



CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR

Michael Carnagie

MAYOR PRO-TEM

Patrice M. Schornak

COUNCIL

Amy Baranski

Kathy Blanke

Suzanne Kalka

Patrick O'Dell

Dana Sutherland

AGENDA

CITY OF FRASER ZONING BOARD OF APPEALS

AUGUST 3, 2023 @ 7:00 P.M.

COUNCIL CHAMBERS, 33000 GARFIELD, FRASER, MI 48026

I. Call Meeting to Order

II. Pledge of Allegiance

III. Roll Call

IV. Approval of Agenda – August 3, 2023

V. Approval of Minutes – July 20, 2023

VI. Formal Statement by Chair

VII. Public Hearing
a.

VIII. Old Business (Postponed Cases)

SUBJECT: ZBA REPORT #1

a. SUBJECT: ZBA 23-03 17157 Anita, Residential Variance for rear and side yard setback additions.

APPEAL: VARIANCE REQUESTS/ 17157 ANITA, RESIDENTIAL VARIANCE

BY REASON OF: SECTION 32-122-3, PROVISIONS PERTAINING TO MINIMUM YARD REQUIREMENTS IN THE RM, RESIDENTIAL MEDIUM ONE FAMILY DISTRICT.

PURPOSE OF REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO REDUCE THE SIDE AND REAR BUILDING SETBACK REQUIREMENTS IN THE RM, RESIDENTIAL MEDIUM DENSITY ONE-FAMILY

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DISTRICT. THE ORDINANCE SPECIFIES 30-FOOT MINIMUM REAR YARD SETBACK AND A 5-FOOT MINIMUM SIDE YARD SETBACK. THE APPLICANT IS PROPOSING TO ATTACH THE EXISTING DETACHED GARAGE AND IS REQUESTING A 10-FOOT REAR SETBACK AND 3-FOOT SIDE SETBACK.

PROPERTY IN QUESTION: 17157 ANITA, FRASER, MI 48026

IX. New Business of the Board

X. Unfinished Business of the Board

XI. Monthly Report

a. July Monthly Report

b. Action Items

XII. Planning Commission Liaison

XIII. Public to be Heard

XIV. Adjournment

Posted: July 27, 2023

City of Fraser; 33000 Garfield, Fraser, MI 48026 (586) 293-3100



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MINUTES

CITY OF FRASER

33000 GARFIELD, FRASER, MI 48026

ZONING BOARD OF APPEALS MEETING

JULY 20, 2023 @ 7:00 P.M.

DRAFT

1. CALL MEETING TO ORDER

Chairman Farina called the meeting to order at 7:05 p.m.

2. PLEDGE TO THE FLAG

Chairman Farina then led the Pledge of Allegiance.

3. ROLL CALL

Present: Chimenti, Farina, Goodell, Lesich, Menendez

Absent:

AYES: Chimenti, Farina, Goodell, Lesich, Menendez

NAYS:

4. APPROVAL OF AGENDA

Chairman Farina indicated he would like to add the following items to the agenda for the July 20, 2023 City of Fraser Zoning Board of Appeals Meeting:

Under "New Business" – Sign Ordinance Briefing

Under "Unfinished Business" – Status on Open Action Items

Motion by Lesich supported by Chimenti to amend the Agenda for the July 20, 2023 meeting of the City of Fraser ZBA as recommended by Chairman Farina.

AYES: Chimenti, Goodell, Farina, Lesich, Menendez

NAYS: None

Motion Carried

5. APPROVAL OF MINUTES JUNE 20, 2023

Motion by Menendez supported by Lesich to approve the minutes of the June 20, 2023 meeting of the City of Fraser Zoning Board of Appeals as amended (below)

Page 2 – “Request”

Line two the word nujber should be number

The work allowabel should be allowable

Line five the second from the last word is allowabel should be allowable

AYES: Chimenti, Farina, Goodell, Lesich, Menendez

NAYS: None

Motion Carried

6. FORMAL STATEMENT BY THE CHAIR

Chairman Farina read the formal statement into the record.

7. PUBLIC HEARING

SUBJECT: ZBA 23-03 17157 Anita, Residential Variance for rear and side yard setback additions.

