

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
September 11, 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 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 7:00 p.m. The Pledge of Allegiance was said with a moment of silence in respect to 9/11. Kincaid called the roll. Quorum present.

APPROVAL OF THE AGENDA

Motion by Lake, supported by Welling, to amend the agenda, removing item C, regarding the appeal of Store Master Funding XI, LLC, 8377 E. Hartford Drive Suite 100, Scottsdale, AZ, 85255 (TTG Automation), requesting a 26 +/- foot front yard setback variance, to construct a 14,350 square foot addition where 1,056 square feet of the proposed addition will encroach into the required front yard setback, per Section 400.1800, "Schedule of Regulations", in an I-1, Planned Industrial Park Zoning District," on land described as 5802-142-002-00, otherwise known as 7297 Express Drive, Temperance, MI 48182, and to approve the agenda as amended. Motion carried.

APPROVAL OF THE MINUTES

Motion by Steiner, supported by Welling, to approve the minutes of August 6, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

A) Open the hearing regarding the appeal of John Coberley, P.O. Box 385, Temperance, MI 48182 requesting a 35 +/- foot frontage variance, per Section 400.1800, "Schedule of Regulations", in an R-3, Single Family Residential Zoning District, and a variance to allow a stub end of a street to serve as frontage, per Section 400.1914, "Private roads, public roads, driveways and frontage", to construct a dwelling, on land described as 5802-019-183-00, otherwise known as 8429 Lambert Drive, Lambertville, MI 48144.

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

Kincaid reviewed the analysis saying the applicant is seeking a 35' frontage variance to construct a dwelling on a 1.9-acre parcel where in May 2011, the home was deemed a dangerous building and was demolished. Kincaid stated the parcel is a legal lot of record with 25' of frontage on the stub end of Lambert Drive. The applicant has recently purchased the subject property and in working together with the Planning Department, Building Department and the Assessing Department it has been determined there is 25' of road frontage at the stub end of Lambert Drive (private road). Per Section 400.1800, "Schedule of Regulation" in an R-3, Single Family Residential Zoning District located within the Lambertville Village Overlay District, a minimum of 60' of road frontage is required. Kincaid noted per Section 400.1914.3, "Private roads, public roads, driveways and frontage", states "frontage shall not be permitted on the end of a "stub" or "dead-end" road or driveway unless prior Township Board of Zoning Appeals authority is granted when unique circumstances are present, which the Township Board of Zoning Appeals may deny for any reason it deems appropriate". Kincaid advised, therefore, a variance is required to allow the 25' frontage of the stub end of Lambert Drive to serve as frontage, and a +/- 35' frontage variance is required to allow construction of a new dwelling.

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

John Coberley-9035 Secor Road - Mr. Coberley spoke on the history of the property and the desire to clean up the parcel. Mr. Coberley advised that there is water and sewer at the site. Mr. Coberley spoke on the 100' frontage noted within the deed. Kincaid noted the home was built prior to ordinance. Kolar agreed on the information within the deed, however new construction is required to comply with ordinance requirements.

Motion by Steiner, supported by Welling, to close the public hearing at 7:11 p.m. Motion carried.

MOTION BY LAKE, SUPPORTED BY WELLING, TO GRANT THE APPEAL OF JOHN COBERLEY, P.O. BOX 385, TEMPERANCE, MI 48182 REQUESTING A 35 +/- FOOT FRONTAGE VARIANCE, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN R-3, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND A VARIANCE TO ALLOW A STUB END OF A STREET TO SERVE AS FRONTAGE, PER SECTION 400.1914, "PRIVATE ROADS, PUBLIC ROADS, DRIVEWAYS AND FRONTAGE", TO CONSTRUCT A DWELLING ON LAND DESCRIBED AS 5802-019-183-00, OTHERWISE KNOWN AS 8429 LAMBERT DRIVE, LAMBERTVILLE, MI 48144, AS IT WAS A PRIOR LEGAL LOT AND STRUCTURE OF RECORD LOCATED ON A PRIVATE ROAD, WAS DEEMED A DANGEROUS BUILDING AND THE TOWNSHIP BOARD REQUIRED THE DWELLING TO BE DEMOLISHED, LOT IS OVER GROWN, IT IS A LAND LOCKED PIECE OF PROPERTY, THERE IS WATER AND SEWER AVAILABLE TO THE SITE AND THE APPLICANT STATES LANGUAGE WITHIN THE DEED STATES THERE IS 100' OF FRONTAGE ON LAMBERT DRIVE.

