

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
OCTOBER 25, 2021**

A regular meeting of the City of Lapeer Zoning Board of Appeals was held at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Monday, October 25, 2021 at 6:30 p.m.

**Members Present:** Chairman Jeff Hogan, Dan Farrington, Paul Parsch and Patricia Waugh.

**Members Absent:** Vice Chairperson Catherine Bostick-Tullius and Eric Cattane.

**Also Present:** Caitlyn Habben, Rowe Professional Services Company Planning Consultant, and Kimberly Hodge, Recording Secretary.

Chairman Hogan called the meeting to order at 6:30 p.m.

**021 2021 10-25 MINUTES**

**MINUTES**

Moved by Parsch. Seconded by Farrington.

To approve the minutes of the regular meeting held on September 27, 2021 as presented.

**Yeas: Hogan, Farrington, Parsch and Waugh.**

**Nays: None.**

**Absent: Bostick-Tullius and Cattane.**

**Abstain: None.**

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARING SCHEDULED**

**Satkowski – Front and Rear Yard Setback & Lot Coverage – 430 S. Saginaw St.**

Habben reviewed the request from David Satkowski of Dynamic Home Services for front and rear yard setback and lot coverage variances for the property located at 430 S. Saginaw Street. Ms. Habben reviewed the location of the site at the northwest corner of S. Saginaw and Elm Street, the original design option submitted which also required a 2 ft. 4 in. rear yard setback and option 2 which shifts the house to the east and north to require only a 10 ft. front yard setback on the Elm Street frontage and a 1.4% lot coverage variance. Habben reviewed current aerial photos of the vacant site and a previous aerial photo showing the former home on the lot which was demolished.

Habben reviewed the revised Option 2 plot plan which includes an attached garage and deck, the interior floor plan for the home, the exterior façade design rendering, the applicant's response to the request and the lot coverage percentage breakdown of the house, garage and deck. Habben also reviewed the 5 standards required to be met in order to approve the variance, staff findings in support and opposition to each standard and the intent of yard setback and lot coverage requirements.

Discussion was held on the differences between plot plan option 1 and option 2, the 128 ft. x 50 ft. lot size, the location of the existing curb cut on Elm Street, the location of the previous home on the lot and the two front yards required for corner lots.

Chairman Hogan opened the public hearing at 6:46 p.m.

David Satkowski was present and stated he plans to build and sell the home which is planned to have a basement and he would prefer plot plan option 1 which requires a 13 ft. front yard setback, a 2 ft. 4 in. rear yard setback and 1.4% lot coverage variances.

Discussion was held on the fact the deck is considered a structure and counts toward the lot coverage calculation and the flat topography of the lot,

There being no further comments, the public hearing was closed at 6:56 p.m.

Discussion was held on the 10 ft. versus the 13 ft. front yard setback, the sight line of the Elm Street neighbor to the west, the distance from the Saginaw Street neighbor to the north, the clear vision area at the corner which is maintained and the neighbors fence.

**022 2021 10-25 430 S. Saginaw – Front and Rear Yard Setback & Lot Coverage**

Moved by Parsch. Seconded by Farrington.

To approve the request from David Satkowski for a 13 ft. front yard setback variance along Elm Street, a 2 ft. 4 in. rear yard setback and 1.4% lot coverage variances to Section 7-3.03 for the property located at 430 S. Saginaw Street because it meets all 5 standards in Section 7-22.04(e).

**Yeas: Parsch, Farrington, Hogan and Waugh.**

**Nays: None.**

**Absent: Bostick-Tullius and Cattane.**

**Abstain: None.**

**MOTION CARRIED.**

**Swaine – Buffer Zone & Landscaping – 39 & 47 W. Genesee St.**

Habben reviewed the request from Richard Swaine for buffer zone and landscaping variances for the property located at 39 & 47 W. Genesee Street in order to construct a 11,480 sq. ft. marijuana grow facility. Ms. Habben reviewed the site location which consists of 3 parcels to be combined, the B-2 zoning of the site which is located in the Mixed-Use overlay district and the Special Land Use approved in order to operate a marijuana grow facility. Habben also reviewed the buffer zone and landscaping material requirements for the use, the residential uses located south of the site, the proposed site plan for the project, the public alley along the south side of the site and the loading area accessed from the alley.

Habben reviewed the standards required to approve the variances, staff findings in support and opposition of each standard for the 3 variances requested and the intent of landscaping buffer zone requirements.

Discussion was held on the public alley proposed to be paved by the applicant, the length of the alley, aerial photos of the area, uses surrounding the site, berm height and width requirements, previous buffer zone width variances granted, the number of parking spaces to be provided on the site, the need for a barrier on the east side of the site along the car wash operation and the intensity levels of buffer types A, B & C.

Chairman Hogan opened the public hearing at 7:37 p.m.

James McNelis, of Stucky Vitale Architects, was present and stated the applicants have included landscaping to the greatest extent possible and that the requirement for a berm or wall on the east and west sides is difficult to meet.

Discussion was held on the legal non-conforming setback of the adjacent building to the west, requiring a wall or fence on the east side of the site only to separate the car wash operation and requiring a lower height berm on the west side.

There being no further comments, the public hearing was closed at 7:55 p.m.

**023 2021 10-25 39 & 47 W. Genesee St. – Buffer Zone & Landscaping**

Moved by Farrington. Seconded by Parsch.

To approve the following variances to Section 7-15.05(F) requested by Richard Swaine for the property located at 39 & 47 W. Genesee Street because they meet all 5 standards in Section 7-22.04(e):

- To permit a 5 ft. wall or fence on the east property line;
- To permit a 2 ft. high berm on the west property line; and
- To require the minimum plant material to be 1 tree or 4 shrubs per 20 linear feet on the south property line.

**Yeas: Parsch, Farrington, Hogan and Waugh.**

**Nays: None.**

**Absent: Bostick-Tullius and Cattane.**

**Abstain: None.**

**MOTION CARRIED.**

**TRAINING REPORT**

After discussion on the two training sessions to be conducted it was the consensus of the board to hold the sessions at the January 24, 2022 ZBA meeting.

Discussion was also held on the variance application process and amending the site plan application to require all necessary variances be identified at the site plan approval stage.

**ADJOURNMENT**

There being no further business, it was moved by Farrington to adjourn the meeting at 8:29 p.m. **MEETING ADJOURNED.**

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Eric Cattane, Secretary

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Kimberly Hodge, Recording Secretary