

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
May 7, 2018

PRESENT:

BOB POTTER, CHAIRMAN
GEORGE WELLING, VICE-CHAIRMAN
TOM ZDYBEK, PLANNING COMMISSION LIAISON
JAKE LAKE, CITIZEN AT LARGE
ARVIND SHAH, ALTERNATE

EXCUSED:

RICK STEINER, TOWNSHIP BOARD LIAISON

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
DENNIS KOLAR, BUILDING OFFICIAL
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. Rector called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Motion by Welling, supported by Lake, to approve the minutes of April 10, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

NEW BUSINESS

A) Open the Public Hearing regarding the appeal of Michael A. Thorn, 8467 Crabb Road, Temperance, MI 48182, requesting a +/- 43-foot front yard setback variance to construct an addition to an existing dwelling per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, on land described as 5802-023-156-00, 8467 Crabb Road, Temperance, MI 48182.

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

Rector reviewed the analysis stating the applicant is seeking a 43' front yard setback variance to construct a 429 square foot addition on the north side of the existing home. The subject property is 6.060 acres with 200' of frontage on Crabb Road and approximately 1319' in depth. Rector stated the applicant has indicated in the submitted letter he recently purchased the home in October of 2017 and intended on constructing two additional bedrooms for their four children. However, when submitting for a building permit it was discovered the existing home is setback 24' from the road right-of-way where 67' is required. Per Section 400.1800, "Schedule of Regulation" a front yard setback in an

Agricultural Zoning District, requires 67 feet from the road right-of-way (33' from the center of the road) for a total of 100 feet. While the entire existing home is a prior legal nonconforming structure and encroaches 43' within the front yard setback, per Section 400.1902.4.a "Nonconforming Structures", no such structure may be enlarged or altered in a way which increases its nonconformity, thus requiring the front yard setback variance for the proposed addition. Rector said per the submitted letter, the applicant stated the existing driveway on the north side of the home will be relocated. At this time no letters or calls of objection have been received.

Jennifer Brown, 8467 Crabb Road, Temperance, MI 48182-Authorized Representative- Ms. Brown was available to answer any questions from the board.

Lake inquired when the home was built. Rector stated she believed in the 1950's. Discussion took place regarding the area, surrounding parcels and surrounding homes distance and current setbacks.

Motion by Welling, supported by Lake, to close the public hearing at 7:08 p.m. Motion carried.

Welling stated he supported the request as there would not be any impact on the surrounding parcels. Lake added the home was built before the ordinance was in effect. Mr. Goldsmith stated the practical difficulty would be to construct the addition the applicant would have to either demo and rebuild or relocate the home to meet the setback requirement.

Motion by Shah, supported by Zdybek, to grant the request of Michael A. Thorn, 8467 Crabb Road, Temperance, MI 48182 requesting, a +/- 43-foot front yard setback variance to construct an addition to an existing dwelling per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, on land described as 5802-023-156-00, 8467 Crabb Road, Temperance, MI 48182, with the practical difficulty being either to demo and rebuild or relocate the home to meet the required setback to construct the addition.

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

Voting Nay: None

Excused: Steiner

Motion carried.

B) Open the Public Hearing regarding the appeal of Christopher J. and Vanessa Ohneck, 9791 Minx Road, Temperance, MI 48182, requesting a +/- 7-foot front yard setback variance, Per Section 400.1800, "Schedule of Regulations", and a variance to allow an accessory building to be constructed in a front yard (side yard on a corner lot) per Section 400.1903, "Accessory Buildings", in an R-3, Single Family Residential District, on land described as 5802-013-006-53, 9791 Minx Road, Temperance, MI 48182.

Motion by Shah, supported by Welling, to open the public hearing at 7:12 p.m. Motion carried.

