

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, MAY 17TH, 2012 ~ 7:00 PM
MINUTES**

Present: Chairman Stimac, Members: Calabrese, Chimenti, Farina, and Logan

Excused Absence: Members Fiore and Hinkle

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 7:08 pm

2. Roll Call

Chairman Stimac	Pres.
Members:	
Calabrese	Pres.
Chimenti	Pres.
Farina	Pres.
Fiore	Abs.
Hinkle	Abs.
Logan	Pres.

3. Approval of Agenda ~ Regular Meeting MAY 17TH, 2012

Motion by Member **CALABRESE** Support by Member **FARINA**

TO: APPROVE the agenda of the MAY 17TH, 2012 as SUBMITTED

AYES 5 NAYS 0 MOTION CARRIED

4. Approval of Minutes ~ Regular Meeting May 3rd, 2012

Motion by Member **FARINA** Support by Member **CALABRESE**

TO: APPROVE the Minutes of May 3rd, 2012 as Amended

AYES 5 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.

6. Unfinished Business: NONE

7. Public Hearing:

a. #03-12ZBA / POWERHOUSE GYM / 32860 HAYES / TO ALLOW A 24-HOUR BUSINESS IN THE "CN-COMMERCIAL NEIGHBORHOOD" ZONING DISTRICT ON A SITE THAT IS CONTIGUOUS TO A RESIDENCE AND RESIDENTIAL DISTRICT

ADMINISTRATIVE STATEMENT OF FACTS:

Powerhouse Gym is a co-ed fitness center that is an approved use located at 32860 Hayes. They have occupied eight units of the original ten-unit strip center since it was built in 2005. The Petitioner is now asking the Zoning Board of Appeals to grant a variance to allow a 24-hour operation contiguous to two residential districts.

The property is located in the "CN - Commercial Neighborhood" zoning district and, per Section 32-190 (b) (1) of Fraser Zoning Ordinance, a 24-hour operation may not be contiguous to any residence or residential district. All other requirements of a 24-hour operation are met except for the necessary

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"Special Land Use" approval from the Planning Commission, a requirement of the "CN" district. The results of that May 16, 2012 meeting are as follows:

(RESULTS OF MAY 16TH PLANNING COMMISSION SPECIAL LAND USE HEARING)

The Petitioner feels that this restriction would place a practical difficulty on their business operations and not allow them to be competitive with other similar businesses in the area that have been granted the same variance. A major difference from some of the other businesses is that they will remain manned during all hours of operation. Powerhouse Gym has submitted a one-page document to the board that further outlines their basis for this request and some of the steps they will be taking to prevent any impact on the adjoining residential districts.

The Petitioner is now present and requesting a variance to Section 32-190 (b) (1) to allow a 24-hour operation in the "CN - Commercial Neighborhood" zoning district on a site that is contiguous to a residence or residential district.

John Manjo and Matt Schocker representing Powerhouse Gym were present requesting a variance.

Member Farina asked Administration if there were other like businesses in the City of Fraser. ~ Anytime Fitness is a 24 hour operation and is unmanned. The 7/11 is a 24 hour operation and the Village Car Wash was granted a 24 hour operation, (with the exception of the car vacuums in the rear).

Mr. Dolan stated the ZBA has authorization to impose conditions to an approval.

Member Chimenti inquired to the level of noise. ~ Stated you can hear music inside of building only.

Chairman Stimac inquired to the level of lighting of the parking lot. ~ All lighting has been the same for the past 6 ½ years. Lighting will remain the same.

Member Logan inquired if the lighting was shielded on south side of the property. ~ Lights on south side are on a flat surface and face the building.

Member Farina inquired when the garbage picks up was. ~ 6:30am, will address the garbage pickup company to re-scheduled trash pickup time.

Member Chimenti how many patrons do you expect during the late night hours. ~ Not many at all, the 24 hour operation is a selling feature.

