

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
APRIL 10, 2018

**PRESENT:**

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

**EXCUSED:**

NONE

**ALSO PRESENT:**

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

Potter 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. Kincaid advised Steiner would be late. Quorum present.

***APPROVAL OF THE AGENDA***

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

***APPROVAL OF THE MINUTES***

Motion by Welling, supported by Lake, to approve the minutes of March 5, 2018. Motion carried.

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

None.

Steiner arrived at 7:04 p.m.

***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 5802-159-048-00, 8294 Twin Creek Circle, Temperance, MI 48182.*
- 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 5802-159-052-00, 8310 Twin Creek Circle, Temperance, MI 48182.*

- C. *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 5802-159-053-00, 8314 Twin Creek Circle, Temperance, MI 48182.*

***Motion by Lake, supported by Welling, to open the public hearing at 7:03 p.m. Motion Carried.***

Kincaid reviewed the analysis saying for convenience purposes, this analysis will serve for the first three variance requests listed on the agenda, as the requests are for the same variance, from the same applicant, and within the same development. Kincaid stated while the variances can be collectively discussed, each variance will require a separate motion. Kincaid advised the three requests are for a 5' rear yard setback on lots 48, 52, and 53 located 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 and has shown each lot location on the submitted plot plan. 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 submitted letter dated March 1, 2018, the request for a 5' rear yard setback variance is due to the Building Code changes that have necessitated a change in their floorplan and blueprints and due to the application process, each lot must be submitted and reviewed as an individual request. Should the request be granted a "building permit" must be issued within six months from the date of the Board's variance approval. Kincaid reminded the Board this request was before the Board on two other occasions (4/3/17 & 6/5/17 (2) requests) and the minutes of those meetings were included in the packet for informational purposes.

Kincaid noted at this time no letters or calls of objection have been received. It should be noted that the property to the north of the subject sites is also under the developer's ownership.

**Dave Schmitt-Oak Creek Holdings, LLC-5135 South Main Street, Sylvania, Owner/Applicant**  
Mr. Schmitt supplied the Board Members with additional information and one letter of no objection. Mr. Schmitt explained the request is the same as the previous request due to the change in the energy code requirements and if the ordinance did not require a permit to be pulled within six months of the variance approval he would have done all the request at the same time. Mr. Schmitt explained the encroachment on the layout that was supplied to the Board.

Lake inquired on the changes in the energy code. Mr. Schmitt explained what a RES check is and the requirements to meeting an energy efficiency code. Mr. Schmitt said the home has to be constructed with three additional feet in depth to include a closet within the home to accommodate the furnace, which exceeds the approved building envelope. Mr. Schmitt explained once the energy code changed it would have required about another two to three-year process to go back through the entire platting process. Steiner asked where the furnace was located prior to the change in the energy code. Mr. Schmitt stated within the garage. Steiner asked if the furnace has to be placed in an insulated area with the building to meet the energy code requirement. Mr. Schmitt said it does. Lake asked if the request is due to a particular design of the house. Mr. Schmitt stated yes, which is 95% of their sales. Potter voiced concern on the previous request being more than a year ago and that there was plenty of time for the developer to redesign a structure to comply with the energy code changes. Mr. Schmitt

explained the architect had reviewed the floor plan as this design is their best-selling floor plan, and they really did not want to change the layout too much as there was only these last lots that would need a variance request.

***Motion by Lake, supported by Welling, to close the public hearing at 7:16 p.m. Motion Carried.***

Welling reiterated the request and the amount of time and cost to redesign the layout. Lake stated in his opinion there was enough of a length of time to change the floor plan to meet the requirements of the energy code. Kolar added these are villa type homes which is not necessarily a family type home with larger yards and other locations within the community with the same type of development with relaxed setback requirements. Kolar felt this is a minor request.

***Motion by Welling, supported by Steiner, to grant the request of 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 5802-159-048-00, 8294 Twin Creek Circle, Temperance, MI 48182 as it would require a reapproval though the State and the State Plat Board, the applicant stated these are his last requests for this site location requiring the 5' rear yard setback variance and having a practical difficulty due to the change since the original Plat approval in the energy code.***

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

***Voting Nay: Potter and Lake***

***Excused: None***

***Motion carried.***

***Motion by Welling, supported by Steiner , to grant the request of 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 5802-159-052-00, 8310 Twin Creek Circle, Temperance, MI 48182 as it would require a reapproval though the State and the State Plat Board, the applicant stated these are his last requests for this site location requiring the 5' rear yard setback variance and having a practical difficulty due to the change since the original Plat approval in the energy code.***

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

***Voting Nay: Potter and Lake***

***Excused: None***

***Motion carried.***

***Motion by Welling, supported by Steiner, to grant the request of 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 5802-159-053-00, 8314 Twin Creek Circle, Temperance, MI 48182 as it would require a reapproval though the State and the State Plat Board, the applicant stated these are his last requests for this site location requiring the 5' rear yard setback variance and having a practical difficulty due to the change since the original Plat approval in the energy code.***

