

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
MARCH 6, 2017

PRESENT:

RICK STEINER, TOWNSHIP BOARD LIAISON
BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE
BOB POTTER, VICE CHAIRMAN, CITIZEN AT LARGE
GEORGE WELLING, CITIZEN AT LARGE
ROBYNE BUSH, PLANNING COMMISSION LIAISON

EXCUSED:

NONE

ALSO PRESENT:

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

Greeley called the Bedford Township Board of Zoning Appeals meeting to order at 7:04 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

ELECTION OF BOARD OF ZONING APPEALS OFFICERS FOR 2017

Steiner nominated Brad Greeley to serve as Chairman.

Hearing no further nominations, the nomination period was closed.

Motion by Steiner, supported by Bush, to elect Mr. Greeley to serve as Chairman of 2017 BZA.

Roll call as follows: Voting Aye: Steiner, Bush, Welling, Potter and Greeley

Voting Nay: None

Excused: None

Motion carried.

Welling, nominated Bob Potter to serve as Vice-Chairman.

Hearing no further nominations, the nomination period was closed.

Motion by Welling, supported by Steiner, to elect Mr. Potter to serve as Vice-Chairman of 2017 BZA.

Roll call as follows: Voting Aye: Welling, Steiner, Bush, Potter and Greeley

Voting Nay: None.

Excused: None.

Motion carried.

APPROVAL OF THE AGENDA

Motion by Steiner, supported by Bush, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Welling, supported by Potter, to approve the minutes of December 5, 2016.

Motion carried. Abstained: Greeley, Steiner and Bush. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

A) 7:07 P.M. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF ANDRE HAERIAN, 519 OSWEGO STREET, ANN ARBOR, MI 48104, REQUESTING AN INTERPRETATION OF BEDFORD TOWNSHIP ZONING ORDINANCE, SECTION 400.1702B.5., LAMBERTVILLE VILLAGE OVERLAY DISTRICT, ACCESSORY BUILDINGS AND USES, FOR POSSIBLE DEVELOPMENT ON LAND DESCRIBED AS 5802-029-053-00, 7928 SECOR ROAD, LAMBERTVILLE, MI 48144

Kincaid said this request is for an interpretation of the language within Section 400.1702B.5.a, "Accessory Buildings and Uses" in the LVOD. The Ordinance states accessory buildings shall be permitted when "uses and buildings are clearly incidental to, customarily found in connection with, and located on the same zoning lot as a principal use". Any permitted accessory building is subject to the requirements of Section 400.1903, Accessory Buildings. Kincaid went on to say when the request was presented to the Planning and Building departments, it was indicated the proposed use for the accessory building would be to park a car inside. Township staff interpreted the proposed parking of a car inside an accessory building in a PBO district with an Orthodontist office and an Accountant office as not being a use clearly incidental to or customarily found in connection with the principal uses on the site. Kincaid said Section 400.1000. PBO Professional and Business Office Districts, which identifies the uses permitted within a PBO zoning district are included in the packet of information. Kincaid added in reviewing the permitted uses the Planning Department concluded "a mortuary" could have a vehicle as a clearly incidental use to the permitted use. Kincaid added the applicant has submitted a letter stating they are proposing the construction of a 16' X 24' detached building that will be used for parking a staff car as well as office overflow storage. It is the opinion of the staff the office overflow storage would be a use incidental to the principal uses on the site, while parking a vehicle inside the structure would not. Kincaid noted as a reminder this request is only for an interpretation of the language of the ordinance to determine if the proposed use is clearly incidental to or customarily found in connection with the principal use (s) on the subject parcel. The Planning Department and Building Department will have direction once the interpretation of the language of the ordinance is made. The property owner has authorized Michael Brunner and John Ciampa to speak on their behalf.

John Ciampa-Authorized Representative- Mr. Ciampa advised the wanting to construct a 16' X 24' garage for overflow documents/storage and a staff vehicle. Mr. Ciampa also advised the adjacent parcel is PBO and has a garage on the site.

