

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
March 4, 2019

**PRESENT:**

GEORGE WELLING, CHAIRMAN  
JAKE LAKE, VICE-CHAIRMAN  
KYLE DERSCH, CITIZEN AT LARGE  
RICK STEINER, TOWNSHIP BOARD LIAISON

**EXCUSED:**

TOM ZDYBEK, PLANNING COMMISSION 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

Kincaid 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 Steiner, supported by Welling, to approve the agenda. Motion carried.

***ELECTION OF BOARD OF ZONING APPEALS OFFICERS FOR 2019***

*Lake, nominated Welling to serve as Chairman.*

*Hearing no further nominations, the nomination period was closed.*

*Motion by Lake, supported by Steiner, to elect Mr. Welling to serve as Chairman of 2019 BZA.*

**Roll call as follows: Voting Aye: Lake, Steiner, Dersch and Welling**

**Voting Nay: None**

**Excused: Zdybek**

**Motion carried.**

*Steiner, nominated Lake to serve as Vice-Chairman.*

*Hearing no further nominations, the nomination period was closed.*

*Motion by Steiner, supported by Welling, to elect Mr. Lake to serve as Vice-Chairman of 2019 BZA.*

**Roll call as follows: Voting Aye: Steiner, Welling, Dersch and Lake**

**Voting Nay: None**

**Excused: Zdybek**

**Motion carried.**

***APPROVAL OF THE MINUTES***

Motion by Lake, supported by Steiner, to approve the minutes of December 3, 2018 Motion carried.

***PUBLIC COMMENT (LIMIT 3 MINUTES)***

None

**NEW BUSINESS**

- A. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF LAMBERTVILLE UNITED METHODIST CHURCH, 8165 DOUGLAS ROAD, LAMBERTVILLE, MI 48144, REQUESTING A VARIANCE TO ALLOW AN EXTENSION OF A PREVIOUS APPROVAL FOR A TEMPORARY USE FOR A FARMERS' MARKET USE IN AN R-2B, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, OTHERWISE KNOWN AS LAMBERTVILLE UNITED METHODIST CHURCH, PER SECTION 400.2204.7, "BOARD OF APPEALS", ON LAND DESCRIBED AS 5802-029-008-10, 8165 DOUGLAS ROAD, LAMBERTVILLE, MI 48144**

*Motion by Lake, supported by Steiner, to open the public hearing at 7:06 p.m. Motion carried.*

Kincaid stated once again, the Lambertville United Methodist Church, as the property owner, is permitting the Farmers' Market to seek approval for a temporary market use on the church property located on the southwest corner of Dean Road and Douglas Road. The Farmers' Market was first granted approval from the BZA on May 2, 2016, and again on April 3, 2017 with a twelve-month extension for 2018 that was conditioned upon no complaints or incidents and a submitted approval letter from the church to allow the continued use on the church property. This event has taken place on the church property the past three years, all with no complaints, incidents, or expressed concerns, and with approval from the church to utilize the property for the use.

Kincaid noted per the Bedford Township Zoning Ordinance, Section 400.2204.c. (7) (f), the BZA shall seek the review and recommendation of the Planning Commission prior to the taking of any action. However, considering this same request went before the Planning Commission on two previous occasions for this site, and no changes are being proposed to the plan/layout that was previously reviewed and recommended to approve, it was determined the Planning Commission's previous recommendations are valid, as, again, there have been no complaints or concerns expressed, and there is no change to the previously submitted plot plan.

Kincaid said, Farmers Market representative, Bob Potter, provided a letter dated January 23, 2019, reconfirming the setup, policy and procedures that have taken place in past seasons and those that are planned for the upcoming season(s). Mr. Potter's letter references seeking a recommendation from the Planning Commission, as it was not determined prior to the submittal that two previous Planning Commission recommendations will serve for this request due to no amendments to the plan, no incidents from previous years, and a letter of permission submitted from LUMC to allow the use to continue on the property. It should be noted, however, the hours of operation on Saturdays have been changed from 8:00 a.m. - 1:00 p.m. to 9:00 a.m. - 2 p.m., and there are planned hours of operation on Wednesday evenings from 4:00 p.m. - 8:00 p.m. The change in the hours of operation and the addition of the Wednesday market hours is not a use change, and the church has no objection to the weekend amended hours of operation and inclusion of the Wednesday evening market. The previously approved plot plan was included in the submitted information for consideration.

Kincaid advised, as a reminder, the church and Farmers' Market representatives have discussed those occasions where an unplanned event may be in conflict with the market setup location, and both have agreed there may be a required adjustment should such an occasion occur.

