



City of Fraser

Building & Code Enforcement Department

AGENDA

CITY OF FRASER ZONING BOARD OF APPEALS
MUNICIPAL BUILDING ~ 33000 GARFIELD ~ PHONE: 586-293-3100
THURSDAY, OCTOBER 6, 2022 at 7:00pm

1. Call Meeting to Order/Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Formal Statement by the Chair
5. Old Business (None)

6. Public Hearings

A. APPEAL #ZBA22-03: VARIANCE REQUEST / 34400 KLEIN GRAVEL STORAGE

BY REASON OF: SECTION 32-143 OF THE FRASER ZONING ORDINANCE
PURPOSE OF REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS
TO STORE GRAVEL ON THE SITE (STORAGE OF LOOSE
MINERALS, INCLUDING GRAVEL, PROHIBITED IN IR).
PROPERTY IN QUESTION: 34400 KLEIN ROAD, FRASER MICHIGAN, 48026

B. APPEAL #ZBA22-04: VARIANCE REQUEST / 33180 GROESBECK MASONRY WALL

BY REASON OF: SECTION 32-44 OF THE FRASER ZONING ORDINANCE REGULATES
FENCES IN OTHER THAN SINGLE FAMILY ZONING DISTRICTS AND
SECTION 9-3 OF THE FRASER CODE REGULATES THE LOCATION
OF FENCES; SECTION 9-31 PROVIDES AUTHORITY TO THE
ZONING BOARD OF APPEALS TO GRANT VARIANCES FROM THE
FENCE CODE UNDER CERTAIN CIRCUMSTANCES.
PURPOSE OF REQUEST: TO OBTAIN A VARIANCE FROM ORDINANCE STANDARDS TO
ERECT A STRUCTURE MEETING THE DEFINITION OF A FENCE
(I.E., A MASONRY WALL) BETWEEN THE FRONT BUILDING LINE
AND THE FRONT PROPERTY LINE.
PROPERTY IN QUESTION: 33180 GROESBECK HIGHWAY, FRASER MICHIGAN, 48026

7. New Business of the Board (None)
8. Unfinished Business of the Board (None)
9. Planning Commission Liaison Member Report
10. Public Participation
11. Approval of Minutes: April 7, 2022
12. Members' Comments and Items of Interest
13. Adjournment

**MINUTES
CITY OF FRASER
33000 GARFIELD, FRASER, MI 48026
ZONING BOARD OF APPEALS MEETING
APRIL 7, 2022 @ 7:00 P.M.**

A regular meeting of the City of Fraser Zoning Board of Appeals was held on Thursday, April 4, 2022 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, Farina, Logan, Menendez, Stimac
Absent: Burley

3. APPROVAL OF AGENDA

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

All Ayes

Motion Carried

4. FORMAL STATEMENT BY THE CHAIR

As there were no appeals on the agenda this evening, Chairman Stimac chose to forgo his statement at this time.

5. OLD BUSINESS

None at this time.

6. PUBLIC HEARINGS

None at this time.

7. NEW BUSINESS OF THE BOARD

a. Candidate Interview for Vacant Board Seat

Chairman Stimac interviewed Mr. Michael Lesich for the vacant position on the Zoning Board of Appeals. He noted that this vacancy was caused by a member who had moved out of the community. If appointed it would be a partial term, and it would end on December 31, 2023.

Mr. Lesich reviewed with the Zoning Board of Appeals why he felt he was qualified for the vacancy and shared his thoughts on the ways the City could move forward in a positive way.

Motion by Farina supported by Chimenti to recommend to City Council that Michael Lesich be appointed to the City of Fraser Zoning Board of Appeals with a term End date of 12/23/2023.

AYES: Chimenti, Farina, Logan, Menendez, Stimac

NAYS: None

Motion Carried

8. UNFINISHED BUSINESS OF THE BOARD

9. PLANNING COMMISSION LIAISON MEMBER REPORT

Mr. Farina shared that the Planning Commission did not have a meeting this month. They were working with a developer on trying to solve an issue with a vacant lot. He added that the Planning Commission had filled their vacancy last month. The Planning Commission would be working on the sign ordinance very soon. He also commented on what a good document the new Master Plan was – there had been a lot of work done on this document and he stated it was a guide for the city's future development.

10. PUBLIC PARTICIPATION

Michael Lesich discussed signage concerns and the Master Plan.

11. APPROVAL OF MINUTES MARCH 2, 2022

Motion by Menendez supported by Farina to approve the minutes of the March 02, 2022 Zoning Board of Appeals meeting as presented.

All Ayes

Motion Carried

At this time, ZBA Member Menendez indicated that the agenda had the incorrect date on it for the minutes that were approved.

Motion by Menendez supported by Farina to amend the agenda for the April 7, 2022 Fraser Zoning Board of Appeals meeting to reflect the minutes that were on the agenda for approval were dated March 3, 2022.

All Ayes

Motion Carried

12. MEMBERS' COMMENTS AND ITEMS OF INTEREST

ZBA Member Farina shared that St. Malacki was having a Fish Fry this Friday from 4:00 p.m. to 7:00 p.m.

