



BOARD ACTION SUMMARY SHEET

MEETING DATE: June 6, 2024

TOPIC A-24-02: 136 Axford Dimensional Variance Request

BACKGROUND BRIEF:

The subject site is located within the Village of Lake Orion in the RV (Village Single Family Residential) Zoning District. The applicant proposes to place an above-ground pool in their fenced-in backyard. The pool will be adjacent to a newly constructed deck in the rear yard. Above ground pools are subject to the same setback standards as the principal structure (house). The applicant is requesting the following variances from the Zoning Ordinance:

1. ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – RV ZONING DISTRICT

Rear (East) Yard Setback: 25.0 feet minimum required
10 feet existing / proposed
15-foot variance requested

Lot Coverage 40% required
41.95% existing / proposed
1.95% variance requested

SUMMARY OF PREVIOUS BOARD ACTION:

Postponed to the June 6, 2024 meeting.

RECOMMENDED MOTION(S):

To deny the requested variance of 15 feet from the required minimum rear setback for the installation of an above-ground pool at 136 Axford, based on finding that:

- (1) Compliance with the ordinance standards would not be unnecessarily burdensome or prevent the use of the property for a pool, provided it is an *in-ground* pool, which, though more expensive, would be a reasonable alternative.
- (2) Substantial justice would be provided to the applicant but would not be afforded to the neighborhood, where similar lots and circumstances exist.
- (3) The variance requested is not the minimum possible, as compliance with these standards could be achieved through an alternative design or minimize the variance by relocating the pool closer to the home.

- (4) The property, though nonconforming, does not present unique circumstances compared to other properties in this neighborhood or district.
- (5) The need for the variance is entirely self-created.

To deny the requested variance of 1.95 percent from the required maximum lot coverage for the installation of an above-ground pool at 136 Axford, based on finding that:

- (1) Compliance with the ordinance standards would not be unnecessarily burdensome or prevent the use of the property for a pool, provided it is an *in-ground* pool, which, though more expensive, would be a reasonable alternative.
- (2) Substantial justice would be provided to the applicant but would not be afforded to the neighborhood, where similar lots and circumstances exist.
- (3) The variance requested is not the minimum possible, as compliance with these standards could be achieved by removing a portion of the deck.
- (4) The property, though nonconforming, does not present unique circumstances compared to other properties in this neighborhood or district.
- (5) The need for the variance is entirely self-created.

ATTACHMENTS:

Design Proposal
Calculations
Property Information
Project Narrative
Staked Survey
Cut Sheet
Variance Application
Variance Review Letter