

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
July 11, 2017

PRESENT:

BOB POTTER, VICE CHAIRMAN, CITIZEN AT LARGE
ARVIND SHAH, ALTERNATE
MARYANNE BOURQUE, ALTERNATE

EXCUSED:

RICK STEINER, TOWNSHIP BOARD LIAISON
BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE
GEORGE WELLING, CITIZEN AT LARGE

ABSENT:

ROBYNE BUSH, PLANNING COMMISSION LIAISON

ALSO PRESENT:

TOM GRAHAM, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
DENNIS KOLAR, BUILDING OFFICIAL
KAREN M. 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: 05 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

APPROVAL OF THE AGENDA

Motion by Bourque, supported by Shah, to amend the agenda removing the approval of the June 5, 2017 minutes. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

Mr. Graham explained to all the applicants the state law requires a unanimous vote due to a five-member board with only three members in attendance. Mr. Graham advised each applicant will have the opportunity to decide if wish to move forward or defer to the next scheduled meeting.

NEW BUSINESS

- A. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF SMB RENTALS, LLC (STEVEN BRIGHTON), 9925 JACKMAN ROAD, TEMPERANCE, MI 48182, FOR APPLICANT DENNIS BRIGHTON, 2664 MILLER DRIVE, LAMBERTVILLE, MI 48144, REQUESTING A 99.39 +/- FOOT FRONTAGE VARIANCE AND A 1 +/- ACRE AREA VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-009-055-02, OTHERWISE KNOWN AS, 1766 W. ERIE ROAD, TEMPERANCE, MI 48182.**

Motion by Shah, supported by Bourque, to open the public hearing at 7:14 p.m. Motion carried.

Kincaid reviewed the analysis stating the existing parcel consists of approximately 15.3 +/- acres with 991 +/- feet of frontage on Erie Road and 335 +/- feet of frontage on Jackman Road. The applicant is seeking to split the 15.3 +/--acre parcel into two parcels in an AG, Agricultural Zoning District. Per Section 400.1800 "Schedule of Regulations" a minimum of 5 acres and 330' frontage is required. The applicant has submitted a letter stating one resulting parcel with the existing home and all agricultural accessory buildings will maintain 760.55' of frontage on Erie Road with 10 +/- acres, and the remaining portion of 4 +/- acres as indicated by the applicant will have the remaining 230.61 +/--feet of frontage on Erie Road. Kincaid said the applicant has stated in the submitted letter the requested frontage and acreage variance is to be able to maintain a 15-foot access point to the rear 5 acres of farmland to ensure that all the existing agricultural accessory buildings remain on the portion of the parcel currently being farmed. Kincaid noted should the variance request be granted, the variances required are:

- A 99.39 +/- foot Frontage Variance
- A 1 +/- Acre Area Variance

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

Potter advised the applicant he would need a unanimous vote to approve the request if wanting to move forward or reschedule with a full Board. The applicant waived the right to defer and requested to move forward.

Dennis Brighton (father) - 2664 MILLER DRIVE, LAMBERTVILLE, MI 48144- Mr. Brighton explained there are two requests, one for frontage and an acreage variance to create two parcels. Mr. Brighton discussed the proposed layout is to maintain the agricultural accessory buildings on the parcel with the 15' access to the rear property to preserve the farmland as that resulting parcel will continue to be farmed.

Dale Decker-1927 W. Erie- Mr. Decker asked for clarification on the proposed layout and variance request. Mr. Brighton explained the proposed layout will retain 230' of frontage and approximately 665' in depth.

Bourque commended the applicant for proposing to preserve the farmland. Shah asked for clarification if the metal silos still exist. Mr. Brighton stated the silos have been removed; however, the pads still exist. Potter questioned if the width of the proposed access would be enough for a combine. Kolar added the proposed 15' could create a future access issue. Potter agreed, adding if a fence was installed it could decrease the amount of area to access. Shah inquired on increasing the depth to meet the required five acres. Mr. Brighton explained the intent is to preserve as much farmland as possible and the proposed depth is consistent with the surrounding parcels. Mr. Graham added the proposed layout will maintain the farm land with the original farm house. Potter voiced concern on the size of the equipment and only proposing a 15' access. A lengthily discussion continued on the concern of the proposed 15' access and Shah inquired from the applicant if he would agree to increase the access area to 20'. Mr. Brighton agreed.