13. ADJOURNMENT

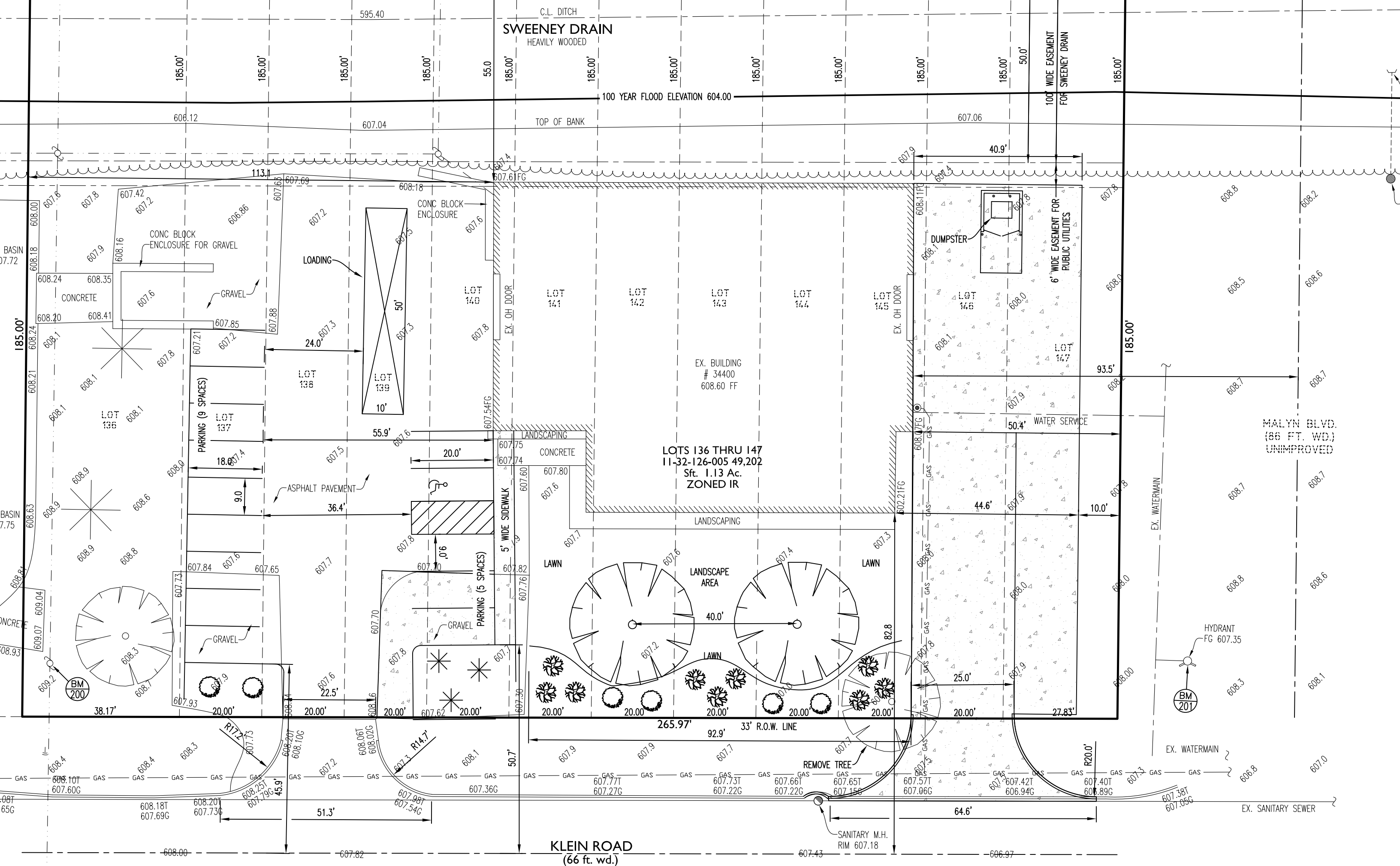
Motion by Farina supported by Logan to adjourn the meeting at 7:38 p.m.

All Ayes

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser





MCKENNA

September 26, 2022

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

**SUBJECT: ZBA REPORT
#22-03 VARIANCE REQUEST / 34400 KLEIN**

APPLICANT: JOSEPH MARTH, PROPERTY OWNER; DAVE CADMAN, OWNER'S REPRESENTATIVE

SECTION: SECTION 32-143; m, 3: PROHIBITED USES, INCLUDING THE STORAGE OF LOOSE MINERALS, INCLUDING SOIL, STONE, SAND, GRAVEL, COAL, CINDERS AND SIMILAR MATERIALS.

LOCATION: 34400 KLEIN, FRASER MICHIGAN, 48026

REQUEST: TO OBTAIN VARIANCES FROM ZONING ORDINANCE STANDARDS TO ALLOW THE STORAGE OF GRAVEL IN AN IR DISTRICT.

