

MINUTES

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

FEBRUARY 23, 2022
REGULAR MEETING
6:30 P.M.
(810) 229.0562

Acting Chairperson J. Dorset called the meeting to order at 6:30 P.M. The Pledge of Allegiance was said.

Present: J. Dorset, J. Gibbons, J. McKeon, J. Cogley, A. Lutes (alt.), P. Lyon (alt.)

Absent: F. Grapentien, R. Drouillard

CALL TO THE PUBLIC

None.

AGENDA

J. McKeon moved and P. Lyon seconded **to approve the agenda as presented.**

Ayes: J. McKeon J. Cogley, J. Dorset, J. Gibbons, A. Lutes, P. Lyon

Nays: None

Motion carried.

MINUTES

A. Lutes moved and J. McKeon seconded **to approve the January 26, 2022 regular meeting minutes as presented.**

Ayes: J. Gibbons, J. Dorset, J. Cogley, J. McKeon, A. Lutes, P. Lyon

Nays: None

Motion carried.

ZBA APPLICATION #22/02: APPLICANT: MJ WHELAN CONSTRUCTION; OWNER: JUSTIN AND SUZANNE SPEWOCK; ADDRESS: 12168 DELLA DRIVE; TAX ID#: 12-23-101-010; ZONING: R-5 (WATERFRONT RESIDENTIAL)

a. Waterfront/Natural Features 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 from MJ Whelan Construction overviewed the variance request for a deck addition to their home. Applicant Suzanne Spewock was in attendance. K. Mathews overviewed her report dated January 24, 2022.

PUBLIC HEARING

The public hearing opened at 6:40 p.m.

Margaret Brower, 12161 Della - support.

The public hearing closed at 6:42 p.m.

A.Lutes moved and P. Lyon seconded **to approve the variance request, a variance to allow a deck in the waterfront yard, a variance from Section 3-03 of the Zoning Ordinance for ZBA Application # 22/02; Tax ID #12-23-101-010 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 will 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; and the variance does not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood; the variance is not self-created; and there are exceptional circumstances or conditions applicable to the property.**

Ayes: J. McKeon, J. Dorset, J. Gibbons, J. Cogley, P. Lyon, A. Lutes
Nays: None
Motion carried.

A. Lutes moved and P. Lyon seconded to approve the variance request, a variance to allow a deck to exceed the lot coverage, a variance from *Section 3-03* of the Zoning Ordinance for ZBA Application # 22/02; Tax ID #12-23-101-010 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 will 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; and the variance does not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood; the variance is not self-created; and there are exceptional circumstances or conditions applicable to the property.

ZBA APPLICATION #22/03: APPLICANT AND OWNER: MARY AND ROBERT MITCHELL (MARY SPLAN); ADDRESS: 3436 WATSEEDGE; TAX ID#: 12-22-201-015; ZONING: R-5 (WATERFRONT RESIDENTIAL)

a. Waterfront/Natural Features Setback, a variance from Article 3, Sec. 3-03 of the Zoning Ordinance
Applicant Robert Mitchell overviewed the need for the variance in order to an addition to the home. K. Mathews overviewed her report dated January 25, 2022.

PUBLIC HEARING

The public hearing opened at 6:55 p.m.

Mary Robes, 3444 Watersedge - concerns about potential drainage after the construction: HOA approval. She also had sent in a letter dated February 10, 2022.

The public hearing closed at 7:15 p.m.

J. Cogley moved and P. Lyon seconded to approve the variance request, a variance to allow an addition in the waterfront yard, a variance from *Section 3-03* of the Zoning Ordinance for ZBA Application # 22/03; Tax ID #12-22-201-015 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 will 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; and the variance does not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood; the variance is not self-created (the lake curves and the homes are not in line); and there are exceptional circumstances or conditions applicable to the property. The variance is not based on any Aging in Place factors.

Ayes: J. McKeon, J. Dorset, J. Gibbons, J. Cogley, P. Lyon, A. Lutes
Nays: None
Motion carried.

REPORTS AND CORRESPONDENCE

None.

CALL TO THE PUBLIC

None.

A.Lutes moved and P. Lyon seconded to adjourn.

Ayes: J. McKeon, J. Dorset, J. Gibbons, J. Cogley, A. Lutes, P. Lyon

Nays: None
Motion carried.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Recording Secretary