

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
JUNE 5, 2017

**PRESENT:**

BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE  
BOB POTTER, VICE CHAIRMAN, CITIZEN AT LARGE  
GEORGE WELLING, CITIZEN AT LARGE  
ROBYNE BUSH, PLANNING COMMISSION LIAISON  
ARVIND SHAH, ALTERNATE

**EXCUSED:**

RICK STEINER, TOWNSHIP BOARD LIAISON

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

**APPROVAL OF THE MINUTES**

*Motion by Welling, supported by Potter, to approve the minutes of May 1, 2017. Motion carried.*

**PUBLIC COMMENT (LIMIT 3 MINUTES)**

None

**NEW BUSINESS**

- A. Open the public hearing regarding the appeal of Oak Creek Holdings, LLC, 5135 S. Main Street, Sylvania, OH 43560, requesting a 5 +/- foot rear yard setback variance to construct a dwelling per Section 400.1800, "Schedule of Regulations", in an R-3, Single Family Residential District, on land described as 5802-159-046-00, 8286 Twin Creek Circle, Temperance, MI 48182.**

***Motion by Potter, supported by Bush, to open the public hearing at 7:05 p.m. Motion carried.***

Kincaid reviewed the analysis stating the request is for a 5' rear yard setback on lot 46, a corner lot within the Brookwood Plat II Subdivision. Plat II was approved on September 6, 2016, which consists of 30, R-3, Single Family Residential homes. The applicant is seeking a +/- 5' rear yard setback variance. Per Section 400.1800, "Schedule of Regulations", a 35' rear yard setback is required in an R-3, Single Family Residential Zoning District. The applicant has indicated in the original submitted letter dated February 10, 2017, the request was for a 5' rear yard setback variance for a total of 11 lots due to changes in the building and energy code, however due to the application process, each lot must be submitted and reviewed as an individual request and should the request be granted a "building permit" must be issued within six months from the date of the Board's variance approval. Therefore, this request as stated by the applicant in a submitted letter dated May 5, 2017 is to consider a 5'+/- rear yard setback variance for lot 46. Kincaid said at this time no letters or calls of objection have been received.

**David Schmitt-Oak Creek Holdings, LLC-**Mr. Schmitt referred to the last request and when submitted was informed each parcel needed to be a separate request. Mr. Schmitt advised the request is due to the change in the energy code and the need to lengthen the home to accommodate the change. Mr. Schmitt advised the rear of the subject parcels are to the north which abuts property Oak Creek Holdings, LLC currently owns.

Potter inquired if the equipment could be moved elsewhere inside the building envelope. Shah inquired when the building code made a change and asked for clarification on what is required. Kolar stated it is not the building code but when the energy code went into effect. Kolar continued saying where any heating and or cooling system installed outside the thermal envelope it would cause further requirements such as duct leakage testing. Kolar said where developers used to install that equipment in the garage and attic area, now developers are trying to keep it inside within the envelope. Shah voiced concern on setting a precedent as this is a new subdivision and the energy code was already in effect. Shah voiced his opinion on reengineering the layouts to accommodate the building/energy codes. Kolar stated the code was in affect two years ago. Shah stated as it has been two years the developer knew about the requirements and Shah does not see any practical difficulty other than for financial issues. Mr. Schmitt stated the subdivision was developed in the preliminary stage three years ago and it would require the entire process to amend the approved plan. Shah asked if this was going to still be a request for eleven lots. Mr. Schmitt stated development has started already and there are 30 lots within Plat 2. Mr. Schmitt stated the requested lots are ones that abut the north vacant land. Mr. Schmitt stated it is only one floor plan that will require the request; however that is the bestselling floor plan. Mr. Schmitt stated there may be two or three other lots not required to have a variance. Mr. Schmitt stated it will depend on the selected floor plan. Kolar stated this is not a standard subdivision, saying it is more like a condominium project with a strong association. Kolar used Grey Estates and Summerlyn developments as examples having relaxed setbacks as there is not the intent to have pools, garages etc. within the rear yard. Shah asked if the request was granted would this be setting a precedent or an issue for the Township in the future. Mr. Goldsmith appreciated Shah's concern, further saying in his opinion he did not think this would be setting a precedent, as each case should be measured with its own merit; however, the alternative could be a different floor plan on these particular lots or alter the proposed plan which requires the variance request.

