



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 #1
Dimensional Variance Review**
Location: **123 Oak Street – Parcel ID# 01-23-456-789**
Zoning: **RV - Village Single Family Residential District**

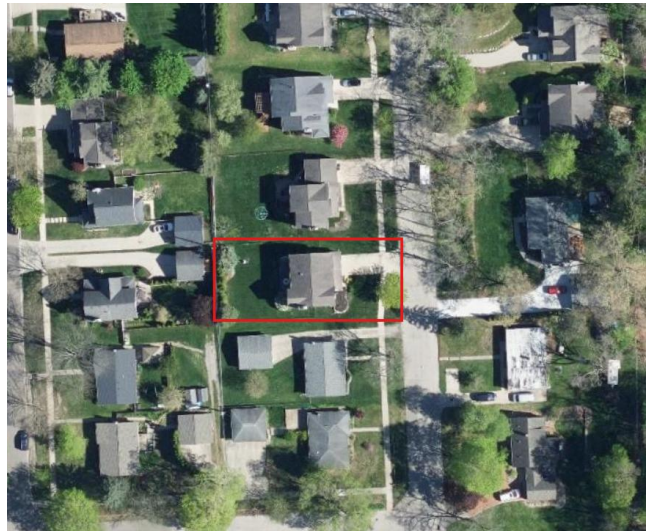
Dear Board Members:

We have reviewed the above-referenced variance application submitted by John and Sarah Miller (the “Applicants”) who are the property owners of the cited residence. The applicants are proposing a dimensional variance within the front yard to construct a 24’ x 26’ attached garage.

LOCATION AND PROPOSED PROJECT

The subject lot is approximately 8,400 square feet in area and is occupied by a single-family principal residence. The lot is located on Oak Street, just north of Pine Street and is zoned RV, Village Single Family Residential District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to construct a 24’ x 26’ attached garage to the existing principal structure (residential dwelling). The front yard setback in the RV District is 25 feet. The proposed location of the attached garage would encroach on the front yard setback by 8 feet.



ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

Section 4.03.B of the Village of Lake Orion Zoning Ordinance requires minimum front yard setbacks of 25 feet for the RV – Village Single Family Residential District.

ARTICLE 4 – Single Family Residential Districts
SECTION 4.03 – DEVELOPMENT STANDARDS
SUBSECTION B – Area, Height, Bulk and Placement Requirements

The Applicant is requesting the following variance from the Zoning Ordinance:

Type of Dimensional Variance:	Front Yard Setback
Existing Distance:	41 feet
Required Distance:	25 feet
Proposed Distance:	17 feet
Variance (= Required – Proposed):	8 feet

HEADQUARTERS
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BACKGROUND INFORMATION

Applicants' Arguments:

- “Based on the existing driveway location, the proposed placement of the garage is the most practical.”
- “The lot is somewhat narrow compared to newer development.”
- “Our family needs additional storage and parking space.”

Staff Report:

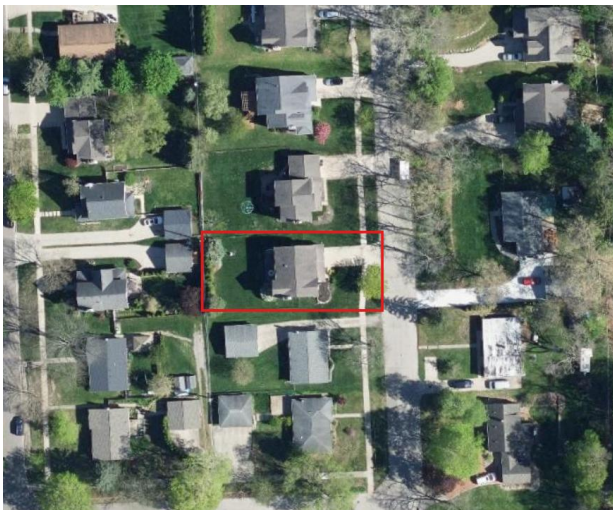
- The subject lot meets district standards.
- Several nearby homes comply with the front yard setback requirement.
- Alternative garage locations appear feasible.

Nearby Property Owners (during the public hearing):

Neighbor 1: Supports the request

Neighbor 2: Opposes the request and states that the garage will protrude closer to the street than surrounding homes in the neighborhood.

Aerial Photo:



Proposed Build:





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. Is there a practical difficulty?

2. Is the condition unique to the property?

3. Is the hardship self-created?

4. Is there a reasonable alternative?

5. Is the variance the minimum necessary?

DISCUSSION TWIST

During the hearing, the applicant states, "the builder says moving the garage elsewhere would cost an additional \$15,000."

Does additional cost justify a variance? Why or Why Not?

DECISION

Should the BZA Approve or Deny the request? **Why?**
