



MCKENNA

October 1, 2026

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

Subject: **BZA Training Session Mock Hearing #3
Dimensional Variance Review**
Location: **11827 S. Broadway Street – Parcel ID# 01-23-456-789**
Zoning: **DC – Downtown Center District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Joe Dirté (the “Applicant”) who is the tenant and business owner at the cited residence. The applicant is proposing a dimensional variance to install an additional wall sign on the building.

LOCATION AND PROPOSED PROJECT

The subject property is an existing historic two-story commercial building located in the Downtown Center District. The building was originally constructed as a theater and retains a prominent marquee-style architectural feature projecting toward Broadway Street.

The building contains multiple commercial tenants, including a newly established restaurant occupying a tenant space toward the rear of the structure.

The applicant proposes installation of an additional wall sign intended to improve visibility and identification of the restaurant from Broadway Street. The requested sign would cause the building to exceed the sign area otherwise available to the tenants of the building.

The applicant argues that the location of the restaurant entrance, combined with the unique building design, creates visibility challenges not experienced by many other downtown businesses.

ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

Section 155.06(C) (Signs in the DC District)

One wall sign per business unit, plus one additional wall sign, with a maximum sign area of 10% of the front wall area per business and not more than 50 square feet per business.

The Applicant is proposing:

- An additional wall sign beyond what is permitted.
- Or a wall sign exceeding the 50-square-foot maximum.
- Or a second tenant sign where existing signage allocations have already been consumed by the theater façade and marquee design.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

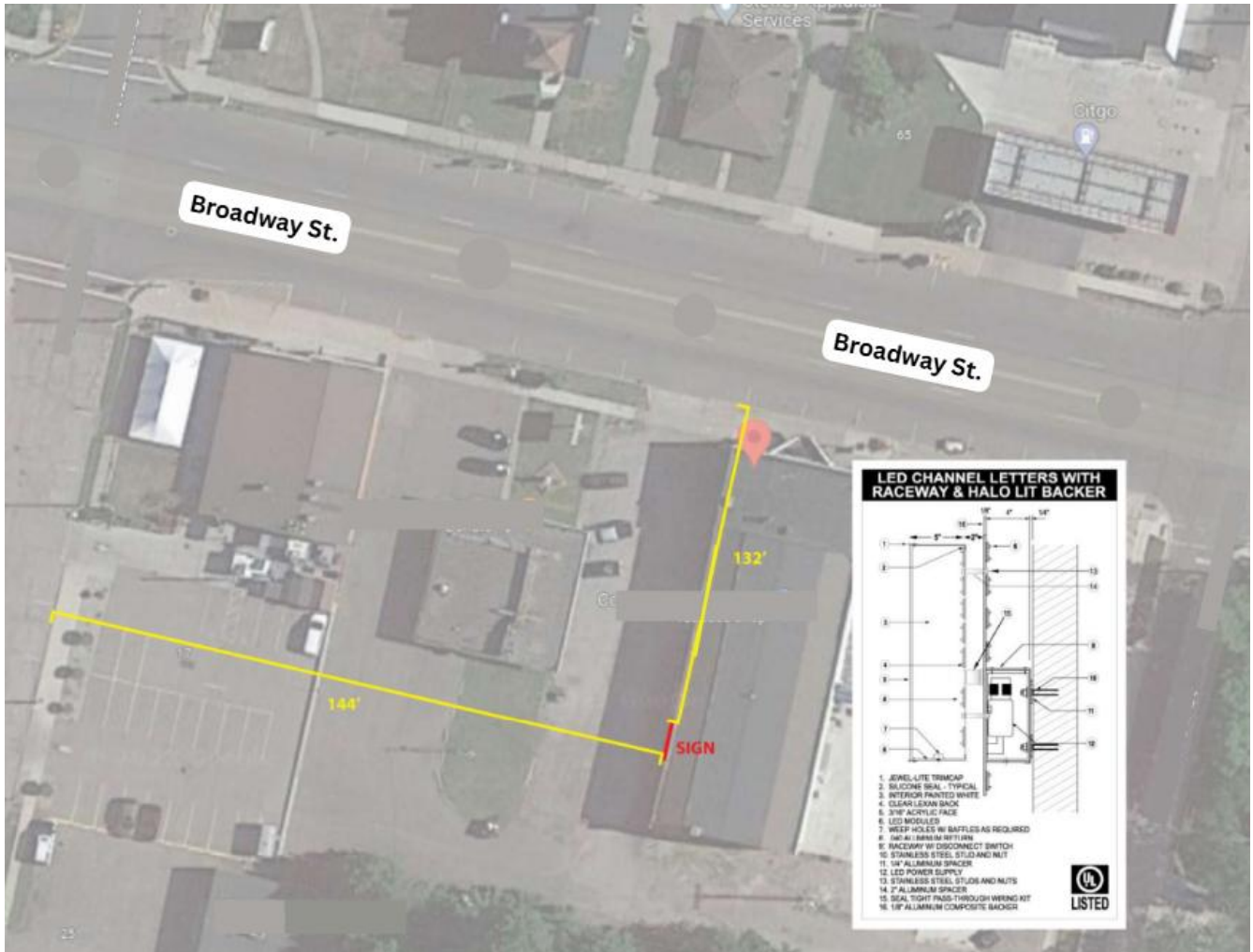
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Photos:







