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City of Fraser

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**MINUTES
CITY OF FRASER
33000 GARFIELD, FRASER, MI 48026
ZONING BOARD OF APPEALS MEETING
OCTOBER 5, 2023 @ 7:00 P.M.
AS APPROVED 11/2/2023**

1. CALL MEETING TO ORDER

Vice-Chair Lesich called the meeting to order at 7:00 p.m.

2. PLEDGE TO THE FLAG

Vice-Chair Lesich then led the Pledge of Allegiance.

3. ROLL CALL

Present: Burley, Chimenti, Lesich, Menendez

Absent: **Farina**

Motion by Menendez supported by Chimenti to excuse Chairman Farina and Board Member Goodell from the meeting.

AYES: Burley, Chimenti, Lesich, Menendez

NAYS: None

Motion Carried

4. APPROVAL OF AGENDA

Motion by Chimenti supported by Menendez to approve the agenda for the October 5, 2023, meeting of the City of Fraser ZBA as presented.

AYES: Burley, Chimenti, Lesich, Menendez

NAYS: None

Motion Carried

5. APPROVAL OF MINUTES AUGUST 3, 2023

Motion by Burley supported by Menendez to approve the minutes of the August 3, 2023 meeting of the City of Fraser Zoning Board of Appeals as amended (below)/presented.

AYES: Burley, Chimenti, Lesich, Menendez

NAYS: None

Motion Carried

6. FORMAL STATEMENT BY THE CHAIR

Vice-Chair Lesich read the formal statement into the record.

7. PUBLIC HEARING

**SUBJECT: ZBA VARIANCE REQUEST # 23-04 32660 Utica Road,
Variance from City of Fraser Zoning Ordinance Section
32-133-3, Provisions Pertaining to Required Front
Parking Setbacks.**

Planner Lauren Sayre reviewed the request as it pertains to the City of Fraser Zoning Ordinance. She indicated that the applicant was proposing to modify the existing coin-operated car wash building. He was intending to expand the building to create a 3,516 square foot retail strip mall with three (3) commercial units. He is proposing a configuration of the parking at the site that would require a front yard setback variance. The request is to reduce the required 70-foot parking setback to approximately 35 feet. She then reviewed this against the standards that must be met in order for the Zoning Board of Appeals to consider granting a variance.

It was noted that there were several other businesses along this stretch of Utica Road that did not adhere to the required 70-foot setback requirements.

In her review she stated that the business owner to the North had concerns regarding his sign visibility if the proposed parking variance was granted.

Her final recommendation was that the Zoning Board of Appeals should consider the applicant's justification for hardship, noting any additional information brought forward should be incorporated into the record prior to the Board making any decision.

At this time the Zoning Board of Appeals members did have questions. Member Menendez stated that she noticed in the review the applicant was actually one parking space short of the required amount – would they not have to seek an additional variance for that and re-notice. Ms. Sayre stated it was her understanding that the applicant was waiting to see the outcome of the meeting tonight. If they were allowed the parking setback variance they would be able to accommodate the number of parking spaces required. They might be willing to reconfigure the square footage from the building to accommodate the deficiency.

Discussion was had on the direction the parking spaces were pointing.

At this time the applicant approached the Board. Vice-Chair Lesich indicated to him that currently there were only four (4) of the seven (7) members present. In order to get approval of a variance four (4) votes were required – which meant that all members present would have to support the approval. The applicant had the option to delay the hearing of this case if he wanted to. The applicant indicated that he understood and wished to move forward anyway.

Vice-Chair Lesich opened the Public Hearing at 7:12 p.m.

Sam Thomas the Architect and Fadi Akaam the owner of the property were present on behalf of the applicant.

Mr. Thomas shared that this building would be new construction, it would be utilizing the Existing foundation and footprint and adding on to it. It would be new from the ground up.

Board Member Burley asked about the number of spaces that were currently on the plan. Mr. Thomas stated there were 23 if the five (5) in the front that would require the variance are approved. Planner Sayre stated that there were 24 required, only 23 presented. The applicant could lower the number of spaces required if he reduced the square footage of the building.

Discussion was had on what types of businesses would be at this location. Mr. Akaam indicated that they would be things like and ice cream shop, to go pizzeria, cell phone store. Retail that did not require long-term parking. Having the front parking was very important.

Discussion of the hardship was had. What was the hardship that would state the variance could be approved.

Board Member Burley commented on the parking space in the northwest corner of the site. It was quite a way from the building. Board Member Menendez noted her concern with the parking spaces layout and how when it was dark headlights may end up in the neighboring homes. She added that the one parking spot in the northwest corner could be a concern to a neighboring business as it could block his existing ground sign. Discussion was had on this sign. Mr. Thomas stated they were willing to give up that parking spot.