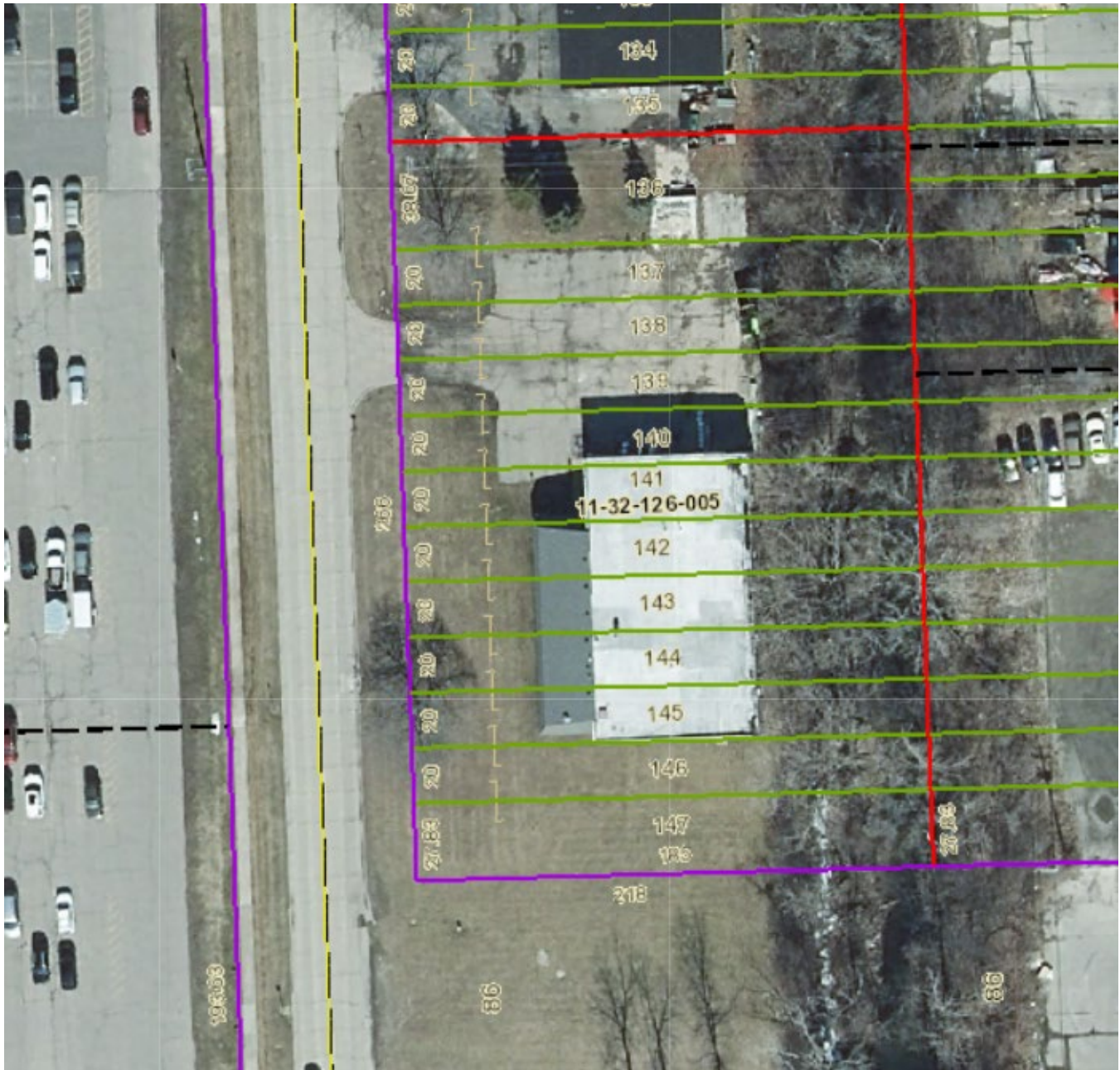
Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for storage of gravel in an IR District, 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.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

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ADMINISTRATIVE STATEMENT OF FACTS

34400 Klein is currently zoned IR, Industrial Restricted. The site is occupied by FS360, a foundation repair contractor. The applicant submitted a site plan request to modify the parking and vehicular ingress/egress by adding an additional driveway and paved area to the site. This application was considered by Planning Commission on September 7, 2022. A copy of the proposed site plan, and the relevant draft Planning Commission meeting minutes, are attached to this letter for your reference.

Decision on the proposed site plan was postponed by the Planning Commission as it did not meet all Ordinance requirements, specifically –

- The site plan proposed additional parking in the required front setback, which is not allowable by



Ordinance standards for IR.

- The site plan proposed an enclosure to store gravel on site. The IR District standards permits contractor's offices with garages for the storage of equipment. They also, however, specifically prohibit the storage of loose minerals, including gravel.

The changes to the previously-approved site plan were conducted without permits or review by the City. The applicant's zoning review for the Certificate of Occupancy for the business included a note that the storage of gravel is prohibited by Ordinance.

The applicant has stated to the Planning Commission and the Administration that the parking that was added in the required setback is temporary and necessary operationally until the proposed driveway is installed, and will be removed once the new driveway is installed. Thus, the applicant is not seeking a variance for that parking.

The applicant also stated to the Planning Commission and the Administration that the storage of gravel is operationally necessary to conduct their business, and thus is seeking a variance to allow that storage on site.

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.

