

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
OCTOBER 7, 2019

**PRESENT:**

GEORGE WELLING, CHAIRMAN  
TOM ZDYBEK, PLANNING COMMISSION LIAISON  
JAKE LAKE, VICE-CHAIRMAN  
KYLE DERSCH, CITIZEN AT LARGE  
ARVIND SHAH, ALTERNATE IN STEINER'S ABSENCE

**EXCUSED:**

RICK STEINER, TOWNSHIP BOARD LIAISON

**ALSO PRESENT:**

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH  
DENNIS KOLAR, BUILDING OFFICIAL  
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 Dersch, supported by Zdybek, to approve the minutes of September 10, 2019. Motion carried.

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

None

***NEW BUSINESS***

- A. Open the public hearing regarding the appeal of Heather Lietzke, 8720 Buerk Drive, Temperance, MI 48182, requesting a +/- 2 ½ -foot fence height variance to construct a 6-foot tall fence in the front yard, located on a corner lot, per Section 400.1912 "Fences" on land described as 5802-710-072-00, otherwise known as 8720 Buerk Drive, Temperance, MI 48182**

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

Kincaid reviewed the analysis stating the applicant is seeking a +/- 2.5-foot height variance to construct a 6' fence in the front yard. The property consists of .548 acre and it is located on the corner lot of Buerk Drive and Whitewood Drive. Due to the uniqueness of the location, the parcel has three front yards. Per section 400.1912 "Fences", 2a #1, fences within a front yard shall not exceed 3.5 feet in height and shall be restricted to decorative fences. The applicant has submitted a

letter stating she would like to install a six-foot tall wooden fence to provide privacy and a safe area for her dog.

The applicant has stated she contacted the township to ensure she was complying with rules and regulations before putting up a new fence and was advised due to a corner lot and having three front yards, the ordinance permits a fence of 3.5-foot in the front yard. The applicant requests you consider the variance to allow a 6-foot fence to provide privacy and allow her to enjoy her backyard safely with her dog.

At this time no letters of objection have been received.

**Heather Lietzke, 8720 Buerk Drive, Temperance, MI 48182-** Ms. Lietzke spoke on her neighborhood being pet friendly, however would like to provide a safe environment on her property for her dog and privacy to enjoy her backyard. Ms. Lietzke stated she looked into installing invisible fencing, however that would not prevent other dogs from entering her property. Ms. Lietzke advised the request is not only for her dogs' safety but for other dogs in the neighborhood.

*Motion by Lake, supported by Dersch, to close the public hearing at 7:06 p.m. Motion carried.*

Lake spoke on the uniqueness of this type of corner lot and having three front yards. Board Members agreed on the practical difficulty of the parcel having three front yards.

**Motion by Lake, supported by Zdybek, to grant the appeal of Heather Lietzke, 8720 Buerk Drive, Temperance, MI 48182, requesting a +/- 2 1/2 -foot fence height variance to construct a 6-foot tall fence in the front yard, located on a corner lot, per Section 400.1912 "Fences" on land described as 5802-710-072-00, otherwise known as 8720 Buerk Drive, Temperance, MI 48182, with the practical difficulty being, the parcel is a corner lot having the uniqueness of three front yards.**

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

Zdybek advised in several instances he had been contracted for work by Mr. Townsend. Zdybek recused himself to avoid any appearance he would be partial to the following request, and left the boardroom during consideration of the request.

**B. Open the public hearing regarding the appeal of Greg & Beth Townsend, P.O. Box 341, Lambertville, MI 48144, requesting a, +/- 165-foot frontage variance and a +/- 1.91 area variance (parcel 2), a +/- 165-foot frontage variance and a +/- 1.91 area variance (parcel 3), and a +/- 165-foot frontage variance and a +/- 2.07 area variance (parcel 4), per Section 400.1800 "Schedule of Regulations", to create four parcels in an AG, Agricultural Zoning District, on vacant land described as 5802-011-036-00, located on the north side Erie Road, west of Crabb Road.**

Welling informed the applicant the Board of Zoning Appeals was unable to obtain an alternate and the Board was one member short, offering the option to defer to a later date when all members

could be present or an alternate. Mr. Townsend opted to move forward as scheduled.

***Motion by Shah, supported by Lake, to open the public hearing at 7:10 p.m. Motion carried.***

Kincaid stated the applicant is seeking to split a vacant 17-acre parcel with 928.74 feet of frontage on Erie Road into four separate parcels that will require variances on three of the four proposed parcels:

- **Parcel 1- No Variance required (maintaining +/- 433.74 feet of frontage & +/- 7.78 acres)**
- **Parcel 2- +/- 165-foot frontage variance and a +/- 1.91-acre area variance**
- **Parcel 3- +/- 165-foot frontage variance and a +/-1.91-acre area variance**
- **Parcel 4- +/-165-foot frontage variance and a +/-2.07-acre area variance**

Per Section 400.1800 “Schedule of Regulations” in an AG, Agricultural Zoning District a minimum of 330 feet of frontage and 5 acres is required for each resulting parcel. The applicant has indicated in the submitted letter, the subject parcel is no longer being farmed and has become a hardship for the family to maintain the property. The applicant has stated there are discussions with a farmer on the possibility of growing hay on the remaining +/- 7.78-acre parcel and believes the resulting other three parcels will conform with the surrounding area.

Kincaid stated the Master Plan designates this area as Agricultural Preservation, with the intent to preserve prime farmland for agricultural production with uses of farming, food production, livestock, greenhouses, orchards, forestry and open spaces, and the character of farmed land with limited residential development. It should be noted that a zoning district to accommodate the intended Master Plan designation has not yet been drafted; however, proposed language was presented to the Planning Commission on August 28, 2019, for review and comments. Direction has been given by the Planning Commission to move forward with the ordinance amendment. The ordinance will be put in final format and the public hearing will be scheduled as the first step of the approval process.

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

**Greg Townsend-Applicant**-Mr. Townsend was available to answer any questions.

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

Lake stated he was struggling as there was no identified practical difficulty and the request would be creating three non-conforming parcels. Mr. Townsend advised the property was previously farmed and now it is difficult to maintain. Mr. Townsend advised the request would provide parcels for himself, family and a friend to build homes. Mr. Townsend stated he is working with a farmer in the area to farm hay on the larger remaining eight-acre parcel. Shah agreed with Lake on there being no practical difficulty. Mr. Townsend referred to the surrounding area, and the requested parcels comply within the area. Lake sympathized with the situation, however stated with the Township working on the proposed AG1 & AG2 zoning district language change to allow for 165’ frontage and 2.5 acres, the proposed request would not need any variance to create. Board Members agreed. Mr. Goldsmith advised that should the language as presented to the Planning Commission be approved by the Township Board, then this request would comply. Mr. Goldsmith

advised he is presuming the surrounding smaller size lots within the area are prior legal non-conforming or at some point received a variance. Discussion took place on the request having shown no practical difficulty and that each parcel would comply should the language for new zoning district be approved.

**Motion by Lake, supported by Dersch, to deny the appeal of Greg & Beth Townsend, P.O. Box 341, Lambertville, MI 48144, requesting a +/- 165-foot frontage variance and a +/- 1.91 area variance (parcel 2), a +/- 165-foot frontage variance and a +/-1.91 area variance (parcel 3), and a +/-165-foot frontage variance and a +/-2.07 area variance (parcel 4), per Section 400.1800 “Schedule of Regulations”, to create four parcels in an AG, Agricultural Zoning District, on vacant land described as 5802-011-036-00, located on the north side Erie Road, west of Crabb Road, as it would be creating three non-conforming parcels and the proposed request has no practical difficulty.**

**Roll call as follows: Voting Aye: Lake, Dersch, Shah and Welling**

**Voting Nay: None**

**Excused: Steiner**

**Abstained: Zdybek**

**Motion carried.**

Zdybek returned to the board panel.

