

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
JULY 6, 2015

PRESENT:

BRAD GREELEY, CHAIR, CITIZEN AT LARGE
BOB POTTER, VICE CHAIR, CITIZEN AT LARGE
RICK STEINER, TOWNSHIP BOARD LIAISON
JEFF BIGGS, PLANNING COMMISSION LIAISON
KYLE PARSONS, CITIZEN AT LARGE
ARVID SHAH, ALTERNATE (for one item on the agenda)

EXCUSED:

NONE

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
DENNIS KOLAR, BUILDING OFFICIAL
KAREN M. KINCAID, PLANNING AND ZONING

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 Biggs, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Potter, supported by Biggs, to approve the minutes of June 1, 2015. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

A.) OPEN THE PUBLIC AT 7:05 P.M. REGARDING THE APPEAL OF JENIECE L. CORWIN, 2654 W. TEMPERANCE ROAD, TEMPERANCE, MI 48182, REQUESTING A 281 +/- FOOT FRONTAGE VARIANCE AND A 4.44 +/- ACRE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", WHILE INCREASING THE FRONTAGE AND AREA OF THE EXISTING AG, AGRICULTURAL ZONING DISTRICT ON LAND DESCRIBED AS 5802-017-065-00, 2650 W. TEMPERANCE ROAD, TEMPERANCE, MI 48182; AND 1) A 202.60 +/- FOOT FRONTAGE VARIANCE, 2) A 3.365 +/- ACRE VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", AND 3) A 1.60 +/- FOOT ACCESSORY BUILDING SETBACK VARIANCE PER SECTION 400.1903, "ACCESSORY BUILDINGS", PLUS A 280 +/- FOOT FRONTAGE VARIANCE PER

SECTION 400.1800, "SCHEDULE OF REGULATIONS" TO ACCOMMODATE A LAND DIVISION, ON LAND DESCRIBED AS 5802-017-064-00, 2652 W. TEMPERANCE ROAD, TEMPERANCE, MI 48182.

Greeley stated he may have a conflict of interest regarding this request and turned the gavel over to Vice-Chair Potter. Mr. Greeley left the room during all discussion regarding item A.

Kincaid reviewed the variance analysis saying this request is for two separate agriculturally zoned parcels where a minimum of 330 feet of frontage and 5 acres is required. Parcel 1 consists of 18.770 acres and has 177.40 feet of frontage. Parcel 2 consists of .50 acre and has 44 feet of frontage. While parcel 1 meets the minimum acreage requirement for an agriculturally zoned parcel, it does not meet the frontage requirement. Parcel 2 does not meet the acreage or frontage requirement. The applicant is seeking a 280' frontage variance on Parcel 1 to split off 127.40' to create a second parcel consisting of 1.635 acres. As well, should the frontage variance be granted, the resulting parcel would require a 202.60 foot frontage variance, a 3.365 acre area variance, and 1.60 foot setback variance for the existing barn. The setback variance will not be created as a result of this land division.

Kincaid went on to say the applicant is proposing to split off 5 feet from the east side of Parcel 1 to add to Parcel 2. The additional 5 feet will increase the frontage from 44' to 49' to allow room for an independent driveway, as the two homes currently have a shared drive. While the additional footage will only increase the parcel by .056 acre, it does bring the existing parcel closer to compliance. Due to the proposed change to existing Parcel 2, a 281' frontage variance and a 4.44 acre area variance is required.

Kincaid said the applicant indicated in his submitted letter of information, the two parcels not only share a driveway, they also share a well. The west side setback on proposed parcel 3 has been set to meet the leach field/septic setback as required by the Monroe County Health Department, and as identified on the survey, the existing block garage that straddles the property line will be removed or relocated to comply with minimum setback requirements. Should the variance be granted, each parcel will be required to have its own well and septic system. Kincaid said the shifting of the property line is required to meet the leach field setback as required by the Monroe County Health Department.

Paul Pirrone, 402 Oak Creek Drive, authorized to speak on the applicant's behalf, commented on increasing the 44' wide parcel to 49' to accommodate its own driveway and omit the existing shared drive, further saying the side yard setback on the second parcel was established to meet the MCHD required setback for the leach field. Mr. Pirrone said the existing garage that straddles the existing property line would be relocated to meet all setback requirements and the proposed property lines were shifted north to follow the existing ditch line. Mr. Pirrone said they plan to build on the extreme north end of what would be the newly created parcel three and have a small farm for the family.