APPEAL: VARIANCE REQUESTS/ 17157 ANITA, RESIDENTIAL VARIANCE

BY REASON OF: SECTION 32-122-3, PROVISIONS PERTAINING TO MINIMUM YARD REQUIREMENTS IN THE RM, RESIDENTIAL MEDIUM ONE FAMILY DISTRICT.

PURPOSE OF REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO REDUCE THE SIDE AND REAR BUILDING SETBACK REQUIREMENTS IN THE RM, RESIDENTIAL MEDIUM DENSITY ONE-FAMILY DISTRICT. THE ORDINANCE SPECIFIES 30-FOOT MINIMUM REAR YARD SETBACK AND A 5-FOOT MINIMUM SIDE YARD SETBACK. THE APPLICANT IS PROPOSING TO ATTACH THE EXISTING DETACHED GARAGE AND IS REQUESTING A 10-FOOT REAR SETBACK AND 3-FOOT SIDE SETBACK.

PROPERTY IN QUESTION: 17157 ANITA, FRASER, MI 48026

Public Hearing was opened at 7:10 p.m.

City Planner Lauren Sayre indicated that McKenna had reviewed the variance Request and found the following:

The request a variance from Zoning Ordinance standards to attached their existing detached garage to the main building. By attaching the garage, the minimum yard requirements of the main building are applicable to the garage resulting in the need for a variance as the garage is currently located 10 feet from the rear lot line and three (3) feet from the east side lot line.

Statement of Facts as follows:

Section 32-122-3 of the Fraser Zoning Ordinance regulates minimum yard Requirements in one-family residential districts. 32-122-3 (e) specifies that in The RM district, the rear yard minimum setback is 30 feet. 32-122-3 (f) specifies that In the RM district, the minimum side yard setback is five (5) feet, with a minimum of 13 feet for the combined side yard setbacks.

Review against Zoning Ordinance standards as follows:

- a. That there are exceptional or extraordinary 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:**

Sweeney Drain, as well as the existing configuration of the house, limit the location for the garage. Because of this, the garage is located as Far East on the lot as the Ordinance allows for accessory structures, 3 feet (Section 32-121).

By attaching the garage to the main building, the garage becomes part of the main building and is subject to the 5-foot setback minimum requirement for main buildings in the RM district. The application claims to need the attached garage to allow for easier access as there is a resident using a wheelchair.

- 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 applicant claims that the variance is necessary for the use of the property as the attached garage will allow for easier access to the house since there is a wheelchair user living at the house.

There are houses in the vicinity with attached garages. Attaching the garage would not add any new structure closer to the lot lines than the existing structures, it would just redefine the garage so that it is no longer compliant with the Ordinance standards for the main building.

- 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.**

We do not believe that there will be substantial detriment to adjacent property as a result of this particular proposal. The additional structure built to connect the existing house and garage will not encroach on adjacent properties as it would be located 17 feet and 11 inches away from the east side lot line and over 30 feet from the rear lot line.

As of this writing, no public comment has been received regarding the request that informs the consideration of whether or not this proposal would cause a detriment to adjacent property.

- d. That the conditions or situation of the specific piece of property, or the intended use of the property for 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 could be argued that this request for setback variances due to attaching a garage is general or
- e. That the modification to setback, location, site or building requirements is sponsored by the Planning Commission for 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

- 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 standard through phasing or deferment; therefore, the scenario in subsection f. does not apply.

CONCLUSION:

We recommend that ZBA consider the applicant justifications of hardship to determine if a variance is warranted. Additional information brought forward by the Board, the applicant, and/or during the public hearing should be incorporated into the record prior to the Board making any determination.

Chairman Farina asked allowing this variance would increase the lot coverage to over the Required limit. Ms. Sayres stated that 30% was allowed, currently they are at 18% and Allowing the addition would bring it to 21%.

Chairman Farina then indicated that he visited the site and was not able to get it. The Property seemed very congested. Board Member Menendez asked if the plan had been reviewed by Building Department – it had not.

