

NEWSLETTER

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The logo for the City of Orchard Lake Village is a decorative, ornate emblem. It features a central shield-like shape with intricate scrollwork and floral patterns. The text "City of Orchard Lake Village" is written in a stylized, serif font across the center of the emblem. The background of the logo is a dark blue color, and the entire emblem is set against a light blue background with a pattern of white snowflakes.

City of Orchard
Lake Village

MESSAGE FROM MAYOR McINTYRE:

ZONING VARIANCES AND HOW THEY WORK

Zoning variances are a mystery to most citizens, including those who actually apply for one.

Here is a description of the process. A request for a variance means the citizen is asking for an exception from the zoning laws for a particular property. In effect, it allows the owner to have a special deviation from the required ordinance because of unique circumstances. Once granted, the variance stays with the property.

Variance requests are presented to the Zoning Board of Appeals, which in Orchard Lake is the City Council wearing a different "hat." The ZBA acts as a kind of court. Granting a request for variance requires a majority vote (four or more, out of seven) of all members of the ZBA, not just a majority of those members in attendance. Since 1998 I have heard several hundred variances as a ZBA member. The most common complaint heard is that applicants do not fully understand the process. Many present their own cases but others are presented by architects, lawyers, etc. The better the presenter knows the law, the better the chance of the variance being granted. The ZBA does not exist to make variances easy to get. Experts say that if a ZBA acts favorably more than 20-25% of the time, there is a problem with the underlying zoning laws -- which were written to protect the whole community.

Requests for a variance begin with completing an application form and paying a \$250 fee, part of which pays the cost of advertising the request in a newspaper and in mailings to all property owners within a 1,000-foot radius of the property. A ZBA hearing is a Public Hearing requiring this notification.

The application form is designed to inform applicants of the tests that are applied to determine if a variance will be granted (explained below) so that they fully understand what they must do to receive a variance. These "hurdles" are important because the ZBA does not have unlimited discretion -- it can't approve a variance merely because the applicant tells a good story, nor because there are no neighborhood objections, or because "this won't do any harm," and a host of other reasons commonly used. Rather, only if all the requisites of the law are met can the ZBA grant a variance.

Most variances are "dimensional" -- they involve something like a building setback, building height, or the size of the structure in relation to the lot size. To approve a variance, the ZBA must FIRST find that the property has a "practical difficulty" affecting the proposed construction. An example would be an unusual terrain condition, or an irregular lot configuration. This difficulty must arise from the land itself, not from the owner's personal circumstances or desires. As the application form states: "A greater return (bigger structure, more profit, etc.) is not sufficient grounds for a variance."

In addition to showing a practical difficulty, the applicant must demonstrate that ALL of the following are true:

- * That the circumstances are unique to this property, not found on other properties in the same area or zone.
- * That the variance provides substantial preservation of a property right.
- * That it does not adversely affect adjacent property owners.
- * That it will not materially impair the intent of the zoning ordinance.
- * That the need for the variance was not self-created by the owner or previous owners.

As the application states, "The ZBA has no power to legislate or create new regulations; its purpose is to provide some relief...depending on the unique circumstances of the property."

Final advice: if you wish to receive a variance, read the application carefully, answer it fully, and make your presentation conform to the issues that the ZBA is required to consider.



COMMON VIOLATIONS FOUND WITHIN THE CITY

BLIGHT: The Ordinance that governs Blight or Anti-Blight is found under Article III, Section 18-49 of the Code of Ordinances for the City of Orchard Lake Village. Blight affects not only your property but can affect your neighbors as well. Blight is defined by the City as being a dangerous or abandoned structure, litter and/or debris along with overgrown weeds and grass. Basically, blight is anything that will impact your property value or the property value of your neighbors and/or would be declared a public nuisance. This Ordinance also controls the storage of materials such as junk, trash, rubbish and yard waste along with the removal of those materials. A complete list of all effected materials can be found within the Ordinance. See Screening Requirements below.

