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Fraser Zoning Board of Appeals Agenda City Council Chambers 33000 Garfield, Fraser, MI 48026 Thursday, April 6, 2023 @ 7:00 p.m.

1. Call Meeting to Order/Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Formal Statement by Chair
5. Old Business

a. Variance Requests Appeal #22-05 SMOKEY JOE'S SIGNS

**BY REASON OF: SECTION 32-85-2-C PROVISIONS PERTAINING TO
PERMITTED NUMBER AND ALLOWABLE AREA OF SIGNS FOR COMMUNITY
BUSINESS DISTRICT**

PURPOSE OF REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO EXCEED THE NUMBER OF ALLOWABLE SIGNS ON A COMMUNITY BUSINESS ZONED PROPERTY (1 SIGN ALLOWED, 3 REQUESTED), AND TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO EXCEED THE ALLOWABLE WALL SIGN AREA ON COMMUNITY BUSINESS ZONED PROPERTY (ONE 32 SQUARE FEET PERMITTED, 107.5 TOTAL SQUARE FEET REQUESTED).

PROPERTY IN QUESTION: 16841 FOURTEEN MILE ROAD, FRASER, MI 48026

6. Public Hearings:

a. Variance Requests Appeal #23-01 DEVON STORAGE

APPLICANTS: DEVON STORAGE HOLDINGS AND DESIGNHAUS

BY REASON OF: SECTIONS: SECTION 32-144 (3), PROVISIONS PERTAINING TO

FRASER ZONING BOARD OF APPEALS AGENDA
APRIL 6, 2023

BUILDING SETBACKS IN THE IC, INDUSTRIAL CONTROLLED DISTRICT; SECTION 32144 (4)(D), PROVISIONS PERTAINING TO DISTANCE BETWEEN TWO BUILDINGS

LOCATION: 31475 UTICA ROAD, FRASER MICHIGAN, 48026

REQUEST: TO OBTAIN VARIANCES FROM ZONING ORDINANCE STANDARDS THAT APPLY IN THE INDUSTRIAL CONTROLLED DISTRICT, INCLUDING:

THE MINIMUM SIDE YARD SETBACK REQUIREMENT FROM AN ADJACENT RESIDENTIAL DISTRICT, WHICH IS 100 FEET. BUILDING C HAS A PROPOSED 59'11" SIDE YARD SETBACK (40'1" VARIANCE REQUESTED) AND BUILDING D HAS A PROPOSED SIDE YARD SETBACK OF 79'2" (20'10" VARIANCE REQUESTED).

THE MINIMUM REQUIRED DISTANCE BETWEEN TWO (2) BUILDINGS, WHICH IS 40 FEET. THE PROPOSED DISTANCE BETWEEN BUILDINGS C AND D IS EIGHT (8) FEET (32 FOOT VARIANCE REQUESTED) THE PROPOSED DISTANCE BETWEEN BUILDINGS D AND F IS 39 FEET (1 FOOT VARIANCE REQUESTED), AND THE PROPOSED DISTANCE BETWEEN BUILDINGS F AND G IS FIVE (5) FEET (35 FOOT VARIANCE REQUESTED).

7. New Business
 - a. Discussion of Variance Request #22-05 Smokey Joe's Request for Sign Variance
 - b. Discussion of Variance Request #23-01 Devon Storage Side Yard Setback Request for Variance
8. Unfinished Business of the Board – None
9. Planning Commission Liaison Member Report
10. Public Participation
11. Approval of Minutes – February 2, 2023
12. Members' Comments and Items of Interest
13. Adjournment

POSTED: March 30, 2023



MCKENNA

March 27, 2023

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

**SUBJECT: ZBA REPORT
#22-05 VARIANCE REQUEST #2/ SMOKEY JOE'S SIGNS**

APPLICANT: I SIGNS & DESIGNS (REPRESENTED BY MARK ZOLTOWSKI)

**SECTION: SECTION 32-85-2-C: PROVISION PERTAINING TO PERMITTED ALLOWABLE AREA OF
SIGNS IN THE COMMUNITY BUSINESS DISTRICT**

LOCATION: 16841 FOURTEEN MILE ROAD, FRASER MICHIGAN, 48026

REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS FOR THE FOLLOWING:

- TO EXCEED THE ALLOWABLE WALL SIGN AREA ON A COMMUNITY BUSINESS DISTRICT ZONED PROPERTY (32 SQUARE FEET PERMITTED, 69.8 SQUARE FEET REQUESTED).

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for a sign permit, and as it does not meet the requirements of the code – have prepared the following report, which 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.

ADMINISTRATIVE STATEMENT OF FACTS

The Smokey Joe's retail store is located at 16841 Fourteen Mile Road, which is in the Central Business (zoning) District. This site is planned for "Central Business District Core" land uses, per the City's Master Plan. Except for the area to the south that has the future land use designation of "Public/Semi-Public," the future land use designations for all surrounding properties are either Central Business District Core or Central Business District Fringe.

On February 2, 2023 the owner of Smokey Joe's appeared before the ZBA and requested two variances. The first request was to exceed the allowable wall sign area under Section 32-85-2-C. While this provision limits the wall sign area to 32 sq. ft. for businesses in the Central Business District, the applicant requested wall signage totaling 107 sq. ft. The second request was to exceed the number of allowable signs under the same provision. While the Ordinance permits one sign, the applicant requested a total of three walls signs.

