

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
April 1, 2019

PRESENT:

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

EXCUSED:

NONE

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
JODIE L. RECTOR, PLANNING AND ZONING ASSISTANT, RECORDING SECRETARY

Welling called the Bedford Township Board of Zoning Appeals meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Rector called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Motion by Lake, supported by Dersch, to approve the minutes of March 4, 2019 Motion carried. Zdybek abstained.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- 1. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF RICHARD W. MITCHELL, 639 KING, TEMPERANCE, MI 48182, REQUESTING A +/- 41 FOOT FRONT YARD SETBACK, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", A +/- 800 SQUARE FOOT AREA VARIANCE, A +/- 3 FOOT HEIGHT VARIANCE, AND A 102 SQUARE FOOT REAR YARD AREA VARIANCE TO CONSTRUCT AN ACCESSORY BUILDING IN THE FRONT YARD ON A CORNER LOT, PER SECTION 400.1903, ACCESSORY BUILDINGS", IN AN R-3, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-360-019-00, 639 KING, TEMPERANCE, MI 48182.***

Motion by Steiner, supported by Lake, to open the public hearing at 7:02 p.m. Motion carried.

Rector reviewed the analysis stating the applicant is seeking a +/- 40-foot front yard setback variance to construct an accessory building in the front yard on a corner lot. The property consists of .20 acre and has two front yards, as it is located on the corner lot of King and the undeveloped portion of Armstrong. The Schedule of Regulations requires a front yard setback in an R-3, Single Family

Residential Zoning District of 25' from the road right-of way (25' from the center of Armstrong) for a total of 50' from the center of the road. While the existing dwelling is a prior legal non-conforming structure having a front yard setback of only 6-feet, the proposed 30 x 40 accessory building meets the required side and rear yard setback. However, due to a corner lot and having two front yards, a variance of +/-40 feet off Armstrong is required.

Rector noted, per Section 400.1903, Accessory Buildings”, in an R-3, Single Family Residential Zoning District, the cumulative and maximum square footage of an accessory building with less than .25 acres, permits 400 square feet and accessory buildings shall not occupy more than 25 percent of the required rear yard, thus requiring the +/- 800 square foot area variance and +/- 102 square foot of the required rear yard area variance. Rector stated the Planning and Building Departments have reviewed the proposed rendering and determined the wall height to be 8 foot 4 inches and the over height of the building to be at 11.52 feet. Clarification shall be obtained from the applicant that the actual wall height is 8 foot 4 inches (per Dennis Kolar) as per Section 400.1903 “Accessory Buildings”, the maximum height is 12 feet. Rector said the applicant has indicated, in the submitted letter from his legal counsel, his practical difficulty is being there is no other suitable location to construct the accessory building on the parcel due to a corner lot, the size and shape of the lot, and the property abutting the undeveloped portion of Armstrong.

Rector advised at this time no letters or calls of objection have been received, however the applicant has supplied two letters of no objection.

Tony Brescol-Attorney and representative for the applicant- Mr. Brescol spoke on this being a unique lot abutting an undeveloped road. Mr. Brescol also advised the Board that after reviewing the formula on the height permitted, there is no height variance required.

Steiner inquired on Armstrong being an abandoned road and the south portion being included in the overall area. Lake spoke on the aerial provided and there being an existing building. Mr. Brescol stated the 18.5 feet is included with the overall area and the existing building has been demoed and the property is graded and ready to move forward. Steiner questioned on the size of a building and the intended use. Welling agreed that the building is much larger than the size of a residential garage. Mr. Brescol said the increase in size is due to the depth of the proposed building. A lengthy discussion took place on the size of the proposed building and what intent the applicant had for uses. Mr. Brescol advised the Board the uses were not provided to him from the applicant. Mr. Brescol stated he believed the design and size of the building was to make it more symmetrical and aesthetically appealing to the property and the surrounding area.

Steiner spoke on the Board being permitted to place conditions on an approval such as no commercial uses and/or uses only for the property owner. Steiner again expressed concern on the size of the building.

Mr. Goldsmith spoke on the process to abandon a road. Mr. Goldsmith agreed with Steiner, should the Board be so inclined to grant the requested variances, conditions could be included in the motion. Board Members voiced concern on the size of the building and the intended use and not being able to obtain clarification. Mr. Goldsmith said the Board may want to recess to allow Mr. Brescol time to try and contact his client for clarification on the height and if they are any planned uses for the proposed building. Welling requested a five-minute recess to allow Mr. Brescol time to contact his client.

Mr. Goldsmith advised Welling Mr. Brescol was able to make contact with his client and to resume the meeting. Welling called the meeting back to order.

Mr. Brescol advised the Board his client is retired and there is no intent for any type of commercial use for the building. Mr. Brescol said his client stated he has four automobiles, two motorcycles and a boat and the size of the building is to provide coverage for all. Mr. Goldsmith asked for clarification if there is any intent for commercial use. Mr. Brescol stated absolutely not.

Motion by Steiner, supported by Lake, to close the public hearing at 7:25 p.m. Motion carried.

Board Members continued to discuss the request, inquired on the R-3 Zoning District required parcel size by today's ordinance, setback requirements for accessory buildings, determination on the formula for rear yard requirements should the building size change, and the wall height to determine the building height formula. Rector advised the required area is 7,200 square feet and 60 feet of frontage. Steiner inquired on the calculations of the rear yard. Rector stated the Building Official determined the required rear yard and Rector apologized for not having the formula in front of her to determine should the building dimension change. Mr. Brescol advised he had made the determination the 3-foot height variance was not required.

Mr. Goldsmith advised this subdivision is probably one of the oldest subdivisions within Bedford Township and in reviewing the layout of Armstrong, it does not appear there will be any intent to develop that portion of the road as the surrounding area is already developed.

Motion by Lake, supported by Steiner, to grant the appeal of Richard W. Mitchell, 639 King, Temperance, MI 48182, requesting a +/- 41 foot front yard setback, per Section 400.1800, "Schedule of Regulations", a +/- 800 square foot area variance and a 102 square foot rear yard area variance to construct an accessory building in the front yard on a corner lot, per Section 400.1903, Accessory Buildings", in an R-3, Single Family Residential Zoning District, on land described as 5802-360-019-00, 639 King, Temperance, MI 48182, stating there is no height variance required. The practical difficulty being a corner lot, the narrowness of the width of the property and not meeting requirements of R-3 zoning district by ordinance today. The approval is conditioned upon uses permitted within the accessory building be those only permitted in an R-3 Zoning District, and no commercial uses or businesses uses are permitted.

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

PUBLIC COMMENT-none

COMMISSION / STAFF COMMENT – none

ADJOURNMENT – The meeting was duly adjourned at 7:42 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*