



City of Fraser

Building & Code Enforcement Department

AGENDA

CITY OF FRASER ZONING BOARD OF APPEALS – (VIRTUAL MEETING)

MUNICIPAL BUILDING ~ 33000 GARFIELD ~ PHONE: 586-293-3100

THURSDAY AUGUST 6, 2020 at 7:00pm

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda**
5. **Approval of Minutes –**
 - a. **July 16, 2020**
6. **Formal Statement**
7. **Old Business**
8. **Public Hearings**
 - a. **#20-01 VARIANCE REQUEST / SAVVY SLIDERS & HAPPY'S PIZZA WALL SIGNS**

APPLICANT: GLOBAL SIGNS ON BEHALF OF SAVVY SLIDERS & HAPPY'S PIZZA

SECTION: SECTION 32-85-2. D. OF THE FRASER ZONING ORDINANCE APPLIES TO WALL SIGNS IN THE GC GENERAL COMMERCIAL ZONING DISTRICT.

LOCATION: 31270 GROESBECK, FRASER MICHIGAN, 48026.

REQUEST: TO OBTAIN VARIANCES FROM ZONING ORDINANCE STANDARDS TO EXCEED THE BUILDING WALL SIGN ALLOWABLE AREA BY APPROXIMATELY 56.6 SQUARE FEET (120.6 SQUARE FEET REQUESTED; 64 SQUARE FEET ALLOWED).
9. **New Business**
10. **Unfinished Business**
11. **Planning Commission Liaison**
12. **Public to be Heard**
13. **Adjournment**

Governor Gretchen Whitmer's Executive Order 2020-59 prohibits all public gatherings of any number of people until after May 15, 2020. Therefore, the City of Fraser Zoning Board of Appeals will meet electronically, in accordance with Executive Order 2020-48. This notice is required to ensure that those wishing to observe and/or participate in the meeting can do so. The Zoning Board of Appeals' regular meeting will take place on August 6, 2020, at 7:00 p.m., using Zoom for video conferencing and public access. The public may attend and address the Commission via the Zoom application, the Zoom website, and/or telephone. The public will be able to listen to all discussion by Commission members and will be permitted to address the Commission during each agenda item and during Public Communications on Non-Agenda Items. All members of the public wishing to attend or participate by telephone will be placed on hold in a virtual "waiting room" until the meeting starts and will be muted during the business portion of the meeting. The Chairperson will unmute and recognize each member of the public, in no order, until all have had an opportunity to be heard. As always, residents are also encouraged to email any comments or questions they may have on any agenda item to the City by 4:30 p.m. on the day of the meeting at: cmoffice@cityoffraser.com. Please include your name, address, e-mail address, and the agenda item in the "subject" line of your e-mail (if your comments or questions pertain to a specific agenda item).

The City of Fraser thanks everyone for their understanding and support as we all attempt to navigate these challenging times together.



City of Fraser

Building & Code Enforcement Department

ZOOM MEETING

Topic: ZBA meeting

Time: August 06, 2020 07:00 PM Eastern Time (US and Canada)

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/88927140489>

Meeting ID: 889 2714 0489

One tap mobile

+13017158592,,88927140489# US (Germantown)

+13126266799,,88927140489# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 889 2714 0489

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JULY 17, 2020 – 6:00PM
MINUTES**

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

Excused Absence: **NONE**

Also, Present: Alyssa Albright, City Attorney
Doug Plachcinski, Principal Planner, McKenna
Sarah Traxler, Executive Vice President, McKenna
Danielle Bouchard, Associate Planner, McKenna
Michelle Kwiatkowski, City of Fraser System Administrator

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 6:04 PM

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 as amended - Regular Meeting of Thursday, July 16, 2020

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

To: Approve the agenda of January 16, 2020 as amended.

AYES 7 NAYS 0 MOTION CARRIED.

5. Election of Officers

Chair

Mr. Stimac was nominated for Chair of the City of Fraser Zoning Board of Appeals. Mr. Stimac accepted the nomination. Mr. Stimac was elected as Chair of the City of Fraser Zoning Board of Appeals by acclamation.