At the February hearing, several members asked the applicant to remove the store's many windows signs. Members also asked the applicant about the possibility of incorporating the word "liquor" into the existing sign. Ultimately the board decided to table the variance application to allow the applicant to revise its sign plan.

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235 East Main Street
Suite 105
Northville, Michigan 48167

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On March 24, 2023, the applicant submitted a revised sign plan which increases the size of the existing sign and dropped the request for additional signs, so we are now dealing with a single variance request. The revised plan shows a roughly 10.2 sq. ft. addition (to advertise the sale of liquor) to the existing 59.5 sq. ft. sign, which would result in a 69.8 sq. ft. wall sign. This would require a variance of 37.8 sq. ft. (69.8 sq. ft. requested – 32 sq. ft. allowable).

ZONING BOARD OF APPEALS VARIANCES AND BOARD ACTION RESTRICTIONS

The ZBA is a body of limited powers. §32-228 explains how Fraser administers variance requests. Where there are practical difficulties or unnecessary hardships in the way of strict enforcement of the zoning ordinance, the ZBA may 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.

The ZBA must consider whether the property in question exhibits practical difficulty, like geographical or topographical conditions that impair its improvements without the modifications requested.

As described in §32-228(a)(2), the ZBA must find

- evidence that: all the facts and conditions of a.
- thru d. exists, or e. or f. exists independently, 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 application states that the basis for this request is that the “business has been granted a new liquor license and would like customers to be made aware of this available

merchandise.” This is clearly not the type of circumstance that is intended to justify a variance. Obtaining a license to sell liquor is neither an exceptional nor extraordinary occurrence for a business. Moreover, the fact that the store may now sell liquor should simply be incorporated into the existing wall sign.

- 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.

Smokey Joes will be able to continue its business without the expanded signage. Many surrounding businesses are successful without having signage in excess of the allowable size.

- 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.

It is unlikely that granting the variance would cause substantial detriment to adjacent properties. However, applying different signage standards to similarly situated properties would materially impair the intent and purpose of the Ordinance.



d.

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

It is not likely that authorizing such variances would be of substantial detriment to adjacent properties, particularly in terms of light and visual impacts.

e. 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.

As noted above, it is not uncommon for a business in the City (whether a store or restaurant) to sell liquor. Therefore, if these variances are granted, it is foreseeable that many other businesses would request larger signage.

f. 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.

OR

g. 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, this scenario does not apply.

CONCLUSION

Since the applicant has not met the Ordinance standards for obtaining a variance, we recommend that the ZBA deny its request.

Please let me know if you have any questions.

Respectfully submitted,

Andrew Littman
Senior Planner

Cc: Applicant
City Manager
Building Official
City Attorneys



Batti Law, PLLC
101 W. Big Beaver Rd Suite 1404
Troy, MI 48084
Ph: 248-775-9065
danybatti@battilaw.com

March 24, 2023



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

SUBJECT: ZBA REPORT
SMOKEY JOE'S SIGNS

APPLICANT: SMOKEY JOES, by way of Counsel, Dany Batti, Esq.

LOCATION: 16841 Fourteen Mile Road, Fraser, Michigan 48026

REQUEST: TO OBTAIN VARIANCES FROM ZONING ORDNIANCE STANDARDS
INCLUDING:

- To Exceed number of allowable signs on a Community Business District Zoned Property (1 Sign allows; 1 additional requested);
- To exceed the allowable wall sign area on a Community Business District Zoned Property.

This board may allow for the two variances requested, exceeding allowable signs and exceeding the allowable wall sign area, so long as the ZBA finds evidence that §32-228(a)(2) conditions a through d exist.

Smokey Joe's, through its counsel, asserts the following:

§32-228(a) requires 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.

Here, although this business does not have "store front" off of Garfield as described and defined in the City of Fraser's ordinances, this business is uniquely situated where it can be seen off of Fourteen mile but also can be seen off of Garfield. Unlike the oil change building(with 2 signs)



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situated a short distance from Smokey Joes, the CVS(with 4 signs) and Schott's Market (6-9 danybatti@battilaw.com



signs) this location is not situated as close to the road and is at a disadvantage to be identified when traveling west on 14 mile road and any direction on Garfield. When combining this information with the new additions to the business, i.e. the liquor license, as well as the business leasing the empty space adjacent to this business, Smokey Joes does have exceptional or extraordinary circumstances that do not apply generally to other properties in the same zoning district.

§32-228(b) requires that such variance is necessary for the preservation and enjoyment of substantial property right like that possessed by other properties in the same vicinity.

Here, other properties in the area like CVS are able to market all the services available at their location. The oil change situated close to the applicant has multiple signs to display the services and purpose of the business. And Schott's Market is able to have multiple signs to display all of the different products and services as well. Further, Sal's liquor, albeit in a different zone, is only a mile from the applicant's location and is given the ability to advertise all products with signs covering essentially the entirety of the building. Lastly, the liquor license is an attached property right and a large financial investment, the inability to portray products with surround competition limits the financial return and convenience for members of the community.

§32-228(c) requires 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.

Here, the additional sign requested would be displayed and seen off of 14 mile road and it has no affect on adjacent properties as no such properties exist. In fact, the adjacent building was made an addition to applicant existing property. As to the front of the applicant's building it would have no affect to adjacent tenants as any approved variance adds square footage to the existing signage with no apparent issues presented to any other businesses. Further, the intent and purpose of the ordinance has been deviated from numerous times, the intent and purpose remains unclear as many of the businesses located in the same district are granted numerous signage and signage exceeding the limit allowed pursuant to the ordinance. There are limited businesses in the Commercial Business District and many businesses have been granted variance from the allowable sign limit and allowable sign area, it would be this applicant's position that granting these variances would allow him to be competitive and in line with existing businesses in its area.