Eric Heideper with Poly Arc, 44045 Gratiot Avenue in Clinton Township was present on behalf of the applicant. He explained that the applicant was wanting to attach the garage so that this would be more accessible to the owner of the home who was currently in a wheelchair. This would create an indoor handi-capped ramp that she could use it and stay out of the weather when need be.

The addition would be a 16 x 15 breezeway and would be heated, but it would not necessarily be additional living space.

Discussion was had about items that were located on the property right now. Mr. Heideper again stated this was more of a handi-cap accessible matter.

Board Member Menendez asked about the building plans, what changes would need to be made, And whether or not there was a room above the garage at this time. Mr. Heideper stated that it Was a standard garage and that there was no room above the garage at this time.

The Public Hearing was closed at 7:23 p.m.

Board Member Menendez indicated she was concerned that they were not able to get on the Property and she had a problem with this. She did not like to make any decision without being able To look at the property.

Discussion was had on how to best handle this.

Motion by Lesich supported by Chimenti to postpone a decision on Variance Request 23-03, 17157 Anita, to the next scheduled meeting of the Zoning Board of Appeals meeting on August 3, 2023.

AYES: Chimenti, Farina, Goodell, Lesich, Menendez

NAYS: None

Motion Carried

8. OLD BUSINESS

Nothing at this time.

9. NEW BUSINESS OF THE BOARD

a. Sign Ordinance Briefing

Chairman Farina reviewed that at the Planning Commission meeting on Monday City Attorney DeNault brought a DRAFT of the proposed new sign ordinance. They would be setting a schedule for this. He invited the ZBA members to attend the Planning Commission meetings as they would be dealing with the new Sign Ordinance as well. He asked City Attorney Ericson if ZBA could receive a legal brief as to what was happening with the progress of the Sign Ordinance.

10. UNFINISHED BUSINESS OF THE BOARD

a. Status of Open Action Items

Chairman Farina indicated that he would like to be updated on the open action items Moving forward. He reviewed some questions he had regarding this matter. He asked Ms. Warren to meet with Bob Logan and get a better form of communication between the Planning and Zoning Department and the Building Department. He suggested that maybe Mr. Logan should attend these meetings moving forward.

11. PLANNING COMMISSION LIASON MEMBER REPORT

Chairman Farina reviewed the Planning Commission meeting that was had on Monday, July 17, 2023.

12. PUBLIC PARTICIPATION

No public to be heard.

13. MEMBERS COMMENTS AND ITEMS OF INTEREST

Board Member Chimenti reviewed that the K of C was having a Fish Fry this Friday.

Board Member Menendez asked the Chair if he could repeat the motions when they are made. He stated that he would do so.

14. ADJOURNMENT

Motion by Menendez supported by Lesich by to adjourn the meeting at 7:55 p.m.

AYES: Burley, Chimenti, Farina, Goodell, Lesich, Menendez

NAYS: None

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser



**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 17151 ANITA CROSS STREETS: HEISNER AVE

LEGAL DESCRIPTION (Lot number, subdivision, metes/bounds or attach on a separate sheet):

LOT 311 & 312, GARFIELD PARK SUB No 1 NW 1/4
SECT 15

BASIS FOR REQUEST: (Hardship or practical difficulty imposed by Ordinance):

