

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
May 4, 2015

PRESENT:

RICK STEINER, TOWNSHIP BOARD LIAISON
BRAD GREELEY, CITIZEN AT LARGE
BOB POTTER, CITIZEN AT LARGE
KYLE PARSONS, CITIZEN AT
JEFF BIGGS, PLANNING COMMISSION LIAISON

EXCUSED:

NONE

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 Potter, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Steiner, supported by Potter, to approve the minutes of April 6, 2015. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

A) OPEN THE PUBLIC HEARING AT 7:03 P.M. REGARDING THE APPEAL OF THE FRANCIS FAMILY YMCA, 2000 W. DEAN ROAD, TEMPERANCE, MI 48182, REQUESTING A VARIANCE TO ALLOW A TEMPORARY FARMER'S MARKET USE IN AN R-2A, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, OTHERWISE KNOWN AS THE FRANCIS FAMILY YMCA, PER SECTION 400.2200 "BOARD OF APPEALS", ON LAND DESCRIBED AS 5802-021-055-00, 2000 W. DEAN ROAD, TEMPERANCE, MI 48182.

Kincaid went over the analysis stating the applicant is seeking a temporary Farmer's Market use in an R-2A, Single Family Residential Zoning District. It will take place at the Francis Family YMCA on Saturdays from 8:00 a.m. to 1:00 p.m., May through October. The applicant has indicated there is enough room around the front parking lot for up to 25 10x10 booths. Kincaid added during the April 8, 2015 Planning Commission Meeting it was expressed the display setup would be within the parking lot areas as the plot plan shows them in the grassy area. It was also mentioned at the Planning Commission Meeting that "live entertainment" is part of the

temporary use. The Farmer's Market and the YMCA parking will be shared within the existing parking areas on site and restrooms will be available to the Farmer's Market patrons inside the facility. Kincaid clarified the Bedford Township Zoning Ordinance, Section 400.2204, c 7f, States that the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action. Lastly, the Planning Commission reviewed the plot plan and made a recommendation to approve the use for one year as the ordinance permits at their April 8, 2015 meeting, the Planning Commission minutes are included in the packets for review.

Cathy Leonard- Director of the YMCA-2000 W. Dean Road

Discussion between the board and the applicant regarding the success last year with the Farmer's Market and looking forward to expanding it this year, adding the live entertainment being music and bands playing up next to Total Rehab, as that is not in use during the weekends.

Motion by Steiner, support by Potter, to close public hearing at 7:07 p.m. Motion carried.

Greeley asked for clarification on the time frame permitted by the ordinance as 12 months with a 12 month extension or to the amount of years requested. Mr. Goldsmith, legal counsel, advised this is a temporary use where the Planning Commission is required to give a recommendation to the Board of Zoning Appeals. Mr. Goldsmith advised on his interpretation of the ordinance drafted is once approved the applicant can come back each year and request another 12 month extension, which must be done on an annual basis. Discussion continued regarding the possibility of having the Township Board look into amending the ordinance to allow the BZA some flexibility in granting a temporary use. Kincaid added that public hearing notices were sent to properties within 300' of the perimeter of the property and no letters or calls of objection have been received.

Motion by Steiner, supported by Potter, to grant the appeal of the Francis Family YMCA, 2000 W. Dean Road, Temperance, MI 48182, to allow a temporary Farmer's Market Use in an R-2A, Single Family Residential Zoning District, otherwise known as the Francis Family YMCA, per section 400.2200 "Board of Appeals" on land described as 5802-021-055-00, 2000 W. Dean Road, Temperance, MI 48182 for a Temporary Farmer's Market Use, that was successful last year, for an additional extension of one year as the ordinance permits and to also include the temporary use of "live entertainment".

Roll call as follows: Voting Aye: Steiner, Potter, Parsons, Biggs, Greeley

Voting Nay: None

Motion carried.

B) OPEN THE PUBLIC HEARING AT 7:13 P.M. REGARDING THE APPEAL OF PHILLIP, O'DEAL & MICHAEL S. BOOSE, 4285 SMITH ROAD, LAMBERTVILLE, MI 48144, REQUESTING A VARIANCE TO ALLOW AN EXISTING ACCESORY SRUCTURE TO BE MAINTAINED IN THE FRONT YARD OF A NEW RESIDENTIAL DWELLING PER SECTION 400.1903.4 "ACCESSORY BUILDINGS" ON LAND DESCRIBED AS 5802-106-093-00, 4285 SMITH ROAD LAMBERTVILLE, MI 48144.

Kincaid reviewed the analysis stating the parcel consists of 3.6 +/- acres with approximately 281.86 feet of frontage on Smith Road and 558.57 feet in depth. The deed identifies Phillip and O'Deal Boose, along with their son, Michael Boose, as joint tenants of the subject property. Michael Boose resides to the immediate east of the subject site and currently cares for his parents who reside in the home on the subject property. Kincaid added the applicant has indicated it is the intent to split the subject property into two conforming parcels in accordance with Section 400.1800, "Schedule of Regulations". The Reita Drain will serve as the rear property line. Kincaid stated both parcels will comply with the required frontage and area for an R-2A, Single Family Residential Zoning District, where a variance is required to maintain the existing barn on a parcel with no dwelling and to allow a proposed dwelling to be constructed behind the existing barn. Kincaid went on to say the applicant has stated the intent is to split the parcel, sell the parcel with the home and move his parents into his existing residence to the east of the property and then build a home behind the existing barn to accommodate his family and his parents. At this time no letters, calls or inquiries expressing any objection have been received. Kincaid noted for informational purpose only and not part of the consideration should the variance be granted the applicant will be required to go through the land division process, and also the distance from the existing home to all property lines shall be provided to ensure all setbacks are met and that the parcel meets the Health Department requirements for septic and well. Kincaid clarified that the Assessing Department will verify the setbacks are met and the Township Board will be required to waive a 4:1 depth to width ratio prior to finalizing a land division.

