

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
March 10, 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 – Absent
Russ Gottschalk – Present
Patrick Rahilly – Present
Kirk Hanna – Present
Chad Cooper - Present
Dave Senak – Present
David McLane - Present
Amy Cyphert
Lauri French

An audience of six was also present.

Motion by Board Member Cooper, seconded by Hanna, to excuse Board Member Conedera from tonight's meeting. As mentioned in the Blue Sky session, Board Member Conedera would not have been able to vote on tonight's variance request since the applicant is a client of his. Motion carried 6-1.

3. Approval of the February 10, 2011 Meeting Minutes

Motion by Board Member McLane, seconded by Senak, to approve the February 10, 2011 minutes as presented. The motion passed 4-1-2, with Gottschalk and Cooper abstaining.

New Business

- 4. Lindhout Associates – 113 E. Grand River** is requesting a variance to allow a residential unit on the second floor of the existing building located within the DBD zoning district. The applicant is proposing to not provide parking for the residential unit. **Section 98-462 (d) (2)** states that the parking requirement for residential dwelling units within the DBD shall be two (2) per dwelling unit. Section 98-462 (d) (3) states that the DBD exemption found in Section 98-82 (g) of the Brighton City Code of Ordinances shall not apply to residential parking in the DBD. A variance from providing 2 parking spaces is being requested.

Ms. Cyphert reviewed the applicant's request and reminded the Board that 5 "yes" votes are required to approve the requested variance.

Mike O'Leary, Lindhout Associates, representing the applicant, Alex Cabildo, gave a brief history of the building at 113 E. Grand River. When Mr. Cabildo purchased it in 2000, there were three apartments on the second floor, one of which was illegal since there was no egress window in that middle apartment. By 2003 the apartments were vacant and after another year elapsed, the second floor could no longer be considered residential according to City of Brighton ordinances. Mr. Cabildo approached the City in 2008 with a plan for two apartments with an entrance off Grand River and at the rear of the building. This plan required a ZBA variance for providing 4 parking spaces and for the size of the apartments; the request was withdrawn at the June 12, 2008 ZBA meeting primarily because rear access to the building would have required having to cross others' property. The owner now wants to occupy the second floor with

one 1400 square foot apartment on the second floor of his building, which will be his primary residence. Mr. O'Leary noted that the City of Brighton's Downtown Blueprint, Master Plan and other documents encourage a downtown residential component.

The applicant is requesting a variance on the basis of hardship under the City's Ordinance Section 98-462 (d)(2), Residential units within the DBD are required to have 2 parking spaces. Mr. O'Leary noted that the rear of the building is landlocked with no vehicular access. An alternative would be to create a curb cut on Grand River and use the first floor of the building as a garage, which would effectively put Mr. Cabildo's business, Portraits by Alex, out of business. It would also create a traffic safety issue to try to back out onto Grand River. Mr. O'Leary also noted that if an office occupied the second floor of this building, the required parking spaces would be nine instead of two based on square footage.

Mr. Senak stated he thought there was access at the rear of the lot when this came before the ZBA in 2008, but Mr. O'Leary noted that it was tabled for a couple of meetings to investigate whether the property around the building could be used for access to the rear of 113 E. Grand River.

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

Ken Burchfield, who resides in Genoa Township but owns the building at 225 E. Grand River in Brighton, spoke in support of the applicant and noted that his building's lot will be full next Thursday from noon until midnight due to the St. Patrick's Day holiday. He supports downtown residential units and has available parking spaces at his building that Mr. Cabildo could use. He has also spoken with Matt Modrack, DDA and Community Development Director, regarding the possibility of using license agreements for public use of private parking lots. Mr. Burchfield encouraged the ZBA board members to approve the variance request.

Marcie Aller, who owns the Parent Teacher Technical Center building at 117 E. Grand River in Brighton, noted that parking spaces in front of the buildings on Grand River should be for customers and if Mr. Cabildo could find another place to park instead of in front of the building she would support his request for the parking space variance.

Hearing no further comments, Chairperson Rahilly closed the public hearing and returned to the regular meeting at 7:45 p.m. Mr. Senak asked how could they exit the back of the building if the property is privately owned? Mr. Cabildo responded that they are currently using Mr. Ed's to access the rear of the building with permission and he would have to talk to the other property owners to get their permission. Mr. Cooper noted that this is the type of request he likes to see before the ZBA.

Motion by Cooper, seconded by Gottschalk, to approve a variance from providing 2 parking spaces per Section 98-462 (d)(2) for the residential unit on the second floor of the existing building located at 113 E. Grand River on the basis of hardship due to the following reasons; the building is landlocked and this is a unique situation, the second floor residential unit conforms to the Master Plan vision, the Hyett Palma study and the MML Eight Assets, cutting into the curb in front of the building would eliminate at least 2 spaces and would create a traffic safety issue, and the current non-conformance restricts the owner's ability to develop the second floor as residential.

Roll call vote: McLane – Yes; Cooper – Yes; Rahilly – Yes; Conedera – Absent; Senak – No; Hanna – Yes; Gottschalk – Yes. Variance approved 5-1-1.

5. Staff Updates

Chairperson Rahilly asked if there were any updates on the GMAC Heritage signs. Ms. Cyphert responded that she had not heard anything new regarding the signs. She advised the board that there would be a ZBA meeting in April.

6. Call to the Public

Chairperson Rahilly made a Call to the Public at 7:55 p.m. Hearing no response, Call to the Public was closed.

7. Adjournment

Motion by McLane, seconded by Gottschalk, to adjourn the meeting at 7:55 p.m. Motion carried 6-1.

Respectfully submitted,

Lauri French, Administrative Assistant

Community Development Department

March 11, 2011