Vice Chair

Mr. Farina was nominated for Vice Chair of the City of Fraser Zoning Board of Appeals. Mr. Farina accepted the nomination. Mr. Farina was elected as Vice Chair of the City of Fraser Zoning Board of Appeals by acclamation.

Secretary

Ms. Menendez was nominated for Secretary of the City of Fraser Zoning Board of Appeals. Ms. Menendez accepted the nomination. Ms. Menendez was elected as Secretary of the City of Fraser Zoning Board of Appeals by acclamation.

6. Approval of Minutes as amended – January 16, 2020

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

To: Approve the January 16, 2020 minutes as amended

AYES 7 NAYS 0 MOTION CARRIED.

7. Formal Statement: None.

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JULY 17, 2020 – 6:00PM
MINUTES**

8. Old Business: None.

9. Public Hearings: None.

10. New Business:

A. City of Fraser Zoning Ordinance Technical Review

Mr. Plachcinski began the discussion by presenting an overview of the Zoning Ordinance Technical Review and discussed the next steps of the process. Overall, the goal of the Zoning Ordinance Technical Review is to identify areas of the Ordinance that should be updated and changed to coincide with more recent State legislation, remove any inconsistencies and irrelevancies, and address hot topics in planning. The following resources have been examined in detail to prepare the final Review report:

- City of Fraser Zoning Ordinance
- Minutes from the ZBA
- Michigan statutory provisions affecting zoning and land use planning
- Zoning case law
- Reference materials from McKenna
- Topical planning journals and magazines
- Ordinance provisions from other similar communities
- Professional expertise

The next steps of the Zoning Ordinance Technical Review process include re-organizations of the Ordinance, such as re-locating various sections to more appropriate areas and adding hyperlinks in the document to assist with Ordinance navigation.

The Zoning Ordinance Technical Review and Ordinance update/rewrite recommendations are planned to function simultaneously with the City of Fraser Master Plan.

B. 2019 Annual Planning and Zoning Activity Report

Mr. Plachcinski presented the 2019 Annual Planning and Zoning Report to the ZBA. McKenna, in accordance with Michigan Compiled Laws §125.3819(2.) also known as the Michigan Planning Enabling Act PA 33 of 2008, as amended, prepared an annual written report to the City Council concerning Planning Commission operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development. This report includes meeting summaries for all Planning Commission meetings in 2019 with specific cases. This report also contains recommendations for 2020-2021 planning and development efforts beyond general ordinance administration.

Motion by member: FARINA (TO APPROVE)

Support by member: HUNT

To: Approve and forward the 2019 Annual Planning and Zoning Activity Report to City Council.

AYES 7 NAYS 0 MOTION CARRIED.

11. Public to be Heard: None

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, JULY 17, 2020 – 6:00PM
MINUTES**

12. Adjournment

Motion by Member: MENENDEZ (TO ADJOURN) **Support by Member:** BURLEY

To: Adjourn the meeting on July 16, 2020 at 7:13 pm.

AYES 7 NAYS 0 MOTION CARRIED.

ZBA Secretary, Rosanne Menendez

Recording Secretary, Danielle Bouchard, Associate Planner

**Fabricate and install 2 channel letters
signs(Happy's Pizza) and 2 capsules of Savvy sliders
Logos**



Project: Savvy Sliders

Address: 31274 Grosbeck

Customer Approval:

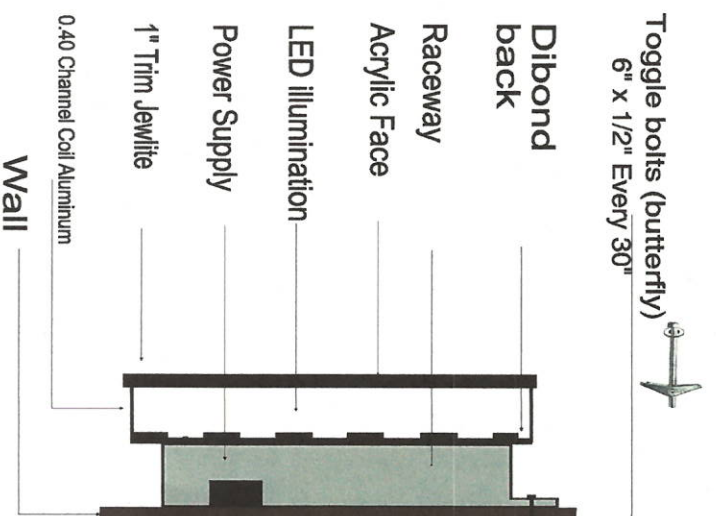
Date: 6-10-20

**Tel: (248) 658-0780
Fax: (248) 658-0781**

globalsigns1@yahoo.com

www.globalsignsandawnings.com

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Sign Area: 60.3 SQF

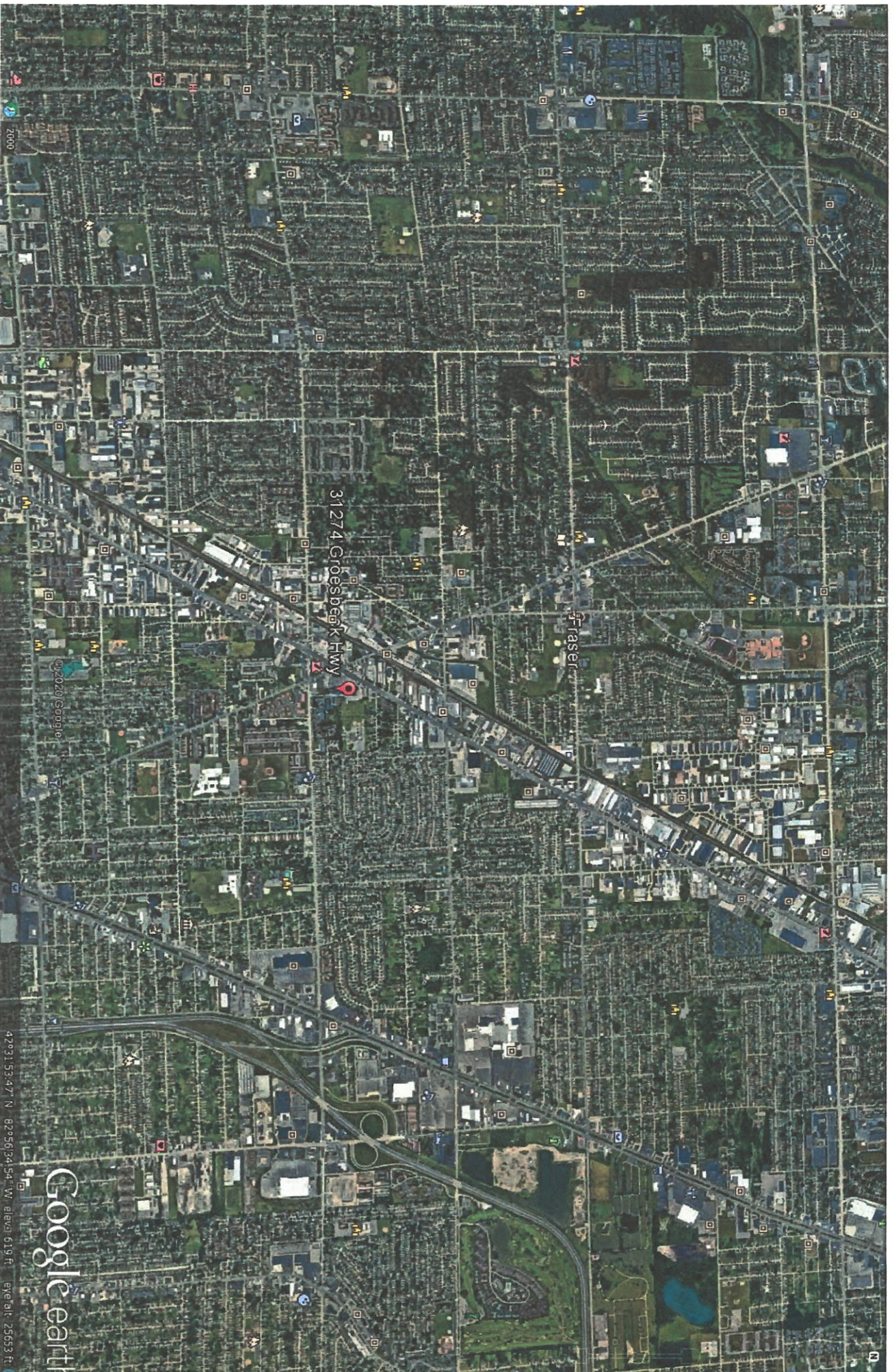
SIGN SPECS

- White Plexiglass faces w/ Vinyl
- .040mil Black aluminum letter sides
- 1" Trim (Jewelite)
- 1/8" dibond letter backing
- Light source: LED



