

**Lodi Township
Zoning Board of Appeals Meeting Minutes
September 21, 2021**

Call to Order/Pledge of Allegiance: Meeting was called to order at 7:00pm by Chair Bauer. Pledge of Allegiance was recited.

Roll Call: Present: Bauer, Schaible, Chronis, Little, Strader. **Absent:** None. **Others Present:** Jesse O'Jack Twp Attorney, Steve Thelen Planning Commission, Ann Warner ZBA Alternate, many members of the community (see sign in sheet).

Approval of Meeting Minutes: A motion to approve the minutes from the 8/17/21 ZBA meeting was made by Schaible, second by Chronis. No discussion. Motion passed: Yea-5, Nay-0.

Approve/Amend Agenda: A motion to approve the agenda was made by Chronis, second by Little. No discussion. Motion passed: Yea— 5, Nay- 0.

Public Hearing for Lodi Township Parcel #M-13-24-234-009, Christine and Daniel Benson 3362 Surrey Dr, Saline, MI 48176. Motion to open public hearing made by Little, second by Bauer. Motion passed: Yea-5, Nay-0.

Public Hearing for the purpose of hearing all objections to, and in support of, the application submitted by Christine and Daniel Benson variance requested from Lodi Township Zoning Ordinance Section 30.101, dimensional standards. Front yard setback of 81.08 ft (from required 100 ft setback), variance requested of 19.92ft. Side yard setback of 16.8 ft (from the required 25 ft), variance request of 8.82 ft, for the addition of a garage and mudroom to the existing home.

Public Comment: Chairman Bauer asked if anyone was present representing the Bensons who wished to speak regarding the proposed variance.

Christine Benson spoke of being long-time residents in the neighborhood/Township, and with growing family, space is no longer adequate. Felt the addition would enhance the home values in the neighborhood and would update their 60's era home.

Benson's architect felt the neighbors would enjoy a better view of the home/garage with the proposed project, and that many neighbors had submitted letters and signed the application in support of the project. There also are a couple of existing homes on the street with garages that violate the existing setback requirements.

There being no further comments, Chairman Bauer asked for a motion to close the Public Hearing. **Motion** by Little, second by Chronis to close the Benson Public Hearing. Motion passed: Yea-5, Nay-0.

Discussion: Chairman Bauer asked whether pine trees on side of garage were existing – Architect said one was, one additional to be added. Also, that septic field and well were not impacted – Architect indicated “No”. Little asked for clarification on amount of side yard variance – it is 8.82 ft less than 25 ft standard. No more discussion was held.

Findings of Fact: Chairman Bauer listed the findings of fact based on Zoning Ordinance Section 59.08 subsection B., Standards of Review:

1. Practical Difficulty: denying the application would deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district.

2. Substantial Justice: allowing the variance will provide relief and justice to the applicant similar to other owners in the district.
3. Unique Circumstances: It only makes sense to add the garage and mudroom to this area of the house, other locations not practical.
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 that the spirit of this Ordinance will be observed and public safety and welfare is secured in such a way that a) it will not increase hazard of fire or endanger public safety, b) it will not unreasonably diminish or impair the value of surrounding properties, c) it will not alter the essential character of the area or surrounding properties, d) it will not impair the adequate supply of light and air to surrounding properties.
6. Not Self -Created: it was not created by the applicant – the house was already there.
7. More than Mere Inconvenience: the alleged hardship and practical difficulties that will result from a failure to grant the variance are substantially more than mere inconvenience or an ability to attain a higher financial return.
8. Minimum Necessary Action: for the reasons set forth in the application, the variance is the minimum necessary relief to allow reasonable use of the land and home.

Motion by Chronis, second Schaible, to approve the request for variance to the front yard setback of 19.92 ft and the side yard setback of 8.82 ft from requirements of Section 30.101, Dimensional Standards, based on the 8 findings of fact above, as listed in Section 59.08 subsection B of the Lodi Township Zoning Ordinance, in order to construct the addition, as described in the application received by the Township July 28, 2021.

There being no further discussion, Chairman Bauer held a roll call vote: Yea- Schaible, Chronis, Bauer, Little, Strader. Nay- none. Motion passed 5-0.

