

MINUTES

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

MARCH 23, 2016  
REGULAR MEETING  
7:00 P.M.  
(810) 229.0562

Vice-Chairperson F. Grapentien called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.  
Present: C. Moran (alt.), J. Dorset, D. Hawk, J. Cogley, F. Grapentien, J. Gibbons, J. McKeon  
Absent: R. Doughty

CALL TO THE PUBLIC

Cindy Mensch, 4445 Old Warner Court - Complaint regarding neighbor at 4463 Old Warner Court regarding a home based veterinary business; it is much larger than the Zoning Ordinance allows; delivery trucks; odors; dogs barking.

AGENDA

J. Dorset moved and J. Cogley seconded **to approve the agenda as presented.**  
Motion carried.

MINUTES

J. Dorset moved and J. Cogley seconded **to approve the November 18, 2015 special meeting minutes as presented.**  
Motion carried.

J. Dorset moved and J. Cogley seconded **to approve the January 14, 2016 special meeting minutes as presented.**  
Motion carried.

BUSINESS

ELECTION OF 2016 OFFICERS

J. Cogley moved and D. Hawk seconded **to appoint F. Grapentien, Chairperson, J. Dorset, Vice-Chairperson, and J. Gibbons, Secretary, for 2016.**  
Motion carried.

PRESENTATION OF AWARD TO TIM WINSHIP

F. Grapentien thanked Tim Winship for his long service to the Township as a Township Board Member, member of the Planning Commission, and Chairman of the ZBA and presented him with a certificate.

ZBA APPLICATION # 16/01; LOCATION: 2101 HACKER RD.; TAX ID #'S 12-18-100-034 AND 035;  
OWNER AND APPLICANT: SHEPHERD OF THE LAKES LUTHERAN CHURCH AND SCHOOL;  
ZONING: RC (RESIDENTIAL COUNTRY)

- a. Lot Coverage Variance, a variance from Zoning Ordinance *Article 3, Sec. 3-03, District Regulations*
- b. Variance to Extend Site Plan Approval, a variance from Zoning Ordinance *Article 18, Sec. 18-03(h)(2), Completion of Site Design*

Applicant Representative Bob Green, President of Shepherd of the Lakes Church and School Council, and Candice Briere, Metro Consulting Associates, discussed the need for a long term master plan for the church and school for capital funding purposes and plans for their proposed 45,000 sq. ft. addition to include gym, media center, restrooms/locker rooms, art room, dining room, kitchen, office and stage area for the church and school. It was stated that no additional students are planned for the addition so no additional traffic is expected and that the three (3) modulares on the site may or may not be removed with the addition. In order to construct the addition, there is a need for a lot coverage variance of two (2%) percent to increase the coverage from the required five (5%) percent allowable coverage to seven (7%) percent. The project would be built in two (2) or

three (3) phases with a third (1/3<sup>rd</sup>) of the project being in the first phase.  
K. Mathews, Township Planner, reviewed her report dated February 3, 2016.

**PUBLIC HEARING**

**The public hearing opened at 7:25 p.m.**

No comments were received.

**The public hearing closed at 7:25 p.m.**

The ZBA discussed both variance requests, especially the need for an extension of the site plan approval for ten (10) years.

- a. J. Cogley moved and J. Gibbons seconded to **approve a variance from Zoning Ordinance Article 3, Sec. 3-03, District Regulations, for a lot coverage variance of two percent (2%) to increase the lot coverage for the site from five (5%) percent to seven (7%) percent for ZBA Application # 16/01; Location: 2101 Hacker Rd.; Tax ID #'s 12-18-100-034 and 035; Owner and Applicant: Shepherd of the Lakes Lutheran Church and School for the following reasons: Compliance with the strict letter of the restrictions governing lot coverage would unreasonably prevent the use of the property; Granting of the requested variance 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 requested variance for lot coverage does 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 since the site is very large (30 acres); The variance will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood since the site is very large (30 acres); and Exceptional circumstances or conditions are applicable to the property and the intended use that do not generally apply to other properties or uses since the site is very large (30 acres).**  
Motion carried.

- b. J. Cogley moved and J. Dorset seconded to **deny the variance request to extend site plan approval for ten (10) years, a variance from Zoning Ordinance Article 18, Sec. 18-03(l)(2), Completion of Site Design, for ZBA Application # 16/01; Location: 2101 Hacker Rd.; Tax ID #'s 12-18-100-034 and 035; Owner and Applicant: Shepherd of the Lakes Lutheran Church and School; Zoning: RC (Residential Country) for the following reasons: The variance request is not property/real estate related, the applicant has concurred that he does not need ten (10) years, and that granting this variance would set a precedent for the Township.**  
Motion carried.

ZBA APPLICATION # 16/02; LOCATION: KINGS POINT CT.; TAX ID # 12-23-102-015; OWNER AND APPLICANT: CARL & KAREN BEKOFKSKE; ZONING: RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

Front Setback Variance, a variance from *Article 12-08(a), PUD Design Standards Regulatory Flexibility*, of the Zoning Ordinance

Applicant Representative Chris Macklin, Christopher Macklin Design, overviewed the request for a front yard setback variance of fourteen (14) ft. from the required forty (40) ft. setback. The homeowners Carl and Karen Bekofske were in attendance. The Planned Unit Development (PUD) for Oaks at Beach Lake has established a forty (40) ft. front yard, twenty (20) ft. side yard, and thirty-five (35) ft. rear yard setbacks for the homes in the PUD. This home site has a significant drop-off and therefore less than half of the lot is usable. The home will have individual septic and the active and reserve fields are being placed as far away from the wetland as possible which drives the location of the home. The home will be a walk-out and needs to be at a safe grade, so with the significant drop-off, the home needs to be moved forward towards the road. In order to build a three (3) car garage, there is a need to encroach into the front setback.

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Charter Township of Brighton - ZBA

Minutes - March 23, 2016 Regular Meeting

Approved - April 27, 2016

K. Mathews, Township Planner, reviewed her report dated February 23, 2016.

PUBLIC HEARING

The public hearing opened at 8:25 p.m.

None.

The public hearing closed at 8:25 p.m.

J. Dorset moved and D. Hawk seconded to approve a Front Yard Setback Variance, a variance from Zoning Ordinance Article 12-08(a), PUD Design Standards Regulatory Flexibility, for ZBA Application # 16/02; Location: Kings Point Ct.; Tax ID # 12-23-102-015; Owner and Applicant: Carl & Karen Bekofske; Zoning: Residential Planned Unit Development (PUD) for the following reasons: Compliance with the strict letter of the restrictions governing setbacks for the home and attached garage would unreasonably prevent the use of the property; Granting of the requested variance 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 as it is an existing condition; In order to build the proposed home and a three (3) car attached garage a front yard setback variance is required and the applicant would like to have a similar home and garage as others in his neighborhood however there is a significant drop-off into a low area in the back half of his property which significantly reduces his lot size; The requested variance does 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; The variance 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 a similar home and three (3) car garage as others in the neighborhood, the variance request is required; Exceptional circumstances or conditions exist which are applicable to the property and the intended use that do not generally apply to other properties or uses and in order to allow a similar home and three (3) car garage as others in the neighborhood, the variance request is required.

Motion carried.

REPORTS AND CORRESPONDENCE

D. Hawk - Township Board update.

F. Grapentien - Board of Review update.

CALL TO THE PUBLIC

None.

J. Gibbons moved and J. Cogley seconded to adjourn.

Motion carried.

The meeting adjourned at 8:37 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Recording Secretary

Ann M. Bollin, CMC, CMMC, Clerk