

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
May 8, 2014**

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
Ricci Bandkau - Present
Dave Senak – Absent
David McLane – Absent
Alicia Urbain – Absent
Alex Tortora (Alt.) - Present
Amy Cyphert
Lauri French

Motion by Board Member Gottschalk, seconded by Conedera, to excuse Board Members Senak, McLane and Urbain. **Motion carried 5-0-3.**

3. Approval of the February 13, 2014 Meeting Minutes

Motion by Board Member Bankdau, seconded by Conedera, to table approval of the meeting minutes of February 13, 2014 until the next ZBA meeting due to not enough board members present to approve the minutes tonight. **Motion carried 5-0-3.**

4. Approval of the May 8, 2014 Meeting Agenda

Motion by Alternate Board Member Tortora, seconded by Gottschalk, to approve the May 8, 2014 agenda as presented. **Motion carried 5-0-3.**

New Business

5. Jeffrey Fahrney, 324 N. Second Street (4718-30-306-072), is proposing to demolish the existing garage and reconstruct a new garage in the same location. The existing garage is .2 feet from the side property line and the property owner is proposing to construct the new garage .2 feet from the side property line. Section 98-49 (2) (b) states a detached accessory building shall not be closer than two feet to the side lot line; provided, however, that where there are existing accessory buildings on the same or an adjacent lot, such accessory building shall not be constructed closer than four feet to such existing accessory building. A 1.8 foot side yard variance is being requested.

Chairperson Angst reviewed the applicant's request. As noted in Blue Sky, Ms. Cyphert noted that five "yes" votes are required to approve the requested setback variance. Chairperson Angst asked the applicant to address the board and explain his variance request.

Jeff Fahrney, 324 N. Second Street, explained that the existing garage on his property is old, it is leaning, it leaks when it rains that has resulted in rotting and black mold. He is looking to tear down the old structure and build a new garage on the same footprint. He cannot move the new structure over due to the already close proximity to his house and if he makes it smaller he will lose storage space. He advised that he has a letter in support of his new garage from his next door neighbor who is adjacent to the garage side of his property. He hopes to begin construction in mid-June.

Chairperson Angst closed the regular meeting and opened the public hearing at 7:35 p.m. Sara Pierce, 325 N. Second Street, lives across the street from the Fahrneys. She is in support of them building the new garage on the same footprint as the existing garage. She noted they would lose access to part of their yard if they had to move it over to accommodate the setback requirement.

Chairperson Angst read the letter of support referenced above from Levern (Chip) Balden, 320 N. Second St., into the record, which stated he has no objections to Mr. Fahrney rebuilding his garage on the same footprint it is currently on and asked for the ZBA's approval of the variance Mr. Fahrney is seeking. Hearing no further comments, Chairperson Angst closed the public hearing at 7:37 p.m.

Motion by Board Member Conedera, supported by Tortora, to grant a 1.8 foot side yard variance at 324 N. Second Street per Section 98-687, Setback Variance Requirements, and is based on the new garage being built at the same size, the size of the lot and close proximity to the existing house, that the existing garage presents a health and public safety hazard, and that a new garage would improve the neighborhood. A roll call vote was taken as follows:

Board Member McLane – Absent
Board Member Bandkau – Yes
Board Member Urbain – Absent
Board Member Conedera – Yes

Board Member Senak - Absent
Board Member Gottschalk - Yes
Board Member Angst - Yes
Alternate Board Member Tortora - Yes

The motion carried 5-0-3.

6. Staff Updates – Ms. Cyphert informed the Board that she does not have anything on the agenda for June as of right now but will let everyone know if there will be a meeting.

7. Call to the Public

Chairperson Angst made a Call to the Public at 7:45 p.m. Hearing no response, call to the public was closed.

8. Adjournment

Motion by Board Member Bandkau, seconded by Tortora, to adjourn the meeting at 7:45 p.m. Motion carried 5-0-3.

Respectfully submitted,

Lauri French, Deputy Director
Community Development, Planning & Zoning
May 9, 2014