

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
******* MINUTES *******
REGULAR MEETING – MONDAY, SEPTEMBER 11, 2017 - 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, September 11, 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
Don Walker, PC Rep to ZBA

Mike Flood, BOT Rep to ZBA
Mary Painter, Alternate

ZBA MEMBER ABSENT

Lucy Koscierzynski, Board Member

CONSULTANT PRESENT:

David Goodloe, Township Building Official

OTHERS PRESENT:

Rubi Lopez	Sue Johnston
Jose Lopez	Jim Porritt
Terry Clissold	Lynn Harrison
James Aisthorpe	

1. OPEN MEETING

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

2. ROLL CALL

As noted

3. MINUTES

08-14-2017, Regular Meeting Minutes

Moved by Trustee Flood, seconded by Board Member Painter, to approve the 08-14-2017 Regular Meeting minutes as presented. **Motion carried.**

5. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

6. ZBA BUSINESS

AB-2017-30, J. Manuel Lopez, 3278 Grafton St., Sidwell #09-29-276-003

Chairman Yaros read the petitioner's request as follows:

The petitioner is requesting a variance from Zoning Ordinance No. 78, Article VI, Section 6.07, R-2: requesting a 4.34 ft. variance from the required 10 ft. side yard setback to build an addition 5.66 ft. from the side (north) property line.

Chairman Yaros asked Mr. Lopez why he needed the variance, was there any other way he could build this other than putting it on the side? Could he put it to the back of the house?

Mr. Lopez explained that he can't meet the 10 ft. setback, he will only be about 5 ft. away from the property line.

Chairman Yaros said he knows what Mr. Lopez is asking for, but again, is where he wants to put it the

only way it will work?

Mr. Lopez said, going towards the back will not help. He is trying to make the addition square with the house. He is adding a bigger bedroom with a closet.

Chairman Yaros commented that Mr. Lopez's drawing was hard to read and couldn't figure out what's where.

Mr. Lopez said he would also like to be able to put in a door for emergencies.

Chairman Yaros clarified that currently the house is 10 ft. from the lot line? Mr. Lopez said, yes. Building Official Goodloe said it is actually 11.4 ft.

Mr. Lopez said he is not taking anything down just adding a room and reiterated that he will be 5 ft. away from the property line.

Chairman Yaros then clarified that the addition does extend to the back but also goes out to the side, a little further to the property line. It's actually like a corner. The whole room is going to be about 12 feet long.

Mr. Lopez said, yes, 8 x 12.

Chairman Yaros asked if he was going to go all the way out to the end of the house? Mr. Lopez responded, 5 ft. to the property line.

Chairman Yaros said, you are going out 5.8 ft. past your existing house. Building Official Goodloe said he is actually adding 4.2 ft. to the side of the house.

Chairman Yaros asked Mr. Lopez if he was going to build this himself? Mr. Lopez said, kind of, he is in construction.

Chairman Yaros then said, so you are not going to hire a builder to do this? Mr. Lopez said, no, that he will go for the inspections, he knows the rules.

Chairman Yaros made sure Mr. Lopez knew that he has to get a building permit. Mr. Lopez indicated that he knew.

Board Member Painter asked Mr. Lopez if he had already started the work? If he had started digging? She asked him how he knew that he had to come here for a variance?

Mr. Lopez responded that he went in for a building permit and was told he would need the variance.

Vice Chairman Durham asked if any portion of this is going to be below grade? What was the deep hole about? Is there going to be a crawl space? Mr. Lopez said there will not be a basement. He said he needs more room for the kids and that the hole had to do with the air conditioner and the wires there.

Chairman Yaros then said, so you will be on a crawl space so you can get underneath? Mr. Lopez said, yes.

Chairman Yaros asked what his neighbor on that side felt about this?

Mr. Lopez said "it's OK, I've got no problem with it".

Chairman Yaros said the Township hadn't gotten any letters pertaining to the request and asked if there was anyone here to speak to the matter?

James Aisthorpe, 3279 Grafton, said he lives directly across from Mr. Lopez and can see where the addition is going. From what he is hearing, there appears to be a language barrier between the Board and Mr. Lopez. Mr. Aisthorpe said that yes, Mr. Lopez is moving some dirt and hopes this variance will go through. And yes, Mr. Lopez is planning on getting a permit. He noted that he and Mr. Lopez have talked extensively about this. He noted that he also is a builder and they have talked about this. It was his opinion that this is the right plan for what Mr. Lopez wants to do. He said he is a 100% in favor of Mr. Lopez putting this addition on and that he is the one that has to look at it from his front door and can see what Mr. Lopez is doing. He had no problem with this at all. He said Mr. Lopez has one of the nicest houses in the subdivision and is a great neighbor. All Mr. Lopez is doing is squaring off the addition that he already on the back of his house. Mr. Aisthorpe explained that Mr. Lopez is trying to make more room for his family and will be doing most of the work himself.

Building Official Goodloe asked, so the addition is to make more room for his family right? Mr. Aisthorpe said, correct.

Mr. Aisthorpe said he has spoken to his neighbors and no one has a problem with it. Board Member Walker said when he visited the site he spoke to a neighbor who concurred that Mr. Lopez had one of the nicest houses on the block and she did not have a problem with what he wants to do.

