

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
November 14, 2013**

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

Gino Conedera – Present
Russ Gottschalk – Present
Doug Angst – Present
Chad Cooper - Present
Dave Senak – Present
David McLane – Present
Alicia Urbain - Present
Amy Cyphert
Lauri French

3. Approval of the October 10, 2013 Meeting Minutes

Motion by Board Member Conedera, seconded by McLane, to approve the meeting minutes of October 10, 2013 as presented. **Motion carried 6-0-1**, with Board Member Cooper abstaining.

4. Approval of the November 14, 2013 Meeting Agenda

Motion by Board Member Cooper, seconded by Senak, to approve the November 14, 2013 agenda as presented. **Motion carried 7-0.**

New Business

5. **Brent Caldwell of 882 Alpine Drive (18-31-306-157)**, is proposing an addition to the rear of the existing home located at the above address that has an aggregate side yard setback of 14.2 feet. **Section 98-106 (5)** states that a nonconforming use shall not be extended or enlarged. **Sec 98-204 (b)** states all single-family lots in R-1 districts shall have two side yards, one with a minimum width of not less than five feet and the aggregate width of both side yards shall not be less than 16 feet. A variance to allow the enlargement of a nonconforming structure is requested.

The addition the applicant is proposing to construct will result in a 4'9" side yard setback along the northern lot line and a total aggregate width of 13.95'. **Sec 98-204 (b)** states all single-family lots in R-1 districts shall have two side yards, one with a minimum width of not less than five feet and the aggregate width of both side yards shall not be less than 16 feet. A side yard variance of .25 feet is being requested to allow a 4.75 foot side yard setback and a variance of 2.05 feet to allow an aggregate side yard setback width of 13.95 feet is being requested.

The addition the applicant is proposing to construct will result in 28% lot coverage. **Section 98-204 (e)** states dwellings, together with accessory buildings, hereafter erected on any lot in R-1 districts, shall not cover more than 25 percent of the area of such lot. A lot coverage variance of 3% is being requested.

Chairperson Angst reviewed the applicant's request and noted that there are three variances being requested. As noted in Blue Sky, Ms. Cyphert reminded the board members that five "yes" votes are required for the variances. Chairperson Angst asked the applicant to address the board and explain his variance request.

Brent Caldwell, 882 Alpine Drive, stated that he and his wife have lived in their home for about 12 ½ years and have a year-old baby. He explained that they want to stay in Brighton because they want to raise their child here and send him to Brighton schools. They don't want to move so they came up with a plan to provide extra space by expanding the existing master bath and adding a craft "nook" in the master bedroom which will allow their son to have a small playroom/spare bedroom and his own bathroom. He explained that the house was built crooked on the lot in 1986 and it is already a non-conforming structure due to setbacks and it exceeds the 25% lot coverage.

He believes that over 80% of the houses on Alpine are non-conforming. He talked to the neighbor next door (lot 156) and he is okay with the addition. He also noted that this is a ranch style house and they can only add to the back of the house.

There was discussion about whether the homeowner could build up instead of out and the homeowner was asked why there is a practical difficulty or hardship in this case. Mr. Caldwell reiterated that in order to stay in the house, they have to increase the living space. He has nowhere else to expand as it is too expensive to dig up the other half of the crawl space or to build up.

Chairperson Angst closed the regular meeting and opened the public hearing at 7:45 p.m. Hearing no comments, he closed the public hearing and opened the regular meeting for discussion.

Ms. Cyphert advised the board members that due to the existing large footprint of the existing home on a small-sized lot that anywhere he put an addition would necessitate coming before the ZBA. The house was built non-conforming to begin with and does not currently meet the lot coverage in the ordinance. Board Member McLane noted that building up may not be possible without substantial foundation work since the footings were built for the load of a ranch, not a two-story house. There was discussion about whether Mr. Caldwell could build onto the back of the house, but he noted that the back of the property drops off on a slope. There was a concern expressed about granting the requested variances for this house and, if it is true that 80% of the other houses on Alpine are non-conforming, that this would set a precedent and other variance requests would follow. Ms. Cyphert reminded the board members that every variance request is unique to a particular parcel and a decision whether to grant a variance for one property should have no bearing on future decisions.

Motion by Board Member Senak, supported by Gottschalk, to grant the variance to allow the enlargement of a nonconforming structure, the lot coverage variance of 3% and a side yard variance of .25 feet to allow a 4.75 foot side yard setback and a variance of 2.05 feet to allow an aggregate side yard setback width of 13.95 feet. The approval for these variances is based on the unnecessary hardship created by the original positioning of the house on the lot as well as not being able to build up without reconstructing the foundation of the house as well as the house being built large for the lot size put him at zero build capability from the outset. This motion includes a "friendly amendment" that was added to Mr. Senak's original motion during the discussion period after the original motion was made. A roll call vote was taken as follows:

Board Member McLane – No	Board Member Senak - Yes
Board Member Cooper – No	Board Member Angst - Yes
Board Member Urbain – Yes	Board Member Gottschalk - Yes
Board Member Conedera – Yes	

The motion carried 5-2.

6. Staff Updates – Ms. Cyphert informed the Board that there will be a ZBA meeting in December. Board Member Cooper advised that he would not be present for this meeting.

7. Call to the Public

Chairperson Angst made a Call to the Public at 8:15 p.m. Hearing no response, call to the public was closed.

8. Adjournment

Motion by Board Member Cooper, seconded by Gottschalk, to adjourn the meeting at 8:15 p.m. Motion carried 7-0.

Respectfully submitted,
Lauri French, Deputy Director
Community Development, Planning and Zoning
November 15, 2013