



**Lodi Township  
Board of Appeals Minutes  
April 20, 2021  
7:00 p.m.**

Meeting was called to order at 7:00 PM and the Pledge of Allegiance was recited.

**Present:** Bauer, Bunton, Giezentaner, Little, Schaible

**Others Present:** Daniel Sheidy, Daniel Barry, Rachel Bomphray, Alistair Bomphray, Jawad Al-Khafaji

A motion to approve the minutes of March 18, 2021, with one correction (location for Little was Novi, not Wixom) was made by Bunton, second by Bauer, passed 5-0.

Motion by Bauer, second Little, to approve the agenda with the following additions: Public Comment in each of the three public hearings. Other business: Need for Chairperson and recording secretary. Passed 5-0.

**1-Lodi Township parcel #M-13-08-400-007**

Motion to open the public hearing for Bomphray variance by Bauer, second by Little. Roll Call Vote: Little – yes; Schaible – yes; Bunton –yes; Giezentaner –yes; Bauer – yes.

Passed 5-0

Public hearing for Rachel and Alistair Bomphray, represented by Daniel Barry, variance: 6640 W. Ellsworth Rd., Ann Arbor, MI 48103, Lodi Township parcel #M-13-08-400-007. For a variance for a 443 square foot addition to an existing non-conforming single-family residence connecting the garage to the house. Lodi Township Zoning Ordinance section 30.101 front yard setback requirement.

Applicant: Daniel Barry spoke for the applicants Rachel and Alistair Bomphray, explaining the project and the need for a variance.

Public Comment: None

Motion to close the public hearing was made by Bauer, second by Little. Roll Call Vote: Little – yes; Schaible – yes; Bunton – yes;

Giezentaner – yes; Bauer – yes. Passed 5-0.

Findings of fact:

1. Practical difficulties: Denying the variance would deprive the applicants of rights commonly enjoyed by other property owners. Strict compliance with the 100' front yard setback prohibits the homeowner from adding additional bedrooms to the home

- due to placement of the septic system and trees, and due to the property having front yard setback requirements on 2 sides.
2. Substantial justice: Four-bedroom homes are common. Allowing the variance will permit the homeowner to increase from 2 bedrooms to 4.
  3. Unique circumstances: The home was built in 1889 prior to setback requirements and has 100' setback requirements on two sides.
  4. Preservation of property rights: Four-bedroom homes are common in the same zoning district.
  5. Public safety and welfare: Granting the variance will not increase the hazard of fire. There should be no impact on the value, or alteration in the essential character of surrounding properties. It will not impair the adequate supply of light and air to any adjacent property.
  6. Not self-created: The home was built in 1889, prior to any setback requirements.
  7. More than mere inconvenience: The request for a variance is not for convenience or to attain a higher financial yield. It is due to practical difficulties caused by lot configuration and placement of the house and septic fields prior to zoning ordinances.
  8. Minimum necessary action: 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.

Motion to approve the request based on the finding of facts for a variance for Lodi Township parcel #M-13-08-400-007 for the purpose a 443 square foot addition to an existing non-conforming single-family residence made by Little, second by Bunton. Roll Call Vote: Bunton – yes; Schaible – yes; Little – yes; Giezentaner – yes; Bauer – yes. Passed 5 - 0

**2-Lodi Township parcel #M-13-34-400-035**

Motion to open the public hearing for Sheidy variance by Bauer, second by Little. Roll Call Vote: Bunton – yes; Schaible – yes; Little – yes; Giezentaner – yes; Bauer – yes. Passed 5 - 0

Public hearing for Daniel and Jessica Sheidy variance: 7935 Dell Rd., Saline, MI 48176, Lodi Township parcel #M-13-34-400-035 for a variance of Lodi Township Zoning Ordinance section 55.17, Accessory Structures Subsection B7a for a 36' long by 12' wide by 10' high shelter for 2 equines.

Applicant: Daniel Sheidy spoke describing the project and the need for the variance.

Public Comment: None

Motion to close the public hearing was made by Little, second by Bauer. Roll Call Vote: Schaible – yes; Bauer – yes; Bunton – yes; Little – yes; Giezentaner – yes. Passed 5-0.

Discussion: The board asked a number of questions which Mr. Sheidy answered to our satisfaction.

#### Findings of Fact

1. Practical difficulties: Strict compliance with the specified dimensional standard(s) 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. There is no suitable area at least 10' behind the front building line of the principal building on the same lot due to proximity to the Saline River and the unnamed tributary.
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. The structure will be well within setbacks.
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. The site chosen by the applicants for the structure ensures the least potential environmental impact from animal waste run-off, while causing no significant sight-line changes from Dell Rd.
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.  
The property is in an agricultural district where the keeping of farm animals, whether for profit or pleasure, is allowed and common.
5. Public safety and welfare: Granting the variance will not increase the hazard of fire. There should be no impact on the value, or alteration in the essential character of surrounding properties. It will not impair the adequate supply of light and air to any adjacent property.
6. Not self-created: The residence is situated on the only buildable portion of the property, leaving no area 10' behind the principal building for the stable.
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 a higher financial return.
8. Minimum necessary action: The variance is the minimum necessary relief to allow reasonable use of the land.

Motion to approve the request based on the finding of facts for a variance for Lodi Township parcel #M-13-34-400-035 for a variance of Lodi Township Zoning Ordinance section 55.17, Accessory Structures Subsection B7a for a 36' long by 12' wide by 10' high shelter for 2 equines made by Bunton, second by Bauer. Roll Call Vote: Schaible – yes; Little – yes; Bunton – yes; Giezentaner – yes; Bauer – yes. Passed 5 - 0

#### **3-Lodi Township parcel # M-13-11-200-004**

Public hearing for Jawad Al-Khafaji and Julie Williams variance: 4393 Waters Rd., Ann Arbor, MI 48103 Lodi Township parcel # M-13-11-200-004 for a variance of the side yard

setback of 5-10' from the left house property line for a whole home generator. Lodi Township Zoning Ordinance section 30.101

Motion to open the hearing for Al-Khafaji/Williams variance by Bauer, second Little. Roll Call Vote: Little –yes; Bauer –yes; Bunton –yes; Schaible – yes; Little – yes; Giezentaner – yes. Passed 5-0

Applicant: Jawad Al-Khafaji explained his project and the difficulties in complying with the variance.

Public Comment: None

Motion to close the public hearing was made by Little, second Bauer.  
Roll Call Vote: Bunton – yes; Bauer – yes; Schaible – yes; Little – yes; Giezentaner – yes.  
Passed 5-0.

Discussion: Mr. Al-Khafaji answered several questions from the board.

Findings of fact:

1. Practical difficulties: Strict compliance with the specified dimensional standard(s) 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. The residence is already non-conforming in that it is closer than the now required 30' side yard setback
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. Generators are allowed in the 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. The house is non-conforming as it is closer than the now required 30' side yard setback.
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. Generators are allowed in the district.
5. Public safety and welfare: Granting the variance will not increase the hazard of fire. There should be no impact on the value, or alteration in the essential character of surrounding properties. It will not impair the adequate supply of light and air to any adjacent property.
6. Not self-created: House was non-conforming prior to the current owners.
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 a higher financial return.
8. Minimum necessary action: The variance is the minimum necessary relief to allow reasonable use of the land.

Motion to approve the variance request based on the findings of fact to allow placement of the generator 5' from the left house border for Lodi Township parcel # M-13-11-200-004 made by Bunton, second by Bauer. Roll Call Vote: Schaible – yes; Little – yes; Bunton – yes; Bauer – yes; Giezentaner – yes. Passed 5-0.

Other business: Elect a chair and recording secretary for the ZBA. Motion to elect Giezentaner Secretary by Schaible, second Bunton. Roll Call Vote: Schaible – yes; Bunton – yes; Bauer – yes; Little – yes; Giezentaner – yes.

After discussion, it was determined that there was no one willing or able to serve as chairperson, the suggestion was made to refer the suggestion to Supervisor Godek for additional ZBA members and alternates.

Motion to adjourn by Bauer, second Bunton. Passed 5 – 0.  
Meeting adjourned at 8:25 PM.

Barbara Giezentaner  
Secretary/Acting Chair – Zoning Board of Appeals