Rector reviewed the analysis stating the applicant is seeking a variance to construct a 30' X 50' pole barn with an additional 8' pavilion to be located within the front yard on a corner lot. The property consists of 1.436 acres having 233.11 feet of frontage on Minx Road and 268.50 feet of frontage on Erie Road. The applicant has indicated in the submitted letter the property has a natural grade which

drops 8 feet from the front of the property to the back making it impossible to build in the rear yard due to the slope. Per Section 400.1903 "Accessory Buildings", accessory buildings shall not be erected in any minimum side yard setback nor in any front yard pursuant to the Schedule of Regulations of the Bedford Township Zoning Ordinance. Rector added, the applicant noted, due to the topography of the property, drainage naturally flows to the rear of the property, making the proposed location the best option to utilize the level ground area and maximize the use of the main driveway for access to the proposed pole barn. Per Section 400.1800, "Schedule of Regulation" a front yard setback in a Single Family Residential District, requires 52 feet from the road right-of-way (33' from the center of the road) for a total of 85 feet, thus requiring the 7' front yard setback variance due to a corner lot and having two front yards; and, a variance is also required to allow an accessory building to be located in the front yard. At this time no letters or calls of objection have been received.

Christopher Ohneck, 9791 Minx Road, Temperance, MI 48182- Mr. Ohneck was available to answer any questions from the board.

Shah asked the applicant if there was a possibility to move the building back as Shah did not see an issue with the slope or for the applicant to re-grade the property. Mr. Ohneck stated there is a significant slope from the front to the back of the property and did not see any means of relocating the building. Mr. Ohneck also added if he had to relocate the building he would have to install another drive location and is trying to utilize the existing driveway. Shah stated he did not see any practical difficulty on this request. Welling asked if there was a well or a septic system. Mr. Ohneck stated the well is located to back corner and Kolar added a well is required to be 3 feet from any structure. Zdybek asked on the size of the requested building. Kolar stated the size is determined by the acreage and Mr. Ohneck does not need a variance on the size. Lake inquired on drainage and issues with the existing slope of the property. Mr. Ohneck stated he is working on the drainage as there is standing water.

Motion by Lake, supported by Zdybek, to close the public hearing at 7:23 p.m. Motion carried.

Lake spoke on the issue of a corner lot and the complications of utilizing the rear of a property. Lake also added due to the slope and drainage issues he did not have an issue with the request. Welling added he felt the pictures the applicant supplied clearly advise there is an issue with the topography (slope) of the property.

Motion by Lake, supported by Welling, to grant the request of Christopher J. and Vanessa Ohneck, 9791 Minx Road, Temperance, MI 48182, requesting a +/- 7-foot front yard setback variance, Per Section 400.1800, "Schedule of Regulations", and a variance to allow an accessory building to be constructed in a front yard (side yard on a corner lot) per Section 400.1903, "Accessory Buildings", in an R-3, Single Family Residential District, on land described as 5802-013-006-53, 9791 Minx Road, Temperance, MI 48182 with the practical difficulty being a corner lot and due to the slope and drainage issues.

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

C) Open the Public Hearing regarding the appeal of Lambertville Civic Club, P.O. Box 571, Lambertville, MI 48144 & Bedford Township Park Commission, 8100 Jackman Road, Temperance, MI 48182, requesting a variance to allow a 3-day Summer Festival use in an R-3/LVOD, Single Family Residential/Lambertville Village Overlay District and an R-2B/LVOD, Single Family Residential/ Lambertville Village Overlay District Per Section 400.2200, “Board of Appeals”, on land described as 5802-019-138-00, Monroe Road, Lambertville, MI 48144, otherwise known as the Lambertville Civic Club and land described as 5802-019-139-00, Dorr Street, otherwise known as Parmelee Park, Lambertville, MI 48144.

Motion by Welling, supported by Lake, to open the public hearing at 7:26 p.m. Motion carried.

Rector reviewed the analysis stating this request is from the Bedford Summer Fest Committee with Richard Kenny serving as spokesperson for the request. The request for consideration is to hold a three-day event to be held on the Civic Club property (Monroe Road) and a portion of the Parmelee Park property (Dorr Street) on August 10-12, 2018.

