

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
APRIL 24, 2017**

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, April 24, 2017 at 7:00 p.m.

Members Present: Chairman Joe Black, Mr. A. Wayne Bennett, Mr. Wes Butterfield, Mr. Jeff Hogan and Ms. Alyssa Walker

Members Absent: Vice Chairman Bernard Jocuns and Mr. Paul Parsch.

Also Present: Mr. Scott Kree, Rowe Professional Services Company Planning Consultant.

Chairman Black called the meeting to order at 7:00 p.m.

MINUTES

It was moved by Mr. Bennett and supported by Mr. Butterfield to approve the minutes of the meeting held on November 28, 2016 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments

PUBLIC HEARING SCHEDULED

Lakestone Bank & Trust – 305 Pine Street – Monument Sign

Mr. Kree reviewed the request from Lakestone Bank & Trust for a variance to the monument sign base requirements of Section 7.17.06(b)(4) in order to construct a new monument sign at 305 Pine Street to replace an existing nonconforming pole sign. Mr. Kree reviewed the site location, aerial photos of the site, the existing and proposed sign locations, the clear vision triangle area and stated the site has two front yards which minimize the area available for signage. Mr. Kree stated the ordinance requires a 75% base for monument signs, reviewed the 4'3" cantilever and 3'6" base proposed sign design which results in a 45% sign base which requires a variance of 30%.

Mr. Kree reviewed the required conditions and standards to be met in order to grant the requested variance stating the request meets condition #3 due to the proposed sign being more in conformance than the existing sign. Mr. Kree concluded the variance will provide a new sign not located in the right-of-way providing clear vision area for traffic and pedestrians while avoiding utility and soil issues at the street corner and the fact the design submitted shows the sign is not a typical pole sign and better related to a monument sign.

Discussion was held regarding the proposed 8 ft. height of the sign which is the maximum permitted.

Chairman Black opened the public hearing at 7:07 p.m.

Mr. Brian Van Peteghem of Thompson-Phelan Group, Inc. was present representing Lakestone Bank & Trust and stated the bank signage is being rebranded due to the merger of Lapeer County Bank & Trust with Capac State Bank, that both pole and monument type sign designs were developed for various locations and that the new sign will be moved further away from the right-of-way and the existing flag pole. Mr. Van Peteghem stated the new drive-up ATM was a nice improvement to the 305 Pine Street site, that the new sign will be a nice improvement as well and that the location is a unique site. Mr. Van Peteghem reviewed the materials and design of the sign and stated the sign will feature internal LED lighting and that the request meets the required standards to approve the variance.

There being no further comments, the public hearing was closed at 7:11 p.m.

Discussion was held regarding the fact the new sign is an improvement and more conforming than the existing sign and the requirement for a sign permit from the Building Department.

After discussion, it was moved by Mr. Bennett and supported by Mr. Butterfield to approve a variance of 30% to the monument sign base requirement in Section 7.17.06(b)(4) of 75% to erect a new monument sign for Lakestone Bank & Trust at 305 Pine Street with a 45% total sign base based upon:

- The condition stated in Section 7.22.04(4)(3) as the variance will significantly improve the conformity of an existing sign; and
- The following standards:
 - Standard #1 has been met due to practical difficulties with the existing site being a corner lot and having two front yards. The location of the existing footing (to be abandoned), setback requirements, and R.O.W. locations along with the possibility of interfering with underground utility locations are the reasons the base of the sign has been stepped back.
 - Standard #2 has been met due to the unique condition of the site and existing layout. The sign location has no other location options and the design is such to protect against failure of the sign or causing issues with City services in the area.
 - Standard #3 the base of the sign is wide (3'-6") as it is assumed this regulation was put in the sign ordinance to stop applicants from producing pole signs and claiming the pole (usually under 12" wide) was a base. The variance would continue to uphold the spirit and equality of the ordinance as a base is still present in the design.
 - Standard #4 the minimum variance is being proposed as the sign is larger than the previous nonconforming sign. The base size being proposed would be appropriate for the existing sign if that existing structure was able to be brought into conformity.

- Standard #5 is met due to the fact that the sign is protecting the public health and safety and the base design brings the sign into more conformance as it is located outside of the R.O.W., clear-vision area, and should have no conflicts with existing utilities in the area.

Yeas: Mr. Bennett, Mr. Butterfield, Mr. Hogan and Ms. Walker.

Nays: None.

Abstain: Mr. Black.

Absent: Mr. Jocuns and Mr. Parsch.

MOTION CARRIED.

Shango / Lapeer Pool & Spa – 960 Summit St. – Exterior Window Variance

Mr. Kree reviewed the request from Mr. Adnan Shango for a variance to the exterior window requirements of Section 7.15.01(c)(3) in order to make modifications to his building located at 960 Summit Street to be occupied by Lapeer Pool & Spa. Mr. Kree reviewed the site location, aerial photos of the site, photos of the existing building and the exterior window ordinance requirements. Mr. Kree reported the parking variance granted in 2016 to Edenz Gardening Center is not necessary or related to the current request due to the existing parking on site being sufficient based on the Lapeer Pool & Spa use classification.

