

**LODI TOWNSHIP**

3755 Pleasant Lake Road, Ann Arbor, Michigan 48103

**AN APPEAL TO VARY, MODIFY OR TO COMPLY  
WITH CERTAIN PROVISIONS OF THE ZONING ORDINANCE**

*(This form must be typewritten or neatly printed)*

**TO THE ZONING BOARD OF APPEALS**

**I HAVE DISCUSSED WITH THE SUPERVISOR THE NEED FOR A VARIANCE.**

Request is hereby made to (check all that apply)

- Appeal the decision of a Township Official (name) \_\_\_\_\_
- Appeal the decision of Township Board or Commission (name) \_\_\_\_\_
- Expand a non-conforming building
- Substitute a non-conforming use
- Obtain a variance from the requirements of the following Zoning Ordinance Sections(s) \_\_\_\_\_

Name of owner \_\_\_\_\_ Phone # \_\_\_\_\_

Address of Owner \_\_\_\_\_

Email if Owner \_\_\_\_\_

Location of property \_\_\_\_\_

Tax Code Number \_\_\_\_\_

Size of property \_\_\_\_\_

Size of proposed building or addition, If any \_\_\_\_\_

Proposed use of building and/or premises \_\_\_\_\_

Has the Township Building Department examined the plans for the proposed building? \_\_\_\_\_

- Yes       No       No Building Proposed

Has the Township Building Department denied a building permit?  Yes       No

Has there been any previous appeal involving these premises?  Yes       No

If "Yes" to above, state date of filing, character of appeal and disposition of appeal:

\_\_\_\_\_  
\_\_\_\_\_

Give a brief description of what you wish to appeal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REASONS FOR YOUR APPEAL**

**INFORMATION TO APPLICANT:**

Your appeal will be reviewed in compliance with all applicable sections of the Lodi Township Zoning Ordinance. *You are advised to carefully review the Zoning Ordinance prior to filing your appeal with the Zoning Board of Appeals. You will need to cite the Ordinance you wish to appeal; the Township is NOT responsible for citing the ordinance. If you DO NOT cite the specific Ordinance, you wish relief from your application will be returned, and you will need to reapply.* The Zoning Board of Appeals must make specific findings, which are detailed in the Zoning Ordinance, in their deliberations to grant, modify or deny an appeal.

*\*If your application is reviewed and denied by the Township Board of Appeals, you cannot reapply for 1 year, as stated in the Lodi Township Zoning Ordinance.*

**DESCRIBE THE REASONS FOR YOUR APPEAL:**

1. Lodi Township Zoning Ordinance # for Appeal \_\_\_\_\_

2. Detailed reason for Appeal \_\_\_\_\_

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YOU MAY WISH TO ASK YOUR NEIGHBORS TO SIGN THE FOLLOWING SECTION IF THEY HAVE NO OBJECTION TO THE APPEAL YOU ARE MAKING.

We the undersigned, as owners of property any part of which is located within 300 feet of any part of the property involved in this appeal, have no objections to the granting of the request made in this appeal:

**NAME (PLEASE PRINT)**

**SIGNATURE**

**STREET ADDRESS**

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**INFORMATION REQUIRED TO BE SUBMITTED WITH APPEAL**

The following must be attached and submitted with the appeal:  
(check that attached)

- Ten (10) sets of drawings, all on sheets 8 ½ by 11 inches or 8 ½ by 14 inches, drawn to scale and showing all measurements, features and structures including the general location of all-natural features on the property, measurements to show distances between structures, measurements between structures and property lines, measurements for lot width and lot area, and height of structures. Rights of way and easements must also be shown.
- A letter of authority, or power of attorney, in the event the appeal is being made by a person other than the actual owner of the property.
- A complete legal description of the premises (as stated on the property deed or property tax bill)
- Fees: Application \$650.00, Escrow Deposit \$400.00. Hourly billing rate may apply if necessary for Township Planner and/or Attorney to review.

**APPLICANT'S DEPOSITION – MUST BE COMPLETED BY APPLICANT**

I Hereby depose and state that all of the above statements and the statements and information contained in the papers submitted herewith are true and correct:

**Upon receipt of this signed application, access to subject property is hereby granted to Lodi Township and/or their agents.**

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of applicant (street, city, state and zip) \_\_\_\_\_

\_\_\_\_\_ Phone \_\_\_\_\_

**NOTARY PUBLIC – APPLICANT'S SIGNATURE MUST BE NOTARIZED**

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signature of Notary Public \_\_\_\_\_

Acting in the County of \_\_\_\_\_

My Commission expires \_\_\_\_\_

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**THIS SECTION FOR TOWNSHIP USE ONLY**

Present zoning of parcel \_\_\_\_\_

Date of filing \_\_\_\_\_ Filing fee received \$ \_\_\_\_\_

Signature of Clerk of Zoning Official \_\_\_\_\_

Remarks:

4.26.2021

## Section 59.08 Variances.

The Zoning Board of Appeals shall have the authority to grant non-use variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to Michigan Zoning Enabling Act requirements and the following:

### A. Additional Required Information.

In addition to the requirements of Section 59.05 (Applications), a variance application shall include an accurate, scaled drawing showing lot area and lot boundaries correlated with a legal description of the parcel; all existing and proposed structures with dimensions and setback distances from lot lines and road rights-of-way; and all calculations necessary to show compliance with the regulations of this Ordinance. Such drawings shall also include locations of septic systems, wells, easements and significant natural features.

### B. Standards for Review.

A variance shall not be granted unless all of the following standards are met:

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.
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.
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.
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.
5. **Public safety and welfare.** The requested variance can be granted in such 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.
  - b. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
  - c. The granting of a variance will not alter the essential character of the area or surrounding properties.
  - d. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.
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.

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 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.

**C. Use Variances Prohibited.**

Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

**Section 59.09 Variance Expiration.**

Approval of a variance shall expire and become null and void in accordance with the following:

1. An approved variance shall expire and become null and void unless the construction authorized by the variance has commenced within 180 calendar days after the date of variance approval and is pursued diligently to completion, or the occupancy of land or buildings authorized by the variance has commenced within 180 calendar days after the date of variance approval.
2. Where a variance has been approved for a project subject to site plan approval per Article 44.0 (Site Plan Review), the variance shall expire and shall become null and void upon expiration of an approved site plan per Section 44.09 (Expiration of Site Plan Approval), or a rescinding of site plan approval per Section 44.14 (Rescinding Site Plan Approval).
3. The Zoning Board of Appeals may, upon written request by the applicant and with a showing of good cause, grant one (1) extension of variance approval for up to an additional 180 calendar days.

**Section 59.10 Reapplication for Variance.**

No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be granted for a period of 365 calendar days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

**Section 59.11 Site Plan Requirements.**

If an application or appeal to the Zoning Board of Appeals involves a land use or a development that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 44.0 (Site Plan Review).

The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan. The applicant shall then apply for the requested variance to the Zoning Board of Appeals. The Planning Commission shall transmit its findings thereon to the Zoning Board of Appeals. The Zoning Board of Appeals shall, upon deciding

on the application or appeal, return the plan and its decision to the Planning Commission for action on the site plan.

### **Section 59.12 Conditions of Approval.**

The Zoning Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance and punishable under Article 57.0 (Administration and Enforcement).

### **Section 59.13 Appeals to Circuit Court.**

Any person aggrieved by a decision of the Zoning Board of Appeals in a particular case shall have the right to appeal to the Circuit Court as permitted by Section 606 of the Michigan Zoning Enabling Act [MCL125.3606(1)]. The appeal shall be filed within 30 calendar days after the Zoning Board of Appeals issues its written decision signed by the Chair or acting Chair, or within 21 calendar days after the Zoning Board of Appeals approves the minutes of its decision, whichever comes first.