



AGENDA

REGULAR MEETING OF THE LAKE ORION BOARD OF ZONING APPEALS

Thursday, February 1, 2024

6:30 PM

Lake Orion Village Hall Council Chambers

21 East Church Street

LAKE ORION, MI 48362

(248) 693-8391 ext. 102

REQUIREMENTS FOR PUBLIC COMMENT

- *Anyone that would like to make a public comment at any point during the meeting must first sign the "Sign In" sheet located near the main entrance door.*
- *Prior to making any comment a member of the audience MUST first state your name and address for the record.*

- 1. Call to Order** 6:30 PM
- 2. Roll Call and Determination of Quorum**
- 3. Designation of Alternate, as necessary**
- 4. Approval of Agenda**
- 5. Approval of Minutes**
 - A. Board of Zoning Appeals Regular Meeting Minutes - January 11, 2024
- 6. Public Comments on Non-Agenda Items Only**
- 7. Review of BZA Order of Procedure for Handling Appeals - Initial Consideration**
- 8. Action Items**
 - A. Case: Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive; Variance Review #1
- 9. Board Member Comments**
- 10. Next Regularly Scheduled BZA Meeting**

March 7, 2024

11. Adjournment

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village, at least three (3) business days in advance of the meeting, if requesting accommodations. The Village of Lake Orion will provide foreign language or hearing impaired interpretation services for those individuals who contact the village to request such services at least seven (7) days prior to the meeting.

En el espíritu de la observancia de la Ley de Estadounidenses con Discapacidades, las personas con discapacidad debe sentirse libre para ponerse en contacto con el pueblo, por lo menos tres (3) días hábiles de antelación a la fecha de la reunión, si se solicitan alojamiento. El municipio de Lake Orion proporcionará idioma extranjero o personas con problemas de audición servicios de interpretación para las personas que se ponen en contacto con el pueblo de solicitar dichos servicios con no menos de siete (7) días antes de la reunión.



MEETING DATE: February 1, 2024

TOPIC: Board of Zoning Appeals Regular Meeting Minutes - January 11, 2024

RECOMMENDED MOTION: To approve the January 11, 2024 regular meeting minutes of Board of Zoning Appeals regular meeting, as presented.

ATTACHMENTS:

2024.01.11 minutes draft



MINUTES

SPECIAL OF THE LAKE ORION BOARD OF ZONING APPEALS

Thursday, January 11, 2024

6:30 PM

Lake Orion Village Hall Council Chambers

21 East Church Street

LAKE ORION, MI 48362

(248) 693-8391 ext. 102

I. Call to Order

The Thursday, January 11, 2024 Special of the Lake Orion Board of Zoning Appeals was called to order in the Lake Orion Village Hall Council Chambers located in the 21 East Church Street, Lake Orion, MI 48362 by Chairperson Bradley Mathisen at 6:30 PM followed by the Pledge of Allegiance.

II. Designation of Alternate, as necessary

None.

III. Roll Call

Attendee Name	Organization	Title	Status	Arrived
Raymond Putz	Village of Lake Orion	Vice Chairperson	Present	
Henry Lorant	Village of Lake Orion	Board Member	Present	
Bradley Mathisen	Village of Lake Orion	Chairperson	Present	
Brenton Bailo	Village of Lake Orion	Secretary	Excused	
Mary Chayka-Crawford	Village of Lake Orion	Board Member	Excused	

Others Present:

Gage Bielko, Village Planner

Mary Jo Pachla, Recording Secretary

IV. Purpose of Special Meeting

The purpose of the Special BZA meeting is to approve the minutes from the December 7, 2023 regular meeting and to hold a public hearing regarding a variance request relating to **600 Longpointe**.

V. Approval of Agenda

1. **Motion to:** Approve the Board of Zoning Appeals Agenda of January 11, 2024 as presented

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Henry Lorant, Board Member
SECONDER:	Bradley Mathisen, Chairperson
AYES:	Raymond Putz, Henry Lorant, Bradley Mathisen
EXCUSED:	Brenton Bailo, Mary Chayka-Crawford

VI. Approve of Minutes

1. Board of Zoning Appeals Regular Meeting Minutes - December 7, 2023

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Raymond Putz, Vice Chairperson
SECONDER:	Henry Lorant, Board Member
AYES:	Raymond Putz, Henry Lorant, Bradley Mathisen
EXCUSED:	Brenton Bailo, Mary Chayka-Crawford

RESOLVED: To approve the December 7, 2023 regular meeting minutes of Board of Zoning Appeals regular meeting, as presented.

VII. Public Comment on Non-Agenda Items Only

Let the record show no public comments were received.

VIII. Review of BZA Order of Procedure for Handling Appeals - Initial Consideration

Chairperson Mathisen reviewed the order of procedure for handling appeals.

IX. Action Items

1. Case: Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive; Variance Review #1
2. **Motion to:** to postpone this item to the February 1, 2024 Board of Zoning Appeals meeting to allow the applicant to look at options to reduce the variance.

Chairperson Mathisen called for a motion to open the public hearing for this item.

It was moved by Lorant, seconded by Putz to Open the Public Hearing at 6:34 p.m. The vote was unanimous. He noted that additional comments from neighbors were distributed to the Board members this evening.

Presentation of Planner

Planner Gage Bielko reviewed McKenna's review letter of January 2, 2024, regarding the request for variance.

Mr. Bielko noted that the parcel and structure was legal nonconforming, and pointed out that the lot is small, which is common in the Village. He explained that because the structure is existing nonconforming, it cannot be enlarged, both horizontally or vertically, and he stated that the existing setbacks are proposed to be increased vertically. He pointed out that the requested variance of 11.5 foot to the front setback and 1.5 foot to the north was the same as existing, however they are proposed to go up vertically.

He reviewed the standards for consideration, noting that the applicant intends to build a deck over an existing flat portion of the roof, and compliance with the ordinance would prevent construction of the overhang, but would not prevent improvement of the garage roof to be used as a deck. He pointed out that this is consistent with nearby dwellings on the street. He stated that while the variance would provide substantial justice to the applicant, it would not be in the interest of the abutting property owners or Village as a whole. The requested variance was not the minimum possible, as it is believed that a deck can be constructed without a roof overhang. There are no unique circumstances to this property as there are plenty of nonconforming parcels around the lake, and not having a roof is characteristic to decks all along Longpointe. He stated that the desire to build the overhang is entirely in the property owner's interest.

