

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
July 1, 2019

**PRESENT:**

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

**EXCUSED:**

NONE

**ALSO PRESENT:**

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH  
DENNIS KOLAR, BUILDING OFFICIAL  
JODIE L. RECTOR, PLANNING AND ZONING ASSISTANT, RECORDING SECRETARY

Rector 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 Lake, supported by Dersch, to approve the agenda. Motion carried.

***APPROVAL OF THE MINUTES***

Lake amended the minutes as on page 5, fourth paragraph, second to the last line item should read Steiner and Welling both agreed, not Steiner and Potter.

Motion by Lake, supported by Steiner, to approve the amended minutes of June 3, 2019 Motion carried.

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

None

***NEW BUSINESS***

- A. Open the public hearing regarding the appeal of Kent Kovach & Beverley Taylor, 950 Fairfield, Temperance, MI 48182, requesting a +/-5-foot front yard setback variance to construct an attached garage to an existing dwelling, per Section 400.1800 "Schedule of Regulations" on land described as 5802-023-089-05, otherwise known as 950 Fairfield, Temperance, MI 48182***

***Motion by Dersch, supported by Lake, to open the public hearing at 7:06 p.m. Motion carried.***

Rector stated the applicant is seeking a +/-5-foot front yard setback variance to construct a 20' X 32' garage to an existing home with a legal nonconforming front yard setback of 49 feet from the center of the road. The Schedule of Regulation requires a front yard setback in an R-3, Single Family Residential Zoning District, 25 feet from the road right-of-way (30' from the center of the road) for a total of 55 feet, thus requiring the +/-5-foot front yard setback.

Rector advised at this time no letters or calls of objection have been received, however the applicant has supplied a letter of no objection signed by 11 neighboring property owners.

**Kent Kovach-950 Fairfield-applicant's representative-** Mr. Kovach was available to answer any questions.

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

Steiner state the proposed addition does not extend any further into the front yard setback than what is already existing. Steiner inquired on the existing accessory building and the time frame for it to be demolished. Discussion took place regarding the distance from the proposed structure and the neighbors. Kolar advised a setback of 10 feet between structures is required by ordinance. Kolar suggested the applicant install drywall for fire protection until the existing accessory building could be torn down. Mr. Kovach agreed. Lake inquired on the location. Mr. Kovach advised the proposed location was to break up the roof line and make it more appealing to the neighborhood.

***Motion by Steiner, supported by Zdybek, to grant the appeal of Kent Kovach & Beverley Taylor, 950 Fairfield, Temperance, MI 48182, requesting a +/-5-foot front yard setback variance to construct an attached garage to an existing dwelling, per Section 400.1800 "Schedule of Regulations" on land described as 5802-023-089-05, otherwise known as 950 Fairfield, Temperance, MI 48182 as the new structure is at least 10 feet from the neighboring property to the east, the existing garage is only 1-2 feet from the proposed addition it must be demolished by 12/31/2019, the new structure will not encroach any further into the setback than the existing home, and the applicant must install drywall for fire protection to the rear wall of the proposed new structure.***

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

***B) Open the public hearing regarding the Appeal of Zachary Westlund, 1456 Longfellow, Temperance, MI 48182, requesting a +/-2.5-foot fence height variance to construct a 6-foot tall fence in the front yard, located on a corner lot, per Section 400.1912 "Fences" on land described as 5802-215-058-00, otherwise known as 1456 Longfellow, Temperance, MI 48182***

***Motion by Lake, supported by Dersch, to open the public hearing at 7:20 p.m. Motion carried.***

Rector reviewed the analysis stating the applicant is seeking a +/- 2.5-foot height variance to construct a 6' fence in the front yard. The property consists of .313 acre and has two front yards as it is located on the corner lot of Longfellow Drive and Bryant Drive. Per section 400.1912 "Fences", 2a #1, fences within a front yard shall not exceed 3.5 feet in height and shall be restricted to decorative fences. The applicant has submitted a letter stating he would like to replace the split-rail wooden fencing with a six-foot tall wooden privacy fence.

