



**Lodi Township  
Board of Appeals Minutes  
September 8, 2020  
7:00 p.m.**

Meeting was called to order at 7:00 PM and the Pledge of Allegiance was recited.

**Present:** Bunton, Foley, Giezentaner, Little

**Absent:** Bauer (arrived at 7:30 PM)

**Others Present:** Sherif Farghal (applicant); Loch Durrant and Jacob Lubig (for applicant Walcott)

There being no additions or corrections, a motion to approve the minutes of February 18, 2020 was made by Foley, second by Bunton, passed 4-0.

Motion by Foley, second Bunton, to approve the agenda with the following corrections: move the hearing for the Newman variance to the end; remove the current owner information and add the variance of 10' for the Farghal request. Passed 4-0.

**Lodi Township parcel #M-13-04-215-036**

Motion to open the hearing for Farghal variance by Foley, second by Bunton.

Roll Call Vote: Little – yes; Foley – yes; Bunton – yes;

Giezentaner – yes; Bauer – absent.      Passed 4-0

I. Public hearing for Sherif Farghal variance: 1750 Tapadera Dr., Ann Arbor, MI 48103, Lodi Township parcel #M-13-04-215-036. For a variance of the backyard setback of 10' from the required 50' for the purpose of a pool, hot tub and patio. Lodi Township Zoning Ordinance section 42.003 Regulatory Flexibility in a PUD.

Applicant: Mr. Farghal described his project and the reason for the variance request being due to the lot configuration.

Public Comment: None

Motion to close the public hearing was made by Foley, second by Little.

Roll Call Vote: Little – yes; Foley – yes; Bunton – yes;  
Giezentaner – yes; Bauer – absent. Passed 4-0.

Findings of fact:

1. Practical difficulties: Denying the variance would deprive the applicants of rights commonly enjoyed by other property owners. The limited depth of the backyard, and the depth of the setback area leave little area for backyard recreational purposes.
2. Substantial justice: Allowing the variance will give the applicants the ability to use their backyard for recreational purposes.
3. Unique circumstances: The limited depth of the backyard, the depth of the setback area, and the area set aside for the septic system and reserve field leave little area for backyard recreational purposes.
4. Preservation of property rights: Pools are an allowable structure. Allowing the variance preserves the rights of the applicants to enjoy backyard recreational activities as others in the same zoning district.
5. Public safety and welfare: Granting the variance will not increase the hazard of fire, in fact it could provide a water supply in the event of fire. The pool will have fencing and alarms for safety. There should be no impact on the value, or alteration in the essential character of surrounding properties. It will not impair the adequate supply of light and air to any adjacent property. To the south and east are gravel pit sites.

6. Not self-created: The lot configuration and placement of the house and septic field were not determined by the applicant.
7. More than mere inconvenience: The request for a variance is not for convenience or to attain a higher financial yield. It is due to practical difficulties caused by lot configuration and placement of the house and septic fields.
8. Minimum necessary action: The variance is the minimum necessary relief to allow reasonable use of the land.

Motion to approve the request based on the finding of facts for a 10' reduction in the 50' variance for Lodi Township parcel #M-13-04-215-036 for the purpose of a pool, hot tub and patio made by Foley, second by Bunton.

Roll Call Vote: Bunton – yes; Foley – yes; Little – yes;  
Giezentaner – yes; Bauer – absent.      Passed 4-0

Motion to open the hearing for Walcott variance by Foley, second by Bunton.

Roll Call Vote: Bunton – yes; Foley – yes; Little – yes;  
Giezentaner – yes; Bauer – absent.      Passed 4-0

### **Lodi Township parcel #M-13-25-146-061**

2. Public hearing for Brett Walcott variance: 1857 Ridgewood, Saline, MI 48176, Lodi Township parcel #M-13-25-146-061 for a variance of the rear yard set back of the required 35' to 19' for the purpose of a pool and patio. Lodi Township Zoning Ordinance section 30.101 Dimensional Standards.

Applicant: Mr. Durrant spoke for the applicant describing the project and the reasons for the variance request due to the configuration of the property. He mentioned that the applicant had met with the backyard neighbors to explain that contrary to the township letter they had received he was not asking to reduce the setback area to 6' but rather to 19'. Mr. Durrant shared a letter of support from

Annherst Kreitz whose property, which is in the city of Saline on Chestnut Crescent, and backs up to the Walcott property.