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§32-228(d) requires the authorizing of such variances will not be of substantial detriment to adjacent properties. Specifically, the Zoning Board of Appeals may consider light and visual impacts of the subject proposal.

danybatti@battilaw.com



Here, the applicant sees no substantial detriment that could be applicable to adjacent businesses. In fact, it could do the opposite and provide a benefit as more traffic could be generated and thus, resulting in a positive, financially, to adjacent tenants in the applicant's plaza. Lastly, in previous information provided by the Zoning Board of Appeals, it was indicated that "It is not likely that authorizing such variances would be of substantial detriment to adjacent properties, particularly in terms of light and visual impacts."

In conclusion, the applicant believes that due to all of the circumstances explained above, applicant is in a position to have the variances approved. Due to the fact that other businesses located in the general area (within a one-mile radius) have multiple signs and have exceeded the allowable sign area, it would put applicant at a detriment to be unable to advise the community of the products located within. Not to mention the financial investment made to having the ability to provide said services. Further, the applicant's location is uniquely situated where still viewed off of Garfield, albeit from a distance, as well as off of 14 mile road.

Respectfully Submitted by:

Dated: March 24, 2023

/s/ Dany Batti

Dany Batti (P84624)

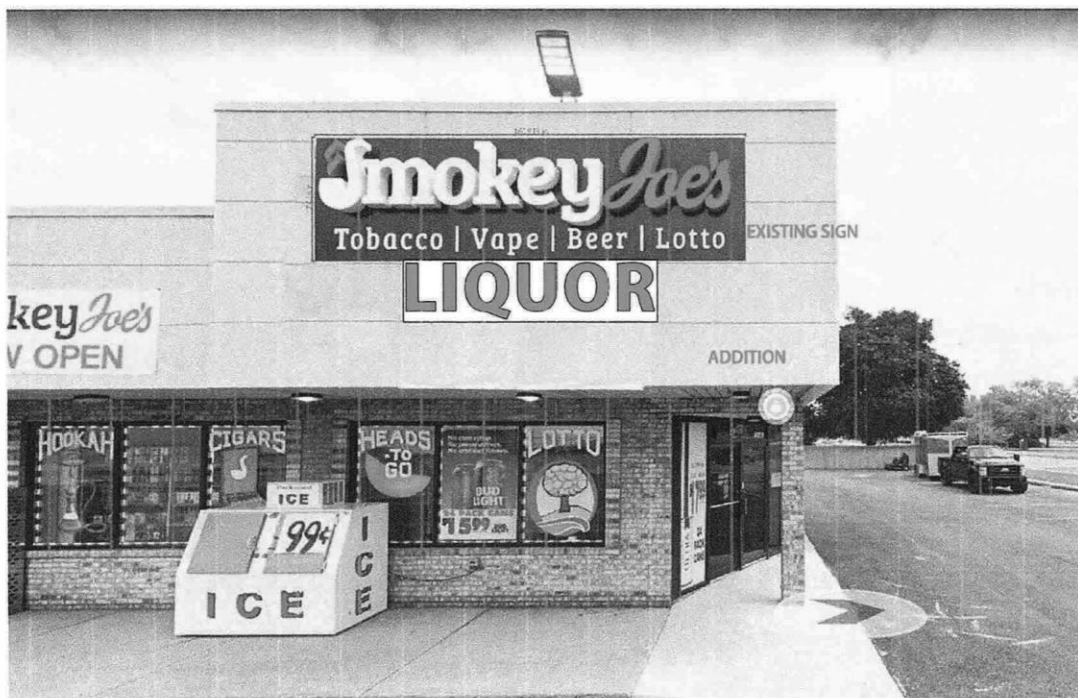
Attorney for Applicant

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Troy, MI, 48084

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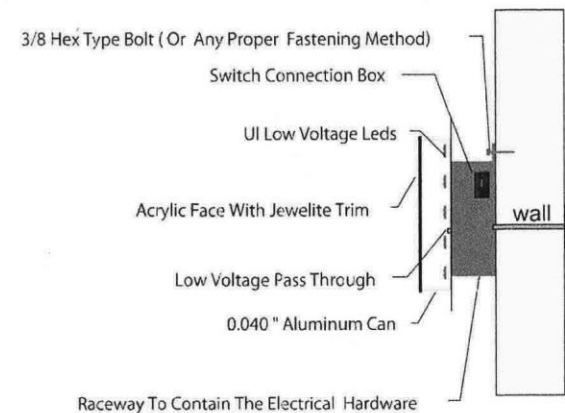
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Customer: _____

Date: _____

address :- 16841 E. 14 Mile Road

Fraser MI

ph# :- _____

description :- _____

ACCEPTANCE OF ARTWORK The drawing above is an artistic interpretation ONLY, elements may vary based on field measurements. This color proof is intended for verification of spelling, layout, color and composition. (PLEASE HELP AVOID UNNECESSARY COSTS BY CHECKING THIS PROOF VERY CAREFULLY) Signature constitutes authorization to proceed with specifications and conditions of this document as specified. All artwork and designs are property of New Generation Signs (isigns) and may not be used without the expressed written permission of New Generation Signs.