At this time the Board discussed with Planner Sayre regarding how low the Square footage for the entire building would have to drop to in order to accommodate The 22 parking spaces. She stated that if these were retail businesses that number would be 3,300 square feet. Attorney Tomich stated that if the applicant amends their plan so that the building has less square footage the building would only require 22 parking spaces, but it would still require a variance to allow for the 35 foot setback in the front yard versus the 70 required by Ordinance.

Blaze Hurth, he is the neighbor to the North of the applicant's site. He noted his concern That was discussed regarding his sign being blocked. He commented on having a New sign. This new building would bring him new business he was sure.

The public hearing was closed at 7:36 p.m.

Motion by Chimenti supported by Burley for approval of a setback variance at 32660 Utica Road, Fraser, Michigan with a maximum of 22 parking spots with a conditional Maximum square footage of 3,300 square feet and no parking in The Northwest corner and that area instead will be landscaped with Some type of material to avoid any chance of any parking in that Area and too approve the parking setback variance as requested From the required 70 feet to 35.44 feet.

ROLL CALL VOTE:

AYES: Burley, Chimenti, Lesich, Menendez

NAYS: None

Motion Carried

8. OLD BUSINESS

There was no old business at this time.

9. NEW BUSINESS

a. Residential Driveway Expansion Discussion

Lauren Sayre reviewed for the Board that the Planners had been taking quite a few calls regarding residential driveways and what the term included. It was their understanding that the term “driveway” in the Zoning Ordinance was meant to limit paved surfaces in front and side yards. Currently there is no limit in the Ordinance as to how much paved surface someone building a new house can have. They are looking for clarification from the Zoning Board of Appeals on this and, perhaps, a suggestion for a text amendment to Section 32-92-(10) or a text amendment to add the definition of a driveway to the Ordinance is appropriate.

Board Members discussed this matter. Board Member Burley noted that he understood that basically if you are building a new house you can make your driveway however wide you want it but if your house exists you cannot expand it. Planner Sayre agreed that was the issue. Board Member Menendez indicated that there was some conflicting interpretations of this Ordinance. For instance, if a person had large recreational vehicles – for instance a camper or a boat - they were required to be on a hard surface- cement or rocks. To do so you have to be beyond the front building line. Those people would be allowed/required to have additional concrete but if you want to extend your driveway because you have multiple vehicles you cannot do this. This seems like there are different rules for these groups of people. She added that she felt it would be a good idea to continue this discussion with the entire Zoning Board of Appeals present.

Vice-Chair Lesich asked if “paved areas” means concrete or asphalt or can it be rocked area. He also wondered if the amount of hard surfacing allowed changed with the size of the lot. Planner Sayre responded that “paved areas” meant concrete or asphalt, she did not believe that a distinction was made based on the size of the lot.

Board Member Menendez asked if this item could be placed under “Old Business” on

The November agenda. She then requested Ordinances regarding this from other Communities at the next meeting.

b. Training Date Discussion

City Clerk Greenia indicated that Chair Farina had brought up at the Planning Commission Meeting that he would like to have a joint training session with the Planning Commission and Zoning Board of Appeals. She stated that she got clear dates last night at The Planning Commission meeting and was looking for dates that the Zoning Board of Appeals members could meet. She shared she would be getting back with them in the new few days with any “good” dates.

10. UNFINISHED BUSINESS OF THE BOARD

Nothing at this time.

11. MONTHLY REPORT

Planner Sayre reviewed the updated monthly report. She indicated that yesterday the Planning Commission had given Hockeyland Conditional Approval to remove provisions of shared parking from their conditions for site plan approval as well as remove the deceleration lane. She reviewed some other updates.

Board Member Menendez asked how the Planning Commission could remove the shared Parking agreement requirement whose stipulations were put in place by the Zoning Board Of Appeals. Discussion ensued on this question. Attorney Tomich stated she would provide An update at the November meeting on this matter.

Board Member Chimenti inquired about the Site Plan approval on the business at 31000 Groesbeck – the auto glass business. This was reviewed by Planner Sayre.

Vice-Chair Lesich asked if there was a date when the ZBA approved the variance on Hockeyland. He would like to review this. The variance for parking reduction was given on October 3, 2019.

Member Menendez asked what was happening in regard to Smokey Joe's and their illegal sign. Attorney Tomich stated they were ticketed for it. She would like to verify this.

12. PLANNING COMMISSION LIASON MEMBER REPORT

Chair Farina was not at tonight's meeting to give an update.

13. PUBLIC PARTICIPATION

No public to be heard.

14. MEMBERS COMMENTS AND ITEMS OF INTEREST

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Nothing at this time.

15. ADJOURNMENT

Motion by Menendez supported by Burley by to adjourn the meeting at 8:09 p.m.

AYES: Burley, Chimenti, Lesich, Menendez

NAYS: None

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser