

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
JUNE 25, 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, June 25, 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 Habben, Rowe Professional Services Company Planning Consultant.

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

**MINUTES**

It was moved by Mr. Jocuns and supported by Mr. Hogan to approve the minutes of the meeting held on April 23, 2018 as presented. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARING SCHEDULED**

**Bayliss Street Properties – 448 County Center St. – Front Yard Setback Variance**

Ms. Habben reviewed the request from Bayliss Street Properties for a 30 foot front yard setback variance to Section 7.08.03, Table 7.08.2 to allow construction of a new office building at 448 County Center Street to be located 10 feet from the right-of-way line. Ms. Habben reviewed the site location which is occupied by Blue Flame Propane and Foster Oil and stating the property is zoned I-1 Industrial which requires a 40 foot front yard setback in order to build a proposed 64 ft. by 27½ ft. office building totaling 1,760 sq. feet. Ms. Habben reviewed the conceptual site plan for the project, aerial photos of the existing site and stated the parcel is a narrow 124 ft. by 522 ft. corner lot.

Ms. Habben reviewed the standards and conditions to be met in order to consider approving the variance, the applicant's response to each standard and staff findings in support and in opposition to each required standard. Ms. Habben reported it appears a lesser setback variance of 20 feet would accommodate the needs of the site while still allowing sufficient clearance from the existing propane tanks. Ms. Habben reviewed the existing features on the site, the railroad tracks located immediately north of the parcel and stated the site is not considered a non-conforming lot due to the I-1 Industrial District not requiring a minimum lot size.

Discussion was held regarding the need to account for future expansion of Bentley Street, the location of the existing sidewalk on the site and the need to maintain open space between the storage tanks and the new office building.

Chairman Black opened the public hearing at 7:08 p.m.

Mr. Cory Mabery, of Davis Land Surveying, was present representing the applicant and stated he designed the plan treating the Bentley Street frontage as a side yard and reviewed the area needed on the site for maneuvering space. Mr. Mabery stated the City's DPW building is setback 25 ft. to 27 ft. from Bentley Street, that the applicant would be agreeable to a lesser variance in order to line up the new building with the DPW building and allow for landscaping area. Mr. Mabery stated a building design elevation has not been prepared, however, the applicant is planning a one-story residential style office building with a pitched roof.

There being no further comments the public hearing was closed at 7:15 p.m.

Discussion was held on granting a lesser variance, the location of the railroad tracks along the north side of the parcel and the fact the improvements will make the site more customer-friendly.

After discussion, it was moved by Mr. Hogan and supported by Mr. Jocuns to approve a lesser request from Bayliss Street Properties for a 15 ft. variance to the front yard setback along Bentley Street requirements of Section 7.08.03, Table 7.08.2 in order to allow an office building with a 25 ft. front yard setback at 448 County Center Street based upon:

The requested variance does meet all of the standards for granting the approval including:

- (1) The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome;
- (2) The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others;
- (3) The problem is due to circumstances unique to the property and not to general conditions in the area;
- (4) The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property; and
- (5) Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

**MOTION CARRIED.**

### **ADJOURNMENT**

There being no further business, it was moved by Mr. Bennett and supported by Mr. Hogan to adjourn the meeting at 7:19 p.m. **MEETING ADJOURNED.**

---

Mr. Joe Black  
Chairman