

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
AGENDA
APRIL 14, 2011**

Blue Sky Session – 7:15 p.m.

Regular Session – 7:30 p.m.

1. Call to Order
2. Roll Call
3. Approval of the March 10, 2011 Meeting Minutes

Old Business

New Business

4. **City of Brighton Downtown Development Authority – 114, 118 & 128 W. North Street** is proposing to construct a temporary parking lot at the above addresses located within the DBD zoning district. The proposed temporary parking lot would not have curb and gutter, may not be graded and drained to city engineer standards and will not include landscape elements. The temporary parking lot will use curb blocks, will be placed abutting another parking lot along the street frontage and will be within 20 feet of any building facade on a frontage line. **Section 98-83 (7)** states that all off-street parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be surfaced and curbed prior to occupancy of the building. Surfacing and curbing shall be accomplished according to the city's design standards, as amended. The use of curb blocks is prohibited. **Section 98-83 (8)** states all parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be graded and drained to city engineer standards. Any required retention or detention area may be required to be landscaped. **Section 98-86 (2) (a)** states a planting strip at least ten feet in width shall be located along the perimeter of any parking area that abuts a right-of-way. Within this area, there shall be one deciduous shade tree for every 30 lineal feet and fraction thereof of planting strip. Arrangement of trees in groupings is encouraged, but trees shall not be more than 50 feet apart. There shall also be a 42-inch tall solid hedge of shrubs (evergreen or deciduous) to provide screening from adjacent roads and land uses. A brick wall may be considered by the planning commission and/or city council as an alternative to a planting strip, where appropriate. **Section 98-86 (2) (b)** states the use of curbed, parking aisle end caps shall be required and utilized as landscape islands. The parking aisle end cap shall not be less than 180 square feet in area and shall include at least one shade tree and ground cover such as grass, flowering perennials, and/or shrubs. Appropriate irrigation shall be provided. **Section 98-86 (2) (c)** states in addition to the perimeter landscaping required along a right-of-way and the landscaped parking aisle end caps, the following landscaping is required internal to the parking lot: **1.** An area equal to three percent of the total area devoted to parking spaces and drive aisles shall be landscaped and permeable. If the parking area has less than 20 parking spaces, this requirement may be waived by the planning commission and/or city council where appropriate. Existing tree stands or significant natural topography or vegetation that is incorporated into the parking area, may be considered as part of the internal landscaping area requirement. **3.** The required plant materials for the interior of parking areas shall be, one deciduous or evergreen tree for every 250 square feet of landscape area or one deciduous or evergreen tree for each 30 lineal feet, whichever is

most appropriate. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least six feet above the ground, and the remaining required landscape areas shall be planted with ground cover such as grass, flowering perennials and/or shrubs, not to exceed two feet in height. **Section 98-462 (e) (1)** states off-street parking shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and a frontage line. **Section 98-462 (e) (2)** states the placement of two abutting off-street parking lots with continuous street frontages shall not be permitted. A variance from Section 98-83 (7), Section 98-83 (8), Section 98-86 (2) (a, b, c) Section 98-462 (e) (1) and Section 98-462 (e) (2) to allow the construction of the temporary parking lot is being requested.

5. Staff Updates
6. Call to the Public
7. Adjournment

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
April 14, 2011**

1. Call to Order

Chairperson Rahilly called the meeting to order at 7:30 p.m. and the following members were present:

2. Roll Call

Gino Conedera – Present
Russ Gottschalk – Present
Patrick Rahilly – Present
Kirk Hanna – Present
Chad Cooper - Present
Dave Senak – Present
David McLane - Absent
Amy Cyphert
Lauri French

An audience of six was also present.

Motion by Board Member Cooper, seconded by Hanna, to excuse Board Member McLane from tonight's meeting. Motion carried 6-0-1.

3. Approval of the March 10, 2011 Meeting Minutes

Motion by Board Member Cooper, seconded by Hanna, to approve the March 10, 2011 minutes as presented. The motion passed 5-0-2, with Conedera abstaining.

