

AGENDA CITY OF LAPEER ZONING BOARD OF APPEALS Monday, November 27, 2023 6:30 p.m.

6:30 P.M.	CALL	TO C	RDER
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- A. ROLL CALL
- B. MINUTES
 - Regular meeting held on October 23, 2023
- C. PUBLIC COMMENTS
- D. PUBLIC HEARING SCHEDULED
 - 1. Request for a Variance to the Parking Requirements of Section 7-16.02 for the property located at 1428 Imlay City Road
- E. OTHER BUSINESS
 - 1. Election of Secretary
- F. CORRESPONDENCE
- G. TRAINING REPORT
- H. ADJOURNMENT

** PLEASE NOTE:

To assure a quorum, please contact the Planning Dept. Office at 664-4553 as soon as possible if you are unable to attend this meeting.

CITY OF LAPEER MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OCTOBER 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, October 23, 2023 at 6:30 p.m.

Members Present:

Chairman Jeff Hogan, Vice Chairperson Catherine Bostick-Tullis,

Eric Cattane, Lynne McCarthy, Dwayne Burda and Alternate Ken

Parker.

Members Absent:

Paul Parsch.

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

068 2023 10-23 MINUTES

Moved by Cattane. Seconded by Burda.

To approve the minutes of the regular ZBA meeting held on June 26, 2023 as presented.

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

Nays: None. Absent: Parsch. MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING SCHEDULED

Blain's Farm & Fleet-SE Corner S. Lapeer Rd./Turrill Rd. - Exterior Building Materials

Planning Consultant Jason Ball reviewed the request from Blain's Farm & Fleet for approval to allow metal panels as an exterior building finish similar to the previous variance granted in January 2023 to allow the use of precast panels as a predominant building material stating the metal panels are designed to imitate the look of stucco. Ball reviewed the site location and aerial photos, the current site plan for the Blain's development as approved by the Planning Commission and the various perspective design renderings of the proposed amended exterior building design provided by the applicant. Ball reviewed the material calculation list for the building exterior and the previous variance which allowed for non-decorative tilt-up panels.

Ball reviewed the predominate building material language of Zoning Ordinance Section 7.15.01D(2) and the process for the request to be considered by the ZBA as a variance or by a determination by the Planning Commission. Discussion was held on whether the site plan will be resubmitted to the Planning Commission, the difference between decorative and non-decorative tilt-up panels and the proposed texture clad metal wall panel. Ball reviewed the Standards for Approval and staff findings in support and opposition to each standard, the role of the ZBA in granting variances and the Master Plan goals for the development area.

ZONING BOARD OF APPEALS OCTOBER 23, 2023 PAGE 2

David Wynn, of Blain's Farm & Fleet, reviewed the proposed building size and design changes from the original plan, cost issues which caused Blain's to reconsider the overall building prototype while maintaining the Blain's identity and distributed a sample of the proposed metal panel. Wynn reviewed the site topography, plans to install split-face masonry along the bottom of the building façade and the durability and make-up of the various materials proposed for the building exterior.

Chairman Hogan opened the public hearing at 7:04 p.m.

Barbara Walker, 948 Turrill Road, inquired how the materials will hold up to damages.

There being no further comments the public hearing was closed at 7:05 p.m.

Discussion was held on the fact cost cannot be a consideration when granting a variance, the large amount of the requested variance, whether the Planning Commission should make a determination on the proposed material and the ability of the applicant to appeal the Planning Commission determination to the ZBA.

<u>Brian Najor</u>, of Lapeer Crossing LLC, stated reasons the variance is being requested is not due to just cost, the reasons are the same as when the original variance was approved including maintenance needs and requested clarification on the procedure and process of the Planning Commission and ZBA board relating to the request approval.

Discussion was held on the process if the Planning Commission denies the request.

069 2023 10-23 Postponement – Blain's Exterior Building Material Request

Moved by Cattane. Seconded by Burda.

