

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
MAY 29, 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 Wednesday, May 29, 2019 at 7:00 p.m.

**Members Present:** Vice Chairman Jeff Hogan, Mr. Joe Black, Mr. Paul Parsch and Mr. Bryan Cloutier.

**Members Absent:** Chairman Bernard Jocuns and Mr. A. Wayne Bennett.

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

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

**MINUTES**

It was moved by Mr. Cloutier and supported by Mr. Black to approve the minutes of the meeting held on April 22, 2019.

**Yeas:** Mr. Parsch, Mr. Hogan, Mr. Black and Mr. Cloutier.

**Nays:** None.

**Abstain:** None.

**Absent:** Mr. Jocuns and Mr. Bennett.

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARING SCHEDULED**

**Putman Opportunities – 517 S. Main St. – Off-Street Parking**

Ms. Habben reviewed the request from Putman Opportunities for a variance to the parking requirements of Section 7.16.02, Table 7.16.1 to accommodate uses that require up to 44 parking spaces to be provided on the site located at 517 S. Main Street. Ms. Habben stated a variance of 8 spaces including the required two double-length parking spaces is being requested for the site that is currently occupied by Little Caesars and an additional currently vacant space most recently occupied by the Wah Wong Chinese restaurant which has closed. Ms. Habben reviewed the parking calculation table for the multi-tenant parcel incorporating the new fast food restaurant with no drive-thru business proposing to occupy the vacant space resulting in the site being short 5 parking spaces.

Ms. Habben reviewed photos of the existing site, aerial photos of the parcel & surrounding area, the proposed site diagram provided by the applicant and stated the parcel is a corner lot, that the owner is planning to upgrade the parking lot, relocate the dumpster and make interior and exterior improvements to the building. Ms. Habben reported the applicant is requesting a variance of 8 spaces in order to accommodate future uses on the site which may require additional parking than what is currently proposed for the site.

Discussion was held on the determination that the new tenant constitutes a change in use or new business which requires the site to come into compliance with the parking standards, that both tenant spaces are on one parcel with no assigned parking spots and the employee parking in the rear and in the alley.

Ms. Habben reviewed the standards 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. Discussion was held regarding the intent of the ordinance to provide adequate on-site parking, the double-length space requirement and site maneuverability. Discussion was also held on how potential future uses could affect the parking space requirements for the site and that if the variance is granted all future uses on the site combined would not be allowed to exceed the 44 space requirement.

Vice Chairman Hogan opened the public hearing at 7:33 p.m.

Mr. Brandon Putman, of Putman Opportunities, was present and stated the future tenant, Teriyaki Madness, is similar to a Panda Express operation with mostly carry-out patrons, that he plans to improve the exterior building facade with cedar shake shingles and cultured stone as well as expand the window areas and clean and upgrade the interior with new paint, carpet and furnishings. Mr. Putman also stated that the site has become an eyesore, that he would be interested in purchasing the rear alley which has maintenance issues and would invest in improving the alley area if he had ownership.

Mr. Ron Margetin, owner of Little Caesars Pizza, was present and inquired if the spaces shown in the diagram along M-24 are to scale and stated the alley area is a concern. Mr. Margetin stated he has as many as 12 employees at high demand times, that he is willing to share a dumpster, that he welcomes the new proposed business, however, he is concerned about additional employees increasing the parking demand on the site and in the alley which is also used by Lapeer Pool & Spa.

Mr. Margetin also submitted the following letter:

City of Lapeer  
Zoning Board of Appeals  
576 Liberty Park  
Lapeer, Michigan 48446

Variance Request of Brandon Putman for 517 S. Main Street.

I am the franchise operator of Little Caesars Pizza located at 515 S. Main and I welcome and endorse the addition of a new tenant for our business neighbor.

I have concerns and comments regarding the Staff Findings of your report dated 5/21/19.

Standard #2 and #3 states a possible remedy is to “reach out to neighboring properties to see if a cross-access agreement can be made” to reduce the number of parking spaces requested. Not only should this be done but I feel there is additional space in the rear alley of the location to develop and pave for additional parking spaces and the sharing of one common trash dumpster.

Another possibility is to reduce the number of dining tables in the new location to equate to parking spaces.

I want this new business to succeed and parking will be vital. I currently need 12 parking spaces for employees on our busiest days. Thursday through Sunday. These people now park in the rear and in the alley which is shared by Lapeer Pool & Spa employees. If the new business needs 12 employee spaces there will be a problem unless there is a solution.

Another suggestion is to privatize the alley and permit the property owner to develop it.

