

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS (virtual)
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
November 9, 2020

PRESENT:

JAKE LAKE, CHAIRMAN
KYLE DERSCH, VICE CHAIRMAN
RICK STEINER, TOWNSHIP BOARD LIAISON
DENNIS JENKINS, PLANNING COMMISSION LIAISON
JEFF WILSON

EXCUSED:

NONE

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
DENNIS KOLAR, BUILDING OFFICIAL
KAREN KINCAID, PLANNING/ZONING ADMINISTRATOR,
KATRINA INGRAM, PLANNING/ZONING, RECORDING SECRETARY

Dersch called the Bedford Township Board of Zoning Appeals meeting to order at 7:01 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present. Lake arrived at 7:03 and gavel was turned over to Lake.

APPROVAL OF THE AGENDA

Motion by Steiner, supported by Dersch, to approve the agenda as presented. Motion carried.

APPROVAL OF THE MINUTES

Motion by Jenkins, supported by Wilson, to approve the minutes of October 5, 2020. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A. Open the public hearing in regard to the appeal of Tim Haise, 9953 Minx Road, Temperance, MI 48182, requesting a 140 +/- foot frontage variance with an existing home on Parcel #1, requesting a 140 +/- foot frontage variance and a 1.73 +/- acreage variance on Parcel #2, requesting a 140 +/- foot frontage variance and a 1.73 +/- acreage variance on Parcel #3, requesting a 130 +/- foot frontage variance and a 1.56 +/- acreage variance on Parcel #4, requesting a 130 +/- foot frontage variance and a 1.56 +/- acreage variance on Parcel #5, requesting a 130 +/- foot frontage variance and a 1.56 +/- acreage variance on Parcel #6, per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, to create six parcels, on land described as 5802-009-056-00, otherwise known as 10013 Jackman Road, Temperance, MI 48182.

Motion by Jenkins, supported by Dersch, to open the public hearing at 7:08 p.m. Motion carried.

Kincaid reviewed the analysis, stating the applicant is seeking to split a 54.83-acre parcel with non-contiguous frontage of 1,170 feet on Jackman Road (570' to the south & 600' on the north side) into six

individual parcels. Per Section 400.1800 “Schedule of Regulations” a minimum of 330’ of frontage and 5 acres is required, thus requiring the following variance requests for each resulting parcel:

- Parcel 1) a +/- 140-foot frontage variance,
- Parcel 2) a +/- 140-foot frontage variance and a +/- 1.73-acre area variance,
- Parcel 3) a +/- 140-foot frontage variance and a +/- 1.73-acre area variance,
- Parcel 4) a +/- 130-foot frontage variance and a +/- 1.56-acre area variance,
- Parcel 5) a +/- 130-foot frontage variance and a +/- 1.56-acre area variance, and
- Parcel 6) a +/- 130-foot frontage variance and a +/- 1.56-acre area variance

Kincaid stated the applicant noted in his letter that the existing home and 37.97 acres of natural farmland will be maintained on the first parcel while also creating 5 additional parcels. The applicant further explained that the frontage of the existing parcel would be split and used for single-family dwellings while preserving the rear of the parcel as farmland. The applicant went on to note that the proposed lots are larger than the previously approved lots created across from the subject parcel and also noted existing lots with similar frontage north of the property on the same side of Jackman road.

Kincaid stated should the variance request be granted, the variances required are

- Parcel 1) +/- 140-foot frontage variance
- Parcel 2) +/- 140-foot frontage variance & +/- 1.73-acre area variance
- Parcel 3) +/- 140-foot frontage variance & +/- 1.73-acre area variance
- Parcel 4) +/- 130-foot frontage variance & +/- 1.56-acre area variance
- Parcel 5) +/- 130-foot frontage variance & +/- 1.56-acre area variance
- Parcel 6) +/- 130-foot frontage variance & +/- 1.56-acre area variance

Kincaid noted that at this time no calls or letters of objection had been received however a neighboring property owner did visit the Planning Department and indicated they may call into the meeting.

Brad Helm- 9728 Secor Rd- authorized representative for the applicant- Mr. Helm stated that the applicant is looking to conform his parcel to similar previously approved parcels on the East side of Jackman road and his request would provide larger lots than what had been previously approved. He noted that for maintenance purposes most do not want 5 acres but would like three to three and half acres. Helm noted that the back acreage of the parcel will be conjoined with the existing 60 acres of farmland on the property to the West and will be maintained as farmland.

John Kreuchauf-10212 Jackman Rd- Mr. Kreuchauf wanted to clarify some differences between the request being made tonight and the development being completed on Jackman Road, south of Samaria. He noted that the development included several parcels located within Samaria Village Overlay District which has relaxed zoning requirements as well as other parcels which were prior nonconforming lots or had the required frontage and did not require a variance request. Mr. Kreuchauf continued stating that only a couple parcels to the south were Agricultural zoned and when seeking his request, he presented approximately 30 letters of no objection and asked the board if this model had been followed for this request and how many letters of no objection are on file. He noted that in a few years he predicts all agricultural frontage land will be housing and in permitting this request it could alter the open field. He concluded that the surrounding parcels are compliant with Agricultural zoning frontage and thanked the board for listening.

