

MINUTES

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

APRIL 25, 2018
REGULAR MEETING
7:00 P.M.
(810) 229.0562

Chairperson F. Grapentien called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.
Present: J. Gibbons, J. Cogley, J. Dorset, S. Theis, J. Stinedurf, J. McKeon, F. Grapentien

CALL TO THE PUBLIC
None.

AGENDA

J. Stinedurf moved and J. Dorset seconded **to approve the agenda as presented.**
Ayes: J. Gibbons, J. Cogley, J. Dorset, S. Theis, J. Stinedurf, J. McKeon, F. Grapentien
Motion carried.

MINUTES

J. Cogley moved and J. Stinedurf seconded **to approve the February 28, 2018 regular meeting minutes as presented.**
Ayes: J. Gibbons, J. Cogley, J. Dorset, S. Theis, J. Stinedurf
Abstain: J. McKeon, F. Grapentien
Motion carried.

ZBA APPLICATION # 18/04; LOCATION: 5942 WHITMORE LAKE RD.; TAX ID # 12-32-300-072;
OWNER: CELANI FAMILY LLC; APPLICANT: BRIGHTON HARLEY DAVIDSON; ZONING: I-1
(INDUSTRIAL)

a. Amount of Wall Signage, a variance from *Article 17, Sec. 17-05(b)(24)*, of the Zoning Ordinance.

Chairman F. Grapentien discussed the facts that the application referenced a different section of the Zoning Ordinance, the signage stated signage footage on the application that was different than the Planner's review, and concerns over the author of the letter regarding the application questions. F. Grapentien moved with no second to table the item for these reasons.

Applicant Representative Alicia Martinez, Curb Appeal, stated that the ZBA should refer to the Planner's review of the measurement of the signage square footage and that the owner, Celani Family, is agreeable to the pursuance of the variance and they have a letter authorizing the variance request. One of the owners of Brighton Harley Davidson was also in attendance. He stated that the need for the additional signage is to advertise a new brand, Triumph. Ms. Martinez said they would comply with signage lighting hours and dim the signage lighting appropriately per the Zoning Ordinance.

PUBLIC HEARING

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

None.

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

K. Mathews reviewed her report dated March 26, 2018.

J. Stinedurf moved and J. Cogley seconded **to review the variance request, Amount of Wall Signage, a variance from Article 17, Sec. 17-05(b)(24), of the Zoning Ordinance for ZBA Application # 18/04; Location: 5942 Whitmore Lake Rd.; Tax ID # 12-32-300-072; Owner: Celani Family LLC; Applicant: Brighton**

Harley Davidson; Zoning: I-1 (Industrial) with the condition that they come in and redo the application including the reference to the correct section of the Zoning Ordinance, correcting the signage square footage, and submitting a description of the applicant's authority to write the application.

Ayes: J. Cogley, J. Dorset, S. Theis, J. Stinedurf, J. McKeon, F. Grapentien, J. Gibbons
Motion carried.

J. Stinedurf moved and S. Theis seconded to grant the variance request, Amount of Wall Signage, a variance from *Article 17, Sec. 17-05(b)(24)*, of the Zoning Ordinance for ZBA Application # 18/04; Location: 5942 Whitmore Lake Rd.; Tax ID # 12-32-300-072; Owner: Celani Family LLC; Applicant: Brighton Harley Davidson; Zoning: I-1 (Industrial) to allow an additional 38.5 sq. ft. of wall signage for a maximum of 197.5 sq. ft. on the building verses the 120 sq. ft. maximum per the Zoning Ordinance. The variance is approved for the following reasons: the distance from the R.O.W., size of signage is not out of proportion for the building, and the speed limit of 45 miles per hour along Whitmore Lake Road. Additionally, there will not be an allowance of any additional signage beyond 197.5 sq. ft. without an addition to the building.

Ayes: J. Cogley, J. Dorset, S. Theis, J. Stinedurf, J. McKeon, F. Grapentien
Nays: J. Gibbons
Motion carried.

