

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
August 6, 2018

**PRESENT:**

BOB POTTER, CHAIRMAN  
GEORGE WELLING, VICE-CHAIRMAN  
TOM ZDYBEK, PLANNING COMMISSION LIAISON  
JAKE LAKE, CITIZEN AT LARGE  
RICK STEINER, TOWNSHIP BOARD LIAISON

**EXCUSED:**

NONE

**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 Steiner, supported by Welling, to approve the agenda. Motion carried.

***APPROVAL OF THE MINUTES***

Motion by Lake, supported by Welling, to approve the minutes of July 10, 2018. Steiner abstained. Motion carried.

***PUBLIC COMMENT (LIMIT 3 MINUTES)***

None

***NEW BUSINESS***

***A) Open the public hearing regarding the appeal of Arnold Jennings, 2806 Consear Road, Lambertville, MI 48144 requesting a 120 +/- foot frontage variance, a 210 +/- foot frontage variance and a 4 +/- acre area variance, per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, on land described as 5802-020-001-15, otherwise known as 2806 Consear Road, Lambertville, MI 48144.***

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

Kincaid reviewed the analysis saying the existing parcel consists of approximately 10 +/- acres with 330 feet of frontage on Consear Road. The applicant is seeking to split the 10 +/--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 proposed one resulting parcel with the existing home as maintaining 210' of frontage on Consear Road with 9 +/- acres, thus requiring a 120' frontage variance; while the remaining portion of 1 +/- acre with 120 feet of frontage on Consear Road will be split off, thus, requiring a 210' frontage variance and a 4-acre area variance. Kincaid noted the applicant has stated he and his wife are aging, and should this request be granted they would be able to build on the one-acre parcel and continue to reside in the area.

Kincaid advised should the variance request be granted, the variances required are:

- A 120' Frontage Variance
- A 210' Frontage Variance
- A 4 Acre Area Variance

Kincaid said at this time no letters or calls of objection have been received, however the applicant has supplied four letters of no objection.

**Arnold Jennings, 2806 Consear Road** - Mr. Jennings spoke on the history of the property and the desire to build on the one-acre parcel. Mr. Jennings expressed the area is more of a residential use even though zoned agricultural with parcels having less frontage and acreage required by ordinance. Mr. Jennings felt this was a reasonable request.

Steiner spoke on the zoning of those parcels being in place before the ordinance went into effect and agreed with Mr. Jennings regarding the area being a residential use.

**Patty Lyden- 2740 Consear and 2800 Consear-** Ms. Lyden voiced no objection to the request and stated the variance is in line with the character of the neighborhood.

*Motion by Welling, supported by Steiner, to close the public hearing at 7:20 p.m. Motion carried.*

Welling voiced opinion that the proposed request would have no negative effect to the neighboring properties. Lake agreed and added the request is consistent with the surrounding parcels.

**MOTION BY STEINER, SUPPORTED BY ZDYBEK, TO GRANT THE APPEAL OF ARNOLD JENNINGS, 2806 CONSEAR ROAD, LAMBERTVILLE, MI 48144 REQUESTING A 120 +/- FOOT FRONTAGE VARIANCE, A 210 +/- FOOT FRONTAGE VARIANCE AND A 4 +/- ACRE AREA VARIANCE, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-020-001-15, OTHERWISE KNOWN AS 2806 CONSEAR ROAD, LAMBERTVILLE, MI 48144, AS THE APPLICANT IS DOWNSIZING DUE TO THE DIFFICULTY OF MAINTAINING THE PROPERTY, THE REQUEST IS CONSISTANT WITH SURROUNDING PROPERTIES, SOUTH OF THE REQUEST IS ZONED RESIDENTIAL, THERE WILL BE NO NEGITIVE EFFECT ON THE NEIGHBORING PROPERTIES, AND IT IS CONSISTANT WITH THE MASTER PLAN DESIGNATION OF SUBURBAN RESIDENTIAL.**

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

***B) Open the public hearing regarding the appeal of Brian and Jennifer Hudock, 3093 W. Erie Road, Temperance, MI 48182, requesting a .9 +/- acre area variance to allow horses in an AG, Agricultural Zoning District, per Section 400.901.2, Agricultural Districts on land described as 5802-017-022-30, otherwise known as 3093 W. Erie Road, Temperance, MI 48182***

*Motion by Lake, supported by Welling, to open the public hearing at 7:25 p.m. Motion carried.*

Kincaid reviewed the analysis saying the applicant is seeking a .9 +/- acre area variance on a 4.1-acre parcel to allow horses in an AG, Agricultural Zoning District. Per Section 400.901.2, Principal uses permitted within an Ag, Agricultural District states: Private stable as an accessory use, subject to the following conditions:

- a. The lot area shall not be less than five acres
- b. There shall be no excessive noise, or obnoxious odors, flies, or other nuisances caused by the keeping of any horses.
- c. All horses must be kept confined within a fenced area when not being ridden, under harness, or when not in their building, pen, run, corral or other structure or permanent area.

