

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
SEPTEMBER 27, 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, September 27, 2021 at 6:30 p.m.

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

**Members Absent:** None.

**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.

**016 2021 09-27 MINUTES**

**MINUTES**

Moved by Bostick-Tullius. Seconded by Cattane.

To approve the minutes of the regular meeting held on August 23, 2021 as presented.

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

**Nays: None.**

**Absent: None.**

**Abstain: None.**

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARING SCHEDULED**

**Ray Clemens – Ray C’s – Exterior Lighting – 1491 S. Lapeer Rd.**

Habben reviewed the request from Ray Clemens for a variance to Section 7-15.05.D.2(b) to allow exterior lighting fixtures that are not fully shielded or downward facing on the north and east sides of the new building addition at Ray C’s Harley Davidson/Extreme located at 1491 S. Lapeer Road. Habben reviewed aerial photos of the site, the approved photometric plan, and the as-built drawing and photos showing the location of 6 installed fixtures that are not in compliance with the ordinance. Habben also reviewed the applicant’s response to the variance request, standards for approval of the variance, staff findings in support and opposition of each standard and the intent of the ordinance provision to minimize lighting impact to neighboring properties and reduce environmental light pollution.

Habben read the following letter from the owner of 1515 S. Lapeer Road into the record:

September 13, 2021

Lapeer City Hall  
Attn: Zoning Board of Appeals  
576 Liberty Park  
Lapeer, MI 48446

Dear Zoning Board of Appeals:

Please except this letter as notice of my comments regarding the lighting variance request that is on the agenda for the September 27, 2021 City of Lapeer public hearing for the Zoning Board of Appeals.

I fully appreciate the zoning ordinances that are in effect when they make sense for the situation. In the case of 1491 S. Lapeer Rd and the property owners request to get a variance as it relates to the shielding and downward direction of lights on property owner's north property line, I am in support of the property owner and hope that the zoning board will grant the variance to the property owner.

I understand that shielded and downward facing lights are in place to prevent light glare onto roads and adjacent properties but in this properties case, no road or occupied adjacent land will currently be impacted by light shining out from the property line.

I also know first-hand how lighting will help deter vandalism and theft from happening to Ray Clemens property. We have had our share of theft at Jim Riehl's Friendly Chrysler Dodge Jeep Ram, Inc. and lights help deter and more importantly help the police departments when they bravely come to the support of the property owners against criminals.

If the board has any other questions please reach me at XXX-XXX-XXXX.

I hope that the board will grant the waiver and make an exception in this situation.

Sincerely,  
Bob Riehl  
Operating Partner  
Jim Riehl's Friendly Chrysler Dodge Jeep Ram, Inc.

Discussion was held on the site compliance inspection process followed that led to the discovery of the installation of non-compliant lighting fixtures.

Chairman Hogan opened the public hearing at 6:40 p.m.

Ray Clemens was present and reviewed the process that led to installation of the non-compliance light fixtures on the north and east sides of the new building addition and stated he would be willing to change the two fixtures installed on the north side of the building to be in compliance and keep the four fixtures installed on the east side of the building addition as is.

Discussion was held on the required candle foot average for the site which is currently met, that the issue is the 6 fixtures are not downward facing and shielded, the language of Section 7-15.05.D.2(b), the topography of the Ray C's site, security issues on the east side of the site, existing pole lights on the site, light pollution and the large size of the Ray C's parcel.

There being no further comments, the public hearing was closed at 7:10 p.m.

Further discussion was held on the zoning ordinance language, that 5 Standards required to be met in order to grant the variance, measuring the foot candle requirements on the site, and options available to the property owner to modify the already installed light fixtures to meet the ordinance requirements.

**017 2021 09-27 Ray C's – Exterior Lighting – Motion #1 of 3**

Moved by Bostick-Tullius. Seconded by Parsch.

To deny the variance request from Ray Clemens to allow exterior lighting fixtures that are not downward facing and shielded for Ray C's located at 1491 S. Lapeer Road from Section 7-15.05.D.2(b) because it does not meet standard 4 in Section 7-22.04(e).

