



CITY MANAGER
Elaine Leven
CITY CLERK
Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Michael Lesich
MAYOR PRO-TEM
Dana Sutherland
COUNCIL
Amy Baranski
Patrick O'Dell
Kenny Perry
Patrice Schornak
Sherry Stein

AGENDA
CITY OF FRASER ZONING BOARD OF APPEALS
April 4, 2024 @ 7:00 P.M.
COUNCIL CHAMBERS, 33000 GARFIELD; FRASER, MI 48026

- 1. Call Meeting to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Agenda – April 4, 2024**
- 5. Approval of Minutes – March 7, 2024**
- 6. Formal Statement by Chair**
- 7. New Business of the Board**
 - a. Public Hearings**
 - i. ZBA #24-02: Variance Request – Sunbelt Rentals / Location: 31253 Utica Rd.**

To obtain a variance from zoning ordinance standards to allow a front setback for parking of 87.13 ft and a 51.6 ft front setback for a storage area in the IC District, which requires a 110 ft parking setback. And, to obtain a variance from the zoning ordinance to allow a front setback for a fence of 51.6 ft in the IC District, which requires a 110 ft parking setback.
 - ii. ZBA #24-03: Variance Request - Foundation Solutions 360 / Location: 34400 Klein Rd.**

To obtain a variance from zoning ordinance standards to increase the existing nonconforming front parking setback from 63 feet to 51 feet in the IR District, which does not allow parking in the required front or side yard setbacks. And, to modify to the approved variance conditions of ZBA 22-03, approved on October 6, 2022, to allow the storage of gravel outside in the IR District. The applicant is seeking to remove condition 4, which requires: a shared parking agreement with the adjacent property owner in recordable form is provided to and approved by the city attorney.

8. Old Business (Postponed Cases)

a. ZBA #24-01: Variance Request - Trevor Tuller / Location: 16659, Suite B, 14 Mile Rd.

To obtain a use variance from zoning ordinance standards to allow a powder coating business, which is allowed in the industrial Restricted District (IR), in the Community Business District (CBD).

9. Unfinished Business of the Board – None

10. Monthly Report

- a. March Monthly Reports
- b. Action items Update - None

11. Planning Commission Liaison

12. Public to be Heard

13. Adjournment.

Posted: March 28, 2024



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DRAFT MINUTES **CITY OF FRASER ZONING BOARD OF APPEALS** **MARCH 7, 2024 @ 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, March 7, 2024 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, Goodell, Menendez

ABSENT: Chimenti

OTHERS: City Attorney Hayley Tomich, City Planner Lauren Sayre

Motion by Chair Farina, supported by Menendez to excuse Commissioner Chimenti from the March 7, 2024 Zoning Board of Appeals regular meeting

AYES: Burley, Farina, Goodell, Menendez

NAYS: None

Motion Carried

IV. APPROVAL OF AGENDA – March 7, 2024

Motion by Farina, supported by Burley, to approve the agenda as amended with the movement of Item IX. a. and Item IX. b. Interview of Candidates before Item VII. a. and the removal of Item IV. c. ZBA #24-01, 16659 E. 14 Mile Road, Suite B.

AYES: Burley, Farina, Goodell, Menendez

NAYS: None

Motion Carried

V. APPROVAL OF MINUTES – January 18, 2023

Motion by Burley, supported by Menendez, to approve the minutes as presented.

AYES: Burley, Farina, Goodell, Menendez

NAYS: None

Motion Carried

VI. FORMAL STATEMENT BY CHAIR

Chairman Farina gave a formal statement relative to the powers of the Zoning Board of Appeals and the facts and conditions for granting appeals.

VII. NEW BUSINESS OF THE BOARD

A. Interview of Candidate – Emma Stasek

Candidate Emma Stasek provided her background in Fraser and her qualifications for the position on the Zoning Board of Appeals. Chairman Farina asked Ms. Stasek the interview questions, including her vision for the City of Fraser in the future and her familiarity with the City's Planning Documents, to which Ms. Stasek responded. Planner Sayre reminded Commissioners and the Candidate of the joint training occurring on Monday March 11, 2024 at 6:30pm.

