

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
JANUARY 23, 2023**

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 23, 2023 at 6:30 p.m.

**Members Present:** Chairman Jeff Hogan, Vice Chairperson Catherine Bostick-Tullis (arrived 6:32 p.m.), Eric Cattane, Dan Farrington, Lynne McCarthy and Paul Parsch.

**Members Absent:** None.

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

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

**MINUTES**

**046 2023 1-23 MINUTES**

Moved by Parsch. Seconded by Cattane.

To approve the minutes of the regular ZBA meeting held on September 26, 2022 as presented.

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

**Nays: None.**

**Absent: Bostick-Tullius.**

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

Bostick-Tullius arrived at 6:32 p.m.

**PUBLIC HEARING SCHEDULED**

**Lapeer County / Harmony Hall – 219 S. Saginaw – Rear Yard Setback – Accessory Building**

Planning Consultant Habben reviewed the request from Lapeer County and Brian Schmitt for rear and side yard setback variances in order to place a 240 sq. ft. accessory structure in the rear yard of Harmony Hall located at 219 S. Saginaw Street. Habben reviewed aerial photos of the site and surrounding area and uses, a rendering of the proposed building, proximity of the existing building on the adjacent parcel east of the subject site, Fire Code practice for 10 ft. of separation between structures and the potential alternate location for the structure at the southeast corner of the site which would comply with the recommended building separation distance. Habben reported the site is zoned I-1 Industrial, the applicant wants to avoid losing parking spaces and the Building Code requires certain types of materials if a building is located within 3 feet of another structure.

Consultant Habben reviewed the standards for approval of Section 7.22.04(E) and staff findings in support and opposition of each standard.

Chairman Hogan opened the public hearing at 6:39 p.m.

Brian Schmitt of Harmony Hall which is operated by Lapeer County Community Mental Health was present and stated the plan is to consolidate the contents of three sheds into one structure without impacting the parking lot, that the structure will be used for storage of general overflow supplies and lawn maintenance equipment and that electrical service will not be connected to the structure.

Discussion was held on the recently demolished building to the north of the Harmony Hall parcel, building materials required by the Building Code and the alternate location for the structure which would comply with the 10 ft. building separation.

Cheryl Reynolds, 1275 Sharon Dr., inquired if the 10-foot building separation also applies to residential uses.

There being no further comments, the public hearing was closed at 6:45 p.m.

Board discussion was held on the fact the structure will be placed on asphalt and not in the greenbelt area, the size of the structure and the existing dumpster location.

**047 2023 1-23 219 S. Saginaw - Accessory Structure Rear Yard Setback Variance**  
Moved by Farrington. Seconded by Cattane.

To approve a seven (7) foot rear yard setback variance to Section 7-8.03 Table 7.08.2 requested by Brian Schmitt representing Harmony Hall for the east property line located at 219 S. Saginaw Street because it does meet all of the standards from Section 7-22.04(E)

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Abstain: Bostick-Tullius.**

**Absent: None.**

**MOTION CARRIED.**

**Bollman – 208 E. Genesee – Adult Use Residential District Buffer Variance**

Consultant Habben reported the request from Angela Bollman for a variance to the 500 ft. residential district buffer for adult use business has been withdrawn due to the Planning Commission's denial of the special land use in order to locate an Adam & Eve adult novelty store at the currently proposed location of 208 E. Genesee Street. However, the board is still required to hold the public hearing on the request as advertised.

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

There being no comments, the public hearing was closed.

No action was necessary.

**Lapeer Villas – LeFevre Associates – 1710 Rustic Dr. - Lot Depth to Width Ratio**

Consultant Habben reviewed the request from LeFevre Associates and Selective Real Estate, LLC for a variances to the lot depth to width ratio requirement of Section 7-04.03 and the public street frontage requirement of Section 7-14.06. Habben stated the parcel is zoned RM-1 Multiple-Family Residential and reviewed aerial photos of the subject site and surrounding area and uses, the Lapeer Villas site plan showing the proposed lot split

diagram and the multiple-family apartment buildings constructed to date. Habben reviewed the standards for approval of the request, staff findings in support and opposition of each standard and the requirement for the owner to record a shared maintenance and easement agreement for the shared driveway to the two proposed parcels.

Chairman Hogan opened the public hearing at 7:03 p.m.

William Kolobaric, of LeFevre Associates, stated the north side of the access drive will be the lot split division line, that ownership of the development will remain the same, that the entire development will share access to and usage of the clubhouse and pool, that the owner is working on securing funding for construction of the remaining buildings and that a shared maintenance and access easement agreement will be recorded.

There being no further comments, the public hearing was closed at 7:06 p.m.

