

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
SEPTEMBER 9, 2014

PRESENT:

BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE
BOB POTTER, VICE-CHAIRMAN, CITIZEN AT LARGE
JEFF BIGGS, PLANNING COMMISSION LIAISON
KYLE PARSONS, CITIZEN AT LARGE
ARVIND SHAH, ALTERNATE
GEORGE WELLING, ALTERNATE (FOR HENRY HEARING ONLY)

EXCUSED:

RICK STEINER, TOWNSHIP BOARD LIAISON

ALSO PRESENT:

MARTY KAMPRATH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH PLC
DENNIS KOLAR, BUILDING OFFICIAL
KAREN M. KINCAID, PLANNING, RECORDING SECRETARY

Greeley 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 Biggs, supported by Potter, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Potter, supported by Biggs, to approve the minutes of July 7, 2014. Motion carried.

NEW BUSINESS

A. OPEN THE PUBLIC HEARING AT 7:02 P.M. REGARDING THE APPEAL OF SUZANNE DESMOND 6388 MUIRFIELD DRIVE, TEMPERANCE, MI 48182, REQUESTING 15 FOOT FRONT YARD SETBACK VARIANCE PER SECTION 400.1800, SCHEDULE OF REGULATIONS, ON LAND DESCRIBED AS 5802-524,022-00, 6388 MUIRFIELD DRIVE, TEMPERANCE, MI 48182

Kincaid said the request is for a 15-foot front yard setback variance to allow for a garage addition on a home that is located on a corner parcel, further saying the parcel is located on a stub street that dead ends into Bedford Hills Golf Course. Kincaid said the rear yard of the subject site abuts the golf course, resulting in no lots/parcels being located between the subject parcel and the golf course. Kincaid said the applicant is seeking to add a 24' x 31' garage addition to the existing attached garage, Brenda S. Mack has been authorized to speak on the applicant's behalf, and no letters of objection have been received.

Brenda S. Mack, 8310 Jackman Road, read her submitted letter dated 8/12/14, saying due to her mother's health concerns, it is the intent for her and her husband to move into her mother's home to care for her assistance-required mother. Ms. Mack said the proposed addition would compliment the home and identical construction materials would be used to blend with the existing structure. Ms. Mack said an attached garage addition would be more fitting for the neighborhood and they believe it would be more aesthetically appealing than a detached garage. Ms. Mack said they recently learned that what they consider a side yard is actually considered a second front yard and requires the same setbacks as an actual front yard. Ms. Mack said they believe this to be a hardship due to the unique property limitations imposed by being located on a corner lot, and the garage addition would alleviate their personal vehicles from being parked on Muirfield Drive, or the stub street, giving the neighborhood a safer and more pleasing appearance with less cars sitting on the road; further saying they believe the granting of the 15 foot variance would not be detrimental to the public welfare or injurious to the property or improvement in the neighborhood in which the property is located.

Parsons asked if the existing driveway off of the stub street will be utilized to make access to the garage addition. Mr. Kevin Mack, 8310 Jackman Road, said the proposed addition garage doors are planned to face the stub street, as are the doors on the existing garage; further saying a second access drive is planned to line up with the doors on the addition. Mr. Mack said utilizing the same curb cut would require them to side load the addition. Parsons asked if there are any plans to convert either the existing garage or the proposed garage into a living space. Mr. Mack said there is not.

Further discussion ensued regarding the possibility of utilizing the existing curb cut as opposed to adding an additional curb cut, including discussion regarding aesthetic appearance and maneuverability within the existing driveway. Mr. Mack said the existing driveway is in need of repair and it was planned to narrow the existing driveway and add the second curb cut, saving as much of the existing landscaping as possible. Kolar, saying the existing drive is approximately 25 feet in width, asked Greeley to comment on the required driveway width for a side load garage. Greeley said while the existing drive would work, it would be very difficult to maneuver and it would be at minimum with a three point turn into a side load garage, saying a 34-35 foot turning radius would be required for ingress/egress to/from the garage in one turn. Further discussion took place regarding the inability to enter and exit either garage if someone would be parked in the shared driveway for both garages. Greeley said he is not concerned with a second curb cut, as the cut would be on a stub street that is very unlikely to be extended, since the stub street dead ends into Bedford Hills Golf Course.

