

**CITY OF BRIGHTON
BOARD OF ADJUSTMENT**

MINUTES

August 27, 2020

Approved as presented

I. CALL TO ORDER

Chairman Maslanik called the meeting to order at 6:09 p.m.

II. PLEDGE OF ALLEGIANCE

Chairman Maslanik asked Board Member Leck to lead the Pledge of Allegiance.

III. ROLL CALL

Roll call was taken with the following Board Members in attendance: Chris Maslanik and William Leck. Board Members Fidel Balderas and Oliver Shaw were absent. Alternate Liane Wahl was in attendance and seated to vote. Alternate John Morse was present but not seated to vote.

STAFF PRESENT:

Jason Bradford, Planning Manager; Lena McClelland, Assistant City Attorney; Kate Lesser, Commission Secretary; Nick Di Mario, Planning Technician

IV. MINUTES OF PREVIOUS MEETINGS

Minutes from the July 9, 2019 regular Board of Adjustment meeting were approved as presented.

**Motion by Board Member Leck.
Second by Board Member Wahl.**

**Voting Aye: All Present
Motion passes: 3-0**

V. PUBLIC INVITED TO BE HEARD ON ITEMS NOT ON THE AGENDA

None recognized.

VI. PUBLIC HEARING ITEMS

1. **Variance request for accessory structure at 129 N. 4th Avenue: Nick Di Mario presenting**

Chairman Maslanik invited Staff to present, summarized:

Mr. Di Mario confirmed legal publication was completed for this hearing. He entered the staff report into public record and discussed the item as outlined in the staff report. Mr. Di Mario stood

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ready for questions.

Chairman Maslanik called for questions to Staff from the Board, summarized:

Board Member Leck asked whether the need for this variance to build an accessory structure of this size would still exist if the homeowner were to add a 700 square foot addition to the home. Would someone with a 7,000 square foot lot and 2,000 square foot home be able to build the same accessory structure without a variance?

Mr. Di Mario replied that the variance would not be necessary to build the proposed accessory structure on this lot if the primary structure square footage was increased and legally permitted. The Land Use and Development Code limits the size of an accessory structure to half the size of the primary structure up to 1,600 square feet.

Board Member Wahl inquired as to whether the existing car port and shed would be removed before a permit is issued for the garage to be built.

Mr. Di Mario stated that the property owner will have three months to remove those existing structures and build the garage as a condition of the approvals if granted by the Board. Also, it will be reviewed by City Planners once a permit is requested to make sure that the existing structures have been removed according to the agreement.

Chairman Maslanik called for the Applicant to address the Board, summarized:

Applicant Paul Malloy requested clarification on the agreement since it was his understanding that he would have three months to remove the existing structures after the garage was built.

Mr. Di Mario noted that he misspoke in response to Board Member Wahl's question earlier in the meeting and confirmed that the Applicant does have three months to remove the structures after completion of the garage. If weather prevents the Applicant from meeting the three-month deadline, he can request a one-month extension.

Chairman Maslanik called for questions from the Board to the Applicant, summarized:

None recognized.

Chairman Maslanik called for the public to address the Board, summarized:

None recognized.

Chair called for any member of the audience to speak on behalf of this item being presented.
No proponents were present.

No opponents were present.

Chairman Maslanik closed the questions at 6:35 p.m.

Ms. McClelland noted that, upon reviewing the Findings as presented in the packet, a Scrivener's error was found. It reads that the structure would be 265 square feet, while the Exhibit shows 266 square feet. Mr. Di Mario confirmed that 266 square feet is the correct number, so Ms. McClelland requested that the Board make a motion to pass the Findings as corrected so that it can be fixed

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after the meeting has ended.

Secretary Lesser read the Findings, Determination, and Order into the record.

Chairman Maslanik called for final comments from the Board, summarized:

None recognized.

**Motion by Board Member Leck to approve the variance as corrected
Second by Board Member Wahl**

Voting Aye: All present

Motion passes: 3-0

VII. OLD BUSINESS:

None recognized.

VIII. NEW BUSINESS:

Mr. Bradford commented that staff plans to present possible amendments of the new Land Use and Development Code to the Planning Commission on an annual basis. Later this year, staff will be presenting a number of proposed amendments as three separate public hearings since some topics are extensive. One of the revisions that will likely come later this year pertains to the accessory structure regulations that were discussed this evening.

IX. REPORTS

N/A

X. ADJOURNMENT

**Motion to adjourn by Board Member Wahl.
Second by Board Member Leck.**

Meeting adjourned at 6:42 p.m.