



Village of Lake Orion

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 Lake Orion, Michigan 48362
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BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

PROPERTY INFORMATION

Site Address: 256 S Broadway Parcel ID #: 09-11-226-034

Parcel Size (Sq.Ft.): _____ Zoning District: _____

Has the property previously been approved for a variance(s)? Yes / No (If yes, indicate date: _____)

OWNER INFORMATION

Property Owner Name: KEVIN MLYNARIEK Address: 232 S BROADWAY

Property Owner Phone #: _____ E-Mail: _____

APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: DOUG JONES Address: _____

Applicant Phone #: _____ E-Mail: _____

Applicant is: (i.e. contractor or business owner or architect, etc.) BUSINESS OWNER

TYPE OF VARIANCE AND/OR REVIEW REQUESTED

Please check one. A request for multiple types of reviews may require a separate form.

____ Appeal of Administrative Order ____ Interpretation of Map ____ Interpretation of Section # _____

____ Dimensional Variance (required setback, height, lot coverage, lot width, lot size, etc.)

____ Use Variance (specify intended use): _____

Variance from Zoning Ordinance Requirement - Section # _____

____ Other (please specify): _____

DIMENSIONAL VARIANCE – REQUESTED DEVIATION FROM REQUIREMENTS

Please complete the table below for each deviation from the dimensional requirements which you are requesting.

Section #	Type of Dimensional Requirement	Existing Distance	Required Distance	Proposed Distance	Variance (=Required – Proposed)
Example: Table 12.02	Front Setback	28 Feet	25 Feet	20 Feet	5 Feet
	<u>WATERFRONT SETBACK</u>		<u>25 FEET</u>	<u>20 FEET</u>	<u>5 FEET</u>

ADDITIONAL INFORMATION AND REQUIREMENTS

Section 19.04(F) identifies all information required for a complete application.

Please place your initials below next to all items included in your application.

If you believe the information is not relevant please place 'N/A' for not applicable next to the item.

- _____ 1) A completed application signed by the property owner.
- _____ 2) Proof of ownership.
- _____ 3) Property owner authorization for an applicant to act on their behalf.
- _____ 4) Project Narrative – *A letter to the BZA explaining the variance or review request.*
- _____ 5) Land Survey – *A survey prepared by a professional surveyor.*
- _____ 6) Site Plan – *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
- _____ 7) Architectural plans and elevations – *A set of drawings illustrating the details of any proposed structures.*
- _____ 8) PDF files - *A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.*
- _____ 9) Payment of fees.

By signing below you acknowledge all of the following:

- The undersigned acknowledges that they have read Section 19.04 of the Village of Lake Orion Zoning Ordinance, has received and read the instructions and understands the application process.
- The undersigned acknowledges that in their opinion they believe the additional information included with this application meets the submittal requirements for a variance or review application and accept all responsibility for any lack of required information.
- The undersigned acknowledges that any lack of information which may result in a delay of the review process is the sole responsibility of the applicant.
- The undersigned deposes that the forgoing statements and answers and accompanying information are true and correct.
- The undersigned hereby authorizes Village representatives to enter the subject property in connection with this application.

Signature of Property Owner: _____

Date: _____

Signature of Applicant:  _____

Date: 7-18-25

Please only fill out the section for the type of variance or review you are requesting.

**DIMENSIONAL VARIANCES AND VARIANCES FROM ZONING ORDINANCE REQUIREMENTS -
EXPLANATION OF PRACTICAL DIFFICULTIES**

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Board of Zoning Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. (Attach additional sheets if necessary.)

Please explain how: 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.

