

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
MARCH 26, 2018**

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, March 26, 2018 at 7:00 p.m.

**Members Present:** Vice Chairman Bernard Jocuns, Mr. Paul Parsch, Mr. Jeff Hogan and Ms. Alyssa Walker.

**Members Absent:** Chairman Joe Black, Mr. Wes Butterfield and Mr. A. Wayne Bennett.

**Also Present:** Ms. Caitlyn McGoldrick, Rowe Professional Services Company Planning Consultant, and Mr. Darryl Oliver, Building Official.

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

**MINUTES**

It was moved by Mr. Hogan and supported by Mr. Parsch to approve the minutes of the meeting held on February 26, 2018 as presented. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARING SCHEDULED**

**Michael & Stephanie Calvert – 733 Beach St. – Maximum Lot Coverage**

Ms. McGoldrick reviewed the request from Michael & Stephanie Calvert for a variance to the maximum lot coverage requirement of Section 7.03.03, Table 7.03.2 in order to allow a total lot coverage of 31.5% at the property known as 733 Beach Street. Ms. McGoldrick reviewed the location and an aerial photo of the site which is zoned R-1 Single Family Residential and stated the applicant would like to reconstruct the accessory building which was totally destroyed by fire at the same size of 30 ft. by 40 ft. which would bring the lot coverage to 31.5% and that the maximum lot coverage allowed is 30%. Ms. McGoldrick reviewed various photos of the site, and the calculation of the lot coverage including the existing house, porch, garden house and the proposed reconstructed garage that as proposed will exceed the lot coverage maximum by 114 sq. ft.

Ms. McGoldrick reviewed correspondence received from DTE Energy notifying the City the proposed location of the accessory building to be reconstructed does not meet the 7½ ft. horizontal clearance requirements from the overhead utility lines on the subject site.

Ms. McGoldrick reviewed the standards and conditions to be met in order to consider approving the requested variance and the applicant's response to each standard which expressed the desire to rebuild the garage at 30 ft. by 40 ft. while allowing the existing garden shed and enclosed porch area to remain. Ms. McGoldrick also reviewed the reasoning for limiting lot coverage which includes storm water drainage control, maintaining open green space, property values and the residential neighborhood characteristics.

Discussion was held regarding the fact other lots in the area meet the lot coverage requirements, the zoning ordinance requirement that constitutes an existing structure's loss of non-conforming status in the event the structure is destroyed by a certain percentage, the location of the DTE utility pole and wires on the subject site, the approximate distance between the existing cement pad and the utility wires and the existing enclosed porch area and garden shed on the site.

Mr. Darryl Oliver, City Building Official, was present and stated the utility pole and wires sustained damage from the fire on the site and that the storm drainage code would require the new garage to include gutters.

Discussion was held on the fact there appears to be room to shift the structure on the site to meet the 7½ ft. utility wire clearance requirements, that the lot coverage variance would still be required in order to construct the garage at the desired 30 ft. by 40 ft. size and that the building as proposed would meet the required rear and side yard setbacks. Ms. McGoldrick reviewed the previous variance granted in June 1998 for the subject site under the previous zoning ordinance allowing the accessory building to occupy more than 25% of the required rear yard stating the variance does not apply to the current request and that the variance to the lot coverage maximum would still be needed.

Vice Chairman Jocuns opened the public hearing at 7:29 p.m.

Mr. Michael Calvert was present and stated he would like to keep using the existing garden shed, that he has replaced the roof on the shed, that he will be getting a new door for the shed, that the shed is of the same era and goes with the house, that he does not store cars in the 14 ft. by 16 ft. shed and uses it for lawn and garden maintenance equipment. Mr. Calvert stated he would like to rebuild the garage on the same 30 ft. by 40 ft. foot print on the existing cement pad, that if the rebuilt garage was reduced to 30 ft. by 36 ft. to meet the ordinance he would need to tear up the new cement driveway and pad, that the garage has been there for 20 years and that he has updated all the buildings on the property which was a blight issue when he purchased it. Mr. Calvert also stated the house on the site is a rental, that he uses the garage and maintains the yard and that the garden shed is unique and would not fit a full size car.

Discussion was held regarding the correspondence from DTE Energy, access for DTE to conduct maintenance and the fact the lot coverage variance is needed for the structure even if it is relocated on the site.

Mr. Brian Ludlow, 156 Curella Drive, Attica, was present and stated if the structure is shifted on the site the cement slab will need to be cut which is a major expense.

The following letter was received from Lynn Sheets regarding the request:

March 20, 2018

I am writing this letter to you about the property at 733 Beach St., Lapeer, Michigan. My name is Lynn Sheets. I own the property at 726 Turrill Ave., Lapeer, Mi. It attaches to the property at 733 Beach St. Please do not allow him to rebuild that huge garage! My husband and I have a 24x30 garage on our lot that was as big as we were allowed. They were supposed to tear down the small garage at 733 Beach St. when they built the bigger garage but no one ever did tear it down so that big garage was illegal all this time. Mike Ranie owned that before Mike Calvert. Calvert bought that property from foreclosure sale, house & garage for approximately \$24,000 at foreclosure sale. So then he has a business in that garage bail bondsman. All of us neighbors have had damage to our homes from his big garage and we had to pay \$500.00 deductible to our Ins. Companies to get our damage fixed. We do not want that garage there and hope you can understand why. The home behind that garage lost a lot. The house beside me lost her new siding which she bought on sale. Debbie Rizor and I really hope you won't grant him what he is asking. I am unable to be at the meeting. Hope it is well attended. Woodchucks under big garage all the time.

Thank you.  
Lynn Sheets  
726 Turrill Ave.  
Lapeer, MI 48446

The following correspondence was received by Kim Hodge in the Planning Department by email from Darcy Stein of DTE Energy regarding the request:

March 24, 2018

Dear Ms. Hodge;

Per our phone conversation, I am sending you DTE's response to the Public Hearing before the City of Lapeer Zoning Board of Appeals on Monday, March 28, 2018. This is in regards to 733 Beach Street, Lapeer.

The current cement foundation found at the above address is in violation of clearance code. No permanent structure is to be within 10 feet of electrical conductors (wires). Therefore, DTE has an objection to this request.

If the permanent structure can be beyond the 10 foot clearance, then DTE would have no objections.

If there are any questions or concerns, please don't hesitate to contact me.

Best regards,  
Darcy Stein  
Right of Way Facilitator  
DTE Electric  
NE Planning & Design

There being no further comments, the public hearing was closed at 7:42 p.m.

After discussion, it was moved by Mr. Jocuns and supported by Mr. Parsch to postpone action on the request until the April 23<sup>rd</sup> meeting. **MOTION CARRIED.**

#### **ADJOURNMENT**

There being no further business, it was moved by Mr. Jocuns and supported by Mr. Parsch to adjourn the meeting at 7:43 p.m. **MEETING ADJOURNED.**

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Mr. Joe Black  
Chairman