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City of Fraser

Building & Code Enforcement Department

NOTICE OF ZONING BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the City of Fraser Zoning Board of Appeals will meet on **Thursday, April 6, 2023** at 7:00 p.m. in the Fraser City Hall Council Chambers at 33000 Garfield Road, located at the southeast corner of Fourteen Mile and Garfield Roads, Fraser, Michigan for the purpose of conducting a Public Hearing and making a decision on the following request:

APPEAL #ZBA 23-01:

VARIANCE REQUESTS / DEVON STORAGE

BY REASON OF:

SECTION 32-144 (3), PROVISIONS PERTAINING TO BUILDING SETBACKS IN THE IC, INDUSTRIAL CONTROLLED DISTRICT; SECTION 32-144 (4)(D), PROVISIONS PERTAINING TO DISTANCE BETWEEN TWO BUILDINGS

PURPOSE OF REQUEST:

TO OBTAIN VARIANCES FROM ZONING ORDINANCE STANDARDS THAT APPLY IN THE INDUSTRIAL CONTROLLED DISTRICT, INCLUDING:

TO REDUCE THE MINIMUM SIDE YARD SETBACK REQUIREMENT FROM AN ADJACENT RESIDENTIAL DISTRICT, WHICH IS 100 FEET. BUILDING C HAS A PROPOSED 59' 11" SIDE YARD SETBACK (40' 1" VARIANCE REQUESTED) AND BUILDING D HAS A PROPOSED SIDE YARD SETBACK OF 79' 2" (20' 10" VARIANCE REQUESTED).

TO REDUCE THE MINIMUM REQUIRED DISTANCE BETWEEN TWO BUILDINGS, WHICH IS 40 FEET. THE PROPOSED DISTANCE BETWEEN BUILDINGS C AND D IS 8 FEET (32 FOOT VARIANCE REQUESTED), THE PROPOSED DISTANCE BETWEEN BUILDINGS D AND F IS 39 FEET (1 FOOT VARIANCE REQUESTED), AND THE PROPOSED DISTANCE BETWEEN BUILDINGS F AND G IS 5 FEET (35 FOOT VARIANCE REQUESTED).

PROPERTY IN QUESTION:

31475 UTICA ROAD, FRASER MICHIGAN, 48026

NOTICE IS FURTHER GIVEN that any interested person may appear and comment upon the proposed request in person, or by agent or attorney during the public hearing to be held on the date and time of the meeting. Pertinent information relating to the application may be reviewed at the Fraser Building Department during regular business hours which are 8:00 a.m. to 4:30 p.m., Monday through Friday at the Fraser City Hall, 33000 Garfield Road, Fraser, Michigan. Questions regarding the requested variance can be directed to the Planner, c/o Building Department at 586-293-3100. Written comments may be submitted to the Fraser Building Department at 33000 Garfield Road, Fraser, Michigan 48026, or email to the Building Department at zoning@micityoffraser.com up to 4:30 p.m. of the meeting date.

The City of Fraser will provide necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting upon four (4) days' notice to the Building Department at the phone number set forth above.



MCKENNA

March 13, 2023

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

**SUBJECT: ZBA REPORT
#23-01 VARIANCE REQUEST / DEVON STORAGE**

APPLICANTS: DEVON STORAGE HOLDINGS AND DESIGNHAUS

SECTIONS: SECTION 32-144 (3), PROVISIONS PERTAINING TO BUILDING SETBACKS IN THE IC, INDUSTRIAL CONTROLLED DISTRICT; SECTION 32-144 (4)(D), PROVISIONS PERTAINING TO DISTANCE BETWEEN TWO BUILDINGS

LOCATION: 31475 UTICA ROAD, FRASER MICHIGAN, 48026

REQUEST: TO OBTAIN VARIANCES FROM ZONING ORDINANCE STANDARDS THAT APPLY IN THE INDUSTRIAL CONTROLLED DISTRICT, INCLUDING:

- **THE MINIMUM SIDE YARD SETBACK REQUIREMENT FROM AN ADJACENT RESIDENTIAL DISTRICT, WHICH IS 100 FEET. BUILDING C HAS A PROPOSED 59' 11" SIDE YARD SETBACK (40' 1" VARIANCE REQUESTED) AND BUILDING D HAS A PROPOSED SIDE YARD SETBACK OF 79' 2" (20' 10" VARIANCE REQUESTED).**
- **THE MINIMUM REQUIRED DISTANCE BETWEEN TWO BUILDINGS, WHICH IS 40 FEET. THE PROPOSED DISTANCE BETWEEN BUILDINGS C AND D IS 8 FEET (32 FOOT VARIANCE REQUESTED), THE PROPOSED DISTANCE BETWEEN BUILDINGS D AND F IS 39 FEET (1 FOOT VARIANCE REQUESTED), AND THE PROPOSED DISTANCE BETWEEN BUILDINGS F AND G IS 5 FEET (35 FOOT VARIANCE REQUESTED)**

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for the conversion of an existing building into a climate controlled storage space and construction of nine smaller drive-up storage buildings, and as it does not meet the requirements of the code – have prepared the following report, which 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.

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Northville, Michigan 48167

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ADMINISTRATIVE STATEMENT OF FACTS

The applicants, Devon Storage Holdings and Designhaus, propose to convert an existing 113,110 sq. ft. building into one featuring 61,690 sq. ft. of climate-controlled storage space. Additionally, they seek to construct nine smaller drive-up storage buildings totaling 24,200 sq. ft. Part of the 4.4-acre site is zoned IC (Industrial Controlled), while the remaining part is zoned IR (Industrial Restricted).

