

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
DECEMBER 14, 2015**

A regular meeting of the City of Lapeer Zoning Board of Appeals was held in the Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Monday, December 14, 2015 at 7:00 p.m.

Members Present: Chairman Joe Black, Vice Chairman Bernard Jocuns, Mr. Paul Parsch, Mr. A. Wayne Bennett and Mr. Wes Butterfield.

Members Absent: Ms. Linda Ambrose.

Also Present: Mr. Scott Kree, Rowe Professional Services Company Planning Consultant, and Mr. Darryl Oliver, Building Official.

Vice Chairman Jocuns called the meeting to order at 7:10 p.m.

MINUTES

It was moved by Mr. Bennett and supported by Mr. Parsch to approve the minutes of the meeting held on November 23, 2015 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments at this time.

Chairman Black arrived at 7:11 p.m.

PUBLIC HEARING SCHEDULED

Lapeer County Bank & Trust – FY Setback Variance – Drive-Up ATM – 305 Pine St.

Mr. Kree reviewed the request from Lapeer County Bank & Trust for a variance to the front yard setback requirements of Section 7.06.03, Table 7.06.2 in order to demolish the existing teller operated drive-thru bank located at 305 Pine Street and replace it with a new Automatic Teller Machine (ATM) with a covered canopy structure and four vehicle stacking spaces. Mr. Kree reviewed the site location which is zoned B-2 General Business and stated the new structure will be located 5 feet from the property line, that a 30 foot setback is required from Pine Street and a 25 foot variance is being requested.

Mr. Kree reported when the existing building was originally built it was in compliance due to only one front yard setback along Clay Street being required, that two front setbacks are now required and reviewed the site plans for the existing building and the proposed ATM structure. Mr. Kree stated no changes to the site drainage are required and reviewed an aerial photo of the site and design elevations of the ATM and canopy structure.

Mr. Kree reviewed the conditions and standards to be met in order to grant the requested variance and stated the proposed use is a less intense use with better visibility and the applicant could consider moving the structure further southwest on the site to lessen the amount of variance being requested while maintaining the four spaces required by Section 7.16.07 for stacking.

Discussion was held regarding the proposed 25 foot encroachment into the required Pine Street front yard setback and the fact the overhang of the existing building touches the property line.

Chairman Black opened the public hearing at 7:19 p.m.

Mr. Brian Van Peteghem, of Thompson Phelan Group, was present and stated the site is unique, the existing structure is solid, the ATM structure is an open design which will increase the visibility, that the existing building will be demolished down to the grade, that the footings will remain and no site drainage changes are proposed. Mr. Van Peteghem stated relocating the building further southwest on the site would affect the vehicle stacking space pushing cars toward Clay Street, that the situation was not self created by the bank due to the existing building being built in conformance with standards in effect at the time of construction and the City changed the ordinance requirements. Mr. Van Peteghem stated the new structure will provide the Fire and Police departments better access to the alley area and that there are little options for re-use of the property, therefore, the bank requests relief in the form of a 25 foot variance from the 30 foot front yard setback requirement on Pine Street.

Discussion was held regarding the location of handicap spaces on Pine Street and the fact the two existing parking spaces on the site are not designated as handicap parking.

Mr. Bruce Cady, Lapeer County Bank & Trust President, was present and stated the new ATM will be state of the art design capable of accepting business and personal deposits. Mr. Cady informed the board the concrete islands for the existing drive-thru lanes will be removed and the area will be filled, landscaped and turned into green space.

There being no further comments, the public hearing was closed at 7:28 p.m.

Discussion was held regarding the fact the existing building was constructed in compliance and the ordinance was amended to require two front yard setbacks.

After discussion, it was moved by Mr. Bennett and supported by Mr. Jocuns to approve the request from Lapeer County Bank & Trust for a variance of 25 feet to the front yard setback requirements of Section 7.06.03, Table 7.06.2 in order to construct a new drive-up ATM and covered structure at 305 Pine Street with a 5 foot setback along Pine Street due to the practical difficulty that a zoned use drive-thru bank was originally best judged located on the existing footprint.

Yeas: Mr. Bennett, Mr. Jocuns, Mr. Parsch and Mr. Butterfield.

Nays: None.

Abstain: Mr. Black.

Absent: Ms. Ambrose.

MOTION CARRIED.

