

**CASE NO. 2007-005**

**LAPEER TOWNSHIP ZONING BOARD OF APPEALS**

**Thursday - October 4, 2007**

**7:00pm**

**LAPEER TOWNSHIP HALL**

**PUBLIC HEARING**

**Present:** Chairman Leonard Lumley, Vice Chairman Howard Lilley, Secretary Howard Stack, Mary Henderson and Ken Ewing

**Others:** David and Sharon Stone, 183 E. Hunters Creek, Lapeer, Michigan  
David Walker, 170 E. Hunters Creek, Lapeer, Michigan

Chairman Lumley called the meeting to order at 7:00 p.m. Roll call followed with all members present.

Stack read the notice of public hearing of case #2007-005 dated September 10, 2007 on the petition filed by David Stone, 183 E. Hunters Creek, Lapeer, Michigan. The applicant owns three contiguous parcels in which two are presently non-conforming. He is requesting to adjust the north and east boundary lines on Parcel 044 to 046 and to also create a conforming 5-acre split.

The lot is non-conforming due to the minimum width less than the required 120' and the lot area is less than the required 24,000 square feet in the R-1B zoning district. These are provisions of Article 9, Section 9.01(1)(c), Area Requirements, Minimum Development Standards.

The property is identified by parcel numbers 44-012-028-044-00 and 44-012-028-045-00 and 44-012-028-046-00 which are three contiguous parcels in the AE zoning district. Two parcels are non-conforming in road frontage and lot area. The AE zoning district requires a minimum five (5) acre lot area with a minimum of 300' lot width. Parcel 044 has 245' of road frontage and 3.3 acres lot area. Parcel 046 is a 100' x 200' lot, .46 acres in size. Parcel 045 is a conforming lot with 15.2 acres and 345' of road frontage.

*Petitioner presented his case as follows:*

David and Sharon Stone own three parcels of land which run contiguous and two parcels two of the three parcels are non-conforming in road frontage and lot area. They are proposing to adjust the north and east boundary lines on Parcel 044 to add 1.3 acres to Parcel 046 and to create a conforming five acre split from Parcel 045. They would like to add the remaining ten acres, which includes the lake, to Parcel 046, along with the 1.3 acres from Parcel 044, to create an approximate 11-acre parcel with 100 feet of road frontage.

Lumley questioned Petitioners why they want to do this split. They stated they want to have access to Parcel 045 to build a house back by the lake. Since Parcel 044 is odd shaped, this split will make it more suitable to access the back parcel. On Parcel 046, which is 100' x 200', the house had burnt down and it is not possible to rebuild there.

There was discussion regarding the row of approximately 37 large pine and spruce trees on the north property line between Parcel 044 and Parcel 045. Mr. Stone would like to add another row of trees to act as a double buffer between the properties.

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Lilley expressed his opinion that this is an unusual circumstance with two non-conforming lots. This proposed split will make the parcels flow more smoothly for the betterment of the Township and future property owners.

Ewing stated that the letter from the Construction Code Authority sets forth that in their opinion, this would create a panhandle lot. The Board discussed whether this split would create a panhandle lot or whether one already existed. They also discussed possible splits further down the road.

Chairman Lumley opened the meeting to the public at 7:30 p.m.

David Walker, a neighbor who lives at 170 E. Hunters Creek Road, agrees with the split and boundary adjustment. He feels the property owners have improved the area by tearing down the old house which was an eyesore and that this split will only improve the property further.

The meeting was closed to the public at 7:35 p.m.

***Motion by Lilley, seconded by Henderson to grant the variance request of Petition #2007-005, Article 7, Schedule of Regulations, Minimum Lot Size in the AE Zoning District, allowing Petitioner to adjust the north boundary line by approximately 174 feet and the east boundary line by approximately 300 feet on Parcel 044, with the stipulation that if this split does not occur within one (1) year, this variance is null and void. This decision is based on the facts that this is a unique circumstance and will not alter the essential character of the neighborhood. Roll call vote: Lilley - yes, Henderson - yes, Stack - yes, Ewing - yes, Lumley - yes, Motion carried.***

Motion by Lilley, seconded by Stack, to certify the Final Decision minutes of Petition #2007-005 dated October 4, 2007. Motion carried by an unanimous AYE vote.

Motion by Ewing, seconded by Lilley to adjourn the meeting at 7:55 p.m. Motion carried by an unanimous AYE vote.

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Howard Stack, Secretary

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Jane Powell, Recording Secretary