

**BEDFORD TOWNSHIP
BOARD OF ZONING APPEALS (BZA)
REGULAR MEETING MINUTES
MONDAY, DECEMBER 7, 2009 OFFICIAL MINUTES**

Present: Korleen Bialecki (Chair), Ron Herr, Richard Brunt, Gail Hauser-Hurley (Township Board Trustee Representative), and Mike Bassinger (Planning Commission Representative). **Also Present:** Duane Tucker (Planning, Zoning, & Building Administrative Assistant, Board of Zoning Appeals (BZA) Facilitator, Land Division Administrator, and Recording Secretary), Dennis Kolar (Building Official), and Phil Goldsmith (Township Attorney-Lennard, Graham & Goldsmith P.L.C.). Absent (Excused): None.

Call to Order: Ms. Bialecki (Chair) called the December 7, 2009 “Regular” meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Ms. Bialecki introduced the members of the Board and Township facilitator(s) to the public present. This meeting was held at 8100 Jackman Road, Bedford Township Government Center, in Board Room.

Citizen Participation Information: Ms. Bialecki welcomed the audience and shared citizen participation guidelines for public commentary.

Approval of Agenda: Motion to approve the “agenda” as presented was made by Ms. Hauser-Hurley and seconded by Mr. Bassinger. Motion passed.

NEW BUSINESS (CHAIRPERSON): Ms. Bialecki opened the new business and public hearing with the first variance hearing.

First (1st) variance petition:

The Appeal of Aaron Sadoris, 3740 W. Temperance Road, Lambertville, MI 48144, requesting a variance (Ordinance 400.1903), for a third (3rd) accessory building in an AG District (Agricultural District), where only two (2) accessory buildings are permitted, on land described as 58-02-018-084-00, 3740 W. Temperance Road. Ms. Bialecki swore in the applicant/authorized agent (Mr. Aaron Sadoris, 3740 W. Temperance Road) and explained the voting process followed by background information presented by Mr. Tucker. Mr. Sadoris opted to continue with the variance process. The previously described parcel is approximately .53 ± acre in size while having approximately 100.00 ± foot frontage on Temperance Road and parcel depth of 230.00 ± feet. The applicant’s proposed construction, a detached garage/accessory building, is a 24’ by 20’, or 480 square feet in area. The Bedford Township Building Department issued a building permit (PB090284), on November 2, 2009 with the following work description: a building permit for “a 20 foot by 24 foot detached garage and a demolition permit for a 12 foot by 16 utility swimming pool shed.” The 12 foot by 16 foot utility swimming pool shed will need to be demolished or removed from the parcel because Ordinance 400.1903 (Accessory Buildings) only allows a maximum total of two (2) accessory buildings, for the applicant has an existing 30 foot by 20 detached garage. The following Bedford Township Ordinance is in effect: *400.1903 Accessory Buildings. Sec. 1903. Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations: In a R-1 Through R-3 District (One Family Residential District), AG (Agricultural District), RT (Two Family Residential District) and RME (Elderly Housing Residential District), having a parcel/lot size of more than 21,780 square feet (.5 Acre), the maximum number of accessory buildings is two (2).* For the record, five (5) property owners expressed support for this variance petition. Mike Minges (9048 Summerfield Road), Cindy

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Metroff (3730 W. Temperance Road), Tony Morris (3755 W. Temperance Road), Alice Hardin (3752 W. Temperance Road), and Kevin Kassuba (3764 W. Temperance Road).

Mr. Saddoris stated that he needs more room for general storage, the recreational craft, and vehicle storage. Mr. Saddoris further added that the 12' by 16' shed (with wooden foundation-whereby the structure could be moved) would be extremely hard to move due to the previous owner setting a swing-set in concrete in front of the shed. In addition, there is a pool deck between the shed and the pool, whereby if the shed was removed; it would serve no benefit to surrounding areas. Mr. Saddoris noted that the 12' by 16' shed is almost out of site from the road and surrounding properties. Mr. Saddoris explained that rather than parking vehicles outside, he prefers to place them inside out of the weather elements. Mr. Saddoris stated that next year he has a teenager that will be driving another vehicle, whereby room is needed for another car. Mr. Saddoris added that the 12' by 16' shed is full of pool equipment, pool supplies, and other miscellaneous lawn equipment.

