

MINUTES

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

SEPTEMBER 23, 2020
REGULAR MEETING
6:30 P.M.
(810) 229.0562

Chairperson F. Grapentien called the meeting to order at 6:30 P.M. The Pledge of Allegiance was said.
Present: F. Grapentien, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons, J. McKeon
Absent: S. Theis

CALL TO THE PUBLIC
None.

AGENDA

J. Cogley moved and J. McKeon seconded **to approve the agenda as presented.**
Ayes: F. Grapentien, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons, J. McKeon
Nays: None
Motion carried.

MINUTES

J. Dorset moved and J. Gibbons seconded **to approve the August 26, 2020 regular meeting minutes as presented.**
Ayes: F. Grapentien, J. Cogley, J. Gibbons, J. Stinedurf, J. Dorset, J. McKeon
Nays: None
Motion carried.

ZBA APPLICATION # 20/06; LOCATION: 11368 PHILWAY; TAX ID # 12-10-300-055; OWNER AND APPLICANT: MARC AND LAURA MESSINA; ZONING: RC (RESIDENTIAL COUNTRY)

- a. Accessory Structure, a variance from *Article 3, Sec. 3-04 (c), Accessory Structures* of the Zoning Ordinance
- b. Front Yard Setback, *Article 3, Sec. 3-03*, of the Zoning Ordinance
- c. Lot Coverage, *Article 3, Sec. 3-03*, of the Zoning Ordinance

Applicant Marc Messina overviewed his request to place an accessory structure in the front area of this property due to the topography of the site - the rear and side are steep and drop off significantly. K. Mathews reviewed her report dated August 18, 2020.

PUBLIC HEARING

The public hearing opened at 6:47 p.m.

Three (3) letters were in the packet from neighbors: Robert Marshall, Barbara Williams, and Sean Harte - all in support.

Carol Messina, adjacent lot - support
Shannon Harte and Brenan Fons, 1801 Corlett - support
Barbara Williams, 1889 Corlett - support.

The public hearing closed at 6:57 p.m.

J. Gibbons moved and J. Stinedurf seconded **to approve the variance requests, Accessory Structure, a variance from Article 3, Sec. 3-04 (c), Accessory Structures of the Zoning Ordinance, Front Yard Setback, Article 3, Sec. 3-03, of the Zoning Ordinance (30 ft. variance), and Lot Coverage, Article 3, Sec. 3-03, of the Zoning Ordinance (.6% variance) for ZBA Application # 20/06; Tax ID #12-10-300-055 for the following reasons: compliance with the strict letter of the restrictions 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; there are exceptional circumstances or conditions applicable to the property, and the applicant will place landscaping on three (3) sides of the accessory structure.

Ayes: F. Grapentien, J. McKeon, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons

Nays: None

Motion carried.

ZBA APPLICATION # 20/07; LOCATION: 8296 WOODLAND SHORE DRIVE; TAX ID # 12-18-304-038; OWNER AND APPLICANT: KENNETH AND GINA VANTINE; ZONING: R-5 (WATERFRONT RESIDENTIAL)

- a. Addition to Existing Non-Conforming Uses and Buildings or Structures, variances from *Article 21, Sec. 's 21-03 and 21-04*, of the Zoning Ordinance
- b. Side Yard Setback, *Article 3, Sec. 3-03*, of the Zoning Ordinance
- c. Lot Coverage, *Article 3, Sec. 3-03*, of the Zoning Ordinance
- d. Natural Features/Waterfront Setback, *Article 3, Sec. 3-03*, of the Zoning Ordinance

Applicant Kenneth VanTine overviewed his variance request for variance (a), non-conforming use and building, describing the age of the structure and that it is located eight (8) inches short of the required five (5) ft. southerly side yard setback and they would like to extend a lower level addition seven (7) ft. toward the lake with a roof over it and will remove the retaining walls on the north and south side of the property. K. Mathews reviewed her report dated August 25, 2020.

PUBLIC HEARING

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

E-mails were in the packet from Paul Adams, 8290 Woodland Shore Drive and Gina Szkrybalo, 8282 Woodland Shore Drive - both in support

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

J. Dorset moved and J. Stinedurf seconded to approve the variance request, an addition to an existing non-conforming uses and buildings or structures, variances from *Article 21, Sec. 's 21-03 and 21-04*, of the Zoning Ordinance for ZBA Application # 20/07; Tax ID #12-18-304-038 to allow an addition to a non-conforming building and use 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; and there are exceptional circumstances or conditions applicable to the property.

Ayes: F. Grapentien, J. McKeon, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons

Nays: None

Motion carried.

Applicant Kenneth VanTine overviewed the three (3) additional variance requests for the addition, side yard setback, lot coverage, and natural features/waterfront setback variance describing the existing structure which is located eight (8) inches short of the required five (5) ft. southerly side yard setback and that the lake addition will continue that setback and they've designed the addition to minimize the lake side sight impact. K. Mathews reviewed her report dated August 25, 2020.

PUBLIC HEARING

The public hearing opened at 7:17 p.m.

E-mails were in the packet from Paul Adams, 8290 Woodland Shore Drive and Gina Szkrybalo, 8282 Woodland

Shore Drive - both in support
The public hearing closed at 7:17 p.m.

J. Cogley moved and J. Dorset seconded to approve the variance requests, side yard setback (8 inch variance), lot coverage (7% variance), and natural features/waterfront setback variance (10.75 ft. variance) from *Sec. 3-03 of the Zoning Ordinance for ZBA Application # 20/07; Tax ID #12-18-304-038* for the following reasons: compliance with the strict letter of the restrictions 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 variance 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; there are exceptional circumstances or conditions applicable to the property; and there are no objections from the neighbors.

Ayes: F. Grapentien, J. McKeon, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons

Nays: None

Motion carried.

ADOPTION OF UPDATED ZBA BYLAWS

The ZBA overviewed the revised ZBA bylaws and had three (3) sections to review with the Township Attorney prior to the next meeting.

F. Grapentien moved and J. Gibbons seconded to approve the ZBA bylaws, except for the three (3) sections which will be reviewed at the next meeting.

Ayes: F. Grapentien, J. Cogley, J. Gibbons, J. Stinedurf, J. Dorset, J. McKeon

Nays: None

Motion carried.

REPORTS AND CORRESPONDENCE

J. Stinedurf - PC Update - Pure Energy

F. Grapentien - Sewer Update

CALL TO THE PUBLIC

None.

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

Ayes: F. Grapentien, J. McKeon, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons

Nays: None

Motion carried.

The meeting adjourned at 7:48 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Recording Secretary