Since the variance requested is to use the property in a way that is not allowed by zoning, the ZBA must consider whether substantial evidence of an unnecessary hardship is imposed by the Ordinance. General standards for the establishment of an unnecessary hardship include that the property cannot reasonably be used in a manner consistent with existing zoning, that the situation is due to unique circumstances and not to general conditions in the neighborhood, that the proposed use will not alter the essential character of a locality, and the hardship is not the result of the applicant's actions.

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.

Per Ordinance requirements, the concurring vote of two-thirds (2/3) of the members of the board is necessary to approve a use 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.*

We are not aware of exceptional or extraordinary circumstances applying to the property in question, nor was any submitted with the application. The Board may ask the applicant to provide such evidence.

- 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.*

We are not aware of a situation where other properties are storing loose minerals in an IR District. It is also true that several industrial properties in Fraser appear to store materials in a manner that is not consistent with Ordinance requirements or an approved site plan.



- 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 not likely that granting the variance would cause substantial detriment to adjacent properties, as the proposed use is accessory to the primary use of the property as a contractor's office and equipment storage. The applicant has stated that modest quantities are stored at one time and indeed, the Planning Commission recommended to the applicant during discussion that a more substantial and attractive enclosure that is screened from public view would be useful to mitigating any potential impact.
- 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 in terms of light and visual impacts.
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, surrounding properties within the City of Fraser limits do not appear to have been granted similar rights as the applicant is requesting. By granting these variances to the applicant, it is possible other similar businesses in the general vicinity may request the same exceptions. It is not likely that these exceptions would become a general rule, but this case could be utilized as a precedent for future decisions.

OR

- 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).*
Though the Planning Commission did consider this application, it 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, the scenario does not apply.



CONCLUSION

We recommend the ZBA consider the applicant's 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.

Please let me know if you have any questions.

Respectfully Submitted,

Paul Urbiel, AICP
Senior Principal Planner

Cc: Applicant
City Manager
Building Official
City Attorneys



City of Fraser

Building & Code Enforcement Department

January 24th, 2022

Foundation Solutions 360
c/o Joseph Marth
34400 Klein
Fraser, MI

Subject: Zoning Review for Foundation Solutions 360, 34400 Klein

Your Certificate of Compliance application is to occupy a building at the subject address in the City's Industrial Restricted (IR) district for use as a contractor's office for a residential home repair company. Contractors offices with indoor storage of equipment are permitted uses in IR. (Ord. No. 279, § 10.10, 12-12-96)

The proposed use is approved.

Note that storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials is prohibited by the Zoning Ordinance in IR.

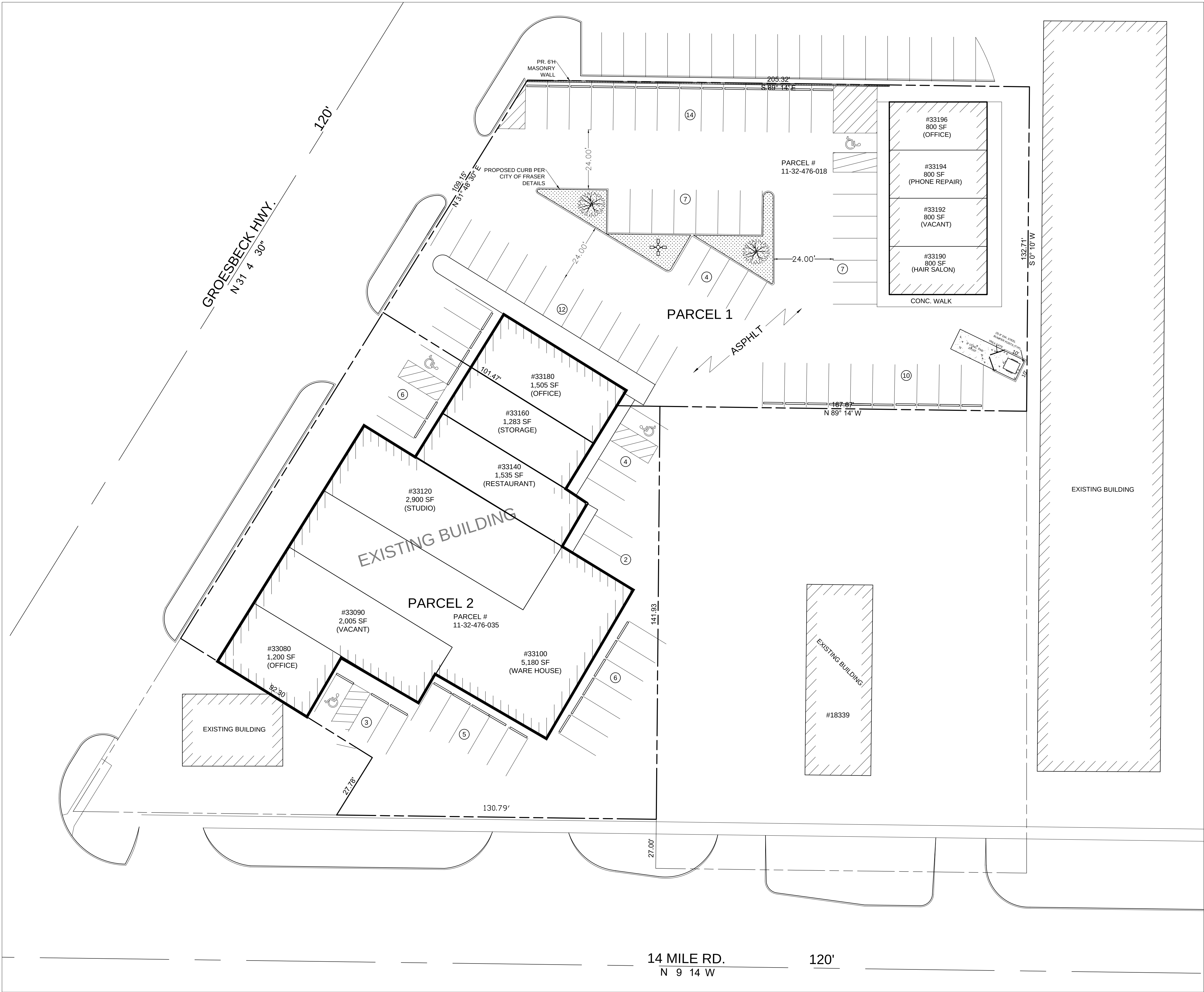
No outdoor storage (defined in the Fraser Zoning ordinance as the keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than twenty-four (24) hours) shall be permitted, unless it is part of an approved site plan.