ZBA APPLICATION # 18/05; LOCATION: 5955 WHITMORE LAKE RD.; TAX ID # 12-32-401-043; OWNER: JAMES CHRISTENSEN; APPLICANT: MUFFLER MAN; ZONING: B-3 (SPECIAL BUSINESS)

a. Signage Setback, a variance from *Article 17, Sec. 17-05(d)(2)*, of the Zoning Ordinance. Applicant Bob Bernhoft, Muffler Man, explained that there is no other visible location for the sign due to trees and other signs in the area and that they cannot meet the ten (10) ft. setback from the R.O.W. because they would be located in the middle of the parking lot. Applicant stated it's a unique pie-shaped piece of property, he would be planting trees and shrubbery, and he has discussed the location with the LCRC and they were okay with the proposed location. They are proposing a two sided LED sign which is twenty-five (25) sq. ft. and forty-two (42) inches high as the Zoning Ordinance allows.

PUBLIC HEARING

The public hearing opened at 7:45 p.m.

None.

The public hearing closed at 7:45 p.m.

K. Mathews reviewed her report dated March 26, 2018. ZBA discussion included how bright the signage would be at night. Applicant stated the signage will get dimmer as it gets darker automatically and will comply with the signage hours of operation per the Zoning Ordinance. Mr. Bernhoft stated that they aren't planning on wall signage at this time.

J. Dorset moved and S. Theis seconded to grant the variance request, *Signage Setback*, a variance from *Article 17, Sec. 17-05(d)(2)*, of the Zoning Ordinance for ZBA Application # 18/05; Location: 5955 Whitmore Lake Rd.; Tax ID # 12-32-401-043; Owner: James Christensen; Applicant: Muffler Man; Zoning: B-3 (Special Business) to allow the placement of a ground sign at 7.6 ft. instead of the required ten (10) ft. setback from the R.O.W. The variance is approved for the following reasons: the unique circumstances on the site i.e. shape of lot, trees, and other signage in the area and the LCRC stated that there is no interference with visibility from the site with the placement of the sign in that location.

Ayes: J. Gibbons, J. Dorset, S. Theis, J. McKeon, F. Grapentien
Nays: J. Cogley, J. Stinedurf
Motion carried.

ZBA APPLICATION # 18/03; LOCATION: 2635 PARKLAWN; TAX ID # 12-16-301-054; OWNER: GREG SKIVER; APPLICANT: SPENCER & SONS CONSTRUCTION; ZONING: R-5 (WATERFRONT RESIDENTIAL)

a. Expansion of a Non-Conforming Building or Site, *Article 21, Sec. 's 21-04 and 05* of the Zoning Ordinance.
b. Waterfront Setback, a variance from *Article 3, Sec. 3-03* of the Zoning Ordinance.

Applicant Representative John Spencer, Spencer and Sons Construction, overviewed the need for variances to allow a 2nd story deck with roof to be added to the waterfront side of the home which is a non-conforming building.

PUBLIC HEARING

The public hearing opened at 7:59 p.m.

Ray Gongla, 2629 Parklawn - Worried about his view being blocked of the lake with this extension protruding past his house; feels it will affect property values.

Mark Zawisa, 2723 Parklawn - Directly to the right of this home; is in full support; will increase property values for the neighborhood.

The public hearing closed at 8:02 p.m.

K. Mathews reviewed her report dated March 26, 2018.

J. Stinedurf moved and J. Cogley seconded **to dismiss the variance request, Expansion of a Non-Conforming Building or Site, Article 21, Sec.'s 21-04 and 05 of the Zoning Ordinance, for ZBA Application # 18/03; Location: 2635 Parklawn; Tax ID # 12-16-301-054; Owner: Greg Skiver; Applicant: Spencer & Sons Construction; Zoning: R-5 (Waterfront Residential) based on the facts that the deck addition is not enlarging the land area and permits previously obtained so this variance is moot.**

Ayes: J. Gibbons, J. Cogley, J. Dorset, S. Theis, J. Stinedurf, J. McKeon, F. Grapentien
Motion carried.

J. Stinedurf moved and J. Gibbons seconded **to approve the variance request, to allow a forty-three (43) ft. Waterfront Setback, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance, for ZBA Application # 18/03; Location: 2635 Parklawn; Tax ID # 12-16-301-054; Owner: Greg Skiver; Applicant: Spencer & Sons Construction; Zoning: R-5 (Waterfront Residential) based on the following: there is no issue with practical difficulty; no issue with public safety and welfare; and a positive effect on the surrounding neighborhood.**

Ayes: J. Gibbons, S. Theis

Nays: J. Cogley, J. Dorset, J. Stinedurf, J. McKeon, F. Grapentien

Motion failed.

ZBA APPLICATION # 18/02; LOCATION: 2715 PARKLAWN; TAX ID # 12-16-301-036; OWNER: JUSTIN HICKS AND LISA STEFFEY; APPLICANT: SPENCER & SONS CONSTRUCTION; ZONING: R-5 (WATERFRONT RESIDENTIAL)

- a. Expansion of a Non-Conforming Building or Site, *Article 21, Sec.'s 21-04 and 05* of the Zoning Ordinance.
- b. Side Yard Setback, a variance from *Article 3, Sec. 3-03* of the Zoning Ordinance.

Applicant Representative John Spencer, Spencer and Sons Construction, overviewed the need for variances to allow a second (2nd) story addition on the rear of the home which will be cantilevered and will maintain the existing 2.5 ft. setback to the easterly side lot line.

PUBLIC HEARING

The public hearing opened at 8:40 p.m.

The Chairman read letters presented at the table.

Letter - Kelly and Tom Westran, 2735 Parklawn - Support; won't increase or decrease setback any further than existing home is setback for easterly lot line.

Letter - Chris and Christina Vsetula letter, 2739 Parklawn - Neighboring property - support.

Mark and Gayle Zawisa letter, 2723 Parklawn - Support

Tom Westran, 2735 Parklawn - Reiterated that all of the homes in the area only have a small setback to the lot lines - support. He's not getting closer to the lake or blocking views.

Harvey Schnurstein, 2711 Parklawn - Lives next door to the west; no problem with neighbor adding second story to home.

The public hearing closed at 8:45 p.m.



K. Mathews reviewed her report dated March 26, 2018.

S. Theis moved and J. Dorset seconded **to dismiss the variance request, Expansion of a Non-Conforming Building or Site, Article 21, Sec.'s 21-04 and 05 of the Zoning Ordinance, for ZBA Application # 18/02; Location: 2715 Parklawn; Tax ID # 12-16-301-036; Owner: Justin Hicks and Lisa Steffey; Applicant: Spencer & Sons Construction; Zoning: R-5 (Waterfront Residential) based on the fact that the second story addition is not enlarging the land area so this variance is moot.**

Ayes: J. Gibbons, J. Cogley, J. Dorset, S. Theis, J. Stinedurf, J. McKeon, F. Grapentien
Motion carried.

J. Dorset moved and J. Stinedurf seconded **to approve the variance request, to allow a 2.5 ft. easterly side yard setback, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance, for ZBA Application # 18/02; Location: 2715 Parklawn; Tax ID # 12-16-301-036; Owner: Justin Hicks and Lisa Steffey; Applicant: Spencer & Sons Construction; Zoning: R-5 (Waterfront Residential) based on the following: the positive comments from the neighborhood and the reasons outlined in the Planner's letter dated March 26, 2018.**

Ayes: J. Gibbons, S. Theis, J. Cogley, J. Dorset, J. Stinedurf, J. McKeon, F. Grapentien
Motion carried.

REPORTS AND CORRESPONDENCE

J. Stinedurf - No PC or Utilities Committee update.

F. Grapentien - No Board of Review update

S. Theis - Township Board update including Fire Department Master Plan and budget and fees.

CALL TO THE PUBLIC

Christ Vsetula, 2739 Parklawn - Concerns about 2743 Parklawn; no utilities; no one is living there.

Tom Westrand, 2735 Parklawn - Concerns about 2743 Parklawn; roof is caving in.

Planner Mathews stated she will contact the Livingston County Building Department and follow up on the property at 2743 Parklawn.

S. Theis moved and J. Dorset seconded **to adjourn.**

Ayes: J. Gibbons, J. Cogley, J. Dorset, S. Theis, J. Stinedurf, J. McKeon, F. Grapentien
Motion carried.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Recording Secretary

Ann M. Bollin, CMC, CMMC, Clerk