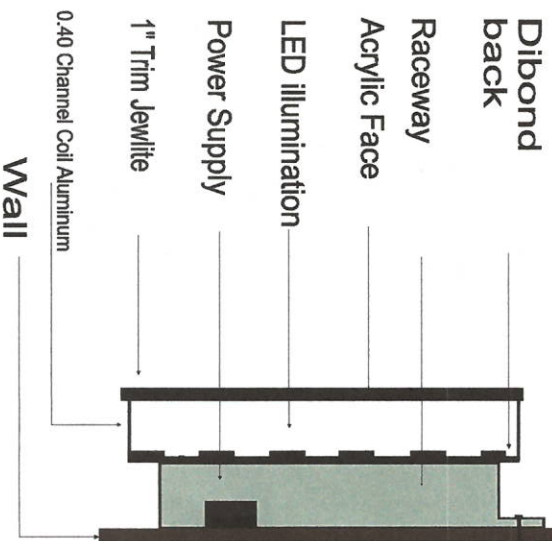
BONDED - INSURED - LICENSED







Toggle bolts (butterfly) 
6" x 1/2" Every 30"



Sign Area: 60.3 SQF

SIGN SPECS

- White Plexiglass faces w/ Vinyl
- .040mil Black aluminum letter side
- 1" Trim (Jewelite)
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Project: Savvy Sliders

Address: 31274 Grosbeck

Customer
Approval:

Date: 6-10-20

Tel: (248) 658-0780
Fax: (248) 658-0781

globalsigns1@yahoo.com

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BONDED - INSURED - LICENSED



MCKENNA

July 29, 2020

Hon. Members of the Zoning Board of Appeals
City of Fraser
33000 Garfield Road
Fraser, Michigan 48026

SUBJECT: ZBA REPORT

#20-01 VARIANCE REQUEST / SAVVY SLIDERS & HAPPY'S PIZZA WALL SIGNS

APPLICANT: GLOBAL SIGNS ON BEHALF OF SAVVY SLIDERS & HAPPY'S PIZZA

SECTION: SECTION 32-85-2. D. OF THE FRASER ZONING ORDINANCE APPLIES TO WALL SIGNS IN THE GC GENERAL COMMERCIAL ZONING DISTRICT.

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Dear Members of the Zoning Board of Appeals:

We reviewed the above referenced application and prepared the following report. The report identifies the relevant facts about the property and the proposal. The report also provides our professional opinion about how the relevant sections of the ordinance that guide the ZBA's decisions apply to this requested variance.

VARIANCE REQUEST SUMMARY

Section 32-85 (2) d. of the Fraser zoning ordinance establishes sign standards in the CG general commercial zoning districts. The wall signs shall not exceed thirty-two (32) square feet for each occupant. Therefore, both Happy's Pizza and Savvy Sliders are permitted 32 sq. ft. of wall signage. Happy's Pizza proposes two (2) wall signs, totaling 59.8 square feet Savvy's Sliders proposes two (2) wall signs, totaling 60.8 square feet. The total proposed wall signage is 120.6 square feet where only 64 sq. ft. is permitted.

ADMINISTRATIVE FACT STATEMENTS

The subject Happy's Pizza/Savvy's Sliders site is a commercial development that sits at the east corner at the Utica Road and Groesbeck intersection. The applicant proposes two (2) wall signs each for Happy's Pizza and Savvy's Sliders. The signs are proposed for the northwest and southwest building elevations.

