

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
October 9, 2014**

1. Call to Order

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

2. Roll Call

David Chaundy – Present
Russ Gottschalk – Present
Doug Angst – Present
Ricci Bandkau - Present
Dave Senak – Present
David McLane – Present
Alicia Urbain – Present
Amy Cyphert
Lauri French
Audience – 3

Chairperson Angst welcomed new board member David Chaundy.

3. Approval of the August 14, 2014 Meeting Minutes

Motion by Board Member Senak, seconded by Bandkau, to approve the meeting minutes of August 14, 2014.
Motion carried 5-0-2 with Board Members McLane and Chaundy abstaining.

4. Approval of the October 9, 2014 Meeting Agenda

Motion by Board Member Urbain, seconded by Chaundy, to approve the October 9, 2014 agenda as presented.
Motion carried 7-0.

Old Business

New Business

5. St. Paul's Episcopal Church at 200 W. St. Paul (4718-30-304-074), is proposing two ground signs for the site; one ground sign at 30 square feet and a second ground sign at 21 square feet. The building has an existing wall sign. Section 66-91 (a) (12) states churches are permitted to erect a sign not to exceed 18 square feet in area or any over-all height of six feet. Variances to allow a second sign at 30 square feet and third sign at 21 square feet are being requested.

Chairperson Angst asked the applicant to review the variance request. Reverend Deon Johnson, rector at St. Paul's Episcopal Church, 200 W. St. Paul, explained that the church is not located on a major street like other churches in the city which have 2-sided signs. St. Paul's is the only church in the city on a one-way street and they do get a lot of pedestrian traffic. However, the only sign is on the side of the building which requires walkers to look up in addition to the fact that the building sign does not list the times of church services. In response to a question from Board Member Senak about the difference in the sizes of the two signs, Reverend Johnson noted that the larger one would be located at the old main entrance and the smaller one at the new side entrance closer to Grand River, which would be placed at an angle. There was discussion about whether pedestrians would be able to see both signs and whether one sign would be sufficient. Reverend Johnson noted that there is no good location for a single 2-sided sign due to the grade differential on the site.

Chairperson Angst closed the regular meeting and opened the public hearing at 7:40 p.m. Hearing no comments from the public, he reopened the regular meeting. Board Member Chaundy asked Ms. Cyphert for clarification about the number of signs as it appeared from the drawings that there would actually be 4 signs, not 2. Ms. Cyphert explained that we square out the total area of the signs so that 2 signs on one post are considered all one sign.

Chairperson Angst stated that he doesn't see the need for two signs and Board Member McLane noted that two signs could cause clutter on St. Paul Street.

Motion by Board Member McLane, supported by Chaundy, to grant a variance to allow one (1) 21 square foot ground sign at the main entrance to St. Paul's Episcopal Church, 200 W. St. Paul, on the basis of hardship per Grounds for Variance, (e)(1)(2) as the sign is in particularly good design and in particularly good taste, the entire site is of good design as evidenced by the recent church expansion and the variance does not go against the spirit and purpose of the chapter in the public interest. There was further discussion regarding the size of the sign and whether the size of the sign should be left up to the applicant and which entrance is considered the main entrance. The motion was then amended by Board Member McLane and supported by Chaundy to grant the variance to allow the larger 30 square foot sign and to clarify that its location will be at the entrance closest to Grand River. A roll call vote was taken as follows:

Board Member McLane – Yes
Board Member Bandkau – Yes
Board Member Urbain – No
Board Member Chaundy – Yes

Board Member Senak - Yes
Board Member Angst - Yes
Board Member Gottschalk - Yes

The motion carried 6-0-1.

6. Dale Cooper, 818 Brighton Lake Road (18-31-100-093), is proposing a lot split that would result in the property having 51.46 feet of frontage on Brighton Lake Road. Section 98-53 states each parcel of real estate within the city shall provide a minimum of 66 feet of frontage on an improved public right-of-way. A variance of 14.54 feet is being requested.

