

PROPOSED AGENDA

**CHARTER TOWNSHIP OF BRIGHTON
ZONING BOARD OF APPEALS
4363 BUNO ROAD
BRIGHTON, MI 48114**

**JUNE 22, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. CALL TO THE PUBLIC**
- E. AGENDA**
- F. MINUTES**

1. APRIL 27, 2016 REGULAR MEETING

G. BUSINESS

- 1. ZBA APPLICATION#: 16/06; LOCATION: 9404 EDWARD DR.; TAX ID#: 12-20-202-016; OWNER AND APPLICANT: MAUREEN HILL; ZONING: R-2 (RESIDENTIAL SINGLE FAMILY)**
Side Yard Setback Variance, a variance from *Article 3, Sec. 3-03, District Regulations* of the Zoning Ordinance

- H. REPORTS AND CORRESPONDENCE**
- I. CALL TO THE PUBLIC**
- J. ADJOURNMENT**

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail at.....planner@brightontwp.com.

PROPOSED MINUTES

**CHARTER TOWNSHIP OF BRIGHTON
ZONING BOARD OF APPEALS
4363 BUNO ROAD
BRIGHTON, MI 48114**

**APRIL 27, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562**

Vice-Chairperson J. Dorset called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.

Present: S. Theis (alt.), J. Dorset, D. Hawk, J. Cogley, J. Gibbons, J. McKeon

Absent: R. Doughty, F. Grapentien

CALL TO THE PUBLIC

Sharon Daugard, 2901 School Lake - Complaint about dead deer in park and three (3) dead trees.

AGENDA

S. Theis moved and J. Cogley seconded **to approve the agenda as presented.**

Motion carried.

MINUTES

J. McKeon moved and J. Cogley seconded **to approve the March 23, 2016 regular meeting minutes as presented.**

Motion carried.

F. Grapentien left the meeting at 7:05 P.M. to attend the Utilities Meeting.

BUSINESS

ZBA APPLICATION # 16/04; LOCATION: 2739 PARKLAWN DR.; TAX ID # 12-16-301-030; OWNER AND APPLICANT: CHRIS VSETULA; ZONING: R-5 (WATERFRONT RESIDENTIAL)

- a. Addition to Non-Conforming Buildings and Lots, a variance from Zoning Ordinance *Article 21, Sec. 's 21-04 and 21-05*
- b. Side Yard Setback Variance, a variance from Zoning Ordinance *Article 3, Sec. 3-03, District Regulations* of
- c. Waterfront Setback Variance, a variance from Zoning Ordinance *Article 3, Sec. 3-03, District Regulations*

Applicant Chris Vsetula explained that his builder had applied for a building permit in fall 2015 and that neither he nor his builder realized that the deck that he started construction on was not included on the building permit. Therefore, he was issued a stop work order in fall 2015 and sent back to the Township where he learned that he needed variances in order to add the deck onto his home. He explained that the new deck would be similar in size to the original deck but will be more conforming by moving five (5) feet further away from the lake and that he needs a small easterly side yard setback in addition to the waterfront/lakefront setback.

PUBLIC HEARING

The public hearing opened at 7:11 p.m.

Amanda Mitchell, 3015 Cady - In favor of variance request.

Sharon Daugard, 2901 School Lake - In favor of variance request.

Teri Mullin, 3040 Cady - Applicant does a great job with property; in favor; can see through glass on deck.

Dave Mullin, 2797 Parklawn - Applicant does a great job with property.

Brian Tatum, 2683 Parklawn - In support of variance request.

William Farquhar, 2743 Parklawn - Supports variance request.

Chris Centers, 2728 Parklawn - Supports variance request.

Linda Adamski, 2891 School Lake Drive - Supports variance request.

Nick Barker, 2663 Parklawn - Supports variance request.

The public hearing closed at 7:17 p.m.

