

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
November 5, 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. Kincaid called the roll. Quorum present.

***APPROVAL OF THE AGENDA***

Motion by Welling, supported by Lake, to approve the agenda. Motion carried.

***APPROVAL OF THE MINUTES***

Motion by Lake, supported by Welling, to approve the minutes of October 9, 2018. Motion carried.

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

None

***NEW BUSINESS***

- A) **Open the public hearing regarding the Appeal of St. Paul's Evangelical, 9144 Lewis Avenue, Temperance, MI 48182 requesting a variance to allow a two-day Blizzard Festival in an R-3, Single Family Residential Zoning District, per Section 400.2200, "Board of Appeals", on land described as 5802-014-048-00, otherwise known as 9144 Lewis Avenue, Temperance, MI 48182**

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

Kincaid reviewed the analysis saying this request is from St. Paul's Evangelical Lutheran Church on behalf of the Community Foundation of Monroe County with Tasha L Harris serving as spokesperson for the Bedford Blizzard Fest Committee event. The request for consideration is to hold a two-day event to be held on the church property on Friday & Saturday, December 14th and 15th, 2018 with the festival hours being from 5:00 p.m. till 9:00 p.m.

Kincaid stated as indicated in the submitted letter from the Blizzard Fest Committee there will be an ice-skating rink, Santa tent with pictures, vendor location having no more than five vendors, a live nativity scene (provided by Indian Creek Zoo) and two or three fire pit locations. The site plan states there will be horse drawn carriage rides (provided by Dukes Farm). Also, it is stated the church will be open, as upstairs will be the Church Choir and Christmas movies playing and downstairs Christmas crafts for children will be provided.

Kincaid noted the applicant has supplied a flyer and post cards that are being utilized for advertising for the festival and is encouraging a "Battle of the Lights" contest throughout the Township.

A Special Use Permit has been approved by the Township Supervisor, however it should be verified where the amplified music will be located.

Kincaid referred to the Bedford Township Zoning Ordinance, Section 400.2204.c. (7) (f) saying that the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action. The Planning Commission reviewed the plot plan and made a recommendation to approve the use for one year as the ordinance permits at their October 24, 2018 meeting. The Planning Commission minutes were included in the packet for information, and included the items that must be addressed.

Kincaid advised discussions have ensued regarding the need to further review the zoning ordinance for possible amendments to include uses that have become popular, including further reviewing the procedures required when considering temporary uses.

**Tasha Harris- 3405 Consear Road & Jewel Patton-** Ms. Patton stated they are working with Northwest church to confirm with a letter for approval on parking for the shuttle service.

Steiner advised the Township Board has reviewed the application and the fees for this request have been waived. Lake inquired on the hours of operation. Ms. Harris stated both nights from 5p.m. till 9 p.m. Zdybek inquired on a decision from the Planning Commission Meeting if there was a determination on Lewis Avenue closure. Ms. Harris stated Lewis Avenue will remain open.

**Gail Keane-1056 W. Temperance Road-**Ms. Keane voiced concern on the noise and or traffic issues and on the process should any residents have a complaint. Ms. Keane added she was glad to see movement forward on what they had worked on for Down Town Temperance.

A lengthy discussion on the amplified music took place and a decision was made that should there be any concerns or complaints the means of contact would be first directly to the church, second to the Ordinance Department and lastly to the Sheriff's Non-Emergency (734-243-7070). Ms. Patton reiterated that the Sheriff's Department has been notified of the event.

***Motion by Welling, supported by Steiner, to close the public hearing at 7:14 p.m. Motion carried.***

Mr. Goldsmith advised the Board to review the Planning Commission's recommendation for concerns and decision in making a motion.

