

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
October 2, 2017

**PRESENT:**

BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE  
BOB POTTER, VICE CHAIRMAN, CITIZEN AT LARGE  
RICK STEINER, TOWNSHIP BOARD LIAISON  
GEORGE WELLING, CITIZEN AT LARGE  
ARVIND SHAH, ALTERNATE

**EXCUSED:**

NONE

**ALSO PRESENT:**

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH  
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 7:03 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 OF SEPTEMBER 12, 2017**

*Motion by Steiner, supported by Shah, to approve the minutes of September 12, 2017. Motion carried.*

**PUBLIC COMMENT (LIMIT 3 MINUTES)**

None

**NEW BUSINESS**

**OPEN THE PUBLIC HEARING**

- A) OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF TIMOTHY HAISE, 9953 MINX ROAD, TEMPERANCE, MI 48182, REQUESTING TWO 145 +/- FOOT FRONTAGE VARIANCES, A 40 +/- FOOT FRONTAGE VARIANCE AND TWO 3.98 +/- ACRE AREA VARIANCES PER SECTION 400.1800, "SCHEDULE OF REGULATIONS", IN AN AG, AGRICULTURAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-013-047-00, OTHERWISE KNOWN AS, 9230 CRABB ROAD, TEMPERANCE, MI 48182.

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

Kincaid reviewed the analysis stating the existing parcel consists of approximately 20 +/- acres with 660 feet of frontage on Crabb Road. The applicant is seeking to split the 20 +/- acre parcel into three parcels in an AG, Agricultural Zoning District. Per Section 400.1800 "Schedule of Regulations" a minimum of 5 acres and 330' frontage is required. Kincaid stated the applicant has submitted a letter stating one resulting parcel, Parcel A, with the existing home will have 290' of frontage on Crabb Road with 17.96 +/- acres, Parcel B, 185 feet of frontage on Crabb with 1.02 +/- acres and Parcel C, 185' of frontage on Crabb

Road with 1.02 +/- acres. Kincaid advised the applicant has shown the proposed layout of each of the parcels and stated in his letter the variance request is due to the high sand knob making the proposed areas of Parcels B & C not conducive to maximum crop production. Kincaid said the applicant has indicated in the submitted letter the proposed land split areas have been a burden on his farming operation and feels the land would be put to much better use as building sites for single family homes. Also, the applicant noted in the submitted letter the proposed frontage and acreage fits the surrounding area established years ago beginning just north of the subject parcel and continues east on Vienna Road. Kincaid noted should the variance requests be granted, the variances required are:

**Parcel A**

- A 40' Frontage Variance

**PARCEL B**

- 145' Frontage Variance
- 3.98 +/- Acreage Variance

**PARCEL C**

- 145' Frontage Variance
- 3.98 +/- Acreage Variance

Kincaid said while the Planning Department received no letters or calls of objection, the applicant advised he mailed 13 letters to homeowners within the area and received 5 responses consisting of 2 with no objection and 3 in opposition. The applicant provided the Planning Department with copies of the responses.

**Manny Evola- 2367 Oakdale- Applicant's Representative-**Mr. Evola stated he is representing the applicant and the request is to allow two parcels to be created for residential homes as there is a shortage of lots within the township unless located in a subdivision or a prospective area for development. Mr. Evola stated the applicant has some flexibility with the size of the lots. Mr. Evola advised the applicant is seeking to preserve as much of his farm land as possible as the property has been in his family for many years, four generations in his family.

Shah asked for clarification on the sand knob location. Mr. Evola said the parcel front northwest corner, where proposed parcel C and front corner of proposed parcel B are located. Potter stated for farm preservation he would like to see an increase to 2 ½ acre parcels. Mr. Evola stated he had spoken with the applicant on the possibility of 2 ½ acres and he would be in agreement if that should be the desire of the board.

**Amy Nagley- 9288 Crabb Road-** Ms. Nagley stated she moved out of a subdivision to live in an area of larger parcels. Ms. Nagley had high concern for the existing drainage issues on the property and the drainage to her parcel as her parcel sits lower than the subject parcel. Ms. Nagley was opposed to the request.

**William Miller-9277 Crabb Road-** Mr. Miller voiced opposition to the request, felt should be more of a consideration for land preservation. Mr. Miller made reference to two neighbors (Ray Spencer and Brian Burmeister) whom were unable to attend also voicing opposition to the request.

**Heather Sullivan- 9255 Crabb Road**-Ms. Sullivan stated Brian whom Mr. Miller was speaking of is her fiancé. Ms. Sullivan stated they purchased the home in April of this year due to the location and surrounding open land. Ms. Sullivan voiced concern as they have young children with the increase of traffic and construction vehicles. Ms. Sullivan said they are extremely opposed the request.

Steiner had concern with the drainage issues. Mr. Evola was unsure of the exact location but agreed that Ms. Nagley would have a better understanding as it drains on her property. Ms. Nagley explained her property is below street level and there is no ditch or drainage area. Ms. Nagley expressed concern if those parcels were to be developed it would increase the standing water and cause more drainage issues and flooding on her property. A lengthy discussion on options to relieving the drainage problem. Welling asked Mr. Goldsmith on a practical difficulty for the request. Mr. Goldsmith stated the applicant has expressed due to the topography and sand knob location a difficulty to produce crops and a better use would be for development.

Shah inquired if there was to be a condition to develop the parcel to the rear of the proposed parcel and to increase the parcel size from what is being proposed. Mr. Evola said the existing home is approximately 150' from the road and if the board were to approve the request with conditions on addressing the drainage issues, Mr. Evola felt the applicant would agree.

