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Elaine Leven

CITY CLERK  
Cynthia Greenia

# City of Fraser

CENTENNIAL COMMUNITY

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**CITY OF FRASER, MICHIGAN  
ZONING BOARD OF APPEALS  
THURSDAY, September 2, 2021 – 7:00PM  
Approved October 7, 2021**

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

Also Present: Donald DeNault, City Attorney (O'Reilly Rancilio) Alyssa Albright, City Attorney (O'Reilly Rancilio) Dylan Church, City Attorney (O'Reilly Rancilio) Paul Urbiel, City Planner (McKenna)

**1. Call Meeting to Order**

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

**2. Pledge of Allegiance**

Roll Call Chairman, Stimac: Present (participating from Macomb County, City of Fraser, Michigan)  
Member, Burley: Present (participating from Macomb County, City of Fraser, Michigan)  
Member, Chimenti: Present (participating from Macomb County, City of Fraser, Michigan)  
Member, Farina: Present (participating from Macomb County, City of Fraser, Michigan)  
Member, Hunt: Absent  
Member, Logan: Present (participating Macomb County, City of Fraser, Michigan)  
Member, Menendez: Absent

**3. Approval of Agenda as amended - Regular Meeting of Thursday, September 2, 2021**

**Motion by Member: FARINA (TO APPROVE)** Support by Member: CHIMENTI

**To:** Approve the agenda of September 2, 2021 as presented.

**AYES 5 (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN)**

**NAYS 0**

**MOTION CARRIED**

**4. 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.

**5. Old Business:** None.

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**6. Public Hearings:**

**A. Appeal #21-05: VARIANCE REQUEST / 17157 ANITA ACCESSORY STRUCTURE**

**BY REASON OF:** SECTION 32-121 OF THE FRASER ZONING ORDINANCE, PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS.

**PURPOSE OF REQUEST:** TO OBTAIN VARIANCES FROM ZONING ORDINANCE STANDARDS TO CONSTRUCT A TWO-STORY ACCESSORY BUILDING CONTAINING AN INDEPENDENT DWELLING UNIT THAT EXCEEDS THE ALLOWABLE HEIGHT (ONE DWELLING PER PARCEL ALLOWED; ONE STORY/15 FEET ACCESSORY BUILDING HEIGHT ALLOWED).

**PROPERTY IN QUESTION:** 17157 ANITA AVENUE, FRASER MICHIGAN, 48026

DISCUSSION: URBIEL explained that the site includes a single-family residence including a garage. The applicant is requesting to utilize a similar footprint to construct another garage that has an apartment on a second story. The apartment will meet the City's definition of a dwelling unit. The Ordinance permits only one dwelling unit per parcel. Further, the applicant is requesting an exception from Ordinance standards for height on accessory buildings.

FARINA questioned where on the site the drain easement is located and if the applicant can build the accessory dwelling unit further back on the lot. DeNAULT confirmed that the ZBA's powers only include exceptions to the Zoning Ordinance given that a true hardship is determined. STIMAC noted that the plan submitted by the applicant does not include the existing garage and questioned if a mandatory distance between the existing garage and new proposed garage is required. URBIEL confirmed a 10-foot separation is required. STIMAC noted that to grant a variance, the decision requires a board majority vote and gave opportunity for the applicant to postpone their petition until a full Board is present.

The applicant noted that they cannot build on the west side of the house due to the drain easement and the applicant has a mobility issue. The accessory dwelling unit is not intended to be rented out. URBIEL explained that based on the applicant's testimony, removing the kitchen from the space would remove the need for a variance for a second independent dwelling unit on the same property. Without a kitchen, the space would not be considered a dwelling unit.

FARINA questioned why the applicant cannot build an addition on the existing house. The applicant noted that the easement on the site prohibits the addition and there is not enough space on the other side of the home for an addition. STIMAC noted that the ZBA must find a hardship associated with the land. But, the hardship in this case is associated with the occupant, rather than with the land. The applicant would likely be able to build off the back of the home. LOGAN questioned how would approving the variance for the independent dwelling unit would prevent the unit from being rented in the future if the applicant sells the home. The applicant noted that if the kitchen is removed then it would not be considered a separate dwelling unit and render it not likely to be rented.

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The public hearing was opened at 7:29pm.

No public comment was received. No written correspondence was received.

The public hearing was closed at 7:29pm.

Motion by Member: STIMAC (TO POSTPONE)      Support by Member: FARINA

To: Postpone Appeal #21-05: VARIANCE REQUEST / 17157 ANITA ACCESSORY STRUCTURE for a period of one month to allow the applicant time to submit revised plans for review and consideration by the Board. The revised plans shall include a plot plan with true and accurate building sizes and locations as well as location of the Sweeny drain easement.

