

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
June 13, 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
Patrick Rahilly – Present
Doug Angst – Present
Chad Cooper - Present
Dave Senak – Present
David McLane - Present
Amy Cyphert
Lauri French

An audience of two was also present.

3. Approval of the May 9, 2013 Meeting Minutes

Motion by Board Member Rahilly, seconded by Gottschalk, to approve the meeting minutes of May 9, 2013 as presented. Motion carried 6-0-1, with Board member McLane abstaining.

4. Approval of the June 13, 2013 Meeting Agenda

Motion by Board Member Conedera, seconded by Rahilly, to approve the June 13, 2013 agenda as presented. Motion carried 7-0.

Old Business

5. **Greg Garwood (on behalf of the property owner) 8550 W. Grand River (18-30-100-083)** is proposing to occupy the first floor of the existing building at the above address with a medical office use. The above address shares parking with the two neighboring sites (ABC Warehouse & Grand Medical Offices) through a shared parking arrangement. The three sites share 175 existing on-site parking spaces and 7 deferred parking spaces (total of 182). The proposed use will increase the required parking spaces to 211. **Section 98-85 Parking Space Requirements** states that medical office uses require one space for each 100 square feet of GFA. A variance of 29 parking spaces is being requested.

Planning & Zoning Director Amy Cyphert advised that a revision has been made to the information in the packets and she has distributed the revised site plan. The revision was made as a result of changing the first floor to medical office and the lower floor to general office which reduced the requested variance from 29 to 16 parking spaces. She also noted that a new publication is not required for the decrease in the number of spaces requested in the variance or the tabled item.

Chairperson Angst reviewed the applicant's request for a variance of 16 parking spaces and invited the applicant to present their information. Mr. Greg Garwood, Preview Properties, 130 W. Grand River, Brighton, MI, introduced himself and noted he was speaking on behalf of the owner of 8550 W. Grand River, Dr. Bashar Qalieh. Mr. Garwood noted that he and Dr. Qalieh had reached out to the owners of the neighboring properties as requested at last month's ZBA meeting but they could not reach a consensus for the 29 space variance request. Dr. Qalieh withdrew the lower level from the request for medical office use and the general office

space recalculation resulted in a reduced variance request of 16 spaces versus the 29 spaces in the original request. He noted there has been consideration given to constructing the 7 deferred spaces, and Ms. Cyphert noted that this does not reduce the 16 space variance request since the deferred spaces are counted in the total on-site amount. Dr. Qalieh, 8550 W. Grand River, Brighton, MI, noted that there have been no parking problems as there is not an urgent care or walk-in clinic at the building and the physicians working there are specialists. As mentioned at the last ZBA meeting, most of the clients they see are families who travel to the office in one car.

Ms. Cyphert noted that there have been no additional letters received regarding the variance request since the May ZBA meeting, nor were any letters received from the adjoining property owners concerning the reduced variance request for 16 spaces. Mr. Garwood noted that they have advised the other property owners about the reduction from 29 to 16 spaces in the variance request but they have not received any response from the owners, even from the two who opposed the original variance request.

Mr. Gottschalk noted that he sees no problem with the revised 16 space variance request and doesn't believe it requires further discussion. Mr. Rahilly stated he has no problem with the revised variance request; however, he would like Dr. Qalieh to construct 2 of the 7 deferred spaces (the ones closest to his building). Mr. Angst noted that he can't see any reason for denial of the requested variance. Mr. Cooper stated that he would have a hard time granting the variance if the adjacent two property owners object. Ms. Cyphert suggested that one question that could be asked of the applicant is, of the 43 spaces dedicated to his building, how many does he typically use on a daily basis. Both Mr. Senak and Mr. McLane noted that they would be inclined to approve the variance if the 7 deferred spaces were constructed and made available. Mr. Conedera suggested that "no news is good news" regarding not having heard from either objecting property owner. Mr. Rahilly stated that they shouldn't ask the doctor to build the 7 deferred spaces since ABC Warehouse would be most likely to use them; if they need the spaces, ABC Warehouse could build them. There was a brief discussion about the topography and what might be involved to construct the 7 spaces (i.e., a retaining wall might be required).

Mr. Cooper asked how many of Dr. Qalieh's 43 spaces are typically in use. Dr. Qalieh responded that he requires 6 employee spaces for his practice and some of his employees are part-time, so the spaces are used at different times of the day. He estimated that 18 spaces would be required for employees if all the office spaces in the building are occupied. Patient parking requires 12 spaces at any time of day.

Motion by Board Member Rahilly, supported by Gottschalk, to approve the requested variance of 16 parking spaces at 8550 W. Grand River with the requirement that 2 of the 7 deferred parking spaces in the area designated area for 8550 W. Grand River be constructed by the owner, Dr. Qalieh. The variance request is granted due to the unique topography of the site and the expansion of parking is limited due to the large retention pond on the property, unique situation of shared parking, the use of parking spaces at ABC Warehouse is greater at times when the other buildings are closed, and the fact that the proposed spots for use of the upper floor of the building are not greatly in excess of the requested variance. Ms. Cyphert reminded the board that a two-thirds concurring vote (5 of 7 present) is required for this variance request. A roll call vote was taken as follows:

Mr. McLane – No; Mr. Cooper – No; Mr. Rahilly – Yes; Mr. Conedera – Yes; Mr. Senak – Yes; Mr. Angst – Yes; Mr. Gottschalk – Yes. **Motion carried 5-2.**

- 6. Staff Updates** – Ms. Cyphert advised that an alternate ZBA board member, Alicia Urbain, was appointed by Council. There will be a meeting in July; there are currently three issues on the agenda. Mr. Cooper and Mr. Angst advised they will not be here for the July meeting. It was suggested that Ms. Cyphert contact the applicants to let them know so they can choose to hold their applications for the August meeting. Mr. Cooper and Mr. Rahilly will be out of town for the August meeting (if there are agenda items requiring a meeting).

7. Call to the Public

Chairperson Angst made a Call to the Public at 8:00 p.m. Hearing no response, call to the public was closed.

9. Adjournment

Motion by Board Member Conedera, seconded by Rahilly, to adjourn the meeting at 8:00 p.m. Motion carried 7-0.

Respectfully submitted,

Lauri French, Secretary
June 14, 2013