The proposed site plan was considered by the Planning Commission at its February 1, 2023 meeting. The Commission ended up tabling the site plan. It found that the plan did not satisfy all Ordinance requirements for setbacks, distances between buildings, and architectural and landscaping standards. Additionally, the proposed plan did not include any of the required loading/unloading spaces.

The applicant is seeking variances from the Ordinance standards concerning side yard setbacks and distances between buildings in the Industrial Controlled zoning district.

ZONING BOARD OF APPEALS VARIANCES AND BOARD ACTION RESTRICTIONS

The ZBA is a body of limited powers. §32-228 explains how Fraser administers variance requests. Where there are practical difficulties or unnecessary hardships in the way of strict enforcement of the zoning ordinance, the ZBA may 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.

The ZBA must consider whether the property in question exhibits practical difficulty, like geographical or topographical conditions that impair its improvements without the modifications requested.

As described in §32-228(a)(2), the ZBA must find evidence of evidence that:



- all the facts and conditions of a. thru d. exists,
 - or e. or f. exists independently,
- 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 applicants state that the unique conditions that apply to this property are that six-foot perimeter walls are in place and there is a low demand for customer access. These conditions fall far short of the types of exceptional or extraordinary conditions that justify a variance.
- 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.
If the requested variances are not granted, the applicants will still be able to develop the site with storage buildings. They will just not be able to include as many smaller drive-up storage buildings. Therefore, a variance is not necessary for the preservation and enjoyment of their property right.
- 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.
It is foreseeable that granting the variance to reduce the minimum side yard setback from a residential district will **result in a nuisance to the property's residential neighbors. The six-foot** masonry wall is an insufficient screen and buffer to change this supposition.
- 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.
It is not uncommon for a storage development to be situated adjacent to a residential district. Therefore, it is likely that the variance requesting relief from the minimum side yard setback requirement from a residential district would be used as a precedent for future decisions.

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 considered the proposed site plan, but did not sponsor the variance request, at the February 1, 2023 meeting. This provision does not apply.

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 does not apply.

CONCLUSION

Since the applicants have not met the Ordinance standards for obtaining the requested variances, we recommend that the ZBA deny their request.



Please let me know if you have any questions.

Respectfully Submitted,

Andrew Littman
Senior Planner

Cc: Applicant
 City Manager
 Building Official
 City Attorneys



**CITY OF FRASER
APPLICATION FOR APPEAL
ZONING BOARD OF APPEALS**

Office Use Only

APPEAL # _____
DATE OF MTG. _____
DATE REC'D _____
RECEIPT #: _____

CIRCLE ALL THAT APPLY:

VARIANCE

APPEAL

TEMPORARY

INTERPRETATION

GENERAL LOCATION OF PROPERTY:

ADDRESS 31475 Utica RD, Fraser, MI 48026 CROSS STREETS: Utica Rd. and Linden Ave

LEGAL DESCRIPTION (Lot number, subdivision, metes/bounds or attach on a separate sheet):
03-14-05-351-003 / 03-14-05-303-016, (see attached Survey)

BASIS FOR REQUEST: (Hardship or practical difficulty imposed by Ordinance):
Proposed adaptive reuse of an existing vacant building for self storage. With reduce demand in a required parking, by use pavement to be built upon for increased market competitively as a result we request the following

Per section 32-143-3 variance of side yard setback for building C and D
Per section 32-144-4C variance of distance between buildings C-D, D-F, F-G and H-J

SECTION OR ORDINANCE INVOLVED: Section 32-143-3 and 32-144-4C

ZONING DISTRICT OF PROPERTY: IR/IC

APPLICANT

NAME AND ADDRESSES OF PARTIES OF INTEREST AND/OR APPLICANT SETTING FORTH THE LEGAL INTEREST IN SAID PREMISES:

APPLICANT: Devon self Storage Holdings(US) LLC

ADDRESS: 2000 Powell St STE 1240, Emeryville 94608

PHONE: 510-450-1300 INTEREST: Owner

APPLICANT: Designhaus Agent of behalf of owner

ADDRESS: 3300 Auburn rd. suite 300, Auburn Hills, MI 48326

I (We) hereby request a hearing on the above-mentioned matter before the City of Fraser Zoning board of Appeals. The undersigned swear(s) the foregoing statements and answers herein contained and accompanied information and data are in all respects true and complete. I (we) grant permission to Members of the Zoning Board of Appeals and to the City of Fraser Administration to enter the land in order to view the outside premises in preparation for hearing our case.

Signature of Applicant: Patrick J Roussey Date: 2/10/23

Signature of legal property owner (if not applicant): [Signature] Date: 2/14/23



February 27, 2023

City Of Fraiser
Building, Zoning, and Code Enforcement
33000 Garfield Rd.
Fraiser, MI 48026

RE: Devon Storage, Zoning Board of Appeals - Basis for Request

To whom it may concern

The new owners of 31475 Utica Rd. have requested a plan review for the conversion of the existing building on site to climate controlled self-storage. This will also include the addition of (9) nine new drive-up buildings for a total of 24,198 Sq. Ft. of proposed building area. The existing one-story building will be internally converted to climate controlled self-storage and feature an internal drive-thru for customers to access their storage area. The area of the existing building is noted as 113,113 GSF, or 61,690.50 NSF – rentable. The existing building will be updated to reflect new paint along with general site / aesthetic improvements. Utilities are available to the site and are currently sufficient for the day-to-day operations. Parking has been provided per ordinance and with the low parking demand required, 25 spaces are proposed, whereas 22 are required. Truck maneuverability and exterior lighting have also been studied and plans provided describing how each affect the site. A landscape plan has been added noting the existing screen walls adjacent to the residential zoned properties and existing trees that have been preserved and counted towards the 10% preservation requirements. Customer parking areas also screened from public view. Hours of operation may include 8am – 8pm daily with limited customer access afterhours.

