

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
September 10, 2019

**PRESENT:**

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

**EXCUSED:**

NONE

**ALSO PRESENT:**

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

Welling 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 Lake, to approve the agenda. Motion carried.

***APPROVAL OF THE MINUTES***

Motion by Lake, supported by Dersch, to approve the minutes of August 5, 2019 Motion carried.

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

None

***NEW BUSINESS***

- A. **Open the public hearing regarding the appeal of Shirley J. Rose, P.O. Box 209, Lambertville, MI 48144, requesting two +/- 156.60-foot frontage variances to create two parcels in an Ag, Agricultural Zoning District, per Section 400.1800 "Schedule of Regulations", in an AG, Agricultural Zoning District, on vacant land described as 5802-017-059-10, located on the north side of Temperance Road, west of Douglas Road**

***Motion by Zdybek, supported by Lake, to open the public hearing at 7:02 p.m. Motion carried.***

Kincaid noted on December 3, 2018 the applicant sought to split a vacant 20-acre parcel with 346.8 feet of frontage on Temperance Road into four separate parcels that required variances on each of

the four proposed parcels: 1) a +/- 280-foot frontage variance, 2) a +/- 280-foot frontage variance, 3) a +/- 206.6-foot frontage variance and a +/- 1.5-acre area variance, 4) a +/- 206.6-foot frontage variance and a +/- 1.5-acre area variance. Kincaid advised at that time the Board of Zoning Appeals denied the request.

Kincaid said the applicant is seeking to split a vacant 20-acre parcel with 346.8 feet of frontage on Temperance Road into two separate parcels. Per Section 400.1800 "Schedule of Regulations" in an AG, Agricultural Zoning District a minimum of 330 feet of frontage and 5 acres is required for each resulting parcel and while both of the proposed resulting parcels meet the required area, both will require a +/- 156.60-foot frontage variance. The applicant has indicated in the submitted letter the proposed request is to create two parcels to build a home on each for family members to assist with medical needs now and in the future.

Kincaid noted the Master Plan designates this area as Secondary Agricultural/Rural Residential, with the intent to preserve rural character and provide transition between more intense agricultural uses and the urbanized areas of the Township, such as small farms, hobby farms, and rural single-family residential development with rural character and open spaces developed at a density of 1 dwelling unit per 2.5 acres. It should be noted that a zoning district to accommodate the intended Master Plan designation has not yet been drafted; however, proposed language was presented to the Planning Commission on August 28, 2019, for review and comments. Direction has been given by the Planning Commission to move forward with the ordinance amendment. The ordinance will be put in final format and the public hearing will be scheduled as the first step of the approval process.

Kincaid advised six signatures of no objection and one listed verbal, have been provided by the applicant, further stating prior to the meeting signatures of objection were submitted to the Planning Department and a map was provided.

**Hans O. Henoach-3248 Shelton Drive- Representative for the applicant** - Mr. Henoach spoke on the proposed request having no detriment to neighboring properties and the intent is to build for family. Mr. Henoach spoke on the surrounding area and there being more than 32 parcels with under 172' of frontage. Mr. Henoach was available to answer any further questions.

**Gabe Coleman-2654 W. Temperance Road**-Mr. Coleman spoke on his parcel directly abutting the subject site to the east. Mr. Coleman stated the board should review this request with the current zoning district requirements and not the future of the Master Plan. Mr. Coleman referred to the previous request minutes. Mr. Coleman stated there is no shown practical difficulty and request the Board to deny the proposed request.

**Bill Decker Jr.- 2798 Dean Road**-Mr. Decker Jr. spoke on the surrounding non-conforming parcels and the request meets the intent of the proposed language for the new Agricultural zoning districts already moving forward to comply with the Master Plan.

**Irena Cotton 2955 W. Temperance Road**-Ms. Cotton spoke on the water plate and if building more homes, increasing families could become a negative impact to the surrounding neighbors.

**Jon Pirrone-2854 W. Temperance**-Mr. Pirrone spoke on the request being for family to live close to support one another. Mr. Pirrone stated Mr. Henoch and Mr. Decker Jr. would be the ones building, how would that be supporting each other. Welling was unsure of the question Mr. Pirrone was asking. Mr. Pirrone inquired on what family was building. Mr. Pirrone voiced opposition to the request.

**Bill Decker-2798 Dean Road**-Mr. Decker Jr. stated he himself is not building a home, his child and her mother are building.

