

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
FEBRUARY 3, 2014

**PRESENT:**

RICK STEINER, TOWNSHIP BOARD LIAISON  
JEFF BIGGS, PLANNING COMMISSION LIAISON  
BRAD GREELEY, CITIZEN AT LARGE  
BOB POTTER, CITIZEN AT LARGE

**ALSO PRESENT:**

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH PLC  
DENNIS KOLAR, BUILDING OFFICIAL  
KAREN M. KINCAID, PLANNING, RECORDING SECRETARY  
ROGER DINDYAL, PLANNING DEPARTMENT

Due to the lack of an elected officer, Kincaid called the Bedford Township Board of Zoning Appeals meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

***APPROVAL OF THE AGENDA***

**Motion by Potter, supported by Greeley, to approve the amended agenda to include repositioning the Election of Board of Zoning Appeals Officers for 2014 after the approval of the agenda.**

**Roll call as follows: Voting Aye: Potter, Greeley, Biggs, Steiner. Voting Nay: None. Motion carried.**

***ELECTION OF BOARD OF ZONING APPEALS OFFICERS FOR 2014***

Attorney said action must take place to elect officers for 2014, further explaining only two members are qualified to serve, as the delegates from the Township Board and the Planning Commission are ineligible.

**Steiner nominated Brad Greeley to serve as Chairman.**

Hearing no further nominations, the nomination period was closed.

**Motion by Potter, supported by Biggs, to elect Brad Greeley to serve as Chairman of the 2014 BZA.**

**Roll call as follows: Voting Aye: Potter, Biggs, Steiner, Greeley. Voting Nay: None. Motion carried.**

**Greeley nominated Bob Potter to serve as Vice-Chairman.**

Hearing no further nominations, the nomination period was closed.

**Motion by Biggs, supported by Greeley, to elect Bob Potter to serve as Vice-Chairman of the 2014 BZA.**

**Roll call as follows: Voting Aye: Biggs, Greeley, Steiner, Potter. Voting Nay: None. Motion carried.**

The gavel was turned over to Mr. Greeley.

### ***APPROVAL OF THE MINUTES***

**Motion by Biggs, supported by Potter, to approve the minutes of December 2, 2013.**

**Roll call as follows: Voting Aye: Biggs, Potter, Greeley. Voting Nay: None. Abstained: Steiner due to meeting absence. Motion carried.**

### ***NEW BUSINESS***

Attorney Goldsmith explained the board is one member short, stating the applicant would have the option to defer action on their request to the next meeting when a full board could be present, further explaining the voting process and requirements.

***A) OPEN THE PUBLIC HEARING AT 7:10 P.M. REGARDING THE APPEAL OF BRETT D. AND KELLY J. CHANY, 9145 VILLAGE MEADOWS DRIVE, TEMPERANCE, MI 48182, REQUESTING A VARIANCE TO ALLOW AN ACCESSORY BUILDING IN A FRONT YARD PER SECTION 400.1903, ACCESSORY BUILDINGS, ON LAND DESCRIBED AS 5802-020-013-10, 8801 DOUGLAS ROAD, TEMPERANCE, MI 48182***

Kincaid went over the variances analysis, saying the property is agriculturally zoned, is heavily wooded, consists of 5.825 acres, and the existing accessory building became non-compliant when an existing home was demolished through an issued building permit. Kincaid said the applicants intend to construct a new home on the parcel but cannot rebuild in the same location due to an existing flood zone, therefore requiring them to construct a home behind the existing accessory building; further saying the applicants have indicated the existing structure will be renovated with materials to match the exterior of the new home.

Attorney Goldsmith asked Mr. and Mrs. Chany if they wished to proceed with a board of four members as opposed to a full board. Mr. Chany waived his option to defer to a later meeting when all members could be present.