Thank you,

CITY OF FRASER

Paul Urbiel
Planning and Zoning Consultant
zoning@micityoffraser.com

Building Department
33000 Garfield Road
Fraser, MI 48026
(586) 293-3100

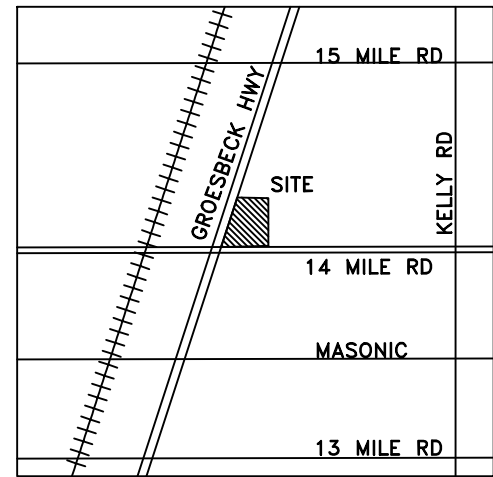


SITE PLAN
SCALE: 1"=20'

SITE INFORMATION:
ZONING: CG (COMMERCIAL GENERAL)
AREA:
PROPERTY:
PARCEL 1 (11-32-476-018)= 31,200 SF
PARCEL 2 (11-32-476-035)= 27,900 SF
TOTAL 9,100 SF
= 1.36 AC
. BUILDINGS 3,200 1 ,426 1 ,626 SF

PARKING SPACES REQUIRED:	
#33196=800/150=5.33 (OFFICE)	==> 5 SPACES
#33194=800/150=5.33 (PHONE REPAIR)	==> 5 SPACES
#33192=800/150=5.33 (VACANT)	==> 5 SPACES
#33190=2 CHAIRS (HAIR SALON)	==> 3 SPACES
#33180=1505/150=10 (OFFICE)	==> 10 SPACES
#33160=1283/1500=0.85 (STORAGE)	==> 1 SPACE
#33140=1535/100=15.3 (RESTAURANT)	==> 15 SPACES
#33120=2900/200=14.5 (STUDIO)	==> 14 SPACES
#33100=5180/1500=3.4 (WARE HOUSE)	==> 3 SPACES
#33090=2005/200=10 (VACANT)	==>10 SPACES
#33080=1200/150= 8 (VACANT)	==> 8 SPACES
TOTAL	79 SPACES

