

Lodi Township BOA Meeting November 19, 2019

Meeting called to order at 7:00 pm

Roll call:

Present Bauer, Steeb, Shutes, Giezentainer and Foley

Approved Nov 13, 2019 meeting minutes – motion by Foley second by Steeb, passed 5-0

Public hearing for Lodi Township Zoning Ordinance Section 30.101 Dimensional Standards, front yard setback requirement from the required 100feet to the existing 88.84 feet for the purpose of remodeling with additions to the existing house. Lodi Township Parcel Number M-13-18-200-004, 8345 W. Ellsworth Road, Ann Arbor, MI 48103 opened and discussion.

At 7:12pm Motion by Foley, seconded by Giezentainer to close the public hearing. Motion passed 5-0.

Motion by Foley, seconded by Bauer to approve the setback requirement listed above with the findings of fact:

Findings of Fact guideline - each standard must be met:

1. **Practical difficulties.** Strict compliance with the specific dimensional standards will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

Met. House existed before the setback ordinance was enacted.

2. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

Met. See #1 above.

3. **Unique circumstances.** The need for a 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.

Met. See #1 above.

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.

Met. See #1 above.

5. **Public safety and welfare.** The requested variance can be granted in such a fashion that the spirit of this ordinance will be observed and public safety and welfare secured. In addition:

a. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.

Met.

- b. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.

Met.

- c. The granting of a variance will not alter the essential character of the area or surrounding properties.

Met.

- d. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

Met.

6. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

Met. See #1 above.

7. **More than mere inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain higher financial return.

Met. The applicant wishes to live in the home previously occupied by her father. The existing home is being completed remodeled to the studs, with new electrical, plumbing, and mechanical systems.

8. **Minimum action necessary.** The reasons set forth in the application justify the granting of the variance, and the variance is the minimum necessary relief to allow reasonable use of the land, building, or structure. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

Met. The applicant's drawing shows that the addition will be 1.67' behind the existing home setback. Their architect noted that the effort to move the addition to the setback requirement (100') rendered the layout and flow of the home to be nearly unusable. The hallway connecting the existing home to the addition would be disjointed.

Motion passed 5-0

The Vara request was removed from the table parcel M-13-26-100-002 replacing fire damaged structure with bathroom and discussed. At 7:24 closed the public hearing by motion from Vance, second by Giezentainer. Motion to close the public hearing passed 5-0.

Findings of Fact - Vara ZBA request 11.19.19

1. The request to add a bathroom to the second floor of the barn.

After much discussion among the Board members, and questions of the petitioner, a MOTION was made by Foley to table the request to the next ZBA meeting, seconded by Bauer. Unanimous support. The petitioner will re-draw the plan showing only a sink and a toilet, seek Health department approval, and re-appear before the Board at the November 19 meeting seeking approval of adding only a sink and a toilet.

Findings of Fact guideline - each standard must be met:

1. **Practical difficulties.** Strict compliance with the specific dimensional standards will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

MET. Other accessory buildings in the area would be permitted by ordinance to have a toilet and a sink in place.

2. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

MET. See #1 above.

3. **Unique circumstances.** The need for a 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.

MET. The request would not exist had the applicant's barn not burned down in the first place.

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.

MET. See #1 above.

5. **Public safety and welfare.** The requested variance can be granted in such a fashion that the spirit of this ordinance will be observed and public safety and welfare secured. In addition:

a. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.

MET.

b. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.

MET.

- c. The granting of a variance will not alter the essential character of the area or surrounding properties.

MET.

- d. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

MET.

6. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

MET. Had the previous barn not burned down, the applicant would not be in need of a variance.

7. **More than mere inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain higher financial return.

MET. The applicant states that the primary purpose for the half bath in the replacement barn is for the convenience of his wife and grandchildren, when they are doing craft work in the building.

8. **Minimum action necessary.** The reasons set forth in the application justify the granting of the variance, and the variance is the minimum necessary relief to allow reasonable use of the land, building, or structure. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

MET. The applicant states that there will be no shower/tub in the barn, and that the space WILL NOT be used for a sleeping room, bedroom, accessory apartment, or similar living space. Such a use is not authorized by the variance and is not an allowable activity under the zoning ordinance.

Finally, the Board noted that the 180-day window for the variance begins once the Township letter approving the variance is signed.

Motion by Steeb, second by Foley, with the findings of facts and approval of the Health Department, to approve the addition of a toilet and sink only in the replacement barn with a motion that stated that there will be no shower/tub in the barn, and that the use of this space for a sleeping room, bedroom, accessory apartment or similar living space is not authorized by the variance and is not an allowable activity under the Zoning Ordinance. Also, to change the drawing to state optional half bath instead of bath, with the comment half bath is toilet and sink only, no tub no shower on it. The copy of the drawing is attached. Motion passed 5-0.

With no other business, motion to adjourn by Shutes, second by Bauer at 7:39pm.
Motion passed 5-0

Submitted by Vance Shutes