Kincaid advised Brookwood Subdivision, R-3 zoned, went through a rezoning process and the property to the north, R-2A zoned, which the developer does own, is located within a different zoning district. Kincaid explained the process that the property would have to go through another rezoning process and platting process if the plat were extended to the north. Mr. Schmitt voiced opinion on other areas having a more dense zoning and a less rear yard setback requirement. Shah stated he did not believe the board is looking at other areas and requirements and comparing them to the requirements of Bedford Township. Bush said she is glad to see development moving forward and projects being finished. Bush also stated in her opinion five feet is not a significant difference. Welling stated this is a unique situation and if the request was to be granted he did not feel it would be setting a precedent as Mr. Goldsmith stated each variance request is reviewed as an individual request on its own merit.

***Motion by Bush, supported by Potter, to close the public hearing at 7: 22 p.m. Motion carried.***

Mr. Goldsmith stated as submitted by the applicant after the plat was approved the energy code regulation changed requiring the mechanics to be placed within the energy envelope, for the applicant to continue with their floor plan there is a need to extend approximately three feet of the house.

***MOTION BY BUSH, SUPPORTED BY WELLING, TO GRANT THE APPEAL OF OAK CREEK HOLDINGS, LLC, 5135 S. MAIN STREET, SYLVANIA, OH 43560, REQUESTING A 5 +/- FOOT REAR YARD SETBACK VARIANCE TO CONSTRUCT A DWELLING PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN R-3, SINGLE FAMILY RESIDENTIAL DISTRICT, ON LAND DESCRIBED AS 5802-159-046-00, 8286 TWIN CREEK CIRCLE, TEMPERANCE, MI 48182 WITH A PRACTICAL DIFFICULTY BEING A CORNER LOT AND, AS SUBMITTED BY THE APPLICANT AFTER THE PLAT WAS APPROVED, THE ENERGY CODE REGULATION CHANGD REQUIRING THE MECHANICS TO BE PLACED WITHIN THE ENERGY ENVELOPE, AND FOR THE APPLICANT TO CONTINUE WITH THEIR FLOOR PLAN THERE IS A NEED TO EXTEND APPROXIMATELY THREE FEET OF THE HOUSE.***

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

- B. Open the public hearing regarding the appeal of Oak Creek Holdings, LLC, 5135 S. Main Street, Sylvania, OH 43560, requesting a 5 +/- foot rear yard setback variance to construct a dwelling per Section 400.1800, "Schedule of Regulations", in an R-3, Single Family Residential District, on land described as 5802-159-047-00, 8290 Twin Creek Circle, Temperance, MI 48182.**

**Motion by Potter, supported by Welling, to open the public hearing at 7: 25 p.m. Motion carried.**

Kincaid reviewed the analysis stating this is for a 5'+/- rear yard setback on lot 47 within the Brookwood Plat II Subdivision. Plat II was approved on September 6, 2016, which consists of 30, R-3, Single Family Residential homes. The applicant is seeking a +/- 5' rear yard setback variance. Per Section 400.1800, "Schedule of Regulations", a 35' rear yard setback is required in an R-3, Single Family Residential Zoning District. The applicant has indicated in the original submitted letter dated February 10, 2017, the request was for a 5' rear yard setback variance for a total of 11 lots due to changes in the building and energy code, however due to the application process, each lot must be submitted and reviewed as an individual request and should the request be granted, a "building permit" must be issued within six months from the date of the Board's variance approval. Therefore, this request as stated by the applicant in a submitted letter dated May 5, 2017 is to consider a 5'+/- rear yard setback variance for lot 47. Kincaid said at this time no letters or calls of objection have been received.

