

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
July 10, 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 Zdybek, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Shah, supported by Welling, to approve the minutes of June 4, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

A) Open the Public Hearing regarding the appeal of Lottie Lashley, 9635 Douglas Road, Temperance, MI 48182, requesting a variance to allow an accessory structure (ground mounted solar photovoltaic modules) to be constructed in a front yard, per Section 400.1903, "Accessory Buildings", in an

AG, Agricultural Zoning District, on land described as 5802-017-005-00, 9635 Douglas Road, Temperance, MI 48182.

Motion by Shah, supported by Zdybek, to open the public hearing at 7:05 p.m. Motion carried.

Mr. Goldsmith explained to the applicant the Board is one member short and State Law requires three affirmative votes to grant the request. Mr. Goldsmith gave the applicant the opportunity to move forward or postpone to the next scheduled meeting which would be August 6, 2018.

After further discussion, Mr. Goldsmith advised to take a short recess and contact Lake to see if he was able to attend the meeting. Kincaid contacted Lake and was informed he was on his way.

Lake arrived at 7:21 p.m. and the meeting resumed.

Kincaid reviewed the analysis saying the applicant is seeking a variance to construct a ground mounted solar photovoltaic module to be located within the front yard. The property consists of 16 acres having approximately 321.4 feet of frontage on Douglas Road. Per Section 400.1903 "Accessory Buildings", accessory buildings shall not be erected in any front yard pursuant to the Schedule of Regulations of the Bedford Township Zoning Ordinance. In speaking with the Building Official, Dennis Kolar, this type of structure would be considered an accessory structure to the main dwelling. Due to the proposed location of the structure in proximity to the existing home, the proposed structure will encroach on property in front of the front building line of the home, however the proposed location of the structure exceeds the required front yard setback in an Agricultural Zoning District.

Kincaid noted the applicant has indicated in the submitted letter the proposed panels will be used to help off-set the power pulled from the power company and the proposed location was chosen to get the best production for the home, as the panels are to be the most south facing as possible.

Kincaid said at this time no letters or calls of objection have been received.

Joseph Kalinowski-Shelby Township, MI- Representative for the Applicant- Mr. Kalinowski stated the proposed location exceeds the setback and the area is heavily landscaped. Mr. Kalinowski stated in his discussions with Ms. Lashley the proposed

location would not be visible from Douglas Road and none of the existing mature trees would have to be removed.

Lengthy discussion took place regarding the proposed location, the site consisting of approximately 16 acres, and if there was any consideration to move the panel location westerly or possibly behind the front building line. Ms. Lashley advised the proposed location was to be able to save the existing mature trees and due to the location of the septic system there is not an option to relocate the structure. Mr. Kalinowski spoke on the location to be the most efficient location to maximize the best production for the home and to have the panels face the most south as possible. Mr. Kalinowski added, to relocate to the west would not be beneficial especially in the winter months. Mr. Kalinowski explained the size and layout of the panel and structure.

***Motion by Welling, supported by Lake, to close the public hearing at 7:35 p.m.
Motion carried.***

Lake inquired on the Township having an ordinance to allow this type of use. Kincaid stated in discussion with the Building Official and Legal Counsel a determination was made as this request is for a single residential use, and a variance request could be sought as an accessory structure to the main dwelling. Mr. Goldsmith advised there currently is no ordinance that allows this type of use on a large scale. Mr. Goldsmith advised each request is determined on its on merit and this request is being proposed as an accessory structure to the main dwelling. Mr. Goldsmith stated in his opinion this would not have precedential value should the board be so inclined to grant the request.

Motion by Shah, supported by Welling, to grant the appeal of Lottie Lashley, 9635 Douglas Road, Temperance, MI 48182, requesting a variance to allow an accessory structure (ground mounted solar photovoltaic modules) to be constructed in a front yard, per Section 400.1903, "Accessory Buildings", in an AG, Agricultural Zoning District, on land described as 5802-017-005-00, 9635 Douglas Road, Temperance, MI 48182 with the practical difficulty of having approximately 16 acres surrounded by heavily wooded trees, the topography of the site, the proposed location has a setback of 392' from Douglas Road, and the proposed location will be most useful since the remainder of the property is heavily wooded with mature trees which allows for no visibility of the structure from Douglas Road and the location chosen by the vendor, Power Solar Home Roofing, is to maximize the power generation by the clearance surrounding nearby.

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

Voting Nay: None
Excused: Steiner
Motion carried.

PUBLIC COMMENT-

Ms. Lashley thanked the board for their consideration and time.

COMMISSION / STAFF COMMENT –

Shah requested the Township Staff look into language to permit solar panels within the Township, as with the changes in technology these types of requests may continue to be requested. Lake, Potter and Welling all agreed.

ADJOURNMENT – The meeting was duly adjourned at 7:45 p.m.

Respectfully submitted,
Jodie L. Rector
Recording Secretary