

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
RESCHEDULED MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
FEBRUARY 12, 2015

PRESENT:

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

EXCUSED:

KYLE PARSONS, CITIZEN AT LARGE

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
DENNIS KOLAR, BUILDING OFFICIAL
KAREN M. KINCAID, PLANNING AND ZONING
JODIE L. RECTOR, PLANNING AND ZONING, ASSISTANT, RECORDING SECRETARY

Greeley called the Bedford Township Board of Zoning Appeals meeting to order at 7:02 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

ELECTION OF BOARD OF ZONING APPEALS OFFICERS FOR 2015

Potter nominated Brad Greeley to serve as Chairman.

Hearing no further nominations, the nomination period was closed.

Motion by Potter, supported by Steiner, to elect Brad Greeley to serve as Chairman of the 2015 BZA.

Roll call as follows: Voting Aye: Potter, Biggs, Steiner, Welling, Greeley. Voting Nay: None. Excused: Parsons with Welling serving as an Alternate Member. Motion carried.

Greeley nominated Bob Potter to serve as Vice-Chairman.

Hearing no further nominations, the nomination period was closed.

Motion by Greeley, supported by Biggs, to elect Bob Potter to serve as Vice-Chairman of the 2015 BZA.

Roll call as follows: Voting Aye: Potter, Biggs, Steiner, Welling, Greeley. Voting Nay: None. Excused: Parsons with Welling serving as an Alternate Member. Motion carried.

APPROVAL OF THE AGENDA

Motion by Potter, supported by Welling, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

**Motion by Steiner, supported by Potter, to approve the minutes of November 3, 2014.
Motion carried.**

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

A) OPEN THE PUBLIC HEARING AT 7:05 P.M. REGARDING THE APPEAL OF JOHN VITALE, 27172 WOODWARD AVENUE, ROYAL OAK, MI 48067-0925, REQUESTING A VARIANCE TO REDUCE THE REQUIRED OFF-STREET PARKING SPACES BY FIVE (5), PER SECTION 400.1904 OFF-STREET PARKING REQUIREMENTS, FOR NEW CONSTRUCTION ON LAND DESCRIBED AS 5802-031-005-20, A VACANT PARCEL LOCATED ON STERNS ROAD WEST OF QUAIL HOLLOW DRIVE, LAMBERTVILLE, MI, 48144.

Kincaid went over the analysis stating the applicant is seeking a variance to reduce the required parking for a retail dollar store use by five spaces. Parking space requirements are calculated on the usable floor space, where retail use requires 1 space for every 150 square feet of usable floor space. Usable floor space is that which is used for the sale of merchandise or services, or for the use to serve patrons, clients, or customers. Storage area, hallways, restrooms, etc., are not included in the usable floor space calculations. The site plan shows 48 spaces, including the 2 required barrier free spaces, where 53 spaces are required. Kincaid added the engineer has eliminated two areas where additional parking spaces could be provided to provide truck maneuverability space for the loading/unloading area. Kincaid referenced the site plan: one area is identified as such along the south property line, and the second area is north of the dumpster along the east property line.

Kincaid advised that while the Off-Street Parking Requirements are based on the parking requirements on the worst case scenario, even though it is not a requirement for a review from the Township Engineer, Kincaid did speak with Barry Buschmann of the Mannik and Smith Group, and Mr. Buschmann was in agreement that our parking requirements are based on that rare occasion where more than normal use parking spaces are required.

Kincaid stated that a letter of authorization from Mr. and Mrs. Ricketts (owners of the property) was received to allow the applicant to speak on their behalf. She also added that no letters of objection have been received.

Tim Flintoff, Stucky Vitale Architects, 4545 Common Wealth, Detroit, MI, was present to represent the applicant.

Kolar advised the board he does not see an issue with the amount of parking spaces submitted and with comparing this development to other similar developed shopping stores in the area there

are no issues with parking. This will still have to go to the Planning Commission for site plan approval.

Motion by Steiner, support by Biggs to close public hearing at 7:10 p.m. Motion carried.

