

MINUTES

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

MAY 22, 2019
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: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Absent: S. Theis, J. Gibbons, J. Stinedurf, J. McKeon

CALL TO THE PUBLIC

None.

AGENDA

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

Ayes: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Nays: None

Motion carried.

MINUTES

J. Dorset moved and A. Lutes seconded to **approve the April 24, 2019 regular meeting minutes as presented.**

Ayes: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Nays: None

Abstain: S. Theis

Motion carried.

ZBA APPLICATION # 19/07; LOCATION: 3489 HILTON BAY CT.; TAX ID # 12-20-100-029; OWNER AND APPLICANT: JAMES ADAMS; ZONING: R-2 (RESIDENTIAL SINGLE FAMILY)

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

Applicant Jim Adams explained that he would like to construct a detached structure on his property. A variance for lot coverage is required. K. Mathews reviewed her report dated April 23, 2019.

PUBLIC HEARING

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

None.

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

J. Dorset moved and J. Cogley seconded to **approve the variance request, a two (2%) percent increase over the allowable fifteen (15%) percent lot coverage, a variance from *Article 3, Sec. 3-03* for ZBA Application # 19/07; Tax ID # 12-20-100-029 for the following reasons: compliance with the strict letter of the restrictions 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 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; there are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses; and there is no opposition in the neighborhood.**

Ayes: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Nays: None.

Motion carried.

ZBA APPLICATION # 19/06; LOCATION: 1198 GRAYHAVEN; TAX ID # 12-10-200-030; OWNER AND APPLICANT: JAMES BOISVERT; ZONING: RC (RESIDENTIAL COUNTRY)

a. Size of Detached Structure, a variance from *Article 3, Sec. 3-04(f), Accessory Buildings*, of the Zoning Ordinance.

Applicant James Boisvert overviewed his need for a variance for the size of a detached structure. He stated that he could build two (2) structures or an attached structure with a long breezeway, but with utilities and access, it would be better to build one. K. Mathews reviewed her report dated April 23, 2019.

PUBLIC HEARING

The public hearing opened at 7:20 p.m.

Robert Mercieca, 1220 Grayhaven - support.

Stanley Fambrough, 1095 Grayhaven - support.

Bill Bryant, 1225 Grayhaven - support.

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

J. Cogley moved and A. Lutes seconded to **approve the variance request, a variance to allow a detached structure to be larger than the home, a variance from *Article 3, Sec. 3-04(f)*, for ZBA #19/06, 1198 Grayhaven; Tax ID # 12-10-200-030, for the following reasons: compliance with the strict letter of the restrictions 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 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; there are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses; additional buffering/screening is already in place on the north side with trees; and there is no opposition from the neighbors.**

Ayes: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Nays: None.

Motion carried.

ZBA APPLICATION # 19/08; LOCATION: 2621 HACKER; TAX ID # 12-18-301-019; OWNER AND APPLICANT: WALTER WASILEWSKI; ZONING: R-5 (WATERFRONT RESIDENTIAL)

a. Natural Features (Waterfront) setback, a variance from *Article 3, Sec. 3-03, District Regulations*, of the Zoning Ordinance.

Applicant Representative Dave Willacker, overviewed the waterfront/natural features setback. Walter, Jane, and Cheryl Wasilewski were in attendance. K. Mathews reviewed her report dated April 24, 2019.

PUBLIC HEARING

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

Two (2) letters were read into the record.

Nicholas Link, 2599 Hacker, letter dated May 22, 2019 - support.

Dan and Alicia Zemper, 2649 Hacker, letter dated May 20, 2019 - support.

The public hearing closed at 7:47 p.m.

A. Lutes moved and J. Dorset seconded to **approve the variance request, waterfront/natural feature setback from *Article 3, Sec. 3-03* for ZBA #19/08, 2621 Hacker; Tax ID # 12-18-301-019 to allow a 99 ft. setback from the lake v. the 152 ft. requirement in this area for the following reasons: compliance with the strict letter of the restrictions 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 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; there are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses; the house is being placed at the same setback as the original home which is being demolished; it meets the average setback in the area except for one home two (2) lots to the north; and it is a large setback v. many of the homes on the lake.

Ayes: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Nays: None

Motion carried.

ZBA APPLICATION # 19/09; LOCATION: 10547/10561 GRAND RIVER; TAX ID # 12-33-302-027; OWNER AND APPLICANT: MARK SCHAFFER; ZONING: B-2 (GENERAL BUSINESS)

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

Applicant Mark Shaffer explained his meetings with Rick Boisvert, BAFA, regarding the fire hydrant requirements and that he has decided to add onto the existing hair salon instead of constructing a larger building further back on his property. However, in order to do that, he needs a variance to add onto a non-conforming building. Additionally, he wants to extend the new roofline onto the non-conforming building. The new section of building will meet the Zoning Ordinance. K. Mathews reviewed her report dated April 30, 2019.

PUBLIC HEARING

The public hearing opened at 7:55 p.m.

None.

The public hearing closed at 7:55 p.m.

J. Cogley moved and J. Dorset seconded to **approve the variance request, an addition to a non-conforming building, a variance from *Article 21, Sec. 21-04* for ZBA #19/09, 10547/10561 Grand River; Tax ID # 12-33-302-027 to allow an addition to a non-conforming building and to extend the roofline to the existing building, for the following reasons: compliance with the strict letter of the restrictions 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 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; there are exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses; it solves problems on the site; and there is no expansion of the non-conformity.**

Ayes: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Nays: None

Motion carried.

REPORTS AND CORRESPONDENCE

None.

CALL TO THE PUBLIC

None.

J. Cogley moved and A. Lutes seconded to **adjourn.**

Ayes: F. Grapentien, A. Lutes (alt.), J. Cogley, J. Dorset

Nays: None

Motion carried.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Frak Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Recording Secretary