Michael Boose-4281 Smith Road, Lambertville, MI 48144, was present to represent the request.

Potter requested clarification on the topography of the property to maintain the accessory building regarding where the home is proposed to be built. Mr. Boose advised there is a hill in the rear of the property. Greeley asked the applicant on a time frame for the construction of the home being built. Mr. Boose advised he is looking to begin this summer and once getting started around 6-7 months to complete. Steiner stated concern with the drain under the driveway location and issues moving forward, Mr. Boose stated he currently resides to the east of the property and it is tiled with no current issues. Discussion continued with the board members regarding the property topography and the existing structure. Kolar added it is a masonry block building that is being requested to be maintained, and Mr. Boose added the building has a steel roof and may be sided to match the new dwelling. Kincaid added the property immediately to the west is Whiteford Township which was notified regarding the public hearing, and no objections were received. Discussion took place regarding the private drive adjacent to the property, which is located within Whiteford Township, clarifying the subject property has no access from the private drive.

Motion by Steiner, supported by Biggs, to close the public hearing at 7:22 p.m. Motion Carried.

Discussion further between the Board Members and legal counsel on setting conditions with the motion regarding time frame of development and maintaining the structure currently on the property to avoid creating a parcel with an accessory building. Kolar stated he has not been out to the site location but to his understanding it is a block building and the roof is in decent shape. Mr. Greeley stated he did visit the site and it is a nice accessory building.

Motion by Potter, supported by Biggs, to approve the appeal of Philip, O'Deal & Michael S. Boose, 4285 Smith Road, Lambertville, MI 48144 to allow an existing accessory structure to be maintained in the front yard of new residential dwelling per section 400.1903.4 "Accessory Buildings' on land described as 5802-106-093-00, 4285 Smith Road, Lambertville, MI 48144 with the practical difficulty being the proposed split along the Reita Drain. The new dwelling is proposed to be located on the highest ground for septic and would be located behind the existing accessory building. Conditions shall be: a permit pulled for construction for the new residential dwelling with construction commencing within 18 months or a permit to demolish the accessory building is required. In addition the construction of the new dwelling must be complete within a 24 month period.

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

C) OPEN THE PUBLIC HEARING at 7:28 P.M. REGARDING THE APPEAL OF PTL, INC, P.O. BOX 193, LAMBERTVILLE, MI 48144, REQUESTING A 17 +/- FOOT FRONT YARD SETBACK VARIANCE TO ALLOW A ROOF OVER THE FRONT ENTRANCE OF AN EXISTNG DWELLING PER SECTION 400.1800, "SCHEDULE OF REULATIONS" ON LAND DESCRIVED AS 5802-705-016-00, 1395 W. TEMPERANCE ROAD, TEMERANCE , MI 48182.

Kincaid reviewed the analysis stating the applicant is seeking a 17' front yard setback variance to construct a 5'x10' entrance structure on an existing home with a legal nonconforming front yard setback of 73 feet from the center of the road. The Schedule of Regulations requires a front yard setback in an R-3, Single Family Zoning District, 52 feet from the road right-of-way and 33 feet from the center of the road for a total of 85 feet. Kincaid went on to say in speaking with the Building Official, Dennis Kolar, a permit has been issued for the foundation and flooring of the porch but for the proposed entrance structure a variance request is required to increase the nonconforming front yard setback an additional 5 feet. Lastly, Kincaid stated at this time no letters or calls of objection have been received.

Wayne Dibert-PTL, Inc. Representative

Discussion took place between the board members and the applicant on the need for the structure addition to the porch for safety purposes as the permit/approval was already issued for the foundation of the porch.

Motion by Potter, supported by Steiner, to close the public hearing at 7:34 p.m. Motion Carried.

Board Members discussed the conformity of the adjacent homes in relevance to the porch area and as the foundation already has a permit to develop. The addition of the roof would create a safe ingress/egress to the home.

Motion by Potter, supported by Steiner, to approve the appeal of PTL, Inc, P.O. Box 193, Lambertville, MI 48144, for a 17 +/- foot front yard setback variance to allow a roof over the front entrance of an existing dwelling per Section 400.1800, "Schedule of Regulations" on land described as 5802-705-016-00, 1395 W. Temperance Road, MI 48182 with the practical difficulty being the home is currently being reconstructed and when complete will completely comply with the Michigan Residential Building Code as adopted by Bedford Township, the footprint of the home is not changing, it does not interfere with the site distance of safe traffic flow on Temperance Road, and the addition is in line with the neighboring homes and will provide a safe ingress/egress into the existing dwelling.

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

PUBLIC COMMENT –None

COMMISSION / STAFF COMMENT – None

***ADJOURNMENT –
The meeting was duly adjourned at 7:47 p.m.***

Respectfully submitted,
Jodie L. Rector
Recording Secretary