

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
APRIL 24, 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, April 24, 2023 at 6:30 p.m.

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

Members Absent: None.

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

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

MINUTES

060 2023 4-24 MINUTES

Moved by Bostick-Tullius. Seconded by Cattane.

To approve the minutes of the regular ZBA meeting held on February 27, 2023 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Melissa Petrie gave an invocation. Petrie also displayed several pictures of the existing fence at the rear of the proposed adult use business location at 807-809 East Street and expressed various concerns with the location and type of business.

PUBLIC HEARING SCHEDULED

Bollman - Adult Use 807 & 809 East St. – Residential Buffer & Major Thoroughfare Variances

Planning Consultant Jason Ball reviewed the request from Angela Bollman for variances to allow an adult novelty store to not be located on a major thoroughfare. Ball reviewed the proposed location on East Street which is considered an access street and aerial photos and a diagram of the site. Ball reviewed the Standards for Approval of the variance, staff findings in support and opposition of each standard and stated East Street is not a residential street and functions as an access drive to a commercial area which is not a self-created issue by the applicant. Discussion was held on what factors determined the proposed business being an adult use.

Consultant Ball reviewed the second variance request to the 500 ft. residential buffer requirement and reported the Planning Commission approved the Special Land Use for the business contingent upon the ZBA's approval of the required variances. Ball stated the distance from the business to the residential use is between 105 ft. to 143 ft. depending on the measuring method and reviewed street level photos of the proposed

business location, the existing wood fence and tree line at the rear of the parcel and a map of the 500 ft. buffer requirement from the mobile home park to the east. Ball reviewed the standards for approval of the variance, staff findings in support and opposition of each standard and stated the business faces East Street, that there is no direct access between the subject parcel and the mobile home park if the fence were to be repaired and that the intent of the ordinance is to limit negative impact of the business on a residential use.

Discussion was held on ownership of the fence, that the fence has not been maintained in good condition, the measurement between the building and the fence and that the business will be in conformance with parking requirements for the site. Discussion was also held that no changes to the building façade are proposed other than signage and the applicant has stated she will comply with the window display as well as all other requirements listed in the City ordinance.

Chair Hogan opened the public hearing at 6:55 p.m.

Angela Bollman stated the Special Land Use has been approved contingent upon approval of the two variances, that all zoning ordinance, building lease and franchise agreement requirements will be followed, that the landlord has spoken with all other businesses in the plaza who welcome her business and the location is in the B-2 commercial area. Bollman stated windows and inventory will be shielded from public view, that signage is discreet, that all employees and customers must be 18 years or older, that the two units total 3,600 sq. ft. which is below the maximum allowed of 5,000 sq. ft. and that the 10:00 a.m. to 8 p.m. hours of operation have been approved by the City Commission. Bollman further stated that no books, magazines or videos will be sold in the store, that the inventory will consist of 80% clothing and shoes and 20% accessory items and the interior of the store will be an upscale stylish design. Bollman also summarized her 17 years as a successful business owner in the City and stated this business will also be successful while filling a gap in the business community.

Discussion was held on how the 18 and older requirement will be enforced, that no persons under 18 will be allowed in the store even if accompanied by an adult, whether any changes to the storefront are planned other than signage and the fact only two parcels of land in the City meet the 500 ft. residential buffer requirement.

Janet Adams, 1057 Baldwin Rd. Lapeer, stated the business name lends itself to something forbidden and that the variances needed are viewed themselves as a reason to protect the community.

Mike McGlothlin, property owner of 807-809 East Street, stated he is aware the business is a highly emotionally charged issue, that video games and television are worse than the proposed store, that the zoning ordinance allows the use with stringent requirements, that it's not a strip club, that no pornography will be sold in the store and that most of the items are available at other locations in town. McGlothlin stated Charles Laurencelle, owner of the Lapeer Point Plaza parcel, owns the fence at the rear of the site and that he would be willing to maintain the missing sections of the fence even though he does not own it.