Mr. Kree reviewed the existing and proposed Summit Street building facade and stated 264 sq. feet of window area is required, that 135 sq. feet is proposed and a variance of 129 sq. feet is being requested. Mr. Kree reviewed interior improvements being made and stated the south and west exterior building facade materials will consist of stucco and stone, that no changes are being made to the north or east facades and the corner site has two front yards. Mr. Kree concluded the proposed design is an attempt to meet the standards while being constricted by the structure of the existing building, that the existing building's size and materials for the location in a B-2 district is non-conforming and that the building owner is attempting to modify and improve the building within the ordinance limits.

Discussion was held regarding removal of the existing aluminum windows, parking available on the site and the parking requirement calculation for the Lapeer Pool & Spa use which is different from the previous use on the site.

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

There being no comments, the public hearing was closed.

Discussion was held regarding the fact the owner is improving the building from what currently exists and that any signage requests will need to be submitted to the Building Department.

After discussion, it was moved by Mr. Butterfield and supported by Ms. Walker to approve the request from Adnan Shango for the following variance in order to make improvements to the existing building located at 960 Summit Street:

• **A variance of 129 sq. ft. to the exterior window area requirements of Section 7.15.01(c)(3) for the following reasons as they refer to the five standards:**

- (1) The variance is being granted to allow the building owner to modify the building that would bring the façade into a closer conformity with the ordinance. Not allowing the variance would unreasonably prevent the owner from modifying the existing building making the process unnecessarily burdensome; and
- (2) The variance would do substantial justice to the applicant as well as to other property owners in the zoning district as the upgrading of the existing buildings materials and window layout is continued. A lesser relaxation of the standard would not provide substantial relief to allow for the updating of building materials and façade design; and
- (3) The problem is due to circumstances unique to the existing building and not to general conditions in the area; and
- (4) The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property but has to do with the design of the building and where windows can be placed on the structure; and
- (5) Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done as the building is being updated and brought into a closer conformity with the zoning ordinance.

MOTION CARRIED.

Lapeer Pool & Spa – 960 Summit Street – Dumpster Screen Variance

Mr. Kree reviewed the request from Bill Bryers of Lapeer Pool & Spa for a variance to Section 7.15.06(b)(2) in order to allow a dumpster screen to be built to the property line at 960 Summit Street. Mr. Kree reviewed the existing and proposed dumpster location on the site, the required standards and conditions which have been met and concluded the design is an attempt to meet the ordinance standards on the constricted site which currently has no designated dumpster area, that the proposed location at the rear corner of the lot is the most logical and that the dumpster screen materials are comparable to a fence or wall which is allowed to be built at property lines in the B-2 district.

Discussion was held regarding the 6 ft. height of the screening, the 5'9" height of an average commercial dumpster, the fact the dumpster location and screening will not interfere with access to the adjacent site and that there is an existing dumpster in approximately the same location.

Chairman Black opened the public hearing at 7:28 p.m.

Mr. Bill Bryers of Lapeer Pool & Spa was present to answer any questions from the board.

There being no comments, the public hearing was closed.

Discussion was held regarding previous parking issues for the subject site with the adjacent neighbor to the north.

After discussion, it was moved by Mr. Hogan and supported by Mr. Butterfield to approve the request from Lapeer Pool & Spa for the following variance in order to allow a dumpster screen to be built to the property line at 960 Summit Street:

- **A variance to Section 7.15.06(b)(2) in order to allow the dumpster screen to be built to the property line as they refer to the five standards:**
 - (1) The variance is being granted to allow the building owner to modify the site and bring it into conformity with the zoning ordinance. Not allowing the variance would unreasonably prevent the owner from bringing the site into conformity and screening the dumpster making the process unnecessarily burdensome; and
 - (2) The variance would do substantial justice to the applicant as well as to other property owners in the zoning district as it is allowing the dumpster to be screened. The screen along the property line is comparable to a wall between the two lots. A lesser relaxation of the standard would not provide substantial relief and force the owner to build a dumpster screen into the small parking lot; and
 - (3) The problem is due to circumstances unique to the existing size and layout of the site and not to general conditions in the area; and
 - (4) The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property but has to do with the design of the site, limitations of the lot, and the ordinance not being enforced or active at the time the building was constructed and site developed; and
 - (5) Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done as the construction of the dumpster screen is consistent with wall construction which is permitted at the property line in the B-2 district. Further, building of a dumpster screen provides safety and hinders nuisances caused by non-screened trash receptacles.

MOTION CARRIED.

ADJOURNMENT

There being no further business, it was moved by Mr. Bennett to adjourn the meeting at 7:30 p.m. **MEETING ADJOURNED.**

Mr. Joe Black
Chairman