Motion by Burley, supported by Menendez, to recommend to City Council the appointment of Emma Stasek to the Zoning Board of Appeals for a term date ending on December 31, 2026.

AYES: Burley, Farina, Goodell, Menendez

NAYS: None

Motion Carried

B. Interview of Candidate – Patrick Green

Candidate Patrick Green provided his background in Fraser and his qualifications for the position on the Zoning Board of Appeals. Chairman Farina asked Mr. Green the interview questions, including positions on any other boards and commissions, ability to read blueprints, his vision for the City of Fraser in the future and his familiarity with the City's Planning Documents, to which Mr. Green responded. Commissioner Burley asked about the candidate's ability to be impartial and evaluate applications based on the requirements of the zoning ordinance. Mr. Green responded that he would be able to be impartial. Commissioner Menendez asked about Mr. Green's familiarity with the City's ordinances and any potential conflicts of interest. Mr. Green disclosed his 50% ownership of the business requesting a use variance on tonight's agenda but was withdrawing from conversation.

Motion by Farina, supported by Burley, to recommend to City Council the appointment of Patrick Green to the Zoning Board of Appeals for a term date ending on December 31, 2026.

AYES: Burley, Farina, Goodell, Menendez

NAYS: None

Motion Carried

VIII. PUBLIC HEARING

- A. VARIANCE REQUEST #ZBA 24-01 – 16659, Suite B, 14 Mile Road, Use variance to operate a use permitted in the IR district in the CBD district.

Planner Lauren Sayre presented the case for the variance. Request to obtain a use variance from zoning ordinance to allow a powder coating business, which is allowed in the industrial Restricted District (IR), in the Community Business District (CBD). Planner Sayre noted that five votes from the board were needed for the use variance to be approved, and the standards are required to approve the variance. Planner Sayre noted that the original use of the building was as an accessory building and was not for any particular use. Planner Sayre noted the adjacency of residential areas and concerns from the Building Department and Public Safety. Planner Sayre recommended denial of the use variance for 16659, Suite B, 14 Mile Road.

Trevor Tuller was present for discussion and to answer questions from the board.

Commissioner Menendez asked for clarification if OS or CN uses are allowed in the CBD District if they met all qualifications. Planner Sayre confirmed that was the case.

Chair Farina opened the floor for public hearing at 7:33 PM.

There were no comments from the public.

Chair Farina closed the public hearing at 7:33 PM.

Chair Farina asked if the change from a storage use to a manufacturing use was a large change in zoning and if there was a bathroom in the building. Mr. Tuller confirmed there was a bathroom. Mr. Tuller answered concerns about hours of operation and concerns with chemicals and activities outside of the building. Mr. Tuller confirmed that no activity would occur outside of the building and there would be minimal chemicals on the site.

Commissioner Menendez asked what materials would be powder coated and if there would be fumes. Mr. Tuller confirmed that no fumes would be emitted and that materials that would be powder coated would already be stripped in preparation for powder coating.

Commissioner Burley asked if the business would operate on a full-time basis. Mr. Tuller confirmed that it would not be a full-time business. Commissioner Burley asked why the applicant would sign a lease agreement before knowing that they could conduct the proposed use and what the hardship would be. Mr. Tuller explained that he received incomplete information on if the site could be used for his proposed activity and explained the hardship on his application.

Commissioner Menendez asked why the applicant did not find a building in the industrial district. Mr. Tuller said that there was not a building in the industrial district for lease. Chair Farina noted that they did not have enough members present and would have to postpone the vote. City Attorney Tomich confirmed that was the case.

Motion by Menendez, supported by Goodell, to postpone the use variance request #24-01 16659 E. 14 Mile Road, Suite B to obtain a use variance from zoning ordinance standards to allow a powder coating business, which is allowed in the industrial Restricted District (IR), in the Community Business District (CBD) to the April 4, 2024 Zoning Board of Appeals meeting.

Commissioner Menendez noted that a public hearing did not have to occur for this application at the next meeting because it occurred at this meeting. City Attorney Tomich confirmed that was the case and no public noticing needed to occur for this application.

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

Motion Carried

IX. OLD BUSINESS (Postponed Cases)

There was no old business to discuss.

