

**CITY OF LAPEER  
MINUTES OF A REGULAR  
ZONING BOARD OF APPEALS MEETING  
JUNE 26, 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, June 26, 2023 at 6:30 p.m.

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

**Members Absent:** None.

**Also Present:** Jason Ball and Lauren Marshall Rowe Professional Services Company Planning Consultants, and Recording Secretary Kimberly Hodge.

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

**MINUTES**

**065 2023 6-26 MINUTES**

Moved by Bostick-Tullius. Seconded by Cattane.

To approve the minutes of the regular ZBA meeting held on May 22, 2023 as presented.

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARING SCHEDULED**

**Action Companies, LLC & Brang Scott, LLC - Carriage Hill Circle – Vacant Parcel #L20-93-304-040-00 – Front & Rear Yard Setbacks**

Planning Consultant Jason Ball reviewed the revised request from Brian Scott of Action Companies, LLC for a 20-foot front yard setback variance and a 5-foot rear yard setback variance in order to construct a new 32-unit, one-story multiple-family residential development on Carriage Hill Circle vacant parcel #L20-93-304-040-00. Ball reviewed aerial photos of the site and surrounding area uses, the proposed layout of the phased development and the unusual configuration of the development as related to the definition of front, side and rear yard lot lines. Ball reported the development was previously planned for two-story units, that the required rear yard setback has been increased from 30 ft. to 35 ft. since the previous approval for the development in 2004 and reviewed the Standards for Approval and staff findings in support and opposition to each standard.

Discussion was held on the distance between Unit #1 to the existing building to the west, the proposed layout on the site plan, the fact the development will be under one ownership and leased as rental units, that all units include a garage and driveway and the 10 ft. side yard setback requirement.

Chairman Hogan opened the public hearing at 6:50 p.m.

Christine Carrick, 2146 Carriage Hill Circle, inquired if any study has been done regarding the development's impact on sewer system use, increased traffic, elevation changes, weight limits, wildlife and how close the proposed Unit #1 is to the existing condo.

Jacquie Wilson, 2135 Carriage Hill Circle, stated concerns on road maintenance costs, the lack of maintenance on the vacant property, whether the apartments will pay HOA fees and requirements to change the condominium deed restrictions.

Connie Deming, 2138 Carriage Hill Circle, inquired on ownership of the property, whether the owner will improve the current Carriage Hill Circle roadway and concerns with more garbage trucks.

Charlotte Schwartz, 2169 Village West Drive, stated concerns with sewer issues, traffic safety, wildlife and the number of units proposed.

Peggy Ford, 2172 Village West Drive, inquired on the project's approval process for the ZBA and Planning Commission.

Rhonda Smith, 2202 Village West Drive, inquired on what happens if the ZBA denies the request.

Tony Stroh, 2180 Village West Drive, inquired on the ordinance change between the project's approval in 2004 and the current ordinance setback requirements.

Steven Smith, 2202 Village West Drive, inquired on the layout of the project in 2004 and pending approval of the site plan by the Planning Commission.

Discussion was held on the reduction in the number of units from the original planned two-story 64 units to one-story 32 units.

Della Hammond, 2176 Village West Drive, inquired on when the developer needs to make arrangements to use the existing road.

Consultant Ball stated agreements for use of the private road are between the various property owners and the City is not a party to those agreements.

Brittany Mackay, 2149 Village West Drive, inquired if the units will be Section 8 housing.

Rachel Merlone, 2130 Carriage Hill Circle, stated she prefers 28 units versus 32 units.

Brian Scott, applicant, stated he purchased the property from Mike Coulter, that underground work is already completed, the reduction from 64 units to 32 units will reduce traffic, that the apartments will be individual luxury high-end apartments with no Section 8 which will provide tax income to the City and that the condo documents and titles call for all owners to share in the maintenance which will lower costs for existing owners.

Two attached letters regarding the request were received from Brittany Mackay (Attachment #1) and Charlotte Schwartz (Attachment #2).

There being no further comments the public hearing was closed at 7:15 p.m.

Discussion was held on whether the northwestern lot line near Unit #1 should be considered a front yard or side yard.

**066 2023 6-26 Determination of Side Yard – Parcel #L20-93-304-040-00**

Moved by Bostick-Tullius. Seconded by Cattane.

To determine the northwestern lot line near Unit #1 of the proposed Carriage Hills Circle development on Parcel #L20-93-304-040-00 is a side yard and no variance is necessary.

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

Discussion was held on the rear yard setback request, the fact the design layout complied with the ordinance in 2004, the tree line along the east side of the site, buffer requirements from existing uses surrounding the site, utilities which have been installed previously and the standards for approval.

**067 2023 6-26 Rear Yard Setback Variance – Parcel #L20-93-304-040-00**

Moved by Cattane. Seconded by Bostick-Tullius.

To approve the variance requested by Action Companies, LLC and Brang Scott LLC from Section 7-4.03 for relief of 5 feet from the required 35-foot rear yard setback for the eastern lot line because it does meet all standards in Section 7-22.04(e).

**ON A ROLL CALL VOTE**

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

**Nays: None.**

**Absent: None.**

**MOTION CARRIED.**

**TRAINING REPORT**

Consultant Ball reviewed upcoming training opportunities and the tentative date of Monday, August 14<sup>th</sup> for the joint meeting between the City Commission, Planning Commission, ZBA and DDA.

**ADJOURNMENT**

There being no further business, it was moved by Burda to adjourn the meeting at 7:34 p.m.

**MEETING ADJOURNED.**

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Eric Cattane, Secretary

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Kimberly Hodge, Recording Secretary