

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
MAY 1, 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 7:02 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Motion by Welling, supported by Steiner, to approve the minutes of April 3, 2017. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

Motion by Welling, supported by Steiner, to open the following four public hearings at 7:05 p.m. Motion carried.

- A. **OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF JOHN C. KREUCHAUF AND VICKI J. KREUCHAUF, 10212 JACKMAN ROAD, TEMPERANCE, MI 48182, JAMES A. SALTER, 9783 RAVENSHIRE DRIVE, YPSILANTI, MI 48198, JAMES A. COYNE AND JUNE E. COYNE, 226 SCOTT, MONROE, MI 48161 REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-11, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD.**
- B. **OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF JAMES A. COYNE AND JUNE E. COYNE, 226 SCOTT, MONROE, MI 48161 REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-16, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD.**
- C. **OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF JAMES A. SALTER, 9783 RAVENSHIRE DRIVE, YPSILANTI, MI 48198, REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-21, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD.**
- D. **OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF JOHN C. KREUCHAUF AND VICKI J. KREUCHAUF, 10212 JACKMAN ROAD, TEMPERANCE, MI 48182, REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG,**

AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-26, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD.

Kincaid read the included memo stating to avoid any redundancy, the paperwork that pertains to each of these request has been compiled within the memorandum packet and shall be used as reference for all four requests along with the individual packet of information for each variance. Kincaid added Mr. Kreuchauf has been authorized to speak on behalf of each of the four variance request. Kincaid continued reading the request for variance #1 and #2 saying the request is for a 165 +/- foot frontage variance and a 2 ½ +/- acre area variance on agriculturally zoned parcels located within the Samaria Overlay District. Setbacks and uses within the overlay district may be relaxed in accordance with Section 400.1703B, Samaria Village Overlay District. Kincaid said while the subject parcels are within the SVOD, and is Master Plan designated as Village Center, a good portion of the area on both sides of Jackman Road north of Erie Road is Master Plan designated Agricultural Preservation. Kincaid referenced that in 2016, five acres of each of the subject parcels was split off and sold to Wayne J. Lennard & Sons Farms for agricultural purposes. Kincaid added a zoning map has been included to identify the surrounding zoning classification and the total number of acres for each parcel has been added for your convenience. Kincaid advised the applicants have submitted a letter to provide additional information regarding the subject sites. Kincaid continued to review the submitted analysis for variance request #3 and #4 stating the request is for 165 +/- foot frontage variance and a 2 ½ +/- acre area variance on agriculturally zoned parcels located on Jackman Road south of Samaria Road. Kincaid noted while the previous two variance requests were on properties that are located within the Samaria Village Overlay District, these two subject parcels are not. Kincaid said the Master Plan designates these two parcels as Agricultural Preservation and while the Township is in the process of developing an ordinance that would allow for reduced frontages to allow 165' of frontage and 2 ½ acres, these subject parcels are not location within that Master Plan designation. Kincaid advised it should be noted that in 2016 these two parcels also split off 5 acres that was sold to Wayne J. Lennard & Sons Farms for agricultural purposes. Lastly, Kincaid said a zoning map has been included to identify the surrounding zoning classification and the total number of acres for each parcel has been added for the Boards' convenience.

John Kreuchauf-One of the property owners/authorized representative- Mr. Kreuchauf reviewed the letter that was submitted with the information regarding the request. Mr. Kreuchauf stated the subject parcels are zoned agricultural and two of the properties are within the Samaria Village Overlay District, where many parcels have 80 foot frontages or less. Mr. Kreuchauf stated the overlay districts allow for flexibility on frontages, setbacks and uses. Mr. Kreuchauf gave some historical background of the subject parcels and how long the parcels have been under family ownership. Mr. Kreuchauf stated within the Master Plan and working with The Mannik & Smith Group, it was determined the township would adopt an ordinance to allow 165' frontage and 2 ½ acre parcels to preserve agricultural property, reiterating what Kincaid stated in that the rear 5 acres of all requested parcels since the time the Master Plan was adopted, have been sold to Lennard Farms. Mr. Kreuchauf referred to the 26 letters he submitted of no objection to the request and advised in his opinion of the high quality and energy efficient homes that will be constructed on the resulting parcels should the requests be granted.