X. NEW BUSINESS OF THE BOARD

A. Annual Planning and Zoning Report

Planner Sayre presented the Annual Planning and Zoning Report, including variances and appeals granted, development reviews, enforcement, items that Planning receives frequent questions on, and the 2024 Work Plan. Commissioner Menendez asked when this would be submitted to City Council. Planner Sayre stated that there was no time limit, but it was planned to be submitted soon, ideally for their next agenda after the upcoming meeting next week.

Motion by Farina, supported by Goodell to forward the 2023 Annual Planning and Zoning Report to City Council with approval from the Zoning Board of Appeals.

AYES: Burley, Farina, Goodell, Menendez

NAYS: None

Motion Carried

XI. UNFINISHED BUSINESS OF THE BOARD

None at this time.

XII. MONTHLY REPORT

A. February Monthly Reports

Planner Sayre provided a correction that the Big Boy, Hockeyland, property temporary certificate of occupancy was extended until March 18th, not March 16th. Planner Sayre stated that the applicant received approval from the Planning Commission for the modification of their special land use.

Planner Sayre noted that the Utica Road Strip Mall was applying for demolition permits and would soon move forward with applying for building permits.

Planner Sayre provided the update that the sign variance that was approved by the board in January was obtained and the sign was construction.

Planner Sayre updated that Sheetz will be returning to the agenda in May after working out the details of the conditional zoning agreement with the City Attorney.

Chair Farina opened up the floor for comments. Chair Farina and Commissioner Menendez congratulated Commissioner Goodell on his new employment.

B. Action Items Update

None at this time.

XIII. PLANNING COMMISSION LIAISON REPORT

Chair Czarnecki of the Planning Commission summarized the March Planning Commission meeting items, including approval of the special land use modification for the Big Boy, Hockeyland project. Chair Czarnecki stated that Mr. Trevor Tuller was recommended by the Planning Commission for approval to serve on the Planning Commission.

Chair Farina reminded commissioners of the joint training on March 11, 2024. City Attorney Tomich provided an update on the training materials that will be provided.

XIV. PUBLIC TO BE HEARD

None at this time.

XV. ADJOURNMENT

Motion by Menendez, supported Goodell by to adjourn at 8:01 pm

All Ayes

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser



MCKENNA

March 18, 2024

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

**SUBJECT: ZBA REPORT #1
#24-02 VARIANCE REQUEST / SUNBELT RENTALS**

APPLICANTS: SUNBELT RENTALS, INC.

SECTION: SECTION 32-144-3-B, PROVISIONS PERTAINING TO REQUIRED FRONT SETBACKS IN THE IC, INDUSTRIAL CONTROLLED DISTRICT, AND SECTION 9-3-B, PROVISIONS PERTAINING TO FENCE SETBACKS.

LOCATION: 31253 UTICA ROAD, FRASER, MICHIGAN 48026

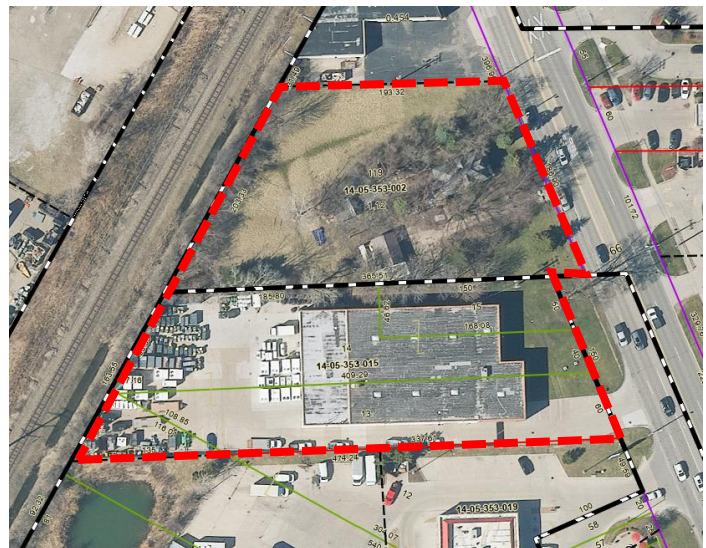
REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO ALLOW A FRONT SETBACK FOR PARKING OF 87.13 FT AND A 51.6 FT FRONT SETBACK FOR A STORAGE AREA IN THE IC DISTRICT, WHICH REQUIRES A 110 FT PARKING SETBACK. ALSO, TO OBTAIN A VARIANCE FROM THE ZONING ORDINANCE TO ALLOW A FRONT SETBACK FOR A FENCE OF 51.6 FT IN THE IC DISTRICT, WHICH REQUIRES A 110 FT PARKING SETBACK.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for a parking lot, fence, and storage of gravel within the front yard and – as it does not meet the requirements of the code - have prepared the following report. The report 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.

