

MINUTES

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

AUGUST 22, 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. Dorset, J. Stinedurf, C. Moran (alt.), F. Grapentien, J. Cogley, S. Theis, A. Lutes (alt.)  
Absent: J. McKeon

CALL TO THE PUBLIC  
None.

AGENDA  
J. Stinedurf moved and J. Dorset seconded **to approve the agenda as presented.**  
Ayes: J. Gibbons, J. Dorset, J. Stinedurf, C. Moran (alt.), F. Grapentien, J. Cogley  
Nays: None  
Motion carried.

MINUTES  
J. Stinedurf moved and J. Cogley seconded **to approve the July 25, 2018 regular meeting minutes with the change as presented.**  
Ayes: J. Gibbons, J. Dorset, J. Stinedurf, C. Moran (alt.), F. Grapentien, J. Cogley  
Nays: None  
Motion carried.

S. Theis arrived at 7:07P.M.

ZBA APPLICATION # 18/14; LOCATION: 11542 HYNE; TAX ID # 12-10-400-009; OWNER AND APPLICANT: KIMBERLY AND BURKE DAVIS; ZONING: RC (RESIDENTIAL COUNTRY)  
a. Accessory Structure in Front Yard, a variance from *Article 3, Sec. 3-03* of the Zoning Ordinance.  
Applicant Burke Davis explained that he would like to construct an accessory structure in front of the home; due to the placement of the home far back on the property in the 1970's, he cannot build behind it, nor to the side of the property because it's wet, so he needs to build. K. Mathews reviewed her report dated July 24, 2018.

PUBLIC HEARING  
**The public hearing opened at 7:10 p.m.**  
None.  
**The public hearing closed at 7:10 p.m.**

J. Cogley moved and S. Theis seconded **to approve the variance request, Accessory Structure in Front Yard, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance for ZBA Application # 18/14; Location: 11542 Hyne; Tax ID # 12-10-400-009; Owner and Applicant: Burke Davis for the following reasons: the uniqueness of the property, topography, the distance from other properties, it's not self-created, and the placement of the house.**  
Ayes: J. Gibbons, J. Dorset, C. Moran (alt.), J. Stinedurf, F. Grapentien, J. Cogley, S. Theis  
Nays: None  
Motion carried.

ZBA APPLICATION # 18/13; LOCATION: 8266 WOODLAND SHORE DR.; TAX ID # 12-18-304-045; OWNER: MORRIS REVOCABLE TRUST; APPLICANT: SPENCER & SONS CONSTRUCTION; ZONING: R-5 (WATERFRONT RESIDENTIAL)

- a. Non-Conforming Building and Use, a variance from *Article 21, Sec. 's 21-03 and 04* of the Zoning Ordinance.
- b. Side Yard Setback, a variance from *Article 3, Sec. 3-03* of the Zoning Ordinance.
- c. Lot Coverage, a variance from *Article 3, Sec. 3-03* of the Zoning Ordinance.

Applicant Michael Morris and Applicant Representative, John Spencer, Spencer & Sons Construction, were in attendance and summarized their request to construct an attached garage and deck onto the property which is small for the district and is non-conforming since the current home is located too close to the lot line on the south side. The existing garage is non-usable and currently there is not a deck attached to the home. The applicant discussed the proposed project with the three (3) closest neighbors on both sides and received signatures from four (4) of the six (6). John Spencer, Spencer & Sons, discussed in detail the specific setback on the east side of the property and the fact that the lot is angled so the distance gets smaller from the lake to the road. Additionally, with the small lot, it is difficult to achieve twenty-five (25%) percent lot coverage. K. Mathews reviewed her report dated July 24, 2018.

**PUBLIC HEARING**

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

Doug Mancini, 3441 Hilton Bay Ct. - Improving house and lake; support.

**The public hearing closed at 7:22 p.m.**

J. Dorset moved and J. Stinedurf seconded **to approve the variance request, Non-Conforming Building and Use, a variance from Article 21, Sec.'s 21-03 and 04 of the Zoning Ordinance for ZBA Application #18/13; Location: 8266 Woodland Shore Drive; Owner: Morris Revocable Trust; Applicant: Spencer & Sons Construction; Zoning: R-5 (Waterfront Residential) to allow a deck and attached garage to be added to a non-conforming building for the following reasons: the home was built in 1956 and pre-dated the Zoning Ordinance so in order to allow any additions to the home, since the home is located only 2.5 ft. from the east lot line, rather than the five (5) ft. required, this variance is required.**

Ayes: J. Gibbons, J. Dorset, C. Moran (alt.), J. Stinedurf, F. Grapentien, J. Cogley, S. Theis

Nays: None

Motion carried.

