CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 3, 2019 – 7:00PM
MINUTES

Present: Chairman Stimac, Members: Burley, Chimenti, Farina, Hunt, Logan, Menendez

Excused Absence: None

Also Present: Melissa Cohen, City Attorney
Susan Cronander, Senior Planner
Leah brown, Recording Secretary

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 7:00PM

2. Pledge of Allegiance

3. Roll Call	Chairman	Stimac	Present
	Members:	Burley	Present
		Chimenti	Present
		Farina	Present
		Hunt	Present
		Logan	Present
		Menendez	Present

4. Approval of Agenda - Regular Meeting of January 3rd, 2019.

Motion by Member **FARINA** Support by Member **MENENDEZ**

To: Approve the agenda of January 3rd, 2019 as amended.

AYES 7 NAYS 0 MOTION CARRIED

5. Approval of Minutes – December 6th, 2018

Motion by Member **MENENDEZ** Support by Member **BURLEY**

TO: Approve the Minutes of December 6th, 2018 as amended:

Page 3 With Following Stipulations: For Front and Side yard Setbacks

DELETE- 1.To ensure adequate drainage and that gutters run northerly (brought to street) to allow for no drainage runoff on the west side of the property and neighboring property.

*ADD- 1.*Subject to the condition that the Building and or Engineering department review the grade on the property and find that no storm water will be drained on the adjacent property to the west as a result of this addition.

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Page 3:
DELETE: Alan Tarnarski- 16056 Toulouse
ADD: Alan Sarnowski- 16056 Toulouse

Page 3 With Following Stipulations: for Lot Coverage

DELETE- 1. The proposed patio structure must drain away from the west side of the property
2. The proposed patio structure must be roofed structure only, no enclosure walls permitted

ADD: 1. The Patio structure constructed on the back of the existing garage is to be a roofed structure only and not to include any enclosure walls.
2. Subject to the condition that the Building and or Engineering department review the grade on the property and find that no storm water will be drained on the adjacent property to the west as a result of this addition

AYES 7 NAYS 0 MOTION CARRIED.

6. 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.

7. Old Business:

a. Unfinished Business

PROPOSED VARIANCES REQUEST #06-18ZBA, 34200 JAMES J. POMPO, BCP LIMITED LLC (HEALTHMARK); WEST OF KELLY AND SOUTH OF 15 MILE ROAD
TO ALLOW A FRONT SETBACK OF 73 FEET WHERE 80 FEET IS REQUIRED; AND TO ALLOW 209 OFF-STREET PARKING SPACES WHERE 406 OFF-STREET PARKING SPACES ARE REQUIRED; AND TO ALLOW A BUILDING HEIGHT OF 45' WHERE 35' IS REQUIRED

Administrative Statement of Facts

Harry Kokkinakis, the applicant for BCP Limited LLC, Healthmark, is requesting to allow an addition on part of an existing foundation to an existing industrial building at 34200 James J. Pompo in the IC, Industrial Controlled zoning district. The applicant proposes to build an addition to the existing building, which would align with the current building to have a front setback of 73 feet and a height of 45 feet to allow a high lift storage system which is consistent with modern distribution facilities. The applicant also requests a parking variance of 197 spaces due to the irregular shape of the site, which increases the area needed for trucks and other vehicles to maneuver. This 60,670 square foot addition is primarily for storage; the applicant has stated that the proposed addition does not create additional demand for additional employee parking.
Fraser's Zoning Ordinance requires an 80-foot front setback, limits the height of buildings to 35 feet and would normally require 406 parking spaces at 1 space per 400 square feet of gross floor area plus 5 spaces for each

tenant in the IC Industrial Controlled district (Sections 32 144 (3), 32 144 (4) and 32 93 (7), respectively). Thus, the requested variances are as follows:
1. A 7-foot variance into the required front yard setback (proposed setback of 73 feet) for the proposed storage facility addition (80-foot front setback required);
2. A 10-foot variance for the height of the building (proposed height 45 feet where 35 feet is required); and,
3. A variance of 197 parking spaces for a total of 209 spaces (where 406 are required).