He reviewed McKenna's findings, noting that compliance would allow the applicant to have a second story deck without an overhang, allowing the overhang would set a precedent, the request is not the minimum possible, and is not a unique parcel. As such, McKenna recommends that the variance request be denied.

Applicant's Presentation

David Petoskey, 600 Longpointe, stated that he and his wife Cathy purchased the home in 2020, and it met the needs of his family. He stated that the neighborhood is unique with its street-side decks, and the owner at that time told them that this home could be improved similarly.

He pointed out that six houses away, there was a similar project, and their request would not be as big as that project is. He added that the intention is to add some extra area and shade, which would be the benefit of having this variance.

Mr. Lorant stated that he sees that there are letters of support submitted from neighbors on both sides.

Mr. Petoskey responded that he has talked with all of the neighbors to see that they are in agreement, and noted that it would improve the neighborhood.

Mr. Lorant asked if Ed Sabol was going to do the construction and he asked if any neighbors were against the request.

Mr. Petoskey confirmed Mr. Sabol was the contractor, and commented that nobody they spoke with was against it. He commented that he spoke with almost everyone.

Vice Chairperson Putz asked Mr. Bielko if the applicant could still construct a deck over the garage if the variance was denied.

Mr. Bielko responded that they could, and noted that neighbors on either side have decks. He addressed a comment made in a letter submitted by Ed Sabol that noted that 571 Longpointe was granted a similar permit in the past. He stressed that it was a different administration at the time; however, he did want to note that there was something similar on the street. He stated that all appeals must be reviewed on a case-by-case basis.

Mr. Petoskey stated that he did see the other family out there and commented that shade is important.

Chairperson Mathisen noted that in order for the variance to be granted this evening, all three members in attendance must agree, otherwise the applicant may consider asking for a postponement.

Public Comment

Chairperson Mathisen called for any public comment.

Ken Kutchek, 596 Longpointe, stated that he is the neighbor immediately to the north and he is in support of the project. He noted that the example down the street is a much larger overhang than is proposed here, and this overhang will not block their view.

Matt Phillips, 96 Park Island, stated that he would rather see the overhang than a bunch of umbrellas or sun shades. He commented that what is proposed will look nice and classy, and Mr. Sabol will do the project right.

Chairperson Mathisen called for a motion to close the public hearing. It was moved by Lorant, seconded by Putz to Close the Public Hearing at 6:52 p.m. The vote was unanimous.

Board Deliberation and Action

Mr. Lorant stated that he thinks this is a good plan, but if it looks like it will be voted down, the applicant may wish to ask for a postponement.

Chairperson Mathisen asked if they looked into a retractable awning.

Mr. Petoskey responded that they had, and it would be considered a temporary fix. He added that they looked into a pergola, and thought these aesthetics would be better. He noted that umbrellas would be a risk with the winds on the lake.

Mr. Bielko noted that the need for a variance was due to the loadbearing posts that hold the roof up. He noted that there could be the possibility of a lesser variance, or the alternative of a cantilevered roof with beams angling back.

Mr. Petoskey responded that this is what the architect came up with, and commented that the beams were changed and reduced from the original design.

Chairperson Mathisen asked Mr. Petoskey if he would be interested in asking for a postponement to look at options to possibly reduce the variance request.

Mr. Petoskey responded that he would.

Chairperson Mathisen moved to postpone this item to the February 1, 2024 Board of Zoning Appeals meeting to allow the applicant to look at options to reduce the variance. The motion was seconded by Mr. Lorant. The motion was adopted by unanimous vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bradley Mathisen, Chairperson
SECONDER:	Henry Lorant, Board Member
AYES:	Raymond Putz, Henry Lorant, Bradley Mathisen
EXCUSED:	Brenton Bailo, Mary Chayka-Crawford

X. Next Regularly Scheduled BZA Meeting

February 1, 2024

XI. Adjournment

- 1. **Motion to:** Adjourn the Board of Zoning Appeals Meeting at 6:59 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Henry Lorant, Board Member
SECONDER:	Bradley Mathisen, Chairperson
AYES:	Raymond Putz, Henry Lorant, Bradley Mathisen
EXCUSED:	Brenton Bailo, Mary Chayka-Crawford

 Brad Mathisen
 Secretary

 Mary Jo Pachla
 Recording Secretary

 Sonja Stout
 Finance Director/Village Clerk

Date Approved: _____

Attachment: 2024.01.11 minutes draft (6525 : 01/11/24 BZA Regular Mtg Minutes - Draft)



MEETING DATE: February 1, 2024

TOPIC: Case: Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive; Variance Review #1

CASE SUMMARY: The applicant is proposing to construct a patio and roof overhang above an existing garage. The home as it exists is legally non-conforming with respect to current front and side setback requirements. The proposed improvements, specifically the roof overhang structure, constitute a vertical enlargement of the existing nonconformities, which is prohibited by Ordinance Section 17.04(B). Thus, the applicant is seeking a 11.5-foot variance from the front (street/east) setback requirement and a 1.5-foot variance from the side (north) setback requirement.

The Planners have reviewed the request and McKenna's review letter is included in the packet for your information.

MOTION TEMPLATE:

In Case No. **A-24-01**. Parcel ID Number 09-02-351-019 more commonly known as **600 Longpointe**, located in the RL (Lake Single-Family Residential) District.

That the following variance be **approved/denied** to construct a roof overhang on the southeast side of an existing dwelling.

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE - RL ZONING DISTRICT

Front (Street) Yard Setback: **25.0 feet minimum required**
13.5 feet existing / proposed (to southeast corner overhang)

11.5-foot variance requested

Side (North) Yard Setback: **5.0 feet minimum required**
3.5 feet existing / proposed (to northeast corner overhang)
1.5-foot variance requested

The said variances are **approved/denied/tabled** based upon the following findings of fact as noted in the January 2, 2024 letter from McKenna, *a copy of which is attached and incorporated as part of these minutes*, as follows:

- (1) Compliance with the ordinance standards would allow the applicant to have a second story deck without an overhang which is not construed as being unnecessarily burdensome.
- (2) The existing nonconforming setback is not adequate justification for increasing the structure's nonconformity.
- (3) Approval of the variances is averse to the interests of the adjacent properties and contrary to the intent of the Zoning Ordinance and sound planning principles.
- (4) Approval of variances to building an overhang covering the deck can set a precedent for similar requests from other property owners with second story open decks.
- (5) The variances requested are not the minimum possible.
- (6) The parcel is not unique.
- (7) The need for the variances is entirely self-created.