SCREENING REQUIREMENTS: Suitable containers such as garbage cans for junk, trash and rubbish, when not placed at the curb or street for pickup, shall be shielded or screened from public view so as not to be seen by other residences or from the street, road or waterway. Screening requirements can be found in Article IV-B, Section 4B.02 for Landscaping Screening or installing an opaque, (non-transparent) fence around the containers. This screening requirement also applies to generators and air conditioners.

SURFACE WATER DISCHARGE: Article IV, Section 18-85, (b) requires that all water generated on your property must be retained on your premises until the same reaches a safe place of discharge such as a sewer, drainage ditch, established flow of water or drainage pattern, retention pond, or acceptable ponding area. This Ordinance also stipulates that any water which is discharged into the waters of any lake, river, or stream shall be properly filtered.

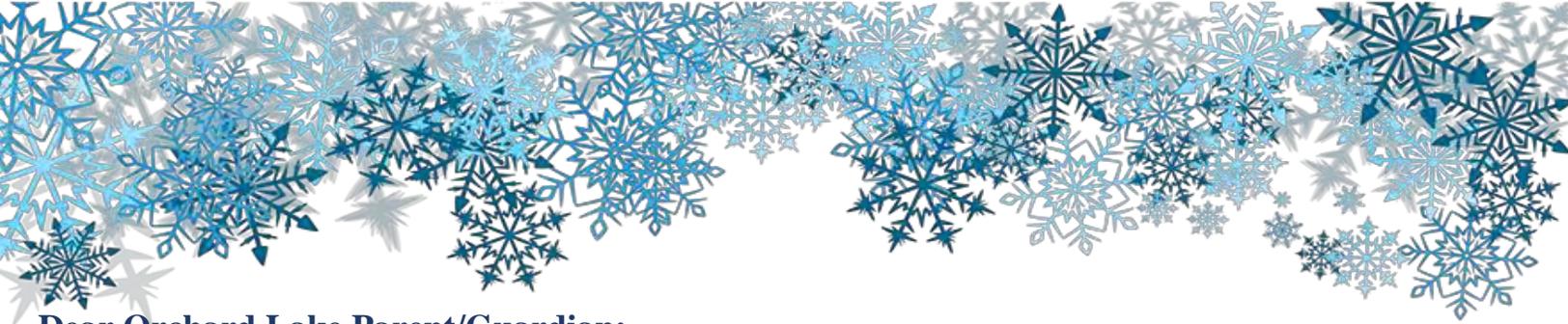
ILLUMINATION CONTROL: Article VI, Section 18-139 – 140 controls and regulates outdoor lighting and illumination within the City. Lighting must be diffused or shielded so as not to cause a nuisance. *“Lighting fixtures shall be focused downward and shall be shielded to prevent glare and sky glow and to minimize light trespass onto adjoining properties.”*

PARKING IN RESIDENTIAL DISTRICTS: Parking of vehicles is also controlled by the City’s Ordinance and can be found in Article IV, Section 4.16 which states: *“Operable – when used in reference to a vehicle having motive power, means the engine can be started and the vehicle may be driven at any time.”* Further, *“Operable passenger vehicles (includes sports utility vehicles SUV’s and passenger vans) and operable pick-up trucks having a curb weight not exceeding seven thousand, five hundred (7,500) pounds and gross weight not exceeding thirteen thousand (13,000) pounds may be parked on a single-family lot where such vehicle is regularly used by the occupant of the premises.”* In addition to the above, there are requirements for where and how a vehicle can be parked on a residential lot. These requirements can be found in the Zoning Ordinance on the City’s website.

CLEANING UP AFTER YOUR PETS: Section 10-54 Sanitation states: (a) *“It shall be unlawful for any person to permit any animal owned or harbored by him or her to deposit fecal matter in any place other than the premises where the animal is harbored or kept, unless such fecal matter is immediately collected and removed to the premises where the animal is harbored or kept.”* Further, (b) *“It shall be unlawful for any person to walk any animal or any property not owned by such person, whether public or private, unless such person has an appropriate device for the collection of fecal matter in his or her immediate possession and an appropriate depository for the transmission of fecal matter to the premises where the animal is harbored or kept.”* And (c) *“This section does not apply to service animals where the owner is physically unable to comply.”*

If you have any questions about any of these items, please call me at the City Offices at (248) 682-2400 or check the City’s website at www.CityofOrchardLake.com.