Bush asked if the garage on the adjacent parcel is a permanent structure and Kincaid said the accessory building is a permanent detached accessory building that was in existence when the property was purchased for its current use. Kincaid referred to the aerial submitted with the packet information clarifying the parcel in question is adjacent to the subject parcel, is within the overlay district, and was once a residential dwelling with a detached garage. Mr. Goldsmith stated it was a prior legal non-conforming residential home with a garage and has since been brought into compliance with the PBO zoning district permitted use of an office building. Mr. Goldsmith added there would not have been any legal requirement or variance request to remove the garage as it was in existence prior to the ordinance. Potter inquired if accessory buildings are an approved use for a PBO district. Discussion continued on the interpretation of the language of the ordinance and if a vehicle would be considered as an accessory use to all the permitted uses in a PBO District. Mr. Goldsmith stated as this is an interpretation of the language of the ordinance, once the board makes a determination, it would have precedential value. Bush stated concern on the aesthetics of the building and Mr. Goldsmith said the Planning Commission would review through site plan approval. Kolar added depending if would require site plan approval. Welling stated his opinion on a staff car being a vehicle left at the premises, such as for deliveries. Mr. Ciampa voiced opinion on adding a restriction on size or if only for storage, as he understood the question and concern is the storage of a vehicle. Welling asked for clarification on storage of overflow documents being considered incidental to the main building use, while the parking of a staff vehicle would not. Kincaid stated that is the Planning and Building Departments' interpretation of the language of the ordinance. Mr. Goldsmith stated while the Planning and Building Departments' interpretation of the language is helpful to the Board, it is not the interpretation of which a property owner can rely on that would allow the Building Inspector to issue a permit. Mr. Goldsmith advised that is why this issue has been placed in the hands of the BZA, which is to make that interpretation of the language clear. Potter implied there have been accessory buildings for the use of equipment of a property such as snow blowers, lawn mowers, shovels etc. Steiner added the Planning Department is on the right track with the language interpretation, however depending on the use of a vehicle that is a tool to the use, but a staff vehicle is not actually part of the tool of the business of an orthodontic office, which is the current use. Bush stated a vehicle for a medical office with multiple locations could be a use incidental to the current use should the need to travel to another location for an emergency arise, depending on one's interpretation of the language.

Motion by Steiner, supported by Welling, to close the public hearing at 7:33 p.m. Motion carried.

Mr. Goldsmith advised the Board Members this is only an interpretation of the language of the ordinance if an accessory building use of the storage of documents and/or a parking of a vehicle is clearly incidental or customarily found in connection with and located on the same zoning lot as the principal use.

MOTION BY STEINER, SUPPORTED BY WELLING , TO ALLOW THE REQUEST OF ANDRE HAERIAN, 519 OSWEGO STREET, ANN ARBOR, MI 48104, REQUESTING AN INTERPRETATION OF BEDFORD TOWNSHIP ZONING ORDINANCE, SECTION 400.1702B.5., LAMBERTVILLE VILLAGE OVERLAY DISTRICT, ACCESSORY BUILDINGS AND USES, FOR POSSIBLE DEVELOPMENT ON LAND DESCRIBED AS 5802-029-053-00, 7928 SECOR ROAD, LAMBERTVILLE, MI 48144, TO INTERPRET THE ORDINANCE LANGUAGE TO ALLOW CONSTRUCTION OF AN ACCESSORY BUILDING FOR STORAGE OF DOCUMENTS AND/OR IMPLIMENTS THAT ARE TIED TO THE PRINCIPLE USE CLEARLY INCIDENTAL TO OR CUSTOMARILY FOUND IN CONNECTION WITH THE MAIN BUILDING USE AND TO INCLUDE ANY PRINCIPAL USES PERMITTED BY ORDINANCE WITHIN A PBO DISTRICT.