Rector stated the applicant has stated due to a corner lot and having two front yards, to meet the ordinance requirements of 3.5-foot fence (split-rail existing) prevents him from obtaining any privacy within his backyard.

Rector noted no letters of objection have been received, however, the Planning Department received one call from a neighboring property owner voicing concern on the requested height and could it cause any visual clearance issues. The applicant has supplied two letters of no objection to the Planning Department.

**Zach Westlund-1456 Longfellow-**Mr. Westlund was available to answer any questions.

Lake inquired on the surrounding area and where Tennyson and Bryant intersect. Mr. Westlund advised there is one home behind him where Tennyson and Bryant intersect, however none of the homes face Bryant just for access. Mr. Westlund stated Consumers Power is also removing some of the tree line to the rear of his home, and once they are removed there will be even less privacy.

***Motion by Lake, supported by Zdybek, to close the public hearing at 7:24 p.m. Motion carried.***

Discussion on the proposed location having no negative effect on the neighboring properties and the existing fence is in need of replacement. Mr. Westlund agreed.

***Motion by Lake, supported by Zdybek, to grant the Appeal of Zachary Westlund, 1456 Longfellow, Temperance, MI 48182, requesting a +/-2.5-foot fence height variance to construct a 6-foot tall fence in the front yard, located on a corner lot, per Section 400.1912 "Fences" on land described as 5802-215-058-00, otherwise known as 1456 Longfellow, Temperance, MI 48182 as it is a corner lot with two front yards, to provide privacy to the rear as consumers power is removing additional trees, the home is not facing Bryant Street and the existing split rail fencing is deteriorating and needs replaced.***

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

***C) Open the public hearing regarding the Appeal of Andrew Hoover, 750 Vienna Road, Temperance, MI 48182, requesting a variance to construct an accessory building in the front yard, located on a corner lot, per Section 400.1903, "Accessory Buildings" on land described as 5802-013-002-00, otherwise known as 750 Vienna Road, Temperance, MI 48182***

***Motion by Dersch, supported by Steiner, to open the public hearing at 7:29 p.m. Motion carried.***

Rector reviewed the analysis stating the applicant is seeking a variance to construct a 32' X 56' accessory building in the front yard on a corner lot. The property consists of 5.0 acres and has two front yards as it is located on the corner lot of Vienna Road and Minx Road. Currently the applicant is building a home (Permit PB190282) and is proposing two driveways for access. The proposed accessory building meets all required setbacks, however per Section 400.1903 "Accessory Buildings" accessory buildings shall not be erected in any minimum side yards setback nor in any front yard,

thus requiring the variance to allow construction of an accessory building in the front yard (Minx Road).

Rector advised the applicant has indicated, in the submitted letter that this is the best location due to the topography of the property, the existing location of the electrical lines, and the leach field this is the best location.

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

**Andrew Hoover- 750 Vienna Road**-Mr. Hoover was available to answer any questions.

Lake inquired on the location of the leach field. Mr. Hoover stated in the area to the front on Vienna.

***Motion by Lake, supported by Dersch, to close the public hearing at 7:32 p.m. Motion carried.***

Discussion on the location of the leach field, where the property perked, and the property having two front yards. Kolar added the nearest neighbor is approximately 100 feet away and he did not feel the proposed location would have any negative effect on the surrounding area.

***Motion by Steiner, supported by Zdybek, to grant the Appeal of Andrew Hoover, 750 Vienna Road, Temperance, MI 48182, requesting a variance to construct an accessory building in the front yard, located on a corner lot, per Section 400.1903, "Accessory Buildings" on land described as 5802-013-002-00, otherwise known as 750 Vienna Road, Temperance, MI 48182 with a practical difficulty of two front yards, location of the leach field and electrical lines and will have no negative effect on the neighboring properties.***

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

#### **PUBLIC COMMENT-**

**Jim Brown-1497 Longfellow**-Mr. Brown advised that the description of the request for the fencing was difficult to understand and that clarification of which front yard for the fence would have been helpful.

**COMMISSION / STAFF COMMENT**-Steiner advised he may not be available for the August 5, 2019 BZA Meeting.

**ADJOURNMENT** – The meeting was duly adjourned at 7:41 p.m.

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