

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
DECEMBER 2, 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 BOARD OF ZONING APPEALS MEETING SCHEDULE FOR 2020***

Motion by Steiner, supported by Lake, to approve the Board of Zoning Appeals Meeting Schedule for 2020. Motion carried.

***APPROVAL OF THE MINUTES***

Motion by Lake, supported by Zdybek, to approve the minutes of November 4, 2019. Motion carried.

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

None

***NEW BUSINESS***

- A) **Open the public hearing regarding the appeal of Christopher J. and Vanessa Ohneck, 9791 Minx Road, Temperance, MI 48182, requesting a +/- 25 foot front yard setback variance, Per Section 400.1800, "Schedule of Regulations", +/- 1 ½ foot height variance and a variance to allow an accessory building to be constructed in a front yard (side yard on a corner lot) per Section 400.1903, "Accessory Buildings", in an R-3, Single Family Residential District, on land described as 5802-013-006-53, 9791 Minx Road Temperance, MI 48182.**

***Motion by Steiner, supported by Lake, to open the public hearing at 7:04 p.m. Motion carried.***

Kincaid reviewed the analysis stating this parcel was before the Board of Appeals on May 7, 2018 for a similar request. Kincaid noted however, due to the lapse in time to pull a building permit, the applicant has decided to amend his request instead of seeking a re-approval of the previous approved request.

Kincaid said the applicant is seeking a variance to construct a 40' X 60' pole barn to be located within the front yard on a corner lot. The property consists of 1.436 acres having 233.11 feet of frontage on Minx Road and 268.50 of frontage on Erie Road. The applicant has indicated in the submitted letter the property has a natural grade which drops 8 feet from the front of the property to the back making it impossible to build in the rear yard due to the slope. Per Section 400.1903 "Accessory Buildings", accessory buildings shall not be erected in any minimum side yard setback nor in any front yard pursuant to the Schedule of Regulations of the Bedford Township Zoning Ordinance. The applicant noted, due to the topography of the property, drainage naturally flows to the rear of the property, making the proposed location the best option to utilize the level ground area and maximize the use of the main driveway for access to the proposed pole barn. Per Section 400.1800, "Schedule of Regulation" a front yard setback in a Single-Family Residential District, requires 52 feet from the road right-of-way for a total of 85 feet, thus requiring the 25' front yard setback due to a corner lot and having two front yards. A variance is also required to allow an accessory building to be located in the front yard. The applicant stated in his submitted letter the increase in height will provide for storage of his boat, camper and any future items.

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

Kincaid advised should an approval be granted, the following variances are required; a 25-foot front yard setback variance, allow an accessory building to be placed in a front yard and a 1½ foot height variance.

**Christopher Ohneck, 9791 Minx Road, Temperance, MI 48182-** Mr. Ohneck was available to answer any questions.

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

Steiner spoke on the changes from the previous request. Mr. Ohneck stated he wanted a larger accessory building and funds are more available now than they were when the first variance was granted. Lake inquired on the height increase. Mr. Ohneck spoke on the availability to house his camper inside. Discussion took place on the grade of the property to move the structure and the location of the well and septic.

**Motion by Lake, supported by Steiner, to grant the appeal of Christopher J. and Vanessa Ohneck, 9791 Minx Road, Temperance, MI 48182, requesting a +/- 25 foot front yard setback variance, Per Section 400.1800, "Schedule of Regulations", +/- 1 ½ foot height variance and a variance to allow an accessory building to be constructed in a front yard (side yard on a corner lot) per Section 400.1903, "Accessory Buildings", in an R-3, Single Family Residential District, on land described as 5802-013-006-53, 9791 Minx Road Temperance, MI 48182, practical difficulty being the slope of the grade, location of a corner lot having two front yards, the location of the well and septic, and to provide additional height for camper storage.**

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

**B) Open the public hearing regarding the appeal of Joseph Benoit, 2416 Samaria Road, Temperance, MI 48182, requesting a +/- 20 foot front yard setback variance, to construct a 14' X 24' carport to be attached to an existing attached garage, Per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, on land described as 5802-004-019-00, 2416 Samaria Road, Temperance, MI 48182.**

*Motion by Dersch, supported by Steiner, to open the public hearing at 7:20 p.m. Motion carried.*

Kincaid reviewed the analysis stating the applicant is seeking to construct and connect a 14' x 24' carport to an existing attached garage. The subject 3.54-acre parcel has approximately 196.19 feet of frontage on Samaria, and is approximately 787' in depth. The existing home on the parcel, built in 1930, is prior legal non-conforming in that the structure encroaches on the required 67' front yard setback (100' from the center of the road), and while the proposed addition will not increase encroachment on the front yard setback, as the front elevation will line up with the existing garage, a 20' setback variance is required due to the proposed carport being located within the front yard setback.

