



MCKENNA

March 18, 2026

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

Subject: **Accessory Mechanical Unit – Variance Review** (Plans received March 2, 2026)
Location: **356 Oak Lane – Parcel ID# 09-02-301-004**
Zoning: **RL - Lake Single Family Residential District**

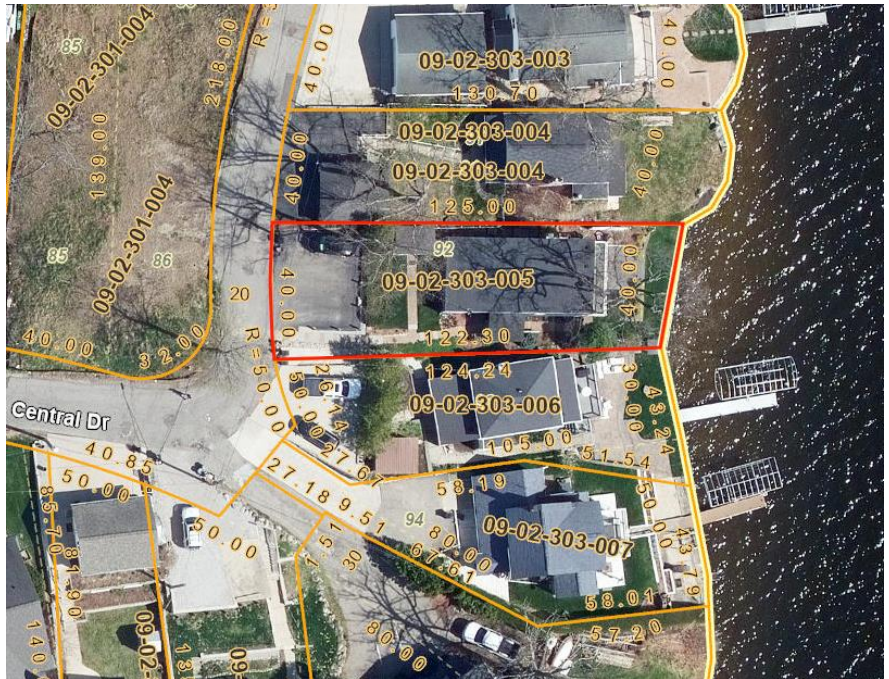
Dear Board Members:

We have reviewed the above-referenced variance application submitted by Elyse Berry (the “Applicant”) who is the property owner and resident of the cited residence. They are proposing an accessory mechanical unit within the required street front yard.

LOCATION AND PROPOSED PROJECT

The subject lot is approximately 9,310 square feet in area and is occupied by a single-family principal residence. The lot is located on Oak Lane, just northeast of Central 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 a standby whole-house generator in the required street front yard of the home. The subject lot has both a street front yard and a lake front yard.



ZONING ORDINANCE STANDARD AND REQUESTED VARIANCE

The Ordinance states equipment may be located in any yard other than the required front yard of the principal structure. The Applicant is requesting the following variance from the Zoning Ordinance:

ARTICLE 13, GENERAL PROVISIONS, SECTION 13.11.E – ACCESSORY MECHANICAL UNITS

<u>Location Required:</u>	<u>Any yard other than the required front yard</u>
Proposed (Ex.):	Front yard (street)
Variance:	Front yard (street)

HEADQUARTERS
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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.

Strict compliance with the requirement to locate the proposed generator in the rear or side yard would be unnecessarily burdensome in this location. The property, located on Lake Orion, has two front yards: a street front yard, and a lake front yard. There is no rear yard assigned to the lot, which leaves the only conforming location for a generator in either side yard. A generator must also be screened from the lake, the road, and any adjacent dwellings. This requirement would prove difficult if located in the side yard. The lot is narrow with a width of 40 feet, and with the width of the principal structure (approximately 25 feet), leaves 15 feet combined for both side yard setbacks. On the southern side yard of the property, there is already a concrete staircase leading from the road to the waterfront yard.

The Applicant has stated that due to the limitations on placement and setbacks, combined with required clearances from windows, doors, utilities, vents, and other structures, strict compliance with the ordinance impedes the safety standards of the electrical code and the manufacturer's required clearances for safe operation of the generator. The gas meter is located on the side of the house that is closest to the street, which the generator requires proximity to.

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

Granting the variance would give substantial relief to the Applicant, and the neighboring property owners. Requiring the generator to be placed in a side yard may create a burden on the adjacent properties. Due to the close proximity of the adjacent homes, a generator in the side yard would be closer to their home and yard. The Zoning Ordinance requires any accessory mechanical unit to be located no closer than 10 feet from an adjacent dwelling window.

Locating the generator in the middle of the required front yard (as proposed by the Applicant), would allow the greater distance from the adjacent residences and reduce any future impact to those homes.

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.

The variance requested can be construed to be the minimum variance needed to provide substantial relief. The Applicant states that the necessity for a generator at this property, is to ensure the residents of the home can access electricity in the event of a power outage by providing heating and cooling to the home and refrigeration of food. Similar generators are common in the Village, particularly around the lake.



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.

The need for the variance is somewhat unique to the property, as there is no technical rear yard on the lot. The only permitted location for the generator is either of the side yards, both of which would create a greater negative impact on both the property owner and the adjacent properties, than a location of the generator in the street front yard.

The residence is positioned slightly below-grade, with a noticeable height difference from the road to the property. The Applicant states they have recently upgraded the property with a new retaining wall, steps, and parking area. The generator in its proposed location would not be visible to the street, as it is on a lower level. There is a 6-foot retaining wall that screens the yard and home from the road. The location is also screened from the adjacent residences by large shrubs.

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.

The need for the variance is not self-created. The permitted locations for an accessory mechanical unit in the Zoning Ordinance do not address the building, electrical, mechanical, or fire codes. The Applicant has proposed a location that is most suitable for safety, operation, and screening. The Applicant did not create the dimensions of the home or the lot. The necessity of a standby generator is for emergency situations.

F. 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.



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 **grant the variance** as requested based on the following findings of fact:

1. *Strict compliance with side/rear yard placement is unnecessarily burdensome due to the lot having two front yards and no rear yard, a narrow width (40 ft), and required safety clearances.*
2. *Placement in a side yard is impractical and could conflict with electrical code requirements and the manufacturer's clearances.*
3. *Locating the generator in the proposed street front yard location increases separation from adjacent homes and reduces potential impacts compared to side yard placement.*
4. *The requested variance is the minimum necessary to allow reasonable use of the property for a permitted purpose (safe operation of a standby generator).*
5. *The proposed location of the generator is effectively screened from the street and neighboring properties due to grade differences, a retaining wall, and existing vegetation.*
6. *The hardship is not self-created; it results from ordinance constraints and site conditions rather than actions of the Applicant.*
7. *Granting the variance will not 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

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