

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
December 3, 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 Steiner, supported by Welling, to approve the agenda. Motion carried.

APPROVAL OF THE BOARD OF ZONING APPEALS MEETING SCHEDULE 2019

Motion by Lake, supported by Welling, to approve the Board of Zoning Appeals meeting Schedule 2019. Motion carried.

APPROVAL OF THE MINUTES

Motion by Steiner, supported by Lake, to approve the minutes of November 5, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF BRIAN & RACHEL ROOT, 1212 TWIN LAKES DRIVE, TEMPERANCE, MI 48182, REQUESTING A +/- 15-FOOT SEPARATION/SETBACK VARIANCE BETWEEN A POOL AND AN EXISTING DWELLING UNIT ON AN ABUTTING PROPERTY AND A +/- 4-FOOT SETBACK BETWEEN ADJOINING PROPERTY LINES, PER SECTION 400.401, "R-1 THROUGH R-3, ONE-FAMILY RESIDENTIAL DISTRICTS" ON LAND DESCRIBED AS 5802-314-047-00, OTHERWISE KNOWN AS 1212 TWIN LAKES DRIVE, TEMPERANCE, MI 48182**

Motion by Welling, supported by Zdybek, to open the public hearing at 7:03 p.m. Motion carried.

Kincaid reviewed the analysis saying the applicant is seeking a +/- 4' side yard setback to an abutting property line and a +/- 15' separation setback variance to an existing dwelling to install an above ground pool. Section 400.401.7 B & D "Private Pools" states there shall be a minimum distance of not less than 10 feet between adjoining property lines and the outside of the swimming pool wall, and D states no swimming pool wall shall be located less than 35 feet from any existing dwelling unit on abutting property. The proposed location of the

pool is 10 feet from neighboring property line and 20 feet from the nearest portion of the neighboring dwelling, thus requiring a +/- 4' side yard setback variance to an abutting property line and a +/- 15' separation setback variance to an existing dwelling.

At this time, two letters of no objection have been received from the neighboring properties.

Brian Root- 1212 Twin Lakes Drive- Mr. Root was available to answer any questions.

Steiner asked if the applicant would be inclined to turn the pool. Mr. Root explained there would be no other location if at any time have there would be the desire to have an accessory building with the 40' rear yard easement that runs the entire width of the property, saying he would have to come back for another variance. Steiner stated he felt the proposed location was creating the hardship. Potter suggested turning the pool. Potter inquired if there was an option of a smaller pool. Mr. Root stated that is not what his desire is at this time. Welling agreed with Steiner to change the proposed location to acquire enough room to meet the ordinance. Mr. Root expressed should the pool location be changed it would consume the entire rear yard with the easement. Zdybek agreed with the changing the proposed location.

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

A lengthy discussion took place on the proposed location and the hardship being self-created. Board Members felt the location could be changed to meet the requirements of the ordinance. Mr. Root requested to keep the proposed location and should the Board so desire add additional conditions. Steiner felt there was an option to install the pool to meet the ordinance requirements, and Potter agreed. Mr. Goldsmith stated if the location meets the requirements there would be no further variance needed. Board Members agreed the pool could meet the requirements of the ordinance should the applicant desire to relocate the proposed pool.

MOTION BY WELLING, SUPPORTED BY STEINER, TO DENY THE APPEAL OF BRIAN & RACHEL ROOT, 1212 TWIN LAKES DRIVE, TEMPERANCE, MI 48182, REQUESTING A +/- 15-FOOT SEPARATION/SETBACK VARIANCE BETWEEN A POOL AND AN EXISTING DWELLING UNIT ON AN ABUTTING PROPERTY AND A +/- 4-FOOT SETBACK BETWEEN ADJOINING PROPERTY LINES, PER SECTION 400.401, "R-1 THROUGH R-3, ONE-FAMILY RESIDENTIAL DISTRICTS" ON LAND DESCRIBED AS 5802-314-047-00, OTHERWISE KNOWN AS 1212 TWIN LAKES DRIVE, TEMPERANCE, MI 48182 AS THERE ARE OTHER OPTIONS FOR LOCATING THE POOL ON THE PROPERTY TO MEET THE REQUIREMENTS OF THE ORDINANCE AND THERE IS NO PRACTICAL DIFFICULTY.