Public Hearing 7:35pm

Resident Robert Hannon stated he was concerned with the lack of barrier and large trucks parking on the south side parking lot. Suggested the owner build a barrier like those of the freeways.

President of the Board Blakely stated the parking lot is full during dinner time, a lot of noise from the cars, does not want this noise all night long.

Administration received written correspondence not in favor of the 24 hour operation.

Question was asked from the audience, once the business has been rezoned, will it continue to be that zoning? ~ Chairman Stimac stated once variance is approved, the action of the ZBA approval runs with the land, The Planning Commission Special Land Use approval is granted for the business.

Mr. Dolan stated could impose it as an additional condition that the 24-hour operation is subject to the condition that it applies solely to the use as it proposed and existing. If they can add the use, modify the

use, change the use expand or enlarge, it would need to come back for further approval to continue a 24-hour service.

Close Public Hearing 7:48pm

Member Farina made a motion to approve the land use variance for the Power House Gym for the 24 hour operation from Monday through Friday only. The approval is contingent on parking during extended hours allowed only in front of building. Parking signs must be posted stating no parking allowed on south side of building after 10:00pm. The 24 hour operation is to be used solely for the proposal of the gym as presented. The hardship is based on other businesses having been granted the same privilege including a business in direct competition with Power House Gym. Also, to include a provision to rescind the extended hours if there are repeated problems or violations with the parking.

Motion by Member **FARINA,**

Support by Member **CALABRESE**

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TO: **APPROVE** / #03-12ZBA / POWERHOUSE GYM / 32860 HAYES / TO ALLOW A 24-HOUR BUSINESS IN THE "CN-COMMERCIAL NEIGHBORHOOD" ZONING DISTRICT ON A SITE THAT IS CONTIGUOUS TO A RESIDENCE AND RESIDENTIAL DISTRICT

With the following stipulations:

1. Parking during extended hours allowed in front of building only.
2. Parking sign must be posted stating no parking allowed on south side of building after 10:00pm.
3. The 24 hour operation is to be used solely for the current members of the gym as presented.
4. Include a provision to rescind the extended hours if there are repeated problems or violations with the parking.

AYES 5 NAYS 0 MOTION CARRIED

b. #04-12ZBA / FAURECIA / 17801 FOURTEEN MILE RD / TO ALLOW 1) A HEIGHT OF 45-FEET FOR TWO RAW-MATERIAL STORAGE SILOS WHERE A MAXIMUM HEIGHT OF 35 FEET IS ALLOWED FOR EACH. 2) 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.

ADMINISTRATIVE STATEMENT OF FACTS:

In the past year, Faurecia has been expanding their operations in the City of Fraser. They came before the Planning Commission and Zoning Board of Appeals in the past month for their 17801 Fourteen Mile Road.

The Petitioner is now proposing to add two 45-foot high silos on the west side of the factory and increase the height of the fence along the west property line to nine feet by adding a 3-foot cyclone extension. The addition of the two silos to the property's site plan was approved, with stipulations, at the Planning Commission meeting on Thursday, April 26, 2012. However, this approval was contingent upon the granting of a height variance on the silos by the Zoning Board of Appeals.

The property is located in the "IC - Industrial Controlled" zoning district and, per Section 32-144 (4) (a) of Fraser Zoning Ordinance, the maximum allowable height of structures on the property is 35 feet. The petitioner feels that this restriction would place a practical difficulty on their business operations. As the products they manufacture change with yearly changes to automobiles, material diversity requires more storage requirements. To keep the number of truck deliveries down, silos that house more products are required. The end result, without taking up more ground area, is taller storage silos.

The petitioner's second request involves a variance to Section 9-2 (b) of the Fraser Code of Ordinances. This section restricts the height of fences for this property to no more than 8 feet and to be constructed of a decorative masonry obscuring wall facing the residential land. They have researched various ways to add to the existing 6-foot high masonry fence to create more privacy for the residential neighbors to the west of their property. The possibilities they found were limited, creating a difficulty, but they feel that the addition of a 3-foot cyclone extension with aversion barrier is the best solution.

