

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
June 9, 2011**

1. Call to Order

Chairperson Rahilly 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
Patrick Rahilly – Present
Kirk Hanna – Absent
Chad Cooper - Present
Dave Senak – Present
David McLane - Absent
Amy Cyphert
Lauri French

An audience of six was also present.

Motion by Board Member Conedera, seconded by Senak, to excuse Board Members McLane and Hanna from tonight's meeting. Motion carried 5-0-2.

3. Approval of the April 14, 2011 Meeting Minutes

Motion by Board Member Gottschalk, seconded by Conedera, to approve the April 14, 2011 minutes as presented. The motion passed 5-0-2.

New Business

- 4. City of Brighton Downtown Development Authority – 114, 118 & 128 W. North Street** is proposing to construct a parking lot at the above addresses located within the DBD zoning district. The proposed parking lot will be placed abutting another parking lot along the street frontage. The proposed parking lot will not include landscape elements. **Section 98-462 (e) (2)** states the placement of two abutting off-street parking lots with continuous street frontages shall not be permitted. **Section 98-86 (2) (a)** states a planting strip at least ten feet in width shall be located along the perimeter of any parking area that abuts a right-of-way. Within this area, there shall be one deciduous shade tree for every 30 lineal feet and fraction thereof of planting strip. Arrangement of trees in groupings is encouraged, but trees shall not be more than 50 feet apart. There shall also be a 42-inch tall solid hedge of shrubs (evergreen or deciduous) to provide screening from adjacent roads and land uses. A brick wall may be considered by the planning commission and/or city council as an alternative to a planting strip, where appropriate. **Section 98-86 (2) (b)** states the use of curbed, parking aisle end caps shall be required and utilized as landscape islands. The parking aisle end cap shall not be less than 180 square feet in area and shall include at least one shade tree and ground cover such as grass, flowering perennials, and/or shrubs. Appropriate irrigation shall be provided. **Section 98-86 (2) (c)** states in addition to the perimeter landscaping required along a right-of-way and the landscaped parking aisle end caps, the following landscaping is required internal to the parking lot: **1.** An area equal to three percent of the total area devoted to parking spaces and drive aisles shall be landscaped and permeable. If the parking area has less than 20 parking spaces, this requirement may be waived by the planning commission and/or city council where appropriate. Existing tree stands or

significant natural topography or vegetation that is incorporated into the parking area, may be considered as part of the internal landscaping area requirement. 3. The required plant materials for the interior of parking areas shall be, one deciduous or evergreen tree for every 250 square feet of landscape area or one deciduous or evergreen tree for each 30 lineal feet, whichever is most appropriate. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least six feet above the ground, and the remaining required landscape areas shall be planted with ground cover such as grass, flowering perennials and/or shrubs, not to exceed two feet in height. A variance from Section 98-86 (2) (a, b, c), and Section 98-462 (e) (2) to allow the construction of the parking lot is being requested.

Ms. Cyphert reviewed the applicant's request and advised that a unanimous vote of the five members present will be required to grant the variance as discussed in the Blue Sky session. Matt Modrack, Executive Director of the Brighton Downtown Development Authority (DDA), noted that the submittal is now for a permanent lot built to City standards. He also noted that it is almost impossible to build a parking lot on this parcel that would not abut another lot.

Chairperson Rahilly closed the regular meeting at 7:36 p.m. and opened up the public hearing portion of the meeting.

Susan Walters-Steinacker, 907 Brighton Lake Road, advised that there could be possible repercussions to future grant applications as she plans to comment to the State. She stated that these are historical structures according to the Sanborn maps and are of historical significance. Removal of these homes prohibits people from living there and these houses could be used for live-work units. She said the City is disregarding the law when they apply for grants and repeated that approval of this variance could possibly affect future grant applications, since her comments at tonight's meeting would be forwarded to the State.

Chairperson Rahilly closed the public hearing at 7:40 p.m. and reopened the regular meeting.

Ms. Cyphert noted that the board could consider the landscaping portion of the variance with a separate motion. There was discussion about Section 98-86 (2) (a), (b) and (c) and whether future owners of the property would have to comply with the parking lot landscaping requirements contained in that Section. Ms. Cyphert confirmed that the variance goes with the property. Chairperson Rahilly noted that the greenbelt on the balance of the parcel would satisfy the landscape portion of the ordinance. Mr. Modrack noted that parking spaces would be lost if the landscaping portion of the ordinance is required and he confirmed that the DDA would be responsible for maintaining the greenbelt portion of the parcels.

Motion by Mr. Cooper, seconded by Mr. Senak, to grant the variance from Section 98-462 (e) (2) as requested by the applicant to permit a permanent parking lot based on the practical difficulty with the layout of the site and the surrounding area of private parking lots and public streets making this unique to the area.

A roll call vote was taken as follows:

Mr. McLane – Absent; Mr. Cooper – Yes; Mr. Rahilly – Yes; Mr. Conedera – Yes; Mr. Senak – Yes; Mr. Hanna – Absent; Mr. Gottschalk – Yes. Motion passed on a 5-0-2 vote.

There was further discussion regarding the 10-foot wide planting strip that is required in the landscaping portion of the ordinance, Section 98-86 (2) (a). Chairperson Rahilly noted that a strip would look out of place there. The board asked Mr. Modrack what improvements would be done to West and North Streets under the streetscape grant. Mr. Modrack explained that the east side of West Street would add landscaping components and in his opinion would be nicer than the west side of the street.

Chairperson Rahilly noted there are two alternatives for this issue. One is to deny the variance and require the 10-foot wide strip and the second is to approve the variance since the intent is being addressed by the street plan for West/North streets.