Mr. Chany said when they initially purchased the land, it was discovered the existing home was not structurally sound and it was removed, further saying the existing 1130 square foot three car garage is in good condition but will require some renovation, which will be with materials that will match the new home. Mr. Chany provided the board with 5 letters of no objection from the immediate neighbors that are in eye shot of the existing structure, further commenting on the requirement to relocate the home outside the flood zone.

**Seeing no further comments, Greeley closed the public hearing at 7:15 p.m.**

Biggs said he visited the site and the structure is in sound condition, further saying the flood zone creates a hardship for the applicant in that they cannot rebuild in the same vicinity where the previous home stood.

Steiner concurred with Biggs, saying the applicant did not create the hardship, construction of a new home will improve the taxable value of the property, the garage will be refurbished, and letters of no objection from the immediate neighbors have been provided.

**Motion by Potter, supported by Biggs, to approve the appeal of Brett D. and Kelly J. Chany, 9145 Village Meadows Drive, Temperance, MI 48182, requesting a variance to allow an accessory building in a front yard per Section 400.1903, Accessory Buildings, on land described as 5802-020-013-10, 8801 Douglas Road, Temperance, MI 48182. The practical difficulty is the house cannot be placed in front of the existing accessory building, as would be normal, due to the front portion of the lot being located within a flood plain that cannot be built upon.**

**Roll call as follows: Voting Aye: Potter, Biggs, Steiner, Greeley. Voting Nay: None. Motion carried.**

***B) OPEN THE PUBLIC HEARING AT 7:20 P.M. REGARDING THE APPEAL OF THE FRANCIS FAMILY YMCA, 2000 W. DEAN ROAD, TEMPERANCE, MI 48182, REQUESTING A VARIANCE TO ALLOW A TEMPORARY FARMER'S MARKET USE IN AN R-2A, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, OTHERWISE KNOWN AS THE FRANCIS FAMILY YMCA, PER SECTION 400.2200, BOARD OF APPEALS, ON LAND DESCRIBED AS 5802-021-055-00, 2000 W. DEAN ROAD, TEMPERANCE, MI 48182***

Goldsmith informed the applicant that the board was one member short, offering the option to defer to a later meeting when a full board could be present. Cathy Leonard, Executive Director, Francis Family YMCA, opted to proceed as scheduled.

Kincaid went over the analysis, saying this request is for a temporary farmer's market use that will take place on the property on Saturdays from 8:00 a.m. to 1:00 p.m., May through October. Kincaid said the applicant has indicated there is enough room around the front parking lot for up to 25 10' x 10' booths and parking will be shared within the existing parking areas, with restroom facilities being available to the farmer's market patrons inside the YMCA building. Kincaid explained the zoning ordinance states the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to taking any action on the request, further saying the issue was before the Planning Commission on January 22, 2014, where a recommendation to approve the use was made.

Goldsmith explained the procedures required for a temporary use request in accordance with the Bedford Township Zoning Ordinance, Section 400.2204.c.(7), further saying a practical difficulty does not have to be established by the applicant for a temporary use request.

Cathy Leonard, Executive Director, Francis Family YMCA, said the farmers' market would take place each Saturday throughout the months of May through October, further saying the YMCA

feels the partnership would enhance the membership and the programs for the membership, while involving the community, which is the part of the mission of the YMCA.

**Seeing no further comment, the public hearing was closed at 7:25 p.m.**

Potter asked if the request is for a use variance. Goldsmith said while the request is not a use variance, it would be to permit a temporary use that would otherwise not be permitted. Goldsmith said a temporary use variance is good for 12 months, giving examples such as seasonal greenhouses where plants and flowers are sold during the spring and summer months, and car cruise shows. Goldsmith said the applicant would be required to reapply for the temporary use after each 12 months.

Steiner said the farmer's market has worked on the plan for several months, saying a request to waive the required fees for this application was brought before the Township Board where it was approved. Steiner said he has been contacted by the YMCA Executive Board members. Steiner read over the issues that were conveyed to him. A copy of the memo is attached to the minutes for the record.

