

**BEDFORD TOWNSHIP  
BOARD OF ZONING APPEALS (BZA)  
REGULAR MEETING MINUTES  
MONDAY, OCTOBER 5, 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), and Phil Goldsmith (Township Attorney-Lennard, Graham & Goldsmith P.L.C.). Absent (Excused): Dennis Kolar (Building Official).

**Call to Order:** Ms. Bialecki (Chair) called the October 5, 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. Herr. 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 Edwin E. Brighton, 1084 Borg Avenue, Temperance, MI 48182, requesting a variance for a proposed accessory building to be located in a front yard (400.1903 Accessory Building), in a R-2B District (One Family Residential District), on land described as 58-02-195-021-00, corner lot, Lot # 21 Cottonwood Lane Subdivision (Cottonwood Drive and Consear Road).***

Ms. Bialecki swore in the applicant/authorized agent (Edwin E. Brighton, 1084 Borg Avenue) and explained the voting process followed by background information presented by Mr. Tucker. Mr. Brighton opted to continue with the variance process. The previously described parcel is approximately .61 ± acre in size while having approximately 100.00 ± foot frontage on Consear Road and Cottonwood Drive (South), 267.00 ± foot frontage on Cottonwood Drive (West), while being identified as Lot # 21 in the “Cottonwood Lane” platted subdivision. Thus, Lot # 21 technically has three (3) front yards subject to residential front yard set-back requirements. Located to the east of the above lot is parcel # 58-02-019-071-00, zoned R-2B District (One Family Residential District), 3905

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Consear Road, approximately 1.38 ± acres in size, owned by Verizon Communications Inc. The applicant's proposed construction, a detached accessory building/garage, is 20' by 48', or 960 square feet in area. For the record, per the "Recorded Deed Restrictions, as found in Liber 468 Page 458, Item III-Building Location: *"No dwelling shall be erected on a building site smaller than one full lot as presently subdivided"*. Basically, this means that Lot # 21 cannot be divided/split as per the MI Subdivision Act, even though it would meet all frontage and area requirements. If this lot would be split or divided, the proposed variance would not be needed/required. 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: 4. Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard pursuant to the Schedule of Regulations set forth in Article XVIII of the Bedford Township Zoning Ordinance. The placement of all accessory buildings erected in a rear yard shall conform to the Accessory Building Table requirements set forth in this Article XIX, Section 1903, Subsection 7 of the Bedford Township Zoning Ordinance.*

*400.201 Definitions. Yards. The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:* Front yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Lot, corner. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. For the record, two (2) -property owners, Mrs. Barbara E. Linzie of 3926 Consear Road, Lambertville, expressed opposition/objection for this variance petition. Mrs. Linzie's residence is directly across from Lot # 21 on Consear Road. Also, Gerald and Sandra Barker of 3935 Consear Road (directly across from the lot in question), Lambertville, expressed opposition/objection for this variance petition.

Ms. Bialecki opened the BZA meeting to public commentary.

Mr. Brighton stated the following: This request is from Edwin E. and Sandra A. Brighton, asking the Bedford Township Zoning of Appeals Board to allow a variance for the construction of a detached garage on Lot 21 of the development Cottonwood Lane. Three streets border the property in question, Cottonwood to the south and west and Consear to the north. This situation creates the practical difficulty of having three front yards. The construction of our new home facing south towards Cottonwood, would make the rear of the house face north towards Consear. This would then be the backyard, where we would like to place the newly constructed garage. It is our hope that the board will consider the following items when making the decision on this application for variance.

1. This request for a variance is to construct a garage on the north part of the lot toward Consear Rd., which is in the backyard of the home.

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2. This request is only to place a detached garage on the Consear Road side of the lot. All other township requirements including setbacks from each lot line will not be compromised.
3. This property is over half an acre. 100 ft. x 267 ft., 2669.28 total sq. ft. and .61 of an acre.
4. This 20' x 48' garage will be built towards the east side of the lot and run parallel to the carport buildings owned by the Verizon Company. Therefore our new building would fit into its surroundings aesthetically. The proposed location of this accessory building is not materially injurious to the surrounding properties or otherwise not detrimental to the welfare of the neighboring parcels.
5. The petition for the variance does not have reasonable alternatives that could comply with the Ordinance.
6. This Ordinance regulation is unreasonably restrictive applicable to the respective lot.
7. The respective deed restrictions (adopted June 12, 1958) do not allow for this large lot to be divided which would eliminate the need for any variance. Thus, this practical difficulty is not self-created. In addition, the deed restrictions, adopted on June 12, 1958 were in effect before May 5, 1977, when Bedford Township adopted the zoning ordinances.
8. This lot is "very unique" due to it bordering 3 roads, thus having 3 front yards. Also, to the east of this parcel is a commercial building (3905 Consear Road -- Verizon), while having a prior legal non-conforming commercial use in a R-2B Zoned District (Residential District), on a very large parcel (1.38 acres).
9. After discussions with both Duane Tucker and Dennis Kolar, this solution would be the best use of land and eliminate the practical difficulty.
10. Please refer to the attached sketched drawing of the new house and detached garage.
11. The proposed detached garage shall be only used for personal use/storage (house travel trailer, lawn equipment, etc.), not for any commercial business, use, or activity. In addition, the proposed dwelling will be my residence.
12. The existing subdivision dwellings do not have any basements for whatever reason, so this accessory building will make up for the lost basement storage.
13. Our intent is to match the accessory building (shingles, colors, siding, etc) with the proposed residential dwelling so that it blends in with the area and existing development.