This **approval/denial** of the variances does not set a precedent for **approval/denial/tabling** of similar requests from other property owners or applicants in the future.

This action is pursuant to:

1. Board of Zoning Appeals application consisting of seven (7) pages, including a letter of request from the applicant.

2. McKenna Review #1, dated January 2, 2024, consisting of three (3) pages
3. Construction Drawings for 600 Longpointe, AMK Designs, date 11/27/23, consisting of two (2) pages.
4. Site Survey for 596 Longpointe, Kennedy Surveying P.C., dated 1/31/2020, Job No. 19-82242, consisting of one (1) page. **NOTE:** the survey submitted was not completed for the subject site but includes a reasonable amount of verifiable information for the purposes of review. The applicant has included hand sketches to supplement their construction documents.

ATTACHMENTS:

A-24-01 Petoskey Application

A-24-01 Petoskey Plans

A-24-01 Petoskey Survey (596 Longpointe)

A-24-01 Petoskey Residence (600 Longpointe) Review #1



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: 600 Long Pointe Drive Parcel ID #: 09-02-351-019

Parcel Size (Sq.Ft.): 5300 square feet Zoning District: RL

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

OWNER INFORMATION

Property Owner Name: David Petoskey Address: 600 Long Pointe Drive

Property Owner Phone #: 248-568-6617 E-Mail: David.Petoskey@lpl.com

APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: David Petoskey Address: _____

Applicant Phone #: _____ E-Mail: _____

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

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 # _____

XXX Dimensional Variance (required setback, height, lot coverage, lot width, lot size, etc.)

____ Use Variance (specify intended use): _____

____ Variance from Zoning Ordinance Requirement - Section # _____

____ 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
	Front Setback	13.5'	25'	13.5'	11.5 feet
	Side Setback	3.5'	5'	3.5'	1.5' feet

TO BE COMPLETED BY VILLAGE STAFF - Date Received:

Fee:

Receipt #:

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.

The flat roof portion of the home where deck and roof are proposed are pre-existing. The proposed roof structure over the existing garage was designed with a minimal 2 post support system to keep neighboring views unobstructed. Conformity to the ordinance would be unnecessarily burdensome.

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

A majority of the improved properties on Long Pointe Drive include 2nd story decks and patios over the garage and add charm and character and have become an inclusion to nearly every recently improved Long Pointe property to date. The subtle improvement would provide substantial justice to the applicant as well as other property owners.

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 proposed covered area would only cover the existing flat roof and not extend beyond any other existing setback. The improvement would be consistent in design of other neighboring Long Pointe 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.

Most of the properties on Long Pointe possess a similar condition. Low grade on the street side as well as the lake side so the properties are built through a hill. In many instances garages are placed in front of the home with decks and patios on top to enjoy the unique water views East and West of the homes.

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.

We agree our request is partially self created. We also feel that the request will compliment the other homes on the street as well as provide a place for our family to enjoy the outdoors with some protection from the sun and rain.

Attachment: A-24-01 Petoskey Application (6549 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)

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.**

- XXX 1) A completed application signed by the property owner.
- xxx 2) Proof of ownership.
- 3) Property owner authorization for an applicant to act on their behalf.
- xxx 4) Project Narrative – A letter to the BZA explaining the variance or review request.
- xxx 5) Land Survey – A survey prepared by a professional surveyor.
- xxx 6) Site Plan – A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.
- xxx 7) Architectural plans and elevations – A set of drawings illustrating the details of any proposed structures.
- xxx 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.
- xxx 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: David J Petoskey

Date: 11-29-23

Signature of Applicant: David J Petoskey

Date: 11-29-23

Attachment: A-24-01 Petoskey Application (6549 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)

November 29, 2023

Village of Lake Orion

21 E Church Street

Lake Orion, Michigan 48362

ATTN: Board of Zoning (BZA)

RE: 600 Long Pointe Drive, Lake Orion

Dear Board:

We are submitting this application regarding the property listed above. We have been a part of the Long Pointe community for almost three years now. But have been visiting and spending time in Lake Orion for almost twenty years with several friends in the area and also several businesses that we frequent on a regular basis. Now that we have taken the time to understand our neighborhood, we have decided to improve our property with a new deck and overhang roof over our existing garage area. We came up with this improvement idea from walking our street and viewing how several neighbors have also made improvements to their decks, etc. to further enhance their lake views. The lake is certainly such an amazing view, and we would love to be able to enjoy it from both sides of our property.

Our request, as mentioned on the attached application, is a new decking surface with a proposed roof structure that would be over our existing garage, with the roof being designed with a minimal 2 post support system to keep neighboring views unobstructed. We feel that this would also enhance our property as well as the neighborhood street to better align our home with neighboring homes.

My wife and I, along with our two daughters feel that not only will this compliment the other homes on Long Pointe but will also provide another area for our family to enjoy the outdoors, with the lake views, but also bring us protection from the sun and other weather conditions.

I appreciate your review of this application, and should you have any further questions or comments, I can be reached at 248 – 568 – 6617. Thank you.

Sincerely,



Dave Petoskey

**NOTICE OF ASSESSMENT, TAXABLE VALUATION,
AND PROPERTY CLASSIFICATION**

This form is issued under the authority of P.A. 206 of 1893, Sec. 211.24 (c) and 211.34 (c), as amended. This is a model assessment notice to be used by the local assessor.

Michigan Dept. of Treasury
1019 (Rev. 12-15-18) **8.A.a**

L-4400

FROM CHARTER TOWNSHIP OF ORION

2525 JOSLYN ROAD
LAKE ORION MI 48360

**THIS IS NOT
A TAX BILL**

NAME AND ADDRESS OF OWNER OR PERSON NAMED ON ASSESSMENT ROLL:

PETOSKEY, DAVID J
PESTOSKEY, KATHRYN C
600 LONGPOINTE DR
LAKE ORION MI 48362-2343

PROPERTY IDENTIFICATION: (Parcel Code required. Property address and legal description optional.):

OL-09-02-351-019

600 LONGPOINTE DR

SCHOOL DISTRICT: 63230

THIS PROPERTY IS CLASSIFIED AS: 408 (RESIDENTIAL-IMPROVED WATER)

PRIOR YEAR'S CLASSIFICATION IF DIFFERENT:

Since 1995 your property taxes have been calculated on your Taxable Value (see line 1 below). The Taxable Value number entered in the "Change" column does not indicate a change in your taxes. This number indicates the change in the Taxable Value.