To postpone a decision on the requested variance from Blain's Farm & Fleet until the Planning Commission makes a determination on whether the proposed building material is a quality material characteristic of Michigan per the standards of Section 7-15.01.D(2). **ON A ROLL CALL VOTE:**

Yeas: Parker, McCarthy, Hogan, Cattane and Burda.

Nays: Bostick-Tullius.

Absent: Parsch. MOTION CARRIED.

TRAINING REPORT

There was not a training report.

ADJOURNMENT

There being no further business, it was moved by Cattane to adjourn the meeting at 7:26 p.m. **MEETING ADJOURNED.**

Eric	Cattane,	Secreta	ary	
Kim	berly Hod	ge, Red	cording	Secreta



Memorandum

To:

City of Lapeer, Zoning Board of Appeals

From:

Jason Ball Planning Consultant

Date:

November 16, 2023

RE:

Variance Request - Minimum Parking Standard - 1428 Imlay City Road

Calvin Butrus and Fadi Syoufjy have requested a variance from minimum parking standards for a marihuana grow facility located at 1428 Imlay City Road.

ACTION REQUESTED

The variance being requested is:

A variance from the requirements of Section 7-16.02 Number of Spaces required which requires marihuana grow facilities to have a minimum of 15 parking spaces to provide relief of 9 parking spaces, for a total of 6 spaces on the site.

STANDARDS

To grant a variance all of the following standards must also be met per Section 7.22.04(e) Variance:

- (1) The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome; and
- (2) The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others; and
- (3) The problem is due to circumstances unique to the property and not to general conditions in the area; and
- (4) The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property; and
- (5) Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

APPLICANT'S RESPONSE

We are required to have 15 parking spaces, however, we are only two employees and our building has 6 parking spaces. Due to the size of our lot, we are unable to add more.

STAFF FINDINGS

Attached to this letter is a table showing the previously listed standards and findings in support and opposition associated with each. Please note, to approve a variance all five standards must be found in support. To deny a variance, the ZBA must find that just one specific standard has failed to be met and provide clear findings of fact to support it's denial.

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CONCLUSION

Due to the unique limitations of the site, including the large right of way for Imlay City Road to the North and the presence of the rail road right of way to the south, there are significant limitations to development of parking areas on the site. Consequently, we recommend the ZBA approve the requested variance because it meets all five standards in Section 7-22.04(e).

These are the opinions of the Staff and how they relate to the ZBA standards in the City of Lapeer Zoning Ordinance. If you have any questions or need clarification on this variance request, please contact the City of Lapeer Planning Department. Planning and Zoning Administrative services are provided by ROWE Professional Services Company. Office hours are held at the Lapeer City Hall all day Tuesday and on Thursday from 9am-4pm. I can also be reached at our corporate office in Flint, Michigan, Monday through Thursday 8am-5pm at (810) 341-7500.

L:\ZBA\ZBA Applications\Farmboyz - Yasso - 1428 Imlay City - Parking Space Variance - Nov 2023\ZBA Variance - Memo - Address.docx



City of Lapeer Calvin Butrus & Fadi Syoufjy 1428 Imlay City Rd.

Variance for relief from minimum parking requirement

	Variance From Standards	
Standard	Required	Requested Variance
1 space per employee in the largest working shift, plus 10 additional spaces with minimum of 15 spaces total.	15 spaces	Variance of 9 spaces to permit a total of 6 spaces on the site.

Facts

- 1. The proposed use is permitted by-right in the I-1 zoning district which applies to the parcel.
- 2. The building frontage is on Imlay City Road, which has a very large right of way at this point, approximately 135 feet.
- 3. The property abuts a rail road right of way to the southwest.
- 4. The building on the site is 6,120 square feet and the total parcel is approximately 12,350 square feet.
- 5. There is a significant area of concrete and landscaping between the building and the roadway on Imlay City Road that has historically served as parking/loading for the site and adjacent uses, but this area is within the right of way.
- 6. The applicant originally submitted an application for a zoning permit on the site, which was denied due to the lack of parking.
- 7. The applicant has communicated to the planning department that they have not been able to negotiate a shared parking agreement with adjacent property owners.