Potter reminded the Commission these are agriculturally zoned parcels that currently comply with the zoning ordinance and voiced opinion on the request and what could be a practical difficulty. Mr. Kreuchauf stated in speaking for all parties involved, they are a dedicated family and have decided to no longer be in the land business. Bush stated she spoke with a state agent and people are just not interested in large parcels for development of single family homes. Mr. Kreuchauf referred to the layout submitted and the request being consistent with the surrounding parcels. Steiner spoke on the flexibility of the overlay district, south of the subject parcels the surrounding parcels having smaller frontage, the Master Plan, and positive change in the ordinance. Lastly, Steiner spoke regarding what would be the applicant's issue of hardship/practical difficulty. Bush agreed with Steiner's comments and looked for guidance from Mr. Goldsmith. Mr. Goldsmith stated the applicant has said as a family they have decided to no longer be involved in the land/farm business being their practical difficulty, also two of the requested parcels are within the overlay district with flexibility on frontage and setbacks, and marketing could be an economic hardship that can be taken into consideration. Mr. Goldsmith touched base on the future plan of the Master Plan and ordinance for rural residential/secondary agriculture.

The Board further discussed the surrounding area parcels frontages, parcels within the overlay district, and the positive direction of the requested sites would not be intrusive to the surrounding parcels.

Kim Lennard- 1202 Samaria-Lennard Farms- Mr. Lennard stated he has no objection to the requested parcels as his parcel would be mostly affected. Mr. Lennard referred to the previous request and the amount of agricultural property preserved. Mr. Lennard stated in his opinion the requests presented are the right thing for the area as people just do not have the time, patience or money to maintain a larger parcel, nor is that the market at this time. Mr. Lennard agreed with Potter and not having farm land split for homes; however, Mr. Lennard understands that just is not going to happen, saying thankfully Mr. Kreuchauf already preserved the rears of the subject parcels. Mr. Lennard said if the parcels were to remain 5 acres it could possibly have a negative effect on his farm land if the parcels were subsequently not maintained. Mr. Lennard voiced his opinion in that the family is doing the right thing either 20 acres with four homes or 20 acres with eight homes; either way the subject parcels will be developed with residential homes.

Steiner agreed with Mr. Lennard's statement of maintaining the property.

Motion by Welling, supported by Bush, to close the public hearing at 7:40 p.m. Motion carried.

Bush thought the request is ideal as it is still preserving the agricultural area and Steiner agreed and explained the request is complimentary to the surrounding area. Potter inquired on creating smaller agricultural parcels should there be residential limitations. Bush stated the Township Ordinances would regulate the permitted uses. Greeley commented on a home, well, septic, drive, etc. development.

MOTION BY BUSH, SUPPORTED BY WELLING, TO GRANT THE REQUEST OF JOHN C. KREUCHAUF AND VICKI J. KREUCHAUF, 10212 JACKMAN ROAD, TEMPERANCE, MI 48182, JAMES A. SALTER, 9783 RAVENSHIRE DRIVE, YPSILANTI, MI 48198, JAMES A. COYNE AND JUNE E. COYNE, 226 SCOTT, MONROE, MI 48161 REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-11, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD WITH THE PRACTICAL DIFFICULTY BEING THE ACREAGE SIZE IS TO AVOID AN OVERGROWN PARCEL, THE FAMILIES DESIRE TO LEAVE THE LAND BUSINESS, THE SUBJECT PARCEL IS WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT ALLOWING FLEXIBILITY, AND THE TOWNSHIP IS HEADING IN THE DIRECTION WITH THE MASTER PLAN TO ALLOW A 2.5 ACRE PARCEL WHICH WILL AVOID THESE TYPES OF VARIANCES IN THE FUTURE.