Stephanie Pirrone, 402 Oak Creek Drive, commented on the shared drive, saying their intention would be beneficial to all property owners involved, as each would have their independent drive and the setbacks would be increased to more closely comply with the ordinance requirements.

When asked, Mr. and Mrs. Pirrone said they would become the owners of both existing parcels and would seek a land division to create a parcel for them to build on if the variances are granted.

Dave Corwin, 2654 W. Temperance Road, said he owns the property to the immediate west of the subject property and his wife is trying to sell the subject properties to settle the estate of her late mother. Mr. Corwin said the bank had an issue with selling the properties as they exist due to a shared driveway and the existing garage straddling the property line, further saying they were advised to create two independent parcels for sale. Goldsmith said creating saleable properties to settle an estate can be considered a practical difficulty.

Jeniece Corwin, 2654 W. Temperance, further commented on the proposed settlement, saying there are seven siblings trying to settle the estate, and the family is in support of the proposed use.

Motion by Steiner, supported by Parsons, to close the public hearing at 7:27 p.m. Motion carried.

When asked, Attorney Goldsmith commented on the existing layout and uses, saying while it is impossible for the property to the east to ever completely conform, the proposal brings one parcel closer to compliance in that the frontage will be increased, will be served by its own driveway and have its own independent well and septic system, which will become a saleable lot. Goldsmith said the middle parcel will become more conforming in that the parcel will also be served by its own independent driveway, well and on-site sewage disposal system. Goldsmith said the remaining 50 feet of frontage would serve as access to a third parcel that would be suitable for a single family residence with reasonable agricultural uses.

A lengthy discussion took place regarding setbacks, frontage requirements, driveway separation, and septic system and well isolation distances. When asked, Mr. Pirrone stated both existing parcels have existing wells and septic systems with a shared drive.

Motion by Shah, supported by Steiner, to grant the variance request on Parcel Number 5802-017-065-00, further known as 2650 W. Temperance Road, Temperance MI, for a 281 +/- foot frontage variance and a 4.44 +/- acre variance, also grant the variance requests on Parcel Number 5802-017-064-00, further known as 2652 W. Temperance Road, Temperance MI, a 202.60 +/- foot frontage variance, a 3.365 +/- acre variance, a 1.60 +/- foot accessory building setback, and a 280 +/- foot frontage variance to create a second parcel on property that is a prior legal non-conforming parcel and unable to market due to the existing conditions. The practical difficulty is that along the road there are a number of parcels that do not comply with the required frontage and acreage requirement in an agricultural zoning district and the land is not suitable for agricultural farming due to soil conditions. Each parcel must have its own separate leach field, separate septic tank and well and meet the requirements of the Monroe County Health Department. The existing block garage straddling the property line must be removed or moved to meet the setback requirements prior to any land division approval. All three parcels must have separate driveways, and the western most parcel shall be permitted one single family residential dwelling.

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

Mr. Greeley returned as Chairman and Mr. Shah departed.

B.) OPEN THE PUBLIC HEARING AT 7:55 P.M. REGARDING THE APPEAL OF ANDREW & DAVID CLARK, 7518 BERNARD, TEMPERANCE, MI 48182, REQUESTING A 23 +/- FOOT FRONT YARD SETBACK VARIANCE PER SECTION 400.1800, SCHEDULE OF REGULATIONS, TO ALLOW CONSTRUCTION OF AN ATTACHED GARAGE ON LAND DESCRIBED AS 5802-476-016-10, 7518 BERNARD, TEMPERANCE, MI 48182.

Kincaid reviewed the variance analysis stating the applicant is seeking a +/- 22' front yard setback variance to construct a 14' x 24' attached garage to an existing dwelling. The property consists of .331 acre and has two front yards as it is located on the corner lot of Bernard Drive and Charlotte Drive. The Schedule of Regulations requires a front yard setback in an R-2B, Single Family Residential Zoning District 30' from the road right-of-way for a total of 60' on Bernard and 45' on Charlotte. Kincaid continued with saying while the existing dwelling meets the required front yard setback on Bernard Drive, the variance request is for the required front yard setback off Charlotte Drive. Kincaid added the applicant has indicated he is also adding an addition to the rear of the dwelling and granting this variance would allow for him to construct an attached garage for a safe ingress/egress for his expanding family. Lastly, Kincaid added at this time no letters or calls of objection have been received.