Board discussion was held on the fact Rustic Drive is a private street constructed to public standards and access to the adjacent property to the west.

**048 2023 1-23 Lapeer Villas/LeFevre Assoc. – 1710 Rustic Dr. – Lot Depth to Width**  
Moved by Parsch. Seconded by Bostick-Tullius.

To approve the request from LeFevre Associates, PLLC for a variance to Section 7-04.03 to allow for the creation of two lots that does not meet the 4 to 1 depth to width ratio located at 1710 Rustic Drive because it does meet all the standards in Section 7-22.04(E).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

**049 2023 1-23 Lapeer Villas/LeFevre Assoc. – 1710 Rustic Dr. – Public Street Frontage**  
Moved by Farrington. Seconded by Cattane.

To approve the request from LeFevre Associates, PLLC for a variance to Section 7-14.06 to allow the proposed lot split resulting in one property that does not abut a public street located at 1710 Rustic Drive because it does meet all the standards in Section 7-22.04(E) contingent on the applicant providing an easement agreement for both proposed properties.

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

**Lapeer Crossing – SE Corner Turrill Rd./S. Lapeer Rd. Lot Depth to Width Ratio**

Consultant Habben reviewed the request from Lapeer Crossing, LLC for a variance to the lot depth to width ratio requirements of Section 7-06.03 for a parcel to be created by a proposed lot split of currently vacant parcels #L20-98-017-026-00 & #L20-98-017-026-10

located at the southeast corner of Turrill Rd./S. Lapeer Rd. (M-24). Habben reviewed aerial photos of the B-2 General Business zoned site location and surrounding area and uses, the conceptual plot plan for development of a commercial complex on the properties and the southernmost proposed lot which includes a detention pond and does not meet the 4 to 1 depth to width ratio requirement.

Habben stated all of the proposed lots will have frontage on a public street and access to the storm water detention pond proposed at the southeast corner of the development area. Habben reviewed the standards for approval of the variance, staff findings in support and opposition of each standard and the topography of the site.

Chairman Hogan opened the public hearing at 7:20 p.m.

Cheryl Reynolds, 1275 Sharon Dr., stated concerns with congestion and water run-off and inquired if a noise abatement wall has been considered.

Gerald Reynolds, 1275 Sharon Dr., stated concerns with truck traffic, lighting and congestion and backups at the I-69 off-ramp.

Barbara Walker, 948 Turrill Rd., inquired what offers the property owner has received for businesses to locate in the development.

Sara Iverson Smith, representing Blain's Farm & Fleet which is proposed to locate within the development, stated Blain's will be submitting photometric plans during the site plan review process.

Stephanie Lashbrook, 382 Turrill Rd., stated concerns with traffic, potential fast-food restaurants, noise, traffic speed and trash.

There being no further comments, the public hearing was closed at 7:30 p.m.

Board discussion was held on front yard setback requirements, access to the development from Turrill Road, the lot split diagram and the shape and buildability of the proposed parcel with the detention pond. Discussion was also held on the fact the detention pond will be utilized by all tenants of the development with a shared easement and maintenance agreement.

**050 2023 1-23 Lapeer Crossing – SE Corner Turrill Rd./S. Lapeer Rd. Lot  
Depth to Width Ratio**

Moved by Cattane. Seconded by Bostick-Tullius.

To approve the request from Lapeer Crossings LLC for a variance to Section 7-06.03 to allow for the creation of a lot that does not meet the 4 to 1 depth to width ratio for vacant parcels currently known as #L20-98-017-026-00 and #L20-98-017-026-10 because it does meet all the standards in Section 7-22.04(E).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

**Blain's Farm & Fleet – SE Corner of Turrill Rd./S. Lapeer Rd. (M-24)**  
**Variances for Signage Height, Exterior Building Materials, Rooftop**  
**Screening, Window Area and Overhead Door Location**

Consultant Habben reviewed the conceptual design for construction of a 105,990 sq. ft. Blain's Farm & Fleet commercial building at the currently vacant property known as Parcels #L20-98-017-026-00 and #L20-98-017-026-10 and variances being requested to the height restrictions for monument and business center signs and requirements for exterior building materials, rooftop screening, window area and overhead door location.

**Monument & Business Center Sign Variances**

Habben reviewed the signage proposed for the Blain's Farm & Fleet which includes wall and multi-tenant interstate corridor signs, both of which are in compliance, as well as a monument ground sign at the Turrill Road entrance drive and a multi-tenant ground sign at the southeast corner of Turrill Rd./S. Lapeer Rd. for which the applicant is requesting 4 ft. height variances to Section 7-17.05. Habben reviewed street level photos of the sign locations, the design rendering of each of the two signs which meet size and setback requirements and the applicant's request for the variances in order to accommodate a stone base on each sign to match the front façade of the proposed Blain's building.