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

Shah inquired on the area designation. Kincaid explained the Master Plan designates the entire area as agricultural preservation. Kincaid explained the AG, requirements and the existing parcels that do not comply with 330' of frontage and a minimum of 5 acres would not be created today without seeking a variance. Discussion continued on the surrounding parcels frontage and acreage. Kincaid stated the parcel across the street is 5 acres, however without verifying, she is unsure of the exact frontage. Greeley asked on clarification with the intended movement with the new ordinance, would these parcels be included in the area. Kincaid stated there has not been a determination of the exact area. Greeley spoke on eventually having the ordinance and how with previous variance request he did not believe this area would be determined to be included in the agricultural preservation, nor meeting the proposed requirement intended of 2 ½ acres. Welling returned the discussion to the drainage issues. Board Members further discussed the requirement of 2 ½ acres, review and approval from the MCRC and MCDC to resolve drainage issues.

Mr. Goldsmith stated it sounds like the natural drainage flow goes to the northwest corner of the property. Mr. Goldsmith stated Michigan Common law is clear in that surface water flow should not be altered to the detriment of an adjacent property. Mr. Goldsmith stated if the Board was so inclined to grant the variance, Michigan Law provides that this board, being a Quasi-judicial board, can attach reasonable conditions to the granting of a variance, such as setbacks, applicant must address and successfully resolve drainage problems that would impact off site, etc. Mr. Goldsmith advised there is an engineering solution to every problem, saying there would be a cost to finding a resolution. Steiner stated the MCRC and the MCDC would have to review the resolution to the drainage issue. Mr. Goldsmith stated, yes if the drainage issue area is under the jurisdiction of the MCRC and/or the MCDC it would require their review and approval. Steiner inquired on the process should an engineered site plan be required on drainage, what happens to the land divisions of the parcels if the applicant decided to not move forward. Mr. Goldsmith advised the applicant has six months to pull a building permit from the date of the variance. Mr. Goldsmith stated it would have to go through the land division process. Mr. Goldsmith advised if a determination was found a solution to drainage was to be cost prohibited,

that would have to be decided on to move forward and record the deeds through the land division process by the applicant.

Shah inquired on the distance from the road and the existing home. Mr. Evola stated the home is up on a hill about 150' to 200' back off the road. Shah asked if that could be a condition to require any homes built be inline or behind the existing home and require 2.5 acre lots. Mr. Goldsmith stated yes, those are reasonable conditions. Mr. Goldsmith also advised there is authority granted to Mr. Evola to make those decisions acting on behalf of the applicant. Mr. Shah stated his thought process was if to require the homes to be built further back on the parcels it would not increase surface water issues. Steiner voiced concern still on the lay of the land and without a full engineered site plan of the property he did not feel it would resolve the drainage issues. Mr. Steiner stated it could possibly increase the drainage issues already existing.

Welling inquired if Mr. Evola wanted to seek further information on cost before moving forward with a decision on the proposed request. Greeley stated the variance request can still move forward and if the applicant was to determine the required process would be costly, they would then make the decision whether or not to move forward with the land division process.

**MOTION BY SHAH, SUPPORTED BY POTER, REGARDING THE APPEAL OF TIMOTHY HAISE, 9953 MINX ROAD, TEMPERANCE, MI 48182, ON LAND DESCRIBED AS 5802-013-047-00, OTHERWISE KNOWN AS, 9230 CRABB ROAD, TEMPERANCE, MI 48182 TO GRANT A 40' FRONTAGE VARIANCE ON PARCEL A, GRANT A 145' FRONTAGE VARIANCE ON PARCELS B & C, AND REQUIRE THE RESULTING PARCELS B & C A MINIMUM OF 2.5 ACRES. PRACTICAL DIFFICULTY BEING THE TOPOGRAPHY OF THE LAND AND THE DIFFICULTY TO PRODUCE CROPS WITHIN THE SAND KNOB AREA. THIS APPROVAL IS CONDITIONED UPON A PROFESSIONAL ENGINEERED DRAINAGE PLAN SUBMITTED AND APPROVED BY THE MONROE COUNTY DRAIN COMMISSION, MONROE COUNTY ROAD COMMISSION AND THE BEDFORD TOWNSHIP BUILDING OFFICIAL, ALL HOMES BUILT ON PARCELS B & C MUST MEET A FRONT YARD SETBACK OF 200' FROM THE ROAD-RIGHT-OF-WAY OR BE DEVELOPED BEHIND THE NEIGHBORS EXISTING HOME (SEAN & AMY NAGLEY 9288 CRABB ROAD) OR INLINE WITH THE EXISTING HOME'S FRONT BUIDLING LINE LOCATED ON PARCEL A, WHICH EVER IS GREATER, AND ANY FUTURE HOMES TO BE BUILT MUST BE IN FULL COMPLIANCE OF THIS REQUEST AND NOT CREATE ANY ADDITIONAL SURFACE WATER OR DRAINAGE ISSUES.**

**Roll call as follows:**

**Voting Aye: Shah, Potter, Welling and Steiner**

**Voting Nay: Greeley**

**Excused: None**

**Motion carried.**

**PUBLIC COMMENT-None**

**COMMISSION / STAFF COMMENT – None**

**ADJOURNMENT** – The meeting was duly adjourned at 8:10 p.m.

*Respectfully submitted,  
Jodie L. Rector  
Recording Secretary*