



CHARTER TOWNSHIP OF PORT HURON

3800 Lapeer Road
Port Huron Twp., Michigan 48060

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Zoning Board of Appeals Agenda

Thursday, August 20th 2020 at 7:00pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Approval
5. Public Comment
6. Approval of Minutes – August 15th 2019
7. Correspondence
8. New Business
 - a. To hear all comments relative to a request for a variance from the Township Zoning Ordinances for Dollar General, Allied Signs Inc, Patrick Stieber; Parcel ID# 74-28-019-1006-010, known as 4363 Dove Rd. The applicant is requesting approval to erect a wall sign of 150 sq. ft. when 100 sq. ft. is allowed and a 97.17 sq. ft. when a 75 sq. ft. sign is allowed.
 - b. To hear all comments relative to a request for a variance from the Township Zoning Ordinances, Tyler Gutierrez; Parcel ID# 74-28-360-0045-000, at 2403 Griswold Rd. The applicant is requesting approval to Sell Automobiles at the existing business known as Lee's Auto & Truck Repair Auto Repair LLC. Auto Sales are currently not permitted in the same use as found in Section 40-852(b)(2) and the business is considered an existing Non-Conforming Use due to the fact that it does not currently meet the minimum side yard setback required for abutting residential districts in that section. A review by the ZBA is also required for approval to modify, expand or substitute a business in an existing non-conforming use.
 - c. To hear all comments relative to a request for a variance from the Township Zoning Ordinances, Geo Mold, George Lockwood; Parcel ID# 74-28-825-0032-000, known as 4387 Lapeer Rd. The applicant is requesting approval for the substitution of an existing non-conforming use with a new proposed use of an injection mold facility which would be allowed as a permitted use in the B-3 General Commercial District under the current zoning ordinance. A review by the ZBA is also required for approval to modify, expand or substitute a business in an existing non-conforming use.
9. Old Business
10. Report's
 - a. Kirk Lavigne – Planning Administrator
 - b. Bill Livingston – Board Trustee
 - c. Jerry Sebastian - Planning Commission
11. Adjournment





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MINUTES OF THE REGULAR MEETING FOR THE CHARTER TOWNSHIP OF PORT HURON ZONING BOARD OF APPEALS HELD THURSDAY, AUGUST 20, 2020, 7:00 P.M., TOWNSHIP HALL, 3800 LAPEER RD, PORT HURON, MI 48060

1. **Call to Order**

The Meeting was called to order by Chairman Jerry Sebastian at 7:11 P.M.

2. **Pledge of Allegiance**

3. **Roll Call**

Attended: Kirk Churchill, Trustee Bill Livingston, Jim Robinson, Jerry Sebastian, and Dave Sickles.

Also Present: Building/Planning/Zoning Administrator Kirk Lavigne, Kim Allard, Megan Gutierrez, Tyler Gutierrez, George Lockwood, Marie Lockwood, Patrick Whitt, several unnamed guests and Recording Secretary Betty Child.

4. **Agenda Approval**

Motion by Member Sickles, support by Member Churchill, to approve the agenda as distributed. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the agenda was approved.

5.) **Public Comment**

There being no Public Comment, Chairman Sebastian moved to Approval of Minutes.

6. **Approval of Minutes, August 15, 2019**

Motion by Member Churchill, support by Member Robinson, to approve the minutes as distributed. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, the minutes were approved.

7. **Correspondence**

A letter dated August 1, 2020, Don Cole, D&C Cole LLC, regarding the request at 2403 Griswold Road was held for discussion under the respective new business item. Chairman Sebastian moved to New Business.

8. **New Business**

(a) To hear all comments relative to a request for a variance from the Township Zoning Ordinances for Dollar General, Allied Signs Inc, Applicant Patrick Stieber; Parcel Number 74-28-019-1006-010, also known as 4363 Dove Road. The applicant is requesting approval to erect a wall sign of 150 sq. ft. when 100 sq. ft. is allowed and a 97.17 sq. ft. when a 75 sq. ft. is allowed.

The requested signs were not on the site plan when it was approved by the Planning Commission, therefore, requiring a variance. Dollar General has an extended width in relation to the depth as well as an unusually large setback from the actual pavement. Additional factors such as extended viewing distance and extended road frontage should be considered.

Comments from the Members and audience included:

- Kim Allard of Allied Signs Inc requested a hardship for lack of identification due to the setback.
- Member Sickles did not have a problem with the request due to the location and setback.

Motion by Member Sickles, support by Member Churchill, to grant the variance for size of signs requested. Hearing no further comments, Chairman Sebastian called for a voice vote. All in favor, motion carried.