- C. Open the public hearing regarding the appeal of MS Associated Limited (Temperance Distilling Company), 5245 Keener Road, Monclova, OH 43542, requesting a variance to allow a temporary structure in an I-2, Light Industrial Zoning District, per Section 400.1903 “Accessory Buildings”, on land described as 5802-036-046-10, otherwise known as 177 Reed Drive, Temperance, MI 48182**

***Motion by Shah, supported by Zdybek, to open the public hearing at 7:28 p.m. Motion carried.***

Kincaid stated the applicant is seeking a variance to place a 49’ x 42’ (2058 sq. ft) temporary structure on the south side of the existing 57,750 square foot building. Per Section 400.1903.2, temporary accessory buildings and/or structures shall not be permitted of any size unless approved by the Board of Zoning Appeals prior to the placement, and upon approval from the Board of Zoning Appeals, the applicant must secure a valid Bedford Township building permit. It should be noted, all construction on site has been conducted without review of the structure and without a valid building permit. Per Section 400.2204.1.c.(5), permitted temporary buildings and uses shall not exceed a period of two years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections.

Kincaid said Section 400.1903 does not address structure to structure setbacks in an industrial zoning district, as the building codes and fire codes govern the required setbacks between structures based on use and building materials. It should be noted, the Board of Zoning Appeals does not have the authority to grant a variance from building and fire code requirements.

Kincaid advised the applicant has provided a letter of their intent, stating they are experiencing growth at roughly 3 to 4 times that of their previous year’s volume, which has caused significant constraints on their available space. It is further stated they are in early stages of planning an

addition to the existing building, and the temporary structure would provide alleviation of the overcrowding until a permanent addition is constructed, and at which time the temporary structure would be deconstructed.

Kincaid said the applicant has stated it is anticipated the building expansion would be completed in approximately 8-12 months, and the hope is to add approximately 45,000 square feet while adhering to all code requirements. It should be noted that at this time a site plan has not been submitted for review and consideration for any permanent addition.

Kincaid advised should the request be granted; the following variances are required:

Allow a temporary structure conditioned upon 1) meeting all requirements of the 2018 International Fire Code and the 2015 Michigan Building Code, 2) submitting an application and plan to all required reviewing departments and/or agencies for review and approval, 3) obtaining a valid building permit, and 4) removal of the temporary structure no later than 6 months after the building has been constructed and has had a final building inspection

**Zachary Owen-Representative** - Mr. Owen stated the building is strictly a temporary structure and that a site plan for a new structure will be submitted. Mr. Owen explained the temporary structure is within the area for expansion. Mr. Owen explained the intent is to move forward with the expansion time frame of June-August 2020.

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

Welling was glad to hear the business was expanding. Shah inquired on the required setback to the existing building. A lengthy discussion took place on the setback requirements of a temporary structure and a permanent structure. Lake inquired on the necessity of the temporary structure. Mr. Owen advised to supply a temporary structure for building material, equipment and employees until the permanent structure can be submitted and move through the approval process, as they are expanding at a high rate. Board members spoke in favor of the structure and all were glad to see the business doing well. Discussion took place on the time frame to allow a temporary structure. Mr. Owen did not feel an extension was necessary. Board Members agreed to allow for a period time not to exceed one year.

There was no further discussion.

**Motion by Lake, supported by Zdybek, to grant the appeal of MS Associated Limited (Temperance Distilling Company), 5245 Keener Road, Monclova, OH 43542, requesting a variance to allow a temporary structure in an I-2, Light Industrial Zoning District, per Section 400.1903 "Accessory Buildings", on land described as 5802-036-046-10, otherwise known as 177 Reed Drive, Temperance, MI 48182 due to the constraints on the existing building with expansion, for safety purposes, and to supply additional storage until the permanent building is constructed conditioned upon meeting all requirements of the 2018 International Fire Code and the 2015 Michigan Building Code, submitting an application and plan to all required reviewing departments and/or agencies for review and approval, obtaining a valid building permit, and removal of the temporary structure within a period of time not to exceed one year.**

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

**PUBLIC COMMENT-None**

**COMMISSION / STAFF COMMENT- None**

**ADJOURNMENT** – The meeting was duly adjourned at 7:46 p.m.

*Respectfully submitted,*  
*Jodie L. Rector*  
*Recording Secretary*