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

***Voting Nay: Potter and Lake***

***Excused: None***

***Motion carried.***

***D. Open the public hearing regarding the appeal of Julie Murray, 3862 Lucille Drive, Lambertville, MI 48144, requesting a 4 +/- foot setback from any building, to construct an addition to an existing dwelling per Section 400.1903, "Accessory Building Table", in an R-2A, Single Family Residential District, on land described as 5802-385-029-00, 3862 Lucille Drive, Lambertville, MI 48144.***

***Motion by Steiner, supported by Zdybek, to open the public hearing at 7:27 p.m. Motion Carried.***

Kincaid reviewed the analysis saying the applicant is seeking to construct a 720 square foot addition to an existing dwelling. Due to the location of the existing garage in proximity to the proposed addition there is an encroachment of 4 feet within the required 10-foot setback. Per Section 400.1903, "Accessory Building Table" in an R-2A, Single Family Residential, a required minimum setback from any building to building is 10 feet, thus requiring the 4' building to building setback variance. Kincaid stated the applicant has indicated in the submitted letter the proposed addition will incorporate two access entries into the proposed addition from the existing home, one through the existing mud room and one through the existing kitchen area, leaving no option to relocate the addition any further east from the existing garage. Kincaid added Mr. Montri is authorized to speak on Ms. Murray's behalf. Kincaid advised at this time no letters or calls of objection have been received.

**Richard Montri- 7147 Maplewood Drive- Representative for the applicant Julie Murry-** Mr. Montri explained the home is on a slab and the request is to enlarge the kitchen and dining areas within the existing home and to utilize the exiting duel access points. Mr. Montri stated there is a proposed fire wall due to the proximity to the existing garage.

Steiner inquired on a practical difficulty. Mr. Montri explained the issue of incorporating three roof lines with the truss design. Potter asked for clarification on the installation of fire walls for protection on the existing garage and the proposed addition. Kolar agreed with Mr. Montri on installing a fire wall for additional protection.

***Motion by Steiner, supported by Welling, to close the public hearing at 7:34 p.m. Motion carried.***

Mr. Goldsmith stated the Board may want to include a condition for protection of the property owner and the neighboring properties to install a firewall on the proposed addition and the existing garage as Kolar agreed it would give additional protection should a fire occur. Mr. Goldsmith also added the request is take to advantage of the existing duel access of the existing structure being a practical difficulty due to the layout of the existing structure. Welling added the roof line being a practical difficulty. Mr. Goldsmith did not feel it was shown on the plan submitted as a practical difficulty.

***Motion by Lake, supported by Zdybek, to grant the request of appeal of Julie Murray, 3862 Lucille Drive, Lambertville, MI 48144, requesting a 4 +/- foot setback from any building, to construct an***

*addition to an existing dwelling per Section 400.1903, "Accessory Building Table", in an R-2A, Single Family Residential District, on land described as 5802-385-029-00, 3862 Lucille Drive, Lambertville, MI 48144 contingent upon a fire wall to be installed on the addition and the existing garage, having the practical difficulty of maintain the existing dual entrances into the addition from the existing home and the design of the new roof lines and the existing roof line.*

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

- E. Open the public hearing regarding the appeal of "Southern Michigan Sportman's Club, 2344 W. Temperance Road, Temperance, MI 48182, requesting a variance to allow a gravel surface to serve as hard surface, per Section 250.800, "Streets, Driveways, Parking Lots and Sidewalks", in an AG, Agricultural Zoning District, on land described as 5802-016-039-00, 2344 W. Temperance Road, Temperance, MI 48182.*

**Motion by Steiner, supported by Welling, to open the public hearing at 7:39 p.m. Motion Carried.**

Kincaid reviewed the analysis saying in 2017 the structure on the site was destroyed by fire and a demo permit (PB170275) was issued on 6/1/2017 to remove the structure remainder and clean up the site. Kincaid noted while the structure has been removed, the club has continued to operate the outdoor shooting range. Kincaid advised the applicant is in the process of having a site plan prepared for submittal to construct a new (approximately 4300 square foot) clubhouse/indoor range in the location of the recently destroyed building. Kincaid stated in calculating the number of required parking spaces at 1 space for each 75 square feet of usable floor space, the existing 40 parking spaces and 2 barrier free spaces exceeds the parking space requirement. Kincaid said it must be kept in mind that while the entire building is proposed at approximately 4300 square feet, the range (shooting area) is not usable floor space, as persons will not occupy the range area. Kincaid continued to state as well, the applicant is not increasing the existing parking area; however, they are proposing a hard surface for the two barrier free parking spaces and a walkway to the building. Kincaid directed that the variance being sought is to allow the existing gravel parking area to remain and serve as parking surface. Kincaid stated the applicant has indicated they are concerned an impervious area will create water run-off where that has never been an issue or concern. It has been indicated the parking area is rarely full, and the authorized spokesperson will be available to speak to that matter.

Lastly, Kincaid stated the variance is to allow a gravel surface to serve as hard surface. It should be noted the applicant is required to go through the Site Plan Approval process where the Planning Commission will review the submitted plan for approval.

Kincaid noted at this time no letters or calls of objection have been received.

**Richard Bohmer-President- Representative from the Southern Michigan Sportman's Club-** Mr. Bohmer spoke to allow their attorney and or Mr. Larry Miller the Sportman's Club Architect to speak on the club's behalf.

Potter stated Mr. Miller is listed as an authorized representative.

**Larry Miller-2715 W. Holland-Sylvania Road, Toledo, Ohio- Architect for the applicant-**Mr. Miller spoke of the location of the existing gravel at the site prior to the fire at the location. Mr. Miller referred to the submitted layout where the proposed new building will be located is within the area of the previous building and where the request for a variance is where the existing gravel is located on site. Mr. Miller advised the club has concern, as there has never been any drainage issues on site, to require a hard surface could cause issues where there has never been a problem. Mr. Miller also stated the request is to allow the gravel to serve as hard surface as it was in existence prior to the fire and due to the fire being more than 60%, it is requiring the site to brought into compliance at no fault of the Sportman's Club. Mr. Miller did advise the Board the area shown on the submitted layout where barrier free parking is proposed will be an asphalted area.

Lake inquired on when the original building was built. Mr. Bohmer stated 1949-1950 on what information he had on record. Mr. Miller discussed the proposed building and materials. Steiner referred to the gravel surface being allowed as a prior legal non-conforming on site. Steiner also added due to the fire, to reconstruct, ordinance requirement for site plan approval is to bring the site into compliance. Steiner stated the existing gravel was not something the club was in violation of; however, it became a violation once the ordinance came into effect any change requires compliance. Kincaid stated yes that is correct, although it does not change the requirement of the ordinance. Kincaid added this is not like a commercial parking lot use with a high traffic volume on a daily basis. Discussion continued on the existing site and the use of the club.

Mr. Goldsmith requested the President come back to the podium as Mr. Goldsmith had a few questions for clarification for the Board. Mr. Bohmer came back to the podium. Mr. Goldsmith asked if the club's attorney was present. Mr. Bohmer asked if Erik was in attendance. Mr. Bohmer stated he did not appear to be in attendance. Mr. Goldsmith asked Mr. Bohmer if it was a private club, served by a gated access off Temperance Road. Mr. Bohmer stated yes and one must have a keycard to access. Mr. Goldsmith asked if the site is generally open to the public. Mr. Bohmer said no, unless invited by a member. Mr. Goldsmith continued to say patrons using the parking area would generally be club members or invited guest. Mr. Bohmer stated the club does keep track on a sign in sheet of members who have been to the club daily. Lastly, Mr. Goldsmith stated to the Board this is not a commercial use, the location is not open to the general public, must go through site plan approval process, the plan will be reviewed to ensure not only the driveway but also the proposed gravel parking area will meet the requirements to support emergency equipment and the length of time the use has been in existence at the site.

**Mike Sprott-Representative (Financial Secretary) from the Southern Michigan Sportman's Club-** Mr. Sprott advised due to club rules, members are permitted one visitor, one time and must be accompanied by a member. Mr. Sprott also added the location is not open to the public, one must be invited by a member to attend.

*Motion by Steiner, supported by Welling, to close the public hearing at 7:55 p.m. Motion Carried.*

*Motion by Lake, supported by Steiner, to grant the request of appeal of "Southern Michigan Sportman's Club, 2344 W. Temperance Road, Temperance, MI 48182, requesting a variance to*

***allow a gravel surface to serve as hard surface, per Section 250.800, “Streets, Driveways, Parking Lots and Sidewalks”, in an AG, Agricultural Zoning District, on land described as 5802-016-039-00, 2344 W. Temperance Road, Temperance, MI 48182 as there was existing gravel parking and with the practical difficulty, due to a fire at the location and the ordinance requirement now to bring into compliance to reconstruct the building, at no fault of the applicants, the location does not have a commercial use, it is a private club(members only) not open to public unless invited by a member, and access is controlled by a gate at Temperance Road (keycard/code) conditioned upon the gravel being able to support emergency equipment, which shall also be subject to Site Plan Approval from the Planning Commission.***

Zdybek inquired if the 6-month requirement to pull a building permit would give the applicant enough time to have an engineered site plan ready for review and approval by the Planning Commission. Mr. Goldsmith advised the applicant’s representative of the process and the applicant’s representative, Larry Miller spoke on the sportsman’s club behalf and stated yes.

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

PUBLIC COMMENT –None

COMMISSION / STAFF COMMENT –

Potter spoke on the meeting he had attended and will be supplying further information to the Board Members.

Kolar spoke in favor of the Sportman’s Club moving forward with reconstruction.

Kincaid advised at this time we have no submittal for the next meeting to be held on May 7<sup>th</sup>, however the deadline is not until Monday, April 16<sup>th</sup> at noon.

ADJOURNMENT – The meeting was duly adjourned at 8:07 p.m.

*Respectfully submitted,  
Jodie L. Rector  
Recording Secretary*