

March 2, 2026

Village of Lake Orion
Board of Zoning

SUBJECT: Request for Variance for Generator Installation
356 Oak Lane
Lake Orion MI 48362

Dear Board Members:

Please accept and review the enclosed request for variance, to install a whole house generator on my property, in a location the Village considers the front of my property (street-side).

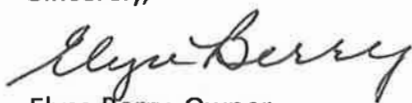
Some key points for your consideration are:

- 1) Most lake property owners, like myself, consider the lake-side of the property as the "front" of the home. The layout of my home, in particular, has the lower part of a vaulted roof on the "street-side."
- 2) In my situation, the placement of the generator, would not be seen from the street, as the only view from the street is the roof of my home, as my home is significantly below grade.
- 3) The generator placement requires it to be in a close proximity to the gas meter, which is on the side of the house closest to the "street-side." To place it anywhere on the "lake-side" would be either impossible or cost prohibitive.
- 4) My direct neighbors are comfortable with my requested placement of the generator.
- 5) My age and single status make a portable generator untenable. Therefore, I have decided to pursue a whole house generator to assure continuous power during electrical outages for safety reasons, food spoilage protection, and heating/cooling purposes.
- 6) I have been a responsible resident of the Village for 34 years, consistently maintaining and improving my home and property to assure it meets Village and Township standards. Most recently, I spent approximately \$30,000 on the "street-side" for a new retaining wall, steps, and parking area asphalt.

For the reasons above, I respectfully ask for your full consideration and approval of this request for variance.

I look forward to presenting my request at your next meeting.

Sincerely,



Elyse Berry, Owner



Village of Lake Orion

21 E. Church Street
 Lake Orion, Michigan 48362
 Tel 248.693.8391
 Fax 248.693.5874
www.lakeorion.org

BOARD OF ZONING APPEALS – APPLICATION FOR VARIANCE OR REVIEW

PROPERTY INFORMATION

Site Address: 356 Oak Lane Parcel ID #: 09-02-301-004

Parcel Size (Sq.Ft.): 9,310.0 Zoning District: Lake Single Family Residential

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

OWNER INFORMATION

Property Owner Name: Elyse Berry Address: 356 Oak Lane, Lake Orion, MI, 48362

Property Owner Phone #: [REDACTED] E-Mail: [REDACTED]

APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: _____ Address: _____

Applicant Phone #: _____ E-Mail: _____

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

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 # 13.11(E)(1) & Article 19, Section 19.04 D. 2. & 19.04(B) & 19.04(c)

____ 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
13.11(E)	Front Yard	n/a	n/a		

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.

~~Strict compliance with the current restrictions would prevent me from using the property for a permitted and practical purpose. The limitations on placement and setback leave no feasible location on the lot where a standby generator, an increasingly essential safety and reliability feature, can be installed without violating at least one of the requirements. The property's layout, existing structures, and utility connections create conditions where adhering to each restriction does not meet the safety standards set forth by the electrical code and manufacturer's required clearances for safe operation. The property's layout, existing structures, and utility connections create conditions where adhering to every restriction becomes unnecessarily burdensome. In particular, the only technically viable and safe installation area falls within the setback boundaries. This is not due to preference, but due to the physical constraints of the property and the manufacturer's required clearances for safe operation.~~

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

~~Granting the variance will provide substantial justice as it will ensure that my property will continue to run efficiently during a power outage. The generator will ensure that loss of food storage or capability to heat/cool the home (as example) will not be compromised during a power outage to my home. Allowing the variance ensures that I can safely maintain power during outages—an increasingly essential need—without creating any negative impact on neighboring properties.~~

~~In addition, granting the variance supports the broader interests of the community. A properly installed standby generator enhances safety, reduces strain on emergency services during outages, and helps maintain stability in the neighborhood.~~

~~Whole home generators are common in our area, and several nearby properties have been permitted to install them in comparable locations. Approving this request simply maintains fairness and consistency in how the ordinance is applied.~~

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.

~~The requested variance represents the smallest deviation from the zoning ordinance necessary to allow installation of a whole house generator in a safe and code compliant location. Due to the property's layout and required clearances from windows, doors, utilities, and other structures, no fully compliant placement exists. The proposed location minimizes visual impact on neighboring properties.~~

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.

~~The need for this variance arises from unique physical circumstances specific to this property, including the placement of existing utilities, required clearances from windows vents, openings and mechanical equipment, and the limited available yard area. These conditions leave no fully compliant location for a whole home generator.~~

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 need for this variance is not self-created. The hardship arises solely from the property's existing physical conditions—including the placement of utilities, required safety clearances, and the home's proximity to the lot lines—which leaves no fully compliant location for a whole-home generator. These conditions existed prior to my ownership and were not caused by any actions of me or any predecessors. The difficulty results from strict application of the zoning ordinance, not from any voluntary act by me the homeowner.~~

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

Granting this variance will not impair the public health, safety, comfort, or welfare of the residents of Lake Orion. The generator will be installed in full compliance with all building, electrical, and mechanical safety codes. The proposed location is adjacent to existing mechanical equipment and will be screened to reduce visibility. Currently there is 6' retaining wall at the road and the generator would not be seen from the road due to the home being significantly below grade. The generator enhances household safety during power outages and does not create any hazards, nuisances, or adverse effects on neighboring properties. Therefore, the variance poses no risk to the community and is consistent with the public interest.

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.)*

The unnecessary hardship arises from the property's unique physical constraints, not from any action of me the applicant. Strict enforcement of the ordinance would prevent the installation of essential emergency equipment, while granting the variance will not harm the public or alter the character of the neighborhood. The variance requested is the minimum needed to provide reasonable use of the property.

APPEALS OF ADMINISTRATIVE 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.)*

N/A - This is not an Appeal

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.
- n/a 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.*
- N/A 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: 3/2/2024

Signature of Applicant: _____

Date: 3/2/2026