Lapeer Urgent Care – Non-Conforming Sign Structure – 1111 Summit St.

Mr. Kree reviewed the request received from Lapeer Urgent Care for a variance to allow the altering of the existing legal, non-conforming sign structure located at 1111 Summit Street to place an electronic sign for their location at 1227 Summit Street on the sign structure and reviewed the location of Lapeer Urgent Care and the subject sign both of which are zoned B-2 General Business. Mr. Kree stated the wall signage on the business building facade was approved and installed following proper procedures, that due to the sign at 1111 Summit Street being non-conforming the applicant was told by the City Building Official he could replace the existing skin on the Kroger non-conforming sign structure and weeks later a sign company was discovered structurally altering the sign frame by adding an animated/moving sign to the legal non-conforming sign structure. Mr. Kree reported a violation notice was issued to the sign contractor and the former Planning Administrator Brent Bajdek contacted Mr. Aboudane via email explaining the violation and requested immediate removal of the sign.

Mr. Kree reviewed photos of the sign structure and new animated sign installed in violation of the ordinance, the conditions and standards to be met in order to grant the requested variances and stated it is his opinion the request does not qualify under any conditions listed in Section 7.22.04(f).

Mr. Darryl Oliver, City Building Official, was present and stated the new sign frame is welded to the existing sign structure, that electricity was an existing feature already installed to the existing sign structure and the new electronic sign system protrudes approximately 6 to 8 inches on both sides of the existing sign structure. The previous sign panel the current sign replaced was illuminated, flush with the existing sign structure and it was not animated.

Chairman Black opened the public hearing at 7:44 p.m.

Ms. Jan Hicks, representing the owners of Lapeer Urgent Care, was present and stated the owners of Lapeer Urgent Care also own the buildings at 1227 Summit and 1111 Summit, that Lapeer Urgent Care is part of the McLaren corporation, that when the decision was made to purchase the electronic sign the owners assumed the contractor had the proper permits until the violation notice was received and that the sign is critical to the function of the business.

Mr. Zak Aboudane, the property owner, was present and stated he has spent over \$170,000 getting the facility up and running, that the wall signage was installed by Sign A Rama with no issues, that the new sign installed by Banacom Signs does not extend beyond the structure pillars, that the cost of the new sign is \$14,000 and he will do what it takes to be in compliance. Mr. Aboudane distributed a photo of the digital sign at E.G. Nicks restaurant stating it appears to stick out from the main structure, that his other tenants do not have an issue with the sign and asked for any suggestions, help or advice on what to do to do things properly. Mr. Aboudane also stated he has the ability to adjust the sign letter size, flashing, colors and brightness, that he is committed to the project and would appreciate any help the board can give.

Discussion was held regarding the fact the owner assumed the sign company got a permit which is normally a task delegated to the sign company, the amount of structural alterations made, the appearance of the new sign and the ability of the owner to adjust sign to make it less distracting.

There being no further comments the public hearing was closed at 8:14 p.m.

Discussion was held regarding issues with the sign colors, brightness and distracting nature, the need for the applicant to get a permit for an acceptable sign that meets the ordinance requirements, the alterations which made visual changes to the structure, the fact the new Urgent Care sign appears larger than the other signs on the structure and the need to reconfigure the new sign to fit similar to the other signs on the structure.

After discussion, it was moved by Mr. Jocuns and supported by Mr. Bennett to deny the request from AAA Lapeer Holdings, LLC for a variance to Section 7.17 for the Lapeer Urgent Care animated/moving sign to be attached to the existing legal non-conforming sign structure located at 1111 Summit Street due to the request not meeting the required conditions and the alteration of the existing non-conforming structure.
MOTION CARRIED.

OTHER BUSINESS

Alternate Member Appointment

Discussion was held regarding interest received from Michael Stuart to serve as an Alternate member on the Zoning Board of Appeals and it was the consensus of the board to recommend Mr. Stuart be appointed to the board.

Mr. Jocuns requested staff's assistance in obtaining copies of the four previous issues of the Planning & Zoning News addressing Marijuana and stated due to legislative changes the City will soon need to address the issue.

ADJOURNMENT

There being no further business, it was moved by Mr. Bennett to adjourn the meeting at 8:33 p.m. **MOTION CARRIED.**

Mr. Joe Black
Chairman