Dylan Arndt, 25 S. Wilder Rd., Lapeer, stated Bollman does amazing things for the community and he has no doubt she will continue to contribute to the community.

The following comment was received by email:

I am aware that the Zoning Board of Appeals will be addressing the request regarding a possible Adam & Eve store. Unfortunately a previous commitment will not allow me to attend the meeting. I am hoping to express my opinion here.

While I live just north of the city in Mayfield Township, I naturally do most of my business in the city of Lapeer. I have followed much of the controversy regarding a business of this type. I feel that fears and worries have been completely blown out of proportion. I would like to express my support of such a business including the currently proposed location and ask that the Board grant the necessary approvals and variances.

Respectfully,
Leslie Getz
126 Davis Lake Rd.
Lapeer, MI 48446

There being no further comments the public hearing was closed at 7:13 p.m.

Discussion was held on ownership of the various parcels of the development, requiring the existing fence be brought up to code by repairing the missing sections, current buffer requirements and the fact the site was developed prior to current ordinances requiring a larger buffer between the commercial and residential use. Discussion was also held on the fact the Special Land Use is not required to be renewed, the description of a major thoroughfare, that there are no residential uses on East Street, the spirit of the ordinance, that no proper direct access exists between the parcels, that the storefront is not visible from the mobile home park and use of the parking area at the rear of the building.

061 2023 4-24 Bollman – 807 & 809 East St. - Adult Use Location not on a Major Thoroughfare

Moved by Farrington. Seconded by Cattane.

To approve the variance requested by Angela Bollman from Section 7-13.07.A(2)(d)(5) to allow the proposed adult novelty store to not be located along a major thoroughfare because it does meet all of the standards in Section 7-22.04(e).

ON A ROLL CALL VOTE:

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

Nays: McCarthy.

Absent: None.

MOTION CARRIED.

062 2023 4-24 Bollman – 807 & 809 East St. - Adult Use Residential Buffer

Moved by Bostick-Tullius. Seconded by Cattane.

To approve the variance requested by Angela Bollman from Section 7-13.07.A(2)(b)(2) for relief of 357 ft. from the required 500 ft. of an adult entertainment use to a residential district because it does meet all of the standards in Section 7-22.04(e).

ON A ROLL CALL VOTE:

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

Nays: McCarthy and Parsch.

Absent: None.

MOTION CARRIED.

Beasley – 891 Baldwin Rd. – Exterior Building Materials

Planning Consultant Ball reviewed the revised request from Matt Beasley for a variance to the exterior building material requirements of Section 7-15.01.D.2 in order to allow 62% of the building façade at 891 Baldwin Road to be board and batten vertical siding. Ball reviewed the site location, the original design submitted, the revised design calculations showing a 4 ft. lower border of Urestone polyurethane panels and the rest of the building vertical board and batten vinyl siding.

Ball reviewed the standards for approval of the variance and the staff findings in support and opposition of each standard. Discussion was held on the variance calculation method, examples of the panels, the transitional use area of the site location, the reduction in the variance amount request and the intent of the ordinance to provide easy reuse and repurposing of commercial buildings.

063 2023 4-24 Beasley – 891 Baldwin Rd. – Exterior Building Materials

Moved by Cattane. Seconded by Bostick-Tullius.

To approve the variance from Section 7-15.01.D.2 requested by Matthew Beasley for 891 Baldwin Road to allow 62% of the building façade to be board and batten siding, which is not a building material that has been determined as appropriate by the Planning Commission, because it does meet all of the standards from Section 7-22.04(E).

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

TRAINING REPORT

Consultant Ball reported the next joint training session with the City Commission is anticipated to be scheduled in June.

Resignation - Farrington

Dan Farrington informed the board that due to increased work commitments he has decided to resign from the ZBA board.

ADJOURNMENT

There being no further business, it was moved by Cattane to adjourn the meeting at 8:01 p.m.

MEETING ADJOURNED.

Eric Cattane, Secretary

Kimberly Hodge, Recording Secretary