Standards for Approval of Variances (Section 7-22.04(e)) In consideration of all variances, the Zoning Board of Appeals shall review each case individually as to its compliance with each of the following standards and may only approve variance requests which comply with all of them: Does Site Meet **Standards** Requirements? Yes No N/A (1) The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome. CONSULTANT PLANNING **FINDINGS** IN PLANNING **FINDINGS** CONSULTANT IN OPPOSITION: Another industrial use that does not SUPPORT: There are no options to locate the required parking on the property due to the large require the same amount of parking could be right of way and small existing parcel and established on the site. building. Conformity with the standard for the proposed use it not possible on the site. APPLICANT'S COMMENTS: PUBLIC/ZBA COMMENT IN SUPPORT: PUBLIC/ZBA COMMENT IN OPPOSITION:

Standards		Does Site Meet Requirements?		
of the address to a distribution		Yes	No	N/A
(2) The variance would do substantial justice to the other property owners in the zoning district and standard would not provide substantial relief and justice to others.	a lesser relaxation of the			
PLANNING CONSULTANT FINDINGS IN SUPPORT: The variance will permit the applicant to establish a permitted use in the zoning district. Other properties along the south side of Imlay City Road also have very constrained parking areas due to the nature of the relatively small amount of land between Imlay City Road and the Railroad right of way. The applicant is proposing the maximum number of spaces available on the site given it's layout.	PLANNING CONSULT OPPOSITION: N/A	ANT	FINDINGS	S IN
APPLICANT'S COMMENTS:			*	
PUBLIC/ZBA COMMENT IN SUPPORT:	PUBLIC/ZBA COMMENT	IN OPPO	SITION:	

Standards		Does Site Meet Requirements?		
		Yes	No	N/A
(3) The problem is due to circumstances unique t general conditions in the area.	to the property and not to		9.4	
PLANNING CONSULTANT FINDINGS IN SUPPORT: This property is among the smallest along this portion of Imlay City Road, and the property immediately to the Southeast is larger, where the right of way decreases to approximately 120 feet. Other properties to the Northwest are larger with more available space for parking. APPLICANT'S COMMENTS:		Imlay Cit ce limitati of way a nsider a the ordina	ions due nd the r special ance to	corridor to the ail road overlay

Standards	100000000		Does Site Meet Requirements?		
			No	N/A	
(4) The problem that resulted in the need for the by the applicant or previous owners of the prope					
SUPPORT: The issue in this case is the small size of the lot and lack of available area for parking. The current owner did not cause either of these limitations.	PLANNING CONSULTA OPPOSITION: N/A	ANT F	FINDING	S IN	
APPLICANT'S COMMENTS:					
PUBLIC/ZBA COMMENT IN SUPPORT:	PUBLIC/ZBA COMMENT II	N OPPO	SITION:		
Standards	1		es Site M		
		Yes	No	N/A	

Standards		Does Site N Requirement			
		Yes	No	N/A	
(5) Issuance of the variance would still ensu ordinance is observed, public safety secured and					
PLANNING CONSULTANT FINDINGS IN SUPPORT: The applicant has stated that there will be only two employees in the application. The drawing submitted with the zoning permit application that was denied stated 5 employees at the site. Due to the nature of the proposed use, there should not be any additional traffic or use other than loading/unloading beyond employees.	provision is to ensure the available. Without enough	tent of pat adequiparking of pe right of ss-acces	uate par on the si of way, v s drive b	dinance rking is ite, cars which is	
APPLICANT'S COMMENTS:					
PUBLIC/ZBA COMMENT IN SUPPORT:	PUBLIC/ZBA COMMENT II	N OPPOS	SITION:		

