



**Meeting Minutes**  
**Lodi Township Board of Appeals**  
**August 20, 2019**  
**7:30 pm**  
**Lodi Township Hall**  
**3755 Pleasant Lake Road**  
**Ann Arbor, Michigan 48103**

1) Call to order

Meeting was called to order by Vance Shutes at 7:30pm. The Pledge of Allegiance was recited.

2) Roll Call of the Commission

Present: Shutes, Geizentaner, Bauer, Steeb

Absent: Foley

Others present: per the sign-in list

3) Approval of the May 21 meeting minutes

There being no additions or corrections, Chair Shutes called for a motion to approve the May 21, 2019 meeting minutes. Motion by Steeb, seconded by Bauer, to approve the minutes. Motion passed 4-0.

4) Public hearing for James Schayes

Public hearing for a variance of Lodi Township Zoning Ordinance Article 30 - Dimensional Set Backs for a front yard setback from 100 feet to 35' 10" in a R-1 zoned parcel. Located on the Northwest corner of the property along Lone Oak Dr. Home address is 2575 Madrono Drive, Ann Arbor, MI 48103, parcel #M-13-05-330-001. This parcel is a corner lot fronting on Madrono and Lone Oak Drive.

Mr. Schayes explained and illustrated why the variance is needed. The Lone Oak sub suffers from frequent power outages, so an on-site solar generation option is appealing. The roof of his home does not face south, so a rooftop location is not available. His reading of the ordinances is that he needs 100' from the road frontage (Madrono), and 35' from a side yard (Lone Oak Dr.). His only location free of heavy trees is the location in the variance application.

Discussion by Board of Appeals with a question and answer period followed. The neighbors raised several good points. (1) a variance requires a hardship unique to the property. There are other locations on the Schayes' yard which could be utilized with tree removal. (2) the neighborhood has a restriction on signs – even to the point of no political signs. The solar panel would be larger than any sign, and would block visibility as cars move along Lone Oak Dr. – despite the fact that several large trees also block visibility along Lone Oak Dr. (3) there are other options for negating the effect of power outages, especially a whole-house backup natural gas generator. (4) solar power is a luxury, not a necessity. The granting of a variance for a luxury is beyond the scope of the Board. (5) the petitioner went to the Lone Oak Maintenance Corp (the "HOA") first, and was denied, as the Corp thought the requested location was in conflict with Township ordinances.

Findings of fact:

1. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.

Location of the panels requires sunshine clear of tree shade, leaving the northeast corner of the property as the appropriate area. The neighborhood association has no restrictions on cutting down trees. The historical precedent for setbacks from the road is for ALL roads, not just the “frontage” road.

2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.

A request of a 65’ variance from the road setback would create a precedent unwelcome by nearly all Township residents.

3. The capacity of Lodi Township or other governmental agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

No comment.

4. Effect of approval of the petition on the condition and/or value of property in Lodi Township or in adjacent municipalities.

Several neighbors (including the adjoining neighbor) expressed significant concern over the “perceived” value of their neighborhood is a solar array is placed in a “front” yard, so close to the road.

5. Relation of the petition to the adopted General Development Plan of Lodi Township, and of other units where applicable.

The ordinance is clear with respect to setback from the road, whether in front of a home or to the side.

A motion to deny the variance and to accept the findings of fact was made by Steeb, seconded by Bauer. Motion passed 4-0.

5) Other business

None.

6) Adjournment

There being no further business, motion to adjourn by Bauer and seconded by Steeb at 8:10pm. Motion passed 4-0.

Vance Shutes

Board Chair