



MINUTES

**SPECIAL MEETING 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

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| 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

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| 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.

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| 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.

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| 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
Chairperson

Mary Jo Pachla
Recording Secretary

Sonja Stout
Village Clerk

Date Approved: as presented February 1, 2024