

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
JULY 27, 2020**

A regular meeting of the City of Lapeer Zoning Board of Appeals was held on July 27, 2020 electronically via GoToMeeting and at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Monday, July 27, 2020 at 7:00 p.m.

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

Members Absent: None.

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

Chairman Jocuns called the meeting to order at 7:01 p.m.

MINUTES

It was moved by Mr. Hogan and supported by Mr. Cattane to approve the minutes of the meeting held on June 22, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

Abstain: None.

MOTION CARRIED.

PUBLIC COMMENTS

Chairman Jocuns read into the record the following comments received regarding the MMMP John Conley Drive facility project:

July 9, 2020

Dale,

Last month I saw a request for a variance for the new grow facility being proposed on John Conley Drive. Now that I see the City is starting to schedule meetings again I wanted to reach out. As a building owner and tax payer I am opposed to granting any such variance. With the exception of minor items, all other building owners have been held to the park covenants. Why would we even consider a variance. I have no axe to grind with the marijuana industry but do think we should maintain the character and esthetics of the buildings in our park.

Andrew Harrington

H&H Tool, Inc.

3200 John Conley Dr.

July 13, 2020

Dale,

I have not investigated the details behind the potential variance but support Andy's position as outlined below. The covenants had merit when established and enforced and do not see why that would change in this situation. Thanks.

Garry L. Phillips

Plant Manager Lapeer

ZF Chassis Components, C-Lapeer

3300 John Conley Drive

July 14, 2020

Quentin,

I support Andy and Gary's positions on this subject and will not personally approve any variances for a Grow Facility on John Conley Drive. Everyone must be held to the same standard.

Dennis Hoover, President

Quest Industries

3309 John Conley Drive

July 14, 2020

Quentin,

To be clear, I do object to the granting of these variances although I have not formally informed Dale as yet. I will do so in the next day or so.

I did ask Dale for information last week. The info he provided appears to be the same as you provided today.

Best Regards,

Donald A. Dube

Vidon Plastics

3171 John Conley Drive

July 15, 2020

Good morning Quentin, Lapeer Industries stands with the other 3 companies with this rejection for these variances.

Thank you,

Daniel Schreiber

Lapeer Industries, Inc.

3140 John Conley Drive

PUBLIC HEARING SCHEDULED

MBM Investments – 806 S. Main St. – Parking Variance

Ms. Habben reviewed the request from Brian Najor of MBM Investments for a 5 space parking variance from Section 7-16.02 Table 7.16.01 for the building located at 806 S. Main Street. Ms. Habben reviewed aerial photos of the site and surrounding area and stated the site is the location of the former Art Van Pure Sleep store and that no physical changes are proposed for the site. Ms. Habben reviewed the parking calculation table for various uses at the site which currently has 18 spaces.

Commissioner Black left the meeting at 7:08 p.m.

Ms. Habben reviewed the standards to be met in order to approve the variance request, the applicant's response to each standard, staff findings in support and opposition of each standards and the intent of the parking provisions of the zoning ordinance. Discussion was held on plans to locate two separate tenants in the building, parking provided on site and calculations for potential future tenants.

Mr. Keith Mosiaz, MBM Investments Property Manager, stated only one restaurant is planned for the site and the other tenant has not yet been determined.

Chairman Jocuns opened the public hearing at 7:20 p.m.

There being no comments the public hearing was closed.

It was moved by Mr. Parsch and supported by Mr. Hogan to approve the request from MBM Investments for a 5 parking space variance to Section 7-16.02 Table 7.16.01 located at 806 S. Main Street because it meets all 5 standards of Section 7-22.04(e).

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: Mr. Black.

Abstain: None.

MOTION CARRIED.

Mr. Black rejoined the meeting at 7:21 p.m.

First Baptist Church – 1212 Knollwood Dr. - Off-Street Parking Variance

Ms. Habben reviewed the request received from First Baptist Church of Lapeer for a 45 parking space variance from Section 7-16.02 Table 7.16.01 of the zoning ordinance for the church property located at 1212 Knollwood Drive.

Ms. Habben reviewed aerial photos of the site location and surrounding area, the 45 space asphalt area proposed to be removed and utilized as green space for outdoor activities and stated McLaren Hospital has submitted a letter to the Planning Department regarding their cross access parking agreement with First Baptist Church. Ms. Habben reviewed the standards to be met in order to approve the variance request, the applicant's response to each standard, staff findings in support and opposition of each standards and the intent of the parking provisions of the zoning ordinance. Discussion was held on the fact 33 spaces could be removed without requiring a variance, the amount of green space resulting from the proposed variance and the cross access agreement with McLaren Hospital.