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

B) OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF LARRY & SUSAN BRAUN, 7495 TALLGRASS DRIVE, TEMPERANCE, MI 48182, REQUESTING A +/- 20-FOOT SEPARATION/SETBACK VARIANCE BETWEEN A POOL AND AN EXISTING DWELLING UNIT ON AN ABUTTING PROPERTY AND A +/- 5-FOOT SETBACK BETWEEN ADJOINING PROPERTY LINES, PER SECTION 400.401, "R-1 THROUGH R-3, ONE-FAMILY RESIDENTIAL DISTRICTS" ON LAND DESCRIBED AS 5802-492-019-00, OTHERWISE KNOWN AS 7495 TALLGRASS DRIVE

Motion by Lake, supported by Steiner, to open the public hearing at 7:31 p.m. Motion carried.

Kincaid reviewed the analysis saying the applicant is seeking a +/- 5' side yard setback to an abutting property line and a +/- 20' separation setback variance to an existing dwelling unit on an abutting property to install a pool. Section 400.401.7 B & D "Private Pools" states there shall be a minimum distance of not less than 10 feet between adjoining property lines and the outside of the swimming pool wall. D states no swimming pool wall shall be located less than 35 feet from any existing dwelling unit on abutting property. Kincaid noted the proposed location of the pool is +/- 8 feet from the neighboring property line and +/- 18 feet from the nearest portion of the neighboring dwelling, thus requiring a +/- 5' side yard setback variance to an abutting property line and a +/- 20' separation setback variance to an existing dwelling.

Kincaid stated at this time, three letters of no objection have been received from the neighboring properties.

Larry Braun- 7495 Tallgrass-Mr. Braun was available to answer any questions.

Lake inquired on the size and location of the proposed pool. Mr. Braun stated 36' x 24'. Kincaid reiterated the site is a corner lot and a pool is required to be behind the front building line of the home on both roads. Potter asked if there was a possibility of a smaller pool. Mr. Braun stated the size will fit the backyard and to go any smaller in pool size would be tight to enjoy in a pool area.

Motion by Steiner, supported by Welling, to close the public hearing at 7:38 p.m. Motion carried.

Discussion continued on the proposed site being a corner lot and meeting the setback requirements.

MOTION BY LAKE, SUPPORTED BY WELLING, TO GRANT THE APPEAL OF LARRY & SUSAN BRAUN, 7495 TALLGRASS DRIVE, TEMPERANCE, MI 48182, REQUESTING A +/- 20-FOOT SEPARATION/SETBACK VARIANCE BETWEEN A POOL AND AN EXISTING DWELLING UNIT ON AN ABUTTING PROPERTY AND A +/- 5-FOOT SETBACK BETWEEN ADJOINING PROPERTY LINES, PER SECTION 400.401, "R-1 THROUGH R-3, ONE-FAMILY RESIDENTIAL DISTRICTS" ON LAND DESCRIBED AS 5802-492-019-00, OTHERWISE KNOWN AS 7495 TALLGRASS DRIVE AS THE SITE HAS TWO FRONT YARDS AND APPLICANT HAS SUPPLIED TWO LETTERS OF NO OBJECTION FROM THE ADJACENT PROPERTY OWNERS.

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

Voting Nay: None

Excused: None

Motion carried.