Rector stated in accordance with Section 400.2204, of the Bedford Township Zoning Ordinance, it is stated the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action. On April 25, 2018, this request was before the Planning Commission, where a recommendation was made to approve the use subject to 1) providing a certificate of insurance that includes the Park Board and Bedford Township as additional insured, 2) have the proper permit for the sale of liquor on site, 3) provide experienced security – report on Sheriff’s Department for security, 4) provide a detailed plot plan of the site along with a narrative, 5) provide traffic flow detail, including ingress/egress, and interior traffic pattern and control, 6) proposed signage, 7) provide detailed outline of hours of operation, including bands/entertainment and the sale of beer, 8) must have Park Board Approval, 9) obtain the music permit application from the Ordinance Enforcement Department, 10) obtain Fire Department approval, and 11) helicopter rides are not permitted, as included in the Planning Commission minutes of April 25, 2018.

Rector said as indicated in the submitted letter from the Summer Fest Committee which is the letter that was submitted to the Planning Commission for consideration and has not been amended to reflect the August 10-12, 2018 event dates and the elimination of the helicopter rides event, the event will be free to the community to attend, with food, beverages, and various activities for purchase. While parking is identified on the Civic Club property, off-site parking will also be available with bus service to the venue. The Planning Commission has requested more detailed information regarding the parking and traffic flow. It has been identified how the profit from the event will be distributed and/or retained for future year start-up costs.

Rector said the applicant has stated the Bedford Veterans Center will have a booth to sell water to benefit local Veterans, food will be available for purchase from local food vendors that will include local restaurants from the community and surrounding communities, and alcohol will be available for purchase in a beer tent located inside the fenced in football field, which must be consumed within the fenced area.

The applicant has identified the hours of operation as Friday, 5:00 p.m. to midnight, Saturday, 10:00 a.m. to midnight, and Sunday 12:00 p.m. to 7 p.m. with activities that include bounce houses, performances from local groups/bands, dunk tanks, kid activities, etc.

Rector referred to the submitted plot plan saying the plot plan identifies the areas designated for activity, with the beer tent, food/vendors, seating, music/stage, and kid area being located within the fenced football field. The restroom facility is located to the east, outside of the fenced football field, and parking is located to the south of the football field, with ingress from Monroe Road. Parking exit will be through Parmelee Park onto Dorr Street to Summerfield Road. As previously stated, it is also indicated in the applicants' letter that off-site parking will be available with bus shuttle service to and from the festival.

Rector advised while the Park Board Chair, Jerry Goodridge, signed the application, a letter was submitted by Mr. Goodridge (prior to the Planning Commission consideration) stating further action regarding liability is being discussed with the Township Attorney at this time. The Planning Commission eliminated the helicopter rides; however, park property will be utilized for traffic flow and the Planning Commission stated the Park Board and Bedford Township must be named additional insured.

Rector stated The Bedford Township Fire Department conducted a review of the preliminary plan submitted and has stated an operational permit is required per the International Fire Code 2015. Therefore, once a more detailed plan is submitted, the Fire Department will review the plan in more detail for compliance.

Rector noted at this time, the applicant has not provided additional information from what was presented to the Planning Commission. Although not formally requested, it has been indicated the applicant wishes to postpone action on this request to the June meeting in order to obtain the required information/documents listed in the Planning Commission recommendation for approval. The public hearing will be held at this meeting, and if so requested by the applicant at the meeting, action can be tabled to a later determined date.

Richard Kenny- 7824 Jackman Road- Jerry Edmondson-8715 Secor Road-Tim Fitzgerald-9195 Lewis Avenue-Mr. Kenny supplied the Board with an updated layout and a copy of proposed insurance coverage. Mr. Kenny stated the committee has inquired on insurance, met with the Police Department on security and Fire Inspector. Mr. Kenny requested the Board give a conditional approval to move forward obtaining the requested information by the Planning Commission and anything additional the Board requested. Mr. Kenny advised applications have been filled out, but not yet filed due to the cost to obtain all the requested information and without approval it would be a financial loss should the Board choose not to grant the request. Mr. Kenny advised the paper work for the organization application is ready to be filed as well.

