

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
APRIL 6, 2015

**PRESENT:**

BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE  
BOB POTTER, VICE-CHAIR, CITIZEN AT LARGE  
RICK STEINER, TOWNSHIP BOARD LIAISON  
KYLE PARSONS, CITIZEN AT LARGE  
GEORGE WELLING, ALTERNATE

**EXCUSED:**

JEFF BIGGS, PLANNING COMMISSION LIAISON

**ALSO PRESENT:**

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH  
DENNIS KOLAR, BUILDING OFFICIAL  
KAREN M. KINCAID, PLANNING AND ZONING  
JODIE L. RECTOR, PLANNING AND ZONING, ASSISTANT, 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 Steiner, supported by Welling, to approve the agenda. Motion carried.**

***APPROVAL OF THE MINUTES***

**Motion by Potter, supported by Steiner, to approve the minutes of February 12, 2015. Motion carried.**

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

None

***NEW BUSINESS***

***A) OPEN THE PUBLIC HEARING AT 7:05 P.M. REGARDING THE APPEAL OF GREGORY J. SULEWSKI (ADMINISTRATOR), 4131 PIEHL ROAD, OTTAWA LAKE, MI 49267, REQUESTING A .33 +/- AREA VARIANCE PER SECTION 400.1800 "SCHEDULE OF REGULATIONS" ON LAND DESCRIBED AS 5802-018-038-50, 4164 PIEHL ROAD, OTTAWA LAKE, MI 49267.***

Kincaid went over the analysis stating the applicant is seeking a .33 +/- acre variance in an agricultural zoning district. Mr. Sulewski (Trustee of his mother's trust) is in the process of settling an estate and is seeking a land division of a 6 acre parcel. While the entire parcel consists of 6 acres, the subject portion where the land division will take place consists of 4.91 acres that was attached to a 1.05 acre parcel with 100' of frontage on Piehl Road. Kincaid advised the proposed split would remove approximately 1.29 acres from the subject parcel, resulting in a 4.670 acre parcel where 5 acres are required for an agriculturally zoned parcel.

Kincaid stated that the removed/split off portions of the subject parcel would become attached to two existing non-conforming parcels located on Summerfield Road. The land division is configured to follow a ditch along the west property line and align with a property line of a parcel located on Summerfield Road. Kincaid added there were 10 letters of no objection received as well as one inquiry with the Planning Department where the property owner stated they had no objection to the request. Lastly, should the variance be granted, the applicant will be required to go through the Land Division process.

Gregory J. Sulewski- 4131 Piehl Road, Ottawa Lake, MI 49267, representative for the application was present.

Kincaid clarified that all parcels, not only the one seeking the variance for the land split, but as well as the two parcels on Summerfield Road are all zoned Agricultural and any property that would be added to those parcels would bring the parcel more into compliance with the required agricultural acreage in an Agricultural Zoning District. Greeley inquired if any of the other adjacent land owners were interested in purchasing sections of the property. Mr. Sulewski stated there was interest from the adjacent parcel owners, but different hardships resulted in them being unable at this time to purchase any of the property. Mr. Greeley asked the applicant if there could be a future submittal for another land division on this parcel. Mr. Sulewski stated that at this time the request is to clear up his mother's estate, but if any future land divisions were submitted, that process would go through his sister. Mr. Steiner added on what Kincaid mentioned as the parcels on Summerfield Road are Agriculturally Zoned, with 100' frontage on Summerfield Road and non-conforming. Steiner said the subject property is a unique parcel and if not attached to other parcels, it would become a landlocked parcel, adding that attaching a portion of the property to the adjacent parcels would bring the parcels on Summerfield Road closer to compliance.

**Motion by Steiner, support by Welling, to close public hearing at 7:13 p.m. Motion carried.**

There was further discussion with the board members reiterating on the uniqueness of the property (ditch line and landlocked parcel) and increasing the acreage to parcels on Summerfield Road would decrease the non-conformity, bringing them closer to compliance.

When asked, Mr. Goldsmith further stated this variance request would decrease the non-conformity of the two parcels on Summerfield Road, as they will become larger and more in line with the Agricultural Zoning District. This proposed variance does not adversely affect the neighboring properties, which is a consideration to take into account, because of the way the property has already been divided in this agricultural zoning district. Mr. Goldsmith further commented on the natural water course that traverses the property and the applicant's intent to follow the water course as a natural boundary for the land division.

Discussion ensued regarding the lay of the land and a practical difficulty.

