



CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

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AGENDA

CITY OF FRASER ZONING BOARD OF APPEALS

DECEMBER 7, 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 – December 7, 2023**
- V. Approval of Minutes – November 2, 2023**
- VI. Presentation of Special Tribute to Mark Stimac as Presented by the Honorable State Senator Veronica Klinefelt**
- VII. Formal Statement by Chair**
- VIII. Public Hearing**
- IX. Old Business (Postponed Cases)**
 - a. Set Public Hearing Date for ZBA Case #23-05 31471 Utica Road**
- X. New Business of the Board**
 - a. Adopt 2024 Meeting Calendar**
- XI. Unfinished Business of the Board**
 - a. Discussion of Driveway Expansion**

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- XII. Monthly Report**
 - a. November Monthly Reports**
 - a. Action Items Update**

XIII. Planning Commission Liaison

XIV. Public to be Heard

XV. Adjournment

Posted: 11/30/2023



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DRAFT MINUTES
CITY OF FRASER ZONING BOARD OF APPEALS
NOVEMBER 2, 2023 @ 7:00 P.M.
COUNCIL CHAMBERS, 33000 GARFIELD, FRASER, MI 48026

I. Call Meeting to Order

A regular meeting of the City of Fraser Zoning Board of Appeals was held on Thursday, November 2, 2023 at 7:00 pm. In City Council Chambers. The meeting was called to order by Chairman Farina at 7:00 p.m.

II. Pledge of Allegiance

Chairman Farina led the Pledge of Allegiance.

III. Roll Call

PRESENT: Burley, Farina, Lesich, Menendez

ABSENT: Chimenti, Goodell

OTHERS: City Attorney Alyssa Ericson, City Planner Lauren Sayre, City Clerk Greenia

AYES: Burley, Farina, Lesich, Menendez

NAYS: None

Motion Carried

IV. Approval of Agenda – November 2, 2023

Motion by Menendez supported by Lesich to amend the agenda to remove Item #9, a and b.

AYES: Burley, Farina, Lesich, Menendez

NAYS: None

Motion Carried

V. Approval of Minutes – October 5, 2023

Chairman Farina stated he had given City Clerk Greenia one correction to the minutes regarding his attendance at the October meeting.

Motion by Lesich supported by Menendez to approve the minutes of the City of Fraser Zoning Board of Appeals Meeting for October 5, 2023 as amended.

AYES: Burley, Farina, Lesich, Menendez

NAYS: None

Motion Carried

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VI. Formal Statement by Chair

Since there were no audience members, Chairman Farina did not read the formal statement into the record.

VII. Public Hearing

a. City of Fraser ZBA #23-05 Variance Request Monticello Company LLC

Request for variance to City of Fraser Zoning Ordinance Section 32-85-1-O, Provisions, Pertaining to accessory, freestanding signs. Request to increase the maximum freestanding sign height to 11 feet, 4.54 inches where section 32-85-1-O specifies that freestanding signs shall be at least ten (10) feet at their lowest point above the sidewalk level or less than four (4) feet in height at the highest point.

Location: 31471 Utica Road; Fraser, MI 48026

Chairman Farina indicated that the applicant was not present at the meeting.

Motion by Menendez supported by Lesich to postpone hearing on City of Fraser Zoning Board of Appeals Variance Request #23-05.

AYES: Burley, Farina, Lesich, Menendez

NAYS: None

Motion Carried

VIII. Old Business (Postponed Cases)

a. Residential Driveway Expansion Discussion

Planner Lauren Sayre reviewed the memo dated September 28, 2023, regarding driveway expansion. This memo was in the October packet as well, but the Zoning Board of Appeals felt it would be good to let the members that were absent from that meeting weigh in on this memo.

The Board discussed their thoughts on this. Board Member Menendez indicated it was her recollection that they had requested ordinance language on this issue that other cities used. Ms. Ericson noted that Ms. Tomich, a member of her law firm, spent an extensive amount of time researching this and only found perhaps two (2) other such ordinances. There is not a lot out there regarding this specific language on driveways.

Board Member Menendez stated that there were some inconsistencies in the Ordinance. If you have a recreational vehicle, boat or trailer you are required to have an additional hard surface on your property for them. But, if you currently wanted to expand your driveway for additional vehicle parking, you could not. She felt there is disparity and the ordinance should be fair.

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Chairman Farina was very concerned with the number of impervious surfaces in the City and that the Planning Commission and administration should keep that in mind when determining how this could be addressed.

Motion by Menendez supported by Lesich to postpone further discussion on this matter until the next Zoning Board of Appeals Meeting.

Discussion on motion: Attorney Ericson asked what the Board was looking for. Chair Farina stated that he would like to see both the attorney and planner review with other cities have on this matter and we could review those.

Vote on Motion:

AYES: Burley, Farina, Lesich, Menendez

NAYS: None

Motion Carried

IX. New Business of the Board

X. Unfinished Business of the Board

XI. Monthly Report

a. October 2023 Monthly Report

Planner Sayre noted the only items that have changed since last month were that the Planning Commission approved with conditions the revised Site Plan #23-03 on Utica Road and the postponement of the sign variance request that was on the agenda tonight.