The Petitioner is now present and requesting a variance to Section 32-144 (4) (a) to allow two 45-foot high storage silos in the "IC - Industrial - Controlled" zoning district. This would result in a 10-foot variance to the maximum allowable height of 35 feet. Secondly, they are requesting a variance to Section 9-2 (b) to allow a 3-foot cyclone, obscuring extension to an existing 6-foot high masonry fence, resulting in a 9-foot high fence where only an 8-foot high fence is allowed.

Petitioner present Chris Newby, 17801 14 Mile Rd. Faurecia.

Member Farina commented on the appearance of the cyclone fence.

Member Chimenti commented on the size of silos, will that decrease the amount of traffic flow. ~ Yes.

Member Calabrese concerned with sound issues and truck running idle is there a location where they can sit. ~ Addressed concerns with material handling supervisors.

Public Hearing:

Resident Dennis Pelkey stated his concern with additional storage. Mr. Pelkey presented a slide show presentation.

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No written correspondence received.

Public Hearing closed 8:28pm

Chairman Stimac inquired as to why the silos had to be on this particular side of the site, is there anything that prevents them from being on the north side of the building? ~ must maintain a fire lane around the building, truck dock on the east side of the building.

Member Farina suggested vinyl fence solutions. ~ Problem with a vinyl fence does not bend, and chain link fence allows the fence to bend. There is also an issue with the mounting of the vinyl fence.

Mr. Dolan stated there is an issue on the span between the posts and original fence design.

Chairman Stimac stated you are cutting the barbed wire supports and welding in a vertical fence post at that location and attaching horizontal chain link with some method of screening.

Member Farina suggested digging a hole and placing the silo partially underground. ~ Needs E.P.A. approval, as well as surface water concerns.

Chairman Stimac suggested that the motion should be made separately, one on the silo heights and two on the fence.

Member Chimenti made a motion to table #04-12ZBA, fence approval until they receive more information.

Motion by Member **CHIMENTI**,

Support by Chairman **STIMAC**

TO: POSTPONE / #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.

With the following stipulations:

1. Faurecia to provide a solution to obscure the view between the residents and facility on the western boundary of the property.

AYES 3

NAYS 2

MOTION CARRIED

Member Calabrese and Logan

Member Calabrese made a motion to request a variance for the two 45foot high storage silos contingent upon returning within two meeting with an additional proposed solution to obscure the view between the residents and facility on the western boundary of the property.

Mr. Newby stated what if I do not have an answer by the next meeting? ~ Give the board an update, the Board of Appeals is assisting to find a solution.

Member Farina stated we appreciate all of what Faurecia does, we are just trying to come up with a better scenario for both of you regarding the fence.

Motion by Member **CALABRESE**,

Support by Chairman **STIMAC**

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. Approval contingent upon the petitioner continues to search for a resolution for the proposed screen wall situation within 60 day or two meetings

AYES 5

NAYS 0

MOTION CARRIED

8. New Business of the Board:

The City of Mt. Clemens has the City Planner present at their ZBA meetings; would the City of Fraser consider this?

9. Old Business to the Board: NONE

10. Public to be heard:

Mr. Pelkey commented on the meeting.

11. Adjournment

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TO: Adjourn the meeting of the **MAY 17TH, 2012** at 9:17pm.

Motion by Member **CHIMENTI**

Support by Member **CALABRESE**

AYES **5** NAYS **0** MOTION CARRIED

THE MOTION WAS CARRIED UNANIMOUSLY.

VINCE CALABRESE, ZBA Secretary

RANDY WARUNEK, Building Department Director

Audience members:

Residents of Stoneybrook Condominium Complex, Fraser, MI

Residents of Janet Ave. in Fraser, MI

Members of Powerhouse Gym, Fraser, MI

Chris Newby, Faurecia, Fraser, MI