Motion by Bourque, supported by Shah, to close the public hearing at 7:29 p.m. Motion carried.

Mr. Graham stated the applicant would still have to go through the land division process. Kincaid concurred.

MOTION BY SHAH, SUPPORTED BY BOURQUE, TO GRANT THE APPEAL OF SMB RENTALS, LLC (STEVEN BRIGHTON), 9925 JACKMAN ROAD, TEMPERANCE, MI 48182, FOR APPLICANT DENNIS BRIGHTON, 2664 MILLER DRIVE, LAMBERTVILLE, MI 48144, REQUESTING A 99.39 FOOT FRONTAGE VARIANCE AND A 1 +/- ACRE AREA VARIANCE PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-009-055-02, OTHERWISE KNOWN AS, 1766 W. ERIE ROAD, TEMPERANCE, MI 48182 WITH AN AGREEMENT FROM THE APPLICANT TO INCREASE THE PROPOSED 15' ACCESS TO A MINIMUM OF 20', AS THE REQUEST IS TO PRESERVE THE FARMLAND AND IS CONDITIONED UPON SUBMITTAL AND APPROVAL THROUGH THE LAND DIVISION PROCESS.

Roll call as follows: Voting Aye: Shah, Bourque and Potter

Voting Nay: None

Excused: Greeley, Welling and Steiner

Absent: Bush

Motion carried.

- B. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF CHAD GRAHAM, 3488 SECTION ROAD, LAMBERTVILLE, MI 48144, REQUESTING A VARIANCE TO ALLOW AN ACCESSORY BUILDING TO BE CONSTRUCTED IN A FRONT YARD PER SECTION 400.1903, "ACCESSORY BUILDINGS", IN AN R-2A, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-031-098-01, OTHERWISE KNOWN AS, 3488 SECTION ROAD, LAMBERTVILLE, MI 48144.***

Motion by Bourque, supported by Shah, to open the public hearing at 7:33 p.m. Motion carried.

Kincaid reviewed the analysis stating the applicant is seeking a variance to construct a 40' X 60' pole barn in the front yard. The property consists of 7.76 acres and the proposed location is due to the topography of the parcel and the ravine to the rear of the existing dwelling. Per section 400.1903 "Accessory Buildings", an accessory building 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. The applicant has indicated in the submitted letter after speaking with his builder, due to the topography of the parcel, the proposed location is a more stable area to build. Kincaid advised at this time no letters or calls of objection have been received.

Potter advised the applicant he would need a unanimous vote to approve the request if wanting to move forward or reschedule with a full Board. The applicant waived the right to defer and requested to move forward.

Chad Graham- 3488 Section Road- Mr. Graham stated the proposed location is due to the ravine to the rear of the home and the extent of the slope of the grade of the property. Mr. Graham advised per his developer the proposed location is a more stable area. Mr. Graham stated due to the grade the amount of fill that would be required to level the ground area would be cost prohibitive and the proposed pole barn would still be in the side yard and in front of the building line of the home, still requiring a variance due to the ravine.

Discussion on the topography of the site and the positive affects the proposed location gives not only to the applicant's property but the surrounding parcels too.

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

Bourque stated the proposed size of the property and the location of the ravine she did not see any issues with the request. Kolar added the proposed location gives not only the applicant privacy but privacy to both of the adjacent parcels. Potter agreed.

MOTION BY BOURQUE, SUPPORTED BY SHAH, TO GRANT THE APPEAL OF CHAD GRAHAM, 3488 SECTION ROAD, LAMBERTVILLE, MI 48144, REQUESTING A VARIANCE TO ALLOW AN ACCESSORY BUILDING TO BE CONSTRUCTED IN A FRONT YARD PER SECTION 400.1903, "ACCESSORY BUILDINGS", IN AN R-2A, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-031-098-01, OTHERWISE KNOWN AS, 3488 SECTION ROAD, LAMBERTVILLE, MI 48144 WITH THE PRACTICAL DIFFICULTY OF THE RAVINE, THE SLOPE AND GRADE OF THE PROPERTY, THE APPLICANT HAS NO OBJECTION FROM THE SURROUNDING PARCELS AND IT IS CONSISTANT WITH THE OTHER ACCESSORY BUILDINGS IN THE AREA.

