

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
JANUARY 27, 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, January 27, 2014 at 7:00 p.m.

Members Present: Chairman Joe Black, Mr. Paul Parsch, Mr. Al Grossbauer, Mr. A. Wayne Bennett and Mr. Nate Scramlin.

Members Absent: Vice Chairman Matt Fennelly.

Also Present: Ms. Linda Jackman, Planning Director, Mr. Brent Bajdek, Planning Administrator and Mr. Darryl Oliver, Building Official.

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

MINUTES

It was moved by Mr. Parsch and supported by Mr. Scramlin to approve the minutes of the meeting held on October 28, 2013 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

Mr. Robert Murray, 1217 Barry Drive, was present and addressed the board regarding the Medstar Ambulance service which is continuing to operate at 1239 Barry Drive while the matter is in litigation. Mr. Murray stated he was told by Ms. Jackman he would need to contact the City Attorney for any further information on the status of the Medstar operation, that he wrote the City Attorney inquiring whether he is advocating for him as a taxpaying citizen of the City or for Medstar and McLaren. Mr. Murray stated the City Attorney would not answer the question, advised him to retain his own attorney, that as a taxpayer it is very unsettling to be told to retain his own attorney since the City Attorney works for the City, that his taxes pay his salary and the City Attorney should be looking out for the citizens. Mr. Murray stated he was told to communicate with the City Attorney, that now no one will communicate with him and he does not know where to turn. Mr. Murray stated he feels the Zoning Board of Appeals decision is not being backed up or followed through on, that he wanted to make sure the Zoning Board of Appeals was aware of the situation and that Medstar is still operating at the site.

Mr. Parsch inquired who initially contacted the City regarding the Medstar operation, how the process was handled after the initial contact and how long Medstar was operating at the site prior to the City being contacted.

PUBLIC HEARING SCHEDULED

Snoblin – 74 N. Elm Street – Accessory Building Variance for Lean-To Structure

Ms. Jackman reviewed the request received from Gregory Snoblin for a variance to Section 7.14.04 Accessory Buildings and Uses in order to construct a lean-to on the existing northernmost detached accessory building located on the property known as 74 N. Elm Street. Ms. Jackman reviewed the site location and reported construction began on the lean-to before the applicant was aware approval of a building permit was required. Ms. Jackman

reported two detached garages currently exist on the property, that pursuant to Section 7.14.04(c) the combined areas of accessory buildings shall not exceed the ground floor area of the main building and that with the erection of the lean-to a 415 sq. foot variance is required.

Ms. Jackman reviewed the site diagram provided by the applicant showing a 14.6 foot rear yard setback after construction of the lean-to and the standards to be met pursuant to Section 7.22.04(e) in order to grant the variance. Ms. Jackman stated that due to the facts that the subject lot is not odd-sized, the home is not under or over-sized and that two accessory buildings current exist on the site staff finds no rationale for granting the variance and is recommending the request be denied. Ms. Jackman further stated that it has been determined that there may be some discrepancies with the structure dimensions on the applicants diagram and what is shown on the City Assessing Department's records which would change the calculations to determine whether or not a variance is necessary and if necessary the amount of the variance required.

Discussion was held regarding the fact the size of the subject lot is irrelevant to the request in this case, the fact the variance is needed due to the size of the accessory buildings in relation to the main house structure and the dimensions shown for the house and garages on the applicant's diagram and the City Assessor's records.

Chairman Black opened the public hearing at 7:17 p.m.

Mr. Greg Snoblin, 74 N. Elm Street, was present and stated he was not aware a permit was required to extend the roof and construct a lean-to, that he stores classic cars in the larger garage, that he does not need a bigger house, that he has a lack of storage space, that the house does not have a basement, that the lot is big, that the back side of the property is adjacent to a Lapeer Lumber & Truss building wall, that that the railroad tracks run along the east side of the property and that he is surrounded by industrial uses. Mr. Snoblin stated he would like to store lawn equipment in the lean-to, that there is not a cement floor in the lean-to and that he would prefer to have the lean-to enclosed if allowed.

Mr. Oliver, Building Official, stated the applicant has only applied for a permit and that a building permit has not been issued for the lean-to due to the variance requirement.

Discussion was held regarding the ordinance definition of "structure" and whether or not the porches on the house are considered part of the square footage of the main structure.

Mr. Snoblin stated when he purchased the home in 2002 or 2003 the deck which is approximately 700 sq. ft. deck and not shown on the Assessor's records was existing, that the dimensions of the two garages do not match the Assessor's records, that he has no future plans to alter the existing buildings and that he may remove the old garage once the lean-to structure is completed and he moves the contents of that garage into the lean-to. Mr. Snoblin stated households are smaller these days, that people have more stuff and he has no basement.

There being no further comments, the public hearing was closed at 7:28 p.m.

Discussion was held regarding the need for accurate measurements of the existing structures on the subject site and whether to grant the variance contingent upon the old garage being removed within a certain time period.

After discussion, it was moved by Mr. Grossbauer and supported by Mr. Parsch to table action on the request at this time. **MOTION CARRIED.**

ADJOURNMENT

There being no further business, it was moved by Mr. Parsch and supported by Mr. Scramlin to adjourn the meeting at 7:32 p.m.

Mr. Joe Black
Chairman