



**Lodi Township  
Board of Appeals Minutes  
May 26, 2021  
7:00 p.m.**

Meeting was called to order at 7:00 PM by Vice Chair Bunton, and the Pledge of Allegiance was recited.

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

**Others Present:** Jack Blovits, Terri Blovits, Steve Baker, Anne Vara, Michael Vara, Steven Carter

A motion to approve the agenda was made by Giezentaner; second by Little. Passed 5-0.

A motion to approve the minutes of April 20, 2021 was made by Bauer; second by Little. Passed 5- 0.

**1-Lodi Township parcel #M-13-26-100-002**

Motion to open the public hearing for Vara variance by Giezentaner; second by Bauer. Roll Call Vote: YEA: Bauer, Little, Schaible, Bunton, Giezentaner. NAY: none. Motion carried 5-0.

Public hearing for the purpose of hearing all objections to, and support of, the application of Michael Vara, 3751 Textile Road, Saline, MI 48176, Lodi Township parcel #M-13-26-100-002, for a variance of Lodi Township Zoning Ordinance Section 3.101 – Dimensional Standards – Nonconforming Structures for the purpose of adding a generator and air conditioning unit for the use in a non-conforming structure (variance approved on barn construction on November 1 & 19, 2019). Michael Vara, variance: 3751 Textile Rd., Saline, MI 48176.

Applicant: Anne Vara briefly spoke about wanting to install an air conditioner and generator in the 8' setback area between the storage barn and the west property line.

Public Comment: Neighbors Mr. and Mrs. Blovits spoke about their concern regarding noise. Mr. Blovits had previously submitted copies of his emails with Mr. Vara suggesting other possible placements for the equipment.

Motion to close the public hearing was made by Bauer; second by Schaible. Roll Call Vote: YEA: Giezentaner, Bunton, Schaible, Little, Bauer. NAY: none. Motion carried 5-0.

Discussion: Mr. Vara arrived at this time and was allowed to speak. He stated that the noise level would be non-existent in the neighbors' yard to the west, that placing the two pieces of equipment on the east side of the barn would not allow him to access the area of his property south of the barn without specifying any dimensions. He also said that he was told by Bill Lindemann that he could place the two pieces of equipment in the 8' setback area. He said he was not told by anyone in the office that his application needed to include dimensions. It was pointed out that that required information was listed on the application which he had signed. He was reminded several times by Vice Chair Bunton that it was the responsibility of this Board to render their decision based on the information supplied by the applicant.

Findings of fact:

1. Practical difficulties: Denying the variance would not deprive the applicants of rights commonly enjoyed by other property owners as air conditioning and generators are not normally necessary in accessory structures.
2. Substantial justice: Approving the variance would give the applicant relief and justice inconsistent with and in excess to that given to other property owners in the same district.

3. Unique circumstances: The need for the variance is not due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district, based on the drawing supplied by the applicant.
4. Preservation of property rights: The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same district. The structure may continue to be used for storage without air conditioning and a generator.
5. Public safety and welfare: It is not known whether granting the variance will increase the hazard of fire as the placement of the generator is sandwiched between two structures. There may be an impact on the value of the neighboring property, or alteration in the essential character of surrounding properties. It will not impair the adequate supply of light and air to any adjacent property, however there could be noise and sight issues for the neighboring property. No screening is shown.
6. Self-created: Barn was rebuilt on old footprint.
7. It is impossible to determine from the application why no other location is possible for placement of the generator and air conditioner.
8. Minimum necessary action: The reasons set forth in the application do not justify the granting of the variance, and the variance is not the minimum necessary relief to allow reasonable use of the land, building, or structure, based on the drawing included with the application.

Motion to deny the request based on the finding of facts for a variance for Lodi Township parcel # M-13-26-100-002 for the purpose of adding a generator and air conditioning unit for the use in a non-conforming structure (variance approved on barn construction

on November 1 & 19, 2019). Michael Vara, variance: 3751 Textile Rd., Saline, MI 48176, made by Bauer; second by Giezentaner. Roll Call Vote: YEA: Bauer, Giezentaner, Schaible, Bunton. NAY: none. ABSTAIN: Little. Motion carried 4-0 with one abstention.

**2-Lodi Township parcel #M-13-35-200-003**

Motion to open the public hearing for Baker variance by Giezentaner, second by Bauer. Roll Call Vote: YEA: Bunton, Little, Schaible, Bauer, Giezentaner. NAY: none. Motion carried 5-0.

Public hearing for the purpose of hearing all objections to, and support of, the application of Stephen Baker who is requesting a variance of Lodi Township Zoning Ordinance Section 30.101-Dimensional Standards side yard setback of the required 30' to 6' feet from side yard property line, Lodi Township parcel # M-13-35-200-003, 7178 Noble Road, Saline, MI 48176.

Applicant: Steve Baker spoke about his project. He reduced the width of the proposed pole barn to 20' rather than 23' and will place it closer to his house so it would be 10' from the property line rather than 6'.