**Hans Henoch-3248 Shelton Drive-Representative for the applicant**-Mr. Henoch spoke on the process of purchasing the property and voiced his opinion the opposition is due to the matter of others not purchasing the property. Mr. Henoch spoke on the neighboring property owners even approaching him to purchase the property.

**Richard Stewart-2932 W. Temperance**-Mr. Stewart acknowledges the Township is growing, however as a builder one knows the rules. Mr. Stewart stated should the requirements change; the applicant would be able to then split the property and move forward to build.

***Motion by Steiner, supported by Zdybek, to close the public hearing at 7:13 p.m. Motion carried.***

Steiner stated in comparing this request to the previous request the only specific change is the number of splits and still no shown practical difficulty. Mr. Henoch agreed, other than due to health issues the family would like to build to live close to one another to provide assistance. Board Members spoke on the proposed language change to the ordinance and that the provided request would meet those new requirements and not require a variance to comply. Mr. Goldsmith spoke on the process and time frame of an ordinance language amendment. Board Members agreed the applicant has not provided a practical difficulty to support the request.

***Motion by Lake, supported by Zdybek, to deny the appeal of Shirley J. Rose, P.O. Box 209, Lambertville, MI 48144, requesting two +/- 156.60-foot frontage variances to create two parcels in an Ag, Agricultural Zoning District, per Section 400.1800 "Schedule of Regulations", in an AG, Agricultural Zoning District, on vacant land described as 5802-017-059-10, located on the north side of Temperance Road, west of Douglas Road as there is no change in the request, no practical difficulty, a self-created hardship, would create two non-conforming parcels. There is a proposed changed in the zoning ordinance AG district language being reviewed and the size of adjacent parcels could have had a previous variance granted or could be prior non-conforming before the ordinance went into effect.***

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

- B. Open the public hearing regarding the appeal of Ethan & Dawn Hanusz, 6700 Jackman Road, Temperance, MI 48182, requesting a variance to construct an accessory building in the front yard, per Section 400.1903, "Accessory Buildings", in an R-2A, One-Family Residential Zoning District, on land described as 5802-028-048-30, otherwise known as 2286 Dogwood Lane**

***Motion by Steiner, supported by Dersch, to open the public hearing at 7:23 p.m. Motion carried.***

Kincaid stated the subject parcel consists of approximately 11.894 acres with 68 +/- feet of frontage on Sterns Road. While the frontage for the property is located on Sterns Road, the access to the parcel is from Dogwood Lane, a private road off Sterns Road that serves as access for 5 homes on five separate parcels surrounding a private lake. The subject property is part of a private lake community and is located to the east of the lake with the rear of the home facing the lake. Deed Restrictions prohibit construction of accessory buildings in the rear yard, as the rear of the five homes face the pond. The subject home is located approximately 2100 feet from Sterns Road, and due to the proposed placement of the garage at a lesser distance from Sterns Road, a variance is required to construct an accessory building in a front yard.

Kincaid said two letters of no objection have been received from neighboring property owners.

Kincaid advised should the variance requests be granted, the variance required is to allow an accessory building to encroach on a front yard.

**Ethan Hanusz, 6700 Jackman Road** - Mr. Hanusz wished his wife a Happy 25<sup>th</sup> Anniversary. Mr. Hanusz stated he did have verbal support of the other neighbors.

***Motion by Steiner, supported by Zdybek, to close the public hearing at 7:24 p.m. Motion carried.***

Zdybek stated he had visited the site and questioned the applicant on the clearing of trees being the proposed location. Mr. Hanusz stated should the variance be granted, the cleared area is the proposed location. Lake spoke on the particular shape of the parcel and being 2100 feet back off Sterns Road. Steiner spoke on the location being within a private community.

There was no further discussion.

***Motion by Lake, supported by Steiner, to grant the appeal of Ethan & Dawn Hanusz, 6700 Jackman Road, Temperance, MI 48182, requesting a variance to construct an accessory building in the front yard, per Section 400.1903, "Accessory Buildings", in an R-2A, One-Family Residential Zoning District, on land described as 5802-028-048-30, otherwise known as 2286 Dogwood Lane as the location is within a private community, location of the home and being 2100 feet from Sterns Road, the large size of the lot and supported by already having approval from the Monroe County Drain Commission.***

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

**Voting Nay: None**  
**Excused: None**  
**Motion carried.**

**PUBLIC COMMENT**-None

**COMMISSION / STAFF COMMENT**- Steiner stated tomorrow being 9/11 to please never forget and always remember those whom lost their lives, whose lives have been changed forever and all of the first responders.

**ADJOURNMENT** – The meeting was duly adjourned at 7:30 p.m.

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