Kincaid said the applicant has submitted a plot plan, indicating a location of a barn and an area for pasture. As the use is permitted by ordinance, there is no required site plan review for this request; however, the applicant has provided all setbacks and dimensions on the submitted plot plan. Kincaid advised there is no indication on the setback proposed for the fencing around the pasture area from the neighboring eastside property line, saying the Board may want to seek clarification, as a building permit is not required for fencing.

Kincaid referred to the submitted letter saying the applicant has stated they currently are boarding their horse and it has become cost prohibitive and are looking to move the horse to their property. The applicant has also stated they do not intend to have more than two horses on the property.

Kincaid advised at this time no letters or calls of objection have been received, however the applicant has supplied the Planning Department with two letters of no objection.

Kincaid stated should the variance request be granted, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed use at it may deem reasonable in furtherance of the purpose of this Ordinance.

**Brian Hudock-3093 W. Erie** -Mr. Hudock was available to answer any questions.

Steiner inquired on previous requests. Kincaid added the Co-operative Extension recommends one horse for every two acres. Kincaid noted by ordinance on a residentially zoned parcel with five acres one horse for every two acres is permitted with special approval, further saying the subject property is agriculturally zoned. Potter asked the applicant if he would be inclined to agree to a condition of no more than two horses. Mr. Hudock stated yes.

*Motion by Welling, supported by Steiner, to close the public hearing at 7:30 p.m. Motion carried.*

Steiner spoke on cost prohibitive being a practical difficulty. Mr. Goldsmith advised the property is AG zoned and the use is a principal permitted use, however by ordinance it requires a minimum of 5 acres. Mr. Goldsmith continued to say the applicant lives at the property, they will be the care takers of the horse(s). Mr. Goldsmith advised that this Board can include in any motion, reasonable conditions such as to limit the number of horses due to the size of the parcel and that there be no commercial stable.

**MOTION BY LAKE, SUPPORTED BY ZDYBEK, TO GRANT THE APPEAL OF BRIAN AND JENNIFER HUDOCK, 3093 W. ERIE ROAD, TEMPERANCE, MI 48182, REQUESTING A .9 +/- ACRE AREA VARIANCE TO ALLOW HORSES IN AN AG, AGRICULTURAL ZONING DISTRICT, PER SECTION 400.901.2, AGRICULTURAL DISTRICTS ON LAND DESCRIBED AS 5802-017-022-30, OTHERWISE KNOWN AS 3093 W. ERIE ROAD, TEMPERANCE, MI 48182 AS UNDER STATE LAWS THE REQUEST WOULD BE ALLOWED; HOWEVER, A 5 ACRE REQUIREMENT BY ORDINANCE, CONDITIONED UPON NO MORE THAN TWO HORSES AGREED TO BY THE**

**APPLICANT, THERE WILL BE NO COMMERCIAL USE, THERE SHALL BE NO EXCESSIVE NOISE, OR OBNOXIOUS ODORS, FLIES, OR OTHER NUISANCES CAUSED BY THE KEEPING OF HORSES, ALL HORSES MUST BE KEPT CONFINED WITHIN A FENCED AREA WHEN NOT BEING RIDDEN, UNDER HARNESS, OR WHEN NOT IN THEIR BUILDING, PEN, RUN, CORRAL, OR OTHER STRUCTURE OR PERMANENT AREA, AND MUST COMPLY WITH ALL ORDINANCE REQUIREMENTS.**

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

*C) Open the public hearing regarding the appeal of Craig S. Benore, 2837 Luna Pier Road, Erie, MI 48133, requesting a 128 +/- foot frontage variance, a 3.53 +/- acre area variance, a 20 +/- foot front yard setback variance for an existing dwelling, per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, a 2028 square foot area variance for existing accessory buildings, a variance to allow three additional existing accessory buildings, a 3 +/- foot building to building setback variance between Building D and E, and a 2 +/- foot height variance on building E (as on submitted plot plan), per Section 400.1903, "Accessory Buildings" on land described as 5802-025-009-00, otherwise known as 309 E. Dean Road, Temperance, MI 48182.*

***Motion by Steiner, supported by Lake, to open the public hearing at 7:42 p.m. Motion carried.***

Kincaid reviewed the analysis stating the existing parcel consists of approximately 39 +/- acres with 1110.31 feet of frontage on East Dean Road. The applicant is seeking to split the 39 +/--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 remaining parent parcel would maintain 909.31 +/- feet of frontage and 37.53 +/- acres, which meets the requirements of the ordinance. However, the second proposed parcel to be created would have 202' of frontage and 1.47 acres which will include the existing dwelling and five existing accessory buildings, thus requiring the 128' +/--frontage variance and the 3.53 +/- area acreage variance. Per Section 400.1903, "Accessory Buildings", a parcel with more than 21,720 square feet (.5 acre), is allowed a maximum of 2500 square feet of total accessory building area and a maximum number of accessory buildings allowed is two. Therefore, variances to allow an additional 2028 square foot area of all buildings and to allow three additional existing accessory buildings to remain is required. In reviewing the plot plan with the Building Official, Dennis Kolar, it was determined, Buildings A, B and C comply with ordinance for setbacks and height requirements, however, Buildings D and E will require a 3-foot building to building setback variance, where 10-feet is required and building E requires a 2-foot height variance as the maximum height of a building permitted is 14 feet. In addition to the previously identified required variances, a 20-foot front yard setback is required for the existing home. It should be noted that this is an existing encroachment and not being newly created with this application.