Public Comment: Chair Giezentaner summarized the letters received from Michelle and Jeff Masse, a Chestnut Crescent resident, and from Janet Sutherland, a Ridgewood Circle resident. Concerns were noise, and reduction of property value for the neighbors. Mr. Durrant stated that none of the trees along the rear property line would be removed and more may be planted. There was also a question about a BP gas line. There was no other public comment.

The Board had questions about the location of the septic and reserve fields and whether or not a raised patio required a variance.

Motion to close the public hearing was made by Bunton, second by Little.

Roll Call Vote: Foley – yes; Bauer – yes; Bunton – yes; Little – yes; Giezentaner – yes. Passed 5-0.

Discussion: Since we could not determine whether the applicant met the minimum necessary requirement due to the unknown location of the septic fields and needed clarification on the patio, Chair Giezentaner called for a motion to table the request.

Motion to table the decision and findings of facts for the variance request for Lodi Township parcel #M-13-25-146-061 until Tuesday, September 15, 2020, at 7 PM so the applicant can provide information on the location of the septic fields; and it can be determined if a variance is necessary for the raised patio, and if the BP gas line is an issue. Motion by Foley, second Bunton. Passed 4-0

### **Lodi Township parcel # M-13-04-210-019**

3. Public hearing for Erika & Robert Newman variance: 2273 Kimberwicke Court, Ann Arbor, MI 48103 Lodi Township parcel # M-13-04-210-019 for a variance of the backyard setback of 29' from

the required 50' for the purpose of a pool and patio. Lodi Township Zoning Ordinance section 42.003 Regulatory Flexibility in a PUD.

Motion to open the hearing for Newman variance by Foley, second Little.

Roll Call Vote: Little – yes; Bauer – yes; Bunton – yes; Foley – yes; ~~Little – yes~~; Giezentaner – yes. Passed 5-0

Applicant: Not present

Public Comment: None

Motion to close the public hearing was made by Foley, second Bauer.

Roll Call Vote: Bunton – yes; Bauer – yes; Foley – yes; Little – yes; Giezentaner – yes. Passed 5-0.

Findings of fact:

1. Practical difficulties: Denying the variance would deprive the applicants of rights commonly enjoyed by other property owners. The limited depth of the backyard, and the depth of the setback area leave little area for backyard recreational purposes.
2. Substantial justice: Allowing the variance will give the applicants the ability to use their backyard for recreational purposes.
3. Unique circumstances: The limited depth of the backyard, the depth of the setback area, and the area set aside for the septic system and reserve field leave little area for backyard recreational purposes.
4. Preservation of property rights: Pools are an allowable structure. Allowing the variance preserves the rights of the applicants to enjoy backyard recreational activities as others in the same zoning district.

5. Public safety and welfare: Granting the variance will not increase the hazard of fire, in fact it could provide a water supply in the event of fire. The pool will have fencing for safety. There should be no impact on the value, or alteration in the essential character of surrounding properties. It will not impair the adequate supply of light and air to any adjacent property. There is a large buffer area and a walking path, to the rear of the property, as well as gravel pits south east of the property.
6. Not self-created: The lot configuration and placement of the house and septic field were not determined by the applicant.
7. More than mere inconvenience: The request for a variance is not for convenience or to attain a higher financial yield. It is due to practical difficulties caused by lot configuration and placement of the house and septic fields.
8. Minimum necessary action: The variance is the minimum necessary relief to allow reasonable use of the land.

Motion to approve the variance request to reduce the 50' setback to a 21' rear setback, for Lodi Township parcel # M-13-04-210-019 for the purpose of a pool and patio based on the findings of fact made by Foley, second by Bunton.

Roll Call Vote: Foley – yes; ~~Foley~~ – Little - yes; Bauer – yes; Bunton – yes;

Giezentaner – yes. Passed 5-0.

Other business: To set the meeting to continue deliberation on the Walcott request as Tuesday, September 15, 2020, at 7 PM.

Motion to adjourn by Bauer, second Foley.

Meeting adjourned at 8:15 PM.

Barbara Giezentaner  
Chair – Zoning Board of Appeals

Mike Bunton  
Acting Vice Chair