Bush sought clarification on the motion, asking if the applicant would be allowed to protect/store a vehicle inside the accessory structure. Mr. Goldsmith stated to protect and/or store a vehicle inside the accessory structure was not included in the motion. Steiner concurred.

Roll call as follows: Voting Aye: Steiner, Welling, Potter and Greeley

Voting Nay: Bush

Excused: None

Motion carried.

B. 7:40 P.M. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF EUGENE VANCE, 2625 PINEWOOD AVENUE, TEMPERANCE, MI 48182, REQUESTING A 12 +/- FOOT FRONT YARD SETBACK, ON LAND DESCRIBED AS 5802-430-062-00, 2625 PINEWOOD AVENUE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis stating the applicant is seeking a 12 +/- foot front yard setback variance to construct an addition to the existing attached garage. The property consists of .264 acre and has two front yards as it is located on the corner lot of Pinewood Avenue and the undeveloped paper street portion of Powlesland Avenue. Kincaid said the Schedule of Regulations requires a front yard setback in an R-2B, Single Family Residential Zoning District of 30' from the road right-of way (30' from the center of Powlesland) for a total of 60' from the center of the road. Kincaid noted while the existing dwelling meets the required front yard setback off Pinewood, the variance request is for the required front yard setback off Powlesland Avenue. The applicant has indicated in the submitted letter, he is unable to construct the addition to the rear of the existing garage, as the master bedroom is located to the rear of the existing garage. Kincaid advised at this time no letters or calls of objection have been received.

Eugene Vance- 2625 Pinewood Avenue- Mr. Vance advised he would like to construct an addition to the existing garage. Mr. Vance stated there is no availability to construct to the rear of the existing garage due to the location of the master bedroom, and this request is due to the undeveloped road and with the subject parcel having two front yards.

Bush asked for clarification of a paper road. Mr. Goldsmith stated it is a road that was originally identified and platted within a platted subdivision but has never been developed, paved or used. Mr. Goldsmith advised there has been circumstances within the township where platted/paper roads have not been used and since have been vacated; however, that is a process to include the Monroe County Road Commission, and generally speaking if a road is vacated within a platted subdivision, the property owners on each side of the vacated road would own to the middle of the road. Board Members discussed the location and layout of the parcel, the surrounding homes, and subject site having two front yards, one being on an undeveloped paper street.

Motion by Steiner, supported by Bush, to close the public hearing at 7:48 p.m. Motion carried.

MOTION BY POTTER, SUPPORTED BY BUSH, TO GRANT THE REQUEST OF EUGENE VANCE, 2625 PINEWOOD AVENUE, TEMPERANCE, MI 48182, REQUESTING A 12 FOOT FRONT YARD SETBACK ON AN UNDEVELOPED ROAD (POWLESLAND), ON LAND DESCRIBED AS 5802-430-062-00, 2625 PINEWOOD AVENUE, TEMPERANCE, MI 48182 WITH THE PRACTICAL DIFFICULTY BEING A CORNER LOT HAVING TWO FRONT YARDS, ONE LOCATED ON A PAPER/UNDEVELOPED STREET, THE EXISTING HOME IS IN COMPLIANCE ON PINEWOOD, THERE WOULD BE NO ADVERSE EFFECT ON THE NEIGHBORING PROPERTIES, AND THE SITE IS CONSISTANT WITH THE SURROUNDING PARCELS

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

PUBLIC COMMENT –None

COMMISSION / STAFF COMMENT –

Kincaid advised there are items already scheduled for the next meeting in April.

Welling expressed sympathy to the people of Bridgepoint Church on their church loss due to fire, further saying God will give you the strength to rebuild.

Potter welcomed Bush to the Board.

Steiner welcomed Bush and agreed with Welling on the unfortunate situation for the Church.

ADJOURNMENT – The meeting was duly adjourned at 7:55 p.m.

Respectfully submitted,
Jodie L. Rector
Recording Secretary