Biggs said the Planning Commission discussed many of the same issues that were expressed by the Executive Board, saying the issues should be discussed. When asked about liability and safety, Ms. Leonard said she has been given approval from their risk management department that this use is within the capability of having it located on their property. Steiner asked if there will be a separate rider. Ms. Leonard said the YMCA is asking that the vendors also have policies to cover unexpected occurrences related to them. Biggs commented on the need to ensure there is proper insurance coverage.

Biggs commented on the need to have a plan in place for traffic control and parking. Discussion took place regarding possible flaggers to direct traffic, including designated areas for the farmer's market parking. Ms. Leonard said they have asked for the option to relocate the market area to the rear of the property if it is found the area in front of the building becomes too congested as momentum builds, further saying there is a large space for parking behind the building.

Ms. Leonard commented on swimming events that are held on site, saying there is ample room for a swim meet and the farmers market to take place on the site at the same time, saying the number of activities that take place during the proposed farmer's market time frame is greatly reduced from the number of activities that take place during the school year. Ms. Leonard said they utilize their church partners for some of their youth sports, saying they could use off-site areas for some of the youth sports.

Biggs said the local emergency agencies may provide some direction or approval of a traffic control plan. Steiner concurred, saying the board is trying to cover possible unforeseen incidents, because once the special approval use is granted to the YMCA, they are the liable party.

When asked if this request will be forwarded to the Executive Board for approval, Ms. Leonard said it will not, as she with her supervisor's guidance were able to make this decision on their own.

When asked about liability, Attorney Goldsmith said this activity is being conducted on the YMCA property, therefore becoming the property owner's responsibility to ensure they have adequate insurance. Goldsmith further said it would serve well to notify the Sheriff's Department and the Fire Department of the activity and when it will be taking place so if a mishap should occur, the agencies will be able to respond accordingly. Goldsmith said the YMCA has provided an answer to the parking question in that they believe volumes will be down during that period of time and that they will be able to accommodate them, and in the event the volume becomes larger than what they anticipate, they have a contingent plan to park cars on the northeast side of the building where there is additional property available for that purpose. Goldsmith said the traffic flow issue may have to be adjusted as the YMCA will discover what the needs will be as the volume increases.

**Motion by Potter, supported by Biggs, to accept the appeal of the Francis Family YMCA, 2000 W. Dean Road, Temperance, MI 48182, requesting a variance to allow a temporary farmer's market use in an R-2A, Single Family Residential Zoning district, otherwise known as the Francis Family YMCA, per Section 400.2200, Board of Appeals, on land described as 5802-021-055-00, 2000 W. Dean Road, Temperance, MI 48182. The Monroe County Sheriff's Department, the Bedford Township Fire Department, and the Monroe Community Ambulance Service shall be notified of the dates and times the farmer's market activity will be taking place through the course of 2014. The granting of this temporary use is in compliance with Section 400.2204 as follows: Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12 month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature. The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions: (a) The act of granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted. (b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit. (c) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Bedford shall be made at the discretion of the Board of Appeals. (d) In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections. (e) The use shall be in harmony with the existing general character of the district. (f) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the**

**Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.**

The above motion includes a friendly amendment. Goldsmith said the applicant can apply for a 12 month extension of the temporary use, if chosen to do so, and shall apply and be granted approval of the use prior to commencement of any temporary use.

**Roll call as follows: Voting Aye: Potter, Biggs, Steiner, Greeley. Voting Nay: None. Motion carried.**

*PUBLIC COMMENT* - None.

*BOARD / STAFF COMMENT* –

Potter, Biggs and Steiner commended the YMCA for working with the farmer's market to establish the market on their property.

*ADJOURNMENT* -

**The meeting was duly adjourned at 7:50 p.m.**

Respectfully submitted,

Karen M. Kincaid  
Recording Secretary