



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

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

Present: Bauer, Bunton, Giezentaner, Schaible

Absent: Little

Others Present: Sandy Swisher, Laurie Kugler, M. Massey, J. Shankland, Scott Munzell, Bill Ernat, Steve Hackbarth, Jane Chronis, John Carbone, Larry E Swisher, Reinhard Luchies, Tom Allmand, Jesse O'Jack, 3 others.

A motion to approve the minutes of May 26, 2021, was made by Bauer, second by Schaible. YEA: 4; NAY: 0; Absent: 1.
Passed 4-0.

A motion to approve the amended agenda (to move the Aprill hearing to first in the lineup) was made by Schaible, second by Bauer. YEA: 4; NAY: 0; Absent: 1. Passed 4-0.

1-Lodi Township parcel # M-13-08-200-008 & M-13-08-300-004

Motion to open the public hearing for Aprill appeal by Bauer; second by Schaible. Roll Call Vote: YEA: Bauer, Schaible, Giezentaner, Bunton. Nay: none. Absent: Little
Motion carried 4-0.

Public hearing for the purpose of hearing all objections to, and in support of, an application submitted by Alan A. Aprill Trust c/o Ms. Laurie Kugler; property located at Waters/Streiter Roads, 80 acres. Lodi Township parcel numbers: M-13-08-200-008 & M-13-08-300-

004. Variance Request for Lodi Township Zoning Ordinance Section 30.205.C1 – Shared Driveways in the AG, R-1, and PUD Districts. Denial of land divisions based on interpretation of Lodi Township Zoning Ordinance related to lot frontage.

Applicant: Tom Covert of Midwest Consulting spoke for the applicant, listing the various documents that had been submitted with the application, and explained the project: how the property was to be divided, where the shared driveways were to be placed and which parcels would utilize the shared driveways. The shared driveways were to have access to Waters Road.

Scott Munzell, attorney for the appellant, explained his interpretation of 30.205.C.1 as having no requirement that the access to a public or private road be to the road identified as the road frontage (Ellsworth Road).

Public Comment: Michelle Massey explained that the purpose of the project was to provide support for her by her sisters. Steve Hackbarth (7376 Water Rd.) had questions about the county drain and the location of the driveways. Laurie Kugler answered that the County had done some drain clean-up. Tom Clements (2484 Streeter) said he was happy that only 4 houses would be on the property. Reinhard Luchies (3137 Prairie Circle) was concerned about drainage. John Carbone (3005 Prairie Circle) also commented.

Motion to close the public hearing was made by Giezentaner, second by Bauer. Roll Call Vote: YEA: Bauer, Schaible, Giezentaner, Bunton. NAY: None. Absent: Little.
Motion carried 4-0.

Discussion: As requested by Giezentaner, Bunton read into the minutes attorney O'Jack's interpretation of Section 30.205.C.1. Giezentaner was concerned that the plan as presented created flag lots.

Tom Covert stated that they had not received copies of the three opinions and would like them emailed to him, as well as to Scott Munzell and Laurie Kugler.

There was discussion about tabling further discussion and decision. Attorney O'Jack reminded the Board that the next meeting would be a public hearing and the ZBA members were not to discuss the issue among themselves until the public hearing on August 17.

Motion to table the Aprill appeal until August 17, 2021, at 7 PM for Lodi Township parcel # M-13-08-200-008 & M-13-08-300-004 by Bauer, second by Schaible. Roll Call Vote: YEA: Bauer, Giezentaner, Schaible, Bunton. NAY: none. Absent: Little. Motion carried 4-0.

2-Lodi Township parcel #M-13-24-360-019.

Motion to open the public hearing for Ernat variance by Bauer, second by Schaible. Roll Call Vote: YEA: Bauer, Giezentaner, Schaible, Bunton. NAY: none. Absent: Little. Motion carried 4-0.

Public hearing for the purpose of hearing all objections to, and support of, the application of William and Elizabeth Ernat, 5801 Ann Arbor Saline Rd, Saline, MI 48176, Lodi Township parcel #M-13-24-360-019 for a variance from Zoning Ordinance Section 55.17 B.6. Dimensional standards for a side yard setback from required 25' to 10', and 35' rear yard setback to 29', to maintain the location of the existing shed, less than 200 sq. feet in size located 10' from the side yard lot line and 29' from rear lot line.

Applicant: Beth Ernat spoke of the need for the shed for storage of equipment since they do their own lawncare, the inability to place the shed elsewhere on the property due to the natural features (monument trees) and utility lines, surveying the neighborhood to see where others have placed their sheds, and the confusion accessing the 2007 zoning ordinance instead of the current ordinance on the

website. They intend to remove the smaller existing metal shed that is also in the setback area on the opposite side of the yard.

Public Comment: none.

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

Motion carried 4-0.

Discussion: none.