As part of the review process, it was determined that certain criteria were not able to be met. With the adaptive re-use of the building, the change in use is such that only a small number of required parking spaces are now needed. Otherwise not being used, the excess parking and pavement areas are proposed to be used for new one story drive-up storage buildings. As a result of the proposed building placement, side setbacks of 100' are not able to be met. We are requesting a 40'-11" and 23'-11" relief. Since existing perimeter walls are already in place, and the low demand for customer access, we feel this screening as well as the provided distanced adequately satisfy the setback requirements. Also needing relief is the distance between buildings. The required distance is 40' however, again with the one story building, we feel the distances proposed and the relief requested is reasonable seeing that the use and demand is different than previous site operations. With the existing screen wall, and new parking lot landscaping we feel that screening and buffering attempts to satisfy the spirits of the ordinance with regards to setbacks and distances between buildings.

Please review the enclosed plans and we will be available to answer any questions if necessary.

Regards,
Peter Stuhldreier

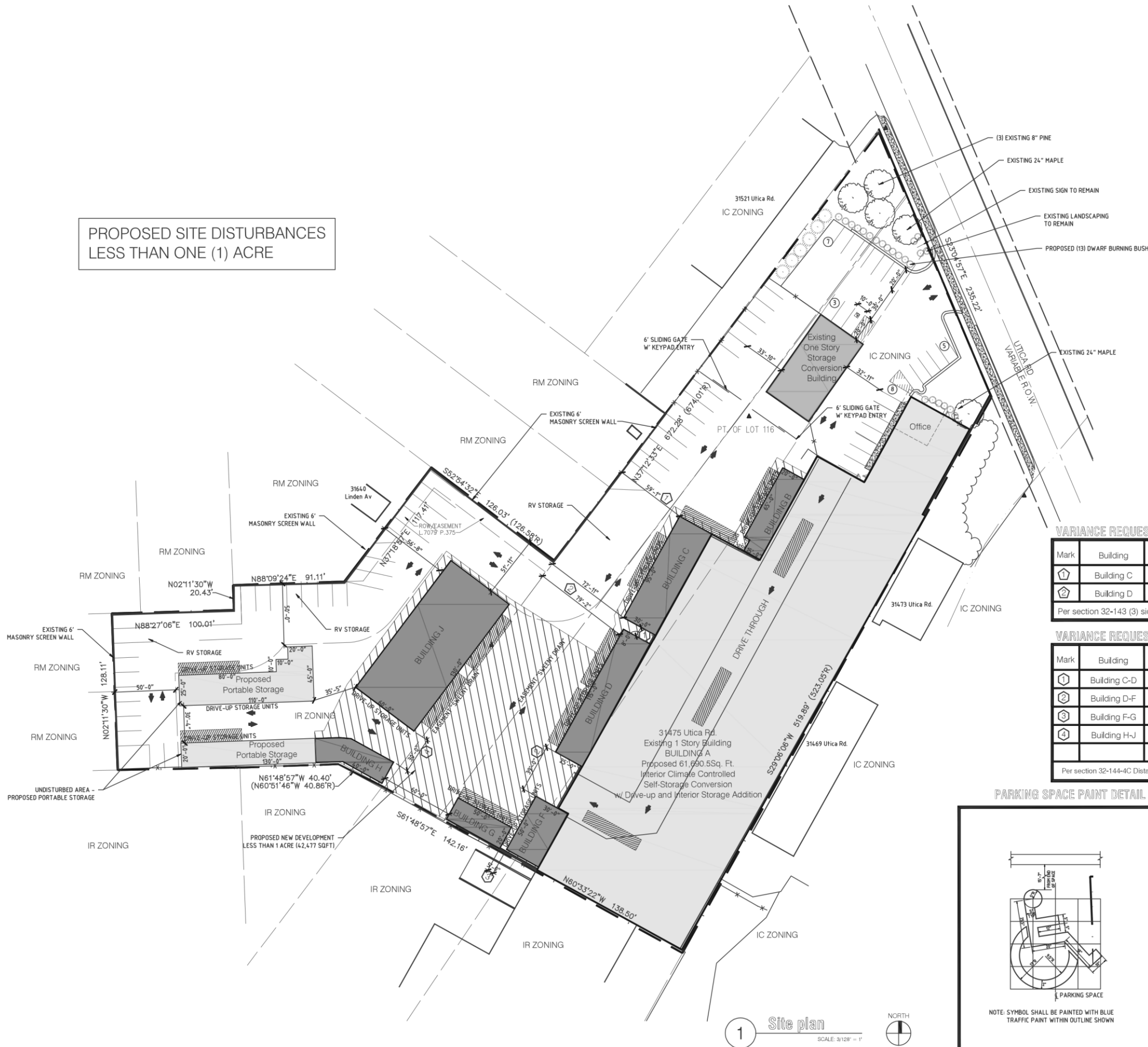
Chief Architect
Designhaus, LLC





VP100 Variance Site Plan.dwg
2/28/2023
Change me

PROPOSED SITE DISTURBANCES
LESS THAN ONE (1) ACRE



BUILDING DATA

	Building Area	Climate Controlled Storage Area	Drive-Up Storage Area	Total Storage Area
Existing Building	113,114 Sqft	61,690.50Sqft	-	61,690.50 Sqft
Building B	1,450 Sqft	-	1,450 Sqft	1,450 Sqft
Building C	2,850 Sqft	-	2,850 Sqft	2,850 Sqft
Building D	2,875 Sqft	-	2,875 Sqft	2,875 Sqft
Building F	1,500 Sqft	-	1,500 Sqft	1,500 Sqft
Building G	1,000 Sqft	-	1,000 Sqft	1,000 Sqft
Building H	1,273 Sqft	-	1,273 Sqft	1,273 Sqft
Building J	7,800 Sqft	-	7,800 Sqft	7,800 Sqft
Portable Storage	5,450 Sqft	-	5,450 Sqft	5,450 Sqft
TOTAL		61,690.50 Sqft	24,198 Sqft	85,888.5 Sqft

SITE DATA

Regulation	Information
Parcel I.D.	14-05-351-003 / 14-05-303-016
Address	31475 Utica Rd. Fraser, MI 48026
Zoning	IR / IC
Parcel Area	(191,664 Sq.Ft.) 4.40 Acres

ZONING SCHEDULE OF REGULATIONS

Regulation	Provided per IC / IR