The public hearing was closed at 7:20 p.m.

Parsons said while he anticipated the addition would be with a side load garage, it appears there may be difficulty in safely and easily working with a single driveway for both a straight load and side load garage.

Motion by Potter, supported by Biggs, to grant the appeal of Suzanne Desmond, 6388 Muirfield Drive, Temperance, MI 48182, requesting a 15 foot front yard setback variance per Section 400.1800, Schedule of Regulations, on land described as 5802-524-022-00, with the practical difficulty being located on a corner lot and having the setback requirements of two front yards. Conditions of the approval shall be that 1) the second driveway shall be permitted for the addition, 2) the materials used for the addition shall match the existing materials, and 3) at no time shall the existing garage or garage addition be converted to a living quarters without first seeking a variance from the BZA, since this variance request is for a setback variance for a garage addition and not an increase in living quarters.

The motion reflects a friendly amendment to disallow either garage area from being converted to a living quarters without first seeking a variance from the Board of Zoning Appeals.

Roll call as follows: Voting Aye: Potter, Biggs, Parsons, Shah, and Greeley. Voting Nay: None. Excused: Steiner with Alternate Shah voting in his absence. Motion carried.

B. OPEN THE PUBLIC HEARING AT 7:27 P.M. REGARDING THE APPEAL OF SALLY ALSBACH, 833 HUNTING CREEK DRIVE, TEMPERANCE, MI 48182, REQUESTING A 15 FOOT REAR YARD SETBACK VARIANCE PER SECTION 400.1800, SCHEDULE OF REGULATIONS, ON LAND DESCRIBED AS 5802-313-055-00, 833 HUNTING CREEK, TEMPERANCE, MI 48182

Kincaid said the residence is located within the Hickory Creek PUD and the request is to cover an existing deck with a roof, further saying the hardship stated is that the applicant has a medical condition that does not allow her to be exposed to direct sunlight. Kincaid said no letters or calls of objection to the request have been received, and Bill Morley has been authorized to speak on Ms. Alsbach's behalf.

Bill Morley, RiverBrook Construction, offices located at 1154 Clarion Avenue, Holland, Ohio and 2147 Manhattan, Erie, MI, said Ms. Alsbach is confined to a wheelchair, cannot be exposed to sunlight, and would like to be able to be outside with her family. Mr. Morley said the existing deck would be covered and screened in and would not serve as additional living space, further saying the building materials would match the existing structure.

When asked, Mr. Morley said the existing deck would remain in place and new footers and posts will support the roof structure. Mr. Morley said the existing 16' x 22' structure has a foundation, but is not solid enough for a roof structure.

When asked, Kolar said this particular PUD has 35' rear yard setbacks and decks typically do not require a setback variance because there are no walls or roof, saying the addition of the walls and roof within the required setback requires a variance. When asked, Mr. Morley said the foundation would be structurally sound enough for an upgrade to a three season's room in the future. Kolar said during his plan reviews, he requires foundations be designed to support framing structures.

Shah questioned how wide the park is that is located to the rear of the backyard. Kolar said while the area is described as a park, it is a drainage easement and appears to be approximately 60-70 feet in width behind the rear property line and cannot be developed.

The public hearing was closed at 7:35 p.m.

Motion by Shah, supported by Biggs, to grant the variance regarding the appeal of Sally Alsbach, 833 Hunting Creek Drive, Temperance, MI 48182, requesting a 15 foot rear yard setback variance per Section 400.1800, Schedule of Regulations, on land described as 5802-313-055-00, 833 Hunting Creek, Temperance, MI 48182. The practical difficulty is a wheelchair bound homeowner that cannot be exposed to direct sunlight would like to be able to utilize her existing patio space. To the rear of the existing lot is approximately a 60 foot wide park area which creates a buffer so to not adversely affect other property owners.

Roll call as follows: Voting Aye: Shah, Biggs, Potter, Parsons, Greeley. Voting Nay: None. Excused: Steiner with Shah voting in his absence. Motion carried.