L:\ZBA\ZBA Applications\Farmboyz - Yasso - 1428 Imlay City - Parking Space Variance - Nov 2023\ZBA - Variance Analysis Checklist.docx

CITY OF LAPEER NOTICE OF PUBLIC HEARING ZONING BOARD OF APPEALS

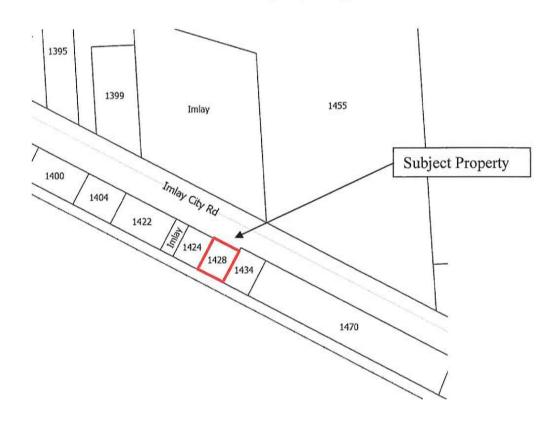
Please take notice that a public hearing has been scheduled before the City of Lapeer Zoning Board of Appeals on Monday, November 27, 2023 at 6:30 p.m. in the Lapeer City Hall Commission Chambers, 576 Liberty Park, Lapeer, Michigan at the request of Calvin Butrus and Fadi Syoufjy to consider a variance from the Zoning Ordinance regarding minimum required parking spaces. The subject property address is 1428 Imlay City Rd. Parcel ID# L21-29-965-040-00. The property is zoned I-1 Industrial.

 Section 7-16.02 requires medical marihuana grow facilities or marihuana growers to have a minimum of 15 parking spaces. The applicant is requesting relief of 9 required parking spaces to provide 6 parking spaces on the site.

The City of Lapeer will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials at the meeting, upon five (5) days notice to the City of Lapeer by writing or calling the City Manager's Office, Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan, 48446, (810)664-5231. Persons with limited English proficiency requiring language translation assistance under Title VI of the Civil Rights Act of 1964 will be provided, free of charge, interpreter services upon seven (7) days notice to the City of Lapeer by writing the City Manager's Office, Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan, 48446. Las personas con conocimientos limitados del inglés traducción en el idioma que requieren asistencia en virtud del Título VI de la Ley de Derechos Civiles de 1964 será proporcionado, a título gratuito, servicios de interpretación a siete (7) días de anticipación a la Ciudad de Lapeer con la redacción de la oficina del Gerente de la ciudad, Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan, 48446.

All interested persons are encouraged to attend the public hearing. Written comments will be received until 5:00 P.M. on Monday, November 27, 2023 and should be addressed to:

Lapeer City Hall Attn: Zoning Board of Appeals 576 Liberty Park Lapeer, Michigan





CITY OF LAPEER NOTICE OF PUBLIC HEARING ZONING BOARD OF APPEALS

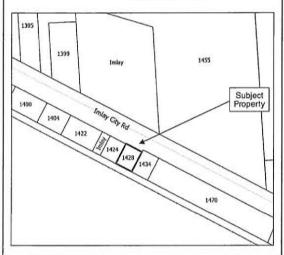
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County Press 11/12/2023



PLANNING DEPARTMENT

576 Liberty Park, Lapeer, MI 48446 (810) 664-4553

ZONING BOARD OF APPEALS VARIANCE APPLICATION

Fees: Varies See Below

All requests for a zoning variance are subject to a public hearing. Regular meetings of the Zoning Board of Appeals are held on the fourth (4th) Monday of each month at 6:30 p.m. at Lapeer City Hall. Upon receipt of your application and payment of the fee, this office will prepare all legal notifications required to hold a public hearing. In addition, the Planning Department shall publish notice of the public hearing in a newspaper of general circulation in the local unit of government, as well as provide notice of the public hearing to all property owners within a 300 foot radius of the subject property and utility companies, not less than fifteen (15) days before the date the application will be considered for approval.