Harry Kokkinakis Architect for Healthmark 255 E.Brown St., Birmingham, MI represented Healthmark and made the formal presentation on the need for the requested variances and the practical difficulties associated with the site and existing building. This project will not present any adverse effects to the area as there are several building that exceed the 35-foot height limitation and the setback for the front yard is consistent with the existing building. The site as it exists is irregular and causes the use of the property to conform with this site.

The revised plans only refer to correct parking numbers and the use of landscaping.

Chairman Stimac asked about the use of this building for industrial manufacturing if not used for storage and the appellant said yes. He also asked about the future expansion needs of this company within the city of Fraser. Appellant indicated that the company would like to stay and expand in the city of Fraser.

The number of people on each shift was discussed and future needs. The shifts would be broken down into half shifts with overlay for continuity with a maximum of 190 daytime employees per shift.

Public hearing opened and closed with no comments received.

Motion made by Member **MENENDEZ** Supported by Member **CHIMENTI**

TO APPROVE PROPOSED VARIANCES REQUEST #06-18ZBA, 34200 JAMES J. POMPO, BCP LIMITED LLC (HEALTHMARK); WEST OF KELLY AND SOUTH OF 15 MILE ROAD
TO ALLOW A FRONT SETBACK OF 73 FEET WHERE 80 FEET IS REQUIRED; AND TO ALLOW 209 OFF-STREET PARKING SPACES WHERE 406 OFF-STREET PARKING SPACES ARE REQUIRED AND TO ALLOW A 45 FOOT BUILDING HEIGHT, WHERE THERE IS A 35 FOOT LIMITATION.

For the following Reasons and Stipulations:

1. The inefficiency of the existing building and parcel dimensions.
   The 73 foot front yard setback allows the addition to align with the existing building constructed in 1980, which is not just aesthetic, but also helps facilitate the industrial use with accompanying storage and allows for a unified design and functional efficiency within the building. Authorizing of such variance will not be a detriment to adjacent property.

2. A height of 45 feet will allow a high lift storage system which is in keeping with modern distribution facilities and once again this is necessary for the preservation and enjoyment of a substantial property

right similar to that possessed by other properties. Faurecia was granted a variance for a height of 75' from grade (03-16), and there are at least two existing buildings within the industrial park at 50 feet high.

3. A Reduction in parking spaces from 406 to 209 is a reduction of 197 parking spaces and is necessary due to the irregular shape of the site and the decrease is needed for trucks and other vehicles to maneuver. Because the proposed development is primarily storage, the applicant has stated that more employees will **not** be necessary, accordingly; Healthmark has provided a letter stating that they will never exceed 190 employees on a single shift. Authorizing of such variance will not be a detriment to the adjacent property.

   AYES 7 NAYS 0 MOTION CARRIED.

8. Public Hearings:

a. #07-18 ZBA / VERUS DEVELOPMENT GROUP, LLC ON BEHALF OF MEIJER CORPORATION OUT LOT – WEST UTICA ROAD AND SOUTH 15 MILE ROAD
TO ALLOW 69 OFF-STREET PARKING SPACES WHERE A TOTAL NUMBER OS 103 OFF-STREET PARKING SPACES IS REQUIRED AND TO GRANT A USE VARIANCE TO ALLOW DRIVE-THROUGH SERVICE FOR FAST FOOD RESTURANT THAT IS NOT LOCATED IN A FREE STANDING BUILDING.

Tom Patton and Frank Arcori represented the appellants in this matter.

Insert McKenna letter.

Insert Ferris letter.

Mike Vigneron's Letter inserted here.

The board members discussed the variances and the Zoning Administrator's Statement of Facts.

The question was asked if there is a zoning district that would allow for this type of use without a use variance? Because they want to use a multi-use building for a drive-thru restaurant, they would need a use variance where a drive-thru restaurant has to be in a free standing building. The parking variance was also discussed in terms of the out lot and for the existing Meijer property as both are deficient in terms of parking.

This is a special use approval and would require five votes and all of the standards of the SUA would apply. The Planning Commission would have to look at this as well when approving the site plan. Farina asked if they could reference the planning commission approval requirement subject to their review. The city attorney indicated that approval by the ZBA does not preclude stipulations by the planning commission. The Planning commission has referred this to the ZBA for variance approvals prior to their taking up this site. The ZBA can approve variances as submitted and the planning commission can then approve the site plan.

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The ZBA does not want their actions to preclude or usurp the Planning Commission from exercising their authority or responsibility as to the site. Each action from the boards only relates to the authority of the individual board.

Appellant indicated that based on Fraser's ordinance for parking, our ordinance is more restrictive than other communities in the area and the variance request is appropriate for this site and if you look at the centers in the area, we are proposing more than what is needed for this site. Meijer's site has way more than the number of spaces that are needed for the site and this out lot with the drive thru is a good use for the site and that there is more parking if the individual uses were taken separately. A free standing building for a drive thru is unique to Fraser.

Meijer only wants to have a cross access agreement and not shared parking. This site will be a standalone site maintained by the petitioner.

Public Comment: No comment or correspondence

Motion made by Member **FARINA** Supported by Member **BURLEY**

TO APPROVE #07-18 ZBA / VERUS DEVELOPMENT GROUP, LLC ON BEHALF OF MEIJER CORPORATION OUT LOT – WEST UTICA ROAD AND SOUTH 15 MILE ROAD
TO GRANT A USE VARIANCE TO ALLOW DRIVE-THROUGH SERVICE THAT IS NOT LOCATED IN A FREE STANDING BUILDING.

For the following reasons:

1. There are other businesses nearby with Drive-Through Services and this is a property right similar to that possessed by other properties.

AYES 7 NAYS 0 MOTION CARRIED

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

TO APPROVE #01-19 ZBA, VERUS EVELOPMENT GROUP, LLC ON BEHALF OF MEIJER CORPORATION – WEST OF UTICA ROAD AND SOUTH OF 15 MILE ROAD`
TO ALLOW A VARIANCE FOR 69 OFF-STREET PARKING SPACES FOR THE OUT LOT WHERE A TOTAL NUMBER OF 103 OFF-STREET PARKING SPACES IS REQUIRED.

For the following reasons:

1. In consideration of the motion, would recognize that it is a multi-use Facility which has a differential of peak demand times for parking. Although there is no immediate or shared parking agreement with the adjacent parcel, I would note that there are generally large volumes of vacant spaces on the adjacent parcels. There is no direct driveway out on to Utica road, so If there is a parking issue, it will not back-up on to the public street, but rather into the adjacent parking lot, not that you have the right to do that, but that may be the case and be less hazardous to the general public.

AYES 7 NAYS 0 MOTION CARRIED

b. #01-19 ZBA, VERUS EVELOPMENT GROUP, LLC ON BEHALF OF MEIJER CORPORATION – WEST OF UTICA ROAD AND SOUTH OF 15 MILE ROAD`
TO ALLOW 1, 179 OFF-STREET PARKING SPACES WHERE A TOTAL NUMBER OF 1,608 OFF-STREET PARKING SPACES IS REQUIRED.

Motion by Member **STIMAC** Support by Member **MENENDEZ**

TO APPROVE #01-19 ZBA, VERUS EVELOPMENT GROUP, LLC ON BEHALF OF MEIJER CORPORATION – WEST OF UTICA ROAD AND SOUTH OF 15 MILE ROAD`
TO ALLOW 1, 179 OFF-STREET PARKING SPACES WHERE A TOTAL NUMBER OF 1,608 OFF-STREET PARKING SPACES IS REQUIRED.

For the following reasons:

1. Based on the fact that historical observation on the site indicates that there is more than sufficient parking for the use of the facility and a reduction of the spaces for this out lot will not be of detriment to the use and development of this piece or the adjacent properties in the vicinity.

AYES 7 NAYS 0 MOTION CARRIED

9. New Business: None

10. Planning Commission Liaison: No report

11. Public to be Heard: None

12. Adjournment:

Motion by Member **MENENDEZ** Support by Member **FARINA**

TO: ADJOURN THE MEETING OF JANUARY 3, 2019 AT 8:47 PM

AYES 7 NAYS 0 MOTION CARRIED

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ZBA Secretary

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Recording Secretary, Leah Brown