The State Equalized Value (see line 4 below) is the Assessed Value (see line 2 below) multiplied by the Equalization Factor, if any (see line 3 below). The State Equalized Value must be approximately 50% of the market value.

IF THERE WAS A TRANSFER OF OWNERSHIP on your property in 2021, your 2022 Taxable Value will be the same as your 2022 State Equalized Value. Please see line 5 below regarding Transfer of Ownership on your property.

IF THERE WAS NOT A TRANSFER OF OWNERSHIP on your property in 2021, your 2022 Taxable Value is calculated by multiplying your 2021 Taxable Value (see line 1 below) by 1.033 (which is the Inflation Rate Multiplier for the current year).

Physical changes in your property may also increase or decrease your Taxable Value. Your 2022 Taxable Value cannot be higher than your 2022 State Equalized Value.

***This change in Taxable Value will increase/decrease your 2022 tax bill by approximately: \$168.68 based on the 2021 tax rates.**

	PRIOR AMOUNT YEAR: 2021	CURRENT AMOUNT YEAR: 2022	CHANGE
1. TAXABLE VALUE (Current amount is tentative):	246,590	249,300	2,710
2. ASSESSED VALUE:	246,590	249,300	2,710
3. TENTATIVE EQUALIZATION FACTOR: 1.000			
4. STATE EQUALIZED VALUE (Current amount is tentative):	246,590	249,300	2,710

There WAS/WAS NOT a transfer of ownership on this property in 2021: WAS NOT

The Board of Review will meet at The Orion Center (1335 Joslyn Rd. Lake Orion, MI 48360) on Tuesday, March 8th from 9:00 am until 9:30 am for an Organizational Meeting.

Appeals will begin on:

Tuesday, March 8th from 9:30 am until 12:00 noon and 1:00 pm until 4:30 pm.

Monday, March 14th from 9:00 am until 12:00 noon and 1:00 pm until 4:30 pm.

Wednesday, March 16th from 1:00 pm until 5:00 pm and 6:00 pm until 9:00 pm.

To schedule an appointment IN ADVANCE for the Board of Review, please contact Oakland County Equalization Division

Toll Free at 1-888-350-0900, Extension 80776 or (248) 858-0776.

The Board of Review will accept written appeals if received prior to the closing of the Board of Review.

% Exempt As "Principal Residence" or "Michigan Business Tax": 2022	.00%	Year End 2021 P. R. E.	.00%
% Exempt As "Qual. Agricultural / Qual. Forest Property":	.00%	% Exempt as "Development Property":	.00%

The denial of an exemption from the local school operating tax for "qualified agricultural properties" may be appealed to the local Board of Review. The denial of an exemption from the local school operating tax for a "homeowner's principal residence" may be appealed to the Michigan Tax Tribunal by the filing of a petition within 35 days of issuance of this notice. Michigan Tax Tribunal forms are available at www.michigan.gov/taxtrib.

Properties classified as Agricultural and Residential must protest at the Board of Review to protect the right to future appeals to the Michigan Tax Tribunal for valuation an exemption appeals and/or the State Tax Commission for classification appeals prior to July 31. Properties classified Commercial, Industrial or Developmental Real may be appealed to the March Board of Review or to the Michigan Tax Tribunal prior to May 31. Commercial, Industrial, or Utility Personal Property may be appealed to the March Board of Review or to the Michigan Tax Tribunal prior to May 31 if a Personal Property Statement was filed with the local unit prior to the commencement of the Board of Review as provided in MCL 211.19, except as otherwise provided by MCL 211.9m, MCL 211.9n and MCL 211.9o.

HOMEOWNER'S PRINCIPAL RESIDENCE AFFIDAVIT INFORMATION REQUIRED BY P.A. 114 of 2012. If you purchased your principal residence after May 1 last year, to claim the principal residence exemption, if you have not already done so, you are required to file an affidavit by June 1 for the immediately succeeding summer tax levy and all subsequent tax levies or by November 1 for the immediately succeeding winter tax levy and all subsequent tax levies.

Attachment: A-24-01 Petoskey Application (6549 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)