Welling asked for clarification on the applicant supplying the information required by the Planning Commission. Mr. Kenny stated that is why they are requesting a conditional approval to move forward, gathering and completing all the information and provide it to the Board for the June meeting for a final approval. Mr. Fitzgerald stated if the time frame was granted until the next meeting, it would allow them enough time to complete the requested information. Mr. Fitzgerald explained there

is communication with the Sheriff's Department and the Ordinance Department to move forward to make sure this is a safe event for the community. Welling stated he believed everyone supports the event coming to the community. Welling inquired from other Board Members if anyone had other concerns or questions not yet provided by the Planning Commission. Welling thanked the Planning Commission for helping to organize the questions and requirements the Board should consider in their motion. Zdybek asked Mr. Kenny should the Board allow them more time to complete the required information, would the next Planning Commission meeting at the end of May give them enough time. Mr. Kenny stated yes, however again due to the cost of the process without a conditional approval those items will be difficult to provide at this time. Rector advised this request will not go before the Planning Commission again. Rector explained this Board will make the decision on the request as the Planning Commission per ordinance only gives a recommendation. Mr. Goldsmith advised, in the request for a temporary use, the Board of Zoning Appeals can either approve or disapprove with a recommendation from the Planning Commission. Mr. Goldsmith advised the Board to discuss amongst themselves, ask questions of the applicants and hear any public comments and make a determination on what the Board feels they are likely to determine, should the applicant be able to deliver all the information and liability information the Planning Commission has requested and any further requirements from this Board request, then the Board will be in a position to make an approval at the next meeting. Mr. Goldsmith stated the Board could make a decision to table the request tonight and provide a decision at the next meeting. Mr. Goldsmith stated the Planning Commission has provide good guide for this Board to require the applicant to supply the information and once submitted and reviewed, the Board would be able to make a decision on the request. Shah asked Mr. Goldsmith should the Board determine to grant the temporary use, can it be a conditional approval based on the Planning Commission's recommendation. Shah voiced concern on the ingress/egress and parking, however, if the Board could approve the request the applicants would be able to move forward with the items requested by the Planning Commission. Mr. Goldsmith advised as long as it is represented to this Board, as this board is the final authority on the request. Mr. Goldsmith advised something has to be set in place to make sure this Board reviews the required information to determine in fact the applicant has provided and followed all the requirements recommended by the Planning Commission. Shah agreed that the applicant would have to come back to show all the requirements have been completed. Mr. Goldsmith stated it must come back to the Board for review to ensure all requirements are met.

A lengthy discussion continued on the number of patrons expected, security, EMS response, insurance liability, parking, and ingress/egress. Welling asked on the Township and Park Board being an additional insured. Mr. Kenny stated all (schools, Township, Park Board) will be included on the policy. Mr. Kenny shared the proposed policy with Mr. Goldsmith for review at the meeting. Mr. Kenny voice the concern with receiving a conditional approval to move forward, be permitted to come back to this board as long as the requested information is provided. Potter inquired from Mr. Goldsmith on approving the request tonight conditioned upon the completion of the requested information. Mr. Goldsmith advised it would a conditional approval which could be revoked if all the conditions that have been identified by the Planning Commission are not met, including any additional requirements this board might impose. Mr. Goldsmith felt the proposed insurance policy without having the helicopter rides is sufficient. Mr. Edmondson stated each vendor, before the event, is required to pay a fee to be a rider on the insurance policy. Mr. Goldsmith clarified that each vendor will be listed as an additional insured under the submitted policy. Mr. Edmondson stated yes, each vendor will pay to be an additional insured.