PARKING SPACES PROVIDED:
82 SPACES INCLUDING (4) HANDICAP

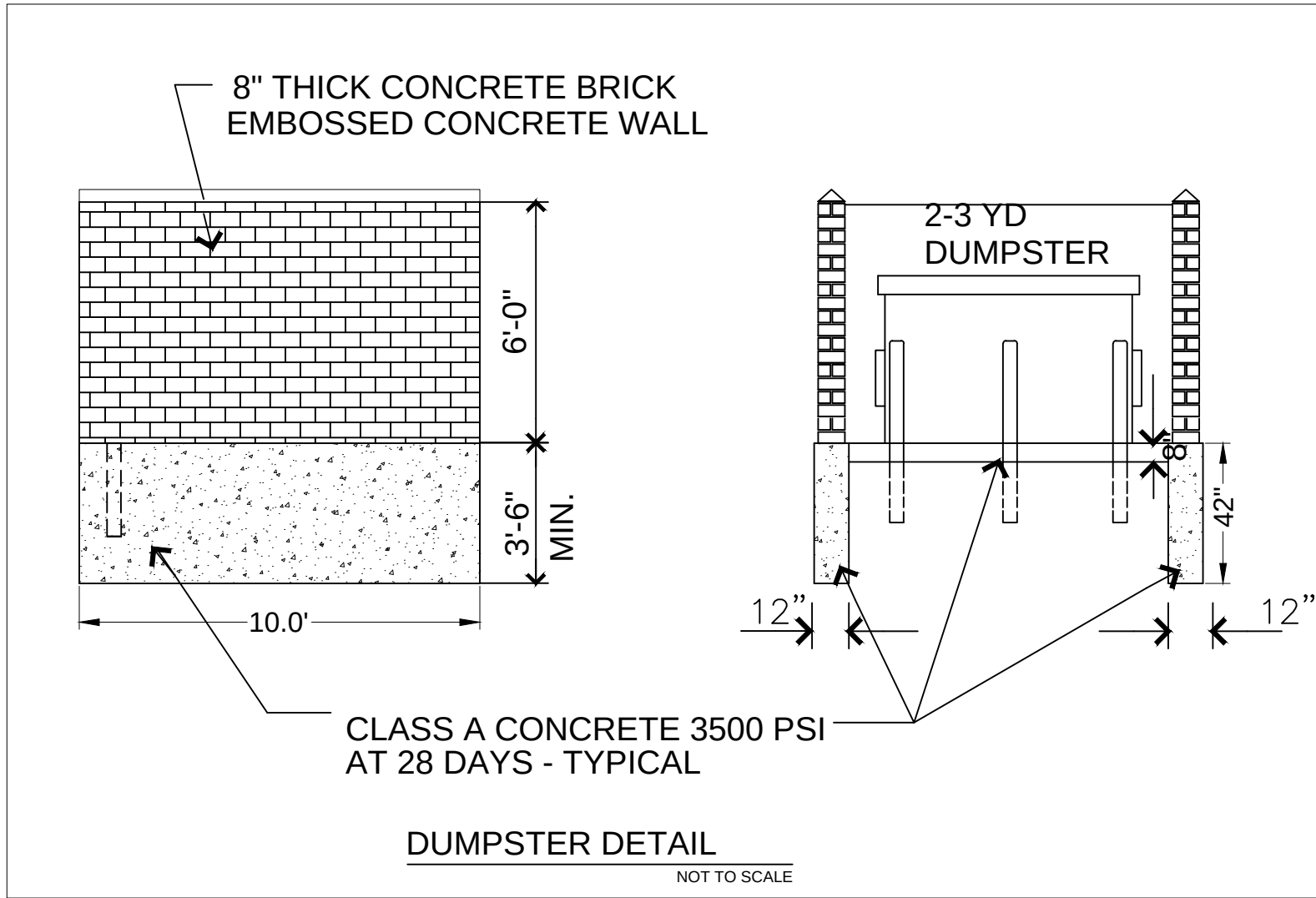
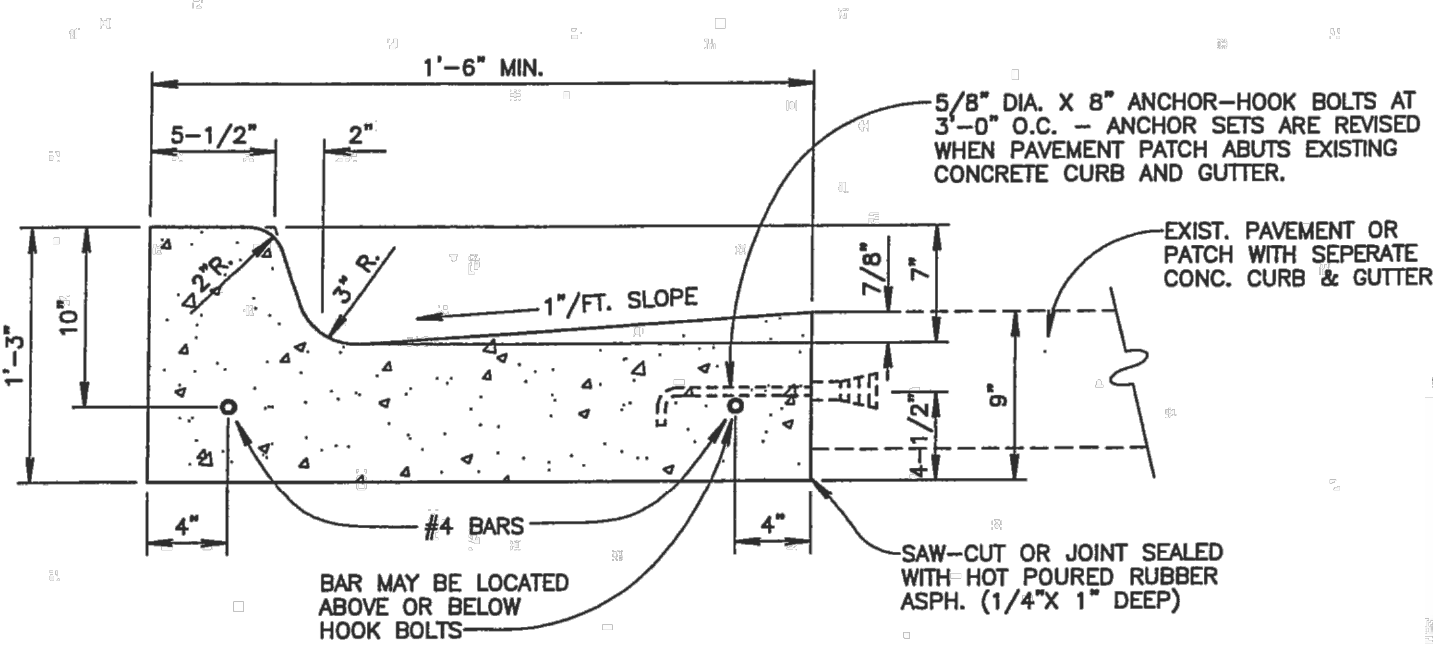


LOCATION MAP
N.T.S.