Cass Gajewski, Manager of New Horizon Remodeling and Building Company, Temperance MI, representative for the applicants, stated he was hired to design a family room and enlarge the kitchen and master bedroom for Mr. Clark, as his family is expanding and they are looking to increase the square footage of their home. The request for a variance to add a single-car attached garage is proposed in the only area on the parcel with enough space for the addition, which is on the north side of the home. Mr. Gajewski said there is an existing driveway that leads to the proposed area for the garage, further saying it is the intent to provide a safe and easy access to the home for his wife and children.

Andrew Clark, 7518 Bernard, applicant, reiterated what Mr. Gajewski stated to the Board, further saying he and his family would like to remain in their existing home but would not be able to do so without the increased size.

Motion by Steiner, supported by Potter, to close the public hearing at 7:57 p.m. Motion carried.

Kincaid stated all property owners and occupants located within 300' of the perimeter of the property received a mailed public hearing notice, and the Planning Department has not received any calls or letters of objection.

Kolar further commented on the required setbacks for a corner lot, saying the home faces Bernard Drive and the home behind the subject property faces Wilfred Drive with no homes

located on, or facing, Charlotte Drive that would be impacted by a decreased setback from Charlotte Drive. When asked, Kolar said a minimum side yard setback within an R-2B zoning district is eight feet with a total of 20 feet for both side yards. Kolar said the proposed garage addition would be 23 feet from the center of Charlotte Drive, which would meet a required side yard setback. Discussion ensued regarding setback requirements. Greeley asked if the proposed garage size could be reduced. Mr. Gajewski said any reduction in width would reduce the ability to open the car doors inside the garage. When reviewing the submitted site plan, it was stated it appears the actual unpaved roadway of Charlotte Drive swings more northerly than what was originally platted, offering a greater setback by what is in existence. Further discussion took place regarding the existing tree lined buffering to the north, where Mr. Gajewski said some of the trees would have to be removed to conveniently accommodate the garage addition. It was stated the addition would be inside the existing chain linked fence. It was observed on the submitted site plan that the homes located on the large parcels on the north side of Charlotte Drive are positioned quite a distance back from the road.

Motion by Biggs, supported by Potter, to grant the variance request for a 23 +/- foot front yard setback to construct a 14' x 24' attached garage to an existing dwelling on Parcel Number 5802-475-016-10, further known as, 7518 Bernard Drive, Temperance, MI, with the practical difficulty being there are two front yards on a corner lot and the requested location is the only safe place to add to the existing structure, noting if the parcel was not a corner lot it would meet the ordinance side yard setback requirements and no variance would be required. It should also be noted no calls or letters objections were received from the adjacent neighbors.

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

C.) OPEN THE PUBLIC HEARING AT 8:10 P.M. REGARDING THE APPEAL OF JOHN RAWLINGS, 6857 SECOR ROAD, PETERSBURG, MI 49270, REQUESTING (1) AN INTERPRETATION OF BEDFORD TOWNSHIP AGRICULTURAL ESTATES ORDINANCE NUMBER 400.902 AND THE INTERNATIONAL FIRE CODE 2012 EDITION, AS ADOPTED BY BEDFORD TOWNSHIP, TO DETERMINE AND/OR CLARIFY ROAD CONSTRUCTION AND/OR ROAD SURFACE REQUIREMENTS FOR THE PRIVATE ROAD KNOWN AS INDIAN WOOD LANE; AND (2) A VARIANCE, IF REQUIRED BY THE BOARD OF ZONING APPEALS' INTERPRETATION OF BEDFORD TOWNSHIP AGRICULTURAL ESTATES ORDINANCE NUMBER 400.902, TO ALLOW THE CONSTRUCTION AND/OR IMPROVEMENT OF INDIAN WOOD LANE WITH AN AGGREGATE SURFACE, WITH ANY OTHER CONDITIONS THAT MAY BE REQUIRED BY THE BOARD OF ZONING APPEALS.

