

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
April 12, 2018**

1. Call to Order

Chairman Angst called the meeting to order at 7:00 p.m. and the following members were present:

2. Roll Call

David Chaundy - Present
Russ Gottschalk – Present
Doug Angst – Present
Dave Senak – Absent
David McLane – Absent
Alicia Urbain – Present
Renee Pettengill – Present

Michael Caruso, Senior Community Development Associate

Audience – 8

Moved by Board Member Pettengill, seconded by Board Member Chaundy, to excuse the absence of Board Members McLane and Senak. The motion passed unanimously.

3. Approval of the October 12, 2017 Meeting Minutes

Moved by Board Member Pettengill, seconded by Board Member Chaundy, to approve the meeting minutes of October 12, 2017 as presented. The motion passed unanimously.

4. Approval of the April 12, 2018 Agenda

Moved by Board Member Chaundy, seconded by Board Member Pettengill, to approve the agenda as presented. The motion passed unanimously.

Old Business

New Business

5. Ronald Jones—765 S. Third St. (parcel ID # 4718-31-300-047) is proposing a land division to construct a single family home adjacent to his existing residence. The applicant is proposing a home with a front yard setback of 17.9 feet and a lot width of 54 feet. Chapter 98-3.4(D): Development Standards

requires a minimum front yard setback of 25 feet, minimum lot width of 66 feet, and minimum lot area of 8,700 square feet. Variances of 7 feet for the front yard setback, 12 feet for the lot width, and a reduction from the minimum 8,700 square foot lot area are being requested for the proposed north parcel, and a variance of 3 feet for lot width, and a reduction from the minimum 8,700 square foot lot area is being requested for the proposed south parcel.

Chairman Angst stated a letter from a resident was included in the packet and a copy was given to the petitioner.

Mr. Caruso discussed the proposed land division and resulting setbacks and lot areas.

Ronald Jones, 765 S. Third, stated the house he is proposing is for him. He currently does not live in the existing house and has a current tenant. He stated he is planning to have family live with him in the proposed house.

Board Member Pettengill asked the applicant what his hardship was.

Mr. Jones stated he needed a place to live.

Chairman Angst closed the meeting and opened the public hearing for this variance at 7:15 p.m.

Jason Prah, 752 S. Third, stated he has lived there for 17 years. He stated the previous homeowners were told they could not build on that lot. Mr. Prah stated the neighborhood has 7 homes that are not homesteaded and discussed how it would lower property values in that neighborhood. He stated that most of the houses there are nonconforming due to the old zoning code. Mr. Prah addressed issues of safety and welfare, and argued that this proposal was undesirable to the public. He stated the former owners paid for a water tap to build a home there and were told they could not.

Pat Cole, 802 Devonshire, stated she lives directly behind this lot and is not in favor of the variance. She stated she also knew the former owners of the property.

Julie Whitman, 755 S. Third, stated her husband wrote the letter regarding the variance. She stated they purchased their property in 2011 and have since put a lot of work into it. Mrs. Whitman stated they live on a busy street which has hard visibility and does not feel it is safe to add another driveway. She stated she opposes the variance.

Patricia Thomas, 735 S. Third, stated she disagrees with her neighbors. She stated she has lived there for 14 years and even though Third Street is a heavily traveled street, she does not see a safety issue. Ms. Thomas stated she has not had problems backing out from her driveway onto the street. She added that the fact the lot is nonconforming is a hardship for the applicant.

Mr. Jones stated his wife was a realtor and discussed what he told the former owners when they purchased the property.

Mrs. Cole argued it was hearsay.

Chairman Angst closed the public hearing at 7:35 p.m.

Mr. Caruso clarified that he spoke with Mr. Eddy, the former owner, and Mr. Eddy stated he was told the lot was nonconforming and was fully aware of the appeals process. Mr. Eddy also said he did not try to seek a variance.

Board Member Pettengill asked about the distance between the proposed house and existing garage.

Mr. Caruso stated there were 12 feet between the two and discussed the setbacks and allowable options.

Chairman Angst asked the applicant if he had considered tearing down the existing home and building new.

Mr. Jones stated it would be too expensive.

Board Member Pettengill asked what the setbacks were between the neighboring houses.

Mr. Caruso stated there was a minimum of 16 feet between the homes.

Board Member Urbain stated she struggles to see the benefit of a vacant lot over a new home for property values. She stated a safety issue could present itself due to the landscape, not the addition of a driveway. She stated she was sympathetic to the arguments, but does not see a hardship from the applicant.

Chairman Angst stated he struggles with denying the owner the use of his land, but also struggles to see a hardship. He stated he was conflicted. Mr. Angst read the criteria for a hardship to the Board.

Moved by Board Member Urbain, seconded by Board Member Pettengill, to deny the variance request due to the absence of a hardship. The motion passed unanimously by a roll call vote.
Angst-Yes, Urbain-Yes, Gottschalk-Yes, Pettengill-Yes, Chaundy-Yes

6. Draft Sign Ordinance Review

Mr. Caruso stated the Sign Ordinance is being updated and will be in going in front of City Council for approval. He stated the updates are being done to make the ordinance more content neutral.

7. Staff Updates

Mr. Caruso stated Brandon Skopek was promoted to Assistant to the City Manager and they are in the process of hiring a Community Development Director.

Board Member Pettengill asked about the homes mentioned that were non-homestead.

Mr. Caruso stated there are several properties that are non-homesteaded, but are not rentals. He stated he oversees the rental program and ensures rentals are registered and inspected by the City.

8. Call to the Public

Chairperson Angst opened the call to the public at 7:56 pm.

Pat Cole, 802 Devonshire, thanked the Board for recognizing that there was no hardship to approve the variance.

Chairman Angst closed the Call to the public at 7:57 p.m.

9. Adjournment

Moved by Board member Pettengill, seconded by Gottschalk, to adjourn the meeting. The motion passed unanimously. Board Chairman Angst closed the meeting at 7:57 pm.

Respectfully submitted,

Wendy Ayala
Recording Secretary