

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
August 1, 2016

PRESENT:

BRAD GREELEY, CHAIR
BOB POTTER, CITIZEN AT LARGE
TOM ZDYBEK, PLANNING COMMISSION LIAISON
GEORGE WELLING, CITIZEN AT LARGE
ARVID SHAH, ALTERNATE

EXCUSED:

RICK STEINER, TOWNSHIP BOARD LIAISON

ALSO PRESENT:

PHIL GOLDSMITH, 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

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

APPROVAL OF THE MINUTES

Motion by Welling, supported by Potter, to approve the minutes of July 12, 2016. Greeley and Zdybek abstained. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) ***7:05 P.M. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF TOM SCRIBNER, 8051 MICHELLE LANE, LAMBERTVILLE, MI 48144, REQUESTING A 14 +/- FOOT REAR YARD SETBACK VARIANCE TO CONSTRUCT A SUN ROOM ADDITION ON AN EXISTING DWELLING, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS" ON LAND DESCRIBED AS 5802-174-024-00, 8051 MICHELLE LANE, LAMBERTVILLE, MI 48144***

Kincaid reviewed the analysis stating the applicant is seeking a 14' rear yard setback variance to construct a 20' x 16'4" sunroom onto the existing dwelling. Per the Schedule of Regulations, Section 400.1800, in an R-2B, Single Family Residential Zoning District a 35' rear yard setback is required. The applicant has indicated in a submitted letter that due to the rear yard angle, the current floor plan of the home and the existing pool in the rear yard where a separation distance is required between structures, the rear south side of the home is the only location available for the addition. Kincaid added at this time no letters or calls of objection have been received. Kincaid added the Board may wish for the applicant to further discuss the proposed location of the addition as there appears to be some discrepancy with the updated submitted plan.

Wayne Dibert-PTL-7118 Authorized Representative for Mr. Scribner- Mr. Dibert expressed his apologies as the discrepancy is his mistake. Mr. Dibert submitted a new layout after looking at the preliminary layout rear yard setback when the home was originally constructed. Mr. Dibert said due to the rear property line running on an angle, in his opinion without having survey equipment, it would be hard to get an accurate measurement. Mr. Dibert stated the proposed addition will encroach further than the requested 14' variance into the 35' rear yard setback.

Kolar advised Mr. Dibert the submitted drawing shows 36' from the property line. Mr. Dibert stated that is a typo and reiterated the difficulty getting an exact measurement due to the angle of the property. Greeley inquired if the township would have the original plot plan. Kolar said the original preconstruction plot plan shows the 35' rear yard setback being from the rear property line to the back corner of the existing house. Kolar also mentioned it would

appear the applicant would need a +/- 16' rear yard setback variance by that preconstruction plot plan. Mr. Dibert stated he was going from the corner of the existing house and as straight back as possible for a good measurement. Board Members continued to have a lengthy discussion on layout and calculations on the configuration from the existing dwelling, the proposed addition and on what is the distance of encroachment into the rear yard setback, taking into consideration the property layout. Mr. Goldsmith advised the Board to look at the information presented: applicant is seeking a rear yard setback variance; the home as situated appears to be in compliance with the zoning ordinance of a 35' rear yard setback requirement; applicant has established practical difficulties and presented them to the board, which includes the unique shape of the lot and the location of the existing pool. Further discussion took place regarding ordinance interpretation. Mr. Goldsmith requested clarification from Kolar on the existing home and the proposed location of the addition to the rear lot line. Kolar stated he looks at the original site plan from 35' parallel to the home not to go 90 degrees to the property lines. Kolar stated his interpretation of the last 20 years of the required 35' has been 35' to the property line. Mr. Goldsmith said Mr. Kolar being the Building Official is critical to the consideration of a proper decision for the Board. Mr. Goldsmith agreed with Kolar in determining the location to measure where the 35' rear yard setback.

Motion by Welling, support by Shah, to close public hearing at 7:35 p.m. Motion carried.

Greeley added some clarification on the measurement of the 35' being parallel to the house, unless the property is pie shaped. Kolar added if this was a pie shaped lot you would have a 10' space in the back across the point and this would comply. Greeley agreed on the configuration.

Motion by Welling, support by Shah, to grant the appeal of the Tom Scribner, 8051 Michelle Lane, Lambertville, MI 48144, requesting a 14 foot +/- rear yard setback variance, per Section 400.1800, "Schedule of Regulations" to construct a sun room addition on an existing dwelling on land described as 5802-174-024-00, 8051 Michelle Lane, Lambertville, MI 48144 to increase the rear yard setback approval to a 16'5" rear yard setback variance to construct a sun room no larger than 16'4" X 20', with the practical difficulty being the shape of the property, the existing pool location and with the Building Official's(Dennis Kolar) interpretation when measuring a setback requirement being in line with the building wall, parallel to the home.

Roll call as follows: Voting Aye: Welling, Shah, Potter, Zdybek and Greeley Voting Nay: None. Excused: Steiner.

Motion carried.

PUBLIC COMMENT –None

COMMISSION / STAFF COMMENT –

Kincaid advised at this time there has been no submittal for September, however if there should be a meeting it will be the second Tuesday, September 13, 2016 due to the holiday falling on the first Monday.

Welling commented on the upcoming election.

ADJOURNMENT –

The meeting was duly adjourned at 7:43 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*