Don Pratt – Code Enforcement Officer



Dear Orchard Lake Parent/Guardian:

We all want our children to fulfill their utmost potential and it is our responsibility to provide them with safe environments, at home, in school and where our children play.

Did you know that one out of three homes with children have guns, many left unlocked or loaded and that four out of five unintentional gun deaths happen within a home?

These facts are an urgent reminder that as parents/guardians, we must do everything we can to prevent child gun deaths. Make sure your child is not unsafely exposed to guns in your home by storing them securely. The American Academy of Pediatrics (AAP) suggests that parents who choose to own guns should keep them locked, unloaded and stored separately from ammunition.

You can also take steps today to ensure that your child and their playmates do not come across an unsecured gun while they are at play. The Ask ing Saves Kids (ASK) Campaign seeks to inspire parents to always ASK, “Is there an unlocked gun in your house?” when arranging their play dates or visits to another home. Have a conversation about firearms in the home with every adult who supervises your children during a given day.

The message of the ASK Campaign is one I hope you take to heart. Please visit www.askingsaveskids.org learn more about the program and pledge to always ASK before your child visits a friend, family member or neighbor’s home. We have the responsibility to keep our kids safe and pledging to always ASK is one step you can take today to achieve this goal.

Orchard Lake Police Department can supply free gun locks to any resident who might be in need of one.

Sincerely,

Joseph E. George
Chief of Police

Using Organics to Treat City Streets During the Winter Season

Orchard Lake Department of Public Works (DPW) staff has been working to make changes on how the City performs the winter maintenance on all City roads. We have been using a brine solution to pretreat the roads. The brine is a mixture of salt and water with the addition of an organic product called beet juice. The brine is normally applied to the road surface before a snow event to create a layer between the road surface and the snow/ice itself. This pre-treatment of the road surface is referred to as anti-icing or de-icing. By doing this, it stops the bonding of the snow/ice to the road surface, and in some cases, allows the plow truck to scrape the road with no to very little salt usage. The brine and beet juice is an organic mixture which is environmentally friendly to the lakes. Another advantage of applying the de-icing material is that it reduces the overall consumption of road salt by 25%-35%.

Although you cannot visibly see the brine solution on the road surface like road salt, evidence of a brine application is displayed as wet stripes in the traffic lane. When road salt is applied during a snow/ice event, it is also treated with the brine solution as it comes out of the truck via sprayers at the salt spreader. This results in faster activation of the road salt and prevents less bounce and scatter of the salt when applied.

Mike Lee , DPW



Truck Applying Brine Solution



Sample of lines on the road



City of Orchard Lake Village

3955 Orchard Lake Rd

Orchard Lake, MI 48323

Ph: (248) 682-2400

Fax; (248) 682-1308

WWW.CityOfOrchardLake.com

Reminders

- 2018 Winter Property Taxes must be paid by February 14, 2019 to avoid penalty and interest. After March 1, 2019 any payments for 2018 Property Taxes must be mailed to Oakland County Treasurers Office.
- Dog Licenses for 2019 are due by June 1st. They are available at City Hall and require a certificate of rabies vaccination. Three-year licenses are also available when coordinated with their rabies vaccination.
- Not only is parking on subdivision streets prohibited by City Ordinance, at this time of year it impedes snow removal and emergency vehicle access.
- Monday, April 1, 2019 will be the first collection of yard waste. Yard waste must be in a container 20-35 gallons labeled "Yard Waste" or in a paper yard waste bag. Yard Waste labels are available at the City Hall. Branches must be 4 inches in diameter or less and no more than 3-4 feet in length.

