

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
OCTOBER 14, 2019**

A special 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, October 14, 2019 at 7:00 p.m.

Members Present: Chairman Bernard Jocuns, Vice Chairman Jeff Hogan, Mr. Paul Parsch and Ms. Bailey RaCosta.

Members Absent: Mr. Joe Black and Mr. A. Wayne Bennett.

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

Chairman Jocuns called the meeting to order at 7:02 p.m.

MINUTES

It was moved by Mr. Hogan and supported by Mr. Parsch to approve the minutes of the meeting held on August 26, 2019.

Yeas: Mr. Jocuns, Mr. Parsch, Mr. Hogan and Ms. RaCosta.

Nays: None.

Abstain: None.

Absent: Mr. Black and Mr. Bennett.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

Charger LLC (Riehl's) – 1515 S. Lapeer Rd. – Parking Lot Lighting Intensity

Ms. Habben reviewed the request from Charger LLC for a variance to the foot candle requirements of Section 7.15.05d(1)c in order to allow a 3.2 foot candle average reading in the proposed parking lot expansion project area at Jim Riehl's Friendly Chrysler located at 1515 S. Lapeer Road. Ms. Habben reviewed the site location, aerial photos of the subject site and surrounding area and the photometric plan for the project stating the average intensity over the parking lot area exceeds the ordinance maximum of 1.0 foot candles by 2.2 foot candles. Ms. Habben stated the lights will be constructed downward facing and reviewed street level photos of the Riehl's site and the adjacent Ray C's Harley Davidson dealership site.

Ms. Habben reviewed the standards required in order to grant the variance, the applicant's response which includes the desire to keep the lighting intensity consistent throughout the entire site and protection against vehicle theft and vandalism. Ms. Habben reviewed the staff findings in support and opposition of the variance request, the intent of the ordinance limiting lighting intensity in order to minimize light pollution and the fact the dealership was developed while located in Lapeer Township, which does not have parking lot lighting requirements, and has now been annexed into the City of Lapeer which restricts lighting intensity.

Ms. Habben also reported the applicant has submitted a letter of support for granting the request from the owner of the adjacent Ray C's Harley Davidson dealership. Discussion was held regarding the letter of support, that the owner of the residential home south of the subject site was notified of the hearing, that the expansion area will accommodate display of 80-90 vehicles and the average 3.1 foot candle lighting intensity of the existing parking lot area on the east side of the site.

Mr. Bob Riehl of Charger LLC was present and thanked the board for scheduling the special meeting to accommodate the project schedule and stated the increased lighting intensity is needed for theft prevention and to avoid false alarms being reported to the Public Safety Department. Mr. Riehl stated the vehicle display is needed to grow the business which will in turn employ more people and increase tax revenue for the City, that the Ray C's dealership does not display merchandise for people to view at night and that it is important to be able to display vehicles for potential customers to view after normal daytime work hours. Mr. Riehl also stated auto dealerships are unique in the industry in lighting requirements and that half of the site lighting is turned down at 3 a.m.

Discussion was held regarding the need for potential customers to view vehicles after work hours, issues with snow cover on vehicles in the winter months, how the foot candle intensity is controlled and existing lights on the site to be upgraded to LED style.

Mr. Rudy Quaderer, the project engineer with Griggs Quaderer, was present and reviewed the photometric plan for the entire site stating the intent is for the lighting on the site to have a uniform appearance.

Chairman Jocuns opened the public hearing at 7:22 p.m.

There being no comments, the public hearing was closed.

Discussion was held regarding the uniqueness of the site location, the fact no lighting intensity requirements applied when the site was developed in Lapeer Township and the potential for future development on the west side of M-24.

After discussion, it was moved by Mr. Parsch and supported by Mr. Hogan to approve the request from Charger LLC for a variance of a 2.2 ft. candle reading to Section 7.15.05d(1)c in order to allow a 3.2 ft. candle average parking lot light reading in the proposed parking lot expansion project at 1515 S. Lapeer Road 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.

Yeas: Mr. Jocuns, Mr. Parsch, Mr. Hogan and Ms. RaCosta.

Nays: None.

Abstain: None.

Absent: Mr. Black and Mr. Bennett.

MOTION CARRIED.

OTHER BUSINESS

There was no other business before the board.

BOARD MEMBER COMMENTS

There were no additional comments from the board members.

TRAINING REPORT

Ms. Habben reviewed upcoming training opportunities available to the board members and topics covered at the recent MEDC Redevelopment Ready Communities training session held in Caro which she attended along with two members of the City Planning Commission.

ADJOURNMENT

There being no further business, it was moved by Ms. RaCosta to adjourn the meeting at 7:32 p.m. **MEETING ADJOURNED.**

Mr. Paul Parsch
Secretary