**Dave Schmitt-Oak Creek Holdings, LLC-** Mr. Schmitt advised this is the same as the previous request.

Bush asked for clarification on the parcel to the north. Kincaid stated the property is not zoned the same as the subject location in that the property to the north is R-2A, Single Family Residential. Kolar added the parcel is currently being farmed, but is residentially zoned. Bush inquired if there was any intent to develop that area. Mr. Schmitt stated yes. Mr. Schmitt added the only portion of the home encroaching on the setback is the sunroom.

**Motion by Bush, supported by Potter, to close the public hearing at 7: 28 p.m. Motion carried.**

Potter asked for clarification on location requirement of the energy code. Kolar added there can be other locations which would comply such as a basement, change the heating system, etc. Kolar added there are other avenues to follow that would also comply with the energy code.

**MOTION BY WELLING, SUPPORTED BY BUSH, TO GRANT THE APPEAL OF OAK CREEK HOLDINGS, LLC, 5135 S. MAIN STREET, SYLVANIA, OH 43560, REQUESTING A 5 +/- FOOT REAR YARD SETBACK VARIANCE TO CONSTRUCT A DWELLING PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN R-3, SINGLE FAMILY RESIDENTIAL DISTRICT, ON LAND DESCRIBED AS 5802-159-047-00, 8290 TWIN CREEK CIRCLE, TEMPERANCE, MI 48182 WITH A PRACTICAL DIFFICULTY BEING AS SUBMITTED BY THE APPLICANT AFTER THE PLAT WAS APPROVED THE ENERGY CODE REGULATION CHANGED REQUIRING THE MECHANICS TO BE PLACED WITHIN THE ENERGY ENVELOPE, AND FOR THE APPLICANT TO CONTINUE WITH THEIR FLOOR PLAN THERE IS A NEED TO EXTEND APPROXIMATELY THREE FEET OF THE HOUSE.**

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

Voting Nay: Shah and Greeley

Excused: None

Motion carried.

- C. Open the public hearing regarding the appeal of Ryan D. Waters, 8324 Crabb Road, Temperance, MI 48182, requesting a 4 foot height variance per Section 400.1903, "Accessory Buildings" for an accessory building in an AG, Agricultural Zoning District, on land described as 5802-024-064-00, 8324 Crabb Road, Temperance, MI 48182.**

**Motion by Bush, supported by Potter, to open the public hearing at 7: 31 p.m. Motion carried.**

Kincaid reviewed the analysis saying the applicant is seeking to construct a 1792 square foot accessory building with a 24' building height to allow for a 6/12 roof pitch on 16' walls. The subject site consists of 1.57 acres with 155 feet of frontage and 440 feet in depth. The home is setback approximately 200 feet from Crabb Road, with the proposed barn location approximately 80 feet behind the home. Kincaid noted per Section 400.1903, "Accessory Building Table" in an AG, Agricultural zoning district, a maximum accessory building height of 16' is permitted. While the size of the building meets the requirements of the ordinance, a 4 foot +/- height variance is required. Kincaid advised the applicant has indicated in the submitted letter his desire is to construct a steel pole barn to store his 40' fifth-wheel RV in an enclosed building, thus requiring the requested 4' +/- height variance to allow for a 14 foot door. The aerial map identifies the subject site and that the proposed barn will not be placed in front of any homes located on surrounding properties. Kincaid advised at this time no letters or calls of objection have been received.

**Ryan Waters-8324 Crabb-** Mr. Waters advised, due to the zoning ordinance requirements, the request is to allow for a 14' door for the storage of his RV. Mr. Waters supplied eight letters of no objection.

Bush stated the request would not be invasive to the area as there are several larger accessory buildings existing in that area. Greeley stated due to the mechanism of an overhead door the height is needed to allow for the RV storage. Greeley made clarification on a previous height variance request as he voted against the request with the reason being there are differences when reviewing a request in an agricultural zoning district and where the previous request was residential within a platted subdivision. Welling added this request is also on a larger lot.

***Motion by Bush, supported by Shah, to close the public hearing at 7: 36 p.m. Motion carried.***

***MOTION BY BUSH, SUPPORTED BY SHAH, TO GRANT THE APPEAL OF RYAN D. WATERS, 8324 CRABB ROAD, TEMPERANCE, MI 48182, REQUESTING A 4 FOOT HEIGHT VARIANCE TO ALLOW FOR A 6/12 ROOF PITCH ON 16' WALLS PER SECTION 400.1903, "ACCESSORY BUILDINGS" FOR AN ACCESSORY BUILDING IN AN AG, AGRICULTURAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-024-064-00, 8324 CRABB ROAD, TEMPERANCE, MI 48182 AS IT IS NOT INVASIVE TO THE AREA, A PROPOSED LOCATION IN AN AGRICULTURAL ZONING, WITH A PRACTICAL DIFFICULTY OF THE HEIGHT FOR THE STORAGE OF A 40' RV AND DUE TO THE MECHANICS OF AN OVERHEAD DOOR TO ALLOW THE 14' DOOR HEIGHT.***

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

Voting Nay: None

Excused: None

Motion carried.

- D. Open the public hearing regarding the appeal of Joshua G. and Amber D. Yockey, 26 W. Dean Road, Temperance, MI 48182, requesting a 6 +/- foot front yard setback variance from Crabb Road and a 28 +/- foot front yard setback variance from Dean Road, per Section 400.1800 "Schedule of Regulations" on a corner parcel in an AG, Agricultural Zoning District, described as 5802-023-153-00, 26 W. Dean Road, Temperance, MI 48182.***

***Motion by Welling, supported by Shah, to open the public hearing at 7:49 p.m. Motion carried.***

Kincaid reviewed the analysis saying the applicant is seeking a 6 +/- foot front yard setback off Crabb Road and a 28 +/- foot front yard setback variance off Dean Road to construct an addition to an existing dwelling which is a prior legal non-conforming structure in that due to the age of the historical home, it is within the setback requirement. The property consists of 2.950 acres and has two front yards, as it is located on the corner lot of Crabb Road and Dean Road. The Schedule of Regulations requires a front yard setback in an AG, Agricultural Zoning District 67' from the road right-of way for a total of 100' from the center of the road. While the existing dwelling is a prior legal non-conforming structure and does not meet the required front yard setback off either Crabb Road or Dean Road, the variance request is for the required front yard setback to allow an addition to encroach in the required front yard setback. Kincaid stated the applicant has indicated in the submitted letter, the proposed addition is to

increase living quarters for their family and to update and modernize the home. Kincaid advised it should be noted the proposed addition is located on the west side of the existing structure and does not reduce the prior legal non-conforming front yard setback from Crabb Road and Dean Road. Kincaid noted at this time the Planning Department has received eight letters of no objection.

**Russel Smith-Attorney-representative for the applicant-** Mr. Smith stated the request is due to the existing historical home and the existing encroachment of the setback. Mr. Smith advised there had been submitted letters of no objection. Mr. Smith continued describing the topography of the location clarifying there is no other alternative area to construct the addition. Mr. Smith said the proposed addition would be aesthetically appealing to the area.

***Motion by Shah, supported by Welling, to close the public hearing at 7: 45 p.m. Motion carried.***

Bush agreed on the request being an improvement to the home and commended the applicant on the improvement of the property and the proposed location. Greeley stated as a general comment the way the home is existing on the property, no matter what the applicant requested for an addition, a variance request would have to be sought due to the existing home. Potter voiced opinion on the practical difficulty of the prior legal non-conformity and corner lot location. Mr. Goldsmith advised that is correct and that the addition is not going to increase the non-conformity or affect the site distance of the corner of Dean and Crabb. Mr. Goldsmith also agreed with Greeley.