- C) OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF WILLIAM & KAREN ALBRING, 623 E. SAMARIA ROAD, TEMPERANCE, MI 48182, REQUESTING +/- 70-FOOT FRONTAGE VARIANCE PER SECTION 400.1800 "SCHEDULE OF REGULATIONS", AND A +/- 20-FOOT SETBACK VARIANCE FROM SIDE PROPERTY LINE AND A VARIANCE TO ALLOW EXISTING ACCESSORY BUILDINGS TO REMAIN IN THE FRONT YARD, PER SECTION 400.1903 "ACCESSORY BUILDINGS "ON LAND DESCRIBED AS 5802-012-004-00, OTHERWISE KNOWN AS 623 E. SAMARIA ROAD, TEMPERANCE, MI 48182**

Motion by Steiner, supported by Lake, to open the public hearing at 7:48 p.m. Motion carried.

Kincaid reviewed the analysis saying the applicant has submitted a letter stating one resulting parcel, Parcel A, with the existing home will have 260' of frontage on Samaria Road with 25.5 +/- acres, Parcel B, 675 feet of frontage on Samaria Road with 10 +/- acres which will maintain the existing greenhouse structures within the front yard. Per Section 400.1903 "Accessory Buildings" accessory buildings shall not be erected in any minimum side yard setback nor in any front yard and the minimum setback from side and rear property lines

with more than 5 acres is 35 feet with an unlimited amount of square footage and unlimited number of buildings. It is also stated that no accessory building in any zoning district can be placed on a vacant lot or parcel. Thus, a 70' frontage variance is required on parcel A, a 20' setback variance from the side property line and a variance to allow existing accessory buildings to remain in the front yard, all conditioned upon a building permit submitted and approved for a new dwelling on parcel B.

Kincaid stated the applicant has shown the proposed layout of each of the parcels and stated in his letter he and his wife have operated K&B Plants for 40 years and are looking to retire soon; however, to allow transition of the business to the next generation, they are seeking to split the 10 acres with the existing greenhouses for their daughter (Kristen Brown) to build a home and continue the family business.

Kincaid advised should the variance request be granted, the variances required are:

PARCEL A

- 70' +/- Frontage Variance

PARCEL B

- 20' +/- setback variance from side property line
- A variance to allow existing accessory buildings to remain in the front yard

Kincaid noted at this time, no letters or calls of objection have been received, however the applicant has supplied the Planning Department with two letters of no objection.

Kristen Brown-792 W. Dean- Representative for the applicant-Ms. Brown (daughter) was available to answer any questions.

Motion by Steiner, supported by Welling, to close the public hearing at 7:54 p.m. Motion carried.

Discussion took place on the existing structures, placement and location in proximity of existing home and greenhouses. Kolar stated location has a hardship due to the drain location. Discussion on time frame for building and the request being continued to maintain the family business.

MOTION BY WELLING, SUPPORTED BY LAKE, TO GRANT THE APPEAL OF WILLIAM & KAREN ALBRING, 623 E. SAMARIA ROAD, TEMPERANCE, MI 48182, REQUESTING +/- 70-FOOT FRONTAGE VARIANCE PER SECTION 400.1800 "SCHEDULE OF REGULATIONS", AND A +/- 20-FOOT SETBACK VARIANCE FROM SIDE PROPERTY LINE AND A VARIANCE TO ALLOW EXISTING ACCESSORY BUILDINGS TO REMAIN IN THE FRONT YARD, PER SECTION 400.1903 "ACCESSORY BUILDINGS "ON LAND DESCRIBED AS 5802-012-004-00, OTHERWISE KNOWN AS 623 E. SAMARIA ROAD, TEMPERANCE, MI 48182 DUE TO THE DRAIN LOCATION AND PROXIMITY OF THE EXISTING HOME AND GREENHOUSES, CONDITIONED UPON A BUILDING A HOME ON PARCEL B.