Kincaid reviewed the variance analysis saying there are two parts to this request, with the first part for a language interpretation to determine and/or clarify road construction and/or road surface requirements for the private road known as Indian Wood Lane as described within the Agricultural Estates Ordinance, Section 400.902 and the International Fire Code 2012 edition. The second, should it be determined the ordinance and/or Fire Code requires a hard surface, a variance request will be heard to allow the construction and/or improvement of Indian Wood

Lane with an aggregate surface, with any other conditions that may be required by the BZA. Kincaid added a letter from the Fire Chief dated February 10, 2015 is included in the packet and although the letter was not prepared as a response for this request, the letter pertains to the subject area of this request and will be referenced if a variance is required. Kincaid went on to say per the requirement of Bedford Township Zoning Ordinance Section 400.902, the subject project was approved with the requirement that a hard surface road, 20' in width would be installed, and as of this date the hard surface road has not been installed.

John Rawlings, 6857 Secor Road, Petersburg, MI, stated he is in the process of attempting to purchase Parcel 3, which has an existing home that is non-conforming and does not have a Certificate of Occupancy due to the lack of road frontage as the road has not yet been installed. Mr. Rawlings added the site plan requires a "paved" road. Mr. Rawlings said Bedford Township, the Monroe County Road Commission, and the State of Michigan do not have a definition of what is considered a "paved" road, further saying the dictionary identifies pavement as stone, tile, asphalt, etc. Mr. Rawlings said he owns parcel 1 and parcel 2, and is seeking a determination on a definition of a "paved" road in order to maintain frontage and be able to purchase parcel 3. Mr. Rawlings added he has trimmed down some of the trees and widened the current road to approximately 20 feet, where the expense for the development and maintenance of the road is shared by a percentage of all four parcel owners.

Dave Patlin, 7211 Quail Run, said they have owned Parcel 4 within the Agricultural Estates since 2005. Mr. Patlin spoke on the required road material, saying when they purchased their parcel from the current resident of parcel 3, they were not informed a road was required to be installed, saying the owners of parcel 3 should have been required to install the road prior to taking occupancy. Mr. Patlin further commented on the history of the agricultural estates project, saying until the road issue is settled no further development or occupancy can be obtained.

Motion by Steiner, supported by Potter, to close the public hearing at 8:20 p.m. Motion carried.

Attorney Goldsmith gave a brief history of the subject site, saying prior to the agricultural estates development, the existing drive was used to haul out sand and aggregate which created a pond within the area now known as parcel 3 of the 4 created parcels within the agricultural estates. Goldsmith said the owners of parcel 3, which developed the agricultural estates, were given time to install the road, but never did, and therefore did not create the required frontage for their parcel and were not able to obtain a Certificate of Occupancy for the home they build on parcel 3. Goldsmith said there are two layers of regulation, one that is imposed by the Township in the way of a zoning ordinance, and one that is imposed by an ingress/egress easement that addresses drainage and utilities that affects all four parcels of the agricultural estates. Goldsmith explained a variance was granted a number of years ago to allow parcel 1 to have access from Secor Road, further saying parcels 2, 3 and 4 have access from what was to be developed as Indian Wood Lane. Goldsmith said the issue is that parcel 3 is now in bankruptcy, further saying the applicant has purchased parcels 1 and 2, and they are attempting to purchase parcel 3 which must be approved by the bankruptcy judge that is overseeing the bankrupt estate. Goldsmith said parcel 3 has been occupied by the property owner without benefit of a Certificate of Occupancy

because they have not developed a hard surface road to create road frontage. Goldsmith said any required bank financing, regardless of who purchases the home, requires the home to have a Certificate of Occupancy, further saying the lack of a Certificate of Occupancy is a practical difficulty.

Attorney Goldsmith explained under Bedford Township's Zoning Ordinance, the Board of Zoning Appeals has jurisdiction to interpret an ordinance. In this case, the applicant is seeking an opinion/interpretation of what is the intent/definition of the term "pavement" within the Agricultural Estates Ordinance and the Development Design Standards Ordinance.

Goldsmith commented on the Fire Chief's letter of February 10, 2015, saying while the letter must be referenced for the detailed comments prior to any procedure, the Fire Chief generally stated 1) access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates, 2) there shall be an unobstructed vertical clearance of not less than 13 feet 6 inches, 3) the fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations, 4) fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities, 5) a required turning radius of a fire apparatus access road shall be determined by the fire code official, 6) dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus, and 7) fire apparatus access roads shall not be obstructed in any manner and the minimum widths and clearances established in Section 503.2.1 of the 2012 International Fire Code shall be maintained at all times.