***MOTION BY SHAH, SUPPORTED BY BUSH, TO GRANT THE APPEAL OF JOSHUA G. AND AMBER D. YOCKEY, 26 W. DEAN ROAD, TEMPERANCE, MI 48182, REQUESTING A 6 +/- FOOT FRONT YARD SETBACK VARIANCE FROM CRABB ROAD AND A 28 +/- FOOT FRONT YARD SETBACK VARIANCE FROM DEAN ROAD, PER SECTION 400.1800 "SCHEDULE OF REGULATIONS" ON A CORNER PARCEL IN AN AG, AGRICULTURAL ZONING DISTRICT, DESCRIBED AS 5802-023-153-00, 26 W. DEAN ROAD, TEMPERANCE, MI 48182 AS IT IS A PRIOR LEGAL NON-CONFORMING STRUCTURE AND A HISTORICAL HOME, THE ADDITION WILL MAINTAIN THE EXISTING SETBACK AND WILL NOT EFFECT THE SITE DISTANCE OF DEAN AND CRABB, AND THERE IS NO FURTHER ENCROACHMENT.***

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

Voting Nay: None

Excused: None

Motion carried.

- E. Open the public hearing regarding the appeal of Dennis L. Phillips (Living Trust), 3618 Indian Wood Lane, Temperance, MI 48182, requesting a 10 +/- foot setback variance (between structures) per Section 400.1903, "Accessory Buildings", in an AG, Agricultural Zoning District, on land described as 5802-018-002-30, 3618 Indian Wood Lane, Temperance, MI 48182.***

***Motion by Potter, supported by Shah, to open the public hearing at 7: 49 p.m. Motion carried.***

Kincaid reviewed the analysis saying the applicant is seeking a +/- 10 foot structure to structure setback variance to allow construction of a 1536 square foot two-story detached garage. Per Section 400.1903, AG, Agricultural Zoning District, requires a minimum setback from any building a placement of 15' from property line and 20' from the main building. While the proposed garage will meet the required setback from the property line, the proposed location will encroach 10' within the setback from the existing dwelling. The applicant has indicated in the submitted letter due to the topography of the site if he moved the location of the garage to meet the required 20' setback from the existing dwelling, the structure would encroach into the existing driveway area (applicant refers to as a road) and if he were to move the existing driveway location, it would be located within an area of seasonal wetland run off. Pictures are included showing the location of the existing log home, proposed location and design of the detached garage and several area views of the property. Kincaid stated at this time no letters or calls of objection have been received.

**Dennis Phillips-3618 Indian Wood Lane**-Mr. Phillips advised his request is due to the topography of the site and the access is to the rear of the existing home. Mr. Phillips explained the area location of the well, septic and topography of the elevation.

Bush asked for clarification of a second access to the proposed garage. Kolar clarified the proposed garage is going to be a two story with an access in the front and due to the topography of the site a second access will be to the rear on the lower level. Kolar also added the proposed garage will be of log to match the existing home. Greeley added it will be a walk out garage to the rear. Mr. Phillips further explained the layout to the Board Members. Discussion continued on the layout and the proposed location. Bush asked the applicant if the proposed garage was going to be just a garage and not a dwelling. Mr. Phillips stated yes for garage purpose only, a two story garage with a two car access from the front and a two car access to the rear.