Jenkins noted the possible consequences of approving this decision given the recent approval of the AG-2 zoning district and noted the amount of requests coming from AG zoned properties to the East of the AG-2 district that no longer want 5 acres. He questioned whether they should review the Agricultural zoning ordinance and asked for input from the other commission members. Lake referred to the 2015 Master Plan and noted the parcel in question is listed as Agricultural Preservation and that is how the land currently stands. Lake agreed with Jenkins that a new ordinance with relaxed Agricultural zoning may provide requests for zoning and fewer requests for frontage variances. He stated he would like to follow the ordinance as stated on record but noted when analyzing the request, the precedence needs to be noted as well.

Mr. Helm noted that a quarter mile south there are 80-foot frontage lots and numerous lots are nonconforming and mixed use. He referred to Mr. Kreuchauf's development and how appealing it is and noted his request would allow for even larger parcels. He noted that in 2017 there was consideration to change the ordinance and allow for 165 feet of frontage and 2.5 acres for the entire northern area of Bedford Township zoned AG but now only sections of the Township are being rezoned to AG-2.

Mr. Kreuchauf questioned the location of the parcels to the south with 80 feet of frontage as he was not familiar with any such parcels.

Jenkins stated that he does not believe in setting precedence and noted that he was present during the Master Plan process and there was no discussion about rezoning the entire northern portion of the Township. Lake agreed that certain areas were zoned Agricultural Preservation while others were labeled as Agricultural Estates. Lake continued stating that he believes each variance request needs to stand on its own merit; however, an argument could be made if a motion was made with that precedent in place. Lake then questioned the practical difficulty.

Mr. Kreuchauf again asked for clarification from Mr. Helm on the location of the parcels to the south with 80 feet of frontage that were mentioned.

Motion by Jenkins, supported by Wilson to close the public hearing at 7:23 p.m. Motion carried.

Lake questioned Mr. Helm on what the practical difficulty is for the variance requested. Mr. Helm stated that the requirement of 5 acres and 330 feet of frontage is more property than what people are looking for and difficult to maintain. Kolar noted taxes can be expensive for the allowed acreage. Helm noted the land owner stated the grounds and farm have not been profitable and is seeking to make use of the frontage he has while maintaining the agricultural farmland in the rear of the property. Helm reiterated that the farmland will be purchased by the property to the West of the subject parcel and will be maintained as farmland.

Lake questioned Kincaid on the number of requests coming in for smaller parcels that are trying to split but do not require a variance. Kincaid replied if splits do not require a variance the Assessing department handles the split and it isn't brought to the Planning Department. Kincaid noted this property is not located within the proposed AG-2 zoning and noted there have been requests for various properties around this intersection and some have been granted while other have been denied.

Jenkins stated he struggled with finding a practical difficulty and Dersch agreed the practical difficulty seems to be self-created, as the subsequent division and creation of multiple lots creates the issue. Lake agreed with Jenkins and Dersch.

Discussion continued on the attachment of the farmland located to the rear and if it will be maintained with the farm house or maintained by another property. Mr. Helm stated the existing farm house would be on one of the created parcels and would provide access to the farm land located in the rear of the parcel. Helm continued stating the land owner's parents own the farmland located to the west of the subject parcel and would combine their farm land with the farmland on the subject parcel. Lake then stated that the subject parcel with farm land would then be

under different ownership and may not retain the same ownership. Kincaid clarified that the request states that Parcel 1 will maintain the farmhouse and farm acreage and should they seek to split the farm land from the property another variance would need to be sought.

Jenkins reiterated the lack of practical difficulty and the need for consistency in rulings. Helm responded by offering to reduce the request to four splits instead of six. Lake responded they are unable to proceed with such a request due to the lack of documentation as that would change the variance requested.

Motion by Jenkins, supported by Dersch to deny the variance for Tim Haise, 9953 Minx Road, Temperance, MI 48182, requesting a 140 +/- foot frontage variance with an existing home on Parcel #1, requesting a 140 +/- foot frontage variance and a 1.73 +/- acreage variance on Parcel #2, requesting a 140 +/- foot frontage variance and a 1.73 +/- acreage variance on Parcel #3, requesting a 130 +/- foot frontage variance and a 1.56 +/- acreage variance on Parcel #4 , requesting a 130 +/- foot frontage variance and a 1.56 +/- acreage variance on Parcel #5 , requesting a 130 +/- foot frontage variance and a 1.56 +/- acreage variance on Parcel #6, per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, to create six parcels, on land described as 5802-009-056-00, otherwise known as 10013 Jackman Road, Temperance, MI 48182 as no practical difficulty is demonstrated.

Roll call as follows:

Voting Aye: Jenkins, Dersch, Wilson, Steiner and Lake

Voting Nay: None.

Excused: None

Motion carried.

PUBLIC COMMENT-None

COMMISSION / STAFF COMMENT-

Kincaid advised the Board the deadline for the December 7, 2020 meeting is Monday November 16th, 2020 and should the meeting be cancelled due to lack of request the next meeting will be in January 2021.

Steiner advised the new Board will be seated November 20, 2020 and he is unsure where he may be placed as a liaison. He noted he has enjoyed working with the Board and will be active in the Township for the next four years and looks forward to paths crossing in the future.

ADJOURNMENT – The meeting was duly adjourned at 7:39 p.m.

Respectfully submitted,

Katrina Ingram
Recording Secretary