

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
APRIL 23, 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, April 23, 2018 at 7:00 p.m.

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

Members Absent: None.

Also Present: Ms. Caitlyn McGoldrick, Rowe Professional Services Company Planning Consultant.

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

MINUTES

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

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

There were no new public hearings scheduled.

OTHER BUSINESS

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 and stated the public hearing was held last month and action was postponed. 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 stated the enclosed porch and smaller existing garage/garden shed count toward the overall lot coverage and that if the garage were constructed at the applicant's desired size the site would 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 and stated the Building Department has been informed by DTE the utility lines were relocated temporarily in order to replace the fire damaged pole and when completed the lines will be moved back to their original position.

Ms. McGoldrick reported research of the City's records for the site found that after discussing removal of the small existing garage a rear yard coverage variance was granted in 1998 to a standard which no longer exists in the current ordinance, therefore, does not apply to the current request for a lot coverage variance.

Mr. Michael Calvert was present and reviewed his discussions with DTE representatives regarding the overhead line clearance issues and stated he feels he has the required clearance, that he uses and would like to keep the existing small garage/garden shed and that by allowing the garage to be reconstructed at the same 30 ft. by 40 ft. size will be a benefit to the neighborhood and will avoid tearing up the existing concrete.

Ms. McGoldrick reviewed the standards and conditions to be met in order to consider approving the 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 need for the lot coverage variance request to meet all five standards to warrant the board's approval, the fact the applicant will need to work with DTE and the Building Department regarding the overhead utility line clearance issue, options available to the applicant to meet the maximum lot coverage requirement including demolishing the existing small garage/garden shed and building a smaller structure to replace the one destroyed by fire.

After discussion, it was moved by Mr. Hogan and supported by Mr. Black to **deny** the request from Michael and Stephanie Calvert for a 1.5% variance to the lot coverage requirement of Section 7.03.03 Table 7.03.2 in order to allow the requested 30 ft. by 40 ft. accessory building, which is a total of 31.5% lot coverage for Parcel #L20-80-000-040-00 located at 733 Beach Street based upon the fact the requested variance **does not** meet all of the standards for granting approval specifically standard (4) which states "the problem that resulted in the need for the variance was not created by the applicant or previous owners of the property".

Yeas: Mr. Hogan, Mr. Black, Mr. Parsch, Mr. Butterfield and Mr. Bennett.

Nays: None.

Abstain: Mr. Jocuns.

Absent: None.

MOTION CARRIED.

ADJOURNMENT

There being no further business, it was moved by Mr. Jocuns to adjourn the meeting at 7:50 p.m. **MEETING ADJOURNED.**

Mr. Joe Black
Chairman