21 E. CHURCH STREET, LAKE ORION, MICHIGAN 48362

SERVICE FROM 10/01/2022 SERVICE TO 12/31/2022

SERVICE PROVIDED AT THIS LOCATION 600 LONG POINT

PREVIOUS READING 141500 CURRENT READING 141600

ACCT NUMBER 055-6000 CONSUMPTION CU FEET 100

BALANCE FORWARD	\$0.00
WATER USE	\$5.90
WATER BASE	\$44.18
SEWER USE	\$4.53
SEWER BASE	\$77.02
GARBAGE	\$41.31

AMOUNT DUE \$172.94

IF LATE

\$190.23

quadiant

01/12/2023

US POSTAGE \$000.44⁰



ZIP 48362

041M11471160

ICE FESTIVAL FEB 2-28 2023

BOAT PASS SALES START MARCH

128425265

RETURN THIS STUB WITH PAYMENT

Due Date 02/16/2023

Account No. 055-6000

AMOUNT \$172.94

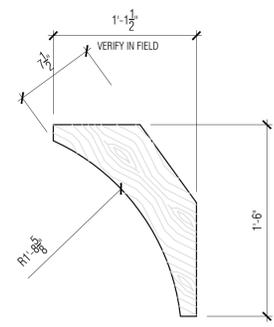
DUE IF LATE \$190.23

PETOSKEY, DAVID
600 LONGPOINTE DR
LAKE ORION, MI 48362-2343

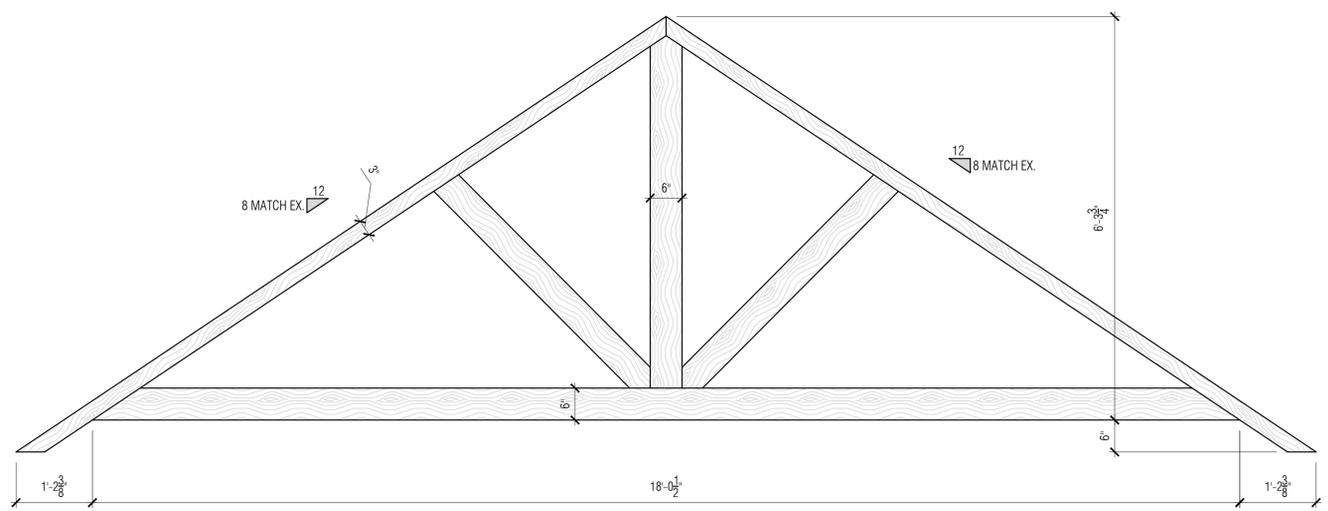
\$ 178.13

1-26-13

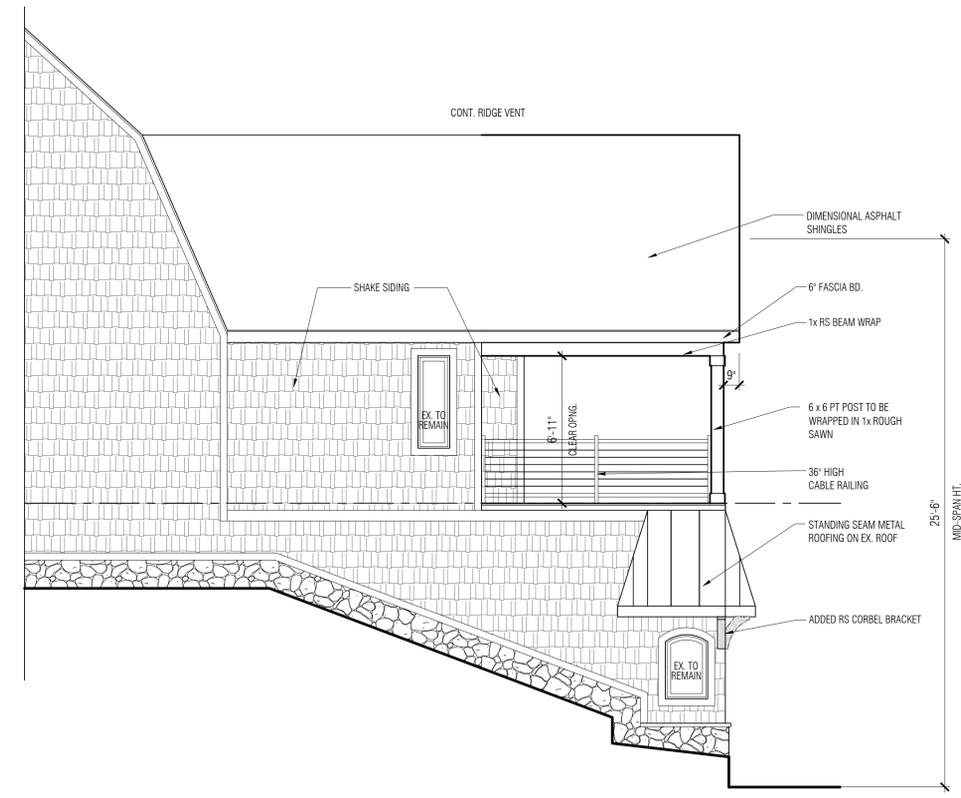
Attachment: A-24-01 Petoskey Application (6549 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)



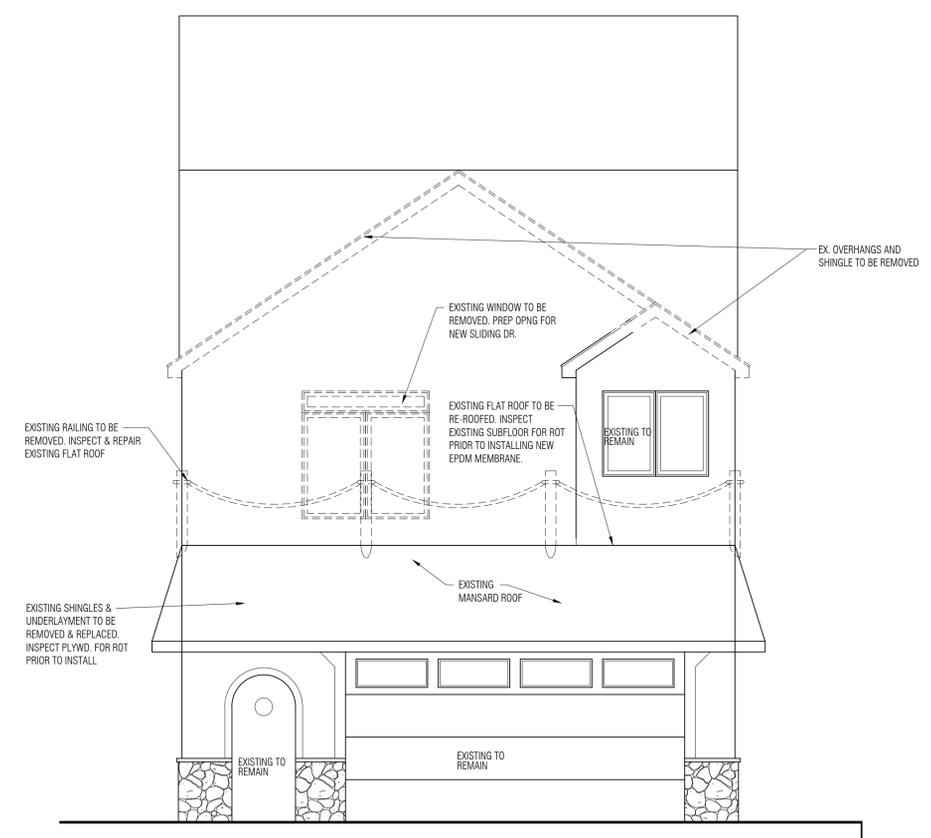
C **TIMBER CORBEL DETAIL**
SCALE: 1-1/2" = 1'-0"



