



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

OCTOBER 5, 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 – October 5, 2023**
- V. Approval of Minutes – August 3, 2023**
- VI. Formal Statement by Chair**
- VII. Public Hearing**
 - a. 32660 Utica Road Front Parking Setback Variance**
- VIII. Old Business (Postponed Cases)**
- IX. New Business of the Board**
 - a. Residential Driveway Expansion Discussion**
 - b. Training Date Discussion**
- X. Unfinished Business of the Board**

[Type here]

- XI. Monthly Report**
 - a. August/September Monthly Reports
 - a. Action Items Update

XII. Planning Commission Liaison

XIII. Public to be Heard

XIV. Adjournment

Posted: September 29, 2023



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MINUTES
CITY OF FRASER
33000 GARFIELD, FRASER, MI 48026
ZONING BOARD OF APPEALS MEETING
AUGUST 3, 2023 @ 7:00 P.M.
DRAFT

1. Call Meeting to Order

Chairman Farina called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

Chairman Farina then led the Pledge of Allegiance.

3. Roll Call "Member"

Present: Burley, Chimenti, Farina, Goodell, Lesich, Menendez
Absent: none

4. Approval of Agenda – August 3, 2023

Motion by Menendez supported by Lesich to approve the agenda for August 3, 2023 meeting of the City of Fraser Zoning Board of Appeals.

AYES: Burley, Chimenti, Farina, Goodell, Lesich, Menendez
NAYS: None

Motion Carried

5. Approval of Minutes – July 20, 2023

Motion by Lesich supported by Menendez to approve the minutes of the July 20, 2023 meeting of the City of Fraser Zoning Board of Appeals as amended, noting that Member Burley was not present under Roll Call and Member Burley did not vote to adjourn.

AYES: Burley, Chimenti, Farina, Goodell, Lesich, Menendez
NAYS: None

Motion Carried

6. Formal Statement by Chair

Chairman Farina read the formal statement into the record.

7. Public Hearing – None

8. Old Business (Postponed Cases)

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

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.

LOCATION: 17157 ANITA, FRASER, MI 48026

Eric Heideper with Poly Arc, 44045 Gratiot Avenue in Clinton Township was present on behalf of the applicant. Design of the proposed structure including roof line, exterior, and interior were discussed with the board.

Chair Farina found the dimensions on the submitted drawing were slightly off from what is currently on the property.

Board Member Menendez asked about how the existing garage is going to be connected to the breezeway.

Chair Farina asked Mr. Heideper to identify the hardship or difficulty of the land, which are how variances are granted. Mr. Heideper stated the hardship comes from the placement of the garage in relation to the house. The existing conditions of the home have not been altered since the purchasing of the home. Nothing unique to the land could be identified.

Member Menendez asked about a handicap ramp be added in lieu of the addition, Mr. Heideper stated that this could be an option.

Motion by Lesich supported by Menendez to deny the variance request 23-03 for 17157 Anita for the reason of no hardship to the land being identified.

There was no public comment to be heard.

AYES: Burley, Chimenti, Farina, Goodell, Lesich, Menendez
NAYS: None

Motion Carried

9. New Business of the Board

Nothing at this time.

10. Unfinished Business of the Board

Chair Farina asked that more information be submitted with applications for Zoning Board of Appeals.

11. Monthly Report

a. July Monthly Report

Planner Warren discussed with the board new changes and updates from last month's Zoning Board of Appeals meeting.

b. Action Items

Planner Warren discussed responses to open questions from last month's meeting including rope lighting standards, 16841 14 Mile sign addition that was put up after denial, and open enforcement at 34625 Utica hole in the ground.

New items for next month include the addition of the can lights added to the exterior at 16841 14 Mile Road and soil contamination at 34625 Utica.

12. Planning Commission Liaison

Chairman Farina reviewed the Planning Commission meeting that was had on Wednesday August 2, 2023.

13. Public to be Heard

No Public to be heard.

14. Members Comments and Items of Interest

Member Menendez asked that the Action Item be printed for the members at the meetings to review.

All other members no comment.

15. Adjournment

Motion by Lesich supported by Goodell to adjourn the meeting at 7:33 p.m.

AYES: Burley, Chimenti, Farina, Goodell, Lesich, Menendez
NAYS: None

Motion Carried

City of Fraser Zoning Board of Appeals Meeting
August 3, 2023

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser



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, October 5, 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 #23-04:

VARIANCE REQUESTS / 32600 UTICA ROAD

BY REASON OF:

SECTION 32-133-3-B, PROVISIONS PERTAINING TO REQUIRED FRONT PARKING SETBACKS.

PURPOSE OF REQUEST:

TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO REDUCE THE REQUIRED FRONT PARKING SETBACK FROM 70 FEET TO 35.44 FEET (MEASURED FROM THE CENTERLINE OF THE ROAD RIGHT-OF-WAY).