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

D) OPEN THE PUBLIC HEARING REGARDING APPEAL OF BRIDGEPOINT CHURCH, 9875 LEWIS AVENUE, TEMPERANCE, MI 48182, REQUESTING A +/- 16-FOOT FENCE HEIGHT VARIANCE (10-FOOT TALL FENCE PLUS 10-FOOT TALL NETTING) IN AN AG, AGRICULTURAL ZONING DISTRICT, PER SECTION 400.1912 "FENCES", A +/- 8-

FOOT FRONT YARD SETBACK VARIANCE TO PLACE DUGOUTS WITHIN A FRONT YARD, AND A VARIANCE REGARDING AN ILLUMINATED SCOREBOARD/ACCESSORY STRUCTURE ON LAND DESCRIBED AS 5802-010-053-00, OTHERWISE KNOWN AS 9875 LEWIS AVENUE, TEMPERANCE, MI 48182

Motion by Steiner, supported by Lake, to open the public hearing at 8:05 p.m. Motion carried.

Kincaid reviewed the analysis saying the applicant is seeking a +/- 16-foot fence height variance (10-foot tall fence plus 10-foot tall netting), a +/- 8-foot front yard setback variance to place dugouts within a front yard, and a variance regarding an illuminated scoreboard/accessory structure on an Agriculturally zoned parcel with a church use. In March 2017, the church that was constructed on site in 1969 was destroyed by fire and ultimately demoed. The ancillary ballfield use was constructed around 1970 and had no damage as a result of the fire or emergency responder vehicle maneuverings on site during the fire. While the engineered plan for the church rebuild has not yet been submitted for site plan approval, the Planning Department has met and spoken with the engineer/architect for the project on several occasions, and they are nearing a submittal date.

Kincaid noted while church services have been held offsite until the church can be rebuilt, the baseball field has continued to be utilized. The applicant has indicated the field has been reconstructed and modernized from its well-used state; however, has not been relocated from its original location.

Kincaid stated per Section 400.1912, Fences, states fences within a front yard shall not exceed 4 feet in height. While the "fencing" in the front yard is 10 feet in height, a 10-foot tall netting has been installed above the 10-foot tall fence for safety purposes along portions of the north and east fence line, and a portion of the fence along the southern ballfield boundary is 12 feet in height and without netting. For height purposes, the netting has been included in the height calculation totaling 20 feet, thus requiring a 16-foot fence height variance. It should be noted, the fencing does not encroach on the front yard setback requirement, and has been installed in the same location as the recently removed shorter fencing.

Kincaid advised while the dugouts are proposed along the first and third baselines and are considered accessory structures to the ancillary use. The structure size does not exceed permitted square footage, and the first baseline structure does not encroach on the required five-foot side yard setback or the 67-foot front yard setback requirement and is not proposed to be located in front of the proposed church. The third baseline dugout will encroach on the front yard setback +/- 8 feet and will be located in front of the church structure. Therefore, a +/- 8-foot front yard setback variance is required to place the third base dugout (accessory structure) within the front yard setback requirement and in front of the church.

Kincaid stated the proposed scoreboard is considered an accessory structure to be placed approximately 390 feet from Lewis Avenue behind the right field fence; and while not considered signage, a variance is being sought to illuminate the +/- 12-foot tall LED scoreboard during games.

At this time no letters or calls of objection have been received.

Terry McCormack-Representative for Bridgepoint Church-Mr. McCormack was available to answer any questions.

Steiner advised the Board the Township Board had already waived the fees. Mr. McCormack spoke on the request regarding the increase in height of the fencing and to include netting for safety to the traffic regarding balls going into Lewis Avenue and to supply safety to the neighboring properties. Steiner spoke on the discussion of the field use at the Township Board meeting. Mr. McCormack stated there are two entirely different uses, one being a traveling team for a home use field and the other for park and recreational facility.

Josh Swan-10008 Lewis Avenue- Mr. Swan asked for clarification on the hours of operation, signage, would there be late night games on lighting the ball field. Mr. Swan spoke in favor of the increase in fencing and netting for safety. Mr. McCormack stated games would be daytime. Mr. McCormack advised this is a non-commercial lighting and the scoreboard would be luminated only when games are in play.

Motion by Steiner, supported by Zdybek, to close the public hearing at 8:18 p.m. Motion carried.