Kincaid referenced the submitted letter saying the proposed variance requests would allow the applicant the potential to sell the home since his primary interest when he purchased the property was to obtain additional farmland adjacent to his existing farm property to the south. The applicant has stated his intent is to preserve the farmland, however he has no personal use for the home or the existing accessory buildings.

Kincaid advised should the variance request be granted, the variances required are:

- 128' Frontage variance
- 3.53 +/- Acreage variance
- 20' +/- Front yard setback variance

- 2028 Square foot area variance for existing accessory buildings
- A variance to allow three additional existing accessory buildings
- 3 +/- foot building to building setback variance between Building D and E (refer to submitted plot plan attached)
- 2 +/- foot height variance on Building E (refer to submitted plot plan attached)

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

**Craig S. Benore, 2837 Luna Pier Road-**Mr. Benore was available to answer any questions. Mr. Benore supplied Kincaid with 10 letters of no objection.

Potter spoke in favor of the request as it is consistent with the surrounding parcels and will provide farmland preservation.

**Paul Seals-275 E. Dean-** Mr. Seals stated the property has been part of his family for years and is thankful Mr. Benore wanted to preserve the farmland when he purchased the property, helping his family settle the estate.

***Motion by Lake, supported by Welling, to close the public hearing at 7:50 p.m. Motion carried.***

Lake voiced opinion having difficulty with the request of the five accessory buildings remaining on what would become more of a residential property size parcel. Kolar advised the number of accessory buildings and amount of square footage is determined by the size of the parcel. Steiner added the home and buildings were most likely in existence before the ordinance went into effect. Mr. Goldsmith stated there have been similar requests, referring to Mr. Lennard and preservation of farmland. Mr. Goldsmith stated larger residential parcels become difficult to maintain and to increase the size would take away from the AG production. Zdybek said the buildings are clustered which would appear to have been placed that way for farming purposes. Zdybek stated he had no objection to the request.

Lengthy discussion ensued on the existing buildings, home and the number of acres being preserved for farmland on the parcel. Further discussion on the size of the parcel with the accessory buildings and to condition the motion that no commercial use in any of the buildings be permitted due to the size of the resulting parcel. Board Members and the applicant agreed to the request with that condition.

**MOTION BY WELLING, SUPPORTED BY STEINER, TO GRANT THE APPEAL OF CRAIG S. BENORE, 2837 LUNA PIER ROAD, ERIE, MI 48133, REQUESTING A 128 +/- FOOT FRONTAGE VARIANCE, A 3.53 +/- ACRE AREA VARIANCE, A 20 +/- FOOT FRONT YARD SETBACK VARIANCE FOR AN EXISTING DWELLING, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, A 2028 SQUARE FOOT AREA VARIANCE FOR EXISTING ACCESSORY BUILDINGS, A VARIANCE TO ALLOW THREE ADDITIONAL EXISTING ACCESSORY BUILDINGS, A 3 +/- FOOT BUILDING TO BUILDING SETBACK VARIANCE BETWEEN BUILDINGS D AND E, AND A 2 +/- FOOT HEIGHT VARIANCE ON BUILDING E (AS ON SUBMITTED PLOT PLAN), PER SECTION 400.1903, "ACCESSORY BUILDINGS" ON LAND DESCRIBED AS 5802-025-009-00, OTHERWISE KNOWN AS 309 E. DEAN ROAD, TEMPERANCE, MI 48182 AS THE HOME WAS IN EXISTANCE BEFORE THE ORDINANCE WENT INTO EFFECT, IT WILL PRESERVE FARM LAND, LARGER PARCELS FOR A RESIDENTIAL USE BECOME MORE DIFFICULT TO SELL AND MAINTAIN, APPLICANT HAS NO USE FOR THE HOME OR ACCESSORY BUILDINGS, 10 LETTERS OF NO OBJECTION BY SURROUNDING PROPERTY OWNERS WERE SUBMITTED, AND CONDITIONED UPON NO COMMERCIAL USE WITHIN ANY ACCESSORY BUILDING.**

Bedford Township Board of Zoning Appeals  
Regular Meeting  
August 6, 2018  
Page 6

**Roll call as follows: Voting Aye: Welling, Steiner, Lake, Zdybek and Potter**  
**Voting Nay: None**  
**Excused: None**  
**Motion carried.**

PUBLIC COMMENT-None

COMMISSION / STAFF COMMENT –

ADJOURNMENT – The meeting was duly adjourned at 8:15 p.m.

*Respectfully submitted,*  
*Jodie L. Rector*  
*Recording Secretary*