(b) To hear all comments relative to a request for a variance from the Township Zoning Ordinances, for Lee's Auto and Truck Repair, LLC, Applicant Tyler Gutierrez, Parcel Number 74-28-360-0045-000, also known as 2403 Griswold Road. The applicant is requesting approval to sell automobiles at the business which is considered an existing Non-Conforming Use since it does not currently meet the minimum side yard setback required for abutting residential districts in that section. As found in Section 40-852(b)(2), auto sales are currently not permitted in the same use. ZBA review is also required for approval to modify, expand or substitute a business in an existing non-conforming use.

The facility is considered an existing nonconforming use due to the size of the current lot. Under Section 40-763, a nonconforming use may be changed to another nonconforming use upon review and approval provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconformity. They have requested and additional twelve (12) parking spaces for selling cars along with the existing nine (9) spaces already in place.

A letter from Don Cole, D&C Cole LLC, recommending approval of this request was read into the minutes.

Comments from the Members and audience included:

- Kirk Lavigne commented the business services the Township vehicles and the building has been updated with no change in use. It has been in business over thirty (30) years, has three (3) employees, and two (2) service bays. One concern was parking requirements for conformity. He suggested the corner at 24th Street and Griswold Road be cleared of objects obstructing vision.
- Member Churchill inquired about the entrances available and accidents that occur at this location. He also expressed concerns over the number of vehicles on site.
- Member Robinson inquired about the drive off 24th Street and suggested a fenced in area for vehicles.
- Member Sickles commented on the number of vehicles on site and felt vehicles waiting for service should perhaps be stored in a fenced in out of sight area.
- Tyler Gutierrez stated vehicles that become abandoned are usually disposed after several days with no response from the owner.
- Megan Gutierrez added a fence is being considered for storage. They intend on displaying six (6) to eight (8) vehicles for sale which may occur from vehicles they have repaired after being left by the owner.
- Trustee Livingston requested review and approval from the Fire Department.

Motion by Member Robinson, support by Member Churchill, to approve the request with the provisions of approval from the Engineering and Fire Departments, fencing provided within one (1) year, no more than 8 vehicles on site for selling purposes and they return for review after one (1) year. Hearing no further comments, Chairman Sebastian called for a voice vote. All in favor, motion carried.

(c) To hear all comments relative to a request for a variance from the Township Zoning Ordinances, for Geo Mold, Applicant George Lockwood, Parcel 74-28-825-0032-000, also known as 4387 Lapeer Road. The applicant is requesting approval for the substitution of an existing non-conforming use with a new proposed use of an injection mold facility which would be allowed as a permitted use in the B-3 General Commercial District under the current zoning ordinance. ZBA review is also required for approval to modify, expand or substitute a business in an existing non-conforming use.

The site currently has two (2) existing single-family residential units located in the B-3 General Business District. A tool and die machine shop would be considered a principle permitted use. However, due to the two residences on the property a nonconforming use may be changed to another nonconforming use upon ZBA review and approval

provided no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconformity.

George Lockwood requested to turn the existing pole barn into a "one-man" machine shop that builds and repairs plastic injection molds, self-contained, quiet and non-contaminating. Traffic will be limited to the applicant and the UPS driver. The drive will be updated to Road Commission specs. The pole barn will be upgraded to include water/sewer, heat and electrical. He has been renting space elsewhere and wants to use his own site to do this business. There are no additional employees.

Patrick and Marie Whitt currently rent one of the homes on site. He was not happy that he will be requested to vacate for Mr. Lockwood to run his business. He wishes no ill will but does not want to relocate. He is currently operating a non-profit business from his address.

Chairman Sebastian advised Mr. Whitt the property is owned by Mr. Lockwood and the ZBA is present to hear his request for his machine shop. The zoning is proper and will need review from the Fire Department. Kirk Lavigne recommends approval with conditions.

Motion by Member Sickles, support by Member Robinson, to approve the request with provisions the applicant complies to requested requirements. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, motion carried.

9. Old Business

There being no Old Business, Chairman Sebastian moved to Reports.

10. Reports

(a) Building/Zoning Administrator – Kirk Lavigne

- Reported on a lot split for Richard Ainsworth at 3081 Beach Road; Sign Change request at 3403 Lapeer Road; Site Plan for an Indoor/Outdoor Wedding Event Facility, the City Barn on Michigan Road; request for the Dance Company office expansion at 1545 Michigan Road; discussion on donation boxes in the Township, and changes to the fence ordinance.

(b) Township Board – Bill Livingston

- There currently is an issue with the number of fireworks which continue after allowances.

(c) Planning Commission – Jerry Sebastian

Due to his absence at the last meeting, refer to Kirk Lavigne's report above.

10. Adjournment

Motion by Member Churchill, support by Trustee Livingston at 8:20 P.M. to adjourn. Hearing no objections, Chairman Sebastian called for a voice vote. All in favor, meeting adjourned.

Submitted by Betty Child