

**City of Brighton  
City Hall Council Chambers  
200 N. First St. Brighton, MI 48116  
Zoning Board of Appeals  
Regular Meeting Minutes  
November 7, 2022**

**1. Call to Order**

Chairperson Urbain called the meeting to order at 7:00 p.m.

**2. Roll Call**

Board Members present were Dave Chaundy, Alicia Urbain, Renee Pettengill, Jordan Genso, Caitlyn Perry-Dial, and Kelly Genei.

Board Member absent was Mike Schutz.

Also present were Mike Caruso, Community Development Manager; Kelly Haataja, Executive Assistant to Community Development; and an audience of five persons.

**Motion** by Board Member Genso, seconded by Board Member Perry-Dial to excuse Board Member Schutz for personal reasons. **The motion carried 5-1, Board Member Pettengill voted no.**

**Consent Agenda**

**3. Approval of the August 11, 2022, Regular Meeting Minutes**

**4. Approval of the November 7, 2022, Agenda**

**Motion** by Board Member Perry-Dial, seconded by Board Member Pettengill to approve the Consent Agenda as presented. **The motion carried without objection.**

**Old Business**

None

**New Business**

**BMH Realty LLC – 1025 E. Grand River**, is requesting a reduction to the minimum floor space and minimum number of units allowed to construct a new commercial building. Section 98-3.38 (A) states “over-all minimum floor space of 10,000 square feet in such three or more units.” A variance to construct a one-unit building under 10,000 square feet of floor space is being requested.

The applicant is requesting a reduction to the side yard setback. Section 98-3.10 (D) states “minimum rear yard setback of 50 feet.” The applicant is proposing a side yard setback of 40 feet.

A variance of 10 feet is being requested.

Mr. Vince DeAngelis, BMH Realty LLC, introduced the proposed plan for a new commercial development to be located on two parcels adjacent to each other and both owned by BMH Realty. LOC Credit Union is the proposed business for the west parcel, and the east parcel is still conceptual. Mr. DeAngelis explained due to the topography and irregular size of the parcels, the required 10,000 square feet and minimum three-unit building, parking spaces, stormwater management, and drive aisles cannot be achieved on either property. They are seeking a variance to allow a one-unit building less than 10,000 square feet for both parcels. Furthermore, the proposed development is to include a shared entrance drive between

the two properties with one curb cut, however it encroaches into the side-yard setback of the east parcel.

Chairperson Urbain opened the Public Hearing at 7:08 p.m.

**Kim Saxton, 230 Kissane**, spoke in support of the variances requested.

**Robert Price, 230 Kissane**, spoke in support of the variances requested.

Hearing and seeing no further comments, Chairperson Urbain closed the Public Hearing at 7:09 p.m.

Board Member Pettengill questioned parking requirements for the conceptual lot.

Mr. Caruso explained there is enough parking for the conceptual plan, and regardless of what the development turns out to be, parking requirements must be met.

Chairperson Urbain mentioned there are many properties in this area that also do not and/or cannot meet the C-1 zoning requirements.

**Motion** by Board Member Perry-Dial, seconded by Board Member Pettengill to approve a variance to construct a one-unit building under 10,000 square feet of floor space for both parcels, due to the irregular shape of the two parcels. **The motion carried without objection.**

**Motion** by Board Member Perry-Dial, seconded by Board Member Pettengill to approve a variance of ten feet due to the irregular shape of the two parcels. **The motion carried without objection.**

**Kim Saxton – 230 Kissane**, is requesting a reduction to the rear yard setback to construct an accessory structure. Section 98-3.4 (D) states the minimum rear yard setback is 35 feet. The applicant is requesting proposing a rear yard setback of 20 feet. A variance of 15 feet is being requested.

Mr. Price stated he and his wife Kim, are proposing to construct an accessory structure to house their RV motor home to protect it from the elements and provide a more pleasant visual appeal for neighbors. Mr. Price explained the layout of the parcel and the surrounding properties, which include a city park and senior living facility with a parking lot and retention pond as a buffer.

Mr. Caruso noted the request is not out of character as many of the surrounding parcels have a five to fifteen feet rear setback which did not receive variance approvals.

Board Member Pettengill asked the applicant what the hardship is.

Ms. Saxton explained she and her husband use the RV to travel back and forth to another residence out of state. She stated due to the length of the building they'll need to house an RV, they cannot put it anywhere else on the property without making it aesthetically displeasing.

Chairperson Urbain opened the Public Hearing at 7:22 p.m.

**Susan Bakhaus** spoke in opposition of the variance request.

Hearing and seeing no further comments, Chairperson Urbain closed the Public Hearing at 7:26 p.m.

Ms. Saxton commented a car will be stored in the building while the RV is not there, and they also received support from a neighbor for the variance.

Mr. Caruso confirmed a letter of support was received.

Board Member Pettengill asked if similar variances were granted in this area.

Mr. Caruso stated no, and most accessory buildings in this area were constructed prior to the zoning.

Board Member Pettengill stated the hardship is self-created.

Board Member Perry-Dial asked when the house was built.

Mr. Caruso stated the homes in this area were constructed in the 1950-1960's.

Board Member Perry-Dial commented the home predates the zoning.

Board Member Genso asked if there is another spot on the parcel to construct the structure without requiring a variance.

Mr. Caruso stated it could be moved forward in the driveway and nearly to the corner of the house.

Chairperson Urbain commented although it could be moved forward, it would not be as aesthetically pleasing, and most neighbors have outbuildings that are not conforming.

**Motion** by Board Member Genei, seconded by Board Member Chaundy to approve a variance of fifteen feet to the rear-yard setback to construct an accessory structure at 230 Kissane, due to the zoning was added after the house was constructed and due to the space where the property allows for a structure. **The motion carried without objection.**

#### **Other Business**

##### **5. Election of Officers**

**Motion** by Board Member Pettengill, seconded by Board Member Chaundy to nominate Board Member Urbain as Chair, and Board Member Perry-Dial as Vice-Chair. **The motion carried without objection.**

##### **6. Staff Updates**

Mr. Caruso spoke briefly about future meetings and meeting recordings.

## **7. Call to the Public**

Chairperson Urbain opened the Call to the Public at 7:44 p.m.

Hearing and seeing no comments, Chairperson Urbain closed the Call to the Public at 7:44 p.m.

## **8. Adjournment**

**Motion** by Board Member Pettengill, seconded by Board Member Perry-Dial to adjourn the meeting.

**The motion carried without objection, and the meeting adjourned at 7:45 p.m.**

Drafted by:

Kelly Haataja, Executive Assistant to Community Development