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

Kincaid stated should consideration be given to this request, a 20' front yard setback variance is required.

**Joseph Benoit, 2416 Samaria Road, Temperance, MI 48182-Mr. Benoit was available to answer any questions.**

*Motion by Lake, supported by Zdybek, to close the public hearing at 7:22 p.m. Motion carried.*

Zdybek inquired on either cement slab or gravel. Mr. Benoit stated it would be gravel and would not encroach any further than the existing home.

There was no further discussion.

**Motion by Steiner, supported by Zdybek, to grant the appeal of Joseph Benoit, 2416 Samaria Road, Temperance, MI 48182, requesting a +/- 20 foot front yard setback variance, to construct a 14' X 24' carport to be attached to an existing attached garage, Per Section 400.1800, "Schedule of Regulations", in an AG, Agricultural Zoning District, on land described as 5802-004-019-00, 2416 Samaria Road, Temperance, MI 48182 as the home is a prior legal non-conforming structure and there is no further encroachment into the required front yard setback than the existing home.**

**Roll call as follows: Voting Aye: Steiner, Zdybek, Lake, Dersch and Welling  
Voting Nay: None**

**Excused: None**  
**Motion carried.**

- C) Open the public hearing regarding the appeal of Gary Baden, 3792 Chamberlain, Lambertville, MI 48144, requesting a +/- 5 1/2 foot height variance and a +/- 700 square foot area variance to construct a 40 x 80 accessory building, per Section 400.1903, "Accessory Buildings", in an R-2B, Single Family Residential District,, on land described as 5802-345-049-00 & 5802-345-049-01, 3792 Chamberlain, Lambertville, MI 48144.**

***Motion by Steiner, supported by Dersch, to open the public hearing at 7:24 p.m. Motion carried.***

Kincaid reviewed the analysis stating the applicant is seeking a variance to construct a 40' X 80' pole barn. The recently combined properties consist of 1.48 acres having 197 feet of frontage on Chamberlain Drive. The applicant has indicated in the submitted letter the properties were recently combined to provide the best possible location. Per Section 400.1903 "Accessory Buildings", in an R-1 through R-3 zoning district with more than .5 acres, 2500 square feet with a maximum accessory building height of 14 feet is permitted. The applicant stated in his submitted letter he is downsizing his business after 40 years, however plans on doing some light work associated with his business and needs area to store several tall equipment items thus, requiring the 5 ½ foot height variance.

Kincaid noted at this time no letters or calls of objection have been received, however the applicant has submitted pictures of larger pole barns within the surrounding area referring to 3811 Knepper which a variance was granted on 4/2/2012.

**Gary Baden, 3792 Chamberlain, Lambertville, MI 48144**-Mr. Baden was available to answer any questions.

***Motion by Lake, supported by Zdybek, to close the public hearing at 7:26 p.m. Motion carried.***

Steiner spoke on the request and any type of commercial business within the structure. Mr. Baden stated the building would be utilized for storage and equipment as he has downsized his business.

Lengthy discussion took place regarding the height, not permitting a commercial use within the structure, and the proposed building and the compatibility of the surrounding area. Mr. Goldsmith spoke on the proposed height due to the storage of the business equipment and to avoid the any negative affect on the neighboring properties. Mr. Goldsmith advised the Board they are permitted to include reasonable conditions on the request should the Board's desire be to grant the request.