Zdybek inquired on security and if medical response would be on site. Mr. Fitzgerald stated the Fire Department will be there with an area for setup and the Sherriff's Department will be available. Mr. Fitzgerald added there will be Military Volunteers also on site. Rector confirmed the Fire Department had interest on having an area set up on site with the Planning Department. Mr. Goldsmith suggested the applicant should reach out to the Monroe County Ambulance and inform them of the dates of the event, estimated number of people, beer tent being supplied so they are aware of the event going on and they can be prepared if needed. Mr. Fitzgerald thanked Mr. Goldsmith for the requested information. Potter asked should the Board be inclined to give a conditional approval; would that give them security to move forward to be able to supply the requested information. Mr. Fitzgerald stated yes it does.

Harry Dzierzawski- 8334 Summerfield Road-Mr. Dzierzawski voiced concern that there was no consideration being represented by the Board for the surrounding neighborhood residents. Mr. Dzierzawski referred to other events that have been at the Civic Club and the lack of respect for the noise late hours of the night and the trash that would be left lying around for days. Mr. Dzierzawski noted other areas that do not allow music to late hours. Mr. Dzierzawski asked for the Board to take into consideration of the neighborhood and requested the music be shut off at 10:00 p.m. Mr. Dzierzawski stated he had from previous events contacted the Sherriff's Department and was informed the loud music is an ordinance issue. Mr. Dzierzawski asked the Board how that gets enforced when there is no one available after hours.

Mr. Edmondson and Mr. Fitzgerald both agree they respect the neighbors and have no problem having the music shut off at 10:00 p.m. Mr. Edmondson stated they all want this to be a great family friendly event for the entire community. Mr. Fitzgerald added they will make sure the area is also cleaned up after each day of the event. Mr. Dzierzawski appreciated the applicant's willingness to comply with his request. Mr. Goldsmith requested that be included as a condition. Mr. Goldsmith stated should there be amplified music it will be shut off at 10:00 p.m. and the applicants have agreed to that request.

Mr. Goldsmith advised the Sherriff's Deputies have the authority to enforce the noise ordinance and it will be made clearly known that there is to be no amplified music or noise after 10:00 p.m. The applicants reassured the music would be done at 10:00 p.m. Mr. Goldsmith advised the Sherriff's Department will be notified of this requirement and Mr. Goldsmith also thought the Ordinance Department may have an officer assigned over this weekend to be there in the evening hours. Potter asked Mr. Goldsmith on requiring an Ordinance Officer to be onsite. Mr. Goldsmith stated it could be a suggestion with the approval process that scheduling be set so that an Ordinance Enforcement Officer be made available. Mr. Goldsmith advised should that be a suggestion he did not feel there would be any push back from either the Supervisor or the Ordinance Enforcement Department. Mr. Edmondson stated one or all three of them will be onsite all three days.

Michael Leonhard-6669 Brentridge Lane-Member (Treasure) of the Civic Club-Mr. Leonhard voiced disappointment in the comments that were made against the Civic Club not being good minded to the neighbors and the event that was held there last year. Mr. Leonhard said to his knowledge any event held there were within the ordinance. Mr. Leonhard stated they maintain the park and do not have any amplified speakers on their property. Mr. Leonhard stated the applicants approached the Civic Club to utilize the property and the Civic Club felt it was a great idea for the community. Mr. Leonhard stated the applicants need to comply with the Township's requirements as they are just

renting the property and everything pertaining to the event is on their organization just like anyone else that rents the property.

Mr. Dzierzawski inquired on why the request is by Civic Club as the applicant. Mr. Goldsmith advised because the Civic Club and Park Board are the property owners. Mr. Goldsmith advised the temporary use request is being asked for by the Bedford Township Summerfest whom is leasing the property. Mr. Goldsmith advised it is not in any way associated with the Township it is a separate non-profit organization that is sponsoring the event.

Mr. Fitzgerald explained the main reason for the Summerfest is to provide an event for the community, however majority of the money made by the event will go to charity. Mr. Fitzgerald explained each year within the community a local charity will be chosen.

Motion by Lake, supported by Zdybek, to close the public hearing at 8:10 p.m. Motion carried.

Lake felt the Planning Commission did a great job laying out the conditions. Lake voiced his opinion in that the Board is to detail those conditional items in the motion. Lake touched base on traffic flow, ingress/egress, how traffic flow will be controlled, directional signage, flaggers, pedestrian crossing area, and parking are some of the items Lake would like to be shown on the plot plan in more detail to feel comfortable with the safety. Zdybek said he thought from the discussion at the Planning Commission Meeting on the signage it should be detailed for traffic flow and ingress/egress for exit and entrance area and clearly identified. Mr. Goldsmith said that is the information this Board needs to see at the next meeting. Mr. Goldsmith advised he did not feel the applicants are prepared to provided that this evening. Mr. Goldsmith stated the signage and ingress/egress should be detailed stating this is the entrance area and this is the exit and being kept separate from the pedestrian traffic for safety purposes and it is being done in such a fashion to minimize the negative impact on the neighbors. Kolar added if there a bus area and location for loading and unloading area, it should be specified on the plan. Mr. Goldsmith agreed. Potter referenced the access to the event are off side streets within neighborhoods. Lake requested just a more detailed plan. Mr. Goldsmith suggested the applicant get with the Ordinance Department and the Bedford Substation to receive their input on how to best handle traffic flow.

Motion by Shah, supported by Welling, to grant a conditional approval of the request of Lambertville Civic Club, P.O. Box 571, Lambertville, MI 48144 & Bedford Township Park Commission, 8100 Jackman Road, Temperance, MI 48182, for the Bedford Township Summerfest (501C3) requesting a variance to allow a 3-day Summer Festival use in an R-3/LVOD, Single Family Residential/Lambertville Village Overlay District and an R-2B/LVOD, Single Family Residential/ Lambertville Village Overlay District Per Section 400.2200, "Board of Appeals", on land described as 5802-019-138-00, Monroe Road, Lambertville, MI 48144, otherwise known as the Lambertville Civic Club and land described as 5802-019-139-00, Dorr Street, otherwise known as Parmelee Park, Lambertville, MI 48144 to provide the following information for the next regular meeting on June 4, 2018:

- 1. Provide a certificate of insurance that includes the Park Board and Bedford Township as additional insured**
- 2. Provide the proper permit for the sale of liquor on site**

3. **Provide experienced security – report from Sheriff’s Department for security and Ordinance Enforcement Department**
4. **Provide a detailed plot plan of the site**
5. **Provide a detailed layout of traffic flow including ingress/egress, interior traffic flow pattern with directional signage and minimal impact on neighborhood, parking area, pedestrian crossing, bus traffic and area provided for unloading and loading**
6. **Provide a detailed narrative that outlines festival hours of operation, including bands/entertainment and the sale of beer**
7. **Provide Park Board Approval**
8. **Provide a music permit application from the Ordinance Enforcement Department**
9. **Provide Fire Department and EMS Systems correlation plan**
10. **Provide documentation of Non-Profit Organization (Bedford Township Summerfest)**
11. **Amplified noise, including but not limited to music, be turned down at 10:00 p.m. (agreed to by the applicants) suggests to request Ordinance Enforcement Officer to be available as well as security people to enforce this time constraint**
12. **Clean up trash every day after the festival (agreed to by the applicants) to eliminate any nuisance to the neighbors**

Should full compliance of the required information not be provided for the June 4, 2018 BZA Meeting, the granting of a conditional approval shall be revoked by the Board of Zoning Appeals.

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

Rector advised the applicants the next meeting is Monday, June 4th and information to be included in the packets will need to be submitted to the Planning Department no later than Tuesday, May 29th. Mr. Potter inquired if that was sufficient time frame. Applicants agreed.

PUBLIC COMMENT-

Gail Keene- 1056 West Temperance- Said hello to the Board.

COMMISSION / STAFF COMMENT –

Potter thanked the staff.

Welling wished the Bedford Township Summerfest all the luck as they have come a long way in a short amount of time.

ADJOURNMENT – The meeting was duly adjourned at 8:24 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*