Public Hearing Lodi Township Parcel #M-13-04-400-008, StoneCo of Michigan

Public Hearing for the purpose of hearing all objections to, and support of the application of Stoneco of Michigan, 15203 S. Telegraph Rd, Monroe, MI 48161. Property located at 2670 S. Zeeb Rd, Ann Arbor, MI 48103. Variance of Ordinance #2015-002 Extraction Operations in order to add a concrete recycling plant to the site. Variance from Section G, subsection 1 that would allow Stoneco to import crushed and/or broken concrete, not for fill for site alteration, but to recycle it to the mining property and instead of using it for fill materials, market it for resale.

Motion by Little, second by Chronis to open the Public Hearing for the above referenced project. Motion passed, Yea-5, Nay-0.

Public Comment: Chairman Bauer asked if any representatives of Stoneco were present and wanted to speak. There being none, he opened the floor to others. Many letters have been

received by the Township in opposition to this variance, and were included in the packet to the ZBA. Many residents from the Pheasant Hollow and Riding Oaks Subdivision and were in attendance. A resident from Scio Township who live just across the border off Zeeb Rd also made comments against the proposal. The majority of the comments cited great concerns with noise, air and water pollution, increased large truck traffic, degradation of property values. Concerns about impact on Emerson school. Many felt that NONE of the 8 standards of review in Section 59.08 of the Zoning Ordinance dealing with Variances were met, thus ensuring denial.

Township Attorney Jesse O'Jack, and Planner McKenna also had submitted reports to the township addressing the application. Jesse reminded the Board that this is a request for an interpretation of the Extraction Ordinance 2015-002, not the Zoning Ordinance. The Lodi Township Extraction Ordinance 2015-002 does NOT grant the ZBA any authority to make any decisions regarding it. Even if the extraction ordinance granted authority to the ZBA, under Lodi Township Zoning Ordinance Section 59.04 item 5 Prohibited Actions, the Zoning Board of Appeals has no authority regarding any use variance, or any issue that involves a special use permit or Planned Unit Development. Section 59.08 subsection C also clearly states that 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. The applicant is seeking variance for Industrial Use, which is not permitted under the current zoning, therefore the ZBA has no authority to grant the variance.

There being no further public comments, a motion was made by Little, second by Chronis to close the Stoneco Public Hearing. Motion passed, Yea-5, Nay-0.

Discussion: Zoning ordinance is clear on the ZBA's lack of authority in this issue.

Findings of Fact: The following are the findings of fact based on Zoning Ordinance Section 59.08 subsection B., Standards of Review:

1. Practical Difficulty: denying the application would not deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district. There are no other concrete (or other) recycling facilities in the Township.
2. Substantial Justice: allowing the variance will not provide relief and justice to the applicant similar to other owners in the district.
3. Unique Circumstances: There are no unique circumstances that would necessitate the granting of a variance.
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 zoning district - the property can continue to be used in accordance with the current zoning.
5. Public Safety and Welfare: The requested variance cannot be granted in such a way that the spirit of this Ordinance will be observed and public safety and welfare is secured: a) it will potentially endanger public safety with increased truck traffic and dust, b) it will unreasonably diminish or impair the value of surrounding properties close to the

neighborhood - neighbors cited how potential home buyers have been discouraged by the potential addition of a concrete recycling facility, c) it will alter the essential character of the area or surrounding properties with this addition, d) it will impair the adequate supply of air to surrounding properties by the potentially hazardous dust created by the facility.

6. Not Self -Created: it is created by the applicant – the client wishes to expand its business in a way that is not permitted in the current zoning district.
7. More than Mere Inconvenience: Failure to grant the variance will cause mere inconvenience or an ability to attain a higher financial return.
8. Minimum Necessary Action: for the reasons set forth in the application, the variance is not the minimum necessary relief to allow reasonable use of the land/facility.

Motion by Schaible, second by Chronis to state that the Extraction Ordinance 2015-002 grants no authority to the Zoning Board of Appeals with regards to it, as well as acknowledging that according to Zoning Ordinance 59.04 the ZBA has no authority regarding any use variance in a district. Motion passed: Yea- Strader, Little, Bauer, Chronis, Schaible. Nay-None

Other Business: None

Meeting Adjourned: 7:55 pm

Respectfully Submitted,
Cindy Strader, Secretary Lodi Township Zoning Board of Appeals