

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
NOVEMBER 4, 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 Lake, supported by Dersch, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Lake, supported by Steiner, to approve the minutes of October 7, 2019. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) **Open the public hearing regarding the Appeal of Crabb Road Investment, LLC, William R. Johns, 44700 Groesbeck, Clinton Township, MI 48036, requesting a variance to allow a gravel surface to serve a temporary loading/unloading area for truck maneuvering along the full length of the rail road spur within the subject parcel, per Section 400.1906.9 “ Off-street Loading and Unloading” in an I-1, Planned Industrial Park, on land described as 5802-035-001-10, otherwise known as 7177 Crabb Road, Temperance, MI 48182**

Motion by Dersch, supported by Lake, to open the public hearing at 7:03 p.m. Motion carried.

Kincaid reviewed the analysis stating the subject 13.15 +/- acre industrially zoned parcel with approximately 590' of frontage on Crabb Road is located east of the existing railroad spur, which runs the entire width of the subject property's west boundary.

Kincaid stated the property owner has been approached by the Ann Arbor Rail Road and one of their tenants, seeking a site to create a temporary transfer location for the off-loading of Crude Oil. The off-loaded material would then be transported to a refinery in Toledo, Ohio. At this time, the use commitment from the Ann Arbor Rail Road and their tenant is for a 3 to 5-year time period, that is anticipated to consist of the off-loading of approximately 10 rail cars that would require approximately 50 trucks per day entering and leaving the subject site at any given time.

Kincaid advised due to the proposed temporary use, the applicant is seeking a variance to install a 24-foot wide gravel unloading area/drive along the east side of the rail spur with a truck turnaround located at the north end and one located at the south end of the unloading area to provide an area for trucks to circle around to make access to the existing gravel drive and exit the site.

Kincaid noted while the use is permitted per Section 400.1401.14 *“Warehouse, storage and transfer and electric or gas service buildings and yards. Public utility buildings, necessary structures, storage yards, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.”*, loading and unloading areas are required to consist of concrete or asphalt hard surface in accordance with Section 400.1906.9 *“All loading/unloading areas must be provided with asphaltic or concrete surfacing in accordance with specification designated by the Township of Bedford Development Design Standards Ordinance (#65)”*.

Kincaid stated it should be noted, an existing concrete loading/unloading pad located along the southeast portion of the rail spur was installed as needed for an earlier approved site plan use, and will remain as installed. As stated in the letter submitted by Jim Jacobs of James S. Jacobs Architects, the proposed temporary use does not require the same tolerance of level grade and jack pad support for detached trailers as was required for the previous permanent use. While the property owner has attempted to obtain a more permanent commitment from Ann Arbor Rail Road and their tenant, at this time the proposed use is anticipated to be a three to five-year commitment. Kincaid said the applicant has acknowledged if the use becomes a permanent or long-term situation, the stone install would provide a base for any permanent hard surface that might be appropriate in the future.

Kincaid advised reference shall be made to the James S. Jacobs, Architect letter for additional provided information specific to the site.

Kincaid stated at this time no letters or calls of objection have been received; however, a call of no objection was received from Mr. Stover, Consumer’s Energy site property owner, and a contractor for Buckeye Pipeline, which is located on the east side of Crabb Road, stated they have no concerns regarding the proposed use.

Kincaid said should the request be granted, the following variance is required: to allow a gravel surface 24 feet wide by nearly the entire length of the rail spur, to include a turn-around area to the north and a turn-around area to the south to serve as a truck maneuverability area for exiting purposes

Randy Root-7170 Crabb Road-Mr. Root stated he had no objection to the request, and was in attendance for clarification on the proposed use.

Motion by Steiner, supported by Dersch, to close the public hearing at 7:09 p.m. Motion carried.

Jim Jacobs-25 Washington Street Monroe, James S. Jacobs Architects-Representative for the applicant-Mr. Jacobs supplied Board Members with photos of different transfer method styles. Mr. Jacobs was available to answer any further questions from the Board Members.

