

MINUTES

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

FEBRUARY 27, 2019
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: J. Gibbons, A. Lutes (alt.), J. Stinedurf, C. Moran (alt.), J. McKeon, J. Cogley, J. Dorset
Absent: S. Theis, F. Grapentien

CALL TO THE PUBLIC

None.

AGENDA

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

Ayes: J. Gibbons, J. Stinedurf, C. Moran (alt.), J. McKeon, J. Cogley, J. Dorset, A. Lutes (alt).

Nays: None

Motion carried.

MINUTES

J. Stinedurf moved and C. Moran seconded **to approve the January 23, 2019 regular meeting minutes as presented.**

Ayes: J. Gibbons, J. Stinedurf, C. Moran (alt.), J. McKeon, J. Cogley, J. Dorset, A. Lutes (alt.)

Nays: None

Motion carried.

ZBA APPLICATION # 19/02; LOCATION: 3361 OAK KNOLL DRIVE; TAX ID # 12-19-201-027; OWNER AND APPLICANT: ANTHONY AND JAYLENE LAUBACH; ZONING: R-5 (WATERFRONT RESIDENTIAL)

a. Addition to a Non-Conforming Building, a variance from *Article 21, Sec. 21-03 and 21-04* of the Zoning Ordinance.

b. Variance from Lot Coverage, a variance from *Article 3, Sec. 3-03, District Regulations*, of the Zoning Ordinance.

Applicant Anthony Laubach explained that he would like to construct a 504 sq. ft. addition to his deck and redo with new material - trex instead of wood. K. Mathews reviewed her report dated January 28, 2019.

PUBLIC HEARING

The public hearing opened at 7:05 p.m.

None.

The public hearing closed at 7:05 p.m.

J. Stinedurf moved and A. Lutes seconded **to approve the variance requests, addition to a non-conforming building, a variance from *Article 21, Sec. 21-03 and 21-04*, and Lot Coverage, a variance from *Article 3, Sec. 3-03, District Regulations*, of the Zoning Ordinance for ZBA Application # 19/02; Tax ID # 12-19-201-027; for the following reasons: it is in line with similar requests; compliance with the strict letter of the restrictions governing an addition to the deck 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 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; the variances will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties**

and the surrounding neighborhood; and there are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses.

Ayes: J. McKeon, J. Dorset, C. Moran (alt.), A. Lutes (alt.) J. Gibbons, J. Cogley, J. Stinedurf

Nays: None.

Motion carried.

ZBA APPLICATION # 19/01; LOCATION: 10547/10561 E GRAND RIVER; TAX ID # 12-33-302-027 and 042; OWNER: DIAMOND INVESTMENT GROUP, LLC; APPLICANT: MARK SCHAFFER/SCHAFFER LAND CO. LLC; ZONING: B-2 (GENERAL BUSINESS)

a. Variance from Site Plan Requirements of BAFA, *Article 18*, of the Zoning Ordinance.

Mr. Stinedurf stated that he needed to recuse himself from the discussion and vote since he voted on the matter as a part of the Planning Commission per *Sec. 22-02* of the Zoning Ordinance.

Applicant Representative Alex Reuter, Cooper and Riesterer, overviewed the history of the site which encompassed three (3) phases of development: 1st phase - renovation and demolition of existing building; 2nd phase - parking lot expansion; and 3rd phase - construction of a new 5,760 sq. ft. retail/restaurant building. The site plan was approved July 10, 2017 by the Planning Commission and received a one-year extension of the site plan to July 10, 2019. The site plan approval was contingent upon meeting the requirements of BAFA. Mr. Schaffer does not feel that he should have to comply with the requirements of BAFA and is appealing those requirements. He went to the BAFA Appeal Board on October 12, 2018 and was denied. BAFA requires a 400 ft. spacing of hydrants and originally required two (2) hydrants. BAFA compromised with Mr. Schaffer and reduced the hydrants to one. However, Mr. Schaffer still does not feel he should have to install a hydrant and stated that the cost is exorbitant to connect into FIB water system. Additionally, there are alternatives to installing hydrants that Mr. Schaffer can pursue. K. Mathews reviewed her report dated January 23, 2019.

PUBLIC HEARING

The public hearing opened at 7:40 p.m.

Rick Boisvert, BAFA, overviewed the requirements of BAFA and the history of the site plan reviews and meetings with Mr. Schaffer and the BAFA Appeal Board on October 12, 2018. He stated that the requirement of hydrants is required for new construction and wasn't required in the first two (2) phases which included renovation and demolition and parking lot expansion.

The public hearing closed at 8:00 p.m.

J. Cogley moved and A. Lutes seconded to **deny the variance request, a variance from the site plan requirements of BAFA, *Article 18*, of the Zoning Ordinance for ZBA Application # 19/01; Tax ID # 12-33-302-027 and 042 for the following reasons: Experts including BAFA and the BAFA Appeal Board have denied the appeal; the financial cost to connect the structure to the FIB water system is not a reason that the ZBA can rule on; encouraging the connection of commercial structures to the public water system is a good policy; arguments that local traffic would be interrupted and local property owners' land would be disturbed by the construction is not a reason; and fire safety and fire protection are paramount health, safety and welfare concerns and BAFA is the expert in this regard.**

Ayes: J. Gibbons, C. Moran (alt.), J. McKeon, J. Cogley, J. Dorset, A. Lutes (alt.)

Nays: None

Motion carried.

A. Lutes moved and J. Gibbons seconded to **approve the variance request, a variance from the site plan requirements of BAFA, *Article 18*, of the Zoning Ordinance for ZBA Application # 19/01; Tax ID # 12-33-302-027 and 042 for the following reasons: Adequate fire protection can be provided through the use of an on-site well; the financial cost to the Applicant is a hardship and a practical difficulty; the request will not increase the hazard of fire as the on-site well is adequate; local traffic would not be interrupted by requiring the connection and local property owners would not have their lands disturbed; the need for the variance is not a result of actions by the Applicant, but by BAFA requirements; and granting the variance would not materially impair the intent and purpose of fire protection for the site.**

Ayes: None.

Nays: J. Gibbons, C. Moran (alt.), J. McKeon, J. Cogley, J. Dorset, A. Lutes (alt.)

~~Motion carried.~~

REPORTS AND CORRESPONDENCE

J. Stinedurf - Asked about getting digital copies of site plans for the PC and ZBA.

C. Moran - Utilities Committee recommended minimal 1.3% increase in sewer O&M rate.

CALL TO THE PUBLIC

None.

C. Moran moved and J. Gibbons seconded **to adjourn.**

Ayes: J. Gibbons, J. Stinedurf, C. Moran (alt.), J. McKeon, J. Cogley, J. Dorset, A. Lutes (alt.)

Nays: None

Motion carried.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

~~Frank Grapontien, Chairperson~~

John Gibbons, Secretary

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Kelly Mathews, Recording Secretary