

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
FEBRUARY 25, 2019**

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, February 25, 2019 at 7:00 p.m.

Members Present: Vice Chairman Bernard Jocuns, Mr. Jeff Hogan, Mr. Paul Parsch, Mr. A. Wayne Bennett and Mr. Wes Butterfield.

Members Absent: Chairman Joe Black.

Also Present: Ms. Caitlyn Habben, Rowe Professional Services Company Planning Consultant.

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

MINUTES

It was moved by Mr. Butterfield and supported by Mr. Hogan to approve the minutes of the meeting held on November 26, 2018. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

Foran – 908 W. Park – Attached Garage – Front/Rear Yard Setbacks & Lot Coverage

Ms. Habben reviewed the request from Evan Foran for variances to the front and rear yard setback and lot coverage maximum requirements of Section 7.03.03 Table 7.03.2 in order to construct an attached two-story 22 ft. by 28 ft. garage at the property known as 908 W. Park Street. The public hearing for this request was held on November 26, 2018. Ms. Habben reviewed the site location which is zoned R-1 Single-Family Residential, aerial photos of the site, the property survey and the location of the proposed garage on the site. Ms. Habben stated the applicant has indicated the exterior materials will be a combination of vinyl, cedar and cultured stone siding and reviewed the required, existing and proposed yard setbacks, lot coverage and lot area amounts.

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. Ms. Habben reported the property is a non-conforming corner lot, that if an existing shed was removed or relocated on the site the garage could be relocated further north on the site to increase the setback on the south yard reducing the required variance. Ms. Habben reviewed the intent of front and rear yard setback and lot coverage requirements as related to fire protection, open space, drainage and neighborhood characteristics.

Mr. Evan Foran was present and stated the upper level of the proposed garage will be utilized for storage, will not be living space and that he has spoken with all his neighbors who have indicated they have no issue with the project.

Discussion was held regarding constructing the garage further north on the site, the height of the structure, that the garage door will not have windows, the entry door location, the distance of the property line in relation to the existing sidewalk and the space between the proposed garage and the neighbor to the west. Discussion was also held on reducing the amount of the requested front yard setback variance for the south yard to increase the distance from the garage to the sidewalk in order to park vehicles without blocking the sidewalk.

After discussion, it was moved by Mr. Parsch and supported by Mr. Hogan to approve the following variances to Section 7.03.03 (Table 7.03.2) in order to construct a 22 ft. by 28 ft. attached accessory building at 908 W. Park Street resulting in a 10 ft. minimum distance between the garage and the sidewalk:

- A 2½ ft. variance to the front yard setback requirements for the south yard;
- A 34 ft. variance to the rear yard setback requirements for the west yard; and
- A 15% variance to the maximum lot coverage requirements

due to the request 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.

Little Caesars Pizza (Ron Margetin) – 517 S. Main – Canopy Lettering Height

Ms. Habben reviewed the request from Ron Margetin, owner of Little Caesars Pizza located at 517 S. Main Street, for a variance to the sign canopy lettering height restrictions of Section 7.15.05 in order to install a new canopy on the building with 21 & 7/8 inch high lettering. Ms. Habben reviewed the site location, design renderings of the proposed canopy, street level photos of the site and the applicant's response to the various standards required in order to approve the variance. Ms. Habben stated the existing canopy signage lettering height is non-conforming, that the new proposal will bring the signage more into conformance. Ms. Habben reviewed and the conditions and standards to be met and the staff findings in support and in opposition to each required standard.

Vice Chairman Jocuns opened the public hearing at 7:45 p.m.

Mr. Ron Margetin was present and stated he has operated the Little Caesars at the current location for 35 years, that he does not own the building and that he is trying to renovate the building exterior in order to make it more visible to M-24 traffic while avoiding creating a traffic hazard. Mr. Margetin stated the buildings to the north and south block visibility of his business and that canopy will be backlit.

There being no further comments, the public hearing was closed at 7:47 p.m.

Discussion was held regarding the fact the new canopy is more aesthetically pleasing, the blocked visibility of the business to traffic on M-24, and safety issues.

After discussion, it was moved by Mr. Hogan and supported by Mr. Bennett to approve a 12 7/8 variance to the canopy letter height requirements of Section 7.17.05, Table 7.17.3 to allow for a total of 21 7/8 letter height on a new canopy located at the Little Caesars Pizza located at 517 S. Main Street, which does meet Standard 3 in Section 7.22.04(f) and all five standards in Section 7.22.04(g). **MOTION CARRIED.**

Doctors of Physical Therapy – 1842 DeMille Rd. – Wall Signage

Ms. Habben reviewed the request from Doctors of Physical Therapy for an 18% variance to the wall area signage requirements of Section 7.17.05, Table 7.17.3 in order to allow a total wall signage area of 303 sq. ft. for their location at 1842 DeMille Rd. Ms. Habben reviewed the site location in a multi-tenant commercial building, renderings of the proposed signage to be installed on the front side and rear of the building and the applicant's response to the conditions and standards required in order to grant the variance and the staff findings in support and in opposition to each required standard.

Vice Chairman Jocuns opened the public hearing at 7:58 p.m.

Brett Chiddick, of Signs by Crannie, was present representing the applicants and distributed design rendering and site photos of the proposed signage and stated the name of the business is long and difficult to condense while making the sign easy to read for their clients of which some are elderly. Mr. Chiddick stated only the letters will be illuminated and that the letters are 22 inches high.

There being no further comments, the public hearing was closed at 8:10 p.m.

Discussion was held regarding the lack of necessity for the large amount of proposed signage, reducing the amount of the variance requested, the fact the allowable wall signage is based on the tenant space facade frontage, the fact the location is a visible and open area, other tenants in the same building which have signage in compliance and whether or not the request meets the required standards and conditions.

After discussion, it was moved by Mr. Parsch and supported by Mr. Hogan to deny the request from Doctors of Physical Therapy for a variance to the wall signage requirements of Section 7.17.05, Table 7.17.3 for 1842 DeMille Road which does not meet any of the requirements of Section 7.22.04(f) including:

- (1) The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limits visibility of a sign on the premises compared to similar sites with conforming signs in the same zoning district;
- (2) A variance is warranted due to the relatively large size of the site, frontage or building in comparison to other establishments in the same zoning district;
- (3) A variance would significantly improve the conformity of an existing sign; or
- (4) The variance would permit a sign with historic significance to be retained.

MOTION CARRIED.

OTHER BUSINESS

Election of Officers

After discussion it was moved by Mr. Bennett and supported by Mr. Hogan to elect Bernard Jocuns as ZBA Chairman. **MOTION CARRIED.**

It was moved by Mr. Parsch and supported by Mr. Bennett to elect Jeff Hogan as ZBA Vice Chairman. **MOTION CARRIED.**

It was moved by Mr. Bennett and supported by Mr. Jocuns to elect Paul Parsch as ZBA Secretary. **MOTION CARRIED.**

ADJOURNMENT

There being no further business, it was moved by Mr. Bennett and supported by Mr. Butterfield to adjourn the meeting at 8:31 p.m. **MEETING ADJOURNED.**

Mr. Joe Black
Chairman