

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, NOVEMBER 1ST, 2012 ~ 7:00 PM
MINUTES**

Present: Chairman Stimac, Members: Chimenti, Farina, Fiore, Hinkle and Logan

Excused Absence: Member Calabrese

Also Present: Jack Dolan City Attorney
Randy Warunek Building Official
Kelly Dolland Recording Secretary

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 7:12 pm

2. Roll Call

Chairman Stimac	Pres.
Members:	
Calabrese	Abs.
Chimenti	Pres.
Farina	Pres. (arrived 7:13pm)
Fiore	Pres.
Hinkle	Pres.
Logan	Pres.

3. Approval of Agenda ~ Regular Meeting November 1st, 2012

Motion by Member **HINKLE** Support by Member **FIGORE**

TO: APPROVE the agenda of the November 1st, 2012 as Amended

Add agenda item:

8. #04-12ZBA / FAURECIA / 17801 FOURTEEN MILE RD / TO ALLOW A 3-FOOT HIGH CYCLONE FENCE EXTENSION ADDED TO EXISTING 6-FOOT HIGH WEST, POURED-DECORATIVE FENCE FOR A TOTAL HEIGHT OF 9-FEET WHERE ONLY AN 8-FOOT HEIGHT IS ALLOWED.

AYES 5 NAYS 0 MOTION CARRIED

4. Approval of Minutes ~ Regular Meeting September 6th, 2012

Motion by Member **FARINA** Support by Member **LOGAN**

TO: APPROVE the Minutes of September 6th, 2012 as Submitted

AYES 6 NAYS 0 MOTION CARRIED

5. Formal Statement

Chairman Stimac gave a formal statement relative to the powers of the Zoning Board of Appeals and the facts and conditions for granting appeals.

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6. Public Hearing:

a. #11-12ZBA / JERRY BOWLES / 15943 FRENCH CREEK / TO ALLOW A 233 SQUARE-FOOT RESIDENTIAL SUNROOM ADDITION THAT EXCEEDS THE LOT DENSITY COVERAGE IN THE "RM- RESIDENTIAL MEDIUM-ONE FAMILY" ZONING DISTRICT BY 1.4 PERCENT.

ADMINISTRATIVE STATEMENT OF FACTS:

The petitioner is proposing to build a 18-foot by 12-foot, 11-inch addition to the rear of the dwelling located at 15943 French Creek, in the RM "Residential Medium - One Family" zoning district.

The proposed addition would cover 233 square feet of the property. The property totals 7980 square feet and, with a maximum allowable lot coverage of 30 percent in this district, only 2394 square feet of coverage is allowable. The existing shed and gazebo will be removed, and the remaining house, garage, and front porch total 2268 square feet. The petitioner's request would require lot coverage of 2501 square feet, or 31.4 percent, which is 107 square feet, or 1.4 percent, more than allowed.

The petitioner would like this sunroom addition to house the hot tub that is presently located in the gazebo. With the removal of the gazebo and the placement of the hot tub in the new addition, it will be more readily accessible throughout the entire year, with no restrictions due to outside weather conditions. This, however, would restrict movement and companionship in this area if there was not enough room to maneuver and still provide sitting room for friends and family. With the hot tub in place, this room would still allow a "gathering area" of approximately 11-foot by 12-foot. The petitioner feels that a practical difficulty would be imposed if this area was restricted to the allowable "gathering area" of approximately 20 square feet.

The petitioner is now present and asking for a variance to Fraser Zoning Ordinance section 32-122 (4) (b) to exceed the maximum allowable lot coverage in the RM Zoning District by 1.4 % for a total of 31.4% coverage where a maximum of 30% is allowed.

Questions for Administration:

Member Farina asked if there were other properties that exceed the maximum lot coverage in the area. ~ Yes. Member Farina stated the request is the same as others that have been granted in the area, yes.

Mr. Bowles stated he would like to replace the back yard hot tub and gazebo with a spa enclosed in a sunroom. Mr. Bowles stated his daughter is special needs and part of her therapy is water therapy. Going outside to the spa / gazebo is not like a spa in a sunroom attached to the house.

Chairman Stimac stated the hardship must run with the land and not the occupant, must state the hardship that runs with the land.

Mr. Bowles stated there is a window in the rear of the house and to attach a sunroom the window would interfere with a realistic size of the sunroom.

Member Fiore inquired to the size of the lot compared to the size of the neighboring yards.

Public Hearing open

Mr. Reinhart received the 300 ft. notice in the mail and stated he is in favor of the sunroom addition.

Public Hearing closed

Member Fiore made the motion to approve #11-12ZBA based on the hardship of irregular shape lot; the curve in front of the property is a loss of property.

Motion by Member **FIORE**,

Support by Member **FARINA**

TO: APPROVE / #11-12ZBA / JERRY BOWLES / 15943 FRENCH CREEK / TO ALLOW A 233 SQUARE-FOOT RESIDENTIAL SUNROOM ADDITION THAT EXCEEDS THE LOT DENSITY COVERAGE IN THE "RM-RESIDENTIAL MEDIUM-ONE FAMILY" ZONING DISTRICT BY 1.4 PERCENT.

AYES 6 NAYS 0 MOTION CARRIED

7. New Business of the Board: NONE

8. Old Business of the Board:

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Mr. Chris Newby representing Faurecia, 17801 Fourteen Mile Rd. stated from the direction of the Planning Commission, Faurecia researched the masonry fence option. The results found no rebar in the fence which would not support a masonry fence on top of the existing fence. Mr. Newby stated this brings us back to the beginning an eight foot fence verse a nine foot fence.

Mr. Dolan stated this is the final approval of the condition for which the original variance was granted. The inclusion of the fence extension is one of the reasonable conditions imposed on the original grant the variance and if you want to include the additional material to the fence be maintained it appropriate it be part of the condition.

Chairman Stimac stated the screening and maintenance of the extension should be a condition of the approval.

Motion by Chairman **STIMAC**,

Support by Member **FARINA**

TO: APPROVE / #04-12ZBA / FAURECIA / 17801 FOURTEEN MILE RD / TO ALLOW A HEIGHT OF 45-FEET FOR TWO RAW-MATERIAL STORAGE SILOS WHERE A MAXIMUM HEIGHT OF 35 FEET IS ALLOWED FOR EACH.

With the following stipulations:

1. The fence extension must be maintained.

AYES 6 NAYS 0 MOTION CARRIED

9. Public to be heard: NONE

10. Adjournment:

TO: Adjourn the meeting of the **November 1st, 2012** at 8:01pm.

Motion by Member **CHIMENTI**

Support by Member **FIORE**

AYES 6 NAYS 0 MOTION CARRIED

THE MOTION WAS CARRIED UNANIMOUSLY.

VINCE CALABRESE, ZBA Secretary

RANDY WARUNEK, Building Department Director

Audience members:

Chris Newby

Jerry Bowles

Representative of All Seasons Enclosures

Steven Reynolds