

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
JANUARY 22, 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, January 22, 2018 at 7:00 p.m.

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

Members Absent: None.

Also Present: Ms. Caitlyn McGoldrick, 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. Bennett to approve the minutes of the meeting held on August 28, 2017 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

Felton Body Shop / Burger Barn – 524 Imlay City Rd. – Wall & Pole Signage

Ms. McGoldrick reviewed the request from John Felton and The Burger Barn in conjunction with the existing tenants of the Felton Body Shop building for variances to the wall signage requirements of Section 7.17.05, Table 7.17.3 and prohibited signs in Section 7.17.04, Table 7.12.2. in order to allow an additional wall sign on The Burger Barn tenant space and to allow a prohibited pole sign recently erected on site to remain at the property located at 524 Imlay City Road. Ms. McGoldrick reviewed the site location which is zoned I-1 Industrial and photos of the signage in question.

Variance #1 – Wall Signage – Burger Barn

Ms. McGoldrick reviewed photos of the existing wall signage for The Burger Barn and previous wall signage for the Dawg Haus which formerly occupied The Burger Barn space and reported the Building Department issued the sign permit in July 2017 for The Burger Barn with the condition that one of the two signs be removed. Ms. McGoldrick reviewed the previous signage on the space for the Dawg Haus Coney Island stating the mounted illustration of the three hot dogs was not considered a wall sign and did not count towards the allowed wall signage amount for that tenant space. Ms. McGoldrick stated the applicant is requesting the maximum wall signage area for The Burger Barn be calculated to include the Russell's Barber Shop tenant space which does not have wall signage and allow the two wall signs for The Burger Barn to remain in place.

Ms. McGoldrick reviewed the wall signage requirements of Section 7.17.05 which is calculated on the front face of the building or in the case of a multiple tenant building the calculation is based on the front face of the tenant space. Ms. McGoldrick stated allowing The Burger Barn to use the wall signage space intended for the barber shop space would not allow future tenants of the barber space to erect any signage and reviewed the required conditions and standards the request must meet in order to grant the variance.

Discussion was held regarding the NuStar Insurance signage, that allowing both The Burger Barn signs to remain in substitution for the barber shop sign would preclude any future tenants in the barber shop space to have signage, and whether the Dawg Haus was granted a sign variance for the illustrative sign at the time they originally occupied the space which may still apply to the request from The Burger Barn and allow the second sign to remain in place.

Variance #2 – Pole Sign

Ms. McGoldrick reviewed photos of the previous conforming multi-tenant monument sign located on the Felton's Body Shop site and the existing illegal non-conforming multi-tenant pole sign recently erected on the site. Ms. McGoldrick stated the existing 13 ft. high, 36 sq. ft. pole sign is considered a prohibited sign per Section 7.17.04. Discussion was held whether either the owner or sign company applied or was issued a permit from the Building Department. Ms. McGoldrick reported the applicant has stated there were safety concerns created by the previous monument sign for vehicles exiting the site and reviewed the conditions and standards the request must meet in order to grant the variance.

Discussion was held regarding the design of the parking lot, setback of the current sign, visibility for vehicles with the existing pole sign versus the previous monument sign and the site's shared access drive with the Dollar General site.

Chairman Black opened the public hearing at 7:30 p.m.

Mr. John Felton was present and stated he did not know how it worked, that he has had the building since 2003, that he has been before the City previously, that the site is a former car dealership, that he has been in Lapeer his whole life, that he doesn't need the space for his body shop, that he has paid his taxes every year and has never been late. Mr. Felton stated he pulls in and out of the business every day, that the old monument sign was put up in 2003, that he struggles with the issue since it seems logical that the sign on the building is not too big, that he believes the Building Official did not figure the building frontage space correctly due to the overhang and that he hoped to come here, plead his case and let logic prevail.

Mr. Felton stated he has no problem getting the permits, that he had to pay to hook into City water, that he is 50 and tired, that he goes there every day and works and pays his taxes which keep the town going. Mr. Felton further stated if he has to take the sign down he will put up a for sale sign because of stuff like this, that there is nothing wrong with the signs, that he built the pole sign himself and put it up and waited for the City to figure it out and then got a certified letter from the City saying it was a violation.

Discussion was held regarding the height of the previous monument sign and whether the building frontage was calculated correctly the by Building Department.

Mr. Felton stated he has let The Burger Barn's new owners occupy the space rent free since April to help them get up and running, that he previously dealt with Mr. Modrack and the Construction Authority when he bought the building to get everything done right, that he is not trying to break the rules, that he will pay for the permits, that it is a lot safer to pull out of the site and that there has been 4 people killed near his site on Imlay City Road already. Mr. Felton also stated he knew the pole sign was not allowed by the City, that he thought maybe the City would see it, that it is always about more money and he pays his taxes.

Discussion was held regarding the construction and materials of the pole sign, the height of the pole sign and the possibility of lowering the pole sign.

Chairman Black closed the public hearing at 7:39 p.m.

Discussion was held regarding the need to research whether the Dawg Haus was previously granted a variance for their wall signage.

It was moved by Mr. Parsch and supported by Mr. Butterfield to postpone action on variance #1 for The Burger Barn wall signage until the next meeting. **MOTION CARRIED.**

Discussion was held regarding parking requirements for the site, the size and possibility of lowering the existing pole sign, whether the existing sign can be utilized and transformed into a conforming monument sign, whether a new base would be required or if the existing base would conform to the monument sign requirements and other non-conforming signage for businesses in the area.

After discussion, it was moved by Mr. Hogan and supported by Mr. Jocuns to deny the request from John Felton, Frank Juncaj, Ted Russell and Darlene Tadazak for a variance to the prohibited signs of Section 7.17.04, Table 7.17.2 in order to allow the new pole sign that is a total height of 13 feet and 36 sq. ft. of signage area erected to replace a monument sign to remain at the property located at 524 Imlay City Road based upon the fact the requested variance does not apply to any of the conditions under Section 7.22.04(f). **MOTION CARRIED.**

ADJOURNMENT

There being no further business, it was moved by Mr. Butterfield and supported by Mr. Jocuns to adjourn the meeting at 7:59 p.m. **MEETING ADJOURNED.**

Mr. Joe Black
Chairman