**Motion by Steiner, supported by Lake, to grant the appeal of Gary Baden, 3792 Chamberlain, Lambertville, MI 48144, requesting a +/- 5 1/2 foot height variance and a +/- 700 square foot area variance to construct a 40 x 80 accessory building, per Section 400.1903, "Accessory Buildings", in an R-2B, Single Family Residential District,, on land described as 5802-345-049-00 & 5802-345-049-01, 3792 Chamberlain, Lambertville, MI 48144 as the applicant has downsized his business, and numerous large pieces of equipment would be stored inside to protect for potential sale in the future, allow for equipment to be stored inside the structure to maintain the property, the structure is compatible to other structures in the area, signatures**

**of no objection from neighboring properties, condition upon there shall be no commercial business or employees permitted to operate.**

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

**D) Open the public hearing regarding the appeal of Ryan Waltz, 6626 Summerlyn Blvd, Lambertville, MI 48144, requesting a +/- 8' 6" separation/setback variance between a pool and an existing dwelling unit on both abutting properties, per Section 400.401, "R-1 through R-3, One-Family Residential Districts", on land described as 5802-543-014-00, 6626 Summerlyn Blvd, Lambertville, MI 48144**

*Motion by Steiner, supported by Zdybek, to open the public hearing at 7:45 p.m. Motion carried.*

Kincaid reviewed the analysis stating the applicant is seeking to install an inground pool; however, due to an approximate 70-foot Conservation Easement located within the rear yard of the subject lot, and which cannot be encroached upon, the pool must be located closer to the home than had been planned. The pool is being proposed 7 feet from the rear of the home, which is the minimum setback permitted by code. Kincaid stated due to the required placement of the pool so to not encroach on the conservation easement area, the 35-foot setback from the neighboring dwellings cannot be met and requires an 8'6" variance from both adjacent parcel homes.

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

Kincaid noted should consideration be given to this request, two 8'6" pool setback variances from both adjacent property dwellings are required.

**Ryan Waltz, 6626 Summerlyn Blvd, Lambertville, MI 48144-**Mr. Waltz was available to answer any questions.

**Scott Bollin, 6622 Summerlyn Blvd, Lambertville, MI 48144-** Mr. Bollin stated as a neighbor he had no objections to the request and that he and Mr. Waltz had reached out to other neighbors and they had no objections as well.

**Andy Herold-Legal Representative for 6624 Summerlyn Blvd. Mr. and Mrs. Zaidat-** Mr. Herold stated the neighbors directly adjacent to the property were concerned with the installation of a pool and the effects it would have on the wetland area. Mr. Herold also spoke on would there be engineering done to ensure there would be no additional flooding on his client's property should the grade be raised.

*Motion by Steiner, supported by Lake, to close the public hearing at 7:49 p.m. Motion carried.*

Welling inquired the distance from the conservation area and how that is regulated. Kolar stated the State of Michigan regulates wetland areas and conservation area. Kolar added a site grading plan could be required to be included with the building permit to ensure there would be no negative affect on the neighbors. Kolar inquired from the applicant the location of the catch basins. Mr.

Bollin stated catch basins are behind the property, two located to the south. Steiner asked if the property naturally slopes towards the wetland area.

Board Members continued to discuss the layout of the subject property and the neighboring properties, the proposed pool location and the proximity to the neighboring homes and easement area. Mr. Goldsmith noted that water drainage has been stated as a concern, Mr. Goldsmith felt the applicant has addressed the issue and that no one property can negatively affect another. Mr. Goldsmith advised the Board a condition to require a grading plan can be included should the Board make a motion to grant the request.

**Motion by Lake, supported by Steiner, to grant the appeal of Ryan Waltz, 6626 Summerlyn Blvd, Lambertville, MI 48144, requesting a +/- 8' 6" separation/setback variance between a pool and an existing dwelling unit on both abutting properties, per Section 400.401, "R-1 through R-3, One-Family Residential Districts", on land described as 5802-543-014-00, 6626 Summerlyn Blvd, Lambertville, MI 48144 having the practical difficulty due to the 70' conservation easement and the irregular shape of the parcel due to the cul-de-sac, conditioned upon the applicant addressing any and all drainage issues due to the installation of the pool.**

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

**PUBLIC COMMENT-None**

**COMMISSION / STAFF COMMENT-** Mr. Goldsmith and Steiner spoke on the length of time Welling and Zdybek had served the community and appreciated their dedication to the Township and all the Boards and Commission they both had served on.

**ADJOURNMENT** – The meeting was duly adjourned at 8:06 p.m.

*Respectfully submitted,  
Jodie L. Rector  
Recording Secretary*