Habben reviewed the standards for approval for both sign variances and staff findings in support and opposition of each standard. Discussion was held on topography changes on the site, visibility, wall signage planned and the possibility of a lesser height variance.

Chairman Hogan opened the public hearing on the sign variance requests at 7:59 p.m.

David Wynn, of Blain's Farm & Fleet, stated the stone block base is designed to match the main building façade and to keep the sign materials off the ground to avoid maintenance issues, that the multi-tenant sign will also advertise other businesses to locate on the development and that if the variance request is reduced the plan would be to reduce the 4 ft. height of the base and leave the sign face the same size as proposed.

City Manager Dale Kerbyson stated the multi-tenant sign is next to a multi-lane highway which will have snow loaded along the roadway and the applicant would like to keep the sign out of the snow and visible during the winter months.

Discussion was held on the topography of the site and plans to fill and build up the elevation of building site.

Stephanie Lashbrook, 382 Turrill Rd., stated concerns with visibility at the corner of Turrill Road and S. Lapeer Road and the overall appearance of a 20 ft. tall sign.

Barb Walker, 948 Turrill, inquired how the variance approval would impact Planning Commission approvals.

Cheryl Reynolds, 1275 Sharon Dr., stated concerns with the lighting of the sign.

There being no further comments, the public hearing was closed at 8:10 p.m.

Board discussion was held on the setback of the multi-tenant sign from the roadway, lowering the height of the stone base, topography and size of the development, snow displaced during plowing of the roadway, clear vision area size requirements, Lapeer County Road Commission's jurisdiction of Turrill Road, height of the stone base material on the façade of the main building and the existing elevation of the sign site at the corner of Turrill Rd./S. Lapeer Rd.

Justin Longstreth, project engineer, summarized the grading plan for the project and MDOT right-of-way location.

City Manager Kerbyson stated the U.S. Department of Transportation has right-of-way extending from the I-69 exit ramp northward to Turrill Road.

**051 2023 1-23 Blain's Farm & Fleet – Monument Sign Height Variance**

Moved by Farrington. Seconded by Cattane.

To approve the variance requested by Mike Froseth, representing Blain's Farm & Fleet, for a variance of 2 feet to Section 7-17.05 Table 7.17.3 for the sign height of the proposed monument sign to be located at the southeast corner of Turrill Road and M-24 (Parcel ID# L20-98-017-022-00, L20-98-017-022-10, L20-98-017-026-00 and L20-98-017-026-10) because it does meet Standard 2 from Section 7-22.04(F) and all of the standards in Section 7-22.04(G).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

**052 2023 1-23 Blain's Farm & Fleet – Multi-Tenant Sign Height Variance**

Moved by Parsch. Seconded by Farrington.

To approve the variance requested by Mike Froseth, representing Blain's Farm & Fleet, for a variance of 2 feet to Section 7-17.-5 Table 7.17.3 for the sign height of a business center sign to be located at the southeast corner of Turrill Road and M-24 (Parcel ID# L20-98-017-022-00, L20-98-017-022-10, L20-98-017-026-00 and L20-98-017-026-10) because it does meets Standard 1 from Section 7-22.04(F) and all of the standards from Section 7-22.04(G).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

**Exterior Building Material, Rooftop Screening, Window Area & Overhead Door Location Variances**

Consultant Habben reviewed the request from Blain's Farm & Fleet for a variance to Section 7-15.01(D)(2) to utilize painted pre-cast wall panels as improved building materials for the exterior of their proposed commercial building. Habben reviewed the

design elevations of each side of the building, the requirement for 51% of the building exterior to consist of improved building materials, the proposed % breakdown of each building material proposed and design material categories of the Zoning Ordinance.

David Wynn, of Blain's, stated the bottom stone base protects the metal panels and that painted pre-cast panels are better quality and more durable and decorative than metal siding.

Habben summarized the variances requested to the rooftop screening requirements of Section 7-15.01(F)(3), window area requirements of Section 7-15.01(C)(3) and overhead door location requirements of Section 7-15.01(C)(4). Habben reviewed the standards for approval and staff findings in support and opposition to each standard for the requested variances.

*Building Materials & Rooftop Screening*

Chairman Hogan opened the public hearing on the building material and rooftop screening variance requests at 8:52 p.m.

Barbara Walker, 948 Turrill Rd., inquired if the board would be setting a precedent or opening up the City to future lawsuits.

Sara Iverson Smith, of Blain's, stated Blain's has made significant strides to meet the City's requirements, that the proposed panel is a good, sturdy material and that brick is cost-prohibitive to the project.