J. Cogley moved and J. McKeon seconded to approve variances from Zoning Ordinance Article 3, Sec. 3-03, District Regulations, for side yard and waterfront setback variances to allow a deck to be constructed with a ten (10) inch easterly side yard setback variance and a 5.5 ft. waterfront setback variance and variances from Zoning Ordinance Article 21, Sec.'s 21-04 and 21-05 to allow an addition to a non-conforming building for ZBA Application # 16/04; Location: 2739 Parklawn; Tax ID # 12-16-301-030; Owner and Applicant: Chris Vsetula for the following reasons: From a dimensional point of view, the applicant has lessened one of his variances (i.e. the lakefront/waterfront variance); the second variance from the easterly side yard is very slight; the neighbors are in support of the variance requests; and the Township does not have any immediate negative impacts or problems from the granting of these variances.

Motion carried.

ZBA APPLICATION # 16/05; LOCATION: 3523 OAK KNOLL DR.; TAX ID # 12-19-201-054; OWNER: STEPHEN AND MARY ALLEN; APPLICANT: RON CZAJKA; ZONING: R-5 (WATERFRONT RESIDENTIAL)

- a. Lot Coverage, a variance from Zoning Ordinance Article 3, Sec. 3-03, District Regulations
- b. Waterfront Residential Floor Area Ratio, a variance from Zoning Ordinance Article 3, Sec. 3-03, District Regulations

Applicant Ron Czajka summarized his plans to purchase the property pending the results of these variance requests. He would demolish the existing home and replace it with a slightly smaller home footprint and add an attached garage because the builder and real estate agent have stated that it is a tear-down situation and no one can live in this home so other potential applicants would be in the same position of needing variances in order to build a home. He stated that he has refined his plans to meet the Zoning Ordinance as much as possible as far as waterfront/lakefront setback i.e. moving the home further back than what exists currently and meeting all of the other Zoning Ordinance requirements.

PUBLIC HEARING

The public hearing opened at 7:30 p.m.

Greg Blastic, Builder - Stated that he worked on another home last year on Oak Knoll which also required variances and that he worked with this purchaser to make the project as conforming as possible i.e. moving the home back from the waterfront and adding an attached garage which will improve the area. He stated that the lot size is so small it is difficult to construct a home without exceeding the lot coverage and the waterfront residential floor are ratio.

Mike Tripley, Real Estate Agent - Stated that this property is a tear-down; you can't use the home; the value of the property will triple with the contemplated improvements.

The public hearing closed at 7:35 p.m.

- a. J. Cogley moved and S. Theis seconded to approve a variance from Zoning Ordinance Article 3, Sec. 3-03, District Regulations, for lot coverage to allow a home and attached garage to have thirty (30%) percent lot coverage instead of twenty-five (25%) percent, a variance of five (5%) percent for ZBA Application # 16/05 for the following reasons: By granting a lot coverage variance, it will eliminate storage on the street due to the addition of a garage onto the property; the height of the property is not going any higher than the Zoning Ordinance allows and what most neighbors in the area have; and it is only a five (5%) percent increase in footprint from the current situation.

Motion carried.

- b. J. Cogley moved and D. Hawk seconded to approve a variance from Zoning Ordinance Article 3, Sec. 3-03, District Regulations, for a waterfront residential floor area ratio variance to allow the home to be

larger than the average in the area due to the uniqueness of the lot i.e. lot size and even though the ratio percentage-wise is high, it is not being overbuilt or oversized versus other homes in the area.

Motion carried.

REPORTS AND CORRESPONDENCE

D. Hawk - Township Board update.

CALL TO THE PUBLIC

None.

J. Gibbons moved and J. McKeon seconded to **adjourn**.

Motion carried.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

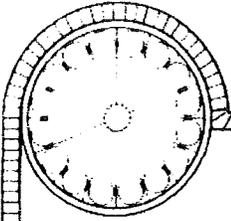
Kelly Mathews, Recording Secretary

Ann M. Bollin, CMC, CMMC, Clerk

9404 Edward



0 10 20 40 60 80 Feet



CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298 • Telephone: (810)229-0550 Fax: (810) 229-1778
www.brightontwp.com

ZONING BOARD OF APPEALS APPLICATION

1. Date Filed _____ 3. ZBA Number _____

2. Meeting Date _____ 4. Fee Paid _____

5. Applicant Information RECEIVED
MAY 18 2016

Name MAUREEN HILL BRIGHTON TOWNSHIP
Address 9404 EDWARD DR.
City/State/Zip BRIGHTON, MI 48114
Phone 248-931-1735 Fax _____
Interest in the Property (e.g. fee simple, land option, etc.)
 Property Owner Other (Specify) _____

6. Current Property Owner Information

Name MAUREEN HILL
Address 9404 EDWARD DR.
City/State/Zip BRIGHTON, MI 48114
Phone 248-931-1735 Fax _____
Length of Ownership 10 YEARS

7. Location of Property for which the Variance is Requested

Address 9404 EDWARD DR.
Cross Streets HILTON & OLD 23
Tax I.D. # 4712-20-202-016

8. Property Information

Zoning District _____ E. W. S. N.
Area (Acreage) _____ Width 92.61'-80' Depth 230'-193'
Current Use RESIDENCE

9. Variance Request

Total Number of Variances Requested _____

Describe your Request _____

SIDE LOT VARIANCE FOR NEW
ATTACHED GARAGE 6' FROM PROPERTY LINE

Section(s) of the Zoning Ordinance _____

10. Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

BECAUSE THERE IS NO OTHER PLACE
ON THIS LOT TO BUILD THIS GARAGE,
SEPTIC TANK AND FIELD IS IN THE REAR YARD
WITH NO ROOM FOR A GARAGE, PLUS ALL UTILITIES
ARE IN THE FRONT LEFT SIDE OF THE PROPERTY.

- b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

I DO NOT HAVE A GARAGE AND I
NEED TO PUT MY VEHICLES UNDER COVER.
I AM ALSO A SINGLE FEMALE AND NEED THE
SECURITY AND PROTECTION OF AN ATTACHED GARAGE
I CAN DRIVE INTO SAFELY AND ENTER MY HOUSE.
THIS WILL ALSO IMPROVE THE NEIGHBORHOOD BY
HAVING MY VEHICLES IN A GARAGE INSTEAD OF
PARKING IN MY DRIVEWAY.

- c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

NOT REALLY, I NEED A 2 CAR GARAGE
WITH A 16" WIDE DOOR. THE GARAGE NEEDS
TO BE 20' WIDE FOR PROPER FRAMING TO
ACCOMMODATE THIS 2 CAR GARAGE DOOR.

- d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

NO, I PURCHASED THIS HOME IN THE
PRESENT CONDITION.

- e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

YES

- f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

NO

11. Criteria for a Use Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. Can the site be reasonably used for any of the uses allowed within the current zoning designation?

NO, BECAUSE OF CURRENT ZONING / BUILDING RESTRICTIONS, I AM NOT ABLE TO BUILD A 2 CAR GARAGE.

- b. Are there unique circumstances peculiar to the property and not generally applicable in the area to other properties in the same zoning district?

YES, THE HOUSE WAS CONSTRUCTED ONLY 10' AWAY FROM THE PROPERTY LINES ON THE SOUTH AND NORTH SIDES, NOT ALLOWING ME TO BUILD A 2 CAR GARAGE LIKE MY NEIGHBORS ENJOY

- c. Was the need for a variance self-created by either the applicant or the applicant's immediate predecessor?

NO, BECAUSE THE HOUSE WAS PURCHASED IN ITS CURRENT CONDITION.

- d. Will the capacity and operation of the infrastructure be significantly compromised?

NO.

- e. Will the granting of a use variance not alter the essential character of the neighborhood nor be a detriment to adjacent properties?

NOT AT ALL, IN FACT, THIS WILL
IMPROVE THE LOOKS OF THE NEIGHBORHOOD
PLUS THIS WILL INCREASE PROPERTY VALUES.

12. Criteria for Appeals and Interpretations

The Zoning Board of Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Zoning Board of Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- Arbitrary and capricious; or
- Filled to ensure consistency with ordinance standards; or
- Made an error, such as relying on false or inaccurate information, or
- Constituted an abuse of discretion; or
- Was based upon erroneous interpretation of the zoning ordinance or zoning law.

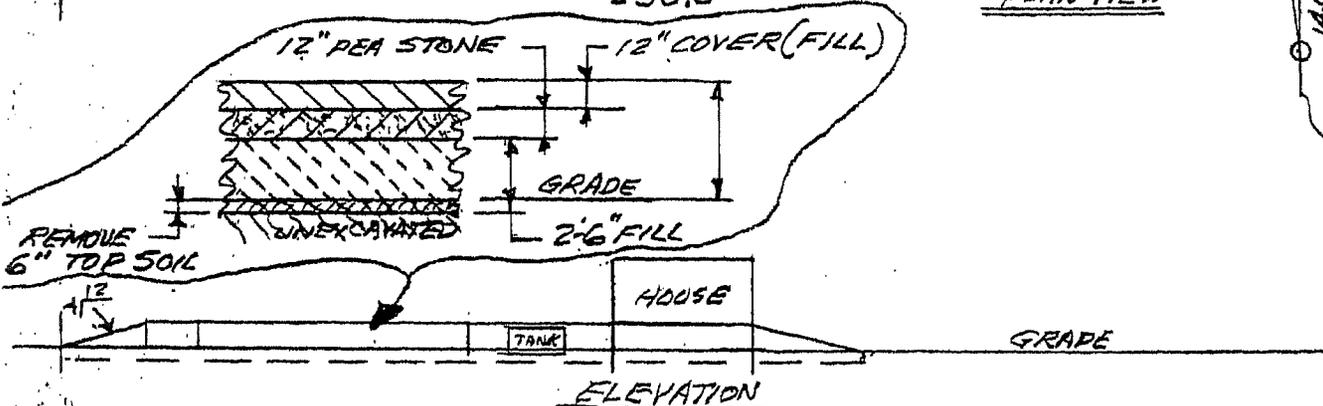
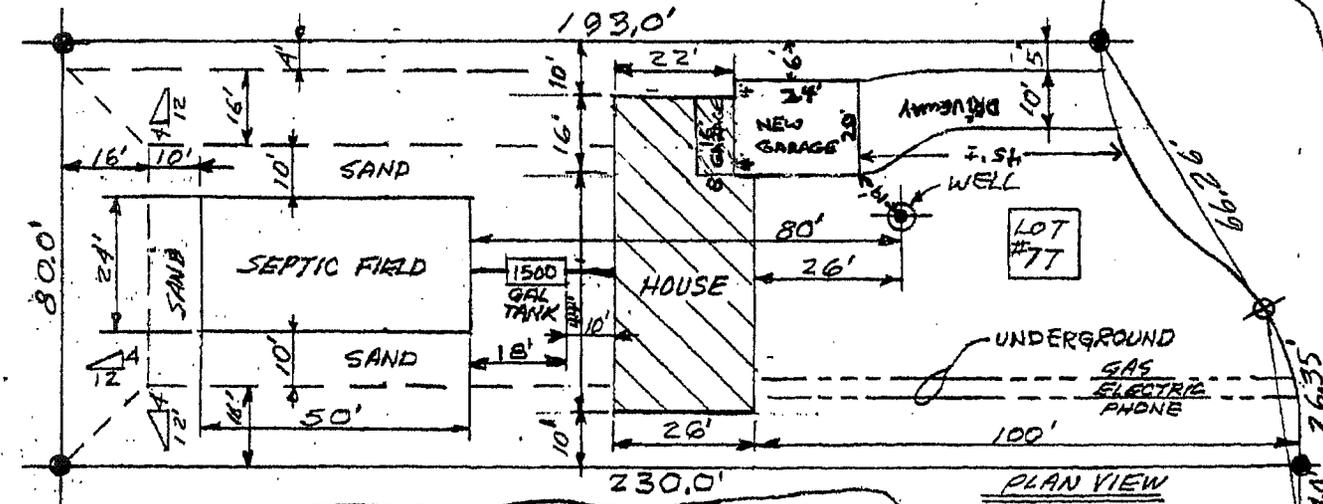
Please describe how your appeal meets one of these criteria:

BECAUSE THE WAY THIS HOUSE WAS BUILT, IT DOES
NOT ALLOW ME TO BUILD A 2 CAR GARAGE WITH
THE CURRENT ORDINANCE STANDARDS, CREATING A HARSHIP