**ON A ROLL CALLE VOTE:**

**Yeas: Parsch and Bostick-Tullius.**

**Nays: Farrington, Cattane and Hogan.**

**Absent: None.**

**Abstain: None.**

**MOTION FAILED.**

A motion was made by Farrington and supported by Hogan to grant the variance for the 4 light fixtures on the east side of the building and to require the two light fixtures on the north side of the building be modified or replaced to be in compliance with the ordinance because it meets all 5 standards. After discussion, Hogan withdrew his support of the motion. Motion died due to lack of support.

**018 2021 09-27 Ray C's – Exterior Lighting – Motion #2 of 3**

Moved by Farrington. Seconded by Parsch.

To grant the variance for the 4 light fixtures on the east side of the building and to require the two light fixtures on the north side of the building be modified or replaced to be in compliance with the ordinance because it meets all 5 standards due to the topography of the site and to allow the intent of the ordinance to be met.

**ON A ROLL CALLE VOTE:**

**Yeas: Farrington, Cattane and Hogan.**

**Nays: Bostick-Tullius and Parsch.**

**Absent: None.**

**Abstain: None.**

**MOTION FAILED.**

**019 2021 09-27 Ray C's – Exterior Lighting – Motion #3 of 3**

Moved by Bostick-Tullius. Seconded by Cattane.

To deny the variance request from Ray Clemens to allow exterior lighting fixtures that are not downward facing and shielded for Ray C's located at 1491 S. Lapeer Road from Section 7-15.05.D.2(b) because it does not meet standard 4 in Section 7-22.04(e).

**ON A ROLL CALLE VOTE:**

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

**Nays: Farrington.**

**Absent: None.**

**Abstain: None.**

**MOTION CARRIED.**

## **OTHER BUSINESS**

### **McLaren Lapeer Regional Hospital – 1375 N. Main – Sign Variance Request #3**

Planning Consultant Habben reviewed the request from Allied Signs on behalf of McLaren Lapeer Regional Hospital for a variance to the total sign area of the monument sign to be located at the intersection of N. Main/Barry on which action was postponed at the August meeting in order to review additional information. Habben reviewed an aerial photo of the site, a street view photo of the proposed location of the sign and stated the size of the sign is the issue currently before the board for consideration due to the variance to allow the additional sign at location #3 being approved at the August meeting.

Habben reviewed the applicant's response to the variance request, the standards required in order to grant the sign variance and the design rendering submitted showing the proposed signage design and lettering font size with and without approval of the variance request. Discussion was held regarding the permitted sign area of 64 sq. ft. per side and the 16 ft. maximum allowed height of multi-tenant monument signs.

Patrick Stieber, of Allied Signs, was present and reviewed the font size difference between the two design renderings presented.

Tim Lipka, McLaren Facilities Manager, was present and addressed the need for the larger sign due to traffic speed and design cohesiveness for the 3 signs on N. Main.

Discussion was held on the required standards, font size, traffic speed, existing signs on the site, sign area calculation, monument sign base size requirements, the zoning ordinance definition of sign area and the corrected sign area of 104 sq. feet of the proposed sign.

### **020 2021 09-27 McLaren – 1375 N. Main – Sign Variance Request #3**

Moved by Farrington. Seconded by Cattane.

To approve the variance request from Allied Signs representing McLaren Lapeer Regional Hospital for a 40.166 sq. ft. variance for the sign area per side which includes the entire sign face area above the pedestal for sign location #3 along N. Main (M-24) located at 1375 N. Main Street from Section 7-17.05 Table 7-13.03 because it meets standard 2 in Section 7-22.04(f) and all of the standards in Section 7-22.04(g).

#### **ON A ROLL CALLE VOTE:**

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

**Nays: None.**

**Absent: None.**

**Abstain: None.**

**MOTION CARRIED.**

Discussion was held regarding enforcement options on issuing occupancy permits to ensure sites are developed in compliance with an approved site plan.

## **TRAINING REPORT**

There was no new member training reported. Habben updated the board on topics planned for the training session to be held at the October meeting.

**ADJOURNMENT**

There being no further business, it was moved by Cattane and supported by Farrington to adjourn the meeting at 8:37 p.m. **MEETING ADJOURNED.**

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Eric Cattane, Secretary

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Kimberly Hodge, Recording Secretary