New Business

- 4. City of Brighton Downtown Development Authority – 114, 118 & 128 W. North Street** is proposing to construct a temporary parking lot at the above addresses located within the DBD zoning district. The proposed temporary parking lot would not have curb and gutter, may not be graded and drained to city engineer standards and will not include landscape elements. The temporary parking lot will use curb blocks, will be placed abutting another parking lot along the street frontage and will be within 20 feet of any building facade on a frontage line. **Section 98-83 (7)** states that all off-street parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be surfaced and curbed prior to occupancy of the building. Surfacing and curbing shall be accomplished according to the city's design standards, as amended. The use of curb blocks is prohibited. **Section 98-83 (8)** states all parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be graded and drained to city engineer standards. Any required retention or detention area may be required to be landscaped. **Section 98-86 (2) (a)** states a planting strip at least ten feet in width shall be located along the perimeter of any parking area that abuts a right-of-way. Within this area, there shall be one deciduous shade tree for every 30 lineal feet and fraction thereof of planting strip. Arrangement of trees in groupings is encouraged, but trees shall not be more than 50 feet apart. There shall also be a 42-inch tall solid hedge of shrubs (evergreen or deciduous) to provide screening from adjacent roads and land uses. A brick wall may be considered by the planning commission and/or city council as an alternative to a planting strip, where appropriate. **Section 98-86 (2) (b)** states the use of curbed, parking aisle end caps shall be required and utilized as landscape islands. The parking aisle end cap shall not be less than 180 square feet in area and

shall include at least one shade tree and ground cover such as grass, flowering perennials, and/or shrubs. Appropriate irrigation shall be provided. **Section 98-86 (2) (c)** states in addition to the perimeter landscaping required along a right-of-way and the landscaped parking aisle end caps, the following landscaping is required internal to the parking lot: **1.** An area equal to three percent of the total area devoted to parking spaces and drive aisles shall be landscaped and permeable. If the parking area has less than 20 parking spaces, this requirement may be waived by the planning commission and/or city council where appropriate. Existing tree stands or significant natural topography or vegetation that is incorporated into the parking area, may be considered as part of the internal landscaping area requirement. **3.** The required plant materials for the interior of parking areas shall be, one deciduous or evergreen tree for every 250 square feet of landscape area or one deciduous or evergreen tree for each 30 lineal feet, whichever is most appropriate. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least six feet above the ground, and the remaining required landscape areas shall be planted with ground cover such as grass, flowering perennials and/or shrubs, not to exceed two feet in height. **Section 98-462 (e) (1)** states off-street parking shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and a frontage line. **Section 98-462 (e) (2)** states the placement of two abutting off-street parking lots with continuous street frontages shall not be permitted. A variance from Section 98-83 (7), Section 98-83 (8), Section 98-86 (2) (a, b, c) Section 98-462 (e) (1) and Section 98-462 (e) (2) to allow the construction of the temporary parking lot is being requested.

Ms. Cyphert reviewed the applicant's request. Matt Modrack, Executive Director of the Brighton Downtown Development Authority (DDA), described the plan for the property and noted that the plan cannot proceed without the requested variances. There are currently three non-conforming residential structures and a metal welding garage, all of which are in bad shape. The DDA's objective is to secure the property through a lease with removal of the three residential buildings by the lessor (Bartons) and removal of the welding garage by the lessee (DDA) to build a temporary, 28-space parking lot. Mr. Modrack noted that the lot would be crushed gravel, which costs less, with drainage to West St. The DDA objective is to preserve the site for future redevelopment.

He also noted that West, North and Main Streets are scheduled for a streetscape project in 2012 (August-October), and this project will provide 9 additional parking spaces. Fifth Third Bank is creating 4 new spaces on North St. in front of the by closing two driveways into the bank parking lot. Finally, there will be 12 public use spaces available at the former Chamber of Commerce site. Mr. Modrack also pointed out that the DDA has created over 100 new spaces in the past two years at the Cemetery lot, Second St. lot and on St. Paul St. He mentioned that a PSD subcommittee is trying to coordinate employee parking with downtown restaurants and satellite lots. The 28-space parking lot on the Barton property is necessary to accommodate growth downtown with the recent opening of Bagger Dave's and the opening this summer of The Pound. This plan cleans up the corner of West and North, provides parking at a minimum investment while marketing the property for redevelopment and eliminates non-conforming residential dwellings.

There was discussion about pedestrian access to the lot from Grand River, and Mr. Modrack noted that the DDA would have to purchase easements, which they would probably not do unless the site was redeveloped with a public lot. Mr. Hanna questioned whether there were gravel spots on the sites currently, and Mr. Modrack noted that while the sites were used for construction parking at Bagger Dave's, this is a non-conforming use. Other points discussed included how the basements, if any, at the three residences would have to be filled in with sand and that a fence would have to be put in for the lot above the location of the welding garage.

Mr. Cooper pointed out that if a variance is granted tonight, it stays with the property and noted that if the Bartons wanted to develop it just as a parking lot, the variance would apply to that, too. Mr. Modrack noted that the property was too valuable and he does not believe it would ever just be used for a parking lot. Mr. Hanna asked why the DDA doesn't just buy the property, to which Mr. Modrack responded it was not in their budget.