ADMINISTRATIVE APPEAL # A 78-89
 APPROVED 8-15-89
 UNAPPROVED _____

APPROVED
 Livingston County Health Department

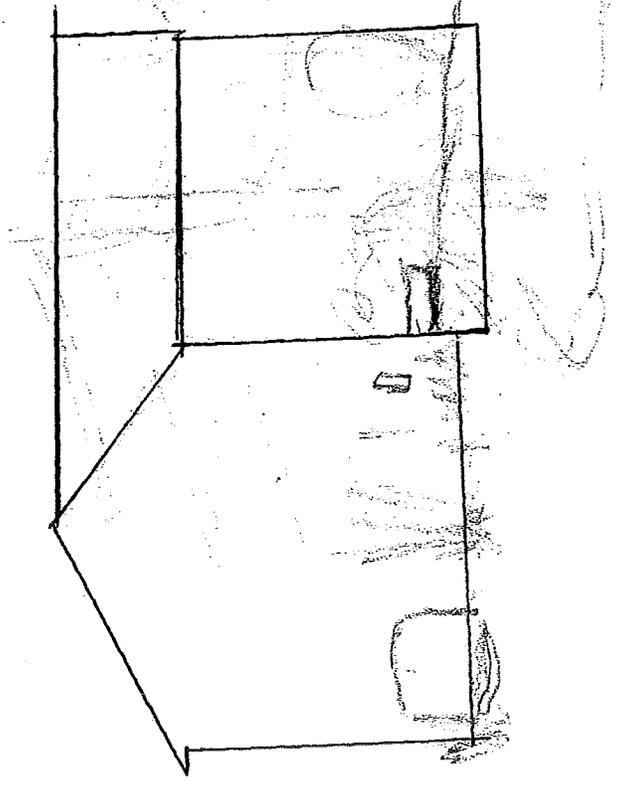
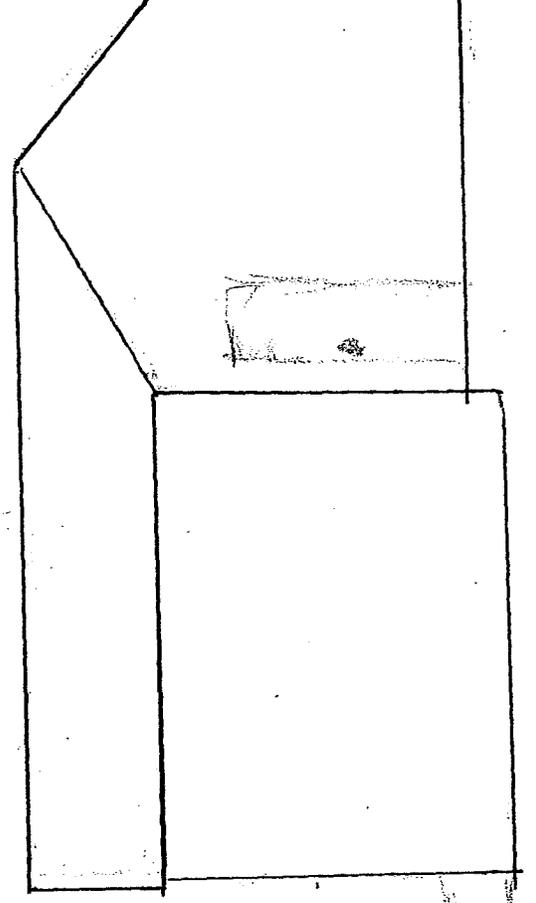
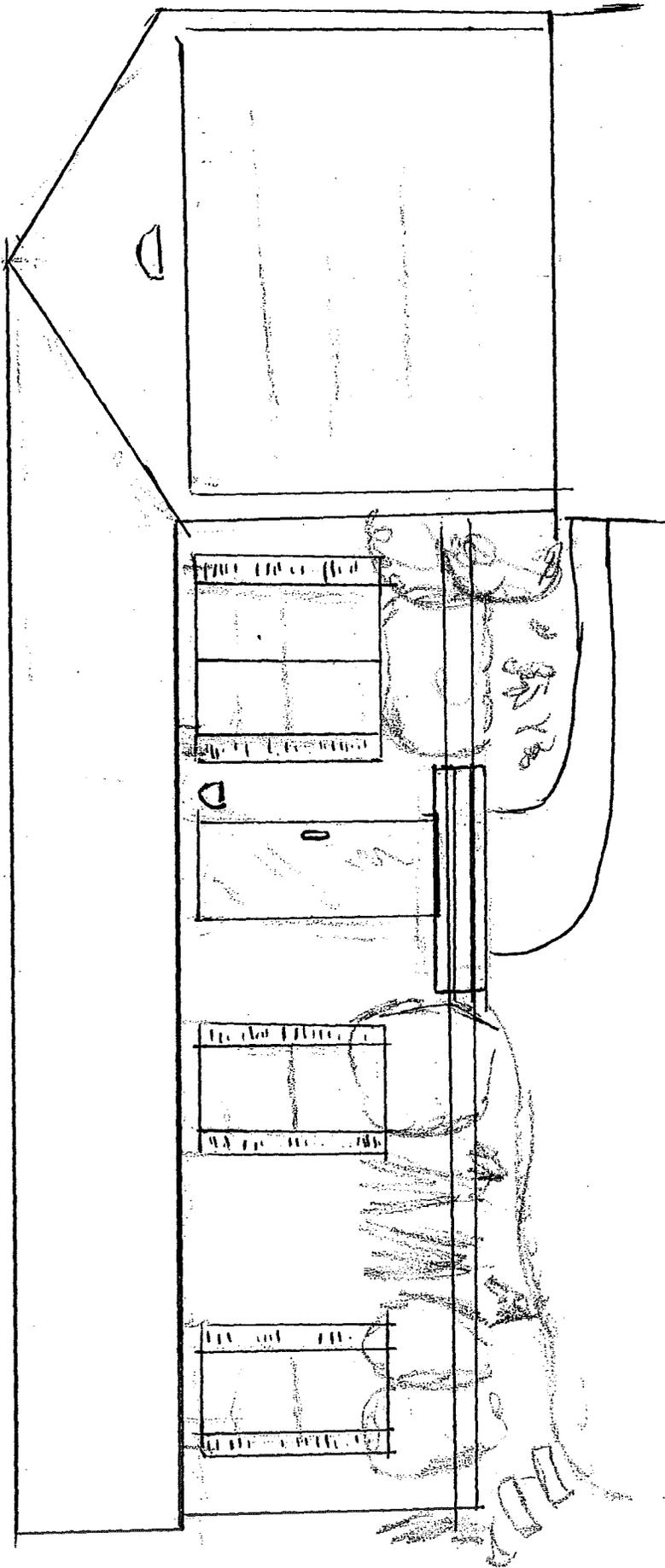
Name JAF
 Date 9-1-89