THIS 5 FOOT VARIANCE ALLOWS US TO HAVE THE SPACE FOR SEATING PATRONS FACING THE LAKE BECAUSE WE WOULD BE ABLE TO CENTER THIS BAR ON THE EXISTING PATIO

Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

THE VARIANCE WILL NOT INHIBIT ANY NEIGHBOR'S VIEWS OF THE LAKE. THE VARIANCE WILL ALLOW US TO SATISFY THE REQUEST OF MANY LAKE ORION RESIDENTS OF OFFERING AN OUTDOOR BAR WITH LAKE VIEW SEATING

Please explain how: 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.

THIS 5 FOOT VARIANCE ALLOWS US TO CENTER THE BAR IN THE EXISTING PATIO SPACE AND ALLOWS US TO HAVE THE SPACE FOR SEATING THAT FACES THE LAKE

Please explain how: The need for the variance 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.

WE ARE THE ONLY RESTAURANT WITH WATERFRONT ON LAKE ORION. WE TALKED TO A LOT OF LAKE ORION RESIDENTS ABOUT WHAT THEY WOULD LIKE TO SEE ADDED TO THE RESTAURANT AND AN OUTDOOR BAR WITH LAKE FACING SEATING WAS THE #1 REQUEST

Please explain how: 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 OUTDOOR BAR HAS ALREADY BEEN APPROVED. WE ARE REQUESTING A 5 FOOT VARIANCE SO WE CAN CENTER THE BAR AND CREATE LAKE FACING SEATING

Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.

WE ALREADY PURCHASED PLANTER BOXES FOR GRASSES AND/OR ARBORVITAEES TO OFFER A NATURAL SCREENING LOOKING FROM THE LAKE TO THE RESTAURANT TO HELP KEEP THE NATURAL AMBIANCE OF THE LAKE

USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Board of Zoning Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. (Attach additional sheets if necessary.)

SEE ATTACHED

APPEALS OF ADMINSTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Board of Zoning Appeals. Per Section 19.04(C), the Board of Zoning Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. (Attach additional sheets if necessary.)

SEE ATTACHED

1. Intent of the Ordinance

The purpose of the existing ordinance is to prevent the visibility of bar operations from nearby residential properties. This is aimed at:

- Maintaining the visual character and serenity of residential zones.
- Reducing noise, glare, and disturbances associated with commercial alcohol service.
- Ensuring that community gathering spaces retain a family-friendly aesthetic.

2. Compliance through Design

This proposed outdoor bar respects the spirit of the ordinance by using strategic architectural and landscaping solutions to mitigate visual and acoustic impact on surrounding residences. Key features include:

- Visual Screening:
 - The bar structure is partially covered by a fabric canopy and supported by existing architectural elements (as seen in the attached image).
 - Additional plantings and vertical screens are planned along the perimeter to further obstruct sightlines from neighboring properties.
 - Tables and seating are directed away from residential views, toward the waterfront, to reduce visual and social impact.
- Orientation and Location:
 - The bar is positioned away from residential property lines and is instead oriented toward the lakefront, leveraging natural buffers like the water and vegetation to absorb noise.
 - It is integrated into a patio area that already supports outdoor dining and is not located at a property edge, preserving residential boundaries.
- Acoustic Containment:
 - Sound will be managed with low-volume policies, no amplified music, and material choices (e.g., absorbent finishes, overhead coverings) that contain rather than project noise.

- The bar's patrons are expected to be seated and orderly, as the space is designed for casual, small-group gatherings rather than high-volume entertainment.

3. Community and Economic Benefits

- Encourages local engagement and tourism by providing a scenic, well-regulated social space along the waterfront.
- Enhances the restaurant's revenue without requiring new construction that encroaches on residential zones.
- Offers a controlled, outdoor option that reduces indoor congestion, particularly important post-pandemic for public health and comfort.

Conclusion

We believe this variance request upholds the core intent of the ordinance by ensuring the bar is not visible from nearby residences, and that its placement, design, and operation will preserve the peaceful character of the neighborhood. At the same time, it provides a vibrant, well-managed amenity that supports local business and waterfront activation.

Regards,

Doug Jones and Chris Dewey