Setbacks	Front- 110' From Utica Rd CL. Side- IC - 20' Min / 100' Abutting Residential IR- 0 Min / 50' Abutting Residential Rear- IC- 20' Min 100' Abutting Residential IR- 0' Min / 50' Abutting Residential
Building Height	35'
Coverage	n/a
Openspace	n/a

PARKING SUMMARY

Regulation	Required	Provided
Mini-Warehouse	2 / Caretaker + 1/ 50 GSF Office	2 + 20 (1,000 GSF / 50) = 22 Spaces Required 23 Spaces Provided

NOTES

- No Hazardous Materials Storage
- Lighting and photometric information provided on lighting plans.
- All signs to meet Code of Ordinances and be approved by Building Department.

PLAN LEGEND

MARK	DESCRIPTION
	Loading area 10'x50'

VARIANCE REQUEST

Mark	Building	Request Setback	Proposed Setback	Request Relief
①	Building C	100'	59'-1"	40'-11"
②	Building D	100'	79'-2"	23'-11"

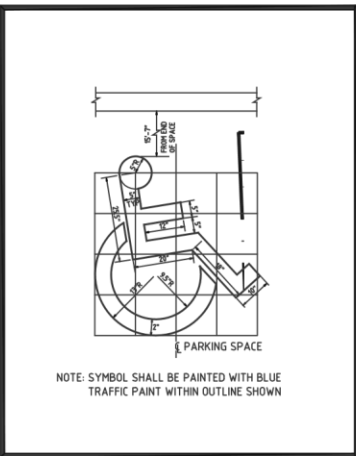
Per section 32-143 (3) side yard setback

VARIANCE REQUEST

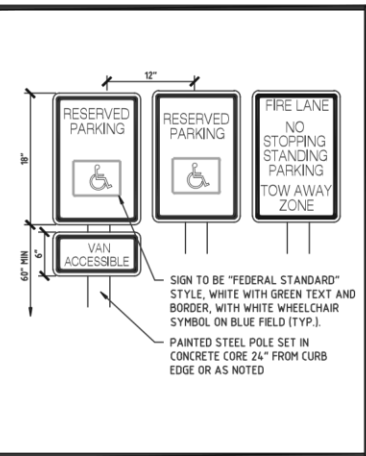
Mark	Building	Request Distance	Proposed Distance	Request Relief
①	Building C-D	40'-0"	8'-0"	32'-0"
②	Building D-F	40'-0"	39'-0"	1'-0"
③	Building F-G	40'-0"	5'-0"	35'-0"
④	Building H-J	40'-0"	30'-0"	10'-0"

Per section 32-144-4C Distance between building shall toe not less than 40'

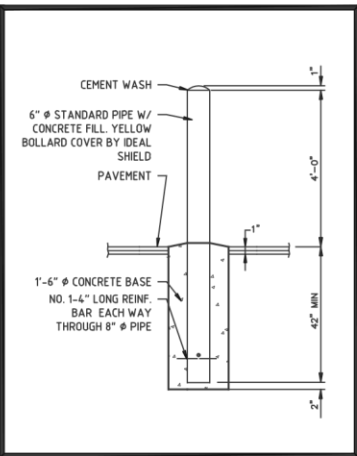
PARKING SPACE PAINT DETAIL



HANDICAP SIGN DETAIL



BOLLARD DETAIL



3300 AUBURN RD., SUITE 300
AUBURN HILLS, MI 48326
T:248.601.4422 F:248.453.5854
WWW.DESIGNHAUS.COM
INFO@DESIGNHAUS.COM



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Variance Site Plan	02.27.23
70% Owner Review	12.23.22
Owner Review	12.13.22
SPA	12.19.22
30% Owner Review	10.10.22
Revision/Issue	Date

Devon Storage - Fraser, MI
31475 Utica Rd.
Fraser, MI 48026

Variance Site Plan

22125

VP100



City of Fraser

CENTENNIAL COMMUNITY

CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

MAYOR

Michael Carnagie

MAYOR PRO-TEM

Patrice M. Schornak

COUNCIL

Amy Baranski

Kathy Blanke

Suzanne Kalka

Patrick O'Dell

Dana Sutherland

To: Zoning Board of Appeals

Date: 03/27/2023

From: City Clerk Greenia

Re: Interview with ZBA Candidates

According to the City of Fraser Boards and Commissions Handbook "Appointment Process" the following process is followed to be appointed or reappointed to a Board or Commission:

"Most appointments to Boards and Commissions will be made by the City Council based on, but not bound by, interviews and recommendations from each respective Board or Commission".