Goldsmith said the board must act on 1) is it the intent of the ordinance as it was written and then adopted by the Township Board to have a road constructed of a hard surface, as it is not well-defined within the ordinance, and if so, 2) whether or not for this particular application and this particular situation a variance shall be granted or not for this application only to allow an aggregate surface other than a concrete, bituminous or asphalt road surface.

Goldsmith stated the board does not have to determine what property owner is responsible for the finance of what portion of the road, as that layer of regulation is dictated by the easement agreement that has been recorded and governs how each of the respective property owners, and in which proportion, pays for the road to be installed and improved to service the four parcels so a Certificate of Occupancy can be issued when developed.

Greeley asked if the road design standards were provided with the submitted site plan. Kolar said the submitted site plan for the project identified a 20 foot wide hard surface road that extended to the west side of parcel 3. Goldsmith said the site plan did not identify any road frontage for parcel 4 where road frontage is required. Discussion took place regarding the length of road frontage required for each parcel, where it was said the Agricultural Estates Ordinance states the home sites may be located on parcels created that may have frontage on a newly created public or private road constructed within the parent parcel approved in accordance with the ordinance and may have less than five acres in area and 330 feet of frontage. Greeley said the applicant, who owns parcels 1 and 2, has indicated his intent is to extend Indian Wood Lane 330 feet onto parcel 2 to have proper road frontage for parcel 2. Kolar said if the applicant were

to obtain parcel 3 and combine parcels 2 and 3, parcel 3 could use the frontage created for parcel 2 as the required frontage due to the combination of two parcels, thus allowing a Certification of Occupancy to be issued for the home that is currently located on parcel 3. The applicant said he proposed 330 feet of road onto parcel 2 because he believed he was required to provide the minimum 330 feet of frontage required for an agricultural zoning district, further saying should 330 feet not be required, he would decrease the number of feet of improved road for access to parcel 2.

Greeley said it must be determined the length of frontage required per parcel to ensure consistency for each parcel owner, acknowledging providing road frontage for parcel 4 would require the road to be extended across parcels 1, 2 and 3. A lengthy discussion ensued regarding the length of required frontage for each parcel and what method of design would be used to provide the required turnaround for fire apparatus/emergency vehicles.

Steiner commented on the need to provide a well-designed and full access turnaround for fire/emergency apparatus to maneuver regardless of the number of feet required to provide adequate road frontage per parcel, as municipal water is not available in the subject area and trucks will have to haul water in. Steiner briefly commented on home fire suppression systems.

Goldsmith further explained the required action on this request, saying any decision is for this application only. Discussion took place regarding road material and road installation to support current apparatus loads of approximately 49,800 pounds. Greeley spoke on reviewing the Township ordinances where referencing pavement, saying the ordinance does not include a definition for pavement.

Motion by Potter, supported by Steiner, to determine the Township Ordinance reference(s) to pavement or hard surface is interpreted to be asphalt or concrete.

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

Goldsmith said now that it has been determined by the board that the reference to pavement shall be considered asphalt or concrete, action on the variance request regarding road construction material shall be considered.

The board reviewed the submitted Agricultural Estates Site Plan that was approved on November 3, 2004 and amended on September 14, 2005 to allow parcel 1 to have direct access to Secor Road. Potter questioned if the Township could be liable if an aggregate surface is allowed where a solid surface is required by ordinance. Goldsmith said in some instances there are many types of aggregate surfaces that may be more reliable than a paved surface. Greeley said the Fire Code weight load requirement is 25 percent greater than typical road weight load requirements within Bedford Township.

Goldsmith said once it is determined how far beyond the boundary the road should extend to provide frontage for a parcel, and what type of turnaround should be required, the board can place reasonable conditions on an approval, including that a driveway to serve a particular parcel

from Indian Wood Lane must be constructed of a sufficient material to support fire apparatus to access the home and any outbuildings in the event of fire. When asked, Kolar said the approved site plan for the project identifies the road easement extending the entire depth of the development, which is approximately 2656 feet, with a 20 foot wide paved road to parcel 4. Goldsmith said the road would have to be extended into each parcel to provide road frontage and proper access from the road. Discussion ensued regarding the number of road feet required to provide legal frontage if parcels 2 and 3 were combined to create one parcel, and what design is proposed to provide a sufficient turn around for emergency vehicles. When asked, Goldsmith said the ordinance states to have a shared drive, each parcel must have sufficient frontage maintained on a public roadway, which is not the case within an Agricultural Estates, as each parcel has frontage on a private drive. Steiner said he is in favor of working to improve the property, further reiterating the importance of not only having a well-designed road, but also having a sufficiently designed full access turnaround that would not create any maneuvering issue for emergency responders.