A non-refundable filing fee made payable to the City of Lapeer must accompany your application. A variance application and associated fee should be filed for each variance request regarding a different section of the Zoning Ordinance.

All Other Zoning Districts: \$250.00 All Other Zoning Districts: \$450.00 -> Pol 10 40 4043
Applicant Information
Name: Cailvin Butrus / Fachi Syoufly
Address: 31679 Karolyn Ln, Fraser, MI 48026
Phone Number: 248-259-6079 Email Address: Facti-19-95 @ ychos.com
Property Owner Name and Address (if different than above): patrick yasso and
Ghaith ABoodi. ADDress: 1289 Loon Ridge commerce TWP
Property Information iMI, 48390.
Property Address: 1428 Imaly City Rd, Laper, MI 48446
Parcel Number (Tax ID Number): Zoning District: <u>I-1 Inclustrial</u>
Action Requested
The applicant requests the Zoning Board of Appeals to grant a variance(s) to Section(s)
of the City of Lapeer Zoning Ordinance.
Please state the intended action and the reason the project cannot be accomplished within the requirements of the City of Lapeer Zoning Ordinance:
We are required to have 15 parking spaces, however, we are
only two employees and our building has 6 purking spaces.
Due to the size of our lot, we are unable to add more.

PROPOSED GROW FACILITY

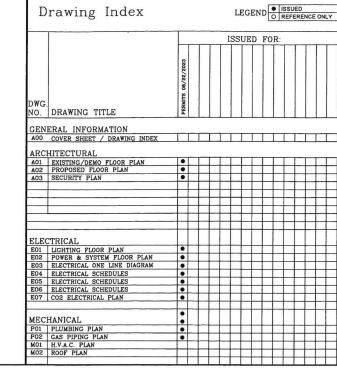
1428 IMLAY CITY ROAD LAPEER, MI 48446

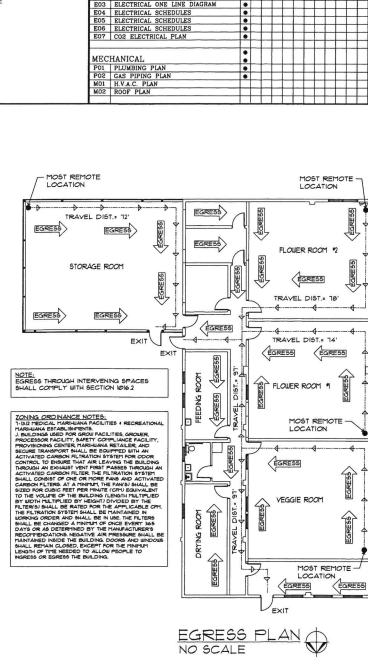
OWNERS/DEVELOPERS: GROW FACILITY

ARCHITECTS/ ENGINEERS: C K CONSTRUCTION 1428 IMLAY CITY ROAD 37525 HACKER DR LAPEER, MI 48446 STERLING HEIGHTS, MI 48310

Tel.: (586) 707-0080 Fax: (248) 398-3822

E-mail: imadhermiz@gmail.com





LEGEND | ISSUED | O REFERENCE ONLY

PROPOSED GROW FACILITY SCOPE OF WORK: RENOVATION TO EXISTING BUILDING TO PROPOSE THREE UNITS FOR CULTIVATION OF MEDICAL MARIJUANA BUILDING CODE INFORMATION GOVERNING CODE: (SECTION 105.1) GOVERNING CODE: (\$ECTION | 1051)
2015 Hichigan Bullding Code, MBC 2015
2015 Michigan Flueting Code, MBC 2015
2015 Michigan Flueting Code, MBC 2015
2015 Michigan Flueting Code, MPC 2015
2014 National Electrical Code w/state amendments, NEC 2017
Accessibility, Michigan Barrier Free Design Law, PA, 1966 as amended and the 2003
ICC/ANSI All'13 standard as referenced from Chapter II of the 2012 MBC.
NTERNATIONAL FIRE COCCUPANCY CLASSIFICATION (PER CH. Ø3):
ENISTING USE: VACANT BUILDING (FORTIER INDISTRIAL)
PROPOSED USE: MEDICAL MARJUJANA, 19 BUSINESS AND F-I', MODERATE-HAZARD
FACTORY INDUSTRIAL)
TENANT SPACE TO COMPLY WITH SECTIONS 302.1,

