

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
June 4, 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  
KAREN 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. Quorum present.

***APPROVAL OF THE AGENDA***

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

***APPROVAL OF THE MINUTES***

Motion by Lake, supported by Welling, to approve the minutes of May 7, 2018. Motion carried.

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

None

***OLD BUSINESS***

- A) **Continuation of 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 three-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.**

Kincaid reviewed the memo saying the Summer Festival committee has determined in the effort to make this a successful event, they may not be able to obtain all the required approvals, permits, etc. needed for the BZA to grant them approval at this time. Therefore, the committee would like to postpone consideration on this request to a later date.

Kincaid noted while it is not the committee's intent to abandon the Summerfest, they have indicated it is important to them to be able to address all the issues/items thoroughly and properly to make the event as safe and successful as possible, and a festival that families enjoy and will look forward to attending each year.

Therefore, the committee will approach the board to ask if they can postpone board consideration until later this year or early next year, as they have received a positive recommendation from the Planning Commission and a conditional approval from the BZA to this point, and they intend to cancel this year's planned event and return to the Board with the required documents, applications, permits, etc., for an event that will take place the Summer of 2019. Attorney Goldsmith has been made aware of the situation and further discussion will take place to review possible options.

Kincaid stated since the last BZA meeting when this issue was considered (May 7, 2018), a meeting was held with the Planning Department, Supervisor's Department, Clerk's Department, Fire Department and Legal Counsel regarding possible further review of Ordinance 400.2200 with respect to the process for approval for special events. It was agreed that further review of the ordinance should take place to determine if an amendment is warranted.

**Jerry Edmondson-Authorized Representative for Summerfest Committee-** Mr. Edmondson stated the committee is asking the board to allow them more time and to come back later this year or early next year without starting the entire process over. Mr. Edmondson advised they are looking to have the Summerfest next year in 2019.

Mr. Goldsmith advised the Board the Planning Commission made a recommendation with conditions to the BZA to approve the request. This Board made a conditional approval to be reviewed and a determination at this meeting. Mr. Goldsmith stated the BZA has the authorization to postpone the decision to a later date to allow the applicants more time to comply with the conditions of the approval. Mr. Edmondson said in December 2018 or January 2019 they would like to present to this Board, saying as a committee they felt it was in the best interest of the committee and township to wait to make sure everything was in order.

**Motion by Welling, supported by Shah, to grant the request of Lambertville Civic Club, P.O. Box 571, Lambertville, MI 48144 & Bedford Township Park Commission, 8100 Jackman Road, Temperance, MI 48182, to postpone the final approval of a three-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 until the Board of Zoning Appeals meeting in January 2019, allowing additional time to meet the requirements of the conditional approval, conditioned upon the committee making contact and moving forward with discussion to include the Park Board for approval.**

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

**Voting Nay: None**

**Excused: Steiner**

**Motion carried.**

#### **NEW BUSINESS**

**A) Open the Public Hearing regarding the appeal of Lambertville Civic Club, P.O. Box 571, Lambertville, MI 48144, requesting a variance to allow a one-day Charity Car Show use in an R-3/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**

**Motion by Lake, supported by Welling, to open the public hearing at 7:14 p.m. Motion carried.**

Kincaid reviewed the analysis saying this request is from the Lambertville Civic Club with Mitch Keene serving as spokesperson for the Charity Car Show event. The request for consideration is to hold a one-day event to be held on the Civic Club property (Monroe Road) on Saturday, July 28, 2018.

Kincaid advised the Planning Commission did not make a decision on this request, as the request for the temporary use permit is required to go before the Board of Zoning Appeals in accordance with Section 400.2204, of the Bedford Township Zoning Ordinance, where 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.