Greeley explained he has a conflict of interest with the following variance request. Mr. George Welling served as an alternate for Mr. Greeley during this hearing. Mr. Potter took over as Chairman.

C. OPEN THE PUBLIC HEARING AT 7:40 P.M. REGARDING THE APPEAL OF KENNETH HENRY, 2268 W. DEAN ROAD, TEMPERANCE, MI 48182, REQUESTING A 20 FOOT FRONT YARD SETBACK VARIANCE PER SECTION 400.1800, SCHEDULE OF REGULATIONS, ON LAND DESCRIBED AS 5802-021-044-00, 2268 W. DEAN ROAD, TEMPERANCE, MI 48182

Kenneth Henry, 2268 W. Dean Road, said his home burned down and is seeking to build the new home in the same location as the previous home, further saying relocating the home to the required front yard setback would place the home 18 feet behind the home to the east. Mr. Henry said the Monroe County Health Department would not permit him to have his septic tank and leach field in the front yard even though he would have enough square footage, because he cannot put the system where the previous home was located, further saying he has a driveway, an existing leach field that must be replaced, and an existing detached garage, leaving little room for a new leach field to be placed in the rear yard with the required setback.

Shah questioned the setback of the home to the west. Kolar said the plot plan indicates Mr. Henry is averaging the setback of the existing home to the west and east, and placing his home farther back than the home to the east and not as far back as the home to the west. Mr. Henry said both the home to the west and the home to the east are under the same ownership, with the home to the east being a rental, further saying the homeowner has expressed concern with locating his home behind the home to the east for resale and value purposes. While the homeowner did not speak, Mr. Henry identified the presence of the homeowner at the meeting.

Mr. Henry said he has lived in the area for 30 years and, when asked, said the new home is 100 square feet larger than the home that was lost, and the leach field must be increased to 1200 square feet.

Kincaid said four letters of no objection have been received and no letters or calls of objection have been received.

Parsons asked if any of the existing foundation will be utilized. Mr. Henry said it is not, as the existing foundation did not meet the current requirements, further saying the living area of the home will be set back farther than what was there, with the garage being located in approximately the same area as the previous garage.

There were no public comments.

The public hearing was closed at 7:45 p.m.

Biggs disclosed he owns property to the west and on the south side of Dean Road and received a notice of public hearing, further saying his ownership in the property will not influence any decision he makes on this request and he can remain impartial. Biggs said he would like to remain involved with the request.

When asked, Kamprath commented on the standard for the Board of Zoning Appeals granting of a variance, saying practical difficulties and unique circumstances associated with this case and application should be identified, and the decision is justified with the practical difficulties found, distinguishing it from other properties.

Potter said the structure would be in existence today if it had not been destroyed by fire.

Motion by Shah, supported by Welling, regarding the appeal of Kenneth Henry, 2268 W. Dean Road, Temperance, MI 48182, requesting a 20 foot front yard setback variance per Section 400.1800, Schedule of Regulations, on land described as 5802-021-044-00, 2268 W. Dean Road, Temperance, MI 48182 be approved with the following rationale: 1) the existing home was destroyed by fire and the home is not usable and livable, 2) the new home design is 100 +/- square foot different than the original home, 3) the leach field requirement has increased per the Monroe County Health Department and the larger leach field requirement will not allow the proposed site to meet the setback requirement, 4) the homes on the east and the west have a different setback requirement and the proposed setback requirement for the subject home is in between the two existing homes on the west and east, and 5) the residential portion of the structure meets the setback requirement with the garage encroaching on the setback requirement.

Roll call as follows: Voting Aye: Shah, Welling, Biggs, Parsons, Potter. Voting Nay: None. Excused: Greeley with Welling voting in his absence, Steiner with Shah voting in his absence. Motion carried.

Greeley returned to chair the meeting.

PUBLIC COMMENT –

None.

BOARD / STAFF COMMENT –

Kincaid said no variance applications have been received to this date for the October meeting. George Welling and Arvind Shah were thanked for serving in the absence of board members.

ADJOURNMENT -

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

Respectfully submitted,

Karen M. Kincaid
Recording Secretary