

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
July 11, 2019**

1. Call to Order

Vice-Chairman Chaundy called the meeting to order at 7:01 p.m.

2. Roll Call

Board Members present were Russ Gottschalk, Jordan Genso, Renee Pettengill, David Chaundy, Michael Schutz and Barbara Curtis. Staff: Michael Caruso, Community Development Manager and Kelly Haataja, Executive Assistant to Community Development. There were ten persons in the audience.

Motion by Board Member Pettengill, seconded by Board Member Genso, to excuse Board Members Urbain and Perry Dial. The motion passed unanimously.

3. Approval of the October 11, 2018 Meeting Minutes

Motion by Board Member Pettengill, seconded by Board Member Gottschalk, to approve the meeting minutes of October 11, 2018 as presented. The motion carried 5-0-1 with Board Member Curtis abstaining.

4. Approval of the July 11, 2019 Agenda

Motion by Board Member Pettengill, seconded by Board Member Genso, to approve the agenda as amended, removing item 5 of New Business. The motion passed unanimously.

Old Business

None

New Business

6. Roger and Michelle Barlow, 1340 Baywood Circle are proposing to construct an accessory structure in the side yard of their property. Chapter 98, Article Sec. 98-5.16 (C), "Accessory Buildings or Uses", requires an accessory structure only to be located in the rear yard.
A variance to allow an accessory structure in the side yard is being requested.

Mr. Caruso stated Mr. and Mrs. Barlow are requesting to construct a structure in the side yard of their property. The dimensions of their property are not conducive to follow the ordinance which requires any accessory structure on residential properties to be in the rear of the property. He said the house sits

at the rear setback of the property, and due to the shape, they cannot meet any setback conditions in the rear. The structure they are proposing is approximately 1500 square feet.

Chairman Chaundy closed the meeting and opened the public hearing for this variance at 7:06 p.m.

Marie Novak, 8527 Lee Rd. asked where the structure will be located and asked the exact dimensions of the building.

Vice-Chairman Chaundy said this will be discussed later on.

Colleen Minor, 8543 Lee Rd. asked the location of the structure and does it have to meet certain specs of what the neighborhood already looks like. She said there are no homes under 2,000 square feet and no garages that are 1,500 square feet in the neighborhood. She said she's concerned about it decreasing the value of her home because it seems to be out of place.

Vice-Chairman Chaundy said after the petitioner speaks he will re-open the public hearing to see if there are any more questions and then he'll close it for the board to make a decision.

Ms. Minor asked if there are specifications for that particular neighborhood.

Vice-Chairman Chaundy replied yes.

Vice-Chairman closed the public hearing at 7:10 p.m.

Mr. Barlow stated he wants a detached garage with a slab floor, heated and cooled, shingle roof, brick and vinyl siding, and windows and shutters to match the house. He said he wants to have a shared driveway between the house and garage and keep the current trees. Mr. Barlow presented an option for a building requiring a side zone variance, and another option which turns the building, requiring both a side and rear variance.

Mr. Caruso reminded Vice-Chairman Chaundy the public hearing cannot be re-opened but there will be a call to the public after staff updates. He said he could answer the zoning questions asked during the public hearing. Mr. Caruso said the property is in the A-1 zoning district. There is a forty feet setback in the rear, 10 foot on each side and forty foot in the front. Only twenty-five percent of the property can be covered with structures. A rear yard structure can only cover thirty percent of the rear yard.

Board Member Genso asked if there was a minimum requirement for the size of a house in this zoning district.

Mr. Caruso replied yes and reminded that there is no limit on structure size as long as it meets setback, height and lot coverage requirements.

Board Member Pettengill asked if the proposed structure is in line with setback requirements.

Mr. Caruso replied yes.

Board Member Curtis asked if the setback was in the drainage easement of the property.

Mr. Caruso stated the utility easement is part of the setback. The easement is twenty feet, and ten feet is on this property and ten feet is on the neighboring property.

Board Member Curtis asked what size structure is proposed.

Mr. Barlow said he is proposing a thirty by fifty foot structure.

Vice-Chairman Chaundy asked about the existing shed on the property.

Mr. Barlow said the shed will be removed.

The board discussed setbacks, lot coverage allowance, the size of the property and structures.

Mr. Caruso stated the applicant meets the requirements for setbacks and lot coverage for this variance request.

Board Member Genso asked if they were to uphold the spirit of the thirty percentage lot coverage for the rear yard and apply it to the side yard, would it cover more than thirty percent of the side yard.

Mr. Caruso replied that based on the land survey and the applicant's proposal it appears that it is over thirty percent.

Vice-Chairman Chaundy asked the petitioner why doesn't he build a smaller structure.

Mr. Barlow stated he has his current garage and basement full of the things he wants to put in the proposed one. He said it's too expensive to attach to the house. He doesn't want to ruin the look of his house and attaching it with a breezeway is extra structure he doesn't want to pay for. He stated this is the bare minimum size he needs for his hobby.

Board Member Genso asked the petitioner if there was any other lot in the neighborhood with a similar structure.

Mr. Barlow replied no, there aren't any lots that would be able to have this structure. He said he bought this lot specifically to add this type of structure to it.

Mr. Caruso said he'd like to remind the board they cannot deliberate with the audience.

Motion by Board Member Genso, seconded by Board Member Pettengill, to deny a variance to allow an accessory structure in the side yard. **The motion carried 5-1** with a roll call vote. Gottschalk – **YES**, Genso – **YES**, Pettengill – **YES**, Chaundy – **YES**, Schutz – **NO**, Curtis – **YES**

Other Business

7. Staff Updates

Mr. Caruso spoke about the new business item being removed from tonight's agenda and other future options the applicant may have.

Board Member Pettengill asked about name badges for the board members.

8. Call to the Public

Vice-Chairman Chaundy opened the call to the public at 7:52 p.m.

Susan Bakhaus, 907 Brighton Lake Rd., stated years ago there was a resident near the Community Center that asked for the same variance and they were denied.

Colleen Minor, 8543 Lee Rd., suggested that police should attend these type of meetings. Ms. Minor stated Mr. Barlow shouted obscenities at her in the parking lot and told her she shouldn't have opened her mouth.

Marie Novak, 8527 Lee Rd., stated the subdivision has cookie cutter lots and approving the variance would have disrupted the harmony of the neighborhood.

9. Adjournment

Moved by Board Member Pettengill, seconded by Board Member Curtis, to adjourn the meeting. The motion passed unanimously. Vice-Chairman Chaundy closed the meeting at 7:59 p.m.

Respectfully submitted,

Kelly Haataja
Recording Secretary