Kincaid said as indicated in the submitted letter from the Piston Jammer Car Club President, Mitch Keene, the car show is a charity event, where the charity recipient varies from year to year. Mr. Keene said in the past they have donated money to The Wounded Warrior Project, Ike and Ella Fund, and The Northwest Ohio Honor Flight, among others, with this year's event being dedicated to aid a chosen family close to the Piston Jammer Car Club that recently lost their home to fire. Mr. Keene stated the Civic Club will sell food and beverages for spectators and participants, which will support the Civic Club, as food proceeds are maintained by the Civic Club.

Mr. Keene said numerous local small business owners also set up vending tables to sell their own services and/or merchandise, and local business Stevens Disposal makes available a barrier free restroom and they are utilized for trash pick-up after the show.

Kincaid said it is indicated there will be live music throughout the day, along with adult and kid activities and entertainment to include Hot Wheels Drag racing and a traditional pin up contest planned by another organization.

The submitted plot plan identifies the show car parking and vendor setups located within the fenced football field, with spectator parking in an open area south of the show area. The site provides direct ingress and egress through the subject parcel off Monroe Road. While Monroe Road is the only designated ingress/egress for the event, the event coordinators have identified Parmelee Park as an EMERGENCY EXIT to serve as a means to exit the site in an emergency situation.

Kincaid advised a site clean-up plan has been established for the following day, with additional young men assisting the car club members in cleaning the site.

It should be noted that while the request for this special event has not been previously before any Township commission or board for consideration, the car show has been a successful charity event for several years prior, and there is no reason to believe otherwise this year. The request has not been previously before the Township due to lack of known requirement; however, now informed of the requirement, event considerations will move through the approval process, if applicable.

The proposed is a one-day where there is no indication that beer/alcohol is being served, and Bedford Township property is not being utilized for the event.

Kincaid informed while the applicant has identified July 28, 2018 as the date of the event, no hours of operation have been provided, and it has not been identified where the music will be set up and if or where amplified sound will be placed.

Therefore, the following should be verified:

- Hours of Operation

- Location of Music and Amplified Sound
- Sheriff's Department made aware of event
- Fire Department input to ensure meets all Fire Codes
- Is ingress/egress controlled by flagmen (Is there a need)
- Is alcohol being served
- Etc.

**Mitch Keene- 7600 Secor Road, Lambertville, MI 48182-** Mr. Keene agreed with the analysis and added this would be the 8<sup>th</sup> year for the event. Potter asked if the event would be held in the same location. Mr. Keene stated yes. Shah inquired on liability insurance and music time frame. Mr. Goldsmith advised should the Board so desire to grant the request, reasonable conditions can be placed on the approval. Mr. Goldsmith stated the previous request (Summerfest) concern on the liability insurance and the Township being an additional insured was due to the park property being utilized. Mr. Goldsmith also clarified the ordinance permits music until midnight on Friday and Saturday. Welling asked the applicant if alcohol will be served. Mr. Keene stated no alcohol will be served, and they try to control alcohol being brought on site.

Lengthy discussion took place regarding the site layout, traffic flow and security. Mr. Goldsmith advised the Planning Commission gave a recommendation with conditions and this Board may want to address them with the applicant. Mr. Keene stated the flame throwing time frame has been addressed and they have a band until 11:30 p.m. Kincaid stated Mr. Steinman (Fire Inspector) has spoken with the applicant and the Planning Department regarding the area of the activity on site. Zdybek spoke on the amplified noise ordinance and the Summerfest voluntarily shutting down the music at 10:00 p.m. Potter spoke on this request being only a one-day event on Saturday. Lake added the ordinance does permit amplified sound unit midnight. Potter asked the applicant if they would be willing to shut down the music at 10:00 p.m. Mr. Keene advised they have reserved a band from New York and they are scheduled until 11:30 p.m. but they will look into request from the board to shut down the music at 10:00 p.m. moving forward. Potter stated there was concern for burnouts on Monroe Road after last year's event. Mr. Keene stated he will make announcements throughout the day and do their best to control. Mr. Goldsmith advised there may want to be some clarification on the time frame the activities on site will wrap-up.