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

Voting Nay: Potter

Excused: None

Motion carried.

MOTION BY BUSH, SUPPORTED BY STEINER, TO GRANT THE REQUEST OF JAMES A. COYNE AND JUNE E. COYNE, 226 SCOTT, MONROE, MI 48161 REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-16, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD WITH THE PRACTICAL DIFFICULTY BEING THE ACREAGE SIZE IS TO AVOID AN OVERGROWN PARCEL, THE FAMILIES DESIRE TO LEAVE THE LAND BUSINESS, THE SUBJECT PARCEL IS WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT ALLOWING FLEXIBILITY, AND THE TOWNSHIP IS HEADING IN THE DIRECTION WITH THE MASTER PLAN TO ALLOW A 2.5 ACRE PARCEL WHICH WILL AVOID THESE TYPES OF VARIANCES IN THE FUTURE.

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

Voting Nay: Potter

Excused: None

Motion carried.

MOTION BY BUSH, SUPPORTED BY STEINER, TO GRANT THE REQUEST OF JAMES A. SALTER, 9783 RAVENSHIRE DRIVE, YPSILANTI, MI 48198, REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-21, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD WITH THE PRACTICAL DIFFICULTY BEING THE ACREAGE SIZE IS TO AVOID AN OVERGROWN PARCEL, THE FAMILIES DESIRE TO LEAVE THE LAND BUSINESS, AND THE TOWNSHIP IS HEADING IN THE DIRECTION WITH THE MASTER PLAN TO ALLOW A 2.5 ACRE PARCEL WHICH WILL AVOID THESE TYPES OF VARIANCES IN THE FUTURE, AND THIS PARCEL IS CONTIGUOUS TO THE PREVIOUSLY APPROVED REQUESTS AND WILL CONTINUE TO THE SOUTHERNLY PARCELS WITH 165' FRONTAGES.

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

MOTION BY BUSH, SUPPORTED BY STEINER, TO GRANT THE REQUEST OF JOHN C. KREUCHAUF AND VICKI J. KREUCHAUF, 10212 JACKMAN ROAD, TEMPERANCE, MI 48182, REQUESTING A 165 +/- FOOT FRONTAGE VARIANCE AND A 2.5 +/- ACREAGE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, TO CREATE TWO PARCELS ON VACANT LAND DESCRIBED AS 5802-010-038-26, LOCATED ON JACKMAN ROAD SOUTH OF SAMARIA ROAD WITH THE PRACTICAL DIFFICULTY BEING THE ACREAGE SIZE IS TO AVOID AN OVERGROWN PARCEL, THE FAMILIES DESIRE TO LEAVE THE LAND BUSINESS, AND THE TOWNSHIP IS HEADING IN THE DIRECTION WITH THE MASTER PLAN TO ALLOW A 2.5 ACRE PARCEL WHICH WILL AVOID THESE TYPES OF VARIANCES IN THE FUTURE, AND THIS PARCLE IS CONTIGUOUS TO THE PREVIOUSLY APPROVED REQUESTS AND WILL CONTINUE TO THE SOUTHERNLY PARCELS WITH 165' FRONTAGES.

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

- E. 7:53 P.M. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF PATRICIA G. LYDEN, 2740 CONSEAR ROAD, LAMBERTVILLE, MI 48144, REQUESTING A 160 +/- FOOT FRONTAGE VARIANCE AND A 2.98 +/- ACREAGE VARIANCE, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-020-001-30, 2800 CONSEAR ROAD, LAMBERTVILLE, MI 48144.**

Kincaid said the existing parcel consists of approximately 5.15 +/- acres with 170 feet of frontage on Consear Road. The applicant is seeking to split the 5.15 +/--acre parcel into two parcels in an AG, Agricultural Zoning District. Per Section 400.1800 "Schedule of Regulations" a minimum of 5 acres and 330' frontage is required. It should be noted, the parcel currently has 170 +/- feet of frontage, and a variance is NOT being sought to further reduce the current frontage. The applicant has submitted a letter stating one resulting parcel with the existing home will maintain the 170' of frontage on Consear Road with 2.02 +/- acres, while the remaining portion of 2.98 +/- acres indicated by the applicant will be combined with the applicant's adjacent parcel to the east, which has an existing dwelling and is the location of Indian Creek Zoo. The applicant has indicated the variance request is to supply additional parking for Indian Creek Zoo, as there is no other reasonable alternative. Kincaid noted should the variance request be granted, the variances required are:

- A 160' Frontage Variance
- A 2.98' Acreage Variance

At this time no letters or calls of objection have been received.

Joe Garverick-2740 Consear Road- Mr. Garverick stated the subject property has already been purchased and as the owner of the Indian Creek Zoo, they are looking to split the property to gain area to expand for parking. Mr. Garverick stated he did not feel there would be any adverse effect on the neighboring properties.

Greeley inquired on the Master Plan and requirements of Suburban Residential. Kincaid stated the area is Master Planned residential and as the parcel stands it does not meet the requirements of an Agricultural zoning district but is a lot of record. Greeley inquired if all utilities were going to be maintained on the remaining portion with the existing home. Mr. Garverick stated yes, and Kincaid added the home would also have to meet all the required setbacks with the land division. Kolar asked on an approximate distance from the home to the proposed land division. Mr. Garverick stated there is approximately 150' behind the home.

Motion by Bush, supported by Steiner, to close the public hearing at 8:08 p.m. Motion carried.

Bush asked Mr. Goldsmith if safety is a consideration to grant the request. Mr. Goldsmith advised safety is a consideration.

MOTION BY BUSH, SUPPORTED BY POTTER, TO GRANT THE REQUEST OF PATRICA G. LYDEN, 2740 CONSEAR ROAD, LAMBERTVILLE, MI 48144, A 160' FRONTAGE VARIANCE ON AN EXISTING PARCEL WITH 170' EXISTING FRONTAGE AND A 2.98 ACREAGE VARIANCE, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS" ON PARCEL NUMBER 5802-020-001-30, OTHERWISE KNOWN AS 2800 CONSEAR ROAD WITH THE PRACTICAL DIFFICULTY BEING TO EXPAND PARKING FOR SAFETY, THE REQUEST IS NOT INVASIVE TO THE SURROUNDING PARCELS, AND THE LOCATION IS MASTER PLANNED SUBURBAN RESIDENTIAL. THE CONDITIONED SHALL BE ONCE THE LAND DIVISION IS SUBMITTED AND APPROVED THE PORTION TO THE REAR BEING SPLIT OFF MUST BE IMMEDIATELY ATTACHED TO THE ADJACENT PARCEL TO NOT CREATE A LAND LOCKED PARCEL.

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

PUBLIC COMMENT –None

COMMISSION / STAFF COMMENT –

Potter stated his reason for opposition to the first four requests due to the existing parcels all meet the requirements of AG Zoning, 330' frontage with 5 acres.

Steiner voiced the future planning of the desire of 165' frontage and 2.5 acres. Kolar added other areas moving in the direction of smaller agricultural parcels for residential use. Potter stood firm on the ordinance requirements, and Mr. Goldsmith confirmed the existing ordinance requirements in an agricultural zoning district are 330' frontage and minimum of 5 acres. Mr. Goldsmith referred to Mr. Lennard's comment of either 4 homes or 8 homes and a greater likely hood the property will not be maintained which may cause problems for adjacent farmers. Mr. Goldsmith added to that the remaining parcels are not going to a farm production.

Kincaid stated there is going to be a meeting on June 5, 2017.

Steiner commended Kincaid on the analysis.

ADJOURNMENT – The meeting was duly adjourned at 8:16 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*