Greeley said the existing Development Design Standards Ordinance is vague where referencing road surface materials. A lengthy discussion ensued regarding road surface materials, base requirements, required engineering details and design. When asked, Kincaid said there is no set road frontage requirement, as parcel sizes can vary so long as the cumulative density does not exceed the agricultural limitation of one dwelling per each 5 acres. A site plan was presented to the Board and was discussed extensively. Mr. Rawlings stated they currently own parcels 1 and 2 and it is their intent to purchase parcel 3 and combine parcels 2 and 3.

When asked, Goldsmith said if parcels 2 and 3 were combined, it must be determined how much road frontage will be required to have sufficient road frontage to obtain a Certification of Occupancy for the home that is currently located on parcel 3, further saying, should parcel 4 ever be developed, the road would have to be extended to parcel 4 and it would have to be determined how much road frontage would be required for the owners of parcel 4 to build and be able to obtain a Certificate of Occupancy. Goldsmith said the owners of parcel 4 should be held to the same standards as determined a requirement for access to parcel 2 and 3, but should not be required to do so until such time as parcel 4 is developed.

Dave Patlin, 7211 Quail Run, parcel 4 owner, commented on access and shared drives. Goldsmith said because each parcel does not have sufficient frontage maintained on a public roadway, shared drives would not be permitted. Mr. Patlin asked if he could run a drive off the road from parcel 3. Goldsmith said the road would have to be extended to a yet to be determined point within parcel 4 to provide road frontage for access and a sufficient turnaround for emergency apparatus on parcel 4.

The Board further reviewed the previously approved Agricultural Estates plan and a possible revised access plan to provide sufficient frontage and a turnaround for each parcel in accordance with the zoning ordinance and requirements of the International Fire Code 2012.

Discussion continued regarding the required Certificate of Occupancy to obtain financing, saying the lender inspected the Township records and discovered a C of O had not been issued. Goldsmith said the Building Inspector would not issue a C of O until the road was installed in

accordance with the approved site plan. Parcel 3 is involved in a bankruptcy and is an asset of the bank. Greeley said if parcel 2 and parcel 3 are not combined, the required road length would not be the same, as the road would have to be extended into parcel 3 to provide sufficient road frontage for the existing home located within parcel 3. Discussion took place regarding the responsible parties for the road construction and maintenance. Goldsmith said the requirements of the responsible parties are governed by the restrictive covenant that has been recorded. When asked, Kolar said the Fire Chief stated in his letter of February 10, 2015, that documentation should be produced by a licensed civil engineer indicating the ability of the surface to support the imposed loads of approximately 49,800 pounds.

Motion by Parsons, supported by Steiner, to grant a variance to allow a road surface subject to the requirements of the International Fire Code 2012, and as outlined in the Fire Chief's letter of February 10, 2015, with the exception that the road may be amended to support the imposed load of approximately 50,000 pounds as indicated by the Fire Chief in the same letter as previously identified. Conditions of this approval shall be the road be extended to the furthest most parcel line plus the distance required to include a turnaround within the parcel where the dwelling resides, or is to be developed, that shall be in compliance with the Fire Department and International Fire Code 2012 turnaround standards, and if parcels 2 and 3 are combined, the road would extend into parcel 2 plus the distance required to include a Fire Department and International Fire Code 2012 approved turnaround. If parcels 2 and 3 were ever to be separated to develop parcel 2, the road must be extended to parcel 3 and an International Fire Code 2012 approved turnaround must be installed to serve parcel 3. Should the Fire Code standards or imposed load required by the Fire Department change or be revised; the road construction must meet the current requirements at the time the road is installed.

Potter commented on parcel combination and the requirements to extend the road to the parcels and provide an International Fire Code 2012 approved turnaround within the developed parcel. Goldsmith said parcels can be combined for purposes of road construction.

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

PUBLIC COMMENT – Nancy Striggow, 9496 Secor Road, commented on road conditions.

COMMISSION / STAFF COMMENT –

Kincaid said the Planning Department has not yet received any applications for the August meeting.

ADJOURNMENT –

The meeting was duly adjourned at 9:35 p.m.

Respectfully submitted,

Karen M. Kincaid

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Recording Secretary