request would not increase the degree of the existing setback encroachments. Based on the information submitted, (the planner) has not identified evidence that granting the requested variance would impair the public health, safety, comfort or welfare of the inhabitants of Lake Orion.

Board Member Putz asked for clarification on why a variance would be needed. Planner VanBoxel explained that a variance is required because the property in question is a non-conforming structure and the applicant would like to expand vertically.

Eduarda Crain, 589 Central Dr., expressed concerns regarding the future of Lake Orion if variances are no longer required.

Paul Tracey, applicant, 301 Park Avenue, Lake Orion, MI 48362, presented the request and was available to answer any questions of the Board.

The Board discussed the challenges of having several non-conforming lots in one area with no air rights.

Board Member Mathisen stated that if the variance reasonably meets the zoning ordinance, everything else will come out during the permitting and plan review processes.

Board Member Lorant said this was a difficult case but is in favor of the variance request as the structure is only expanding vertically.

MOTION

Board Member Mathisen moved, Board Member Lorant seconded, to approve the dimensional variances for the increased height in Case A-26-005 with the first set of recommendations as stated in the McKenna letter on page 73.

AYES: Putz, Mathisen, Lorant

NAYS: Bailo

ABSENT: Chayka-Crawford

MOTION: Carried

G. Election of Officers

Board Member Mathisen moved, Board Member Lorant seconded, to elect Brad Mathisen as Chairperson, Raymond Putz as Vice Chairperson and Brenton Bailo as Secretary of the Village of Lake Orion Board of Zoning Appeals.

AYES: Mathisen, Lorant, Putz, Bailo

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

8. Unfinished Business

None.

9. Second Hearing of the Public

None.

10. Board Member Comments

Board Member Bailo asked if training would be provided to the BZA in the near future. Planner VanBoxel asked for specifics regarding training topics. Additionally, Board Member Bailo asked

Planner VanBoxel to follow up with the resident concern mentioned in public comment regarding 358 W. Flint.

Board Member Lorant congratulated the BZA chair, vice chair and secretary for being reelected.

Planner VanBoxel shared that the Planning Commission will be reviewing potential changes to the zoning ordinance regarding standby generators.

Board Member Mathisen asked Planner VanBoxel to email the June Planning and Zoning report to all the board members.

11. Next Regular Meeting – August 6, 2026

12. Adjournment

Board Member Bailo moved, Board Member Lorant seconded, to adjourn the meeting at 8:25 p.m.

AYES: Mathisen, Putz, Bailo, Lorant

NAYS: None

ABSENT: Chayka-Crawford

MOTION: Carried

Dr. Brenton Bailo
Secretary

Sonja Stout
Village Clerk/Treasurer

Danielle Smith
Recording Secretary

Date Approved: August 6, 2026