Lake spoke on the proposed LED sign. Kincaid stated in speaking with legal counsel the proposed scoreboard is not being considered as signage but is being reviewed as an accessory structure. Kincaid added there is no advertising on the proposed structure.

MOTION BY LAKE, SUPPORTED BY WELLING, TO GRANT THE APPEAL OF BRIDGEPOINT CHURCH, 9875 LEWIS AVENUE, TEMPERANCE, MI 48182, REQUESTING A +/- 16-FOOT TALL FENCE HEIGHT VARIANCE (10-FOOT TALL FENCE PLUS 10-FOOT TALL NETTING) IN AN AG, AGRICULTURAL ZONING DISTRICT, PER SECTION 400.1912 "FENCES", A +/- 8-FOOT FRONT YARD SETBACK VARIANCE TO PLACE DUGOUTS WITHIN A FRONT YARD, AND A VARIANCE REGARDING AN ILLUMINATED SCOREBOARD/ACCESSORY STRUCTURE ON LAND DESCRIBED AS 5802-010-053-00, OTHERWISE KNOWN AS 9875 LEWIS AVENUE, TEMPERANCE, MI 48182 AS THE REQUEST WILL PROVIDE SAFETY FOR ADJACENT NEIGHBORING PROPERTIES, TRAFFIC ON LEWIS AVENUE AND THE SCORBOARD BEING CONSIDERED AS AN ACCESSORY STRUCTURE TO THE PROPOSED NEW CHURCH AND PARKING LOT.

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

E) OPEN THE PUBLIC HEARING REGARDING APPEAL OF SHIRLEY J. ROSE, P.O. BOX 209, LAMBERTVILLE, MI 48144, REQUESTING A +/- 280-FOOT FRONTAGE VARIANCE (PARCEL 1), +/- 280-FOOT FRONTAGE VARIANCE (PARCEL 2), A +/- 206.6-FOOT FRONTAGE VARIANCE AND A +/-1.5 ACRE AREA VARIANCE (PARCEL 3) AND A +/- 206.6-FOOT FRONTAGE VARIANCE AND A +/-1.5 ACRE 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 5802-017-059-10, LOCATED ON THE NORTH SIDE OF TEMPERANCE ROAD, WEST OF DOUGLAS ROAD

Motion by Lake, supported by Zdybek, to open the public hearing at 8:24 p.m. Motion carried.

Kincaid reviewed the analysis saying the applicant is seeking to split a vacant 20-acre parcel with 346.8 feet of frontage on Temperance Road into four separate parcels that will require variances on each of the four proposed parcels of 1) a +/- 280-foot frontage variance, 2) a +/- 280-foot frontage variance, 3) a +/- 206.6-foot frontage variance and a +/- 1.5-acre area variance, and 4) a +/- 206.6-foot frontage variance and a +/- 1.5-acre area variance where a minimum of 330 feet of frontage and 5 acres is required for each resulting parcel.

Kincaid stated although a pond is proposed on Parcel 1, which meets the property line setbacks, it should be noted that any granted frontage and area variance will not constitute an approval of the proposed pond. All ponds require a Special Approval and Final Site Plan Approval heard by the Planning Commission, and an application, fees, and an engineered site plan that complies with Part 251, Pond Ordinance No. 76 shall be submitted to the Planning Department to be reviewed and approved by all required reviewing agencies prior to

pond approval consideration. A public hearing is required, and 300-foot notices would be mailed prior to the Planning Commission consideration.

Kincaid noted the Master Plan designates this area as Secondary Agricultural/Rural Residential, with the intent to preserve rural character and provide transition between more intense agricultural uses and the urbanized areas of the Township, such as small farms, hobby farms, and rural single-family residential development with rural character and open spaces developed at a density of 1 dwelling unit per 2.5 acres. It should be noted that a zoning district to accommodate the intended Master Plan designation has not yet been drafted; however, research is being conducted in preparation of a drafted ordinance for presentation for discussion with the Planning Commission and Township Board. Once direction has been given by the Planning Commission and the Township Board 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 said at this time no letters or calls of objection have been received. However, ten letters of no objection have been provided by the applicant. Kincaid stated before the meeting tonight there has been three letters of objection submitted.