PROPERTY IN QUESTION:

32660 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.



City of Fraser

Building & Code Enforcement Department

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<u>BY REASON OF:</u>	SECTION 32-133-3-B, PROVISIONS PERTAINING TO REQUIRED FRONT PARKING SETBACKS.
<u>PURPOSE OF REQUEST:</u>	TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO REDUCE THE REQUIRED FRONT PARKING SETBACK FROM 70 FEET TO 35.44 FEET (MEASURED FROM THE CENTERLINE OF THE ROAD RIGHT-OF-WAY).
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Hon. Members of the Zoning Board of Appeals
City of Fraser
33000 Garfield Road
Fraser, Michigan 48026

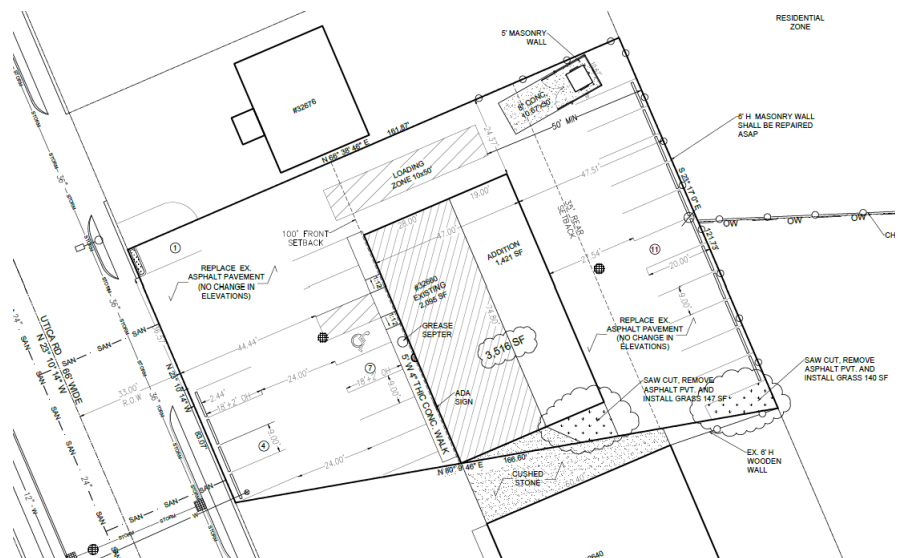
Members of the Zoning Board of Appeals:

VARIANCE REQUEST SUMMARY

ADMINISTRATIVE STATEMENT OF FACTS

Section 32-133-3 of the Fraser Zoning Ordinance regulates minimum yard requirements in CN, commercial neighborhood district. 32-133-3(b) specifies that in the RCN district, the front parking setback shall be 70 ft measured from the centerline of the road R.O.W.

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The proposed configuration includes a front parking setback of 35.44 ft, which is a deficit of 34.56 feet. It should also be noted that the current parking requirements for minimum parking spaces is not met. An additional space is required.

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 following facts and conditions of a. through 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 has also indicated that the topography and layout of the land make it challenging to conform to the front parking setback without compromising the functionality and aesthetics of 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.

The applicant has indicated that several other properties along Utica Road and adjacent properties are not adhering to the 70-foot parking setback requirement. Staff has confirmed that there are properties on Utica Road in the CN district that have front parking that is not setback 70 feet, including the property adjacent to the north and south.

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

The applicant has indicated that adhering to the 70-foot parking setback would significantly limit the potential use of the property, and the project will be a significant investment with the potential to benefit both the surrounding real estate and the city of Fraser, and real estate development can have a positive impact on local economies.

It should be noted that the business owner to the north has concerns regarding the parking configuration with regard to their business' sign visibility. The sign is a small ground sign, and the concern is that the 1 parking space on the north side in the front would block visibility of their sign and negatively impact their business.

- 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 could be argued that this request for setback variances is general due to the nature of the surrounding properties.



or

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

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

or

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

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

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 5, 2023.

Respectfully submitted,

McKENNA

Lauren Sayre
Assistant Planner

Cc: Applicant
Elaine Leven, City Manager
Bruce Eck, Building Official
Don Denault and Alyssa Albright, City Attorneys



Memorandum

TO: City of Fraser Zoning Board of Appeals
FROM: Lauren Sayre, City Planner
SUBJECT: Ordinance Discussion: Driveway Expansion
DATE: September 28, 2023

The intention of this memo is to summarize the recent Zoning concerns planning staff has been receiving from residents of Fraser regarding residential driveway expansions.

