

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
JANUARY 24, 2022**

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, January 24, 2022 at 6:30 p.m.

Members Present: Chairman Jeff Hogan, Vice Chairperson Catherine Bostick-Tullis, Eric Cattane, Dan Farrington and Lynne McCarthy.

Members Absent: Paul Parsch and Patricia Waugh.

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.

MINUTES

030 2022 1-24 MINUTES

Moved by Bostick-Tullius. Seconded by Cattane.

To approve the minutes of the regular meeting held on November 22, 2021 as presented.

Yeas: Hogan, Bostick-Tullius, Cattane, Farrington and McCarthy.

Nays: None.

Absent: Parsch and Waugh.

Abstain: None.

MOTION CARRIED.

PUBLIC COMMENTS

Chris Edwards, 56 S. Court St., Lapeer, was present and expressed various concerns with the marijuana grow/processing facility proposed at 35 S. Court Street including smell, odor control, property value and inability to sell his property.

PUBLIC HEARING SCHEDULED

Deeche Buds / Derrick Zock – 35 S. Court St. / 130 Howard St.

Habben reviewed the request from Derrick Zock of Deeche Buds for variances to the landscaping, window and in-ground irrigation requirements of the zoning ordinance in order to operate a marijuana grow and processing facility at the property known as 35 S. Court Street & 130 Howard Street. Habben reviewed the site location which is zoned I-1 Industrial, an aerial photo of the subject site and the surrounding area and uses, the 3 variances being requested, standards required to be met in order to approve the variances and the applicant's response to the request.

Habben reviewed photos of the site and existing wall along the east side of the site which the applicant proposes to repair, the proposed landscaping plan, intent of landscaping requirements and staff findings in support and opposition of each variance requested. Discussion was held on the public alley along the north side of the site and on-site parking.

Chairman Hogan opened the public hearing at 6:51 p.m.

Discussion was held on whether landscaping is proposed on the east side of the wall if it were to remain, that no landscaping is proposed on the north side of the site and dumpster requirements.

There being no further comments, the public hearing was closed at 6:54 p.m.

Additional discussion was held on what level of repairs are needed to the existing wall, the location of the existing building and loading area on the parcel.

031 2022 1-24 35 S. Court – Landscaping Buffer – East Property Line

Moved by Farrington. Seconded by Bostick-Tullius.

To approve the landscaping buffer variance request along the east property line from Derrick Zock at 35 S. Court St. and 130 Howard St. because it meets all 5 standards in Section 7-22.04(e) contingent upon repair of the existing wall to be complete, straight and clean.

Yeas: Hogan, Bostick-Tullius, Cattane, Farrington and McCarthy.

Nays: None.

Absent: Parsch and Waugh.

Abstain: None.

MOTION CARRIED.

032 2022 1-24 35 S. Court – Landscaping Buffer – North Property Line

Moved by Cattane. Seconded by Farrington.

To approve the landscaping buffer variance request along the north property line from Derrick Zock at 35 S. Court St. and 130 Howard St. because it meets all 5 standards in Section 7-22.04(e).

Yeas: Hogan, Bostick-Tullius, Cattane, Farrington and McCarthy.

Nays: None.

Absent: Parsch and Waugh.

Abstain: None.

MOTION CARRIED.

Habben reviewed the zoning ordinance requirement for windows to cover a minimum of 20% of exterior walls facing a street and the applicant's request to install no windows on the south-facing exterior wall of the new building addition. Discussion was held on the negative impact of having no windows, the option of installing fake windows, the exterior building materials proposed and the intent of the window requirement.

033 2022 1-24 35 S. Court – Exterior Windows

Moved by Bostick-Tullius. Seconded by Cattane.

To deny the window coverage variance request along the southern elevation of the proposed building from Derrick Zock at 35 S. Court St. and 130 Howard St. because it does not meet Standard 2 in Section 7-22.04(e).

Yeas: Hogan, Bostick-Tullius, Cattane, Farrington and McCarthy.

Nays: None.

Absent: Parsch and Waugh.

Abstain: None.

MOTION CARRIED.

Habben reviewed the zoning ordinance requirement to install in-ground irrigation of all landscaped areas, areas on the proposed landscaping plan requiring in-ground irrigation and the intent of the provision. Discussion was held on the fact there is no existing in-ground irrigation on the site and areas required to be irrigated.

034 2022 1-24 35 S. Court – Landscaping In-Ground Irrigation

Moved by Cattane. Seconded by Farrington.

To deny the landscaping maintenance variance request to not install in-ground irrigation from Derrick Zock at 35 S. Court St. and 130 Howard St. because it does not meet Standard 5 in Section 7-22.04(e).

Yeas: Hogan, Bostick-Tullius, Cattane, Farrington and McCarthy.

Nays: None.

Absent: Parsch and Waugh.

Abstain: None.

MOTION CARRIED.

OTHER BUSINESS

Election of Officers

035 2022 1-24 Election of Officers

Moved by Farrington. Seconded by McCarthy.

To nominate and re-elect the current ZBA officer slate of Jeff Hogan as Chairperson, Catherine Bostick-Tullius as Vice Chairperson and Eric Cattane as Secretary.

Yeas: Hogan, Bostick-Tullius, Cattane, Farrington and McCarthy.

Nays: None.

Absent: Parsch and Waugh.

Abstain: None.

MOTION CARRIED.

TRAINING REPORT

Habben informed the members there will be a joint training session with the City Commission, Planning Commission, DDA and ZBA on Monday, February 21st at a to be determined location and reviewed various topics to be covered.

ADJOURNMENT

There being no further business, it was moved by Farrington to adjourn the meeting at 7:39 p.m. **MEETING ADJOURNED.**

Eric Cattane, Secretary

Kimberly Hodge, Recording Secretary