



MCKENNA

April 28, 2026

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

Subject: **Dimensional Variance Review** (Plans received April 6, 2026)
Location: **471 Algene Drive – Parcel ID# 09-11-257-004**
Zoning: **RL - Lake Single Family Residential District**

Dear Board Members:

We have reviewed the above-referenced variance application submitted by Tracey and Jon Hurford (the “Applicants”) who are the property owners of the cited residence. They are proposing a dimensional variance within the front (water) yard to replace their current structure (deck) and construct a four-season room in its place.

LOCATION AND PROPOSED PROJECT

The subject lot is approximately 5,950 square feet in area and is occupied by a single-family principal residence. The lot is located on Algene Drive, just north of Heights Drive and is zoned the RL, Lake Single Family Residential District. An aerial photo of the subject site and the surrounding area is provided for context.

The Applicant proposes to install additions on each side of the house. The subject lot has both a street front yard and a lake front yard. The proposed addition to the west (street-facing front yard) does conform to the zoning ordinance. The existing dwelling is currently non-conforming to the Village’s zoning ordinance regulations and the proposed addition to the east (water-facing front yard) would further delineate from those regulations.

It should also be noted that the square footage calculations provided by the applicant in the site plan appear to be incorrect. The site plan indicates the current dwelling is 612 sf, however, Oakland County GIS indicates that the structure is 631 sf. The existing garage is listed at 727 sf, whereas our best calculation indicates the accessory structure closer to 820 sf. This would need to be confirmed to provide accurate representation of lot coverage. Finally, the covered porch was not included in the square footage calculations, however, the floor plan drawing provided demonstrates that the covered section will be 49 sf. The total proposed lot coverage equates to *roughly* 37%, which is under the required 40% and is acceptable. However, due the discrepancies regarding square footage calculations, **if** a variance is to be approved, the Board should require confirmation on the square footage for existing structures to ensure that an additional variance for total lot coverage will not be necessary for the applicants to move forward.



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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 RL – Lake Single Family Residential District.

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

RL District Regulations

Minimum Lot Width.....60 ft. ²

Minimum Lot Area7,200 sq. ft. ²

Maximum Building Height.....30 ft.

Minimum Setbacks

Front (Street)25 ft.

Front (Water)25 ft.

Side5 ft.

Rear.....25 ft.

Maximum Lot Coverage40%

Minimum Floor Area900 sq. ft.

1. See Section 4.03(C)(2), below, for exceptions to these standards.
2. See Section 13.11(C)(2) for exceptions to these standards.

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

| | |
|-----------------------------------|----------------------------|
| Type of Dimensional Variance: | Front Yard (Water) Setback |
| Existing Distance: | 18 feet |
| Required Distance: | 25 feet |
| Proposed Distance: | 5.833 feet |
| Variance (= Required – Proposed): | 19.17 feet |

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.

Each of the required standards is described below followed by an analysis of whether those conditions exist in this particular case.



- 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:

“Original home built in 1940 is approximately 650 sq. ft. The intention is to renovate the property minimally to transform it into a permanent retirement home. We will make use of the existing footprint, modifying it to create a more functional enjoyable, full time living space. Existing raised deck structure is in need of updating and cannot be accessed safely from the home. The existing steep slope drives a street-side location for bedroom/bath being proposed.”

Planner Response:

The request is to construct a sunroom beyond the setback limitations. The setbacks exist to protect waterfront views and preserve residential character. We do not view this as “unreasonably preventing the owner from using the property for a permitted use.” The existing dwelling unit is already encroaching the front (water) setback as a prior non-conforming structure.

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

Applicant Response:

“We started our family in Lake Orion and have always wanted to live on the lake and within the community again. The current state/design of the home is not conducive to full time use. We have every intention of respecting the history of the property, the neighbors and the area. Part of the allure was the original home, which we will preserve as much as possible.”

Planner Response:

Approving the request *could* trigger a chain of future requests to waive waterfront setbacks or place the Village at risk when denying such requests in the future. Additionally, the Board should affirm protecting the waterfront views for residents and residential character of the district.

- 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.**

Applicant Response:

“Proposed plan makes use of existing footprint of the raised deck (12ft deep), not expanding, but modifying in order to create a more functional year-round use. Twelve feet is the minimal size for sitting/dining area. The plan enhances privacy for all neighbors, as well as improving the home visually.”

Planner Response:

The current dwelling is already non-conforming as it is located 18 feet from the water (rather than 25 feet). Approving the request allows the property to move further away from zoning conformity. Additionally, the current deck structure is not enclosed, nor does it impede waterfront views for the neighboring properties.

- 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:

“While not in particular, the existing structure is already present (footprint will not change). We are requesting a smaller variance than that present in surrounding properties. With a narrow lot, steep slope, and close surrounding homes, proposed plan maximizes use of existing structure size.”

Planner Response:

We do not view this as unique or peculiar circumstances.

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:

“The construction date of the existing deck structure is unknown. We are assuming it was built prior to the current ordinance. The revised site plan seeks to maintain the existing square footage, while modernizing for full time use. Based on existing placement of home, only option for adding additional living space is on lake side of the home and therefore, not self-created.”

Planner Response:

The request is to construct a sunroom beyond the setback limitations. The applicant has proposed an addition between existing structure and the garage to utilize space on the lot, given this, the proposed addition of a sunroom closer to the water, indicates that the problem is self-created. Additionally, the current deck structure does not contribute to the square footage used to calculate lot coverage, whereas, an enclosed sunroom would.

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

Applicant Response:

“The renovation plan makes the existing structure safer, more aesthetically pleasing and improves the value of the existing property and those surrounding properties. The proposed plan contributes to the culture of Lake Orion through preservation of the original structure and modest beautification of the overall property.”

Planner Response:

The proposed addition would improve the aesthetics and value of the property, however, approving the request *could* lead to additional requests which will impact the waterfront views for neighbors along with the character of the district.



RECOMMENDATION

The Board of Zoning Appeals shall only grant a variance from the requirements of the Zoning Ordinance upon finding the criteria described above have been met for the variance requested.

In making your determinations relative to the requested variance, the BZA shall specify the grounds for the decision. 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 find the proposed development satisfies the requirements of the ordinance criteria and recommend the BZA **deny the variance** as requested based on the following findings of fact:

1. The current regulations do not unreasonably prevent the owner from using the property for a permitted purpose.
2. Granting the variance could result in risk to future property owners' waterfront views and negatively impact the residential character of the zoning district.
3. The requested variance is not the minimum necessary to provide relief as the existing building is already encroaching on the front (water) setback.
4. The need for variance(s) is not due to unique circumstances peculiar to the property.
5. The applicant has not demonstrated that the hardship has not been self-created.
6. Granting the variance could negatively impact public health, safety, or welfare, and may reduce impacts on neighboring properties compared to a compliant location.

We look forward to reviewing these findings and recommendations with you. Please feel free to contact us with any questions.

Respectfully submitted,

McKENNA

Jacob VanBoxel, MSA
Principal Planner

Sommer Nafal, NCI
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362
Property Owner: Elyse Berry, 356 Oak Ln, Lake Orion 48362