J. Dorset moved and J. Stinedurf seconded **to approve the variance requests for a side setback of 1.7 ft. from the required five (5) ft. and lot coverage of 31% from the required 25% from Article 3, Sec. 3-03 of the Zoning Ordinance for ZBA Application #18/13; Location: 8266 Woodland Shore Drive; Owner: Morris Revocable Trust; Applicant: Spencer & Sons Construction; Zoning: R-5 (Waterfront Residential) for the following reasons: the variance requests will do the owner and neighbors substantial justice; will not interfere with other property owners in the area; extraordinary circumstance of the size of the lot; and is not impacting future development of lots in the area.**

Ayes: J. Gibbons, J. Dorset, C. Moran (alt.), F. Grapentien, J. Cogley, J. Stinedurf, S. Theis

Nays: None

Motion carried.

ZBA APPLICATION # 18/15; LOCATION: 12320 HYNE; TAX ID # 12-11-300-007; OWNER AND APPLICANT: JOSEPH BALHORN; ZONING: RC (RESIDENTIAL COUNTRY)

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

Applicant Joseph Balhorn was in attendance. He discussed his variance request to add a detached garage and covered porch and future pool which increases his lot coverage from five (5%) percent to nine (9%) percent. The property is two (2) acres in a 2.5-acre area. Planner K. Mathews reviewed her report dated July 27, 2018.

**PUBLIC HEARING**

**The public hearing opened at 7:35 p.m.**

None.

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

There was a question regarding whether the driveway was planned to the rear of the property for the detached structure.

J. Cogley moved and S. Theis seconded **to approve the variance request, lot coverage of 9%, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance for ZBA Application # 18/15; Location: 12320 Hyne; Tax ID # 12-11-300-007; Owner and Applicant: Joseph Balhorn for the following reasons: the uniqueness of the lot i.e. there is farm land to the east, west, and south, the size of the lot v. what is allowable in the district, there aren't too many small lots in the area, and no neighbor concerns.**

Ayes: J. Dorset, C. Moran (alt.), F. Grapentien, J. Gibbons, J. Cogley, S. Theis

Nays: J. Stinedurf

Motion carried.

ZBA APPLICATION # 18/16; LOCATION: 9956 E. GRAND RIVER; TAX ID # 12-32-300-044; OWNER: BRIGHTON VICTOR LLC; APPLICANT: INTERCITY NEON; ZONING: B-2 (GENERAL BUSINESS)

a. Specific Sign Regulations, variances from *Article 17, Sec. 17-06* of the Zoning Ordinance (height and square footage).

It was discussed that there were a few minor typos on the application. The Applicant Representative from Intercity Neon explained that DFCU has a brand image for their signage, and in order to achieve the image they desire, they need variances to allow a larger and taller sign. Specifically, a 47.7 sq. ft., 6.9 ft. high sign v. the allowable thirty-two (32) sq. ft., forty-two (42) inch high sign is requested. K. Mathews reviewed her report dated July 30, 2018.

PUBLIC HEARING

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

None.

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

F. Grapentien moved and S. Theis seconded **to table the variance request, Sign Regulations, variances from Article 17, Sec. 17-06 of the Zoning Ordinance (height and square footage) for ZBA Application # 18/16; Location: 9956 E. Grand River; Tax ID # 12-32-300-044; Owner: Brighton Victor LLC; Applicant: Intercity Neon.**

Ayes: J. Gibbons, J. Dorset, C. Moran (alt.), S. Theis, F. Grapentien, J. Cogley, J. Stinedurf

Nays: None

Motion carried.

ZBA APPLICATION # 18/07; LOCATION: LANGDON DR. AND WALSH; TAX ID #'s 12-32-201-086 and 085; OWNER AND APPLICANT: JOHN AND JENNIFER CONELY; ZONING: R-4 (RESIDENTIAL SINGLE FAMILY)

a. Front Yard Setback, a variance from *Article 3, Sec. 3-03* of the Zoning Ordinance.

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

Applicant Representative Dave LeClair, Livingston Engineering, overviewed the request to take (2) lots and split them back to their original platted lots which would make eight (8) lots. In order to have desirable lots, the two (2) corner lots on Walsh and Loch Lomond and Langdon and Loch Lomond, are requested to have a five (5) setback on Loch Lomond, instead of the required twenty-five (25) ft. Since the lots will be small, in order to build reasonably sized homes on the lots, the lot coverage proposed is forty-two (42%) percent instead of the required twenty-five (25%) percent. Mr. LeClair stated that the area was platted in 1929 and there are many lots and homes similar to what they are proposing for the area. He stated the two (2) existing duplexes would be demolished. It was discussed that sewer may be extended from Old 23 to the properties. K. Mathews reviewed her report dated June 4, 2018.