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

Motion carried.

Mr. Coberley inquired on the length of time to pull a building permit. Mr. Goldsmith stated six months from the time the variance is granted a building permit must be pulled and one year to continue to work on the development. Mr. Goldsmith stated the Building Official can grant additional time should there be signs of progress of the home.

B) Open the public hearing regarding the appeal Edward & Janel Brady, 3580 W. Samaria Road, Temperance, MI 48182, requesting a variance to allow an accessory building to be constructed in the front yard, on a split zoned AG, Agricultural Zoning District and R-2B, Single Family Residential Zoning District, parcel per Section 400.1903, "Accessory Buildings", on land described as 5802-006-042-40, otherwise known as 3580 W. Samaria Road, Temperance, MI 48182.

Motion by Steiner, supported by Welling, to open the public hearing at 7:21 p.m. Motion carried.

Kincaid reviewed the analysis saying the applicant is seeking to construct a 1200 square foot accessory building with a 400 square foot covered porch. The subject site consists of approximately 9.99 acres with 211 feet of frontage and 2069 feet in depth. Kincaid stated the subject parcel is split zoned, Agricultural in the front and R-2B, Single Family Residential to the rear. The site is heavily wooded and the home is setback approximately 750 feet from Samaria Road, with the proposed barn location approximately 475 feet from Samaria Road. The submitted plot plan indicates there was a prior legal non-conforming structure where the proposed new accessory building will be located, which was recently demolish due to its condition. Per Section 400.1903.4, "Accessory Building Table" accessory buildings shall not be erected in any minimum side yard setback nor in any front yard, thus requiring the variance to allow an accessory building to be constructed in the front yard. The plot plan indicates there is an existing garage within the front yard which was granted a variance on April 1, 2013. The applicant has indicated in the submitted letter, the building will have no adverse impact on any of the neighboring properties, as it will not be visible due to the wooded surroundings. Kincaid noted the applicant also stated should the proposed accessory building be constructed north of the house, it would be prohibitively expensive due to the cost of tree removal, and if constructed either west of the house or east of the driveway, it would not be practical due to the proximity of the property lines.

Kincaid said at this time no letters or calls of objection have been received; however, six letters of no objection have been received.

Edward Brady- 3580 W. Samaria-Mr. Brady was available to answer any questions.

Discussion took place on the zoning area the accessory building is to be constructed on and the topography (wooded area) of the site.

Motion by Welling, supported by Lake, to close the public hearing at 7:26 p.m. Motion carried.

Steiner inquired on the location of the septic and well. Mr. Brady stated the location of the well is to the west of the home and the septic is north behind the home.

MOTION BY WELLING, SUPPORTED BY STEINER, TO GRANT THE APPEAL REGARDING THE EDWARD & JANEL BRADY REQUEST, 3580 W. SAMARIA ROAD, TEMPERANCE, MI 48182, REQUESTING A VARIANCE TO ALLOW AN ACCESSORY BUILDING TO BE CONSTRUCTED IN THE FRONT YARD ON A SPLIT ZONED PARCEL OF AG, AGRICULTURAL AND R-2B, SINGLE FAMILY RESIDENTIAL, PER SECTION 400.1903, "ACCESSORY BUILDINGS", ON LAND DESCRIBED AS 5802-006-042-40, OTHERWISE KNOWN AS 3580 W. SAMARIA ROAD, TEMPERANCE, MI 48182, WITH THE PRACTICAL DIFFICULTY BEING THE TOPOGRAPHY OF THE SITE, REMOVAL OF TREES, LOCATION OF WELL AND SEPTIC, EXISTING BUILDING WAS A DANGEROUS BUILDING AND HAS BEEN DEMOLISHED, THE PROPERTY IS A UNIQUE LARGE ESTATE TYPE, THE PARCEL IS HEAVILY WOODED AND WILL HAVE NO NEGITIVE IMPACT ON THE SURROUNDING PARCELS, AND THE APPLICANT PROVIDED LETTERS OF NO OBJECTION.