**AYES 5** (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN)

**NAYS 0**

**MOTION CARRIED**

**B. APPEAL #21-06: VARIANCE REQUEST / BELDEN BRICK FREESTANDING SIGN**

**BY REASON OF:** SECTION 32-85 (3) OF THE FRASER ZONING ORDINANCE APPLIES TO FREESTANDING SIGNS IN THE IC INDUSTRIAL CONTROLLED ZONING DISTRICT.

**PURPOSE OF REQUEST:** TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO PLACE A FREESTANDING SIGN 48 FEET FROM THE UTICA ROAD CENTER LINE (70 FEET REQUIRED)

**PROPERTY IN QUESTION:** 31470 UTICA ROAD, FRASER, MICHIGAN, 48026

DISCUSSION: URBIEL explained that the subject site is located at the intersection of Utica Road and Grand Trunk Railroad on a triangular site. The request is to place a freestanding sign 48 feet from the centerline of Utica Road. City regulations requires a 70-foot setback from Utica Road, as it is classified as a major road. The stated hardship is that the 70 feet setback creates complications on the site given its size and triangle shape. The drawing received by administration indicates removal of existing sign on the roof of the building.

FARINA noted that the City's direction for a new sign ordinance would encourage monument signs rather than freestanding signs. The applicant was not made aware of this. The proposed sign height is 10 feet minimum clearance. STIMAC questioned if the 70-foot setback is based upon an anticipated 60-foot right-of-way from the road and a 10-foot setback from the property line and if any other businesses in the vicinity have an existing 60-foot right-of-way for Utica Road. URBIEL noted that in the vicinity, the right-of-way is consistent with the 33 feet of half right-of-way for Utica Road.

The applicant representative, SCHWARTZ noted that in order to be behind the setback to meet standards, that would put the sign in the existing parking lot. Additionally, the sign would not be visible in that spot due to other existing structures in that area. The angle of the building from the road driving west would make it difficult for customers to see the building. The proposed sign will have a pole encased in brick and remove existing windmill on the site. LOGAN questioned how tall the existing billboard sign is. The applicant does not have a number on hand. If the new sign is

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placed on the property line, only one parking spot would be lost. The applicant explained that they are trying to put up a new sign on the site in place of the windmill that is currently there. STIMAC questioned how much higher than 10 feet is the sign planned to be. The applicant noted that the proposed sign would be shorter than the existing windmill and will comply with Ordinance standards for height.

The public hearing was opened at 7:57pm.

No public comment was received. No written correspondence has been received.

The public hearing was closed at 7:58pm.

**Motion by Member:** BURLEY (TO APPROVE)      **Support by Member:** FARINA

**To:** Approve Appeal #21-06 TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO PLACE A FREESTANDING SIGN 48 FEET FROM THE UTICA ROAD CENTER LINE (70 FEET REQUIRED) due to the hardship of the triangular parcel size, location of existing structures, it is a right enjoyed by other property owners in the area, and the existing right-of-way in a majority of the immediate area is much smaller than typically found for a major throughfare. Requiring the 70-foot setback would be an undue hardship.

**AYES 5** (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN)

**NAYS 0**

**MOTION CARRIED**

**7. New Business:** None

**8. Unfinished Business:** None.

**9. Planning Commission Liaison Member Report**

FARINA noted that the September 1, 2021 Planning Commission meeting was cancelled due to lack of business. The Master Plan is moving forward.

**10. Public Participation:** None.

**11. Approval of Minutes as presented – June 3, 2021**

**Motion by Member:** FARINA (TO APPROVE)      **Support by Member:** BURLEY

**To:** Approve the June 3, 2021 minutes as presented.

**AYES 5** (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN)

**NAYS 0**

**MOTION CARRIED**

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**12. Members' Comments and Items of Interest**

BURLEY: Next month's on Zoom or in-person? URBIEL noted that all non-Council meetings are virtual.

CHIMENTI: None.

FARINA: None.

LOGAN: None.

STIMAC: None.

**13. Adjournment**

**Motion by Member:** CHIMENTI (TO ADJOURN)

Support by Member: LOGAN

**To:** Adjourn the meeting on Thursday, September 02, 2021 at 8:08 pm.

**AYES 5** (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN)

**NAYS 0**

**MOTION CARRIED**

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ZBA Secretary, Rosanne Menendez

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Recording Secretary, Danielle Bouchard, Senior Planner, McKenna