

MINUTES

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

JULY 27, 2022
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: J. Gibbons, P. Lyon (alt.), J. McKeon, J. Cogley, B. Prine, J. Dorset, F. Grapentien
Absent: R. Drouillard

CALL TO THE PUBLIC
None.

AGENDA

J. McKeon moved and P. Lyon seconded to **approve the agenda as presented.**
Ayes: J. Gibbons, P. Lyon (alt.), J. McKeon, J. Cogley, B. Prine, J. Dorset, F. Grapentien
Nays: None
Motion carried.

MINUTES

J. Cogley moved and B. Prine seconded to **approve the June 22, 2022 regular meeting minutes as presented.**
Ayes: J. Gibbons, P. Lyon (alt.), J. McKeon, J. Cogley, B. Prine
Nays: None
Abstain: J. Dorset, F. Grapentien
Motion carried.

ZBA APPLICATION #22/01: APPLICANT: McCOTTER ARCHITECTURE AND DESIGN, PLLC; OWNER: CHRISTOPHER BERRY; ADDRESS: 12230 DELLA DRIVE; TAX ID#: 12-23-101-015; 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.
- c. Front Yard Setback, a variance from *Article 3, Sec. 3-03* of the Zoning Ordinance.

Chairperson F. Grapentien overviewed the topic and read two (2) letters that were received after the packet, a letter from Timothy and Karen Dei, 12268 Della, dated July 25, 2022 and a letter from Cooper and Riesterer, dated July 22, 2022. Applicant Representative Tim McCotter, McCotter Architecture overviewed the changes from the March meeting when the project was tabled. He stated they met with the neighbor and moved the home back from the lake which required a third (3rd) variance, front yard setback from the road.

PUBLIC HEARING

The public hearing opened at 6:43 p.m.

Abby Cooper, Cooper and Riesterer highlighter her letter date July 22, 2022; doesn't meet Ordinance criteria.
Mike Loftis, 12242 Della, -opposed to the size of the home.
Diane Loftis, 12242 Della - opposed to the size; doesn't meet variance criteria.
Cathy Neil, 12200 Della - opposed to 3 variances; concerned about removal of trees.
Debbie Davis, 12217 Della – objects; mainly distance to street and concerns about construction traffic; precedents.
Diane Knoblauch, 12180 Della - opposed; should table and revisit the project.

The public hearing closed at 7:03 p.m.

B Prine moved and J. Cogley seconded to **approve the variance requests, variances to allow waterfront/natural features setback, lot coverage, and front yard setback variances to build a new home, variances from *Article 3, Sec. 3-03* of the Zoning Ordinance for ZBA Application # 22/01; Tax ID #12-23-101-015 for the following reasons:**

compliance with the strict letter of the restrictions would unreasonably prevent the use of the property; granting of the requested 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 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 variances do not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood; the variances are not self-created; and there are exceptional circumstances or conditions applicable to the property.

Ayes: B. Prine, J. Dorset

Nays: J. McKeon, J. Gibbons, F. Grapentien, P. Lyon (alt.), J. Cogley

Motion failed.

ZBA APPLICATION #22/13: APPLICANT AND OWNER: DANIEL & KATHLEEN WHITE; ADDRESS: 10288 E. GRAND RIVER; TAX ID#: 12-32-402-010; ZONING: B-1 (LOCAL BUSINESS)

a. Rear Yard Setback, a variance from *Article 6, Sec. 6-03* of the Zoning Ordinance.

Applicant Daniel White overviewed his request for a rear yard setback for an expanded loading area.

PUBLIC HEARING

The public hearing opened at 7:25 p.m.

None.

The public hearing closed at 7:25 p.m.

J. Dorset moved and P. Lyon seconded to approve the variance request, a variance to allow a rear yard setback variance for an expanded loading dock, a variance from *Article 6, Sec. 6-03* of the Zoning Ordinance for ZBA Application # 22/13; Tax ID #12-32-402-010 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: B. Prine, J. Dorset, J. McKeon, J. Gibbons, F. Grapentien, P. Lyon (alt.), J. Cogley

Nays: None.

Motion carried.

ZBA APPLICATION #22/14: APPLICANT AND OWNER: DAVID AND LESLIE BACKUS; ADDRESS: 4055 MARSH TRAIL; TAX ID#: 12-26-100-044; ZONING: RC (RESIDENTIAL COUNTRY)

Accessory Building in Front Yard Setback and larger than allowable and taller than allowable, variances from *Article 3, Sec. 3-04* (f) (g) (h) of the Zoning Ordinance.

Applicant Dave Backus overviewed his request for an accessory structure in the front yard on the Buno Road side of the property and taller and larger than allowable.

PUBLIC HEARING

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

Seven (7) e-mails were read into the record in support of the applicant that were not included in the packet.

J. Amman, 4132 Merna Lane - 7/22/22, support

S. Brown, 12570 Buno - 7/22/22 e-mail, support

K. Dettloff, 4204 Marsh Trail - 7/20/22 e-mail, support

C. Laske, 12421 Buno Rd. - 7/19/22 e-mail, support

J. Morden -7/25/22 e-mail, support

D. Smith - 7/23/22 email, support

E. Tuskens, 4143 Merna Lane - 7/25/22 e-mail, support

The public hearing closed at 7:40 p.m.

B. Prine moved and J. Dorset seconded to approve the variance request, a variance to allow an accessory structure in the front yard, a variance from *Article 3, Sec. 3-04(g)* of the Zoning Ordinance for ZBA Application # 22/14; Tax ID #12-26-100-044 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: B. Prine, J. Dorset, J. McKeon, J. Gibbons, F. Grapentien, P. Lyon (alt.), J. Cogley

Nays: None.

Motion carried.

J. Dorset moved and P. Lyon seconded to approve the variance requests, variance to allow an accessory structure higher and larger than allowed, variances from *Article 3, Sec. 3-04(h) and (f)* of the Zoning Ordinance for ZBA Application # 22/14; Tax ID #12-26-100-044 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 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 variances do not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood; the variances are not self-created; and there are exceptional circumstances or conditions applicable to the property.

Ayes: B. Prine, J. Dorset, J. McKeon, J. Gibbons, F. Grapentien, P. Lyon (alt.), J. Cogley

Nays: None.

Motion carried.

REPORTS AND CORRESPONDENCE

J. Dorset - Utilities Committee: Appeal for Sean Conely.

CALL TO THE PUBLIC

None.

P. Lyon moved and J. McKeon seconded to adjourn.

Ayes: J. Gibbons, F. Grapentien, P. Lyon (alt.), J. McKeon, J. Cogley, J. Dorset, B. Prine

Nays: None

Motion carried.

The meeting adjourned at 8:02 p.m.

Respectfully submitted, /

Frank Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Recording Secretary