Motion by Mr. Senak, supported by Gottschalk, to grant the variance from Section 98-86 (2) (a,b,c) to allow the construction of the parking lot as shown in the drawing reviewed at tonight's meeting since the City's Planning Department has already instituted a streetscape plan with the greenbelt between the parking lot and North Street being maintained by the DDA.

There was further discussion on the requested variance, with Mr. Cooper stating there was not much value in adding the 10-foot strip since the DDA will take care of adding landscaping and beautifying other parts of the street next year. Mr. Modrack also commented that putting in a wall would look out of place and that the West/North streetscape would be done to DDA standards.

A roll call vote was taken as follows:

Mr. Conedera – Yes; Mr. Hanna – Absent; Mr. McLane – Absent; Mr. Senak – Yes; Mr. Gottschalk – Yes; Mr. Rahilly – Yes; Mr. Cooper – Yes. Motion carried 5-0-2.

5. **Marygrove Awnings Co. on behalf of Stonefire Bistro, 440 W. Main Street** is proposing four awnings at the above address. The fixed awning proposed on the south elevation includes 7 square feet of signage. The three proposed retractable awnings on the west elevation include 4 square foot of signage on each. The total combination of requested awning signage is 19 square feet. The first floor tenant (Stonefire Bistro) has a projecting sign on Main Street. **Section 66-95 (6)** states that a single projecting sign shall be permitted not exceeding 20 square feet provided no other sign exists on the same building. A variance to allow a total of 19 square feet of awning signage is being requested.

Ms. Cyphert reviewed the applicant's request. Roger from Marygrove Awning addressed the board and advised that the awnings add color and decoration; they will make the building look more like a restaurant than an industrial building. Chairperson Rahilly opened the discussion and asked if there could just be the Stonefire logo instead of writing on the awnings. Roger responded that the writing incorporating the logo adds character and is part of the design element of the awnings. Mr. Cooper noted that he believes the awnings enhance the area and that if the writing wasn't on them, they wouldn't be here tonight for a variance. Mr. Conedera asked for confirmation that when the awnings are retracted that the writing would still be visible, and Roger from Marygrove Awning confirmed that it would be visible.

Mr. Senak questioned the need to repeat the name three times on the First Street awnings; Roger noted that it was for uniformity. Mr. Conedera asked why the variance should be granted under hardship. Mr. Bielaska from Stonefire responded that after four years people still don't know the restaurant is there. The awnings will enhance the building and the restaurant and he noted that the projecting sign on Main Street is not working like they thought it would.

Chairperson Rahilly closed the regular meeting at 8:17 p.m. and opened up the public hearing portion of the meeting. Hearing no response, he closed the public hearing.

Mr. Cooper asked if the variance was for the entire 2-story building. Ms. Cyphert responded that the variance was just for Stonefire and that the second floor tenant would have to come before the ZBA for a sign variance if square footage was not available. Mr. Conedera noted that there are three options for the board to consider; plain awnings, the proposed awnings, or some variation of the two. Mr. Cooper's concern is that if a variance is granted and Stonefire leaves that building, that another restaurant may come in which may not have nice awnings like Stonefire. Mr. Bielaska noted that there is no uniformity up and down Main Street when it comes to signage and that some buildings' windows were almost completely covered. He proposed putting the writing on the awning on Main Street and on one awning on the First Street side, which would only be a variance of 11 square feet instead of 19.

Motion by Mr. Cooper to deny the applicant's variance request. Motion failed for lack of support.

Motion by Mr. Conedera, supported by Mr. Gottschalk, to grant a variance for 11 square feet under

Section (e) (1) and (2) of "Grounds for Variance" due to the sign being good taste and overall good design on the condition that the lettering on the awning is restricted to the front awning on Main Street and the middle awning on First Street.

A roll call vote was taken as follows:

Mr. Senak – Yes; Mr. Rahilly – Yes; Mr. Hanna – Absent; Mr. McLane – Absent; Mr. Cooper – No; Mr. Gottschalk – Yes; Mr. Conedera – Yes. Motion carried 4-1-2.

6. Staff Updates

Ms. Cyphert advised that a revised DBD sign ordinance has received input from the DDA Design Subcommittee and has been reviewed by the DDA and PSD Boards. The next step is Planning Commission, then to City Council to set a public hearing. Chairperson Rahilly asked Ms. Cyphert about enforcement issues regarding signs, noting that he was referring to the Prudential sign. Ms. Cyphert responded that she is aware of the situation. She also noted that the window coverage issue discussed by the ZBA is part of the revised ordinance. Chairperson Rahilly asked if definitions would be included in the revised ordinance and Ms. Cyphert advised that is something that could be looked at and added.

Ms. Cyphert also advised the board that she would let them know if there is a meeting in July.

7. Call to the Public

Chairperson Rahilly made a Call to the Public at 8:45 p.m. Susan Walters-Steinacker, 907 Brighton Lake Road, questioned the number of votes needed for Item 5 in order to have the motion pass. She referred to the Blue Sky session and thought Ms. Cyphert said that the vote had to be unanimous. Chairperson Rahilly and the other board members corrected Ms. Walters-Steinacker and noted that Ms. Cyphert's instruction was that a unanimous vote was necessary for Item 4 and a majority of those present for Item 5. Hearing no further response, Call to the Public was closed.

8. Adjournment

Motion by Mr. Cooper, seconded by Mr. Senak, to adjourn the meeting at 8:47 p.m. Motion carried 5-0-2.

Respectfully submitted,

Lauri French, Administrative Assistant
Community Development Department
June 13, 2011