B **TIMBER GABLE DETAIL**
SCALE: 3/4" = 1'-0"

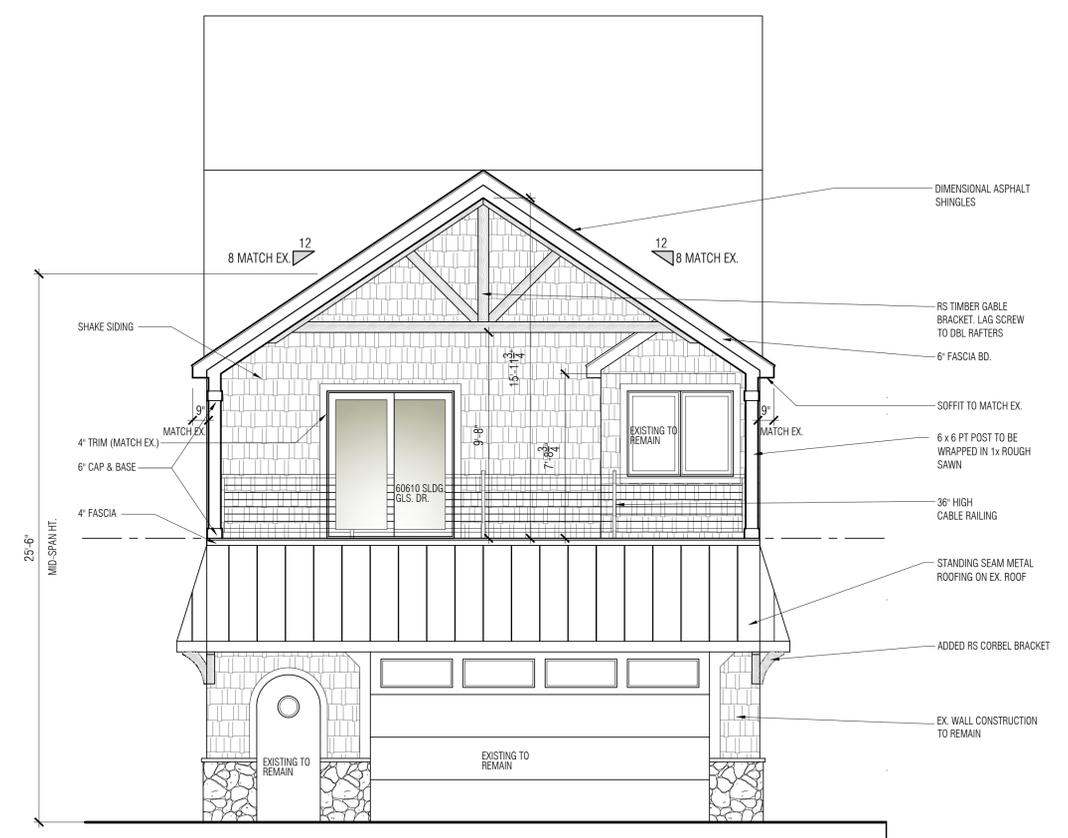


PROPOSED SIDE (SOUTH) ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING / DEMO EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
ALL DIMENSIONS TO THE ROUGH.
VERIFY AND MATCH EX. CONDITIONS



PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

project
Petoskey Addition
600 Longpointe Dr.
Lake Orion, MI 48362

zoning

CODE:
DESIGNED IN ACCORDANCE WITH MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS 2015, MICHIGAN PLUMBING CODE 2018, MICHIGAN MECHANICAL CODE 2015 AND THE 2017 NATIONAL ELECTRICAL CODE.