***Motion by Potter, supported by Steiner, to grant the appeal of Gregory J. Sulewski (administrator), 4131 Piehl Road, Ottawa Lake, MI 49267, requesting a .33 +/- area variance per section 400.1800 "Schedule of Regulations" on land described as 5802-018-038-50, 4164***

*Piehl Road, Ottawa Lake, MI 49267 with the practical difficulty being the need for property splits to settle an estate, there is no negative impact on the surrounding properties, proposed split configuration is due to natural geographic boundary of the ditch, with the benefit being the additional land will bring two non-conforming parcels more into compliance with the requirements of Agricultural Zoning District, and the property is not currently being used as Agricultural, and is being used as Residential property. Lastly, attaching the property to adjacent parcels will prevent a result in a land locked parcel.*

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

***B) OPEN THE PUBLIC HEARING AT 7:25 P.M. REGARDING THE APPEAL OF DENNIS M. KOLAR, 2080 WOODLAND DRIVE, TEMPERANCE, MI 48182, REQUESTING A VARIANCE TO ALLOW AN EXISTING ACCESSORY STRUCTURE TO BE MAINTAINED IN THE FRONT YARD OF A NEW RESIDENTIAL DWELLING PER SECTION 400.1903.4 "ACCESSORY BUILDINGS" ON LAND DESCRIBED AS 5802-009-057-00, 10135 JACKMAN ROAD, TEMPERANCE, MI 48182.***

Kincaid reviewed the analysis stating the applicant is seeking a variance to construct a home to the rear of an existing 72' x 54' pole barn. In early 2013 the home on the site was destroyed by fire and demolished in May 2013. Kincaid added the home was located to the north and east of the existing structure with the septic system, well, buried foundation and surrounding trees making the area unsuitable for new home construction. The parcel consists of approximately 5.1 acres with 300' frontage and 750' in depth. The existing barn setback is approximately 100' from the road right-of-way and is south of the existing disturbed area where the home was previously located. The subject parcel is surrounded by farm land, and an increased dwelling setback would place the home more in line with the home located on the adjacent parcel to the south and in a more well-suited area for new construction. While a house plan has not yet been submitted for review, the applicant is seeking flexibility to place the home to the rear of the existing accessory structure. Kincaid advised there had been no letters or calls expressing objection to the request.

Dennis Kolar-2080 Woodland Drive, Temperance, MI 48182- advised wanting to construct a Single Family Dwelling behind the existing pole barn that currently houses horses. Mr. Kolar stated there was a house to the east and the footers and foundation are still buried below with a well in front and septic behind it. Mr. Kolar advised the board his goal is to construct the new dwelling on the highest piece of the property which then will align with the house to the South.

Mr. Kolar stated he met at the property with the health department, and with that input it was determined the best location for the dwelling is on the highest location of the property. Mr. Goldsmith further added that the existing building is being put to a bona fide agricultural use, resulting with a legal building on a parcel that is zoned agricultural and meets all the requirements of the zoning ordinance, 300' frontage and in excess of 5 acres of area. Discussion took place regarding the practical difficulty in terms of geography, in that putting a home in front of or closer to Jackman Road, the applicant would have to excavate the foundation, relocate wells and compact the site. Mr. Greeley added the septic system from when the original home was built have changed in regulations. Further discussion took place regarding the current

Monroe County Sanitary Code, saying there is more than enough land to comply. Mr. Parsons requested clarification that the well was remaining in the existing location and if there are any issues with the foundation when obtaining a path to the new dwelling, Mr. Kolar advised he should be able to avoid the buried foundation.

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

*Motion by Steiner, supported by Potter, to approve the appeal of Dennis M. Kolar, 2080 Woodland Drive, Temperance, MI 48182, requesting a variance to allow an existing accessory structure to be maintained in the front yard of a new residential dwelling per Section 400.1903.4 "Accessory Buildings" on land described as 5802-009-057-00, 10135 Jackman Road, Temperance, MI 48182 with several practical difficulties that warrant this variance: Multiple parts of disturbed soil, foundation buried towards the front of the property where the original home was located before it was destroyed by fire, trees on the property, current location of the well and septic, and a new septic location to a higher ground meeting the requirements of the Health Department. Also the new residential dwelling will exceed the required setbacks in an Agricultural Zoning District and will align with the neighboring dwelling.*

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

***PUBLIC COMMENT –None***

***COMMISSION / STAFF COMMENT –***

***Greeley-inquired on the update for Sidelines, Mr. Kolar advised that currently working with the ordinance department on getting in contact with them.***

***ADJOURNMENT –***

***The meeting was duly adjourned at 7:40 p.m.***

Respectfully submitted,  
Jodie L. Rector  
Recording Secretary