LEGAL DESCRIPTION:
PARCEL 1:
PIPER'S FACTORY SITES PART OF LOTS 16 AND 17DESC AS FOLL; COMM AT NE COR LOT 16; THS0°10'W 171.37 FT ALG E LINE LOT 16 TO PT OFBEG; TH S0°10'W 132.71 FT ALG E LINE LOT 16; THN89°14'W 167.67 FT; TH S33°13'30 W 18.07 FT; THN56°46'30 W 101.47 FT; TH N31°48'30 E 109.15 FTALG SELY SIDE GROESBECK HWY,OR,M 97, 120 FTWIDE; TH S89°14'E 205.32 FT TO PT OF BEG. CITYOF FRASER
PARCEL 2:
PIPER'S FACTORY SITES LOT 17; EXC PART LYINGN OF LINE DESC AS FOLL; COMM AT NW COR LOT16; TH S0°30'W 304.80 FT TO PT OF BEG; THN89°14'W 17.67 FT; TH S33°13'W 18.07 FT; THN56°46'30 W 101.47 FT TO SE LINE M 97 R/W TO PTOF ENDING; ALSO EXC PART OF LOT 17 DESC ASFOLL; COMM AT SW COR SD LOT; TH S89°14'E 94.97FT; TH N31°48'30 E 31.52 FT TO PT OF BEG; THN31°48'30 E 83.33 FT ALG E SIDELINE M 97, 120 FTWIDE; TH S58°11'30 E 92.30 FT; TH S31°48'30 W29.41 FT; TH N89°14'W 107.73 FT ALG LINE PARAAND 27.0 FT N OF S LOT LINE TO PT OF BEG; ALSOEXC THAT PART TAKEN FOR HWY. CITY OF FRASER

GOVERNING CODES:
1. 2015 MICHIGAN BUILDING CODE
2. 2015 MICHIGAN MECHANICAL CODE
3. 2015 MICHIGAN PLUMBING CODE
4. MICHIGAN ELECTRICAL CODE, 2014 NEC
5. ANSI A 117.1-2009 AND MICHIGAN BARRIER FREE DESIGN LAW OF PUBLIC ACT 1 OF 1966 AS AMENDED
6. MICHIGAN UNIFORM ENERGY CODE RULES PART 10 WITH ANSI/ASHRAE/IESNA Standard 90.1-2007
7. INTERNATIONAL FIRE CODE 2012
8. CITY OF FRASER ZONING ORDINANCE.
APPROVED PLANS TO BE ON SITE AT ANY TIME
PERMIT MUST BE OBTAINED FROM THE CITY PRIOR TO ANY TYPE OF WORK



AID ENGINEERING
520 E. 12 MILE ROAD
MADISON HEIGHTS, MI 48071
PH: (248) 284-0089
FAX: (248) 390-3822
E-mail: Aidengineering@yahoo.com

OWNER'S NAME
Mr. KEVIN HANNA

33180 GROESBECK HWY.
FRASER, MI

REVISIONS:

SHEET TITLE
SITE PLAN

Project
Date
8/10/2022
Scale
AS NOTED

Sheet
SP-1



MCKENNA

September 23, 2022

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

**SUBJECT: ZBA REPORT
#22-04 VARIANCE REQUEST / GABARA HOLDING, LLC**

APPLICANT: GABARA HOLDING, LLC

SECTION: SECTION 32-44 OF THE FRASER ZONING ORDINANCE REGULATES FENCES IN OTHER THAN SINGLE FAMILY ZONING DISTRICTS AND SECTION 9-3 OF THE FRASER CODE REGULATES THE LOCATION OF FENCES; SECTION 9-31 PROVIDES AUTHORITY TO THE ZONING BOARD OF APPEALS TO GRANT VARIANCES FROM THE FENCE CODE UNDER CERTAIN CIRCUMSTANCES.

LOCATION: 33180 GROESBECK, FRASER MICHIGAN, 48026

REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS INCLUDING:

- ERECT A STRUCTURE MEETING THE DEFINITION OF A FENCE (I.E., A MASONRY WALL) BETWEEN THE FRONT BUILDING LINE AND THE FRONT PROPERTY LINE.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for the construction of a masonry wall, 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.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