Potter requested verification on setting a precedent with granting a variance on a new development. Goldsmith advised that each case should be measured and weighed on its own merit. Based on the merits that are presented here tonight and based on the conversation between Mr. Buschmann and Ms. Kincaid discussed with regard to the parking area being well engineered. Mr. Goldsmith said maneuverability of loading and unloading may be more important than having an additional five spaces that may never be used, saying those are the considerations and merits in this particular case and there being a practical difficulty related to the size of the overall land mass. Mr. Goldsmith said if the board so decides to grant the variance, he is not concerned that the board will set a precedent.

Motion by Biggs, supported by Welling, to grant the variance request to decrease the required parking spaces by five spaces for parcel # 5802-031-005-20, a vacant parcel located west of Quail Hollow Drive, Lambertville, Michigan 48144 with a practical difficulty being there is space available for the required additional five parking spaces which has been utilized to allow for the maneuverability for the loading and unloading of trucks. The request is granted with the understanding the site plan shall be approved by the Planning Commission.

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

B) OPEN THE PUBLIC HEARING AT 7:15 P.M. REGARDING THE APPEAL OF NICK FRANCIS, 9172 CEDAR RIDGE LANE, TEMPERANCE, MI 48182, REQUESTING A 3.58 +/- ACRE AREA VARIANCE PER SECTION 400.1300, C-3 GENERAL BUSINESS DISTRICT, AND A 40 FOOT FRONT YARD SETBACK VARIANCE FOR A USED CAR SALES DISPLAY USE, PER SECTION, 400.1300, C-3, GENERAL BUSINESS DISTRICT AND IN ACCORDANCE WITH SECTION 400.1302, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL APPROVAL AND SECTION 400.1916, MINIMUM REQUIREMENTS FOR OPEN AIR USES, ON LAND DECREIBED AS 5802-032-030-10, 7101 SUMMERFIELD ROAD, LAMBERTVILLE, MI 48144.

Kincaid reviewed the analysis stating the applicant is seeking a 3.58 +/- acre variance where a minimum 5 acres is required for a special approval use of an outdoor sales space for the sale of new or used automobiles within a C-3 zoning district. Kincaid added that access to the outdoor sales area shall be at least 60 feet from the intersection of any two street rights-of-way. Also, access from the inside the building to the parking/sales lot exceeds the 60' requirement. Access from the two entrances, Summerfield Road and Douglas Road to the subject site traverses the 60' parking sales/area. Kincaid added that the site was developed a number of years ago for a different use and currently the lot has an existing permanent, durable and dustless surface and the grading and drainage requirements were approved at the time of the original development. Kincaid advised that while the applicant has indicated there would be no major repair or major refinishing conducted on the lot, nothing in writing has been submitted.

While the applicant has greatly improved the existing building/site, Section 400.1916 still shall be complied with. The lot meets the minimum area of 10,000 square feet and the minimum frontage requirement of 100 feet is met on both Douglas Road and Summerfield Road. Kincaid went on describing the property, having a fence running along the northwest property line where it abuts a C-3 zoning district: South property is Douglas Road Elementary School and is residentially zoned; there is a tree line and a partial fence along the south property line. The applicant has indicated he intends to place a more substantial buffer between the residentially zoned school property and the subject site, this can be verified with the special approval consideration with the Planning Commission, as the proposed use is a special approval use within a C-3 district. Kincaid also added that no additional lighting has been proposed but will be addressed during the special approval process. In Section 400.1916 it states that the storage or display of any materials or products shall not be permitted within the minimum front yard setback. The applicant is also seeking a 40' setback variance to allow the displaying of "units" within the minimum front yard setback. The applicant should clarify the definition of a "unit" as it is not defined in his submitted letter. Kincaid advised that the applicant submitted a layout that indicates 64 parking spaces could be established on the parcel. However, all spaces in front of the building on both Douglas Road and Summerfield Road would not be permitted without a variance. The letter submitted by the applicant states they are looking to display 40-50 units on the property, with 10-15 units in the front yard. Kincaid advised that the Board can determine how many units can be displayed within the front yard and on the site. The 40' setback variance is being requested to ensure all the existing front yard hard surface is within the variance area. Kincaid stated the applicant has not indicated he intends to increase the display area, but if consideration should be given to allow the existing hard surface to be increased, the plan may be subject to site plan approval depending on how much impervious surface is added.