The Board discussed the October 2023 Monthly report and some other concerns they had with it.

Discussion was had on the procedure for stamping approved site plans at the meeting. Attorney Ericson stated she would investigate it. Planner Sayre stated that Planning Commission Czarnecki noted that she would be in to sign the approved site plan that was on the agenda for the November 1, 2023 meeting when the applicant had turned in the site plan that reflected all the conditions to be met.

b. Smokey Joe's

Planner Sayre noted she spoke with the Building Official that he was ready to issue a citation on Smokey Joe's but was waiting for some information from the attorney before doing so. No citation had yet been issued. Attorney Ericson stated Attorney DeNault was looking at this matter at this time.

XII. Planning Commission Liaison

Chairman Farina noted that Planning Commission granted conditional approval to Site Plan #23-03 at 32660 Utica Road. They continued to review the sign ordinance. The Board discussed a sign ordinance amendment that was worked on in 2007. Attorney Ericson stated she would check into this at the office.

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XIII. Public to be Heard

No public to be heard.

Discussion was had on the status of Hockeyland.

City Clerk Greenia noted that it looked like the joint Planning Commission and Zoning Board of Appeals training would most likely be held in January.

XIV. Adjournment

Motion by Lesich supported by Menendez to adjourn the meeting at 7:40 p.m.

AYES: Burley, Farina, Lesich, Menendez

NAYS: None

Motion Carried

Respectfully Submitted

Cindi Greenia, Clerk
City of Fraser

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



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Sherry Stein

Dana Sutherland

To: Zoning Board of Appeals

Date: 11/30/2023

From: City Clerk Greenia

Re: ZBA Variance # 2023-05 – Set Public Hearing Date

Please find below information I received from our attorney regarding the status of ZBA Variance # 2023-05. It appears as though we will have to set a new public hearing date and re-notice this matter.

From Alyssa Ericson:

After additional review of the MZEA and the record from the November ZBA meeting, it's our opinion that we are required to re-notice. Due to the fact that the MZEA requires a public hearing be held for variances (and notice of that request be provided to the public), and the fact that the ZBA did not actually start the public hearing due to the applicant's absence, we believe that new notices need to be sent out. In other words, this was not a situation where the public hearing was opened and then postponed. Rather, this was a situation of simply postponing the agenda item. Because it's a public hearing item, new notices should be provided to the public and neighboring properties.

Unfortunately, due to the short turnaround for providing proper notice of the December ZBA meeting (we are required to publish and notify 15 days prior to the meeting date), our recommendation would be to keep the item on the December Agenda under "Old Business" and ask the ZBA to set the public hearing date for the variance request in either January or February, so that way the City would have plenty of time to re-notice. If this works, then we would recommend notifying the applicant to save the trip of attending the December meeting (unless the applicant wants input into when the actual variance hearing will be held, but that can also be communicated to Lauren prior to the December meeting).

As always, please let us know of any questions.



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To: Zoning Board of Appeals

Date: 11/30/2023

From: City Clerk Greenia

Re: 2024 Meeting Dates

According to the City of Fraser Zoning Board of Appeals By-Laws, Article VI, Section 1 the following is noted about meeting dates:

"Regular Meetings. Regular meetings of the Zoning Board of Appeals shall be scheduled for the first Thursday of each month at a time and place designated by the Board, unless the Board cancels the meeting for lack of a quorum or lack of business to be conducted.

In following the above referenced schedule, the following are the proposed dates of the City of Fraser Regular Zoning Board of Appeals meetings for 2024.

January 4, 2024

February 1, 2024

March 7, 2024

April 4, 2024

May 2, 2024

June 6, 2024

July 4, 2024

August 1, 2024

September 5, 2024

October 3, 2024

November 7, 2024

December 5, 2024

In looking for an alternate date for the July meeting I would suggest July 18, 2024.

January

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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

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March

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31						

April

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May

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June

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July

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August

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September

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October

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November

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December

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22	23	24	25	26	27	28
29	30	31				



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.



Monthly Planning & Zoning Report

For November 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. Planning Commission conditionally approved the site plan with amendments to the conditions regarding off-site shared parking agreements.
#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.
<i>SLU23-01</i> <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.
<i>ZBA22-01</i> <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.
<i>ZBA22-05</i> <i>16841 E 14 Mile Road</i> <i>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.
<i>ZBA23-01</i> <i>31475 Utica Road</i> <i>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.
<i>ZBA23-02</i> <i>34835 Utica Road</i> <i>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.
<i>ZBA23-03</i> <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.
<i>SP23-03 / ZBA23-04</i>	Site plan to convert a coin-operated car wash into a 3-unit commercial strip mall.	Preliminary site plans reviewed.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
32660 Utica Road Strip Mall	Variance request to reduce the front setback from 70 ft to 35 ft.	Applicant contacted for revised site plans. Variance request for front parking setback reduction granted for October 5, 2023 ZBA. Conditionally approved by Planning Commission on November 1, 2023. Awaiting final site plans.
ZBA23-05 31471 Utica Road	Sign Variance for industrial site to increase the height of a freestanding sign to 11 ft where free standing signs must be below 4 ft of above 10 ft	Postponed to January or February to ensure noticing requirement for public hearing.

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