

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
July 11, 2013**

1. Call to Order

Vice Chairperson Conedera 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 – Absent
Chad Cooper - Absent
Dave Senak – Present
David McLane – Present
Alicia Urbain (Alternate) - Present
Amy Cyphert
Lauri French

An audience of five was also present. Ms. Cyphert introduced Alicia Urbain, who was appointed as an alternate to the ZBA by Council at their June 20, 2013 meeting.

3. Approval of the June 13, 2013 Meeting Minutes

Motion by Board Member McLane, seconded by Senak, to approve the meeting minutes of June 13, 2013 as presented. Motion carried 5-0-2-1, with Board member Urbain abstaining.

4. Approval of the July 11, 2013 Meeting Agenda

Motion by Board Member Rahilly, seconded by Urbain, to approve the July 11, 2013 agenda as presented. Motion carried 6-0-2.

New Business

- 5. Jack & Heide Clausnitzer at 629 Spencer Road (18-31-201-037)**, are proposing to construct a barrier free elevator in the existing single family home. The addition for the elevator will result in a 3.5 foot side yard setback along a portion of the western lot line and a total aggregate width of 21.8 feet. **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 of 1.5 feet is being requested.

Planning & Zoning Director Cyphert reviewed the request and reminded the board that this item requires five (5) "yes" votes. She noted the applicants are in the audience, and Vice Chairperson Conedera invited them to present their case. Jack Clausnitzer, 629 Spencer, stated that he and his wife are long-time residents of the City and they intend to stay as long as they can. Their house has narrow, steep stairways and there is not enough room to put in a chair lift as the stairs are too narrow. Their architect, Lindhout and Associates, looked at various ways to accommodate an elevator and there are no alternatives available inside the house that are viable due to the existing construction and a complex roof structure. Lindhout suggested adding the elevator to the outside, but this required a reduced setback to 3.5 feet which is why they are before the Board tonight.

Vice Chairperson Conedera opened the public hearing at 7:35 p.m. Hearing no comments, the public hearing was closed. He read two letters into the record; one was from Piet Lindhout, architect for the project, dated July 6, 2013 explaining the structural difficulties of putting an elevator inside the house and the second was

from Mary StPierre, a neighbor at 623 Spencer Road, who has no objection to the Clausnitzers' plan to build an outside elevator and supports the 1.5 foot variance request. There was some discussion about the age of the home and some clarification about the structural problems of putting an inside elevator in the home.

Motion by Board Member Rahilly, supported by McLane, to approve the requested 1.5 foot variance at 629 Spencer based on the practical difficulty of the structure not allowing an elevator except on the inside of the home and that their immediate neighbor at 623 Spencer is in support of the variance. A roll call vote was taken as follows:

McLane – Yes	Senak – Yes
Cooper – Absent	Angst - Absent
Rahilly – Yes	Gottschalk - Yes
Conedera - Yes	Urbain – Yes

Motion carried 6-0-2.

6. **Matt Becker at 500 W. Main Street (18-30-306-091)** is proposing three roof signs at approximately 27 square foot each (including decorative elements). The proposed roof signs were designed after the original roof signs for The Western House. Sec. 66-100 (5) states no roof signs shall be permitted. A variance to allow three roof signs at 27 square feet each is being requested.

The applicant is also proposing to re-paint a faded, approximately 51 square foot painted sign on the western side of the building that states "Western House." Sec 66-91 (a) (14) prohibits (t) signs painted on buildings and (d) abandoned signs that advertise an activity, business, product or service which no longer is conducted or is available on the premises on which the sign is located. A variance to allow a 51 square foot sign painted on the building for a former business is being requested.

Ms. Cyphert reviewed the applicant's request and invited Matt Becker to speak to the Board. She reminded the board that this request needs four of the six members present to pass (majority of those present) and that the Board can choose to handle this item as two separate requests. Matt Becker, 9344 Spicer, Brighton, noted that they are looking for this variance to put up roof signs and to restore the original roof line as indicated in pictures from the Brighton Historical Society (BHS). Putting the signs back is part of the building restoration which also included new windows. He noted that photographs dated 1890 and 1907 show signs and chimneys on the roof. He also address the second part of the variance request and said they are still investigating the age of the "Western House" painted sign. He noted that if it is not as old as they think it is, they may not repaint it. It could be from the 20's or 30's; he has all the photographs of the building from BHS but unfortunately none of that side of the building. He also advised that they would be unable to do the historical restoration without the variance as they would have to put the signs on the side of the building which are not historical without it.