Kincaid stated it should be noted there is a corner visual clearance area that would have to be maintained for safety purpose, and 50% of the required front yard shall remain as lawn or landscaped area. If any variance is granted to allow the applicant to display on an expanded paved area, it shall be taken into consideration the decreased landscaped front yard requirement as the parcel is at, or nearly at the 50% required. Kincaid ended with that no letters of objection had been received.

Nick Francis, 9172 Cedar Ridge Lane, Temperance, MI 48182, applicant for the request, was present.

Welling requested the applicant provide clarification that work inside the building would only be detailing, with no major vehicle repairs, and to describe Mr. Francis' definition of a "Unit". Mr. Francis advised there would be detailing work, but no major repairs. Mr. Francis defined a "Unit" being a vehicle, ATV, motorcycle, or boat. Greeley added displaying would be mainly cars and motorcycles, but the applicant is counting each as a "unit". Mr. Francis agreed regarding the understanding of a "unit" and informed he would not display units as densely as on the request in the front, limiting to approximately 10 cars directly in front of the building.

Mr. Francis clarified regarding the yard and the set back that there is already existing curbing. When requested by Steiner, Mr. Francis stated at this time he is not selling trailers, boats or RV's etc., but would consider it if the opportunity was presented. Mr. Francis said he would not display trailers, boats or RV's in the front of the building, reserving display area for those types

of unit in the back. Steiner stated concerned with amount of display and the safety of the egress/ingress on the corner with the amount of parking shown. Mr. Francis advised the Board the total parking spaces displayed on the application is for all considered parking: "Units", employees and customer parking.

Motion by Steiner, supported by Biggs, to close the public hearing at 7:25 p.m. Motion carried.

Motion by Potter, supported by Welling, to approve the appeal of Nick Francis, 9172 Cedar Ridge Lane, Temperance, MI 48182, the variance request for 3.58 +/- acre per Section 400.1300, C-3, General Business District, and a 40' front yard setback variance for a used car sales display use per Section 400.1300 C-3, General Business District, in accordance with Section 400.1302 Principal Uses Permitted Subject to Special Approval in Section 400.1916, Minimum Requirements for Open Air Uses on land described as 5802-032-030-10 , located at 7101 Summerfield Road, Lambertville, MI 48144, with the practical difficulty being the site is one of the few C-3 properties left in the Township that is conducive with this usage. Conditions shall be: 1.) Planning Commission considers the number of "units" allowed to be displayed outside the building, 2.) A restriction be placed on vehicle repair, with no major body or major mechanical repair being allowed on the site.

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

PUBLIC COMMENT –None

COMMISSION / STAFF COMMENT –

Kincaid advised March meeting is cancelled.

Steiner-requested update on the November 3rd notes-any movement on parking with Sidelines, and also property on Summerfield Road, applicant was given 90 days for demo-permit. Kolar advised the building has been demoed but no permit yet pulled for new building, on Sidelines, Kolar has spoken with Eric Sitter and discussed submitting drawings for review and permit, Mr. Sitter advised at this time with ice and snow hard to shoot good shots, but Mr. Sitter is working on it, as Mr. Kamprath wanted update regarding if the Township Engineers has had input on the situation, Mr. Kolar stated Mr. Buschmann has visited the site and shared his concerns with Mr. Sitter on what is needed relative to drainage. Kincaid also added the applicant has 6 months after the minutes are approved which would be this evening's meeting. (2/12/15)

ADJOURNMENT –

The meeting was duly adjourned at 8:04 p.m.

Respectfully submitted,
Jodie L. Rector
Recording Secretary