Chairperson Angst asked the applicant to review the variance request. Dale Cooper, 818 Brighton Lake Road, reviewed the affected properties on the survey that was recently done. He noted that there are three parcels involved but his is the only one that requires a variance because the proposed lot split would result in his property having 51.46 feet of frontage instead of the 66 feet required in the ordinance. He believes prior sales of the properties were done without property surveys, just mortgage surveys, and that the lot lines have been incorrect for years. Owners have added buildings, fences and air conditioning units assuming the current lot lines are accurate, which they found out with the recent Boss Engineering survey was not a correct assumption.

He stated that the current lot line for the property at 820 Brighton Lake Road is only one foot from the house and the other side of the property is very steep. The current lot line cuts the location of the 820 Brighton Lake Road property's air conditioning unit in half and their driveway is mostly located on his property at 818 Brighton Lake Road. The new proposed lot line will allow most of the driveway for 820 Brighton Lake Road to be within the 820 Brighton Lake Road property lines but 818 Brighton Lake Road will lose some frontage. He noted that the property owner at 820 Brighton Lake Road would not be able to get to his back yard to mow his lawn without the lot split; currently the owner walks on Mr. Cooper's property to access his rear yard. Mr. Cooper noted that half of his driveway is currently on his neighbor's property at 812 Brighton Lake Road and his neighbor happens to be his daughter. With the new proposed lot line, he will gain frontage from 812 Brighton Lake Road, but the combination of the property transfers leaves him with a non-conforming parcel, hence the need for the variance request. He noted that the three property owners are in agreement and they will exchange quit claim deeds with the new legal descriptions and transfer of property described. Ms. Cyphert confirmed that the City did not receive any comments as a result of the 300 foot mailing for this variance request.

Chairperson Angst closed the regular meeting and opened the public hearing at 8:05 p.m. Susan Walters-Steinacker, 907 Brighton Lake Road, spoke in opposition to the variance request. She noted that two other variances have been approved for construction at 818 Brighton Lake Road which, in her opinion, is the cause of the problems on this parcel. She also stated that while she received notification letters for the prior two variances, she had not received a letter for this one and had to find out about it via the notice in the newspaper. Ms. Cyphert responded that our BSA Assessing software calculates the parcels within 300 feet of the parcel for which the variance is being requested.

Mr. Cooper refuted Ms. Walters-Steinacker's assertion that he created the problem for which the variance is being requested and said she was incorrect that construction of his garage and breezeway caused the problem.

Chairperson Angst closed the public hearing and reopened the regular meeting at 8:14 p.m. There was discussion about the 14' strip of property on the north side of the property and how it would be transferred to Mr. Cooper. Board Member Urbain advised that this is done through the quit claim deed language. Board Member McLane noted that this is a complicated issue and he commended Mr. Cooper for working with his neighbors to resolve it.

Motion by Board Member McLane, supported by Senak, to approve the variance of 14.54 feet for 818 Brighton Lake Road (4718-31-100-093) due to the hardships of accessing the affected properties, lot line concerns and utility issues as discussed at tonight's meeting. A roll call vote was taken as follows:

Board Member Chaundy – Yes
Board Member Angst – Yes
Board Member McLane – Yes
Board Member Senak - Yes

Board Member Gottschalk - Yes
Board Member Urbain - Yes
Board Member Bandkau - Yes

The motion carried 7-0.

7. Staff Updates

Ms. Cyphert advised that she does not have any requests for the November meeting and would advise the Board members if there will be a meeting or not.

8. Call to the Public

Chairperson Angst made a Call to the Public at 8:19 p.m. Hearing no response, call to the public was closed.

9. Adjournment

Motion by Board Member Urbain, seconded by Gottschalk, to adjourn the meeting at 8:19 p.m. **Motion carried 7-0.**

Respectfully submitted,

Lauri French, Deputy Director
Community Development, Planning & Zoning
October 10, 2014