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F 248.596.0930
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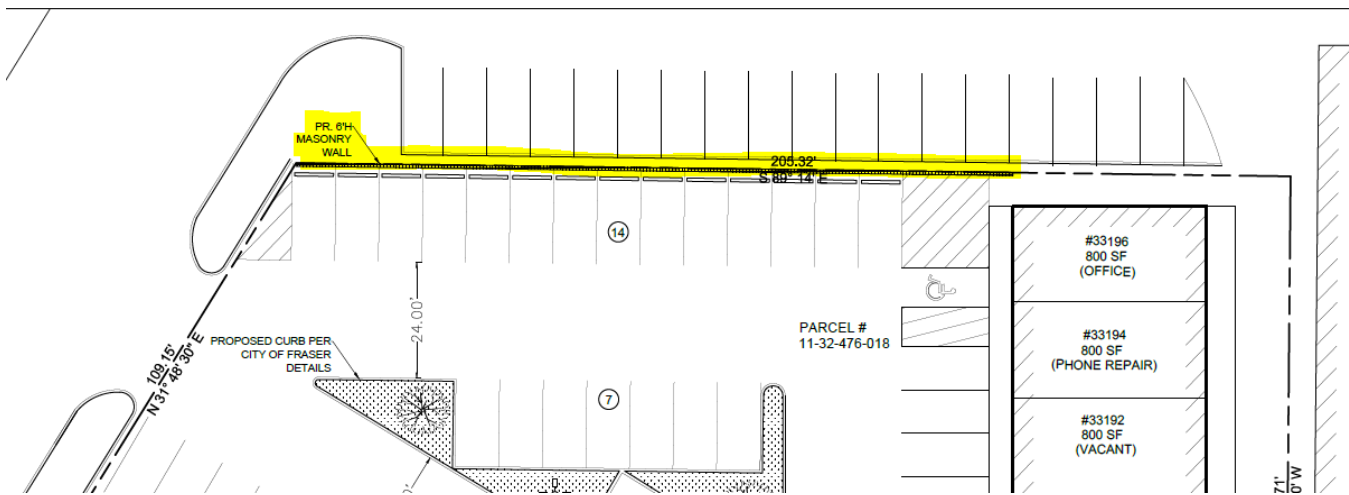
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ADMINISTRATIVE STATEMENT OF FACTS

33180 Groesbeck is currently zoned CG, Commercial General. The applicant recently acquired the property and is renovating the existing buildings and existing site to attract new commercial tenants. The proposed renovation was considered by the Planning Commission at its September 7, 2022 meeting. The Commission did not fully approve the site plan, as part of the proposal is the construction of a six-foot high masonry wall along the north property line. This masonry wall is located forward of the established building line and occurs partially within the required front yard of the property and is not permitted by Ordinance standards.

The applicant stated to the Planning Commission and the Administration that the wall is necessary to stop customers from the adjacent business to the north from parking on the applicant's parking lot, as well as unauthorized use of the applicant's parking by trucks. We are sympathetic to the desire to enclose and demarcate the parking lot, and thus suggested a low landscaping element instead of the wall, which would meet Ordinance requirements. The applicant asserts that a masonry wall is necessary and thus has applied for a variance. Members of the Planning Commission suggested to the applicant that a wall that stepped down to a lower height forward of the building line would alleviate the Administration's concerns about compromised visibility and vehicular circulation that would occur if the applicant's proposal were constructed.



Section 32-44(c) of the Fraser Zoning Ordinance states :

Location. Such fences [in other than single-family zoning districts] shall not be located in the required front yard or enclose any required parking area.

Section 9-3 (b) of the Fraser Code of Ordinances states:

Setback limitation. No fence shall be erected between the front building line and the front property line of any premises; provided, however, such a fence may be erected on premises where there exists in the immediate area such fences, and upon a determination by the zoning board of appeals that the erection would not be deleterious to the health, safety or welfare of the citizens of the city.

The applicant is requesting a variance from these standards to construct a six-foot masonry wall as described in the site plan above.

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 applicant states an operational difficulty that exists that precipitated the need for this variance. We are not aware of any extraordinary circumstances that apply to the property.

- 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.*

Surrounding properties near the subject site within Fraser City limits do not have masonry walls located in the front yard. We are unaware of the circumstances of the few front-yard fences that do exist along Groesbeck, but are unaware of any fences in existence that are of the height and opacity as proposed here.

- 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 interpret the intent of regulations on front-yard fences as to preserve and improve the aesthetic character of required front yards and ensure that no unnecessary obstacles to visibility and safe circulation occur. The proposal would impair that purpose.

- 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 in terms of light and visual impacts.*

Constructing a six-foot wall to the front property line has the potential to impair the usability of the vehicular ingress/egress of the property to the north (33210 Groesbeck), as it would impair the visibility of vehicles entering and exiting 33210 from northbound traffic on Groesbeck.

- 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, surrounding properties within the City of Fraser limits do not appear to have been granted similar rights as the applicant is requesting (fencing or masonry walls in the front yard). It is not likely that these exceptions would become a general rule, but this case could be utilized as a precedent for future decisions.

OR

- 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 considered the proposed site plan, but did not sponsor the variance request, at the September 7, 2022 meeting. This provision does not apply.

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, the scenario does not apply.



CONCLUSION

We recommend the ZBA consider the applicant's 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.

Please let me know if you have any questions. We will attend the ZBA meeting on October 6, 2022.

Respectfully Submitted,

Paul Urbiel, AICP
Senior Principal Planner

Alicia Warren
Assistant Planner

Cc: Applicant
City Manager
Building Official
City Attorneys