ADMINISTRATIVE STATEMENT OF FACTS

The applicants, Sunbelt Rentals, Inc., are looking to expand their property to the parcel north and propose a gravel storage area, separated by an eight (8) foot chain link fence, and new customer parking. The existing building is situated at the required 110-foot building setback in the IC, Industrial Controlled district, front yard parking is not permitted, and requires a 110-foot setback. Outdoor storage would also require the same building and parking setbacks of 110-feet. With these requests the applicant would require three variances from the ZBA. Front parking setback of 87.13 ft, variance of 22.87 ft, front setback of 51.91 ft for a gravel storage area, variance of 58.09 ft, and front setback of 51.91 ft for a fence located 20 ft from the front property line, variance of 58.09 ft.



HEADQUARTERS

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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.*

This site is unique in its irregular configuration and had existing front yard parking. The applicant states due to the limited area of the property and the existing building, there is not adequate frontage to accommodate customer parking and their growing business. The front yard parking lot would separate the customer traffic with on-going commercial traffic operations in the rear. In addition, the fence location in the front yard would be necessary for adequate square footage for proper functional movement without interference of the adjacent ROW traffic.

- 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.*

Other properties surrounding the subject site are zoned IC, Industrial Controlled. There are other properties of the same zoning who have parking within the front yard setback. The variance is consistent with these requirements.

- 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 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.

- 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.*

The situation could be applicable for other industrial-zoned lots with the same irregular configuration along Utica Road.

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 does not apply.

CONCLUSION

Since the applicants have met the Ordinance standards for obtaining a variance, we recommend that the ZBA grant their request.

Please let me know if you have any questions.

Respectfully Submitted,

Alicia Warren
Assistant Planner

Lauren Sayre, AICP
Associate Planner

Cc: Applicant
City Manager
Building Official
City Attorneys



ANDERSON, ECKSTEIN & WESTRICK, INC.
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March 25, 2024

Bob Logan, Building Department Manager
City of Fraser
33000 Garfield Road
Fraser, Michigan 48026

Reference: Site Plan Review

31253 Utica (Sun Belt Rentals)
AEW Project No. 0190-0306

Dear Mr. Logan:

We have completed our review of the above referenced site plan and offer the following comments:

Utilities

1. The site is served by existing water and sanitary. A utility plan was not included in the site plan package. Existing water and sanitary service to the existing residential lot will need to be properly abandoned.
2. The proposed modifications to the site will be increasing the volume and rate of stormwater runoff, so additional on-site detention will be required. A detention pond is shown on the site plan. Sizing will be verified during engineering review.
3. Storm utilities are not shown on the site plan. Planned utilization of any existing storm sewer will require inspection prior to re-use.
4. Several possible storm sewer outlets exist in Utica Road, including those under the jurisdiction of Macomb County Department of Roads and Macomb County Public Works Office. Each agency may have unique permitting requirements.
5. Total disturbed area is greater than 1 acre, so water quality treatment measures will be required.

General

1. Prior to issuance of the Building Permit, the petitioner will be required to submit detailed engineering plans for review. The applicable City of Fraser Standard Details shall be included in final engineering plans. Digital copies are available from our office.



Bob Logan
March 25, 2024
Page 2

2. The City should request that the petitioner dedicate public right-of-way along Utica Road to the ultimate planned right-of-way width of 60'.
3. The most northerly proposed parking space shown is anticipated to have issues with maneuverability due to the adjacent fence.
4. Sidewalk will need to be provided along the entire Utica Road frontage. Sidewalk will need to be at least 5' wide.
5. An accessible route will need to be provided/indicated from the public sidewalk to the building entrance.
6. Proper signing noting turn restrictions will be required for the "Egress Only" driveway at the north end of the site. Signing to be in conformance with the requirements of the Macomb County Department of Roads.
7. Directing site drainage to the Railroad ROW will require approval from the railroad.
8. Any work in the Utica Road Right of Way will require a permit from the Macomb County Department of Roads.
9. A Soil Erosion and Sediment Control permit will be required from Macomb County Public Works Office.
10. A permit may be required from the Macomb County Public Works Office for work related to a county drain.

