

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

Members Present: Chairman Joe Black, Vice Chairman Bernard Jocuns, Mr. Jeff Hogan and Mr. Wes Butterfield.

Members Absent: Mr. Paul Parsch and Mr. A. Wayne Bennett.

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 June 25, 2018 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

William Love – 548 Railroad St. – Front & Rear Yard Setback Variances

Ms. Habben reviewed the request from William Love for front and rear yard setback variances to Section 7.03.03, Table 7.03.2 to allow construction of a new single-family residential home at 548 Railroad Street. Ms. Habben reviewed the site location which is zoned R-1 Single-Family Residential stating the previous home was demolished and the existing accessory structure on the site will be demolished prior to construction of the new home. Ms. Habben reviewed the required setbacks which include a 25 foot front yard setback along Oregon Street, a 25 foot front yard setback requirement along Railroad Street, a 35 foot rear yard setback requirement on the east property line and a side yard setback of 12 feet on the south property line.

Ms. Habben reviewed the proposed plot plan, photos of the existing site, the location of the driveway off Railroad Street and stated the lot is a corner lot as well a nonconforming lot in area of 4,375 sq. ft. Ms. Habben stated the existing accessory structure on the site will need to be demolished in order to avoid exceeding the lot coverage requirements and reported DTE has commented on the requirement to keep a 10 ft. clearance requirement from the existing overhead power lines on the parcel.

Ms. Habben reviewed the standards and conditions to be met in order to consider approving the variances, the applicant's response to each standard and staff findings in support and in opposition to each required standard.

Chairman Black opened the public hearing at 7:12 p.m.

Ms. Paulette Johnson, 245 E. Park Street, was present and stated she watched the previous house go from a cute doll house to being demolished over 30 years, that she is thrilled that a new house is proposed to be built, that she is in favor of the request and hopes the board is in favor as well.

Mr. William Love, the applicant who currently resides at 527 Railroad Street, stated he was born in Lapeer, that he and his wife purchased their home at 527 Railroad Street in 2007 which was in bad condition and have renovated the house into a beautiful home all while watching the home at 548 Railroad end up vacant for two years. Mr. Love stated he purchased the property in a tax foreclosure sale in 2015, that due to structural and foundation issues it became infeasible to rehabilitate the existing structure and the plan evolved to tearing down the existing structure and constructing a new home.

Mr. Love stated the former Planning Consultant Scott Kree issued a letter regarding the non-conforming issues on the site and requiring the structure to be rebuilt within one year while not increasing the nonconformity of the parcel. Mr. Love stated there were different opinions on how to meet the non-conforming requirements, that he had trouble securing a builder for such a small project and that now he is required to apply for the setback variances in order to proceed with the project. Mr. Love stated the location of the house is designed in order to keep the structure as far away from Oregon Street and Railroad Street as possible, that the new structure will be more conforming than the previous structure and will meet all current building codes.

There being no further comments, the public hearing was closed at 7:20 p.m.

Discussion was held regarding the fact the lot area will remain non-conforming with the minimum required lot size of 6,000 sq. ft. in the R-1 district and the new structure will be more conforming than the previous structure.

After discussion, it was moved by Mr. Hogan and supported by Mr. Butterfield to approve a 23-foot variance to the 35 feet rear yard setback requirement of Section 7.03.03 Table 7.03.2 in order to allow a single-family home to have a 12 foot rear yard setback at 548 Railroad Street based upon the fact the requested variance does meet all of the standards for granting the approval as follows:

- (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; and
- (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; and
- (3) The problem is due to circumstances unique to the property and not to general conditions in the area; and

- (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.

It was moved by Mr. Jocuns and supported by Mr. Hogan to approve a 5-foot variance to the 25-foot front yard setback requirement of Section 7.03.03 Table 7.03.2 in order to allow a single-family home to have a 20 foot front yard setback along Oregon Road at 548 Railroad Street based upon the fact the requested variance does meet all of the standards for granting the approval as follows:

- (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; and
- (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; and
- (3) The problem is due to circumstances unique to the property and not to general conditions in the area; and
- (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.

It was moved by Mr. Jocuns and supported by Mr. Hogan to approve a 7-foot variance to the 25-foot front yard setback requirement of Section 7.03.03 Table 7.03.2 in order to allow a single-family home to have a 18 foot front yard setback along Railroad Street at 548 Railroad Street based upon the fact the requested variance does meet all of the standards for granting the approval as follows:

- (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; and
- (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; and

- (3) The problem is due to circumstances unique to the property and not to general conditions in the area; and
- (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. Jocuns to adjourn the meeting at 7:23 p.m. **MEETING ADJOURNED.**

Mr. Joe Black
Chairman