Moved by Board Member Walker, seconded by Chairman Yaros, that In the matter of AB-2017-30, J. Manuel Lopez, 3278 Grafton St., Sidwell #09-29-276-003, the petitioner is requesting a variance from Zoning Ordinance No. 78, Article VI, Section 6.07, R-2: requesting a 4.34 ft. variance from the required 10 ft. side yard setback to build an addition 5.66 ft. from the side (north) property line be granted as presented because the petitioner did demonstrate that practical difficulties exist in this case because there is a section of the house that is already that far and this addition only extends that section of the house; compliance with a strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose, the petitioner indicated he was going to build primarily a bedroom to the house for his family, and would render conformity with the ordinance unnecessary burdensome; granting the variance request would do substantial justice to the petitioner as well as to other property owners in the area; it was not self-created.

Board Member Walker amended the motion, Chairman Yaros re-supported, to add that the majority of the addition is actually towards the back and cannot be seen from the road; the granted variance is for a 4.34 ft. deviation from the 10 ft. side yard setback.

Roll call vote was as follows: Walker, yes; Flood, yes; Durham, yes; Painter, yes; Yaros, yes.

Motion Carried 5-0

AB-2017-31, Franklyn T. Jones Trust, 3030 S. Lapeer Rd., Sidwell #09-26-101-015

Chairman Yaros read the request as follows:

The Planning & Zoning Department is requesting a zoning map interpretation for 3030 S. Lapeer Rd. The department is seeking an interpretation of the length (east to west) of the General Business (GB) zoning on the property.

Jim Porritt said he was here on behalf of the Franklin T. Jones Trust. He explained he came into the Township to try and define for the Trust what was the extent of the commercial zoning on this property and nobody could tell him. He thought that maybe someone could look back in the archives to see if anything had ever been recorded. He said that back in 84' or 85' there was a kind of down fall and that

perhaps this strip had been extended further - that the Township might find some method of defining it but nothing could be found.

Chairman Yaros said that what the department has done is taken the aerial map from its GIS program, measured it off and came up with a measurement of 376.3 ft. as depicted on Map 4 in the packet. Therefore, as far as he knew, there was no other direction as to what the actual distance was.

Mr. Porritt said, then that he believes the 376 ft. will run through the residence that is situated behind the commercial property. In essence creating a type of nonconformity.

Chairman Yaros commented that he did not see the house on the maps that were in the packet. He asked Mr. Porritt if he had something that showed the house?

Mr. Porritt said he believed the line that falls between the residence and the commercial was more like 270 ft. but wasn't sure if that would even make a difference; if it is determined that it is 376.3 ft. it wouldn't prevent them from splitting it and they may still end up with a piece that has multiple zonings.

Chairman Yaros said that it doesn't really show that on the drawing but again it scaled out to be 376.3 ft. in length. He does not find anything that says different. In his opinion, to make a determination, they have to go with whatever scale the building department goes with.

Mr. Porritt commented that he believes it can still be split but in the past the Township did not like the idea of having two zonings on one parcel and ended up adjusting the parcel lines in order to make it comply. He noted, however that he doesn't have a buyer at this point.

Chairman Yaros said, well it would just be a nonconforming structure on a commercial property. What the Planning & Zoning department has given us leads him to think that 376.3 ft. is the correct distance.

Mr. Porritt said, ok.

Trustee Flood said that actually the commercial portion would be more valuable than the residential.

Chairman Yaros said that is what it is already and they were not changing anything.

Chairman Yaros asked if there was anyone here to speak to this matter?

Sue Johnston, 348 Four Seasons Dr., said she was just curious and was aware the commercial zoning is already in place. However is it restricted to a certain types of commercial businesses? Chairman Yaros said it is zoned General Business, GB, and that she could look on-line at our zoning ordinance to see what type of businesses would be allowed. Basically what she already sees along Lapeer Road now. She said she understood and was just curious.

Moved by Trustee Flood, seconded by Board Member Painter, that in the matter of ZBA case AB-2017-31, Franklyn T. Jones Trust, 3030 S. Lapeer Rd., Sidwell #09-26-101-015, the Planning & Zoning Department is requesting a zoning map interpretation for 3030 S. Lapeer Rd. Sidwell #09-26-101-015, the department is seeking an interpretation of the length (east to west) of the General Business (GB) zoning on the property; the Zoning Board of Appeals interprets this request by the findings that were referenced as Map 4 (an aerial from the Orion Township GIS program which showed the measurement to be approximate), recommends that this Board interprets the zoning map as follows: the total length from east to west to be 376.3 ft.

Roll call vote was as follows: Flood, yes; Painter, yes; Walker, yes; Durham, yes; Yaros, yes.

Motion Carried 5-0

7. PUBLIC COMMENTS

None

8. COMMUNICATIONS

Moved by Trustee Flood, seconded by Vice Chairman Durham, to cancel the September 25, 2017 regular meeting due lack of agenda items. **Motion carried**

9. COMMITTEE REPORTS

None

10. MEMBERS' COMMENTS

Board members agreed that Planning & Zoning Coordinator Nettle will be missed; that this technically is her last meeting and she did a great job.

Trustee Flood noted that today is September 11th and to always remember what happened on this day.

11. ADJOURNMENT

Moved by Board Member Painter, seconded by Vice Chairman Yaros, to adjourn the meeting at 7:31pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

Zoning Board of Appeals Approval