Vice Chairperson Conedera opened the public hearing at 7:45 p.m. Hearing no comments, the public hearing was closed. There was a discussion about whether variances should be granted for historic preservation and whether the roof signs can be seen coming down. There was consensus that the board members appreciate the amount of work that has been done to restore the building and keeping the historical perspective by adding the signs.

Motion by Board Member Urbain, supported by Senak, to approve the requested variance to allow three roof signs at 27 square feet each at 500 W. Main St under section e (1)(2) of the Zoning Ordinance as the signs are of particularly good taste, they bring the historical perspective of the building back and will be less of an eyesore than signs on the side of the building, and that the entire site would be of good design and taste. A roll call vote was taken as follows:

Angst – Absent	Gottschalk - Yes
McLane – Yes	Senak - Yes
Conedera – Yes	Rahilly - Yes
Cooper – Absent	Urbain - Yes

The motion carried 6-0-2.

There was additional discussion about the “Western House” sign on the west side of the building and whether “Western House” applied to the name of the building or a business, since it was always referred to as “the Western House building” and later “The Pink Hotel”. Mr. Becker indicated that they would not use bright white paint if they are granted the variance to repaint the sign; they would use a color to make it look aged in keeping with the historical nature of the building.

Motion by Board Member Senak, supported by Rahilly, to grant the variance to allow a 51 square foot sign to be re-painted on the western side of the building under section e(1)(2) of the Zoning Ordinance due to significant hardships to restore the building to its historical context, the sign is already on the building, and even though the building was used as a hotel the building took on the name “Western House” as is commonly done. A roll call vote was taken as follows:

Conedera – Yes	Gottschalk - Yes
Angst – Absent	Rahilly - Yes
McLane – Yes	Cooper - Yes
Senak – Yes	Urbain – Yes

The motion carried 6-0-2.

7. **Jace & Melanie Bachelor at 1220 Brighton Lake Road (18-31-301-085)**, are proposing to construct an addition to the existing single family home. The addition will result in a 5.8 foot side yard setback along the southern lot line and a total aggregate width of 12.9 feet. 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 of 3.1 feet to allow an aggregate width of 12.9 feet is being requested.

Ms. Cyphert reviewed the applicants’ request and reminded the Board that this item will require five (5) “yes” votes to pass. Vice Chairperson Conedera advised that since the applicants’ builder is a client of his, he will be abstaining from any comments and the vote.

Melanie Bachelor, 1220 Brighton Lake Road, introduced herself and her husband, Jace. She distributed copies of a rendering of the addition, their criteria for granting the variance and one additional letter in support of their variance request. Theo Paddock, 1568 Paddock Estate Lane, Brighton, MI 48114, is the builder. He advised they would be adding extra bedrooms for the Bachelors’ growing family. The house is small and is on a small, landlocked lot where the zoning is causing a hardship. The home is currently non-conforming. The immediate neighbors have received variances and their houses are closer to the road. The Bachelors are trying to bring the home up to the standards of the surrounding homes.

Vice Chairperson Conedera opened the public hearing at 8:15 p.m. Hearing no comments, the public hearing was closed. He read two letters of support into the record; one was from Mark Harbour and Peggy Farmer, 1222 Brighton Lake Road, who live next door to the Bachelors, and one was from David Petrak, 1240 Brighton Lake Road dated July 1, 2013. There was a brief discussion among the board members and it was stated that the lake lots are often an irregular size which generates a hardship when trying to improve the property.

Motion by Board Member McLane, supported by Gottschalk, to approve the requested variance of 3.1 feet to allow a total aggregate side-yard setback width of 12.9 feet at 1220 Brighton Lake Road. A roll call vote was taken as follows:

Senak – Yes	Cooper - Absent
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Rahilly – Yes	Gottschalk - Yes
Angst – Absent	Conedera - Abstained
McLane - Yes	Urbain – Yes

The motion carried 5-0-2-1.

8. Staff Updates – None

9. Call to the Public

Vice Chairperson Conedera made a Call to the Public at 8:20 p.m. Hearing no response, call to the public was closed.

10. Adjournment

Motion by Board Member Rahilly, seconded by Gottschalk, to adjourn the meeting at 8:20 p.m. Motion carried 6-0-2.

Respectfully submitted,

Lauri French, Secretary
July 16, 2013

New Business

8. Staff Updates
9. Call to the Public
10. Adjournment