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

BZA discussion followed. It was further indicated by Mr. Brighton that the house would face the south, with a drive-way off of Cottonwood Drive. The proposed accessory building (double door facing Consear Road) will have a driveway off of Consear Road pending Monroe County Road Commission approval. Mr. Herr stated that the reason for the variance petition is that this lot has 3 front yards and "*an accessory building shall not be in any front yard (Ordinance 400.1903).*" Mr. Brighton stated that he recently

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purchased this lot on September 8, 2009 and all R-2B (One Family Residential Zoned District) set-back(s) would be met. Further BZA discussion followed regarding the existing “Deed Restrictions”. Mr. Brighton indicated that he is a school-teacher for Jefferson High School.

Mr. Bassinger cautioned the variance applicant to check out the possibility of existing “pipe lines” on this lot.

Motion by Mr. Herr to grant/approve the following variance petition/request: ***The Appeal of Edwin E. Brighton, 1084 Borg Avenue, Temperance, MI 48182, requesting a variance for a proposed accessory building to be located in a front yard (400.1903 Accessory Building), in a R-2B District (One Family Residential District), on land described as 58-02-195-021-00, corner lot, Lot # 21 Cottonwood Lane Subdivision (Cottonwood Drive and Consear Road).*** The following are conditions of variance approval: The applicant shall satisfactorily meet all Michigan Building Code requirements and Township Ordinances while securing proper building permits (electrical, mechanical, & building permits). The setbacks outlined in Bedford Township Ordinance 400.1903 “*Accessory Buildings*” shall be made whole. The proposed accessory building shall be used only for R-2B (One Family Residential Zoned District) purposes that are allowed/permitted in the Zoning District where the accessory building is erected, and no commercial or business uses/activities are allowed. The proposed accessory building shall have the following construction features as the proposed residential dwelling: have the same roof slope/pitch, roof materials (shingles) shall be matched, and the siding shall be matched, coupled with appropriate landscaping. The practical difficulty is that this lot has three (3) front yards that face roads and is subject to three (3) front yards, which is very unusual and unique. Ms. Hauser-Hurley seconded the motion for discussion purposes.

The motion carried on a roll call vote as follows: Voting Aye: Bassinger, Brunt, Hauser-Hurley, Herr, and Bialecki. Voting Nay: none. Variance petition is granted/approved.

**Approval of Minutes:** Motion to approve the BZA minutes as revised for September 8, 2009 (regular meeting) made by Ms. Hauser-Hurley and seconded by Mr. Bassinger. Motion carried. The minutes of September 8, 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, November 2, 2009 with all materials to be submitted by Monday, October 12, 2009 (noon). The “2010 BZA Draft Calendar” has been presented for BZA review following the same meeting schedule as the past; the meeting is the 1<sup>st</sup> Monday of the month or shifted to the 2<sup>nd</sup> Tuesday of the month due to holiday conflicts. The second change is that the BZA will not only have one (1) variance hearing but will need a minimum of two (2)-variance hearing to be processed, this is for

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budgetary reasons. The applicant can have special variance hearings with only one (1) variance, which is considered a “special meeting” at the cost of six-hundred dollars. The regular BZA meeting has the cost of \$275.00 per variance applicant. The City of Monroe along with the Michigan Association of Planning and Monroe Community College are hosting a “Planning and Zoning Workshop on Thursday, October 15, 2009 from 6 pm to 9:30 pm. The cost is \$50.00 each and our budget can afford a maximum of 4 registrations. Mr. Bob Potter, BZA Alternate, has expressed interest in attending.

**Adjournment:** Ms. Bialecki duly adjourned the meeting at approximately 7:45 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 11-2-2009