

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS (Virtual)
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
August 3, 2020

PRESENT:

KYLE DERSCH, VICE CHAIRMAN
RICK STEINER, TOWNSHIP BOARD LIAISON
DENNIS JENKINS, PLANNING COMMISSIONAR LIASON
BOB POTTER, ALTERNATE

EXCUSED:

JAKE LAKE, CHAIRMAN
JEFF WILSON, CITIZEN AT LARGE

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
KAREN KINCAID, PLANNING AND ZONING ADMINISTRATOR
JODIE L. RECTOR, PLANNING AND ZONING ASSISTANT, RECORDING SECRETARY

Dersch 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 Jenkins, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Jenkins, supported by Steiner, to approve the minutes of June 1, 2020. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A. Open the public hearing regarding the appeal of John Coberley, 9035 Secor Road, Lambertville, MI 48144 requesting a +/- 3.347 acreage variance, per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural zoning district, on land described as 5802-018-123-30, otherwise known as 9053 Secor Road, Lambertville, MI 48144, and a +/- .462 acreage variance, per section 400.1800, "Schedule of Regulations" and Section 400.901, "Agricultural Zoning District" to allow horses on land described as 5802-018-123-10, otherwise known as 9035 Secor Road, Lambertville, MI 48144.***

Motion by Steiner, supported by Potter, to open the public hearing at 7:04 p.m. Motion Carried.

Dersch advised the applicant would need three affirmative votes to approve the request as the Board is one member short.

Dersch informed the applicant the Board of Zoning Appeals was one member short, offering the option to defer to a later date when all members could be present. Mr. Coberley opted to move forward as scheduled.

Kincaid reviewed the analysis, stating on April 2, 1990, the applicant sought and was granted a variance to create the subject parcels as they exist today. In the same year a permit (PB15323) was issued to construct the home on the newly created 4.484-acre parcel (Parcel III) which maintains its frontage on Temperance Road, however, has access from Secor Road. Along with the home build, a permit (PB15553) was issued in the same year for the pole barn, which has housed horses and ponies for approximately 30 years. Due to a miscalculation of the property line between the two parcels under the same ownership, the pole barn application was submitted with the proposed setback measured from the fence line to the east instead of the property line. When the survey was conducted, dated April 3, 2019, it was found the pole barn encroaches two feet onto the subject property to the east (Parcel I).

Kincaid stated for parcel I, the applicant is seeking a variance to rectify the barn encroachment by shifting the east property line of Parcel III to the east 8 feet, running from the north property line south to Indian Creek, or along the entire west side of Parcel I. While the shifting of the property line resolves the pole barn setback from the property line, it decreases Parcel I by approximately .054 (54/1000) acre, further reducing the acreage of Parcel I within an agricultural zoning district. While the publication is for a variance of 3.347 acres on Parcel Number 5802-018-123-30, it should be kept in mind a variance was granted in 1990 to allow the parcel to be created with +/- 1.707 acres, which will now become +/- 1.653 acres. It was determined including the previous variance within this request would provide clarity for future reference to the site rather than having to locate a second variance that took place 30 years earlier. Therefore, in actuality the variance being considered at this time is only to further reduce the previously approved parcel by .054 of an acre.

Kincaid stated for Parcel III, a .462-acre variance is being sought to allow a non-conforming horse use to continue on Parcel 5802-018-123-10, consisting of 4.538 acres where a minimum of 5.00 acres is required by ordinance. Horses and ponies have been a continued use on the site for the past 30 years and is located immediately south of Fox Meadow Farm. As well, the site includes a stable and fenced corral for the use. The applicant obtained a letter of no object signed by the property owners to the north, west and east of the subject site, and two property owners located on Temperance Road south of the subject site made contact with the Planning Department and stated they would like to be added to the no objection list.

Kincaid noted should the variance requests be granted, the variances required are a 3.347-acre area variance in an Agricultural Zoning District and a .462-acre area variance to allow horses in an Agricultural Zoning District.

John Coberley, 9035 Secor Road-applicant – Mr. Coberley was available to answer any further questions the board may have.

Steiner asked for some clarifications as to the variance for Parcel I being 54/100 or 54/1000 and also wanted to clarify if two motions would be needed for the variances.

Kincaid clarified it is 54/1000 acre and stated that two motions would be required.

Motion by Jenkins, supported by Steiner, to close the public hearing at 7:12 p.m. Motion carried.

Steiner acknowledged the Planning Department for the work and information that was provided in the analysis. Steiner noted the issue with the property line versus the fence line was not self-created by Mr. Coberley but instead was discovered through a recent survey completed in April 2019.

Potter then asked for clarification on a practical difficulty. Mr. Goldsmith responded that in agricultural districts it is common to treat fence lines as property lines but upon checking the recent survey, it was discovered the appropriate side yard setbacks did not exist. Mr. Goldsmith noted that the minor modification would allow for appropriate setbacks on the parcel and it would appear no different. Steiner noted that the property has been operating for 30 years and then reiterated the intended use would remain the same and has had no negative impact on the surrounding areas.

Motion by Jenkins, supported by Steiner, to grant a +/- 3.347 acreage variance, per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural zoning district, on land described as 5802-018-123-30, otherwise known as 9053 Secor Road, Lambertville, MI 48144 due to the practical difficulty of the property line being placed 30 years ago due to the fencing and was not created by the current owner of the property.

**Roll call as follows: Voting Aye: Jenkins, Steiner, Potter and Dersch
Voting Nay: None
Excused: Lake, Wilson
Motion carried.**

Motion by Steiner, supported by Jenkins, to grant a +/- .462 acreage variance, per Section 400.1800, "Schedule of Regulations" and Section 400.901, "Agricultural Zoning District" to allow horses on land described as 5802-018-123-10, otherwise known as 9035 Secor Road, Lambertville, MI 48144 due to the practical difficulty of the property line being placed 30 years ago due to the fencing and was not created by the current owner of the property.

**Roll call as follows: Voting Aye: Steiner, Jenkins, Potter and Dersch
Voting Nay: None
Excused: Lake, Wilson
Motion carried.**

PUBLIC COMMENT-

Mr. Coberley recognized the Planning Department on their work preparing and presenting the variance requests.

COMMISSION / STAFF COMMENT-

Kincaid advised the Board Members there will be a special meeting, August 17, 2020, and the deadline for submission for the September meeting is August 17, 2020 as well. Rector advised the Board Members the September meeting will be Tuesday, September 8, 2020 due to the holiday. Mr. Goldsmith noted that tomorrow is Election Day and encouraged everyone to go vote. Potter thanked the Board for the invitation and stated that he enjoyed working with everyone. Steiner acknowledged Kincaid and Rector for their detailed work on the variance requests.

ADJOURNMENT – The meeting was duly adjourned at 7:22 p.m.

Respectfully submitted,
Jodie L. Rector
Recording Secretary