

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
DECEMBER 22, 2014**

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 22, 2014 at 7:00 p.m.

Members Present: Chairman Joe Black, Vice Chairman Matt Fennelly, Mr. Nate Scramlin, Mr. Paul Parsch, Mr. A. Wayne Bennett and Ms. Linda Ambrose.

Members Absent: None.

Also Present: Ms. Linda Jackman, Planning Director.

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

MINUTES

It was moved by Mr. Scramlin and supported by Mr. Fennelly to approve the minutes of the meeting held on November 24, 2014 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

Lydia Love – 527 Railroad St. – Setback Variances for In-Ground Pool

Ms. Jackman reviewed the request received from Lydia Love for variances to Section 7.14.07 in order to install a 14 ft. by 28 ft. kidney shaped in-ground pool on the property known as 527 Railroad Street. Ms. Jackman reviewed the site location which is zoned R-1 Single-Family Residential, amount and description of the three variances being requested, an aerial photo of the area showing the small lot size, the approximate dimensions of the lot and a sketch showing the location of the proposed pool in relation to the home, detached garage and lot lines.

Ms. Jackman reviewed the ordinance standards required to be met in order to grant the variances and stated the pool will be subject to all requirements of the Michigan Residential Code including fencing.

Discussion was held regarding lot coverage of the subject parcel and Ms. Jackman stated pools do not apply towards the lot coverage calculation.

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

Mr. William Love, 527 Railroad St., was present and stated Lapeer Pool & Spa will be installing the pool which is the smallest standard sized in-ground pool available, that the pool will not encroach into the 10 ft. utility easement located at the rear of the lot for the overhead DTE power lines, that the topography drops off at the rear of the lot, that the variance amounts requested are for the pool only and do not include any sidewalk or patio area around the pool, that the pool will be 8 feet from the rear of the house, that the existing rear deck will be removed and that L-shaped steps will be constructed off the back of the home.

There being no further comments, the public hearing was closed at 7:13 p.m.

Discussion was held regarding the utility easement at the rear of the property which pushes the pool area closer to the house.

After discussion, it was moved by Mr. Parsch and supported by Mr. Fennelly to approve the request from Lydia Love for the following variances to Section 7.14.07 in order to install an in-ground pool at 527 Railroad Street due to the existence of the rear yard power line utility easement:

- A 4 ft. variance to the 10 ft. side yard setback requirement;
- A 2 ft. variance to the 8 ft. setback requirement from the dwelling; and
- A 2 ft. variance to the 10 ft. setback requirement from the detached garage.

MOTION CARRIED.

Finish Line Auto Sales – 1250 Imlay City Rd. – Sign Abandonment Determination

Ms. Jackman reviewed the request from the City Planning Department to consider the status of a non-conforming sign for Finish Line Auto Sales located at 1250 Imlay City Road. Ms. Jackman reviewed the site location which is zoned B-2 General Business and stated the property has recently been brought into compliance with all City requirements in order for Finish Line Auto Sales to operate onsite. Ms. Jackman reviewed issues related to the non-conforming sign including the fact the owner installed a temporary sign on the existing pole sign frame with the intent of installing permanent signage similar in size to what had existed previously under the prior ownership. Ms. Jackman stated the owner would like to install two new sign panels totaling 79.16 sq. ft. using the existing brackets on the sign frame and reviewed the design of the proposed signage which includes a reader board.

Ms. Jackman stated the current ordinance allows monument type signs up to 56 sq. ft. and requires written notification to the Building Official prior to removing a non-conforming sign in order to preserve a sign's non-conforming status. Ms. Jackman reported the written notification requirement is not well known and requested the board make a determination on whether or not there was intent by the owner to abandon use of the non-conforming sign.

Chairman Black opened the public hearing at 7:22 p.m.

Mr. Robert Burda, owner of Finish Line Auto Sales, stated he opened his first shop on the subject property 15 years ago and the sign was the size of the whole frame, that he has put over \$100,000 into the property since he purchased it in January 2014, that he never took the poles down, only the sign faces and that when he went to see the Building Official about putting the sign faces back on he was told he would need to speak with the Planning Department. Mr. Burda distributed a design rendering of the proposed signage and stated he is trying to do the best he can with what little he has and that he never knew that he was abandoning use of the sign by just taking the boards down. Mr. Burda stated he closed on the property on January 10, 2014, that he just received his Certificate of Occupancy three weeks ago and that it has been a long process.

Mr. Burda stated he purchased the adjacent building in August 2004, that he has been working to make the two properties look better, that the City has worked with him on certain issues and that he has done everything the City has asked.

There being no further comments, the public hearing was closed at 7:32 p.m.

Discussion was held regarding improvements made to the two properties, that fact that the opportune time to bring non-conforming signs into compliance is at the time of ownership change, due diligence responsibilities of business and property owners, inclusion of the reader board on the previous sign and the fact the sign frame is in good condition. Discussion was also held regarding the fact the current ordinance would allow the proposed top sign panel, that the reader board would require a variance, opportunities for City staff to inform the property owner of the requirements regarding use of the non-conforming sign and the issue of whether or not the property owner's intent was to abandon use of the non-conforming sign.

After discussion, it was moved by Mr. Bennett and supported by Ms. Ambrose to make the determination regarding the abandonment of the non-conforming sign at 1250 Imlay City Road that the sign has not been abandoned because there was no intent to abandon and sign panels may be re-installed at the sizes proposed (total sign area of 79.16 sq. ft.).

MOTION CARRIED.

ADJOURNMENT

There being no further business, it was moved by Mr. Bennett and supported by Mr. Scramlin to adjourn the meeting at 7:45 p.m.

Mr. Joe Black
Chairman