sheet title

ELEVATIONS

date	
10.24.2023	PRELIMINARY DESIGN
11.27.2023	PERMIT / CONSTRUCTION

AARON KOZACHIK
ARCHITECTURAL DESIGN & CONSTRUCTION
EMAIL: AKOZACHIK@GMAIL.COM
PHONE: 248.770.8584

sheet



LAKE ORION
Top of Ice 984.2
February 2017

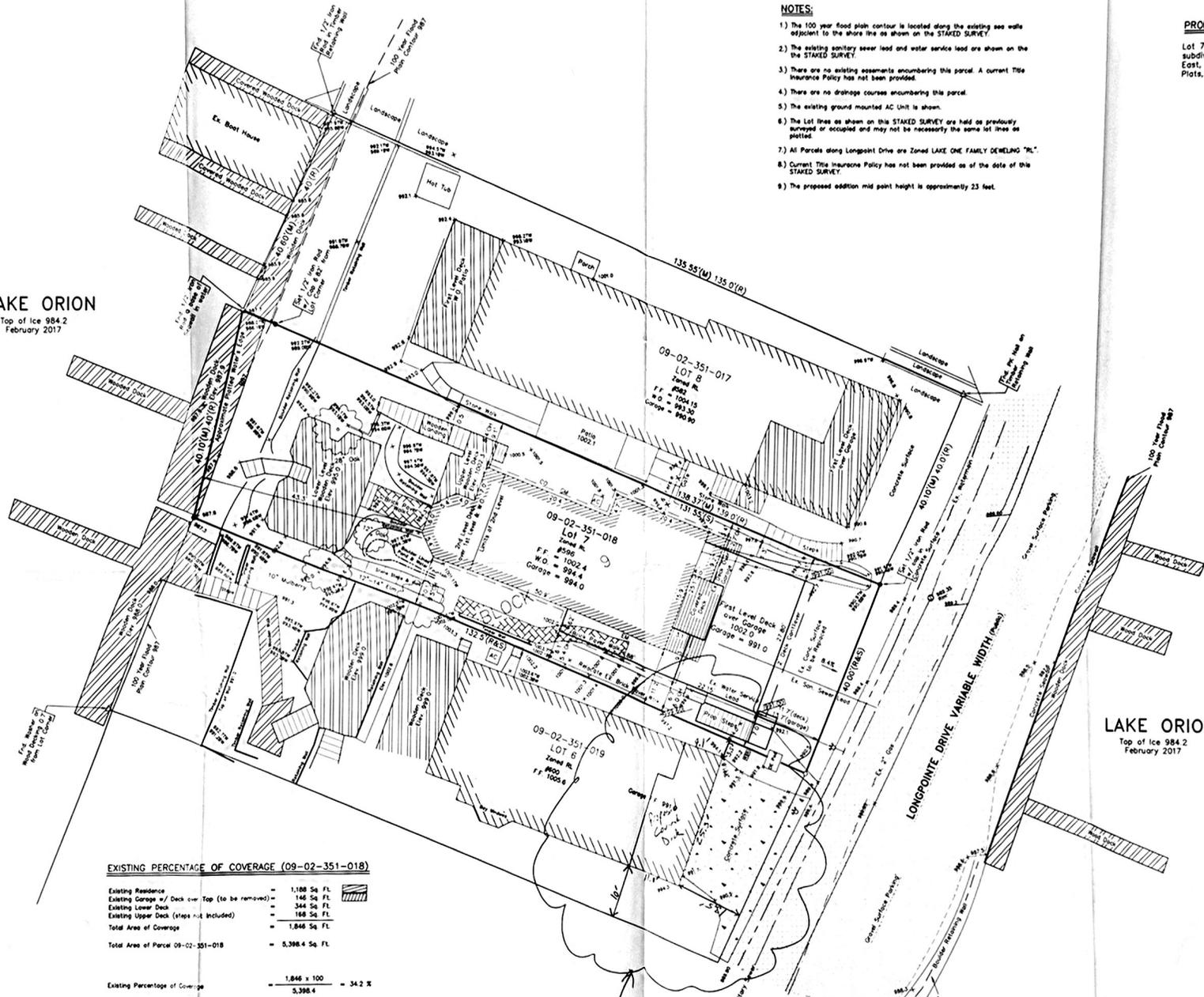
LAKE ORION
Top of Ice 984.2
February 2017

- NOTES:**
- 1) The 100 year flood plain contour is located along the existing sea walls adjacent to the shore line as shown on the STAKED SURVEY.
 - 2) The existing sanitary sewer lead and water service lead are shown on the the STAKED SURVEY.
 - 3) There are no existing easements encumbering this parcel. A current Title Insurance Policy has not been provided.
 - 4) There are no drainage courses encumbering this parcel.
 - 5) The existing ground mounted AC Unit is shown.
 - 6) The Lot lines as shown on this STAKED SURVEY are held as previously surveyed or occupied and may not be necessary the same lot lines as plotted.
 - 7) All Parcels along Longpoint Drive are Zoned LAKE ONE FAMILY DETACHING "RL".
 - 8) Current Title Insurance Policy has not been provided as of the date of this STAKED SURVEY.
 - 9) The proposed addition mid point height is approximately 23 feet.

PROPERTY DESCRIPTION: Tax Item # 09-02-351-018
Lot 7 Block 9 of "ORION IMPROVEMENT COMPANY'S SUB NO 1" being subdivision of part of Sections 2, 3, 10 and 11, Town 4 North, Range East, Orion Township, Oakland County, Michigan. As recorded in Liber 4 Plats, page 19 of Oakland County Records.

LEGEND:

- 111.7 x = EXISTING ELEVATION
- 111.50 = PROPOSED ELEVATION
- BM = BENCH MARK
- = FINO 1/2" IRON ROD UNLESS NOTED
- = SET 1/2" IRON ROD W/ O CAP
- ⊙ = EX. POWER POLE
- ⊕ = EX. UTILITY RISER
- = CLEAN OUT
- ⊙ = EX. SANITARY SEWER MANHOLE
- ⊕ = GATE VALVE & WELL
- ⊕ = FIRE HYDRANT
- ⊕ = WATER SHUT OFF
- FF = FINISHED FLOOR
- O.H. = OVERHEAD LINES
- UG = UNDER GROUND LINES
- GM = GAS METER
- EM = ELECTRIC METER
- TW = TOP OF WALL
- BW = BOTTOM OF WALL
- R = RECORDED DISTANCE
- M = MEASURED DISTANCE
- C = CALCULATED DISTANCE
- ED = ENTRY DOOR
- DD = DOUBLE DOOR
- GD = GARAGE DOOR
- SF = SILT FABRIC FENCE
- = DIRECTION OF FLOW
- ▨ = EX. BITUMINOUS SURFACE
- ▨ = EX. CONCRETE SURFACE
- ▨ = EX. WOODEN SURFACE
- ▨ = EX. GRAVEL SURFACE
- ▨ = EX. BRICK PAVEMENT SURFACE
- ▨ = PROP. ADDITION



EXISTING PERCENTAGE OF COVERAGE (09-02-351-018)

Existing Residence	= 1,188 Sq Ft	
Existing Garage w/ Deck over Top (to be removed)	= 146 Sq Ft	
Existing Lower Deck	= 344 Sq Ft	
Existing Upper Deck (steps not included)	= 168 Sq Ft	
Total Area of Coverage	= 1,846 Sq Ft	
Total Area of Parcel 09-02-351-018	= 5,388.4 Sq Ft	

EXISTING PERCENTAGE OF COVERAGE

$\frac{1,846 \times 100}{5,388.4} = 34.3 \%$

PROPOSED PERCENTAGE OF COVERAGE (09-02-351-018)

Existing Residence	= 1,188 Sq Ft	
Existing Lower Level Deck	= 344 Sq Ft	
Existing Upper Level Deck (steps not included)	= 168 Sq Ft	
Proposed Addition	= 2,444 Sq Ft	
Total Area of Coverage	= 2,444 Sq Ft	
Total Area of Parcel 09-02-351-018	= 5,388.4 Sq Ft	

$\frac{2,444 \times 100}{5,388.4} = 45.3 \%$

BENCH MARK (BM)
BM #1 - Arrow on Fire Hydrant
Elev. = 992.42 (NAVD)

*Proposed Inpment to
600 Long Pointe Drive
Proposed Add Roof Height 25'6"*

BM#1

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

CAUTION!
THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OF ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION PRIOR TO THE START OF CONSTRUCTION.

