

MINUTES

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

OCTOBER 28, 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, S. Theis, A. Lutes (alt.)

S. Theis joined the meeting a few minutes late.

CALL TO THE PUBLIC

None.

AGENDA

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

Ayes: F. Grapentien, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons, J. McKeon, S. Theis, A. Lutes (alt.)

Nays: None

Motion carried.

MINUTES

J. Stinedurf moved and J. McKeon seconded **to approve the September 23, 2020 regular meeting minutes as presented.**

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

Nays: None

Abstain: S. Theis, A. Lutes (alt.)

Motion carried.

ZBA APPLICATION # 20/08; LOCATION: 9774 NATURE VALLEY; TAX ID # 12-20-401-034; OWNER AND APPLICANT: JOHN PFEFFER; ZONING: R-3 (RESIDENTIAL SINGLE FAMILY)

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

Chairperson F. Grapentien overviewed the variance request. Two (2) e-mails: one e-mail dated September 22, 2020 from Laina Blair, HOA representative, and one e-mail dated October 6, 2020 from Tom Lazenby, 3652 Bay Harbor, both in support of the project were reviewed. Applicant John Pfeffer overviewed his request to install an in-ground pool on his property. K. Mathews overviewed her report dated September 18, 2020.

PUBLIC HEARING

The public hearing opened at 6:44 p.m.

None.

The public hearing closed at 6:44 p.m.

J. McKeon moved and J. Stinedurf seconded **to approve the variance request, Lot Coverage, a variance from Article 3, Sec. 3-03, of the Zoning Ordinance (5% variance) for ZBA Application # 20/08; Tax ID #12-20-401-034 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, S. Theis, A. Lutes (alt.)

Nays: None

Motion carried.

ZBA APPLICATION # 20/09; LOCATION: 2653 PARKLAWN; TAX ID # 12-16-301-050; OWNER: DONALD AND ELIZABETH BARGO; APPLICANT: TRI-COUNTY BUILDERS; ZONING: R-5 (WATERFRONT RESIDENTIAL)

- a. Expansion of a Non-Conforming Building and Use, variances from *Article 21, Sec. 's 21-03 and 21-04*, of the Zoning Ordinance
- b. Side Yard Setback, *Article 3, Sec. 3-03, District Regulations*, of the Zoning Ordinance

Chairperson F. Grapentien overviewed the variance request. Ten (10) e-mails from neighboring properties dated September 22, 2020 were read into the record - all in support. (2635 Parklawn – Rebekah Skiver; 2639 Parklawn – Theresa Leibold; 2667 Parklawn – Daniel and Roxanne Garber; 2675 Parklawn – Kevin Opalek; 2735 Parklawn – Thomas Westran; 2611 Parklawn – Ken Bogos; 2662 Parklawn – Pamela Favio; 2650 Parklawn – Jared Graham; 2659 Parklawn – John Hasley; 2647 Parklawn – Brenda Scotton). One e-mail dated October 27, 2020 from Brian Tatum, 2683 Parklawn, inquiring about the Applicant parking cars on the park property to the west was also read into the record. Applicant Representative Chris Childs, Tri-County Builders, overviewed the variance requests. Donald and Elizabeth Bargo, Owners, were in attendance. Mr. Childs explained that the proposal was for a sunroom to be built over a non-conforming deck. K. Mathews overviewed her report dated September 24, 2020.

PUBLIC HEARING

The public hearing opened at 7:00 p.m.

The e-mails previously referenced were discussed briefly.

The public hearing closed at 7:02 p.m.

F. Grapentien moved and A. Lutes (alt.) seconded to approve the variance request, an expansion to an existing non-conforming building and use, variances from *Article 21, Sec.'s 21-03 and 21-04*, of the Zoning Ordinance for ZBA Application # 20/09; Tax ID #12-16-301-050 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, S. Theis, A. Lutes (alt.)

Nays: None

Motion carried.

The ZBA had a lengthy discussion including the various encroachments on the property. Various motions were made and withdrawn, and it was finally decided to table the side yard setback variance in order to allow the Applicant time to make revisions to his project.

A. Lutes (alt.) and J. Cogley seconded to table the variance request for a side yard setback variance, a variance from *Article 3, Sec. 3-03, District Regulations*, of the Zoning Ordinance for ZBA Application # 20/09; Tax ID #12-16-301-050 in order to allow the Applicant to bring revised plans back.

Ayes: F. Grapentien, J. McKeon, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons, S. Theis, A. Lutes (alt.)

Nays: None

Motion carried.

APPROVAL OF UPDATED ZBA BYLAWS

The ZBA overviewed the final sections of the ZBA bylaws.

J. Cogley moved and S. Theis seconded **to approve the ZBA bylaws.**

Ayes: F. Grapentien, J. Cogley, J. Gibbons, J. Stinedurf, J. Dorset, J. McKeon, S. Theis, A. Lutes (alt.)

Nays: None

Motion carried.

REPORTS AND CORRESPONDENCE

J. Stinedurf - PC Update: Master Plan and Harmony of Brighton Pre-App Review

F. Grapentien - Sewer Update

CALL TO THE PUBLIC

None.

S. Theis moved and A. Lutes (alt). seconded **to adjourn.**

Ayes: F. Grapentien, J. McKeon, J. Cogley, J. Stinedurf, J. Dorset, J. Gibbons, S. Theis, A. Lutes (alt.)

Nays: None

Motion carried.

The meeting adjourned at 8:31 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

✓ Kelly Mathews, Recording Secretary