Tony Brescol- 8336 Monroe Road-Representative for the applicant-Mr. Brescol spoke on not having received the letters submitted tonight and would like an opportunity to review them. Mr. Brescol spoke on the practical difficulties of the property and had detailed them within the submission for the request. Mr. Brescol asked if the Board has any questions since they had an opportunity to review the submitted information. Mr. Brescol advised he then could address any specifics the Board may want or need clarification on with the analysis provided. Mr. Brescol did speak on the time and effort on the hardship and practical difficulties such as the size and irregularity of the lot, neighboring parcels, and variance previously granted and existing frontages not meeting the requirements. Mr. Brescol stated in addition to all the information already submitted, the applicant's indication of the practical difficulty being along the road frontage there are a number of parcels that do not comply with the required frontage nor the acreage. Mr. Brescol continued to say nor is the land suitable for agricultural farming due to the soil condition. Mr. Brescol advised, when comparing the adjacent parcels, that this is not a unique request to this specific parcel, continuing to say as it is in an area that the surrounding parcels do not comply with the Agricultural Zoning District requirements. Mr. Brescol spoke on the depth of the parcel and felt the proposed layout would allow the applicant to utilize the entire parcel, such as those surrounding property owners are currently permitted to do. Potter inquired on clarification of a practical difficulty. Mr. Brescol stated the Board has previously address this same situation with an adjacent parcel in the past, specifically for Mr. and Mrs. Corwin, and the applicant feels their practical difficulty is exactly what theirs was at that time, which was that the properties along the road and that there are parcels surrounding that do not comply with the ordinance on the required frontage or acreage and that the land is not suitable for farming due to soil conditions. Mr. Brescol also added, the neighboring properties are already exercising property rights and not complying with ordinance. Mr. Brescol spoke again on the surrounding parcels and that this request is not unique for the area or for this specific location.

Steiner inquired on the surrounding parcels not meeting the requirements and if those parcels received a variance or if they are all prior legal non-conforming lots created prior to the adoption of the ordinance. Mr. Brescol stated he can say the adjoining parcel was granted a variance back in 2015. Mr. Goldsmith advised the Board is to focus on this request for this specific parcel. Mr. Goldsmith stated to determine what is the practical difficulty on this parcel and not what may have been a practical difficulty on another property. Mr. Goldsmith stated this request is the focus tonight and the Board's determination on the course of action on this particular request is before the Board tonight. Steiner stated this parcel being AG and meeting the ordinance requirements was purchased in May of this year and the applicant would have known before purchasing if there were any plans moving forward with a land division and that the parcel would not comply. Steiner spoke with compassion on the information provided regarding family difficulties, saying unfortunately they are not practical difficulties. Steiner stated his concern is what is the overall intent. Was the property purchased to just sell off the proposed parcels, as with all the personal difficulties, how will they be able to maintain

properties of this size. Steiner said the property as it is today it is a buildable parcel. Mr. Brescol stated the applicant understands that, however it had the same practical difficulty, uniqueness of the land, shown here tonight before they purchased it. Mr. Brescol spoke on the Master Plan and the direction to create smaller buildable parcels. Mr. Brescol stated the applicant should have property rights to create the proposed layout moving forward as it is in compliance with the direction of the Master Plan. Mr. Brescol again reiterated the creation of the previous Corwin request and this being the same request to move forward to develop a property. Mr. Brescol stated the proposed layout is very favorable with the area. Mr. Brescol stated they feel granting this variance is in harmony with the general purpose and intent of the ordinance. Mr. Brescol stated this request is not injurious to the surrounding properties.

