

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
November 6, 2017

PRESENT:

BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE
BOB POTTER, VICE CHAIRMAN, CITIZEN AT LARGE
TOM ZDYBEK, PLANNING COMMISSION REPRESENTATIVE
GEORGE WELLING, CITIZEN AT LARGE
ARVIND SHAH, ALTERNATE

EXCUSED:

RICK STEINER, TOWNSHIP BOARD LIAISON

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
DENNIS KOLAR, BUILDING OFFICAL
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 7:11 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 BOARD OF ZONING APPEALS MEETING SCHEDULE 2018

Motion by Welling, supported by Potter, to approve the Board of Zoning Appeals Meeting Schedule 2018. Motion carried.

APPROVAL OF THE MINUTES OF October 2, 2017

Motion by Potter, supported by Welling, to approve the minutes of October 2, 2017. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

OPEN THE PUBLIC HEARING

- A) *Open the Public Hearing regarding the appeal of Aaron Gretka, 162 Chesterfield, Erie, MI 48133, requesting a 40 +/- foot front yard setback variance per Section 400.1800 "Schedule of Regulations" in an AG, Agricultural Zoning District on land described as 5802-018-031-00, 3963 W. Erie Road, Temperance, MI 48182*

Motion by Shah, supported by Welling, to open the public hearing at 7:14 p.m. Motion carried.

Kincaid reviewed the analysis stating the applicant is seeking a 40' front yard setback variance to rebuild a home that was destroyed by fire. The subject property is .640 acres with 197' of frontage on Erie Road and 159' in depth. A Demolition Permit was issued on 12/20/2013 and a final inspection approved on 7/30/2014. The destroyed home did not meet the front yard setback requirements of the ordinance, as is the case of the homes to the east and west of the subject parcel. 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. At this time no letters or calls of objection have been received.

This same variance request was sought and granted on March 7, 2016, however, a building permit was not pulled by the licensed contractor that was to rebuild on site within six (6) months of the granted variance, in accordance with Section 400.2207 "Miscellaneous" of the Article XXII "Board of Appeals". While this is the same variance request by the property owner, the party interested in reconstructing a home on the site is not the same builder as with the first request.

Aaron Gretka- 8939 Suder Avenue, Erie, MI 48133-Mr. Gretka advised of the correction of his home address. Mr. Gretka stated this is the same as the previously granted variance, however that purchase agreement fell through. Kincaid added this prospective buyer has supplied a rendering of the proposed home to be built on the property. Shah asked of any changes to the request. Mr. Gretka stated there are no proposed changes since the last request.

Motion by Zdybek, supported by Potter, to close the public hearing at 7:19 p.m. Motion carried.

Mr. Goldsmith explained the existing lot is a legal lot of record and was a prior legal non-conforming structure before the home was burnt down.

Motion by Potter, supported by Shah, to grant the Appeal of Aaron Gretka, 8939 Suder Avenue, Erie, MI 48133, requesting a 40 +/- foot front yard setback variance per Section 400.1800 "Schedule of Regulations" in an AG, Agricultural Zoning District on land described as 5802-018-031-00, 3963 W. Erie Road, Temperance, MI 48182 as it is a legal lot of record, proposed location to rebuild is comparable with the surrounding adjacent homes, having a practical difficulty as the home was destroyed by fire and the narrow depth area to rebuild. The variance is conditioned upon meeting the Township Ordinance requirements and Monroe County Health Department requirements.

Roll call as follows:

Voting Aye: Potter, Shah, Welling, Zdybek and Greeley

Voting Nay: None

Motion carried.

B) Open the Public Hearing regarding the Appeal of CTG Real Estate, 200 S. Alloy, Fenton, MI 48430, requesting a 25 +/- foot rear yard setback variance from a residential property line, and a 10 +/- minimum rear yard setback variance per Section

400.1800 "Schedule of Regulations" in an I-1, Planned Industrial Park, on land described as 5802-142-002-00, 7297 Express Drive, Temperance, MI 48182

Motion by Potter, supported by Welling, to open the public hearing at 7:24 p.m. Motion carried.

Kincaid reviewed the analysis stating the applicant is seeking a 25' rear yard setback variance from a residential property line and a 10' minimum rear yard setback to construct a 30' X 60' building addition to the existing 40,500 square foot building. Per the Schedule of Regulations, Section 400.1800, in an I-1, Planned Industrial Park, a 20' minimum rear yard setback is required and per Q in the notes it states no building shall be located closer than 75' to the outer perimeter of such district when said property line abuts any residential district.

Kincaid said the applicant has indicated the proposed addition will be utilized for storage of materials and the submitted plot plan shows the 50' rear yard setback to the west residential property line and a 10' minimum rear yard setback, thus requiring the requested variances. Kincaid advised the Planning and Building Departments have discussed with the applicant their concerns in decreasing the drive access to 10' to the southwest of the proposed addition. The applicant has advised the Planning Department there is a recorded Joint Driveway Agreement (Liber 1765 Page 435) in place to allow access to the adjoining west parking area for maneuverability.

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

Tom Bronkema-1492 Graham-Owner-Share Holder-Mr. Bronkema explained the proposed building is to be utilized for storage, as they are currently storing some product outside.

Potter inquired on the easement maintaining enough room for access on the backside of the building. Shah asked about a barrier where abutting the residential district. Mr. Bronkema advised that the neighboring residential property is currently farmed and the neighboring industrial properties that abut the residential currently do not have additional buffer. Kolar stated there is a 40' easement which provides a full access drive around all three sides of the proposed addition.

Motion by Zdybek, supported by Shah, to close the public hearing at 7:32p.m. Motion carried.

A lengthily discussion ensued regarding an additional barrier to the residential property to the west of the proposed building, considering the required setback. Mr. Goldsmith added as this proposed addition will have to go through site plan approval, the Planning Commission can review and determine if addition buffering is required. Mr. Goldsmith referred to the submitted aerial and stated the neighboring property, Fischer Tool, does not appear to have any additional buffering. Greeley agreed. Mr. Bronkema stated if the board was to require additional buffering, it may create issues for the farmer, as the access to the rear of the corn field is utilized by the farmer from Bel-Kur and Fischer's properties.

Motion by Shah, supported by Welling, to grant the appeal of CTG Real Estate, 200 S. Alloy, Fenton, MI 48430, requesting a 25 +/- foot rear yard setback variance from a residential property line, and a 10 +/- minimum rear yard setback variance per Section 400.1800 "Schedule of Regulations" in an I-1, Planned Industrial Park, on land described as 5802-142-002-00, 7297 Express Drive, Temperance, MI 48182 as the easement area maintains enough maneuverability and provides adequate access for fire protection, conditioned upon the Planning Commission review the buffering/landscaping through the site plan approval process.

Roll call as follows:

Voting Aye: Shah, Welling, Zdybek, Potter and Greeley

Voting Nay: None

Motion carried.

PUBLIC COMMENT-None

COMMISSION / STAFF COMMENT –

Kincaid advised the deadline for the December meeting is November 13th and as of now no applications have been submitted.

ADJOURNMENT – The meeting was duly adjourned at 7:44 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*