

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
MAY 23, 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, May 23, 2022 at 6:30 p.m.

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

Members Absent: Lynne McCarthy.

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

Chairman Hogan called the meeting to order at 6:48 p.m.

MINUTES

040 2022 5-23 MINUTES

Moved by Bostick-Tullius. Seconded by Parsch.

To approve the minutes of the regular ZBA meeting held on March 28, 2022 as presented.

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

Nays: None.

Absent: McCarthy.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

Marathon Gas Station / Aver Sign Co. – 373 Lake Nepessing Rd. – Gas Station Canopy Signage Lettering Height

Planning Consultant Christensen reviewed the request from Aver Sign Company representing owners of the Marathon Gas Station for a 6-inch variance to the 9-inch maximum canopy sign letter height for their facility located at 373 Lake Nepessing Road in order to replace the existing canopy fascia. Christensen reviewed various facts related to the request including the I-2 Planned Industrial zoning classification, photos of existing canopy signage which currently display 15-inch non-conforming lettering height and the proposed new canopy. Christensen also reviewed the standards required in order to grant the variance request and staff findings in support and opposition as related to each required standard.

Chairman Hogan opened the public hearing at 6:54 p.m.

Butch Yerian, owner, was present and stated he would like to modernize the existing canopy fascia only to include flush backlit lettering screen printed on the canopy, that the current canopy is sun cracked and faded and that the 15-inch lettering is the Marathon standard size.

There being no further comments, the public hearing was closed at 6:57 p.m.

Discussion was held on visibility of the canopy, the possibility of the Planning Commission amending the current ordinance increasing the maximum size permitted for canopy lettering, whether or not the request meets all required standards, the traffic amount and speed limits on Lake Nepessing Road, the size of the corner subject parcel and the tree line to the north of the site.

041 2022 5-23 MARATHON – 373 LAKE NEPESSING – CANOPY LETTERING

Moved by Farrington. Seconded by Cattane.

To approve the variance requested by Aver Sign Company for a variance of 6-inches from the maximum letter height to replace an existing canopy with a new canopy with 15-inch-high letters at the Marathon gas station located at 373 Lake Nepessing Road from Section 7-22.04(f) because it does meet Standard 2 from Section 7-22.04(f) and all of the standards in Section 7-22.04(g).

ROLL CALL VOTE:

Yeas: Farrington, Cattane and Parsch

Nays: Hogan and Bostick-Tullius

Absent: McCarthy

MOTION FAILED.

Lapeer Associates, LLC – 795-813 East St. #L21-33-100-050-00 – Parking Variance

Planning Consultant Christensen reviewed the request from Lapeer Associates, LLC, owners of the multi-tenant commercial building located at 795-813 East Street on Parcel #L21-33-100-050-00, for a 31 space parking variance and reviewed the parking calculation process conducted when reviewing Zoning Permit applications for multi-tenant buildings. Christensen reviewed the standards required in order to approve the variance and findings in support and opposition of each standard.

Discussion was held concerning the proposal to locate a nail salon in one of the three currently vacant units, the 36 spaces required for the nail salon based on the submitted floor plan and number of service chairs, the fact if approved and the nail salon locates in the building as currently occupied no spaces will remain for the other two vacant units and the number of spaces required by the King Buffet restaurant.

Chairman Hogan opened the public hearing at 7:30 p.m.

Mike McGlothin of Lapeer Associates stated the property is 35 years old with the same footprint approved by the City since 1992, that now a portion of his building is non-conforming and not tenable and he cannot lease units due to the decision that the reciprocal parking agreement no longer applies. McGlothin stated customers of all businesses on the three parcels use the spaces in the Lapeer Associates, Aldi and Lapeer Point Plaza lots.

Discussion was held on the previous use of the Marshalls lot for used vehicle sales, use of the lot by Apple Tree and E.G. Nicks patrons and the need to confirm the number of customer seats in the King Buffet space.

There being no further comments, the public hearing was closed at 7:41 p.m.

Discussion was held on whether or not the issue was self-created, the remaining vacant units, enforcement of parking by customers of surrounding restaurants, the unknown future uses of the remaining vacant units, the fact the vacant adjacent parcel to the north of the Lapeer Associates site is not available for purchase and additional spaces that could be striped and utilized on the Lapeer Associates parcel. Discussion was also held on the fact there are no demarcations between the parking lots on the three separate parcels, the fluidity of the types of businesses over time, the remaining 5,400 sq. ft. of vacant space for lease if the nail salon locates in the 799 East Street unit and the fact a 31 space variance is significant.

**042 2022 5-23 LAPEER ASSOCIATES, LLC – 795-813 EAST STREET –
31 SPACE PARKING VARIANCE**

Moved by Parsch. Seconded by Farrington.

To approve the request from Lapeer Associates LLC for a variance of 31 required parking spaces from Table 7.16.1 to locate a nail salon in a vacant storefront located at 795-813 East Street (Parcel #L21-33-100-050-00) because it does meet all the standards in Section 7-22.04(e).

ROLL CALL VOTE:

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

Nays: None.

Absent: McCarthy.

MOTION CARRIED.

TRAINING REPORT

There was not a report.

ADJOURNMENT

There being no further business, it was moved by Bostick-Tullius to adjourn the meeting at 8:15 p.m. **MEETING ADJOURNED.**

Eric Cattane, Secretary

Kimberly Hodge, Recording Secretary