BACKGROUND INFORMATION

The DC District is intended to preserve the historic character of downtown Lake Orion while encouraging a vibrant commercial environment. Buildings are expected to maintain strong relationships to the public street and support pedestrian activity.

The downtown area also benefits from shared parking resources and a compact development pattern that often creates site constraints not found elsewhere in the Village.

Applicants' Arguments:

- *"The restaurant entrance is not highly visible from Broadway Street."*
- *"Customers often pass the business without realizing it is open."*
- *"The proposed sign would improve wayfinding and identification."*
- *"The theater-style building limits opportunities for tenant signage."*
- *"The business should have visibility comparable to neighboring downtown establishments."*

Staff Report:

Factors Supporting Approval

- The historic theater façade is unusual compared to most downtown buildings.
- The marquee occupies a significant amount of façade area.
- The proposed sign is unlikely to negatively impact adjacent properties.
- The request may be attributable to the building design rather than the business itself.

Factors Supporting Denial

- Downtown businesses commonly experience visibility challenges.
- Economic success alone is not grounds for a variance.
- The ordinance already provides signage opportunities.
- The building currently exceeds normal wall-sign allocation.



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 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.

(Consider the information provided and provide your thoughts/reasoning below)

- 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.

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

- 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.

- 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.

- 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.

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



QUESTIONS FOR BZA MEMBERS

(Provide your thoughts/reasoning)

1. What facts are important and what facts are not? Which are zoning factors and which are not?
 - The building's historic theater design
 - The applicant's desire for increased visibility
 - The financial success of the business
 - The location of the restaurant entrance
2. Is the hardship associated with the building or with the business operating inside the building?

3. Should the Board consider the design limitations of a historic theater building when evaluating practical difficulty?

4. Would granting the variance support or undermine the character of the DC Downtown Center District?
Discuss:
 - Historic preservation
 - Pedestrian environment
 - Sign clutter
 - Business vitality
5. If every business on Broadway made the same request, would the Board approve all of them? Why or why not?

6. Could you defend your vote in Circuit Court using only the variance standards and the evidence in the record?
If not, what additional findings would be needed?

DISCUSSION TWIST

During the hearing, several downtown business owners speak in opposition. One states, "Most businesses along Broadway would like additional sign area. If this variance is approved simply because a business wants better visibility, every business downtown could make the same argument".

Staff notes that the theater-style architecture is uncommon within the Village and consumes a substantial portion of the building's available sign area.

Should the Board view the hardship as a business visibility issue that many downtown properties experience, or as a unique architectural limitation associated with this specific historic building? Explain how that distinction affects the variance analysis.

DECISION

Should the BZA Approve, Approve with Conditions, or Deny the request? **Why?**