**Ken Gonyea- 8311 Lambert, Lambertville, MI 48182-** Mr. Gonyea is a direct neighbor to the property where the event is to be held and has no objection to the request. Mr. Gonyea voiced his opinion on what a great event this is for the community.

**Inaudible-2009 Giant, Toledo, Ohio-** Mr. is a member of the Piston Jammer Car Club and spoke on the safety of the event and the intent is to bring a good, family-oriented event to the community.

*Motion by Lake, supported by Shah, to close the public hearing at 7:40 p.m. Motion carried.*

**Motion by Shah, supported by Lake, to grant the request of Lambertville Civic Club, P.O. Box 571, Lambertville, MI 48144, requesting a variance to allow a one-day Charity Car Show use in an R-3/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 conditioned upon:**

1. Meeting all requirements outlined in the Planning Commission Minutes
2. Fire Department suppression on site
3. Burnouts to be monitored and controlled
4. All activities to end at midnight on site
5. 11:30 p.m. end music/band/amplified noise

**6. Flame throwing time frame to end at 10:00 p.m.**

The above motion reflects a friendly amendment to shut down amplified noise at 11:30 p.m.

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

**Voting Nay: None**

**Excused: Steiner**

**Motion carried.**

***B) Open the Public Hearing regarding the appeal of Joseph and Lori Mravec, 596 Webber Drive, Temperance, MI 48182, requesting a +/- 14-foot separation/setback variance between a pool and an existing dwelling unit on an abutting property per Section 400.401, "R-1 through R-3, One-Family Residential Districts" on land described as 5802-652-030-00, otherwise known as 596 Webber Drive, Temperance, MI 48182***

***Motion by Lake, supported by Welling, to open the public hearing at 7:46 p.m. Motion carried.***

Kincaid reviewed the analysis saying the applicant is seeking a +/- 14' separation setback variance between an above ground pool and existing dwelling unit on an abutting property. Per Section 400.401.7 D "Private Pools" states no swimming pool wall shall be located less than 35 feet from any existing dwelling unit on abutting property. The proposed location of the pool is 10' from the rear of the home and per The Building Official, Dennis Kolar, in reviewing the submitted site plan for a building permit it was discovered that due to the subject site rear yard abutting the neighboring property side yard the nearest portion of the dwelling, which is the attached garage is a distance of approximately 21 feet from the pool, thus requiring a 14' separation setback variance.

Kincaid noted at this time, via email, one letter of no objection has been received from the neighboring property.

**Joe Mravec- 596 Webber, Temperance, Mi-** Mr. Mravec was available to answer any questions. Mr. Mravec stated the Board should have received one letter from the adjacent property owner of no objection.

***Motion by Lake, supported by Zdybek, to close the public hearing at 7:50 p.m. Motion carried.***

Lake voiced support to the request due to the difficulty to meet setback requirements on a corner lot and with the letter of no objection. Zdybek agreed and included that the neighboring property's existing attached garage provides a buffer from the proposed pool to the home.

**Motion by Lake, supported by Zdybek, to grant the appeal of Joseph and Lori Mravec, 596 Webber Drive, Temperance, MI 48182, requesting a +/- 14-foot separation/setback variance between a pool and an existing dwelling unit on an abutting property per Section 400.401, "R-1 through R-3, One-Family Residential Districts" on land described as 5802-652-030-00, otherwise known as 596 Webber Drive, Temperance, MI 48182 with the practical difficulty of a corner lot and the supplied letter of no objection from the neighbor that would be directly affected by the request.**

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

**Voting Nay: None**

**Excused: Steiner**

**Motion carried.**

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Kincaid stated we will have a meeting next month and to keep in mind due to the holiday it will be held Tuesday, July 10<sup>th</sup>.

PUBLIC COMMENT-  
None

COMMISSION / STAFF COMMENT –  
Potter thanked the staff.

ADJOURNMENT – The meeting was duly adjourned at 7:55 p.m.

*Respectfully submitted,*  
*Jodie L. Rector*  
*Recording Secretary*