

Lodi Township
Zoning Board of Appeals Meeting Minutes
September 19, 2023

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

Roll Call: Present: Bauer, Schaible, Strader, Chronis

Others Present: Adam Boullion (neighbor), Chad Kleinow (neighbor), Courtney Wang, Sam Wang

Approval of Meeting Minutes: A motion to approve the minutes from the 9/15/22 ZBA meeting was made by Chronis, second by Schaible. No discussion. **YEA: 4, NAY: 0**, Motion passed 4-0.

Approve/Amend Agenda: A motion to approve the agenda as presented was made by Schaible, second by Chronis. **YEA: 4, NAY: 0**, Motion passed 4-0.

Public Hearing for the purpose of hearing all objections to, and support of, the application of Sam Wang, 3077 Tessmer Rd, Ann Arbor, Michigan 48103, Lodi Township Parcel #M-13-11-200-008, requesting a variance of Lodi Township Zoning Ordinance Section 56.08A Non-Conforming Structures-Alterations, and 55.17B.7a Additional Standards for residential accessory structures, to replace the current 20'x40' structure with a 24'x80' structure.

Motion to open Public Hearing made by Schaible, second by Chronis. **YEA: 4, NAY: 0**, Motion passed 4-0.

Public Comment: Chairman Bauer asked if Mr. Wang wished to comment on or add information to his application. Mr. Wang indicated that the existing 20 x 40 structure was there when they purchased the property and was very old, in poor condition. It needs to be removed. They have need for a new pole barn to store their truck, tractor, mower, snow plow, etc.. A larger barn than the current one would be needed to store these things. The 24 x 80 pole barn would be built by the same contractor that has built nearby barns and will be very nice. Single story, 14 ft high walls with pitched roof. They are limited as to where they can build this structure, as their septic tanks/line/field are on the north side of the driveway, there's a large hardwood forest directly behind the house. The location of the existing structure (once demolished and removed) on the south side of the driveway as shown in the diagram is, in their opinion, the best, most logical place. The Wangs 2 neighbors spoke in favor of the location of the new barn.

Motion to close the Public Hearing: Motion by Strader, second by Bauer to close the Public Hearing at 7:20 pm. **YEA: 4 NAY: 0**, Motion passed 4-0.

Discussion: The existing structure is a legal, non-conforming structure, and will be demolished. It appears that if the proposed structure can be moved slightly to the north to be 100 ft off the south property line, then it will meet all front, rear and side yard dimensional standards according to Table 30.101, Dimensional Standards. The variance required would be from Sec 55.17B.7a requiring "detached accessory structures on residential lots be set back a minimum from 10 ft from, and located entirely behind the front building line of any principal building on the same lot." The proposed structure would be more than 10 ft from the principal building, but due to site restrictions it would be better placed in front of the principal building, since it is far off the road, on a narrow lot, with mature hardwood forest

behind the house. The Board agreed that the variance should be granted according to the findings of fact based on Zoning Ordinance Section 59.08 subsection B., Standards of Review, as follows:

Findings of Facts

1. Practical Difficulty: denying the application would deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district. Yes – the existing legally non-conforming structure located in front of the house was there when the house was purchased and is in poor condition. There is a hardwood forest directly behind the house, and the house is 400+ ft off the road. The septic tank/line/field are to the north of the existing driveway, leaving the open area to the south of the driveway the most logical place to replace the accessory structure.
2. Substantial Justice: allowing the variance will provide relief and justice to the applicant similar to other owners in the district. Yes – other homes in this area have accessory structures in front of the primary buildings.
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. Yes- The location of septic facilities and hardwood forest limits the location to replace the existing structure.
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. Yes- Denying the variance would not preserve the substantial property rights enjoyed and possessed by other property owners.
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. Variance meets this requirement.
6. Not Self -Created: it was not created by the applicant – it was pre-existing.
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. By strict adherence to the ordinance there would be extreme burden to the applicant. Yes – to hold to the letter of the Ordinance would require existing hardwood forest to be removed, which is not in the spirit of the goals and objectives of the Township.
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. Yes.

Motion by Schaible, second by Bauer, based on the Findings of Fact noted above, to approve the variance from Lodi Township Zoning Ordinance Section 55.17B.7a Additional Standards for residential accessory structures, and Section 56.08A Non-Conforming Structures, to allow construction of a new 24x80 pole

barn, contingent that the location of the structure meets the setback requirements of Article 30.0, Table 30.101 Dimensional Standards, in front of the principal building on the property as shown on the Application, and as described in the Application dated Aug. 15, 2023, by Sam Wang.

Roll Call Vote: YEA-Strader, Chronis, Schaible, Bauer . NAY- none. Motion passed 4-0

Other Business: None

Motion to Adjourn by Strader, second by Bauer. YEA: 4 NAY: 0, Motion passed 4-0.

Meeting Adjourned: 7:31 pm

Respectfully Submitted,

Cindy Strader, Secretary Lodi Township Zoning Board of Appeals