

AS APPROVED 3/3/2022
CITY OF FRASER, MICHIGAN
ZONING BOARD OF APPEALS
THURSDAY, October 7, 2021 – 7:00PM

Present: Chairman: Stimac Members: Chimenti, Farina, Logan, Burley
Excused Absence: Hunt (resigned)
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: Resigned
Member, Logan: Present (participating Macomb County, City of Fraser, Michigan)
Member, Menendez: Present (participating Macomb County, City of Fraser, Michigan)

3. Approval of Agenda as presented - Regular Meeting of Thursday, October 7, 2021

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

To: Approve the agenda of October 7, 2021 as presented.

AYES 6 (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN, MENENDEZ)

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:

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 ZBA postponed this case at the September 2021 meeting. The applicant provided a plot plan to the ZBA Members prior to the meeting. The applicant is requesting a variance from Ordinance standards to construct a two-story accessory structure in the rear yard of the home, utilizing the existing footprint of the existing garage. The applicant is requesting a variance from Ordinance standards to permit additional height on accessory the structure (one-story permitted).

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The proposed accessory structure apartment does not meet the definition of a dwelling unit because it is not planned to include kitchen facilities. As such, the applicant is requesting a variance from Ordinance standards to increase allowable building height. The location of the Sweeny Drain prohibits constructing an addition of the proposed facilities to the existing home.

FARINA questioned how many cars are parked in the driveway in the aerial image of the home. BURLEY noted that three cars are parked in the driveway in the image. URBIEL confirmed. Additionally, another car is parked in front of the home in the image on the street.

The applicant did not have any additional or new information to add to the discussion.

MENENDEZ questioned how the applicant plans to move from the garage into the house during the winter. The applicant noted that family will assist the applicant in and out of the proposed residential area. LOGAN questioned the applicant how they will get up the stairs of the two-story accessory structure if approved. The applicant explained that the primary purpose of the accessory structure is so that going up and down stairs will be limited to once per day. The layout of the current home is not conducive to only traversing the stairs once per day.

LOGAN questioned how many stairs are located between the lower and upper level of the current home. The applicant noted that 6 stairs are in the family room to the kitchen and then another 8 stairs to bedrooms. FARINA questioned if the applicant can utilize the first floor of the garage for the proposed space. The applicant noted that they would like to keep their garage the way it is.

STIMAC questioned why the applicant would build a second story on the garage. When measured, there is just as much space located on the west side of the garage to build the addition. The applicant noted that they did not want to expand the garage further west because it will fill up a large portion of the backyard. STIMAC noted that there needs to be a hardship on the land in order to grant approval (per Ordinance standards). In this case, the hardship is largely with the property owner, not the land.

The Zoning Ordinance does include provisions on maximum lot coverage and rear yard coverage by accessory structures. STIMAC noted that an area variance may be more applicable rather than a height variance.

The public hearing was opened at 7:35pm.

No public comments or written correspondence was received.

The public hearing was closed at 7:35pm.

BURLEY noted that average studio apartments are approximately 14' x 26' in size. That is generally enough room for all necessary facilities. Reducing the size of the garage to a one-car space and adding the proposed living space onto the other side would give enough room to meet the applicant's needs.

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

To: Deny APPEAL #21-05: VARIANCE REQUEST / 17157 ANITA ACCESSORY STRUCTURE based on the finding that the applicant has not presented evidence of sufficient hardship. Further, other compliant options to construct the accessory structure are available.

AYES 6 (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN, MENENDEZ)

NAYS 0

MOTION CARRIED

6. Public Hearings: None.

7. New Business: None.

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8. Unfinished Business: None.

9. Planning Commission Liaison Member Report

FARINA noted that the October 6, 2021 Planning Commission meeting was canceled.

10. Public Participation: None.

11. Approval of Minutes as presented – September 2, 2021

Motion by Member: BURLEY (TO APPROVE) **Support by Member:** LOGAN
To: Approve the September 2, 2021 minutes as presented.

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

NAYS 0

ABSTAIN 1 (MENENDEZ)

MOTION CARRIED

12. Members' Comments and Items of Interest

BURLEY: Update on in-person meetings? URBIEL noted there is no update.

CHIMENTI: Knights of Columbus is hosting an all you can eat spaghetti dinner October 10 from 3-6pm.

FARINA: St. Malachy's is selling coney dogs for \$2 on Sundays from 12-3pm.

LOGAN: None.

STIMAC: None.

MENENDEZ: None.

13. Adjournment

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

To: Adjourn the meeting on Thursday, October 7, 2021 at 7:57pm.

AYES 6 (STIMAC, BURLEY, CHIMENTI, FARINA, LOGAN, MENENDEZ)

NAYS 0

MOTION CARRIED

ZBA Secretary, Rosanne Menendez

Recording Secretary, Danielle Bouchard, Senior Planner, McKenna