**The public hearing opened at 8:10 p.m.**

James Boisvert, 5029 Langdon - Most of the area are double lots; some are single; want improvements in the area; four homes would be acceptable, not eight.

Chris VanCamp, 5022 Langdon - He lives on a single lot with a 1400 sq. home and attached garage; he doesn't know how you can fit homes on the small lots; four homes v. eight homes would be acceptable.

Justin Packman, 5065 Langdon - Been in the area for one year, want increased value and profit from home; this will decrease value.

Dawn Boisvert, 5029 Langdon - There's a junk yard in this area; this proposal isn't helping them; they fix their own roads since they're private - increased traffic on Loch Lomond.

Felicia Barone, 4911 Langdon - She's across from junk yard; not eight homes; doesn't agree.

It was stated that Joe Boggs, 4985 Langdon; Mike Jernigan, 4961 Langdon; and another property owner had attended the last two meetings when the matter was postponed but weren't able to come tonight but they are opposed.

James Boisvert, 5029 Langdon - Don't know what the plans are for the homes - rental, owner-occupied?

**The public hearing closed at 8:20 p.m.**

S. Theis stated that he was friends with Mr. Conely so he recused himself from voting on the matter. Allan Lutes, ZBA alternate, was in the audience so he stepped in for Mr. Theis.

J. Cogley moved and J. Gibbons seconded to **approve the variance request, Front Yard setback, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance to allow a five (5) ft. v. twenty-five (25) ft. setback from Loch Lomond for ZBA Application # 18/07; Location: Langdon Drive and Walsh; Tax ID #'s 12-32-201-086 and 085; Owner and Applicant: John and Jennifer Conely.**

Ayes: None

Nays: J. Gibbons, J. Dorset, C. Moran (alt.), A. Lutes (alt.), F. Grapentien, J. Cogley, J. Stinedurf

Motion failed.

Applicant Representative Dave LeClair stated that the applicant would be amenable to allow a fifteen (15) ft. setback along Loch Lomond instead of the requested five (5) ft.

Lutes moved and J. Stinedurf seconded to **deny the variance request, Front Yard setback, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance to allow a five (5) ft. v. twenty-five (25) ft. setback from Loch Lomond for ZBA Application # 18/07; Location: Langdon Drive and Walsh; Tax ID #'s 12-32-201-086 and 085; Owner and Applicant: John and Jennifer Conely for the following reasons. Compliance with the strict letter of the restrictions governing lot coverage and setbacks for the homes would not unreasonably prevent the use of the property. Granting of the requested variances would not do substantial justice to the applicant as well as to other property owners in the district and is not 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 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 interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. There are not exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses.**

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

Nays: None

Motion carried.

J. Dorset moved and J. Gibbons seconded to **approve the variance request, Lot Coverage, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance to allow a forty-two (42%) percent lot coverage v. twenty-five (25%) percent lot coverage for ZBA Application # 18/07; Location: Langdon Drive and Walsh; Tax ID #'s 12-32-201-086 and 085; Owner and Applicant: John and Jennifer Conely.**

Ayes: None

Nays: J. Gibbons, J. Dorset, C. Moran (alt.), A. Lutes (alt.), F. Grapentien, J. Cogley, J. Stinedurf

Motion failed.

Dorset moved and C. Moran seconded to **deny the variance request, Lot Coverage, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance to allow a forty-two (42%) percent lot coverage v. twenty-five (25%) percent lot coverage for ZBA Application # 18/07; Location: Langdon Drive and Walsh; Tax ID #'s 12-32-201-086 and 085; Owner and Applicant: John and Jennifer Conely for the following reasons. Compliance with the strict letter of the restrictions governing lot coverage and setbacks for the homes would not unreasonably prevent the use of the property. Granting of the requested variances would not do substantial justice to the applicant as well as to other property owners in the district and is not 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 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 interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. There are not exceptional circumstances or conditions applicable to the property and the intended use that do not generally apply to other properties or uses.

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

Nays: None

Motion carried.

#### REPORTS AND CORRESPONDENCE

J. Stinedurf - PC update: Kensington daycare.

S. Theis - TB update: SAD's, sewer lawsuit.

C. Moran - No Utilities Committee.

#### CALL TO THE PUBLIC

None.

C. Moran moved and S. Theis seconded **to adjourn.**

Motion carried.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

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Frank Grapentien, Chairperson

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John Gibbons, Secretary

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Kelly Matthews, Recording Secretary

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Ann M. Bollin, CMC, CMMC, Clerk