Ms. Bialecki opened the BZA meeting to public commentary.

Ms. Bialecki closed the public hearing while having no further public comment.

Further BZA discussion and review followed. Mr. Kolar stated that the reason for 2 accessory buildings ordinance cumulative total stipulation in the back yard was that they didn't want 3,4,5, etc., accessory building cluttering the lot/parcel up. Mr. Kolar stated that in Mr. Saddoris case, his front detached garage looks like it is attached to the main building (residential dwelling). Mr. Kolar further stated that the 12' by 16' shed does not have a negative impact on neighboring parcels or this parcel. In addition, the described parcel is approximately .53 ± acre in size, which is a larger parcel. Mr. Kolar noted that the 3 accessory buildings are in compliance with the maximum area allotted for accessory buildings as well as being in compliance with all set-backs. Mr. Kolar added that the 12' by 16' shed (192 square feet in area) is considered a "structure", as well as the 2 other detached garages are considered "structures".

Bedford Township Accessory Building Ordinance (400.1903) was further reviewed by the BZA at length. Mr. Herr requested as to whether the Ordinances clearly define the definition of an "accessory building". Mr. Tucker stated that he will look-up and provide the BZA that information during a short recess.

The BZA began a short recess at 7:25 p.m. and resumed the meeting at 7:40 p.m.

Mr. Kolar read and reviewed the definition of an "accessory structure" [2006 MI Residential Code-Section R202 Definitions]. Mr. Tucker also presented the BZA with a copy of Bedford Township Ordinance 400.201, Definitions (accessory use or accessory). Further BZA discussion followed. Other BZA review and discussion followed regarding the provided "pictures".

Motion by Mr. Brunt to approve/grant the following variance petition/request: The Appeal of Aaron Saddoris, 3740 W. Temperance Road, Lambertville, MI 48144, requesting a variance (Ordinance 400.1903), for a third (3rd) accessory building in an AG District (Agricultural District), where only two (2) accessory buildings are permitted, on land described as 58-02-018-084-00, 3740 W. Temperance Road.

Mr. Bassinger seconded the motion for discussion purposes.

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The motion carried on a roll call vote as follows: Voting Aye: Bassinger, Brunt, Hauser-Hurley, and Bialecki. Voting Nay: Herr. Variance petition is granted/approved.

Approval of Minutes: Motion to approve the BZA minutes as revised for November 2, 2009 (regular meeting) made by Mr. Herr and seconded by Mr. Brunt. Motion carried. The minutes of November 2, 2009 are approved and official as so noted.

Public Comment: None.

Board of Zoning Appeals/Township Representative Comments: The next regular BZA meeting is scheduled for Monday, January 4, 2010 with all materials to be submitted by Monday, December 18, 2009 (noon). Mr. Goldsmith provided an update regarding September 8, 2009 variance petition Circuit Court petition: *“The Appeal of Masserant’s Feed and Grain Lambertville LLC, a Michigan Limited Liability Company, (3546 Mill Street, Newport, MI 48166).*

Adjournment: Ms. Bialecki duly adjourned the meeting at approximately 8:15 p.m.

Respectfully submitted,

Duane L. Tucker,
BZA Recording Secretary & Facilitator

ANY LOT SPLIT/DIVISION VARIANCE GRANTED MUST BE RECORDED WITH THE MONROE COUNTY REGISTER OF DEEDS WITHIN SIX (6) MONTHS OF THIS BOARD’S MEETING MINUTES APPROVAL. SECONDLY, ANY VARIANCE GRANTED ALLOWING THE ERECTION OF ANY STRUCTURE MUST BEGIN WITHIN SIX (6) MONTHS OF THIS BOARD’S MINUTES APPROVAL OR THE VARIANCES GRANTED WILL BECOME NULL OR VOID.

MINUTES APPROVED ON 2-1-2010