

**ARCADIA TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES APPROVAL
MEETING
July 12, 2021**

The Arcadia Township Zoning Board of Appeals held a public hearing on Monday, July 12, 2021 at 7:30 p.m. at Arcadia Township Hall, 4900 Spencer Street, Lum, Michigan.

Chairman Richard McClelland called the meeting to order at 7:30p.m.

MEMBERS PRESENT: McClelland, Jostock, Johnson, Ostrom, and Bonesteel

OTHERS PRESENT: Michael and Holly Rajewski and family; Teresa Gormley, Recording Secretary

APPROVAL OF AGENDA

Motion by JOSTOCK, Seconded by BONESTEEL, to approve the agenda as presented.
MOTION CARRIED.

NEW BUSINESS – FRONT YARD SET BACK VARIANCE REQUEST FOR POOL

Chairperson McClelland opened the floor to the Rajewskis.

Michael Rajewski, 3698 Daley Road stated that he and his family are here to request a variance for placement of an inground swimming pool in their front yard as they have a septic field in the back and the side yard setbacks cannot be met. Rajewski stated that they planned a pool a year ago and in July they were denied a permit from the Construction Code Authority as they could not meet the requirements of the ordinance, specifically placing the pool in what is considered their front yard. They cannot place the pool any place else. On the north side of the residence is not a desired location as the Rajewskis do not feel it is safe for their family. West of the home is a horse pasture that floods from Daley Road. It was designed to be a drainage area from Daley Road. The Rajewskis consider their yard that faces Daley Road as the ideal location.

Jostock – The part that faces Daley Road, are the trees on your property line yours or your neighbors?

Rajewski – The neighbor owns the trees.

Bonesteel – I was out there today and it does not look like a front yard.

Jostock and McClelland offered agreement to that statement.

Jostock – The ordinance makes it difficult to put in a pool anywhere, unless it is a non-conforming lot.

Johnson – Because it is considered the front of the house from the road.

Jostock – This would be more than 100’ off the road.

McClelland – My take is you need to have 100’ from Daley Road and you are far more than 100’ ...unless it is a private road.

Rajewski – we share a driveway, but only part way.

Bonesteel – the ordinance is too restrictive.

Holly Rajewski – I can see if we were right on Daley Road, a car could swerve from avoiding a deer and hit the pool. But we are far off of Daley Road.

Michael Rajewski – we are planning on lifting the pool 6” and also putting boulders around it.

Johnson – you will need to put a fence around it.

Public time was opened at 7:40pm No one additionally from the public spoke.
Public time was closed at 7:41pm.

McClelland asked the board their feelings after hearing this request.

MOTION BY Bonesteel, SECONDED BY Jostock, to approve the variance request due to the following:

- 1) The township ordinance regarding swimming pools is too restrictive;
- 2) The septic field was already in place when the property was purchased;
- 3) This property is so secluded there is no risk to the public;
- 4) This was not self-inflicted.

ROLL CALL VOTE:

Bonesteel, YES; Jostock, YES; Johnson. YES; McClelland, Yes; Ostrom, YES.

YES (5) NO (0) ABSTAIN (0) MOTION CARRIED.

MOITON APPROVED [x] DENIED[]

PUBLIC TIME

The Recording Secretary presented the following for approval:

APPROVAL OF MINUTES OF October 15, 2014 (these minutes were overlooked as the ZBA had not met in several months) and July 19, 2019 (as these were overlooked due to the Covid-19 pandemic and the interim secretary not being aware that these needed to be approved).

Motion by BONESTEEL, Seconded by Jostock, to approve the Minutes of the October 15, 2014 meeting as presented. MOTION CARRIED.

Motion by BONESTEEL, Seconded by Jostock, to approve the Minutes of the July 19, 2019 meeting as presented. MOTION CARRIED.

MOTION BY Jostock, SUPPORTED by Ostrom, to approve the minutes of the June 22, 2021 minutes regarding Nickey and Judy Hodges and their lack to meet minimum square footage requirements on their dwelling. MOTION CARRIED.

NEXT MEETING DATE: A meeting date will be set for approval of these minutes within the next few months if another public hearing has not been set in the meantime.

MOVED BY Jostock, SECONDED by Johnson to adjourn the meeting at 7:57 pm. MOTION CARRIED.

Submitted by: _____
Richard McClelland
ZBA Chairman

Signed: _____
Teresa M. Gormley
Recording Secretary