Lake inquired on why the Township requires hard surface. Mr. Goldsmith stated for stability, emergency access and for parking areas. Kolar added also for accessibility and safety. Mr. Goldsmith stated in this case these typical reasons do not necessarily apply. Mr. Goldsmith advised his concern would be more incorporated with the site plan review and approval process for a containment area should there be any type of spillage. Mr. Goldsmith also added transfer method for crude oil and the operations should be shown through site plan approval process. Steiner spoke on the increase in weight of the loaded vehicles and the ability to maintain the ground stability for fire and emergency purposes. Steiner voice concern on maintaining safety data sheets, information and regulations from EPA and any county or Townships requirements. Board members agreed that any and all information of approvals shall be required. Steiner spoke on should the boards' desire be to grant the approval; can conditions be placed on the approval. Mr. Goldsmith advised this Board can include conditions or concerns on the approval as this site will also be required to go through site plan approval process. Discussion took place regarding gravel and hard surface and maintenance of both. Mr. Jacobs advised from his understanding the railroad will not allow hard surface on the spur of the railroad or on private property.

Board Members continued to discuss the requirements should any damage be done with the number of heavy vehicles entering and exiting the property to Crabb Road and whom would be responsible for repairs. Lake inquired on the length of the commitment and what would be the difference of cost to install hard surface. Lake voiced opinion of the risk involved and not following ordinance requirements. Zdybek referred to the submitted letter on the comment of "reasonable return". Mr. Jacobs advised he included several comments working from a five-point list as he had done in other communities for clarification on the request, and to identify a reasonable return or hardship on the property owner.

Lengthy discussion took place on the safety, road issues and the number of years to permit before requiring hard surface. Board Members also voiced concern on spillage, how containment and how and what type of transfer style will be utilized. Mr. Jacobs advised those concerns and requirements will be handled through the site plan review and approval process. Lake again address concerns on road issues and maintenance of Crabb Road and the number of truck/trailers. Dersch asked if there was any indication of when a decision would be made to increase the contract from the 3-5-year commitment. Mr. Jacobs stated he was unsure.

Motion by Steiner, supported by Welling, to grant the appeal of Crabb Road Investment, LLC, William R. Johns, 44700 Groesbeck, Clinton Township, MI 48036, requesting a variance to allow a gravel surface to serve a temporary loading/unloading area for truck maneuvering along the full length of the rail road spur within the subject parcel, per Section 400.1906.9 " Off-street Loading and Unloading" in an I-1, Planned Industrial Park, on land described as 5802-035-001-10, otherwise known as 7177 Crabb Road, Temperance, MI 48182 conditioned upon:

- 1. Unloading of 10 rail cars per day for crude oil ONLY**
- 2. SDS (Safety Data Sheets) as required**

- 3. Emergency spill contact number and information readily available**
- 4. Area must have containment ditch shown and approved through the site plan review and approval process**
- 5. Site must go through site plan review and approval**
- 6. Practical difficulty due to the Rail Road requirements and being unable to install hard surface per RR standards**
- 7. Required to have all reviewing agencies approval with site plan approval**
- 8. Wheel wash station required to avoid road issues**
- 9. Weight max of 80,000 lbs. exiting the site and should any repairs be required to edge of drive on Crabb Road, maintenance is property owners' responsibility.**
- 10. 3-years as a temporary approval. Site must have annual inspection by Fire Department, Bedford Township and other required agencies for approval to be extended for 4th-year and 5th-year after each yearly site inspection has had approval.**
- 11. Over 5-year, must resubmit for a permanent solution/hard surface for review and approval.**

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

PUBLIC COMMENT-None

COMMISSION / STAFF COMMENT- Kincaid advised at this time there has been several inquiries for the December meeting, however there has been no official submittal, and the deadline is Friday, November 8th.

ADJOURNMENT – The meeting was duly adjourned at 7:43 p.m.

Respectfully submitted,
Jodie L. Rector
Recording Secretary