**MOTION BY STEINER, SUPPORTED BY ZDYBEK, TO GRANT THE APPEAL OF ST. PAUL'S EVANGELICAL, 9144 LEWIS AVENUE, TEMPERANCE, MI 48182 REQUEST**

**FOR A VARIANCE TO ALLOW A TWO-DAY BLIZZARD FESTIVAL IN AN R-3, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, PER SECTION 400.2200, "BOARD OF APPEALS", ON LAND DESCRIBED AS 5802-014-048-00, OTHERWISE KNOWN AS 9144 LEWIS AVENUE, TEMPERANCE, MI 48182 CONDITIONED UPON APPROVAL FROM THE LOCAL AUTHORITIES, SHERIFF'S DEPARTMENT, OBTAIN A LETTER OF SHUTTLE TRANSPORTATION FROM NORTHWEST CHRISTIAN CHURCH AND LAKE ERIE TRANSIT, LEWIS AVENUE IS TO REMAIN OPEN, AMPLIFIED MUSIC TO REMAIN IN THE ICE RINK AREA AND THE CHURCH IS TO BE THE FIRST FORM OF CONTACT, THEN THE ORDINANCE DEPARTMENT AND LAST THE NON-EMERGENCY SHERIFF DEPARTMENT SHOULD THERE BE ANY CONCERNS OR COMPLAINTS.**

**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 appeal of Michael & Valerie Mitchell, 9460 Crabb Road, Temperance, MI 48182, requesting a +/-35-foot front yard setback variance to construct an addition to an existing dwelling, per Section 400.1800 "Schedule of Regulations" on land described as 5802-013-034-10, otherwise known as 9460 Crabb 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 a 35' front yard setback variance to construct a 288 square foot bedroom addition to the existing home. The subject property is 1.65 acres with 108' of frontage on Crabb Road and 665.49' in depth. While the home is a prior legal non-conforming structure and currently encroaches on the front yard setback, the Schedule of Regulations requires a front yard setback in an Agricultural Zoning District, 67 feet from the road right-of-way (33' from the center of the road) for a total of 100 feet, thus requiring the 35' front yard setback variance.

The applicant has submitted a letter stating the additional bedroom is for his mother-in-law whom is unable to live on her own. The applicant has advised the proposed location is the only available area to construct the addition as the septic tank and leach field are located to the rear of the home.

At this time no letters or calls of objection have been received, however the applicant has supplied one letter of no objection.

**Mike Mitchell- 9460 Crabb Road-**Mr. Mitchell was available to answer any questions. Mr. Mitchell added the well is also to the rear of the home and this was the most practical location.

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

Steiner stated the difficulty of this location is the unique circumstances of the location of the well and septic and also the home being in existence before the ordinance went into effect.

**MOTION BY LAKE, SUPPORTED BY STEINER, TO GRANT THE APPEAL OF MICHAEL & VALERIE MITCHELL, 9460 CRABB ROAD, TEMPERANCE, MI 48182, REQUESTING A +/-35-FOOT FRONT YARD SETBACK VARIANCE TO CONSTRUCT AN ADDITION TO AN EXISTING DWELLING, PER SECTION 400.1800 "SCHEDULE OF REGULATIONS" ON LAND DESCRIBED AS 5802-013-034-10, OTHERWISE KNOWN AS 9460 CRABB ROAD, TEMPERANCE, MI 48182 WITH HAVING THE PRACTICAL DIFFICULTY OF THE LOCATION OF THE WELL AND SEPTIC AND HOME BEING IN EXISTANCE PRIOR TO THE ORDINANCE AND THERE BEING NO LETTERS OR CALLS OF OBJECTION TO THIS REQUEST.**

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

Mr. Mitchell thanked the Board.

PUBLIC COMMENT-

**Gail Keane- 1056 Temperance-** Ms. Keane thanked the Board for addressing the concerns in advance. Ms. Keane reiterated that she is glad to see they are expanding on the Temperance Action Committee's direction.

COMMISSION / STAFF COMMENT – none.

ADJOURNMENT – The meeting was duly adjourned at 7:31 p.m.

*Respectfully submitted,  
Jodie L. Rector  
Recording Secretary*