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

D) Open the public hearing regarding the appeal of David James, 3102 W. Temperance Road, Temperance, MI 48182, requesting a +/- 7.9-foot side yard setback variance to construct an addition to an existing dwelling, in an AG, Agricultural Zoning District, per Section 400.1800, "Schedule of Regulations", on land described as 5802-017-050-00, otherwise known as 3102 W. Temperance Road, Temperance, MI 48182

Motion by Steiner, supported by Zdybek, to open the public hearing at 7:34 p.m. Motion carried.

Kincaid reviewed the analysis stating the applicant is seeking a +/- 7.9' side yard setback variance for an addition to the existing dwelling. The property consists of 1.09 acres with 85' of frontage on W. Temperance Road and a depth of 492.72'. Kincaid said while the existing dwelling is a prior legal non-conforming structure (home built 1956), per Section 400.1800 "Schedule of Regulations", in an AG, Agricultural Zoning District, a side yard setback requires a minimum of 15' on one side, and a total of 30', thus requiring the +/- 7.9' side yard setback for the proposed addition. Kincaid noted the applicant has indicated in the submitted letter, due to the location of the septic tank, it would require the removal and replacement of the current drain system in order to reroute it to the septic tank from a different location. The applicant stated he has put a lot of time and thought into where to locate the addition and feels this is the most practical and convenient location due to the property layout and the layout of the existing home.

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

David James- 3102 W. Temperance-Mr. James explained further that the laundry room and water heater are currently located in a non-climate-controlled garage. Mr. James advised this request would not only allow for the addition but provide room to move those items inside the home. Lake stated the existing home does not meet the side yard setback as well. Mr. James advised the included survey is correct.

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

Mr. Goldsmith asked for clarification from the applicant on the location of the home. Discussion continued regarding the surrounding parcels. Mr. Goldsmith advised the parcel is a lot of record and the uses within the area even though they are zoned AG, the majority of the parcels are a residential use and not being farmed. Mr. Goldsmith said when these parcels were split the intent was to create home sites with the resulting frontages and acreage.

MOTION BY STEINER, SUPPORTED BY LAKE, TO GRANT THE APPEAL OF DAVID JAMES, 3102 W. TEMPERANCE ROAD, TEMPERANCE, MI 48182, REQUESTING A +/- 7.9-FOOT SIDE YARD SETBACK VARIANCE TO CONSTRUCT AN ADDITION TO AN EXISTING DWELLING IN AN AG, AGRICULTURAL ZONING DISTRICT, PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", ON LAND DESCRIBED AS 5802-017-050-00, OTHERWISE KNOWN AS 3102 W. TEMPERANCE ROAD, TEMPERANCE, MI 48182 LOCATED IN AN AG DISTRICT, ACKNOWLEDGING THE HOME WAS BUILT IN 1956 PRIOR TO THE ZONING ORDINANCE GOING INTO EFFECT, THE EXISTING HOME IS ENCROACHING WITHIN THE SIDE YARD SETBACK AND THE ADDITION WILL RUN PARALLEL TO THE PROPERTY LINE, THE APPLICANT IS UNABLE TO RELOCATE THE ADDITION DUE TO THE SEPTIC TANK LOCATION AND WOULD HAVE TO REPLACE THE EXISTING DRAINAGE SYSTEM AND REROUTE, AND THE REQUEST IS CONSTISTANT WITH THE SURROUNDING PROPERTIES WITHIN THE AREA.

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

PUBLIC COMMENT-None

COMMISSION / STAFF COMMENT –

Potter thanked the staff.

Welling requested to keep all effected by 9/11 in their thoughts and prayers.

ADJOURNMENT – The meeting was duly adjourned at 7:50 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*