ZONDAL LIJ (LIGHT INDISTRIAL) ZONING: LI-I (LIGHT INDUSTRIAL DISTRICT) TYPE OF CONSTRUCTION: 5B BUILDING NOT SPRINKLED BUILDING AREA AND HEIGHT TOTAL BUILDING FLOOR AREA: 6,850 Sq. Ft. HEIGHT: 1 STORY HEIGHT: 12"-0"12 TOTAL PARKING SPACES: IO SPACES INCLUDING (I) BARRIER FREE PARKING OCCUPANT LOAD (SECTION 1004.12)
BUSINESS 100 GROSS
AGRICULTURAL 300 GROSS
STORAGE 300 GROSS TOTAL CULTIVATION AREA (FLOWER ROOMS 1-3 * VEGGIE ROOMS 1): = (900 * 900 * 900 * 1)340) = 4,040 SF.
OFFICE/RECEPTION AREA: 256 SF.
STORAGE AREA: 256 SF. STORAGE ANEA: 156 5.7.

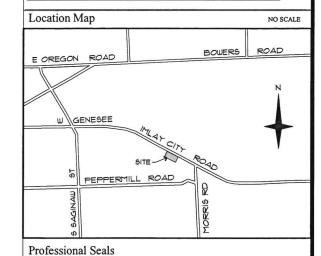
TOTAL NO. OF OCCUPANTS: 4,040/300 + 256/100 + 256/300 = 17 OCCUPANTS
PROPOSED PLANT GROWING WITS = 3
ACTUAL, OCCUPANCY LOAD: 1-6 OCCUPANTS
SPACE AND TO COMPLY WITH ALL STATE AND CITY REGULATIONS EXIT ACCESS TRAVEL DISTANCE (200 FT.) (TABLE 1016.1)
COMMON PATH OF EGRESS TRAVEL (SECTION 1014.3) SHALL NOT EXCEED 15:

> EGRESS WIDTH REQUIRED (TABLE 1005.): 02 PER OCCUPANT: IT x 02 = 3.4", 3 EXITS PROVIDED 36" WIDE EACH INTERIOR FINISHES CHAPTER 8 INTERIOR WALL 4 CEILING FINISH REQUIREMENT (PER TABLE 803.1 4 803.5) INTERIOR WALL : DELING PINDER REGULASION TO THE TABLE OF ROOM AND ENCLOSED SPACES "CLASS C" CLASS C" CLASS G" C

NOTE: 1. AII INTERIOR FINISHES SHALL COMPLY WITH CHAPTER 8. 2. FLOOR SURFACE IN THE MEANS OF EGRESS ARE REQUIRED TO BE SLIP RESISTANT (Section 1003.4.) 3. CLASS A RATING REQUIRED FOR ALL EXIT PASSAGE WAY.

PUBLIC BATHROOMS): I ADA BATHROOM (UNISEX) PROVIDED IN COMMON AREA SERVICE SINK REQUIRED & PROVIDED

NOTE:
THIS BUILDING IS EXISTING, GENERAL CONTRACTOR TO VERIFY EXISTING
STRUCTURE IN FIELD, ANY CHANGES TO THE STRUCTURAL ELEMENTS OF THE
BUILDING MUST BE REPORTED FOR APPROVAL.



10/20/2023

Issued For: **PERMITS** August 22, 2023

Project No. 023-06-Imlay City

Set No. A00