Respectfully,  
Ronald A. Margetin

Discussion was held regarding the loading space area, access to the dumpster and reducing to one larger dumpster with increased pick-up frequency.

There being no further public comments, the public hearing was closed at 7:50 p.m.

Discussion was held on the fact the parcel has one owner with two leased tenant spaces, employee parking demands on the site, difficulties associated with obtaining a cross access agreement, the requested waiver of the two double-length spaces in the 8 space variance request and the fact no changes are proposed to the building footprint or height.

After discussion it was moved by Mr. Black and supported by Mr. Cloutier to approve a variance of eight parking spaces including two double-length parking spaces from Section 7.16.02, Table 7.16.1 for a total of 44 required parking spaces at 517 S. Main Street 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.

**ON A ROLL CALL VOTE**

**Yeas:** Mr. Parsch, Mr. Hogan, Mr. Black and Mr. Cloutier.

**Nays:** None.

**Abstain:** None.

**Absent:** Mr. Jocuns and Mr. Bennett.

**MOTION CARRIED.**

**Coy – 937 Adams St. – Fence Height**

Ms. Habben reviewed the request from Susan Coy for a variance to the fence height requirements of Section 7.15.03 for the property located at 937 Adams Street. Ms. Habben reviewed the site location which is a corner lot with two front yard setback requirements, aerial photos of the parcel and surrounding area and photos of the existing curved height fence, where the highest point is 5 feet 2 inches and the lowest point is 4 feet 2 inches, which was erected without obtaining a permit from the Building Department. Ms. Habben reported a variance of 1 foot 8 inches is being requested to Section 7.15.03.(b)(3)b which permits ornamental fences not exceeding 3 ft. 6 inches in a front yard.

Ms. Habben reviewed the standards 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. Discussion was held regarding the intent of requiring lower decorative fences in front yards to protect the character of the residential areas.

Vice Chairman Hogan opened the public hearing at 8:14 p.m.

Mr. Lee Lovelette, 908 Adams St., was present and stated he has lived at his home since 2006 and has seen many residents move in and out of the rental at 937 Adams, that Ms. Coy has cleaned up the place, that he is not opposed to the fence and that the fence looks nice, is painted and does not obstruct any views.

Mr. Jeff Krummel, 1122 Huron St., was present and stated he is not opposed to the fence, that it looks nice and the place has been cleaned up.

Ms. Susan Coy was present and stated that her boyfriend built the fence, that she was not aware a permit was needed, that the landlord approved her putting up the fence, that she has two dogs that can jump high, that she doesn't want to lose her dogs and that she has tried to make the fence look nice.

There being no further comments the public hearing was closed at 8:17 p.m.

Discussion was held regarding the fact the fence was built last September, that the tenant checked with the landlord before building the fence, the two required front yard setbacks, efforts to bring fences into compliance City-wide, the curved design of the fence and that the lower portions of the fence are in compliance.

After discussion, it was moved by Mr. Cloutier and supported by Mr. Parsch to deny the requested variance in order to allow a fence at the maximum fence height of 5 feet 2 inches at 937 Adams Street due to the requested variance not meeting all of the standards for granting the approval including item (4) The problem that resulted in the need for the variance was created by the applicant or previous owners of the property.

**ON A ROLL CALL VOTE**

**Yeas:** Mr. Parsch, Mr. Hogan, Mr. Black and Mr. Cloutier.

**Nays:** None.

**Abstain:** None.

**Absent:** Mr. Jocuns and Mr. Bennett.

**MOTION CARRIED.**

**OTHER BUSINESS**

**Board Member Training Policy**

Ms. Habben reviewed the training plan for the Zoning Board of Appeals members to acquire a minimum of 2 hours of training per year as part of the City's State of Michigan Redevelopment Ready Community commitment. Ms. Habben reviewed the various training topics and events available for members to attend and the process for reporting training to the Planning Department to record in the Training Tracker Sheet. After discussion, it was moved by Mr. Parsch and supported by Mr. Black to adopt the Zoning Board of Appeals Board Member Training Policy. **MOTION CARRIED.**

Discussion was held regarding the increasing trend of cases coming to the board after structures have already been constructed.

Discussion was held on the need to add a Board Member Comment section to the meeting agendas and to research if there are existing by-laws for the ZBA board.

**ADJOURNMENT**

There being no further business, it was moved by Mr. Cloutier to adjourn the meeting at 8:48 p.m. **MEETING ADJOURNED.**

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Mr. Paul Parsch  
Secretary