

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

***** MINUTES *****

REGULAR MEETING – MONDAY, MAY 22, 2017 - 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, May 22, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Loren Yaros, Chairman
Dan Durham, Vice Chairman
Mike Flood, BOT Rep to ZBA

Don Walker, PC Rep to ZBA
Lucy Koscierszynski, Board Member

ZBA MEMBER ABSENT

None

CONSULTANT PRESENT:

David Goodloe, Township Building Official

OTHERS PRESENT:

Jim Terrien
Sue Terrien
Gary Iannucci
Pam Bemies
Lynn Harrison

1. OPEN MEETING

Chairman Yaros called the meeting to order at 7:00pm.

2. ROLL CALL

3. MINUTES

05-08-2017, Regular Meeting Minutes

Moved by Trustee Flood, seconded by Board Member Koscierszynski, to approve the 05-08-2017 Regular Meeting minutes as presented. **Motion carried.**

5. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

6. ZBA BUSINESS

A. AB-2017-14, Milton J Terrien Jr., 360 Indianwood Rd., Sidwell #09-02-151-007

Chairman Yaros read the request as follows:

The petitioner is requesting a variance from Zoning Ordinance No. 78, Article XXVII, Section 27.02, A, 8, ½ to 1 acre, Total Maximum Floor Area of All Accessory Buildings, requesting: a 200 sq. ft. variance above the allowed 1,300 sq. ft. maximum, to build a 876 sq. ft. detached accessory building in addition to the 623.74 sq. ft. attached garage, for a total of 1499.74 sq. ft. of all accessory buildings.

Mr. Terrien, 2728 Stoodleigh, Rochester Hills, presented. He noted that he owns the subject property at 360 Indianwood which will eventually become his residence.

Mr. Terrien concurred that he plans on tearing down the pole barn type structure that was there with the original residence and then reconstructing it adding 12 ft.. He would like to be able to keep a 26 to 28 ft. pontoon boat in it and not have to store it outside during the winter.

Chairman Yaros clarified that the reason Mr. Terrien wants to rebuild the pole barn is for the storage of personal goods, for the lake and such. He noted, too, that a new house is currently under construction.

Trustee Flood commented that he sees from Mr. Terrien's paperwork that he is just .07 acres short of not being able to meet ordinance requirements. Mr. Terrien agreed and said he did try to purchase more property on both side of his.

Vice Chairman Durham asked what the state of repair was for the pole barn, it was his opinion that it looked pretty decent? Mr. Terrien replied that he plans on disassembling it and reusing the lumber. He wants to match the roof pitch of the new pole barn/garage with that of the new house which he believed to be a 12/12 pitch, the existing structure has a 3/4 pitch.

Chairman Yaros asked about the window that was shown on the plans at the end of the pole barn/garage above where the doors will be, is he planning to have something upstairs? Mr. Terrien said, no, it just for appearance.

Board Member Walker disclosed that he is a neighbor of Mr. Terrien's and had received a 300 ft. notice pertaining to this case. He noted he personally does not know Mr. Terrien and his decision would be un-bias. The other Board Members did not feel the need for Board Member Walker to recuse himself.

Chairman Yaros asked if there was anyone here to speak to this matter? There was not.

Chairman Yaros commented that Trustee Flood made a good point regarding the fact that if Mr. Terrien's property was .07 of an acre more (or 1 acre) he would not need this variance; and, given the size of the property – a 200 sq. ft. variance is very minimal. He also commented that it would not be seen from the road.

Moved by Board Member Walker, seconded by Chairman Yaros, that in the matter of ZBA case AB-2017-14, Milton J. Terrien Jr., 360 Indianwood Rd., Sidwell #09-02-151-007; the petitioner is requesting a variance from Zoning Ordinance No. 78, Article XXVII, Section 27.02, A, 8, ½ to 1 acre, Total Maximum Floor Area of All Accessory Buildings, requesting: a 200 sq. ft. variance above the allowed 1,300 sq. ft. maximum, to build a 876 sq. ft. detached accessory building in addition to the 623.74 sq. ft. attached garage for a total of 1499.74 sq. ft. of all accessory buildings; if the petitioner's lot was .07 larger, he would not have to be here; that the request **be granted** because the petitioner did demonstrate that practical difficulties exist in this case in that compliance with the strict letter of the ordinance would unreasonably prevent the him from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome; granting the variance request would do substantial justice to the petitioner as well as to other property owners in the area and there is not a lesser relaxation than that relief applied for that would give substantial relief to the property involved; the petitioner's plight is based upon the unique circumstance of the property and was not self-created.