We're available to answer any questions related to the review comments.

Sincerely,

Michael A. Vigneron, PE
Vice President | Director of Engineering

cc: Lauren Sayre, McKenna
Mark Ragsdale, DPW Superintendent

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Zoning Zoning

From: J. Gillies <Gilliesj@fraserdps.com>
Sent: Monday, March 25, 2024 2:41 PM
To: Zoning Zoning
Subject: Re: Comments on site plans
Attachments: 2015 Fire Code FDC.pdf; 2015 Fire Code Gates.pdf; FDC .pdf

Good afternoon-

I went to both locations and evaluated any potential concerns or comments the Department of Public Safety would have with these proposed projects.

34400 Klein: No issues based on current conditions and proposed changes

31253 Utica:

- The FDC for this building is located on the north wall of the building, roughly 20 ft from the north/east corner. If a fence is proposed for this corner, it will block our access to the FDC. If there is no fence here, it appears the northern most parking spot would still need to be eliminated to provide access to the FDC. I located these in red on a copy of the site plan. Attached is code 912.4 Access to FDC from the 2015 IFC.
- Any gates installed on this property will need to conform with Appendix D of the 2015 IFC and provide lock that is keyed same as Fire Department key boxes (Knoxbox) if these gates are going to be secured. Attached is code 503.5.1 Secured gates and barricades from the 2015 IFC.

If you have any questions, please let me know.

Captain John Gillies
Fraser Department of Public Safety
33000 Garfield
Fraser, MI 48026
(586) 293 2000 ext. 201

From: Zoning Zoning <zoning@micityoffraser.com>
Sent: Friday, March 22, 2024 4:53 PM
To: J. Gillies <Gilliesj@fraserdps.com>
Subject: Comments on site plans

Hi John,

Would you be able to look at these two upcoming projects and provide any preliminary comments.

1. "Site Plan – SBR -Fraser,MI.pdf" Sunbelt rentals – 31253 Utica, industrial property looking for a front setback variance for the storage area, fence, and front parking.
2. "22-084 site plan_update2024.pdf" Foundation Solutions 360 – 34400 Klein, industrial property looking to modify 2022 site plan to be in compliance with variance conditions and remove a variance condition

FIRE PROTECTION SYSTEMS

arbitrary enforcement. Usually, the policy will address issues such as location on the outside of the building and proximity to fire hydrants.

Landscaping is often used to hide the FDCs from the public. This can greatly hamper the efforts of the fire department in staging operations and supplying water to the fire protection systems. Landscaping must be designed so that it does not obstruct the visibility of the FDC. Since fireground operations are based on local operational procedures, it is only reasonable that the fire chief of the jurisdiction have final approval authority over the visibility of and access to the FDC.

912.2.2 Existing buildings. On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the *fire code official*.

❖ The section acknowledges that FDCs on existing buildings may not always be readily visible from the street or nearest point of fire department vehicle access. In those instances, the location of the connection must be clearly marked with signage. The FDC may be located on the side of the building or in an alley, not visible to arriving fire-fighting forces. A sign is necessary so that those driving the arriving apparatus know where to maneuver the vehicle to get close to the FDC.

912.3 Fire hose threads. Fire hose threads used in connection with standpipe systems shall be *approved* and shall be compatible with fire department hose threads.

❖ There are several sections in the code which contain requirements for fire department connections. This section simply correlates with those requirements by further clarifying that fire hose threads for standpipe systems must be approved.

912.4 Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be *approved* by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the fire chief and maintained operational at all times.

