



LODI TOWNSHIP BOARD OF APPEALS

Regular Meeting Minutes

Tuesday, March 18, 2025 at 7 pm

Lodi Township Hall
3755 Pleasant Lake Road
Ann Arbor, Michigan 48103

1. Call to order - Pledge of Allegiance

The regular meeting of March 18, 2025 opened with the Pledge of Allegiance at 7:00 pm.

2. Roll Call

Present: Chronis, Dever, Schaible, Strader, VanKoevering
Absent: None
Others Present: Recording Secretary Michelle Joppeck,
Planning Commissioner Brian Sweetland,
Planning Commissioner Janet Rogers,
Mike Assemany

3. Approve 9/26/2024 Minutes

Schaible moved to approve the minutes from the 9/26/2024 meeting as presented. Second by VanKoevering. A roll call vote was taken. VanKoevering=aye, Schaible=aye, Strader=aye, Chronis=aye, Dever=aye. Motion carried.

4. Revision / Approval of Agenda

Schaible moved to approve the agenda as presented. Second by Strader. A roll call vote was taken. VanKoevering=aye, Schaible=aye, Strader=aye, Chronis=aye, Dever=aye. Motion carried.

5. Request from Robert & Erika Newman, 2273 Kimberwicke Ct, Ann Arbor, MI 48103, Lodi Township Parcel # M-13-04-210-019. Public hearing for a variance of Lodi Township Zoning Ordinance Section 42.003 Regulatory Flexibility in a PUD – Rear Yard Setback to construct a swimming pool and a spa 25' from the rear lot line (25' variance).

Schaible moved to open the public hearing at 7:04 pm. Second by Strader. A roll call vote was taken. VanKoevering=aye, Schaible=aye, Strader=aye, Chronis=aye, Dever=aye. Motion carried.

Brian Sweetland, who owns property directly to the South of the property in question, stated that he does not have any issues with the presented request. He just wanted to note that he does conduct farming activity that could produce dust or odor for the area of the proposed pool and spa.

Mike Assemany noted that he was present to represent Robert & Erika Newman who were unable to be present due to work obligations, but he did create the plans. He stated that they have tried to move the pool around to fit inside the 50' setback without dismantling the pergola and patio area, which the owners want to keep, but were unable to find a solution. The house is also 4 steps higher than the backyard which would create other issues if they did dismantle the pergola and patio area. The existing septic field is also in the rear yard; limiting the area for construction. Due to these issues, they decided to ask for a variance.

Dever moved to close the public hearing at 7:08 pm. Second by Strader. A roll call vote was taken. VanKoevering=aye, Schaible=aye, Strader=aye, Chronis=aye, Dever=aye. Motion carried.

VanKoevering asked Sweetland if he has had any issues with the other pools in the area in regards to dust or any other issues. Sweetland said that he has had no issues with the pools in the area. VanKoevering also asked Sweetland if he has had any issues with the neighbors in question. Sweetland said that he has had some trespassers, but has no way of knowing who they were.

Chronis asked how many of the 41 units in the PUD had swimming pools. On the provided map, it appears that there are currently 6 existing pools in the PUD. Dever asked if any of those existing pools violate the setbacks. Schaible said that he is aware of at least one pool that got a variance for the setback, but he thinks there might have been another as well.

Strader noted that there is land that Riding Oaks of Ann Arbor owns between the edge of the Newman's property and Sweetland's property that is similar to an additional setback. There does seem to be a walking path and a wooden area between the Newman's property and Sweetland's property.

Dever asked for confirmation that the property is a site condo and asked if the condo association has been notified given approval. Assemany stated that they were planning on putting in a pool two years ago and go approval from the Association at that time, but their plans fell through.

Dever also asked if it was the pool was in-ground or above ground. Assemany stated that it was an in-ground pool. Assemany also noted that the spa is located inside the pool and that the pool has an automatic safety cover. VanKoevering asked if the safety cover has to be closed when no one is in the pool. Assemany said that the safety cover would need to be closed if no one is in the yard. He also noted that Washtenaw County has adopted the State of Michigan's requirements regarding requiring a fence around a pool. In this case, with the specific safety cover that is being proposed, a fence around the pool is not required.

VanKoevering asked for a description of the rock retaining wall. Assemany stated that it would be about a 1-1.5-foot-tall retaining wall to push back the dirt wall create from installing the pool as well as to prevent water from flowing down the hill into the pool area.

Strader asked if there would be any screening or landscaping between the walking path and the pool. Assemany stated that he thought that they would do something in order to prevent people from looking in on them while they were swimming and/or entertaining, but he was not positive about that.

Dever stated that he does not have any issues with the pool, but stated some issues he sees with the requirements for the Findings of Facts. In response to that, Assemany stated that he was not sure if they put the pergola or patio in or if it was there already when they bought the house. In response, the Board members discussed ideas for moving the pool so that it would fit in the setback.

Strader stated that in this case, does not appear to be any natural features in the area of the proposed pool that the Township is required to protect and the point of a variance is to allow some flexibility in the Township Ordinances.

At this point, Schaible suggested going through the Findings of Fact as required by Zoning Ordinance 54.08.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, because other property owners have received a variance for setbacks in order to put in pools in the same zoning district.

2. Substantial Justice: allowing the variance will provide relief and justice to the applicant similar to other owners in the district.

Yes, because other property owners have received a variance for setbacks in order to put in pools in the same zoning district.

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, because the lot in question is a unique lot shape.

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

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.

Yes

6. Not Self-Created

Yes, because the property owners did not lay out the subdivision or the common areas. Additionally, it is unsure if the current property owners put in the patio and pergola or if they were already there when they bought the house.

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, it would drastically change scope of the project if they decided to go through with the pool without the variance and have to change much of their backyard.

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.

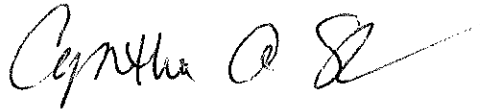
Yes

Dever moved to approve the variance as requested based on the Findings of Fact noted above.
Second by Schaible. A roll call vote was taken. VanKoevering=aye, Schaible=aye,
Strader=aye, Chronis=aye, Dever=aye. Motion carried.

6. Adjournment

Schaible moved to adjourn at 7:40 pm. Second by Dever. A roll call vote was taken.
VanKoevering=aye, Schaible=aye, Strader=aye, Chronis=aye, Dever=aye. Motion carried.

Respectfully Submitted,



Cindy Strader,
Zoning Board of Appeals Secretary



Michelle Joppeck,
Recording Secretary