JOB
CONSTRUCT A
20'X24' ATTACHED
GARAGE TO HOME

ADDRESS :
9404 EDWARD DR
BRIGHTON, MI 48114

DRAWN BY RAGIBS
 DATE: AUG 28 1989
 SCALE: 1" = 30'



Date: May 27, 2016
To: Zoning Board of Appeals
Charter Township of Brighton
From: Kelly Mathews
Subject: Variance Requests
Location: 9404 Edward Drive
Requests: Addition to Non-Conforming Structure and Side Yard Setback
Zoning: R-2, Residential Single Family
Tax ID#: 12-20-202-016
Applicant: Maureen Hill
Owner: Maureen Hill

Dear ZBA Members:

The Zoning Board of Appeals (ZBA) application submitted by Maureen Hill has been reviewed. The review is based upon the standards contained in the Zoning Ordinance and a review of the application materials. The following comments are offered for your review. The applicant is proposing an attached garage which requires a variance from *Sec.'s. 21-03 and 21-04*, addition to a nonconforming building, and a northerly side yard setback variance. The parcel is 0.422 acres and includes one platted lot.

VARIANCE REQUESTS

Expansion of a Non-Conforming Building and Lot (*Article 21, Sec.'s 21-04 and 21-05, Non-Conforming Buildings and Lots*). The applicant is requesting variances to allow an addition to the non-conforming home. No non-conforming building or lot shall be enlarged, expanded, or extended to occupy a greater area of land except with approval by the Zoning Board of Appeals (ZBA). The applicant would like to add a 480 sq. ft. attached garage to the front of the existing home which needs to be approved by the ZBA since the addition would expand the non-conforming building and lot.

Side Yard Setback (*Article 3, Section 3-03, Side Yard Setback*).

The applicant is requesting a six (6) ft. variance from the northerly side yard setback requirement of twelve (12) ft. The current home was allowed to be constructed at the current location and the existing garage was built without a permit. The applicant would like to add an attached garage since the existing garage was converted into living space without a permit and therefore the home does not have a garage.

STANDARDS FOR ZBA ACTION

The ZBA should only grant a variance to the Zoning Ordinance when circumstances of practical difficulty, unnecessary hardship unique to a particular property, or extraordinary circumstances are present. *Article 22, Section 22-06* outlines a number of criteria applicable to variances that the ZBA should review in order to determine the need for the requested.

1. Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

The current home was allowed to be constructed at the current location, ten (10) ft. from the northerly and southerly lot lines and an existing attached garage was converted without a permit into living space. The applicant would like to maintain what was previously allowed except for a variance request for an attached garage addition.

Overall variances to allow an addition to a non-conforming building and lot is requested. In order to construct the attached garage, these variances are required since the existing home does not meet side yard setbacks which is a variance request from *Sec. 's 21-04 and 21-05* of the Zoning Ordinance. In order to allow the garage addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required.

Compliance with the strict letter of the restrictions governing setbacks for the home would unreasonably prevent the use of the property. Granting of the requested variances would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel. The variance request is not a function of a zoning change for the property or an ordinance change; it is an existing condition. In order to enlarge the home, a side yard setback variance, in addition to the variances to allow the expansion of a non-conforming building and lot, is required.

2. Public Safety and Welfare. The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.

The current home was allowed to be constructed at the current location. The applicant would like to maintain what was previously allowed except for a variance for the garage addition. The requested variances do not substantially interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create

nuisances. In order to allow the addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required.

3. Impact on Surrounding Neighborhood. *The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

The current home was allowed to be constructed at the current location. The applicant would like to maintain what was previously allowed except for a variance for a garage addition to the existing home. The variances will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. In order to allow an addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required.

4. Extraordinary Circumstances. *There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.*

The current home was allowed to be constructed at the current location. The applicant would like to maintain what was previously allowed except for a variance for the garage addition. There are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses. In order to allow an addition to the home, the variance requests to allow a non-conforming building and lot to be expanded is required.

RECOMMENDATIONS

It is recommended that the variances as proposed are approved. Specifically, the following variances.

Non-Conforming Buildings and Lots (Article 21, Sec.'s 21-04 and 21-05). No non-conforming building or lot shall be enlarged, expanded, or extended to occupy a greater area of land except with approval by the Zoning Board of Appeals (ZBA). The applicant would like to add a garage addition to the home on the northerly side. The variance request to allow a non-conforming building and lot to be expanded is required in order to expand the non-conforming use and building.

Side Yard Setback (Article 3, Section 3-03, Side Yard Setback). The applicant is requesting a maximum six (6) ft. variance from the northerly side yard setback requirement of twelve (12) ft.

MEMORANDUM

TO: BRIGHTON TOWNSHIP RESIDENTS
FROM: ANN M. BOLLIN, CLERK
SUBJECT: ZONING BOARD OF APPEALS ELECTRONIC PACKETS
DATE: MAY 6, 2016

Packets for the Brighton Township Zoning Board of Appeals meetings posted to the website contain scanned original documents. These electronic packets are subject to change based on meeting material presented to the Zoning Board of Appeals throughout the course of the meeting. For a complete original packet following the Zoning Board of Appeals meeting contact the Clerk's Office at 810-229-0560 or via email: clerk@brightontwp.com