Mr. Mark Leichter, attorney representing the applicant, stated the agreement between McLaren Hospital and the church has been in place for quite some time and recently the hospital employees have been using the church lot during construction on the hospital site.

Chairman Jocuns opened the public hearing at 7:39 p.m.

Mr. Mark Leichter stated the 147 spaces proposed to remain on the property will accommodate attendance of 441 individuals, that only 1 time in the last 10 years has there been an event with over 400 people and that attendance at regular church events has been falling. Mr. Leichter stated the high parking use times by the church are on nights and weekends which is low parking use times at the hospital, that the increased green space will be better suited for use by the church youth and community and that the church has been at this location since 1958.

There being no further comments, the public hearing was closed at 7:43 p.m.

Discussion was held on the large amount of spaces requested in the variance, the potential for the church property to be utilized for a different use in the future and whether the church had considered a lesser variance. Discussion was held on the requirements of Standard 3 and 4, the fact that all churches are unique and that the reduction in attendance is a national trend which is not created by the applicant.

It was moved by Mr. Cattane and supported by Mr. Jocuns to approve the request by First Baptist Church of Lapeer for a 45 parking space variance from Section 7-16.02 Table 7.16.01 located at 1212 Knollwood Drive because it does meet all five standards in Section 7-22.04(e).

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

Abstain: None.

MOTION CARRIED.

**Khasiyatullin/Usmanoff LLC – MMMP Grow Facility – John Conley Dr. –
Parcel # L20-83-358-080-20 – Curbing & Exterior Building Materials**

Ms. Habben briefly reviewed again the request from Mars Khasiyatullin/Usmanoff LLC for variances to the curbing requirements of Section 7-16.04.C and the building material requirements of Section 7-15.01.D of the Zoning Ordinance for the proposed MMMP grow facility to be constructed on Parcel #20-83-358-080-20 on John Conley Drive in the Lapeer Industrial & Research Park. Ms. Habben stated the applicant is proposing not to install 178 feet of curbing on the south/east side of the parking lot area due to the need to remove the curbing when the phase 2 building is constructed and is requesting a 35% variance to the requirement to allow a total of 16% of the building facades to be of quality material.

Ms. Habben stated additional information from the applicant was provided to the board and again reviewed staff findings in support and opposition of both variance requests to each standard as well as the intent of the building material and curbing requirements.

Mr. Bill Arens, the project architect, stated other existing buildings in the Lapeer Industrial & Research Park appear to meet the Restrictive Covenants of the park and not the Zoning Ordinance requirements and that the applicant is requesting to be held to the same standards as other buildings in the park.

Discussion was held on the ESE building example provided, the fact that glass windows are considered quality material, whether the Restrictive Covenants supersede the City's Zoning Ordinance and the possibility of requiring a Surety Bond to ensure the additional curbing is installed in the future.

After discussion, it was moved by Mr. Hogan and supported by Mr. Black to deny the request from Mars Khasiyatullin/Usmanoff LLC for a 178 foot curb abatement variance to Section 7-16.04.C for parcel #L20-83-358-080-20 located on John Conley Drive.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

Abstain: None.

MOTION CARRIED.

Discussion was held whether there are other existing buildings in the park that are compliant with the LIRP Restrictive Covenants and not the City Zoning Ordinance.

It was moved by Mr. Black and supported by Mr. Jocuns to approve the request from Mars Khasiyatullin/Usmanoff LLC for a 35% facade building material variance to Section 7-15.01.D due to the request meeting the Restrictive Covenants of the Lapeer Industrial & Research Park and all five standards in Section 7-22.04(e).

ON A ROLL CALL VOTE:

Yeas: Mr. Black, Ms. RaCosta, Mr. Hogan, Mr. Cattane and Mr. Jocuns.

Nays: Mr. Parsch.

Absent: None.

Abstain: None.

MOTION CARRIED.

TRAINING REPORT

Ms. Habben reminded the board a virtual training session is being presented by Rowe Professional Services Company on July 29th.

ADJOURNMENT

There being no further business, it was moved by Mr. Cattane and supported by Mr. Hogan to adjourn the meeting at 8:40 p.m. **MEETING ADJOURNED.**

Mr. Paul Parsch, Secretary