Board Member Walker amended the motion, Chairman Yaros re-supported to add as a condition that the existing detached pole barn/garage will be removed and the petitioner stated he plans on using some of that lumber to build the new detached pole barn/garage and that structure will be used to store a boat.

Roll call vote was as follows: Walker, yes; Painter, yes; Flood, yes; Kosciuszynski, yes; Durham, yes.
Motion Carried 5-0

AB-2017-15, Charter Township of Orion/Trost Irrigation, 215 Brown Rd., Sidwell #09-32-400-019

Chairman Yaros read the petitioner's request as follows:

1. A 22.79 ft. variance from Zoning Ordinance No. 78, Article XXXIV, Section 34.03, B, Use Group D, Minimum Front Yard:, to allow a ground sign to be built 17.21 ft. from the front (west) property line.
2. A 15.7 ft. variance from Sign Ordinance No. 138, Section 8, Schedule B, LI, Setback: to allow a ground sign to be built 3.4 ft. from the road right-of-way.

Chairman Yaros noted two people in attendance. They said they were not here to represent this property but own the Ethan Allen on the other side of Brown Road. They commented they need to do something with their sign and wanted to see how this request played out.

Chairman Yaros commented that he believed the need for this request was due to the eventual widening of Brown Road. The request is basically to move the existing sign back.

Trustee Flood added that a retaining brick wall is intended for that area with a safety path in front of that. Because of the elevation in that area, the sign will be put on top of the brick wall. He commented that there should be no problem with the line of sight and that the sign is just being moved.

Vice Chairman Durham informed the two audience members from Ethan Allen that Ethan Allen was on the Auburn Hills side of Brown Road and would have to file their request with them.

Moved by Vice Chairman Durham, seconded by Chairman Yaros, that in the matter ZBA case AB-2017-15, Charter Township of Orion/Trost Irrigation, 215 Brown Rd., Sidwell #09-32-400-019; the petitioner is requesting two variances: 1) a 22.79 ft. variance from Zoning Ordinance No. 78, Article XXXIV, Section 34.03, B, Use Group D, Minimum Front Yard:, to allow a ground sign to be built 17.21 ft. from the front (west) property line, and 2) a 15.7 ft. variance from Sign Ordinance No. 138, Section 8, Schedule B, LI, Setback to allow a ground sign to be built 3.4 ft. from the road right-of-way; **be granted** because circumstances do exist, namely the widening of Brown Road that will not allow the sign to remain where it is and will be moved to a location that will not have an impact on traffic, neighbors or anything like that, and it probably wouldn't be moved if weren't for the fact that the road was moving; compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose; granting the variance request would do substantial justice to the petitioner as well as to other property owners in the area, going forward this may not be the last request the ZBA receives; the petitioner's plight is due to unique circumstances of the property and the upcoming road work; the problem has not been self-created.

Vice Chairman Durham amended the motion, Chairman Yaros re-supported, to add that the sign cannot be put any further back because of an existing septic field.

Roll call vote was as follows: Flood, yes; Durham, yes; Walker, yes; Kosciuszynski, yes; Yaros, yes.
Motion Carried 5-0

7. PUBLIC COMMENTS

None

8. COMMUNICATIONS

None

9. COMMITTEE REPORTS

None

10. MEMBERS' COMMENTS

Trustee Flood commented that he believed the recent joint meeting with the Planning Commission and the Township Board was very productive. The other Board Members concurred and noted that a lot was learned. Trustee Flood added that Planning & Zoning Director Girling and Planning & Zoning Coordinator Nettle have been working on the sign ordinance.

Building Official Goodloe commented that he also learned a lot especially about a couple of things that might have gotten away from them.

11. ADJOURNMENT

Moved by Trustee Flood, seconded by Board Member Koscierynski, to adjourn the meeting at 7:20pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

June 12, 2017

Zoning Board of Appeals Approval