



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 #2
Dimensional Variance Review**
Location: **27 Maple 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 Alan Parsons (the “Applicant”) who is the property owner of the cited residence. The applicant is proposing a 6-foot privacy fence in the front yard of their property which is located on a corner lot.

LOCATION AND PROPOSED PROJECT

The subject lot is approximately 13,500 square feet in area and is occupied by a single-family principal residence. The lot is located on Maple Street, just north of Elm Street (a cul-de-sac) 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 6-foot privacy fence in a front yard. The height limit for a front yard fence is 4 feet. The proposed height of the fence would deviate from the regulation by 2 feet. Additionally, the proposed fence would not conform to the decorative (non-obscuring) requirements for front yard fences.

Finally, the applicant appears to believe he owns the property to the edge of the road and is proposing to construct the fence in part of the Village’s Right of Way.

Aerial Photo:



Proposed Fence:



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ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

Section 15.04.B (Walls and Fences)

- B. **Single Family Residential Districts.** Fences and walls in single family residential districts are subject to the following requirements:
1. Non-Lakefront Lot
 - a) Fences and walls shall be permitted as follows:
 - 1) Fences and walls six (6) feet or less in height above grade shall be permitted behind the house, no closer to the front lot line than the rear of the house. In the case of a house with a side door entrance, the fence may extend towards the front of the house sufficiently to enclose the side door entrance.
 - 2) Fences and walls four (4) feet or less in height above grade shall be permitted from the rear or side door of the house, forward to the front lot line and may enclose the remainder of the lot.
 - 3) Clear vision triangles shall be maintained, as required by Section 13.19. Any fence or wall located in the clear vision triangle shall be either non-obscuring or 30 inches or less in height above grade to provide for view at intersections and for vehicles exiting a driveway.
 - b) All fences and walls in front of the rear building line or side door of the house shall be decorative and non-obscuring in construction and design; however chain link fence shall not be permitted, as it is inconsistent with the traditional historic small town character of the Village.

The Applicant is requesting the following variance from Section 15.04.B of the Zoning Ordinance:

Type of Dimensional Variance:	Height
Existing Height:	N/A
Required Height:	4 feet
Proposed Height:	6 feet
Variance (= Required – Proposed):	2 feet



BACKGROUND INFORMATION

The subject parcel at 27 Maple Street is a corner lot located at the entrance of Elm Street (a cul-de-sac). The applicant's home sits such that what functions as the family's primary usable side/rear yard is legally considered a front yard because of the corner lot configuration. The applicant seeks to install a 6-foot privacy fence to create a secure and enclosed area for young children.

A key planning consideration is that the property abuts residential rear yards and vacant land in a manner that reduces visibility impacts typically associated with front-yard privacy fences. Staff noted that the adjacent property to the east is likely to remain undeveloped and that neighboring properties would experience limited impacts.

Applicants' Arguments:

- *"I want to create a safe enclosed area for young children while maximizing the use of the yard."*
- *"The lot immediately behind us could build a 6-foot privacy fence because it's their rear yard."*
- *"I should be able to utilize as much of my property as possible."*

Staff Report:

- Alternative fence designs may be possible.
- The parcel to the east is a "through lot" and could construct a 6-foot privacy fence in the same location along Maple Street as the applicant.
- The adjacent land is largely vacant, and future development would be limited due to the available space and length of the cul-de-sac. This significantly reduces the visibility concerns of a privacy fence in a front yard.
- The proposed fence would likely appear harmonious due to the adjacent rear yard of the through lot.
- The proposed fence is encroaching into the public right of way. The BZA cannot authorize actions outside its legal authority.
- Should the BZA decide to grant the variance, it should be done with a condition that the applicant will revise the plans to have the fence located entirely within his property.



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. Am I evaluating the land rather than the applicant/emotional arguments?

2. Is there a practical difficulty?

3. Is the condition unique to the property?

4. Is the hardship self-created?

5. Is there a reasonable alternative?

6. Is the variance the minimum necessary?

DISCUSSION TWIST

During the hearing, staff notes that the Board has approved similar variance requests in the past, including some with less compelling circumstances.

To what extent should prior approvals influence the Board's decision in this case? Explain your reasoning.

DECISION

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