BACKGROUND ON DRIVEWAY EXPANSION REQUESTS

Planning Input

The planning department has been receiving a lot of calls and inquiries about residential driveway expansions. Essentially, individuals want to add room for another car to park on the driveway or extend it a couple feet into the front or side yard. Staff is under the impression that the Ordinance restricts the expansion of the driveway into the front or side yards given Sec. 32-92(10):

"Residential off-street parking spaces for one and two-family uses shall consist of a parking strip, driveway, garage, carport, or combination thereof, and shall be located on the premises they are designated to serve. Parking shall be restricted to paved areas. Paved areas shall not be permitted in any required side yard or any required front yard (except the driveway located in the front yard) unless it is necessary to provide access to a side entry garage, detached garage, or side or rear required parking space(s). Horseshoe drives may not be used to satisfy the parking requirements."

Staff notes that a lot of the uncertainty comes from the lack of definition of a driveway and lack of any dimensional standards. Given that paved areas are only permitted in any required side or front yard unless it is necessary to provide access to a garage or rear parking, Staff would interpret the driveway being only for access to these parking, so it should not be expanded to provide more parking. However, this is difficult to enforce.

Staff believes the intention of the Ordinance is to limit paved surfaces in front and side yards, but if someone builds a new house, there is currently no limit (that we are aware of) of how much paved surface they can have in the front, as long as it is for the "driveway."

Building Input

The former building inspector was under the impression that driveways could be expanded in the front or side yards.

City Attorney Input

Don DeNault provided the following input:

Simplistically speaking, the "driveway" is the pavement leading to the garage (with occasional exceptions). Adding front or side yard pavement that happens to abut or connect to the driveway does not make that pavement part of the driveway. It's front or side yard pavement, or "paved area," and most communities (including Fraser) have ordinances consistent with not allowing that. We do see some semantics at times, and other issues tend to arise out of these requests (paving in the right-of-way, fencing locations, clear vision sight triangles, decorative



expansions, lot coverage, impervious surface limits, etc.), but we have generally seen consistency in the conclusion that “extra pavement” is not “driveway” as that term was intended to be applied.

PLANNING STAFF REQUEST

Planning Staff is requesting that the ZBA clarify the intention of the Zoning Ordinance as it relates to residential driveway expansions and if they are permitted or not. Additionally, we request that the ZBA consider a text amendment to Sec. 32-92(10) or a text amendment to add the definition of a driveway is appropriate.



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To: Zoning Board of Appeals Members

Date: 9/28/2023

From: City Clerk Greenia

Re: Joint Training Date with Planning Commission

The following members of the Zoning Board of Appeals and Planning Commission have expressed interest in a joint training presented by our attorney and planner in the Fall of this year:

Mark Burley

Kathy Czarnecki

Frank Farina

Matt Goodell

John Keil

Michael Lesich

Rosanne Menendez

Renee Meyer

I am asking for suggested dates for this training. There will be a Planning Commission Meeting the night before the Zoning Board of Appeals Meeting. I have placed this on their agenda as well. I will have their available dates for the training and we will see if we can choose one that is suitable for all who want to attend.

2023 NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
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OCTOBER 2023

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

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Monthly Planning & Zoning Report

For September 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. Discussion at September 6, 2023 Planning Commission. Applicant has indicated they would like Planning Commission to reconsider the conditions of the site plan approval.
#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.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
		Pending revised site plan submission and City receipt of cross-access agreements. Final site plan approval granted at June 7th, 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</i> <i>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 7th, 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 August 2, 2023 Planning Commission meeting until September 6, 2023 meeting for applicant to apply for a Class A Nonconforming designation. Public Hearing to be held for Class A designation on September 6, 2023. Class A designation approved. Final site plan administratively approved with Planning Commission conditions met.
SLU23-01 <i>31000 Groesbeck Hwy</i>	Special Land Use application to operate an auto repair shop in the CG district.	Postponed at August 2, 2023 Planning Commission meeting until September 6, 2023 for applicant to submit full site plans. Site plan and SLU approved on September 6, 2023. Pending final site plans.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
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.
ZBA22-04 <i>33180 Groesbeck Retail</i>	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 <i>16841 E 14 Mile Road Smokey Joe's</i>	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 <i>31475 Utica Road Devon Storage</i>	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 <i>34835 Utica Road Meijer</i>	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 20th, 2023 meeting.
ZBA23-03 <i>17157 Anita</i>	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. Application denied at August 3, 2023 meeting.
SP23-03 / ZBA23-04 <i>32660 Utica Road Strip Mall</i>	Site plan to convert a coin-operated car wash into a 3-unit commercial strip mall. Variance request to reduce the front setback from 70 ft to 35 ft.	Preliminary site plans reviewed. Applicant contacted for revised site plans. Postponed until October 4, 2023 Planning Commission Meeting. Variance request scheduled for October 5, 2023 ZBA.

LOOKING FORWARD



- Draft Sign Ordinance underway. Sign Ordinance will be an item on Planning Commission agendas to update sections at a time, starting in September 2023.

CONTACT US

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

- Lauren Sayre (lsayre@mcka.com)
- Alicia Warren (awarren@mcka.com) – Out of Office until December