Chairperson Rahilly closed the regular meeting at 8:15 p.m. and opened up the public hearing portion of the meeting.

Susan Walters-Steinacker, 907 Brighton Lake Road, requests that this item be tabled based on her questions about the use of grant funds to tear down historical properties to the State Historical Preservation Office (SHPO) which she indicated are currently under review by the SHPO attorney.

Dave Beauchamp, Champ's Pub, 140 E. Grand River, noted that he belongs to a downtown restaurant group, BrightonDining.com, whose purpose is to market downtown dining and bring people downtown. His members estimate there have been 500 restaurant seats added to downtown. The variances requested tonight are for properties directly behind his restaurant. He also noted that the DDA would not be responsible for taking the houses down, the owners of the property would.

Mark Binkley, Cooper & Binkley Jewelers, 105 W. Main St., reminded the board that the key word here is "temporary" and that parking has not been a problem until Bagger Dave's opened. The DDA is taking a proactive approach to future development and space for employee parking.

Don Siegel, owner of 110 E. Grand River (Bagger Dave's), noted that if the variances are not granted tonight, we will be looking at Bill & Bev Barton's buildings for a very long time. Granting the requested variances would be a win-win for everyone.

Mindy Kenzie, Brighton Township, spoke as a member of the Brighton Area Historical Society. She does not support tearing down these historical structures.

Chairperson Rahilly read the attached letters in favor of granting the variances from the following:

Nick & Lindsay Palizzi, Downtown Main Martini Bar, 401 W. Main St. (also residents)
Nancy Johnson, Building Owner, 121 W. North St.
Paul & Lynne Karty, Building Owners, Next Generation, 209 W. Main St.
Kevin Montagano, The Pound, 139 W. Main St.
Greg Strouse, Owner, Leaf, Barley & Vine, 139 E. Grand River (also a resident)

Chairperson Rahilly closed the public hearing at 8:35 p.m. and reopened the regular meeting.

Mr. Modrack asked to respond to Ms. Steinacker's comment. He said he believes she was referring to correspondence sent to Katherine Czarnecki at the MEDC by Ms. Steinacker advising that the DDA was allegedly tearing down historic buildings. Ms. Czarnecki sent back a response that no grant money was being used for this proposed project. Mr. Modrack also noted that he has a preservation inclination and has been involved with historical building preservation during his career, notably the PIX Theater and old Post Office in Lapeer.

Chairperson Rahilly clarified that the applicant is requesting a variance for a temporary parking lot, not a temporary variance. Mr. Cooper noted that this is a voluntary improvement to property and neighbors, it positions the property for redevelopment per the Master Plan and it puts the property into a better tax basis by investing in infrastructure (parking lot) which should encourage development. Mr. Hanna stated he was concerned with granting a permanent variance and that the DDA should explore leasing the current parking area, which he estimates at 15 spaces; the variance wouldn't be needed and the buildings could still be torn down. Mr. Senak stated this is a way to create a better downtown; by improving the property, someone will want to develop it versus being a current eyesore. Mr. Rahilly and Mr. Hanna both noted they have a problem with granting a permanent variance for a temporary use. Mr. Conedera stated that if this were someone other than the DDA requesting the variances, the board would be all over it. Mr. Modrack noted that the lease agreement is contingent on receiving approvals from the City.

Motion by Mr. Cooper, seconded by Mr. Senak, to grant the variance as requested by the applicant based on uniqueness, voluntary improvement to the property, provides minimal impact to business owners and

positions the property for more appropriate redevelopment with a better tax basis with the condition that if lessee is no longer continuously leasing for parking purposes it reverts back to a seeded pasture.

A roll call vote was taken as follows:

Mr. McLane – Absent; Mr. Cooper – Yes; Mr. Rahilly – No; Mr. Conedera – No; Mr. Senak – Yes; Mr. Hanna – No; Mr. Gottschalk – Yes. Motion failed on a 3-3-1 vote.

5. Staff Updates

Ms. Cyphert advised the board that there may possibly be a ZBA meeting in May and that she would let them know as soon as possible.

6. Call to the Public

Chairperson Rahilly made a Call to the Public at 9:10 p.m. Hearing no response, Call to the Public was closed.

7. Adjournment

Motion by Mr. Hanna, seconded by Mr. Gottschalk, to adjourn the meeting at 9:10 p.m. Motion carried 5-0-1.

Respectfully submitted,

Lauri French, Administrative Assistant
Community Development Department
April 18, 2011