

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
SEPTEMBER 24, 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, September 24, 2018 at 7:00 p.m.

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

**Members Absent:** 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**

After discussion regarding an amendment to the minutes, it was moved by Mr. Parsch and supported by Mr. Butterfield to approve the minutes of the meeting held on August 27, 2018 as amended. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARING SCHEDULED**

**JLK Enterprises – 29 Law & 546 Pine – Non-Conforming Use Lot Line Relocation**

Ms. Habben reviewed the request from JLK Enterprises LLC for a variance to Section 7.20.03(b) in order to relocate the west property line of 29 Law Street 3 feet westward onto 546 Pine Street. Ms. Habben reviewed the site location, aerial photos of the site, the non-conforming status of both properties, the survey of both parcels, and the applicant's desire to align the lot line with the location of the existing fence between the two parcels. Ms. Habben stated that if the lot line is relocated as proposed the two parcels will both remain non-conforming, that 29 Law Street will become more conforming and that 546 Pine Street will become more non-conforming.

Ms. Habben reviewed the standard 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 the applicant has stated the relocation of the lot line would allow the property at 29 Law Street to be maintained without trespassing onto the 546 Pine Street parcel, that the applicant currently owns both parcels and that the lot line was perceived to be located along the existing fence line for 14+ years.

Discussion was held regarding the intent of the non-conforming provisions of the Zoning Ordinance to prevent creation of more non-conforming lots over time and to eliminate non-conformities, the history and high number of existing non-conforming lots in the City and the location of the existing fence 5.6 feet from the adjacent home.

Chairman Black opened the public hearing at 7:21 p.m.

Mr. Jamie Barra, City Assessor, was present and reviewed the reasoning for relocating the lot line to the existing fence location and issues his department has had with the City's 120 year old plat maps not matching certified surveys.

Ms. Lisa Herr, of JLK Enterprises, was present and stated she owns both properties, that she would like to move the property line to avoid issues for future owners of the two properties, that the fence location has not been an issues since she purchased the property in 2004 and that the encroachment came to light upon completion of the certified survey of the properties.

There being no further comments, the public hearing was closed at 7:26 p.m.

Discussion was held regarding the options of relocating the lot line to only meet the side yard setback requirement for 29 Law Street or the full amount requested to the location of the existing fence, the need for more space for property maintenance for future owners, the intent of the non-conforming language of the zoning ordinance and the option available to the property owner to move the existing fence.

After discussion, it was moved by Mr. Parsch and supported by Mr. Jocus to approve a variance of 3 ft. to Section 7.20.03(b) in order to relocate the west property line of 29 Law Street 3 feet westward onto 546 Pine Street due to the requested variance meeting 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; 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. Parsch to adjourn the meeting at 7:32 p.m. **MEETING ADJOURNED.**

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Mr. Joe Black  
Chairman