Kincaid said the Township Board granted a fee waiver for this application on February 19, 2019.

Welling informed the applicant the Board was one member short, offering the option to defer to a later date when all members could be present. Mr. Potter opted to move forward as scheduled.

**Bob Potter-1518 W. Temperance Road-Representative for the Farmer’s Market-** Mr. Potter advised they are currently looking at adding the last Wednesday of every month on a trial basis and if it should be successful, they will be adding every Wednesday, but other than adding Wednesday for the market there are no other changes.

Steiner spoke on the Famer’s Market being successful for several years without any incidents, concerns or changes. Steiner stated he would like to see the Farmer’s Market continued success moving forward.

Mr. Goldsmith advised the Board there is the option to add an additional twelve-month extension should there be no major changes to the request and should it be the desire of the Board to grant the request.

*Motion by Steiner, supported by Lake, to close the public hearing at 7:14 p.m. Motion carried.*

**Motion by Lake, supported by Dersch, to grant the appeal of Lambertville United Methodist Church, 8165 Douglas Road, Lambertville, MI 48144, requesting a variance to allow an extension of a previous approval for a temporary use for a Farmers’ Market use in an R-2B, Single Family Residential Zoning District, otherwise known as Lambertville United Methodist Church, per Section 400.2204.7, “Board of Appeals”, on land described as 5802-029-008-10, 8165 Douglas Road, Lambertville, MI 48144 as there have been no changes, incidents, concerns or complaints.**

**Roll call as follows: Voting Aye: Lake, Dersch, Steiner and Welling  
Voting Nay: None  
Excused: Zdybek  
Motion carried.**

**Motion by Steiner, supported by Lake, to grant a twelve month additional approval through 2020 for the appeal of Lambertville United Methodist Church, 8165 Douglas Road, Lambertville, MI 48144, requesting a variance to allow an extension of a previous approval for a temporary use for a Farmers’ Market use in an R-2B, Single Family Residential Zoning District, otherwise known as Lambertville United Methodist Church, per Section 400.2204.7, “Board of Appeals”, on land described as 5802-029-008-10, 8165 Douglas Road, Lambertville, MI 48144 conditioned upon there being no incidents, no major changes or a change in location, no complaints and retaining permission from Lambertville United Methodist Church.**

**Roll call as follows: Voting Aye: Steiner, Lake, Dersch and Welling  
Voting Nay: None  
Excused: Zdybek  
Motion carried.**

- B) OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF MARY BERMAN, 3861 W. RAUCH ROAD, PETERSBURG, MI 49270, REQUESTING TWO +/- 131.69-FOOT FRONTAGE VARIANCES, PER “SCHEDULE OF REGULATIONS”, TO CREATE TWO PARCELS IN AN AG, AGRICULTURAL ZONING DISTRICT, ON VACANT LAND DESCRIBED AS 5802-006-010-00, OTHERWISE KNOWN AS 3861 W. RAUCH ROAD, PETERSBURG, MI 49270**

*Motion by Steiner, supported by Lake, to open the public hearing at 7:15 p.m. Motion carried.*

Kincaid reviewed the analysis stating the existing parcel consists of approximately 13 +/- acres with 396 feet of frontage on West Rauch Road. The applicant is seeking to equally split the 13 +/- 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.

Kincaid said the applicant has submitted a layout showing one resulting parcel (Parcel A) with the existing home and having 198.31 feet of frontage on Rauch Road with 6.5 +/- acres, while the remaining 6.5 +/- acres will maintain the remaining 198.31 feet of frontage on Rauch Road (Parcel B). The applicant has submitted a letter stating due to her age and health conditions she is in need of assistance and wants to remain in her current home. The applicant has stated the variance request is for her son to build a new residential home adjacent to her property to help with her day-to-day living needs.

Kincaid noted the applicant has supplied the Planning Department with one letter of no objection, and no letters of objection have been received to date. However, there has been one inquiry to the Planning Department voicing opinion of objection to the request.

Welling informed the applicant the Board was one member short, offering the option to defer to a later date when all members could be present. Mr. Helm opted to move forward as scheduled.

**Brad Helm-4135 Eton Place- Representative for the applicant-**Mr. Helm advised the applicant would like to have her son build a home as he was raised on the property and will be able to help in maintaining the property. Mr. Helm stated the proposed split would be to divide the property equally. Mr. Helm stated he has spoken with Tim Csurgo, from the MCDC, to address the drainage on site and there is an option of installing a swale.

**Robert and Lee Post- 3953 West Rauch Road-**Ms. Post stated they are the neighboring property to the Berman's. Ms. Post stated they have lived there as long as Ms. Berman, around 24 years. Ms. Post stated they are friends and their concerns have nothing to do with the Berman's personally, however the concern as the adjacent property owner is continued privacy and issues with drainage. Ms. Post addressed concern with the proposed location of the new home and maintaining privacy and how much area of tree line will be removed. Ms. Post expressed concern on property values as well. Ms. Post appreciated Mr. Helm addressing the concern with drainage prior to the meeting. Ms. Post can relate to the Berman's wanting her family on the property and helping maintain the property. Ms. Post inquired on the requirements of a home to a property line. Kolar advised in this zoning district the setback is a minimum of 15' from a property to the house. Kolar advised other zoning districts are much less.

Mr. Goldsmith spoke on the survey presented to the board showing the existing residence and the proposed home being located approximately 54.58' from the neighboring property line. Discussion continued regarding the layout and proposed location of the new home in proximity to the Post's property.

Steiner spoke on the supplied layout indicating the approximate distance from the Post's home to their property line and the proposed new layout of the planned home having a total setback distance of 100' between. Kolar advised without having a survey showing the exact distance, it is not possible to give an exact dimension. Mr. Post spoke on standing water and drainage being their main issue and concern. Ms. Post thanked the Board for listening to their concerns. Mr. Helm advised the applicant is willing if needed to move the home an additional 20' from the side yard setback, and will have a gravity fed swale and work with the Drain Commission and his excavator on any issues of standing water. Ms. Post informed the Board they have no objection to the request with their issues now being addressed by Mr. Helm and the applicant.

***Motion by Steiner, supported by Lake, to close the public hearing at 7:35 p.m. Motion carried.***

Steiner inquired on the surrounding parcels. Kincaid stated those parcels could have been created prior to the ordinance and would be considered lots of record or may have been granted a variance at some point. Steiner spoke on the request and being a tough decision due to the requirements. Lake said he is very empathetic to the Berman's but he is struggling to find a practical difficulty for the requirement of the request.

Mr. Goldsmith said the Master Plan designates this area as a whole for Agricultural Preservation, however, the area is not used for agricultural production in part due to the wooded area and/or drainage. Mr. Goldsmith continued to say if to preserve this area for agricultural preservation the goal or objection is not going to be achieved. Mr. Goldsmith stated a practical difficulty of this particular parcel could be the property is unable to meet the intent of the Master Plan, should the board be so inclined to grant the variance.

Kolar spoke on drainage, size of a proposed resulting parcels and addressing drainage. Mr. Goldsmith advised should the board consider granting the variance request, a condition to address drainage should be included. Steiner asked Mr. Helm to clarify the plan on the proposed resolution to assist in drainage. Mr. Helm stated a gravity fed drain, or swale, will be installed from the middle of the property to the drain located at the northern end of the property.

**Motion by Steiner, supported by Dersch, to grant the request of Mary Berman, 3861 W. Rauch Road, Petersburg, MI 49270, requesting two +/- 131.69-foot frontage variances, per “Schedule of Regulations”, to create two parcels in an AG, Agricultural Zoning District, on vacant land described as 5802-006-010-00, otherwise known as 3861 W. Rauch Road, Petersburg, MI 49270 due to the applicants health issues and needing assistance, having the practical difficulty of the area being extremely wet and not currently being utilized, nor will be used, as farmland which does not meet the goals of the Master Plan, as the intent for this area is Agricultural Preservation. The variance shall be conditioned upon, when a new home is built, 1) installing a gravity fed drain (swale) to ensure all water is steered away from the neighboring property while meeting all standards from the Monroe County Drain Commission, 2) the proposed new home will have a 20 foot increase to the proposed 54.58 foot side yard setback to an approximate total of +/- 75 feet from the proposed property line adjacent to 3953 W. Rauch Road, 3) the proposed new home will be constructed parallel to the existing two homes, and 4) to maintain as much of the existing tree line as possible to maintain privacy to the neighboring property(Post-3953 W. Rauch Road).**

**Roll call as follows: Voting Aye: Steiner, Dersch and Welling  
Voting Nay: Lake  
Excused: Zdybek  
Motion carried.**

**PUBLIC COMMENT**-none

**COMMISSION / STAFF COMMENT** – Steiner inquired on the number of alternates to avoid a lack of a full Board. Kincaid advised normally we are able to have an alternate in attendance, however, tonight unfortunately was just short notice.

**ADJOURNMENT** – The meeting was duly adjourned at 8:05 p.m.

*Respectfully submitted,  
Jodie L. Rector  
Recording Secretary*