

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
JUNE 28, 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, June 28, 2021 at 6:30 p.m.

Members Present: Chairman Jeff Hogan, Vice Chairperson Catherine Bostick-Tullius, Eric Cattane and Paul Parsch.

Members Absent: Joe Black and Dan Farrington.

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

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

006 2021 06-28 MINUTES

MINUTES

Moved by Bostick-Tullius. Seconded by Parsch.

To approve the minutes of the regular meeting held on March 22, 2021 as amended.

ON A ROLL CALL VOTE:

Yeas: Hogan, Parsch, Cattane and Bostick-Tullius.

Nays: None.

Absent: Black and Farrington.

Abstain: None.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

Swaine – 39 & 47 W. Genesee & Vacant Parcel – Buffer Zone Minimum Width Variance

Planning Consultant Habben reviewed the request from Richard Swaine for variances to the buffer zone width requirements of Section 7-15.02(F) for the east, west and south property lines in order to construct a new 11,500 sq. ft. building on the parcels known as 39 W. Genesee, 47 W. Genesee and vacant Parcel #L21-23-900-040-00. Habben stated the 3 parcels are planned to be merged into one, that a public alley is located to the south, reviewed the existing uses surrounding the site and the setback and buffer zone requirements for the parcel. Habben reviewed an aerial photo of the subject site and surrounding area, the conceptual site plan sketch, the distance of the alley from the proposed building and the applicant's response to the variance request.

Habben reviewed the standards required in order to approve the variances, staff findings in support and opposition of each standard, landscaping requirements and the intent of the buffer zone setback requirements in order to help minimize off-site impacts to neighboring parcels.

Discussion was held on the proposed building height, the proposed mezzanine level in the building, landscaping material height requirements, existing residential homes south of the site, the Master Plan designation of Mixed-Use and the existing zoning and uses in the area surrounding the site.

Chairman Hogan opened the public hearing at 6:53 p.m.

Richard Swaine stated the proposed building size is 11,500 sq. ft. with a mezzanine level rather than a second story, that there are limited sites available for this type of business and that he wants to create a nice building and improve the aesthetic of the area.

James McNelis, with Stucky Vitale Architects, stated the mezzanine level is preferred rather than a second story which would create difficulty overseeing the operation and will make the facility more viable and functional.

Chis Stesney-Ridenour, a partner of Rick Swaine, reviewed the reasoning of the floor plan design with a mezzanine level and stated that her son lives in the Lapeer area, that the business will be an organic grow facility, that they don't want to operate in a large facility, that a minimum 10,000 sq. ft. floor area is necessary and this will be a great opportunity to start this type of business.

Russ Arnold, owner of the adjacent carwash inquired what the planting requirements are in the setback area.

Paul Coulter, Mr. Arnold's realtor, stated Mr. Arnold has no issues with the proposed buffer zone sizes or use of the alley.

The following correspondence was received regarding the request:

Lapeer City Hall
Attn: Zoning Board of Appeals
576 Liberty Park
Lapeer, Michigan

RE: June 28, 2021 Hearing on buffer zones

Dear Gentlepeople:

There are concerns to maintaining the peaceful residence at (Lot 17) 90 Howard Street, just south of the vacant lot along Genesee Street.

No trespassing or using the yard as a walkthrough or at whim for anything else.

Utilities & Lawn Care Companies can continue to their work when needed or as usual.

No snowplowing unto property. Only half of the naturally fallen snow, on the public alleyway immediately adjacent to the 90 Howard property should be allowed.

Thank you very much for your consideration of this matter.

Kind Regards,
Cindy McSparin
Owner of 90 Howard Street

Discussion was held on the proposed height of the building, that the building façade elevation design has not been finalized, traffic flow on the site and the existing former Thick's Glass building on the site.

There being no further comments, the public hearing was closed at 7:16 p.m.

Board discussion was held on the proposed setback amounts on the east, west and south yards, the standards required to grant the variances, issues with the request meeting Standard #4 which mentions the applicant has not created the need for the variance, the 10 ft. setback needed for fire safety access, the requirements for maintaining the non-conforming status of the existing building to keep the existing east yard setback, potential height of the building and the requirement for a landscaping wall, fence or berm on the south side of the site. Discussion was also held on the reasoning for the proposed building height to accommodate the mezzanine level, the fact the alley creates a unique situation on the south side of the site, buffer zone requirements for industrial uses and the setback requirements from residential uses.

007 2021 06-28 SOUTH BUFFER ZONE – 39 & 47 W. GENESEE & VACANT LOT

Moved by Bostick-Tullius. Seconded by Parsch.

To approve the request from Richard Swaine for a 40 foot variance to the buffer zone minimum width requirement on the south property line for the properties located at 39 & 47 W. Genesee Street and vacant parcel known as L21-23-900-040-00 from Section 7-15.02(F) because it meets all 5 standards in Section 7-22.04(e).

ON A ROLL CALL VOTE:

Yeas: Parsch, Cattane, Bostick-Tullius and Hogan.

Nays: None.

Absent: Black and Farrington.

Abstain: None.

MOTION CARRIED.

08 2021 06-28 EAST/WEST BUFFER ZONE – 39 & 47 W. GENESEE & VACANT LOT

Moved by Bostick-Tullius. Seconded by Cattane.

To deny the variances requested by Richard Swaine for the east and west property line buffer zone minimum widths located at 37 & 47 W. Genesee Street and vacant parcel known as L21-23-900-040-00 from Section 7-15.02(F) because it does not meet Standard 4 of Section 7-22.04(e)

ON A ROLL CALL VOTE:

Yeas: Parsch, Cattane, Bostick-Tullius and Hogan.

Nays: None.

Absent: Black and Farrington.

Abstain: None.

MOTION CARRIED.

TRAINING REPORT

There was no new member training reported. It was the consensus of the board to hold a training session in October on the special topic of the text amendment process.

Discussion was held on the differences between the Mixed-Use zoning district and a Planned Unit Development.

ADJOURNMENT

There being no further business, it was the consensus of the board to adjourn the meeting at 8:04 p.m. **MEETING ADJOURNED.**

Eric Cattane, Secretary

Kimberly Hodge, Recording Secretary