***Motion by Bush, supported by Shah, to close the public hearing at 8: 00 p.m. Motion carried.***

***MOTION BY SHAH, SUPPORTED BY POTTER , TO GRANT THE APPEAL OF DENNIS L. PHILLIPS (LIVING TRUST), 3618 INDIAN WOOD LANE, TEMPERANCE, MI 48182, REQUESTING A 10 +/- FOOT SETBACK VARIANCE (BETWEEN STRUCTURES) PER SECTION 400.1903, "ACCESSORY BUILDINGS", IN AN AG, AGRICULTURAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-018-002-30, 3618 INDIAN WOOD LANE, TEMPERANCE, MI 48182 TO CONSTRUCT A 1536 SQUARE FOOT TWO STORY GARAGE DUE TO THE TOPOGRAPHY OF THE SITE, LOCATION OF THE WELL, SEPTIC , EXISTING DRIVEWAY HAVING AN EIGHT FOOT DROP OFF. THE PROPOSED GARAGE WILL MATCH THE FLOOR LEVEL OF THE EXISTING DWELLING, WILL MAINTAIN THE 10' STRUCTURE TO STRUCTURE SETBACK, AND IT SHALL BE INCLUDED THE APPLICANT HAS STATED THE PROPOSED GARAGE WILL ONLY BE USED FOR GARAGE PURPOSES HAVING A TWO CAR ACCESS , ONE ACCESS TO THE FRONT AND ONE TO THE REAR OF THE PROPOSED GARAGE.***

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

Voting Nay: None

Excused: None

Motion carried.

- F. Open the public hearing regarding the appeal of Philip L. Spears, 1168 Herrington Dr., Monroe, MI 48161, requesting a variance to allow a temporary carnival use in a PBO/SVOD, Professional Business Office/Samaria Village Overlay District, otherwise known as the Samaria Masonic Temple, per Section 400.2200, "Board of Appeals", on land described as 5802-003-016-00, 1660 Samaria Road, Samaria, MI 48177.***

***Motion by Bush, supported by Potter, to open the public hearing at 8:03 p.m. Motion carried.***

Kincaid reviewed the analysis saying this request is from the Samaria Masonic Temple Association, LLC for a temporary carnival ride use. The Samaria Masonic Temple Association has granted Philip L. Spears, Motor City Shows, LLC, to speak on their behalf. The temporary carnival ride use is proposed for the dates of June 9-11, 2017 (Friday, Saturday, and Sunday), with Samaria Days being held on June 10, 2017. Kincaid said the applicant is proposing the subject location, as the site offers off-street parking and the event will be held for three days, as opposed to the one day Samaria Days Festival.

Kincaid continued saying it has been indicated the hours of operation are proposed for Friday (6/9) from 5 p.m. to 10 p.m., Saturday (6/10, Samaria Days Festival) from 12 p.m. to 10 p.m., and Sunday (6/11) from 12 p.m. to 10 p.m. The submitted plot plan presented to the Planning Commission only provided general information on how the site will be situated and did not provide any setback information, including the amount of area that will be required for the proposed rides, food trailers, game trailers and/or tents, RV campers, and parking, which have been identified on a submitted list of uses. The Planning Department obtained additional written information, when requested, regarding the number of parking spaces provided, restroom facilities, security, setbacks, etc.

Kincaid advised as a representative was not present at the May 10, 2017 Planning Commission Meeting the Planning Commission recommended a conditional approval on the applicant supplying specific, in-depth information, plot plan and any additional information the Planning Department requested to the BZA to make a determination.

Kincaid further stated the Planning Department was unable to make direct contact with Mr. Spears, however in reaching out to the Masonic Lodge, Dustin Cunningham (a member of the Masonic Lodge) provided a detailed plot plan showing the location of the rides and height (located out of the road-right-of-way), game area, and food area. The plot plan shows a traffic flow plan and states the intent is to only allow traffic to exit left onto Jackman Road. Mr. Cunningham has advised there are 73 parking spaces for patrons and an additional 10-15 for staff parking. The location noted as "camper parking", was indicated by Mr. Cunningham to the Planning Department as designated for employees for the carnival and has been shown on the plot plan to be located 7' from the bushes to minimize noise and lights from the neighboring property.

The Planning Department would request the BZA to verify how they intend to limit the parking area to the carnival use and not have it open to general use during Samaria Days, as it has been indicated to the Planning Department (which should be verified by the applicant) that overflow parking at the Senior Center will not be available.