ZONING BOARD OF APPEALS VARIANCES AND BOARD ACTION RESTRICTIONS

The ZBA is a body of limited powers. §32-228 explains how Fraser handles variances. Where there are practical difficulties or unnecessary hardships in the way of enforcing the zoning ordinance, the ZBA can grant appeals to vary or modify any zoning provisions that apply to dimensional standards like construction, structural changes in equipment, or alteration of buildings or structures. The ZBA's actions must uphold the zoning ordinance, secure public safety, and provide substantial justice for all property owners.

HEADQUARTERS

235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



The ZBA must consider whether the property in question has practical difficulty, like geographical or topographical conditions that impair its improvements without the modifications requested. The ZBA must find evidence of EACH of the following facts in §32-228(a)(2) to grant a variance.

Our comments related to the proposal follow each clause in **bold**.

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.

The subject site is located on a corner lot. None of the standards in Section 32-85 (d) permit extra signage for corner lots. However – for context – corner lots zoned Community Business District are permitted to have two (2) wall signs which would allow additional wall signs.

- b. That such variance is necessary for the preservation and enjoyment of a substantial property right like that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed enough to warrant a variance.

The variance could be argued as necessary for the preservation and enjoyment of a substantial property right like that possessed by other properties in the same vicinity, as other corner lots in the same vicinity as the proposed Happy's Pizza and Savvy's Sliders have two (2) or more wall signs. Examples include Advance Auto Parts and Walgreen's. However, the proposed signage is for two (2) wall signs on each frontage of the building, totaling four (4) wall signs. Advance Auto Parts has two (2) wall signs and Walgreen's has three (3) wall signs.

- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.

The authorizing of such variances will likely not be of substantial detriment to adjacent property. Specifically, the Zoning Board of Appeals may consider light and visual impacts of the subject proposal.

- d. That the conditions or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent in nature as to create a general rule for such condition or situation.

The situation could be applicable for other corner lots in the CG Commercial General Zoning District.

OR

- e. That the modification to setback, location, site or building requirements is sponsored by the Planning Commission for a specific proposal that benefits the city by providing better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).

The Planning Commission did not sponsor this proposal as a part of a site plan and/or special land use approval.

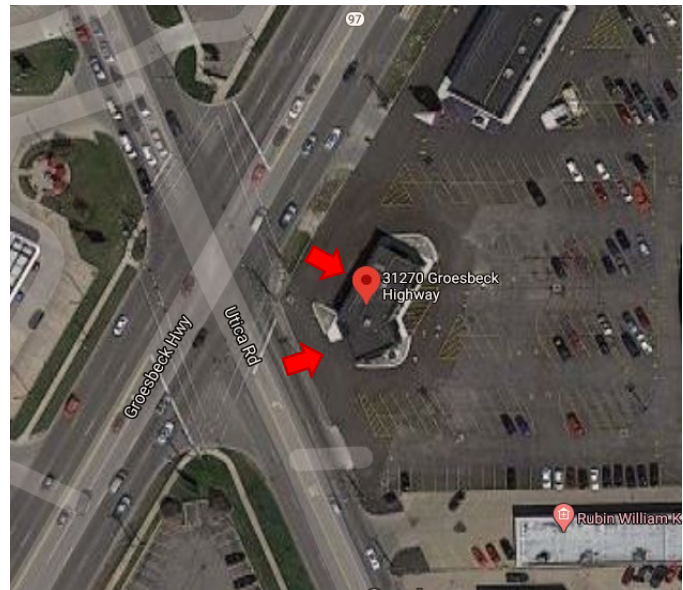


Figure 1 - Aerial view of development requesting the wall sign variances. **RED** arrows indicate facades proposed for wall signs.



OR

- f. That phasing of required site plan improvements may be warranted because the cost of such improvements is relatively high in relation to the total cost of the applicant's development or addition. Planning Commission recommendations shall be required, together with a financial security in the amount of the deferred improvements.

The applicant cannot meet the zoning ordinance's standards through phasing or deferment; therefore, the scenario in subsection f. does not apply.

Please let me know if you have any questions. We will attend the ZBA meeting on August 6, 2020.

Respectfully,

Doug Plachcinski
Principal Planner

Cc: Applicants
Wayne O'Neal, City Manager
Building Official
O'Reilly Rancilio, City Attorneys