No.	By	Chg.	Description
REVISIONS			
STAKED SURVEY For:			
KEN KUTCHEK			
396 Longpointe Drive Lake Orion, Michigan 48362			
Phone (248) 64-8000			
KENNEDY SURVEYING, INC.			
105 N. Washington St. Orland, Michigan 48371			
Fax: (248) 628-7191			
Drawn By:	SST	Date:	
CHK'd	HKK	Drawing:	

Attachment: A-24-01 Petoskey Survey (596 Longpointe) (6549 : Case: A-24-01 - Petoskey Residence /



MCKENNA

January 2, 2024

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

Subject: A-24-01 Petoskey Residence/ 600 Longpointe Drive; Variance Review #1

Dear Board Members:

We have reviewed the above referenced variance application submitted by David Petoskey to construct a new deck with a roof overhang, above an existing garage. The site is located on the west side of Longpointe Drive and is zoned RL (Residential Lake One Family Dwelling) district. The parcel is nonconforming with respect to the minimum lot area and lot width for the district. The subject site has an existing two-story dwelling with an attached single-story garage.

REQUEST

The proposal requires the following two (2) variances from the Zoning Ordinance:

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – RL ZONING DISTRICT

- | | | |
|-----------------------------|---|--------------------------------------|
| Front (street) Yard Setback | - | 25.00 feet minimum required |
| | - | <u>13.50 feet proposed</u> |
| | - | <i>11.50 foot variance requested</i> |

2. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – RL ZONING DISTRICT

- | | | |
|---------------------------|---|-------------------------------------|
| Side (north) Yard Setback | - | 5.00 feet minimum required |
| | - | <u>3.50 feet proposed</u> |
| | - | <i>1.50 foot variance requested</i> |

COMMENTS

Per Section 19.04.D.1 of the Village's Zoning Ordinance and the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional (or non-use) variance upon a finding that practical difficulties exist. To meet the test of practical difficulty, the applicant must demonstrate compliance with the following:

- (a) **Compliance with Ordinance standards prevents use of property or is unnecessarily burdensome.**
The minimum required lot size for parcels in the RL district is 7,200 square feet and the required lot width is 60 feet. With an area of approximately 5,300 sq. ft and a lot width of 40 feet, the subject site is nonconforming with respect to the minimum required lot width and area for the district. The parcel is currently occupied by a two-story dwelling with a single story attached garage that is in the front yard. The existing dwelling is nonconforming with respect to the front and north side yard setbacks.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

☎ 248.596.0920
☎ 248.596.0930
MCKA.COM

Communities for real life.

Attachment: A-24-01 Petoskey Residence (600 Longpointe) Review #1 (6549 : Case: A-24-01 - Petoskey Residence / 600 Longpointe Drive)

The applicant proposes to build a covered deck over the roof of the existing garage. Per the applicant the flat roof portion over the garage where the deck is to be located is existing. The applicant contends that the majority of the homes along Longpointe have second story decks and the proposed deck is in character with the existing street view.

The required front yard setback is 25 feet and the proposed dwelling is located at a setback of 13.5 feet with a mansard roof design. The applicant's proposal essentially replaces the mansard roof with a standing seam metal roof and creates a new flat roof with a roof overhang supported by two structural poles, creating a two-story roof line at the reduced setback. While the applicant is correct that most of the homes on Longpointe have second story decks, none of them appear to have an overhang covering the entire deck (see image below). The dwelling currently does not have any doorwall or access to the area on top of the garage roof. The applicant could install the doorwall on the east second story façade, create access to the roof over the garage and create a usable second story deck, *without the need for a roof overhang*. Compliance with the Ordinance standards would prevent the construction of an overhang but will not prevent the improvement and use of the area above the garage as a deck, consistent with other dwellings on the street. Therefore, compliance with Ordinance standards is not deemed as unnecessarily burdensome.



Source: Google Images

- (b) **The variance will provide substantial justice to applicant as well as property owners.** Approval of the variance will provide substantial justice to the applicant by allowing them to build a fully covered deck at a reduced setback but this is not in the interest of the abutting property owners or the Village as a whole. As seen in the image above, most dwellings on Longpointe have ***open and uncovered*** second story decks. The applicant's proposal to cover the deck would extend their roofline closer to the street than any of their neighbors. This would likely set a precedent for similar requests from other property owners to build overhangs covering their deck, and thereby creating greater building mass closer to the street.
- (c) **Variance requested is minimum possible.** The variances requested are not the minimum possible. As discussed above, the applicant can create a second story deck consistent with other dwellings on the street/in the neighborhood, without the need to build a roof overhang which necessitates the variances.

(d) **Need for variance(s) is due to unique circumstances peculiar to the property.**

There are no unique circumstances associated with the subject site. The subject site is a nonconforming parcel in terms of lot size and width; however, that is not an uncommon situation in lakeside properties. The existing dwelling is already nonconforming. There is no justification for making the structure more nonconforming when the applicant can build a deck without an overhang consistent with other neighboring dwellings.

(e) **Problem necessitating variance is not self-created.**

The problem necessitating the variances is self-created by the applicant's desire to build an overhang above the entire deck, rather than create an open deck, and is not due to any physical challenges or limitations on the site itself.

RECOMMENDATION AND FINDINGS

*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 recommend that the Board of Zoning Appeals **deny** the requested variances for the property located at 600 Longpointe Drive.*

The above recommendation is based on the following findings of fact:

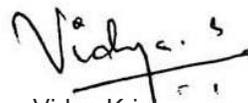
- (1) Compliance with the ordinance standards would allow the applicant to have a second story deck without an overhang which is not construed as being unnecessarily burdensome.
- (2) The existing nonconforming setback is not adequate justification for increasing the structure's nonconformity.
- (3) Approval of the variances is averse to the interests of the adjacent properties and contrary to the intent of the Zoning Ordinance and sound planning principles.
- (4) Approval of variances to building an overhang covering the deck can set a precedent for similar requests from other property owners with second story open decks.
- (5) The variances requested are not the minimum possible.
- (6) The parcel is not unique.
- (7) The need for the variances is entirely self-created.

Respectfully,

McKENNA



Gage Belko, AICP
Associate Planner



Vidya Krishnan
Senior Principal Planner

cc: Village Clerk: Susan Galeczka, 21 E. Church Street, Lake Orion, MI 48362
Applicant: David Petoskey, via email: David.Petoskey@lpl.com