Steiner spoke on the request being four major variance requests. Steiner stated if he was looking at this parcel for a family development, he would look at a less intense request or provide another proposed layout with a private drive or private road. Mr. Brescol stated maintenance of a shared drive could become problematic and has pros and cons.

Gabriel Coleman-2654 W. Temperance Road-Mr. Coleman spoke on the conditions of the site and inquired on how much of the existing wooded area would be removed. Mr. Brescol stated in speaking with the applicant there is no intentions of clearing the entire property. Mr. Brescol spoke on the intent being to develop and maintain as much of the beautiful aesthetics as possible. Mr. Goldsmith asked on the proposed pond area. Mr. Brescol stated the proposed pond area would be cleared should there be an approval. Mr. Coleman read aloud his submitted letter.

Jon Pirrone-2854 W. Temperance Road-Mr. Pirrone stated he is the neighboring property to the west. Mr. Pirrone spoke on there being no practical difficulty, there are no poor soil conditions and the field was farmed at one time. Mr. Pirrone voice strong opposition to the proposed request for four lots.

Paul Stewart-2866 W. Temperance Road- Mr. Stewart lives to the west of the subject parcel. Mr. Stewart spoke in opposition to the proposed layout of four lots.

Richard Stewart-2900 W. Temperance Road- Mr. Stewart spoke in opposition to the proposed layout of four lots.

Kathern Kolar-2855 W. Temperance Road-Ms. Kolar stated she felt this proposed split would be a disservice to the township. Ms. Kolar spoke on the area maintaining large parcels and voiced strong objection to the proposed request.

Charles Graham-2825 W. Temperance Road-Mr. Graham spoke on there being a similar request that was denied. Mr. Graham voiced opposition to the proposed request.

Motion by Steiner, supported by Welling, to close the public hearing at 8:55 p.m. Motion carried.

Lake spoke on a difficulty determining a practical difficulty to create four parcels, and other Board Members agreed. Steiner stated each request is taken into consideration on its own merit and to grant this request the Board would be creating four non-conforming parcels. Board Members continued with a lengthy discussion on no clear determination of a practical difficulty, the number of variances requested, the lack of a proposed layout meeting ordinance requirements, creating non-conforming parcels, and other proposed layout options or other type of development. Potter asked about well and septic. Kolar stated each individual parcel would need suitable water and sewer. Mr. Goldsmith advised there is no infrastructure available to that parcel, so onsite sewage disposal system and a well approved by the Monroe County Environmental Health Department would provide for each individual residence.

MOTION BY STEINER, SUPPORTED BY LAKE, TO DENY THE APPEAL OF SHIRLEY J. ROSE, P.O. BOX 209, LAMBERTVILLE, MI 48144, REQUESTING A +/- 280-FOOT FRONTAGE VARIANCE (PARCEL 1), +/- 280-FOOT FRONTAGE VARIANCE (PARCEL 2), A +/- 206.6-FOOT FRONTAGE VARIANCE AND A +/-1.5 ACRE AREA VARIANCE (PARCEL 3) AND A +/- 206.6-FOOT FRONTAGE VARIANCE AND A +/-1.5 ACRE 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 5802-017-059-10, LOCATED ON THE NORTH SIDE OF TEMPERANCE ROAD, WEST OF DOUGLAS ROAD, AS THE EXISTING PARCEL COMPLIES WITH THE AGRICULTURAL ZONING DISTRICT AND WITH ALL DUE RESPECT TO THE OWNERS IT IS A SELF CREATED HARDSHIP WITH NO PRACTICAL DIFFICULTY.

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

PUBLIC COMMENT-none

COMMISSION / STAFF COMMENT – Potter spoke on this being his last meeting as his term for the BZA is expired as he has served six years. Board and Staff Members thanked him for his service to the community.

Board Members wished the community safe and happy holidays.

Kincaid noted at this time there has been no submitted variance request, however the deadline is Monday December 17th.

ADJOURNMENT – The meeting was duly adjourned at 9:06 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*