

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
May 11, 2017**

1. Call to Order

Chairman 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
Dave Senak – Present
David McLane – Present
Alicia Urbain – Present
Renee Pettengill – Present

Michael Caruso, Zoning Administrator; Brandon Skopek, Community Development Associate; Brad Maynes, City Attorney

Audience - 0

3. Approval of the April 13, 2017 Meeting Minutes

Moved by Board Member Pettengill, seconded by Board Member Chaundy, to approve the meeting minutes of April 13, 2017 as presented. The motion passed unanimously.

4. Approval of the May 11, 2017 Agenda

Moved by Board Member Chaundy, seconded by Board Member Gottschalk, to approve the May 11, 2017 agenda as presented. The motion passed unanimously.

Old Business

New Business

5. (ZBA 17-005) Group 10 Management, 8615 W. Grand River, is requesting a variance from required parking spaces to allow for the addition of dedicated reserved drive thru spaces.

Mr. Thom Dumond, representing Group 10 Management, said their development has two vacant retail spaces that will have more intense uses. They have received site plan approval by the Planning Commission for a parking lot expansion that will give them 176 spaces. Previously, they had been denied a variance for 17 spaces when they had a total of 136 spaces. They are asking for a variance of 4 parking spaces for the Panda Express, whom is required to have 4 drive-thru spaces for customers waiting for their orders.

Board Member Senak asked if they had received City Council and Planning Commission approval and what date they would be completing the parking lot?

Mr. Dumond stated they would plan to start in the next six weeks.

Board Member Senak asked if it would hurt them to remove the signs that were installed in violation of their current approved site plan until the parking lot is complete.

Zoning Administrator Caruso clarified that City Council approved the site plan with the condition that the signs be removed.

Board Member Pettengill stated that she has received complaints from some tenants regarding the signs causing them to lose 4 spots.

Mr. Dumond stated they have no space left to add parking on the site.

Board Member McLane commented on the safety issue of drive thru stacking which is between the building and the parking lot.

Zoning Administrator Caruso pointed out the issue of cars in the drive thru potentially impeding the public walkway that will lead from the back parking lot to the building.

Board Member Urbain asked if they could lower the price point per square foot to attract retail instead of restaurants.

Mr. Dumond stated that with the parking lot expansion being expensive, they cannot get the dollars from retail uses. It would make more sense to leave it vacant and not expand the parking lot since it would not be financially feasible.

Board Member Senak stated he was happy with what they have done with the development and how they have done exactly what they had said they would do.

Board Member Urbain asked if they could do 2 spots instead of 4 and what the result would be if the variance were denied.

Mr. Dumond stated that Panda Express requires 4 spaces and if they were denied they will stay with what they have as far as development.

Board Chairman Angst asked if the hardship was the size of the development.

Board Chairman Angst opened the Call to the Public for this variance request at 7:46 p.m.

Board Chairman Angst closed the Call to Public at 7:46 p.m.

Zoning Administrator Caruso stated he could see a safety issue with cars backing up to the walkway.

Board Member Pettengill suggested having a sign saying "Do Not Block Crosswalk".

Zoning Administrator Caruso commented that the developer has done everything the City has asked and will be spending a lot of money to reconstruct the parking lot with an underground storm detention system.

City Attorney Brad Maynes discussed the resolution presented to the Board explaining the hardship found. The site is geographically maxed out and there is no space to put in four more parking spaces, therefore promoting substantial justice to grant the variance.

Board Member Pettengill asked what would happen if another tenant asks for dedicated parking spaces.

Zoning Administrator Caruso stated the site will have the exact number of required parking spaces with the two potential tenants who require the highest amount of parking. Therefore, if a different type of use were to go in instead, the site would have a surplus of parking.

Board Member Urbain asked if the signs will stay up due to the lease agreement between the owner and Panda Express.

Zoning Administrator Caruso stated the signs must come down and the City will have to enforce the ordinance if they are not removed.

City Attorney Brad Maynes advised the developer has the option to go back to the Planning Commission for a site plan amendment that would include the signs.

Motion made by McLane, Seconded by Senak, to adopt the resolution to approve the variance. Motion passed unanimously.

6. Staff Updates

Mr. Skopek announced that Dan Cheresko will be at the Planning Commission meeting to seek site plan approval for his development at 317 W. Main St.

Mr. Caruso announced Dan Cheresko will also be seeking a parking variance and will be on the agenda for the ZBA meeting in June.

Board Chairman Angst asked about moving the meeting times to 7:00 p.m.

Mr. Caruso stated the meetings are already publicly noticed for all of 2017 so the change would have to take effect next year.

9. Call to the Public

Chairperson Angst opened the call to the public at 8:08 pm. No comment was made and the call to the public was closed at 8:08 pm.

10. Adjournment

Moved by Board member Pettengil, seconded by Gottschalk, to adjourn the meeting. The motion passed unanimously. Board Chairman closed the meeting at 8:09 pm.

Respectfully submitted,

Wendy Ayala
Recording Secretary