Mike Froseth, of Blain's, stated the pre-cast panels require lower maintenance than other types of materials.

David Wynn, of Blain's, stated Blain's has been a family-owned business for 67 years, that Blain's has never left a community they opened in and they are committed to maintaining their buildings.

Cheryl Reynolds, 1275 Sharon Dr., inquired why the City would lower their design standards after they annexed the area from Lapeer Township and put in the utilities.

Brian Najor, owner of the subject property, stated he has owned the property for 10 years, that the site is a challenging piece of property to develop, that Blain's is a Class-A company and great partner that will bring jobs, taxes, increased property values and be a tremendous overall benefit to the community. Mr. Najor stated this is a great opportunity for the City and that the parties can work together for development of the site.

Gerald Reynolds, 1275 Sharon Dr., stated concerns with other businesses interested in the development.

There being no further comments the public hearing was closed at 9:02 p.m.

**053 2023 1-23 Blain's Farm & Fleet – Exterior Building Material Variance**

Moved by Bostick-Tullius. Seconded by Cattane.

To approve the request by Mike Froseth, representing Blain's Farm & Fleet, for a variance to Section 7-15.01(D)(3) to allow the use of painted precast panels as improved building materials for the proposed building to be located at the southeast corner of Turrill Road and M-24 (Parcel ID# L20-98-017-022-00, L20-98-017-022-10, L20-98-017-026-00 and L20-98-017-026-10) because it does meet all the standards in Section 7-22.04(E).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

Discussion was held on the role of the ZBA to consider each case separately as they are submitted to the City and the evolution of building material technology

**054 2023 1-23 Blain's Farm & Fleet – Rooftop Screening Variance**

Moved by Bostick-Tullius. Seconded by Cattane.

To approve the request by Mike Froseth, representing Blain's Farm & Fleet, for a variance to Section 7-15.01(F)(3) to eliminate the screening of rooftop equipment through building design for the proposed building to be located at the southeast corner of Turrill Road and M-24 (Parcel ID# L20-98-017-022-00, L20-98-017-022-10, L20-98-017-026-00 and L20-98-017-026-10) because it does meet all the standards in Section 7-22.04(E).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

Bostick-Tullius left the meeting at 9:08 p.m.

**Window Area**

Consultant Habben summarized the request for variances to the 20% window area requirement of Section 7-15.01(C)(3) and overhead door location requirements of Section 7-15.01(C)(4) and reviewed the standards for approval and staff findings in support and opposition of each standard for each variance.

Discussion was held on the 20% window area requirement of the façade facing Turrill Road, plans for the overhead doors to be made of glass panels, landscape screening along Turrill Road to reduce visibility of the overhead doors and the 28 ft. to 30 ft. building height.

Chairman Hogan opened the public hearing on the window area and overhead door location at 9:20 p.m.

Mike Froseth, of Blain's, stated the glass overhead doors should be considered doors and are not windows.

There being no further comments, the public hearing was closed at 9:21 p.m.



Board discussion was held on the design of the overhead doors facing Turrill Road, landscaping planned along Turrill Road, the solar fields located along Turrill Road and operation hours of the automotive service center.

**055 2023 1-23 Blain's Farm & Fleet – Window Area Variance**

Moved by Farrington. Seconded by Cattane.

To approve the request by Mike Froseth, representing Blain's Farm & Fleet, for a 20% window area variance to Section 7-15.01(C)(3) for the north side of the building located at the southeast corner of Turrill Road and M-24 (Parcel ID# L20-98-017-022-00, L20-98-017-022-10, L20-98-017-026-00 and L20-98-017-026-10) as shown in the submitted proposal because it does meet all the standards in Section 7-22.04(E).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: Bostick-Tullius.**

**MOTION CARRIED.**

**056 2023 1-23 Blain's Farm & Fleet – Overhead Doors Variance**

Moved by Cattane. Seconded by Farrington.

To approve the request by Mike Froseth, representing Blain's Farm & Fleet, for a variance to Section 7-15(C)(4) to allow overhead doors to face a public street for the parcels located at the southeast corner of Turrill Road and M-24 (Parcel ID# L20-98-017-022-00, L20-98-017-022-10, L20-98-017-026-00 and L20-98-017-026-10) because it does meet all the standards in Section 7-22.04(E).

**ON A ROLL CALL VOTE:**

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

**Nays: None.**

**Absent: Bostick-Tullius.**

**MOTION CARRIED.**

**TRAINING REPORT**

There was not a training report.

**ADJOURNMENT**

There being no further business, it was moved by Cattane and supported by McCarthy to adjourn the meeting at 9:33 p.m.

**MEETING ADJOURNED.**

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Eric Cattane, Secretary

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Kimberly Hodge, Recording Secretary