Kincaid referred to the Bedford Township Zoning Ordinance, Section 400.2204.c. (7) (f) (page 2231) as it states that the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action. The Planning Commission reviewed the original submitted plot plan and made a recommendation to approve the use as the ordinance permits at their May 10, 2017 meeting with conditions. The Planning Commission minutes were included in the packet of information provided to the board.

**Dustin Cunningham-representative for Samaria Masonic Lodge**-Mr. Cunningham voiced his opinion on the request for the carnival, saying it is to revamp Samaria Days and is a fundraiser for the lodge. Mr. Cunningham advised members from the Monroe Masonic Lodge would also be in attendance to assist with the carnival. Mr. Cunningham stated he would do his best to answer any questions or concerns the board may have.

Bush commented on the more detailed plan than what was presented to the Planning Commission and thanked Mr. Cunningham for supplying the requested information. Welling asked about a parking plan as it was stated no overflow parking would be permitted at the Senior Center. Mr. Cunningham advised they have proposed to increase the parking area to the rear grassy area of the lodge. Potter questioned the use of the entrance off Samaria Road as just a day time access. Mr. Cunningham stated that access is for daytime use for pedestrian traffic to access the carnival without having to use Jackman Road. Discussion continued regarding safety and informing the appropriate entities of the proposed use, dates and times, location of rides and heights and parking.

***Motion by Bush, supported by Shah, to close the public hearing at 8: 23 p.m. Motion carried.***

Mr. Goldsmith advised as this is a temporary use and by ordinance is required to be presented to BZA for review and approval; however that does not by any means hold the township responsible for safety or security. Mr. Goldsmith advised those requirements are solely the responsibility of the applicant to supply safety, security and to advise those outside entities of the proposed use. Mr. Goldsmith advised contacting those agencies can be included as a condition of the motion if the Board's decision is to grant the temporary use.

Potter asked about the control of noise. Mr. Cunningham advised he would speak to the property to the north as that location would be mostly affected.

***MOTION BY SHAH, SUPPORTED BY BUSH, TO GRANT THE REQUEST OF PHILIP L. SPEARS, 1168 HERRINGTON DR., MONROE, MI 48161, REQUESTING A VARIANCE TO ALLOW A TEMPORARY CARNIVAL USE IN A PBO/SVOD, PROFESSIONAL BUSINESS OFFICE/SAMARIA VILLAGE OVERLAY DISTRICT, OTHERWISE KNOWN AS THE SAMARIA MASONIC TEMPLE, PER SECTION 400.2200, "BOARD OF APPEALS", ON LAND DESCRIBED AS 5802-003-016-00, 1660 SAMARIA ROAD, SAMARIA, MI 48177 PERMITTED FROM 6/9/2017-6/11/2017, BEDFORD TOWNSHIP***

Bedford Township Board of Zoning Appeals  
Regular Meeting  
June 5, 2017  
Page 8

***OBTAINS NO LIABILITY WITH THE GRANTING OF THIS APPROVAL, THE APPLICANT MUST COMMUNICATE WITH THE MONROE COUNTY EMERGENCY AMBULANCE, MONROE COUNTY SHERIFF DEPARTMENT, BEDFORD TOWNSHIP FIRE CHIEF, AND THERE SHALL BE NO AMPLIFIED MUSIC.***

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

**PUBLIC COMMENT-**

**Tim McAfee-9837 Pamela Drive-** Mr. McAfee made a comment to Mr. Goldsmith.

**COMMISSION / STAFF COMMENT –**

Kincaid advised at this time there has been inquires on a request for the July meeting, but no application has been submitted.

Greeley thanked Shah for serving as an alternate for the meeting.

**ADJOURNMENT –** The meeting was duly adjourned at 8:32 p.m.

*Respectfully submitted,  
Jodie L. Rector  
Recording Secretary*