

**Lodi Township**  
**Zoning Board of Appeals Meeting Minutes - DRAFT**  
**December 21, 2023**

**Call to Order/Pledge of Allegiance:** Meeting was called to order at 7:00 pm by Chronis, in the place of Chair Bauer. Pledge of Allegiance was recited.

**Roll Call: Present:** Schaible, Strader, Chronis **Absent:** Bauer.

**Others Present:** Jake from Venture Design, Inc, applicants designer.

**Approval of Meeting Minutes:** A motion to approve the minutes from the 9/19/23 ZBA meeting was made by Schaible, second by Strader. No discussion. **YEA: 3, NAY: 0**, Motion passed 3-0. Chronis noted that there was a ZBA meeting on 11/21/23, however there was not quorum, so no action was taken, and meeting was adjourned. Motion by Schaible, second by Chronis to approve those minutes. **YEA: 3, NAY: 0**, motion passed 3-0.

**Approve/Amend Agenda:** Discussion held to clarify this is a public hearing. A motion to approve the agenda as presented was made by Schaible, second by Chronis. **YEA: 3, NAY: 0**, Motion passed 3-0.

**Public Hearing:**

**Public Hearing for the purpose of hearing all objections to, and support of, the application of Andrew and Mary Beth Mikols 1870 Tapadera Dr, Ann Arbor, Michigan 48103, Lodi Township Parcel #M-13-04-215-040, requesting a variance of Lodi Township Zoning Ordinance Section 42.003 Regulatory Flexibility Special Districts – rear yard setback, to construct a pool 41 ft from the rear lot line (9ft variance), and a pavilion structure with brick pavers 13 ft from the rear lot line ( 37 ft variance).**

**Motion to open Public Hearing** made by Strader, second by Schaible. **Roll Call: Strader -Yes, Schaible – Yes, Chronis -Yes**, Motion passed 3-0.

**Public Comment:** Chairman Chronis asked if Jake wished to comment on or add information to his client’s application. Background on the project – they submitted a plan last August which was approved by the Township, which had the pool, pavilion behind the house and within the setbacks. However Washtenaw County would not permit this location as it was within the reserve septic field location, and that wasn’t originally shown on the survey Venture received. This reserve septic area is between the house and the active septic field, on the east side of the lot. Venture asked County if the reserve septic field could be re-located to the west side of the lot, but soils there were not suitable for the field. Venture redesigned the project as shown, to avoid the reserve septic area, which limits the project, and now places some of it within the 50 ft rear yard set-back. Pool and pavilion conform to all the PUD side yard setbacks. There now exists a practical difficulty due to site limitations. On October 4, they received a letter from the HOA ( Kramer Triad Group) granting full approval of their design, and there is a wooded area on the rear of the property so no impact to any neighbors there. There will be a fence around the pool to protect the neighbors and will only be for private use. Denying the variance would deny the property owners the right to enjoy their property for recreational purposes.

No comments from the public were presented.

**Motion by Strader, seconded by Chronis to close the Public Hearing at 7:08 pm. Roll call: Schaible – yes, Strader – Yes, Chronis – Yes, Motion passed 3-0.**

**Discussion:** Clarification given on location of original design – Jake showed board the original design. Question by Strader about what the plans were for the large wooded area of the PUD to the north of the lot – is it common area for Riding Oaks, or future expansion of the development? Board felt that the applicants have tried to go about the project the right way, but couldn't meet the setback requirements, as PUD has smaller lots, which restricts ability of homeowners to add things like accessory structures, pools, etc.

Chronis suggested we go through the Findings of Fact as required by Zoning Ordinance 59.08.B Variances, Standards of Review:

### **Findings of Facts**

1. Practical Difficulty: denying the application would deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district. Yes – strict compliance of the dimensional standards of rear yard setback of 50 ft, when no other area exists on the parcel to allow the project to meet the requirements, is a practical difficulty.
2. Substantial Justice: allowing the variance will provide relief and justice to the applicant similar to other owners in the district. Yes – the applicant would like to enjoy their rear yard for recreation, in a manner permitted by the Township, by constructing a pool and pavilion.
3. Unique Circumstances: The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district. Yes- The location of septic facilities do not permit the applicant to construct the project according to the PUD setbacks.
4. Preservation of Property Rights: the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district. Yes- Denying the variance would not preserve the substantial property rights enjoyed and possessed by other property owners. The Riding Oaks Estates HOA has also given approval to the current location of the proposed project.
5. Public Safety and Welfare: The requested variance can be granted that the spirit of this Ordinance will be observed and public safety and welfare is secured in such a way that a) it will not increase hazard of fire or endanger public safety, b) it will not unreasonably diminish or impair the value of surrounding properties, c) it will not alter the essential character of the area or surrounding properties, d) it will not impair the adequate supply of light and air to surrounding properties. Variance meets this requirement. – a fence will be installed around the pool as well -it backs up to a vacant wooded area, and the HOA has given approval.
6. Not Self -Created: it was not created by the applicant – The County will not approve the project as previously submitted which was within the setbacks.
7. More than Mere Inconvenience: the alleged hardship and practical difficulties that will result from a failure to grant the variance are substantially more than mere inconvenience or an ability to attain a higher financial return. By strict adherence to the ordinance there would be extreme burden to the applicant. Yes – due to site and County restrictions, to hold to the letter of the

Ordinance would deprive the applicant of using their property for recreation in a manner that is permitted by the Township, which is not in the spirit of the goals and objectives of the Township.

8. Minimum Necessary Action: for the reasons set forth in the application, the variance is the minimum necessary relief to allow reasonable use of the land and home. Yes.

**Motion** by Schaible, second by Strader, based on the Findings of Fact noted above, to approve the variance from Lodi Township Zoning Ordinance Section 42.003 Additional Regulatory flexibility in a PUD, to allow construction of a new pool and pavilion within the 50 ft rear yard setback, as presented in the Application received by the Township on October 2, 2023 from Andrew and Mary Beth Mikols, 1870 Tapadera Dr, Ann Arbor, MI 48103.

**Roll Call Vote: YEA-Strader, Chronis, Schaible. NAY- none. Motion passed 3-0**

**Other Business:** None

**Motion to Adjourn by Schaible, second by Chronis. YEA: 3 NAY: 0, Motion passed 3-0.**

**Meeting Adjourned: 7:20 pm**

**Respectfully Submitted,**

**Cindy Strader, Secretary Lodi Township Zoning Board of Appeals**