The City of Fraser Zoning Board of Appeals currently has two (2) vacancies. Chairman Stimac's term technically ended December 31, 2022. Mr. Logan resigned from his position and his seat is open with a term that ends December 31, 2023.

Mr. Gooddell was scheduled to come before you at the March 7, 2023 meeting and could not. He agreed to come to the April 6, 2023 meeting and, again, is not available. He assured me he still is very interested in being a part of this board and will make every effort to be here at the May meeting.

33000 Garfield, Fraser, Michigan 48026 – (586) 293-3100 – www.micityoffraser.com

MINUTES CITY OF FRASER 33000 GARFIELD, FRASER, MI 48026

ZONING BOARD OF APPEALS MEETING February 2,

2023 @ 7:00 P.M.

A regular meeting of the City of Fraser Zoning Board of Appeals was held on Thursday, February 2, 2023 at 7:00 p.m. The meeting was held in City Council Chambers, 33000 Garfield, Fraser, MI 48026.

1. CALL MEETING TO ORDER

Chairman Mark Stimac called the meeting to order at 7:00 p.m. Chairman Stimac Led the Pledge of Allegiance.

2. ROLL CALL

Present: Chimenti, Lesich, Menendez, Stimac, Farina, Burley Absent: None

3. APPROVAL OF AGENDA

Amend the agenda to say "Report" instead of "Program" for item 7a, also back of agenda Fraser City Council Meeting header should be removed.

Motion by Farina supported by Menendez to approve the agenda as amended.

All Ayes

Motion Carried

4. FORMAL STATEMENT BY THE CHAIR

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 at this time.

6. PUBLIC HEARINGS

A. APPEAL #ZBA22-05: VARIANCE REQUEST / 16841 FOURTEEN MILE ROAD
SMOKEY JOE'S

Mark Satowski from iSigns and Design and Applicant Joe Matteo are present.

Planner Littman presented the review and requested variances to the board.

Joe Matteo, business owner, presented his reasoning for his request.

Member Burley asked about the board sign currently having "Liquor" on it. Mr. Matteo explained that sign was put in place as a quick alternative to the wall sign.

Member Menendez explained that the ordinance has regulations for signs that needs to be followed. The current wall sign is larger than maximum allowed. Mr. Matteo stated he would be willing to remove the window wall signage to be approved for additional signage.

Member Farina asked the applicant if he would be willing to remove all the window signs and adding a neon sign stating "Liquor". Mr. Matteo stated if it came down to that, he would do it.

Chair Stimac asked the applicant about possibly reconfiguring the current permitted sign to add "liquor". Mr. Matteo would be open to doing this. Chair Stimac did also ask if he obtains more than one unit, which the applicant does.

Public comment: Chair Stimac opened up the Public Hearing.

Adam Walsh, resident of Fraser, spoke in support of the additional signage at Smokey Joe's.

Chair closed public hearing at 7:40pm.

Member Menendez asked about a possible postpone procedure.

Member Lesich, agreed with Chair Stimac and Member Menendez, on proposing a solution for the applicant to come back to the board with a revised request.

Member Farina also agrees with the board members and stated if a vote was to be made, he would deny.

Chair Stimac asked that the current wall sign be researched when it was permitted.

Member Farina would like to know if the other tenants in the plaza received variances.

Motion by Menendez supported by Burley to postpone giving the applicant the opportunity to revise plans and come back to the March 2, 2023, Zoning Board of Appeals meeting.

5 Ayes

1 Nay

Motion Carried

7. NEW BUSINESS OF THE BOARD

a. 2022 Fraser Annual Planning Report

Planner Littman presented the 2022 Fraser Annual Planning Report to the board. Member Menendez asked that the business name be added in the future.

Motion by Farina supported by Menendez to send the 2022 Fraser Annual Planning Report to City Council with the name change of "2022 Fraser Annual Planning Commission and Zoning Report".

All Ayes

Motion Carried

8. UNFINISHED BUSINESS OF THE BOARD

None at this time.

9. PLANNING COMMISSION LIAISON MEMBER REPORT

Member Farina summarized the February 1st, 2023 Planning Commission meeting items.

10. PUBLIC PARTICIPATION

No public participation.

11. APPROVAL OF MINUTES JANUARY 5, 2023

Motion by Lesich supported by Burley to approve the January 5, 2023 meeting minutes as presented.

All Ayes

Motion Carried

12. **MEMBERS' COMMENTS AND ITEMS OF INTEREST**

Member Burley asked if the new members got appointed by City Council. The Fraser City Council meeting will be held next week.

Member Farina asked about the training session in the Fall and the sign ordinance updates happening this year.

Member Menendez asked about the previous draft sign ordinance and if it ever moved forward. Chair Stimac.

13. ADJOURNMENT

Motion by Farina supported Lesich by to adjourn at 8:06 pm

All Ayes

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser