

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

***** MINUTES *****

REGULAR MEETING – MONDAY, JULY 10, 2017 - 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, July 10, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Dan Durham, Vice Chairman
Mike Flood, BOT Rep to ZBA
Don Walker, PC Rep to ZBA

Lucy Koscierzynski, Board Member
Tony Cook, Board Member

ZBA MEMBER ABSENT

Loren Yaros

CONSULTANT PRESENT:

David Goodloe, Township Building Official

OTHERS PRESENT:

Zach Sucharski
James Bacevicius
Kathleen Novak
Lynn Harrison

1. OPEN MEETING

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

2. ROLL CALL

3. MINUTES

06-26-2017, Regular Meeting Minutes

Moved by Trustee Flood, seconded by Board Member Koscierzynski, to approve the 06-26-2017 Regular Meeting minutes as presented. **Motion carried.**

5. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

6. ZBA BUSINESS

AB-2017-23, Zachary Sucharski, 845 W. Clarkston Rd., Sidwell #09-15-201-008

Vice Chairman Durham read the petitioner's request as follows:

The petitioner is requesting a variance from Zoning Ordinance No. 78, Section 6.07, R-1: a 6 ft. variance from the required 10 ft. side yard setback to construct a detached garage 4 ft. from the side (east) property line.

Zachary Sucharski, 845 W. Clarkston, the applicant, was present.

Mr. Sucharski explained that he would like to put a detached garage 4 ft. from his property line. He wants to get rid of the carport that is up front and keep his vehicle sheltered. The reason for the placement of the new garage is because his well is 5 ft. off the side of his house; he therefore has to push the garage over.

Vice Chairman Durham commented that in Mr. Sucharski's application, he had indicated that he was going to remove a shed. Is that the yellow shed he saw on the property? Mr. Sucharski said, yes, and will also be taking the carport down.

Vice Chairman Durham noted there was nothing received from the petitioner's neighbors indicating support or opposition to his request. Mr. Sucharski replied that no one has complained that he was aware of.

Vice Chairman Durham asked if the tree barrier will be able to stay? Mr. Sucharski said, yes.

Vice Chairman Durham asked a couple questions about the construction and access of Mr. Sucharski's well and commented that it appears Mr. Sucharski has a good setup for what he wants to do – it wouldn't be bothering anybody, there will be a nice barrier next to it and will actually clean up the front of the property.

Board Member Kosciuszynski read into the record the memo from Fire Marshal Williams dated June 8, 2017 indicating the fire department didn't have any objections to the variance request as long as they were in compliance Michigan Building Code.

Board Member Cook asked what Mr. Sucharski was going to do with the carport after he takes it down? Mr. Sucharski said it would "be going away"; it will be disposed of.

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

Board Member Kosciuszynski noted that the garage will be far enough away from the road and that there was plenty of space.

Board Member Walker clarified that the location of the well has an effect on the placement of the detached garage and why he needs to put it where he is. Mr. Sucharski answered he needs to move the garage over to get by the well; to be able to pull his vehicles in.

Trustee Flood commented that the location of the well necessitates a hardship.

Vice Chairman Durham asked how long had Mr. Sucharski had owned the property? Mr. Sucharski said, 2½ years.

Moved by Board Member Kosciuszynski, seconded by Trustee Flood, that in the matter of ZBA case #AB-2017-23, Zachary Sucharski, 845 W. Clarkston Rd., Sidwell #09-15-201-008, the petitioner is requesting a non-use variance from Zoning Ordinance No. 78, Section 6.07, R-1: a 6 ft. variance from the required 10 ft. side yard setback to construct a detached garage 4 ft. from the side (east) property line be **granted** because the petitioner did demonstrate that practical difficulties exist in this case that he set forth facts which show that in this case: compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome based on the following findings of fact: the petitioner intends to take down the carport and build a detached garage; 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 and be more consistent with justice to other property owners based on the following findings of fact: the house will now have a garage for the petitioner to put his cars in; the petitioner's plight is due to the unique circumstances of the property based on the following findings of fact: that the location of the well sticks out from the side of the house; the problem is not self-created based on the following findings of fact: the house does not have a garage; further, to include the comments from Fire Marshal Williams in his memo dated June 8, 2017.

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

AB-2017-24, Don & Kathleen Novak, 656 Lawson Dr., Sidwell #09-09-276-011

Vice Chairman Durham read the petitioners' request as follows:

The petitioners are requesting a variance from Zoning Ordinance No. 78, Section 27.01, C, 1, b, Lot Width 60 to 65 feet: a 4.4 ft. variance from the required 8 ft. side yard setback to construct a detached garage 3.6 ft. from the side (south) property line.

Kathleen Novak, 656 Lawson Dr., the petitioner, was present.

Ms. Novak explained that they want to build a garage and it needs to have a side entry because of the hill they are on; her driveway is straight down also, their well is located at the foot of the hill.

Vice Chairman Durham concurred, that the driveway is straight down. He also asked Ms. Novak if she felt that water would fill the garage if she did not have a side entry? Ms. Novak said, yes, or if someone couldn't stop they could possibly go right through it.

Vice Chairman Durham noted two letters that were received regarding Ms. Novak's request. One from Mr. Romeo at 656 Lawson Dr. who was in favor of the request and one from an individual who was not and was concerned it could be a fire hazard (the name and address was unclear on the correspondence).

Per one of the letters received, it was indicated there was a garage on the property once before. Vice Chairman Durham asked if Ms. Novak knew that? Ms. Novak said, she did, and it was exactly like the new one she wants to build. Vice Chairman Durham asked Ms. Novak what happened to it? Ms. Novak responded that it was a very old garage, did not have a foundation and eventually rotted; her husband ran into the corner of it one day and it toppled down.

Vice Chairman Durham noted that per the comment about the garage location being a fire hazard, after visiting the site, he did not agree.

Board Member Koscierzynski read into the record the memo from Fire Marshal Williams dated June 15, 2017 indicating the fire department didn't have any objections to the variance request as long as they were in compliance Michigan Building Code.

Vice Chairman Durham asked Ms. Novak if she was going to hire a contractor to do the work? She replied, yes.

Trustee Flood commented that these lake lots are all narrow and the ZBA sees a lot of these. He also noted that when visiting the property, a lot of the houses have the same type of garages that Ms. Novak is requesting and they do need to have side entries because of the hill.

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

Moved by Board Member Walker, seconded by Trustee Flood, that in the matter of ZBA case #AB-2017-24, Don & Kathleen Novak, 656 Lawson Dr., Sidwell #09-09-276-011, the petitioners are requesting a variance from Zoning Ordinance No. 78, Section 27.01, C, 1, b, Lot Width 60 to 65 feet: a 4.4 ft. variance from the required 8 ft. side yard setback to construct a detached garage 3.6 ft. from the side (south) property line be **granted** because the petitioner did demonstrate that practical difficulties exist in this case that she set forth facts which show that in this case: compliance with the strict letter of the ordinance would unreasonably prevent the petitioners from using the property for a permitted

purpose or would render conformity with the ordinance unnecessarily burdensome based on the following findings of fact: due to the topography of the land and the narrowness of the lot - both inhibit construction in any other way; granting the variance request would do substantial justice to the petitioners 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 and be more consistent with justice to other property owners based on the following findings of fact: the requested garage is similar to many other garages in that subdivision; the petitioners' plight is due to the unique circumstances of the property based on the following findings of fact: what has already been noted in the motion; the problem is not self-created based on the following findings of fact: the petitioners did nothing to change the topography of the property; further, to include the comments from Fire Marshal Williams in his memo dated June 15, 2017 and the two resident letters.

Roll call vote was as follows: Flood, yes; Kosciuszynski, yes; Walker, yes; Cook, yes; Durham, yes.

Motion Carried 5-0

7. PUBLIC COMMENTS

None

8. COMMUNICATIONS

Board Members each received a copy of the new Township Road map.

9. COMMITTEE REPORTS

None

10. MEMBERS' COMMENTS

None

11. ADJOURNMENT

Moved by Trustee Flood, seconded by Vice Chairman Durham, to adjourn the meeting at 7:21pm.

Motion carried.

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

July 24, 2017

Zoning Board of Appeals Approval