Findings of fact:

1. Practical difficulties: Denying the variance would deprive the applicants of rights commonly enjoyed by other property owners.
2. Substantial justice: Granting this 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 limited depth of the backyard, the depth of the setback where single family dwelling is located does not leave much area for use of the backyard area.
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 district.
5. Public safety and welfare: Granting the variance will not increase the hazard of fire or otherwise endanger public safety. Granting the variance will not impact the value of surrounding properties or alter the essential character of the area surrounding the properties.

6. Self-created: The shed was placed on the property (M-13-24-360-019) without zoning approval. The configuration of the dwelling and the neighboring driveway to the south of the property was existing prior to purchasing the dwelling in 2020.

7. More than mere inconvenience: By not granting this variance would result in the applicant having to relocate the shed that is already in place and possibly damaging the monument tree (oak) that is estimated to be 100 years old.

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

Motion to approve the request based on the finding of facts for Lodi Township parcel #M-13-24-360-019 for a variance from Lodi Township Zoning Ordinance Section 55.17-Dimensional Standards for a side yard setback from required 25' to 10', and 35' rear yard setback to 29', to maintain the location of the existing shed, less than 200 sq. feet in size located 10' from the side yard lot line and 29' from rear lot line, made by Schaible, second by Bauer.

Roll Call Vote: YEA: Bauer, Schaible, Bunton, Giezentaner. NAY: none. ABSENT: Little.

Motion carried 4-0.

3-Lodi Township parcel # M-13-12-200-008

Motion to open the public hearing for Swisher variance by Giezentaner, second by Bauer. Roll Call Vote: YEA: Giezentaner, Schaible, Bauer, Bunton. NAY: none. ABSENT: Little.

Motion carried 4-0.

Public hearing for the purpose of hearing all objections to, and support of, the application of Larry and Sandra Swisher, 3233 S. Wagner Road, Ann Arbor, MI 48103, Lodi Township parcel #M-13-12-200-008 for a variance from Lodi Township Zoning Ordinance

#102, Acreage Parcel Division. Applicant has been denied parcel combination by the Township Assessor. Proposed parcels to be combined would exceed the 4 to 1 width to depth ratio by approximately 68.7 feet. Both parcels are owned by applicant, with the rear parcel being landlocked.

Applicant: Mr. Swisher spoke about the need for an area to be able to replace the existing drain field with an engineered field when that becomes necessary. He would also like an area to erect a pole barn in the future.

Public Comment: Laurie Kugler asked for an explanation of the need for a variance and the 4:1 ratio for properties under 10 acres was explained.

Motion to close the public hearing was made by Bauer, second by Schaible.

Roll Call Vote: YEA: Bunton, Giezentaner, Bauer, Schaible. NAY: none. ABSENT: Little.

Motion carried 4-0.

Discussion: none.

Findings of fact:

1. Practical difficulties: Denying the variance would deprive the applicants of rights commonly enjoyed by other property owners. By combining the two (M-13-12-200-008 and M-13-12-200-009) properties this will give the applicants the area needed to install a new septic system and give the applicant the property to construct an accessory structure if needed in the future.

2. Substantial justice: Approving the variance would give the applicants the secondary location for new septic system if needed in the future. This property (M-13-12-200-009) is a land locked parcel and there is no other property

split options available to meet the Lot Standard in Section 30.202.C.2

3. Unique circumstances: The need for the variance is due to unique circumstances particular to the dimensions of the two parcels that is just over the 4:1 ratio in Section 30.202.C.2

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 district.

5. Public safety and welfare: Granting the variance will not increase the hazard of fire. There should be no impact on value from combining of these two parcels. There will be no 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.

6. Self-created: Not self-created.

7. More than mere inconvenience: By not granting this variance would result in the applicant not having the area to expand the septic system if failed.

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

Motion to approve the variance request by Larry and Sandra Swisher, 3233 S. Wagner Road, Ann Arbor, MI 48103. Lodi Township parcel #M-13-12-200-008 for Lodi Township Zoning Ordinance #30.202.C.2, for the purpose of parcel combination with Lodi Township Parcel # M-13-12-200-009 made by Bauer , second by Schaible.

Roll Call Vote: YEA: : Bunton, Giezentaner, Bauer, Schaible. NAY: none. ABSENT: Little.
Motion carried 4-0.

Other business:

Motion to appoint Mike Bunton Acting Chair of the Lodi township Zoning Board of Appeals made by Schaible, second by Bauer.
Roll Call Vote: YEA: Bauer, Giezentaner, Schaible. ABSTAIN: Bunton. ABSENT: Little.
Motion carried 3-0.

Next Meeting: Public Hearing August 17, 2021, to deal with the April appeal.

Motion to adjourn by Bauer, second by Schaible.
YEA: 4; NAY: 0; Absent: 1.
Passed 4-0.
Meeting adjourned at 8:48 PM.

Barbara Giezentaner
Secretary – Zoning Board of Appeals