Roll call as follows: Voting Aye: Bourque, Shah and Potter

Voting Nay: None

Excused: Greeley, Welling and Steiner

Absent: Bush

Motion carried.

C. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF TERRENCE A. AND ROXANNE M. FARMER, 2138 FOUR MEADOWS DRIVE, TEMPERANCE, MI 48182, REQUESTING A 6" HEIGHT VARIANCE TO ALLOW CONSTRUCTION OF A FENCE IN A FRONT YARD SETBACK (SIDE YARD ON A CORNER LOT) PER SECTION 400.1912 "FENCES", IN AN R-2B, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-519-146-00, OTHERWISE KNOWN AS, 2138 FOUR MEADOWS DRIVE, TEMPERANCE, MI 48182

Motion by Bourque, supported by Shah, to open the public hearing at 7:45 p.m. Motion carried.

Kincaid reviewed the analysis saying the applicant is seeking a +/- 6" height variance to construct a 4' fence in the front yard. The property consists of .328 acres and has two front yards as the parcel is located on the corner lot of Four Meadows Drive and Eagle Point Lane. Per section 400.1912 "Fences", 2a #1, fences within a front yard shall not exceed 3 ½ feet in height and shall be restricted to decorative fences. The applicant has supplied a rendering of the proposed fencing and while the fence meets the height requirement, the fence posts are 4 feet tall, thus

requiring the 6" height variance to allow construction of a fence in the front yard. The applicant has stated due to a corner lot having two front yards, the ordinance requirements prevents them from utilizing the property in the most effective and efficient manner as it relates to their family needs. Kincaid advised the board the applicant has supplied eight letters of no objection to the Planning Department.

Potter advised the applicant he would need a unanimous vote to approve the request if wanting to move forward or reschedule with a full Board. The applicant waived the right to defer and requested to move forward.

Terrance Farmer- 2138 Four Meadows Drive- Mr. Farmer explained due to the confusion of a corner lot and having two front yards on the initial contact with the Township, they moved forward and purchased the proposed fencing not realizing it did not meet the requirements of a pool barrier or the ordinance requirements.

Kolar stated the fence does not meet the pool barrier requirements and the proposed fence posts require the 6" variance. Kolar added he is working with the applicant on the pool barrier requirements. Board Members discussed and agreed on the proposed location and how aesthetically appealing the proposed decorative fence is to be installed.

Motion by Bourque, supported by Shah, to close the public hearing at 7:56 p.m. Motion carried.

MOTION BY SHAH, SUPPORTED BY BOURQUE, TO GRANT THE APPEAL OF TERRENCE A. AND ROXANNE M. FARMER, 2138 FOUR MEADOWS DRIVE, TEMPERANCE, MI 48182, REQUESTING A 6" HEIGHT VARIANCE TO ALLOW CONSTRUCTION OF A FENCE IN A FRONT YARD SETBACK (SIDE YARD ON A CORNER LOT) PER SECTION 400.1912 "FENCES", IN AN R-2B, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-519-146-00, OTHERWISE KNOWN AS, 2138 FOUR MEADOWS DRIVE, TEMPERANCE, MI 48182 WITH THE PRACTICAL DIFFICULTY OF A CORNER LOT AND HAVING TWO FRONT YARDS. ALSO, THERE ARE NO OBJECTIONS FROM THE SURROUNDING NEIGHBORS, AND CONDITIONED UPON THE APPLICANT CONTINUES TO WORK WITH THE BUILDING DEPARTMENT TO RESOLVE THE POOL BARRIER REQUIREMENTS.

Roll call as follows: Voting Aye: Shah, Bourque and Potter

Voting Nay: None

Excused: Greeley, Welling and Steiner

Absent: Bush

Motion carried.

PUBLIC COMMENT-

None.

COMMISSION / STAFF COMMENT –

Shah stated there have been many fence requests and proposed the township to review the ordinance requirements.

Kolar said there has been discussion on a possibility to begin to require a permit to avoid any misunderstanding of the ordinance and/or building requirements.

ADJOURNMENT – The meeting was duly adjourned at 8:05 p.m.

Respectfully submitted,

Jodie L. Rector

Recording Secretary