I PROPOSE AN ADDITION TO ATTACH THE HOUSE TO
THE DETACH GARAGE. ASKING FOR REAR & SIDE SETBACK
VARIANCE

SECTION OR ORDINANCE INVOLVED: _____

ZONING DISTRICT OF PROPERTY: RM

APPLICANT

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

APPLICANT: BEVERLY BABECKI

ADDRESS: 17151 ANITA, FRASER, MI

PHONE: (586) 296-3161 INTEREST: OWNER

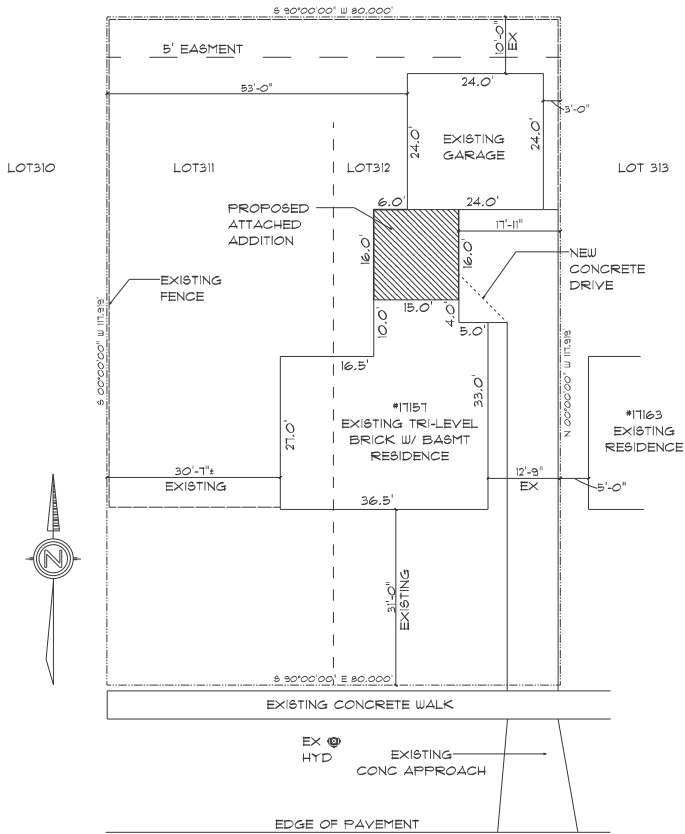
APPLICANT: ERIK HEIDERER, POLYARCH

ADDRESS: 44045 N. GRATIOT AVE CLINTON TWP, MI 48036

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: [Signature] Date: 6/22/23

Signature of legal property owner (if not applicant): Beverly Babacki Date: 6-22-23
Richard Babacki 6-22-23



LEGAL DESCRIPTION:
LOT 311 AND 312, GARFIELD PARK SUB
NO. 1 NW 1/4 OF SECTION 5 CITY OF
FRASER, MACOMB COUNTY, MI
LIBER 12 OF PLATS ON PG 16, MCR

PROPERTY DATA:
ZONING: RM
FRONT YARD SETBACK: 55'
REAR YARD SETBACK: 30'
SIDEYARD SETBACK: 5/13'
LOT COVERAGE: 30%
EXISTING: 1742/9432 = 18%
PROPOSED: 240 + 1742 + 1982/9432 = 21%
TOTAL COVERAGE: 21%

POLYARCH INC.

ENGINEER

CLIENT: BARDECKI RESIDENCE

17157

FRASER, MI

PROJECT: ONE STORY REAR

GARAGE TO HOUSE

DATE: 6/20/23

PROJECT NO: 23-008

DRAWN BY: BKM

CHECKED BY: BKM

SUBMITTED DATE: 6/29/23

SHEET #

SP-1



Monthly Planning & Zoning Report

For July 2023

McKenna provides day-to-day assistance to the City, applicants, and the public regarding zoning, planning and economic development matters.

PLANNING, ZONING, DESIGN & ECONOMIC DEVELOPMENT ACTIVITY

As part of our services to the City, McKenna reviews Planning Commission applications and provides recommendations on long range planning, land use, zoning, and design. The following is a summary of active developments; yellow highlighting indicates new updates for the month.

PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
#SP21-08 34400 Utica Hockeyland Outlot	Site plan approval with conditions granted on August 4, 2021.	Site plan approval extended for 12 months, August 2, 2023, subject to site plan amendment approval. Approved to apply for foundation permits. Revised site plan approved at September PC meeting. CofO contingent on satisfaction of all PC conditions of approval. Lot split application approved in October 2022. Approved to move forward with the process without finalized parking agreement. Construction underway. Still awaiting parking agreement.
#SP22-01 / SLU22-01 34360 Utica Shooter's Bar & Grill	Special Land Use and Site Plan application to install an outdoor patio at 33460 Utica (Shooter's).	Patio construction begun without permit and contrary to approved site plan – stop work order issues. Pending fulfillment of site plan approval conditions. Applied for a larger than approved patio building permit – denied. Still awaiting for conditions to be met before applicant can move forward with construction. Patio has been removed. Unaware if patio will be replaced at this time.
#SP22-03 33180 Groesbeck Retail	Site plan application to renovate the façade and improve the site of the 33180 Groesbeck Retail Center	Variance for non-site obscuring, ornamental four-foot fence forward of the front building line approved at November ZBA meeting. Pending revised site plan submission and City receipt of cross-access agreements.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
		Final site plan approval granted at June 7 th , 2023 Planning Commission meeting with condition of the elimination of the cross-access agreement.
#SP22-04 <i>Fairway Packing</i>	Site plan application to build a new 31,000 SF industrial building on 15 Mile for potential tenant Fairway Packing.	Approved at October PC meeting. Building permit application applied for.
SP22-08 <i>31475 Utica Road Devon Storage</i>	Site plan application to convert existing building into climate-controlled storage space with 7 smaller drive-up storage spaces.	Site plan was tabled at the February 2023 PC meeting for applicant to receive variances from ZBA for setback of building requirements. Final site plan approval received at June 7 th , 2023 Planning Commission Meeting.
SP23-01 <i>33060 Groesbeck Hwy (Vacant DQ property)</i> WITHDRAWN	Site plan application submission to convert vacant DQ building to a Commercial Office Space.	Site plan to be seen at June Planning Commission meeting. ZBA granted approval of three parking spaces April 2, 2015. Site plan approval was granted Jun 1, 2015 by PC. Site plan approval expired because construction was never started. Applicant to come back to Planning Commission if necessary for new site plan approval. Application withdrawn 7/28/2023.
SP23-02 <i>31401 Groesbeck Hwy, Popeyes</i>	Site plan amendment applied for new drive-thru window, lighting, signage, and dumpster enclosure relocation. Also includes addition to building.	Postponed at July 17, 2023 Planning Commission meeting until August 2 2023 meeting.
SLU23-01 <i>31000 Groesbeck Hwy</i>	Special Land Use application to operate an auto repair shop in the CG district.	Application to be on August 2, 2023 Planning Commission Agenda.
ZBA22-01 <i>Like Nu Carpet Cleaning</i>	Variance request at 34155 Kelly Road to place a ground sign closer to the road centerline than allowed, and to place an additional (wall) sign on the building. Two variances were granted on March 3, 2022.	Sign permit process initiated by applicant, awaiting revised drawings for compliance with Ordinance and variance granted. Applied for wall sign permit approved at ZBA. Ground sign still not applied for.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
ZBA22-04 33180 Groesbeck Retail	Variance request to erect a structure meeting the definition of a fence between the front building line and the property line.	Variance granted at the November ZBA meeting, pending PC approval of the fence design.
ZBA22-05 16841 E 14 Mile Road Smokey Joe's	Variance request to erect an additional wall sign and keep existing 59.5 square foot wall sign.	Variance request was postponed giving the applicant the opportunity to revise plans and come back to the May 18, 2023 ZBA meeting. Variance denied at May 18, 2023 ZBA meeting.
ZBA23-01 31475 Utica Road Devon Storage	Variance request for relief of side yard setback requirement from an adjacent residential district.	Variance granted with conditions at May 18, 2023 ZBA meeting. Planning Commission to grant final approval.
ZBA23-02 34835 Utica Road Meijer	Variance request for 2 (two) additional wall signs at Meijer and 1 (one) additional wall sign at Meijer Gas station.	Variance request to be seen at a ZBA special meeting, June 20, 2023. Variance for extra signage approved at June 20 th , 2023 meeting.
ZBA23-03 17157 Anita	Application for residential variance for rear and side yard setbacks for attaching detached garage to primary residence.	Application to be seen at July 20, 2023 Zoning Board of Appeals meeting. Postponed until August 3, 2023 Zoning Board of Appeals meeting.

LOOKING FORWARD

- Draft Sign Ordinance underway. Sign Ordinance will be an item on Planning Commission agendas to update sections at a time.

CONTACT US

Should you have any questions on the above projects or would like additional information, please contact your City of Fraser team at:

- Alicia Warren (awarren@mcka.com)
- Lauren Sayre (lsayre@mcka.com)