Public Comment: Neighbor Mr. Carter, having lived next door for 40 some years, was aware of the features of the property that would prohibit placing the proposed structure anywhere else on the property, in particular the easement required by DTE for their lines on the north and west side of the property.

Motion to close the public hearing was made by Bauer, second by Little. Roll Call Vote: YEA: Bunton, Little, Schaible, Bauer, Giezentaner. NAY: none. Motion carried 5-0.

Discussion: There was clarification regarding the DTE easements, Zoning Ordinance section 55.17-B-7a, and if there were any rules regarding how close the pole barn could be to the house – apparently none.

## Findings of Fact

1. Practical difficulties: Denying the variance would deprive the applicant of rights commonly enjoyed by other property owners. The placement of the septic field and the easements required for the DTE lines on the north and west sides of the property leave no room in the back of the house for a pole barn. Pole barns are an allowable accessory structure and common in the AG district.
2. Substantial justice: Allowing the variance will provide substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
3. Unique circumstances: The placement of the septic field and particularly the easements required for the DTE lines on the north and west sides of the property leave no room in the back of the house for a pole barn.
4. Preservation of property rights: Pole barns are an allowable accessory structure. Allowing the variance preserves the rights of the applicant to have a place to store his personal lawn and yard maintenance equipment.
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: Placement of the septic field and the DTE easements were not created by the applicant.
7. More than mere inconvenience: The request for a variance is not for convenience or to attain a financial yield. It is due to the practical difficulties caused by the DTE easements and the placement of the septic field.

8. Minimum necessary action: The requested 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-13-35-200-003 for a variance of Lodi Township Zoning Ordinance Section 30.101-Dimensional Standards side yard setback of the required 30' to 10' feet from side yard property line for a 20' x 32' pole barn with shed roof. Lodi Township parcel # M-13-35-200-003, 7178 Noble Road, Saline, MI 48176, made by Schaible, second by Bunton. Roll Call Vote: YEA: Little, Bunton, Schaible, Bauer, Giezentaner. NAY: none. Motion carried 5-0.

### **3-Lodi Township parcel # M-13-04-210-028**

Motion to open the public hearing for Loganathan variance by Bauer, second by Little. Roll Call Vote: YEA: Bauer, Bunton, Giezentaner, Little, Schaible. NAY: none. Motion carried 5-0.

Public hearing for the purpose of hearing all objections to, and support of, the application of Amritray Loganathan for a variance request for backyard setback to 15' from the required 50' for the purpose of a pool and pool deck. Pool is 25' off property line with 10' pool deck surround. Lodi Township Zoning Ordinance section 42.003 Regulatory Flexibility in a PUD. Lodi Township parcel # M - 13 -04 -210 - 028, 2035 Hackamore Drive, Ann Arbor, MI 48103.

Applicant: not present.

Public Comment: none.

Motion to close the public hearing was made by Giezentaner, second by Schaible. Roll Call Vote: YEA: Giezentaner, Little, Schaible, Bunton, Bauer. NAY: none. Motion carried: 5-0.

Discussion: This request was similar to previous granted variances for pools in the setback area in the same subdivision.

Findings of fact:

1. Practical difficulties: Denying the variance would deprive the applicant of rights commonly enjoyed by other property owners. The limited depth of the backyard, and the depth of the setback area leave little area for backyard recreation proposes.
2. Substantial justice: Allowing the variance will give the applicant the ability to use their backyard for recreational purposes.
3. Unique circumstances: The limited depth of the backyard, the depth of the setback area, and the area set aside for septic system and reserve field leave little area for backyard recreational purposes.
4. Preservation of property rights: Pools are an allowable structure. Allowing the variance preserves the rights of the applicant to enjoy backyard recreational activities as others in the same zoning district.
5. Public safety and welfare: Granting the variance will not increase the hazard of fire, in fact it could provide water supply in the event of fire. The pool will have fencing for safety. 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 lot configuration and the placement of the house and septic system were not determined by the applicant.
7. More than mere inconvenience: The request for a variance is not for convenience or to attain a financial yield. It is due to practical difficulties caused by the lot configuration and the placement of the house and the septic system.

8. Minimum necessary action: The variance is the minimum necessary relief to allow reasonable use of the land.

Motion to approve the variance request for backyard setback to 15' from the required 50' for the purpose of a pool and pool deck. Pool is 25' off property line with 10' pool deck surround. Lodi Township Zoning Ordinance section 42.003 Regulatory Flexibility in a PUD. Lodi Township parcel # M-13-04-210-028, 2035 Hackamore Drive, Ann Arbor, MI 48103, made by Giezentaner, second by Little. Roll Call Vote: YEA: Giezentaner, Bunton, Little, Schaible, Bauer. NAY: none. Motion carried 5-0.

Other business: discussion regarding the need for an updated application form.

Motion to adjourn by Bauer, second Little. YEA: 5. Nay: none. Passed 5-0.

Meeting adjourned at 8:33 PM.

Barbara Giezentaner  
Secretary – Zoning Board of Appeals