❖ The FDC must be readily accessible to fire fighters and allow fire-fighting personnel an adequate area to maneuver a hose for the connection. Landscaping design must not block a clear view of the FDC from arriving fire department vehicles. Depending on the type of landscaping materials, an active maintenance program may be necessary to maintain ready access

over time. This section also recognizes that the obstructing objects regulated here can be either fixed or movable (such as outdoor furnishings, shopping cart queue areas, etc.). Note that no specific dimension is given as was the case in previous editions of the code. This performance language avoids previous misinterpretations that the code intended to allow obstructions to FDC access as long as they were kept 3 feet (914 mm) away. Since fireground operations are based on local operational procedures, it is only reasonable that the fire chief of the jurisdiction have final approval authority over the access to the FDC.

The exception recognizes the practical fact that sometimes, security or other considerations make installation of a fence around a building necessary as long as the fence meets the stated criteria. The sign requirement intends to provide a visual location cue to approaching fire apparatus where the height of the fence may obscure the visibility of the FDC.

912.4.1 Locking fire department connection caps. The *fire code official* is authorized to require locking caps on fire department connections for water-based *fire protection systems* where the responding fire department carries appropriate key wrenches for removal.

❖ This section allows for the FDC caps to be equipped with locks as long as the fire departments that respond to that building or facility have the appropriate key wrenches. This avoids vandalism and affords a more functional FDC when needed. Locking caps, even more so than regular FDC caps, need proper maintenance so that they can be removed when required. Any time that an additional mechanical function is added to something that is exposed to the elements, it must be done with the understanding that the corrosive nature of the elements can place the FDC out of commission if the cap cannot be removed (see Commentary Figure 912.4.1).



Figure 912.4.1
LOCKING FDC CAPS
(Photo courtesy of Knox Company)

to provide for those interests. See the commentary to the Section 202 definition of "Traffic calming device" for further discussion.

503.5 Required gates or barricades. The *fire code official* is authorized to require the installation and maintenance of gates or other *approved* barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

- ❖ The fire code official may require the installation and maintenance of gates or barricades across fire apparatus roads to prevent unauthorized vehicles from blocking or parking in the access road. The design and dimensions of the gates or barricades must be approved by the fire code official. Additionally, the gate or barricade must be operable or removable by the responding emergency units to provide them with quick access.

This section also addresses an important public safety issue regarding automatic operation of vehicular gates. Protection is needed from potential entrapment of individuals between an automatically moving gate and a stationary object or surface in close proximity to such gate. Gates intended for automation require specific design, construction and installation to accommodate entrapment protection to minimize or eliminate excessive gate gaps, openings and protrusions identified as contributing to the hazard of entrapments that have historically caused numerous serious injuries and deaths.

This section references two appropriate standards that deal with automatic gate safety: UL 325 and ASTM F2200. UL 325 is an ANSI-recognized safety standard containing provisions governing gate openers. Gate openers listed to the requirements of UL 325 provide an improved level of assurance that safety requirements have been met for such openers. ASTM F2200 is a consensus document containing provisions governing the construction of vehicular gates intended for automation, and has been harmonized with the applicable provisions of UL 325.

503.5.1 Secured gates and barricades. Where required, gates and barricades shall be secured in an *approved* manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the *owner* and the *fire code official*.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

- ❖ The owner may secure the fire apparatus access road and restrict its use to emergency vehicles only, if warranted. If there is a need to secure gates or barricades, jurisdictions may require a padlock or key switch (on electrically operated gates) designed for the same key as key boxes provided in accordance

with Section 506. Occasionally, electronically operated gates are required to be provided with a backup mechanism or breakaway feature in case the primary operating means fails.

The exception makes it clear that the securing of fire apparatus access roads is not intended to impede the legitimate and necessary use of the road by duly authorized public officers, such as police officers or other municipal personnel.

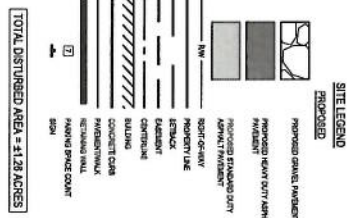
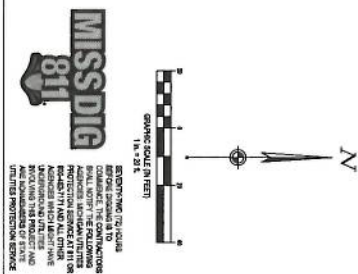
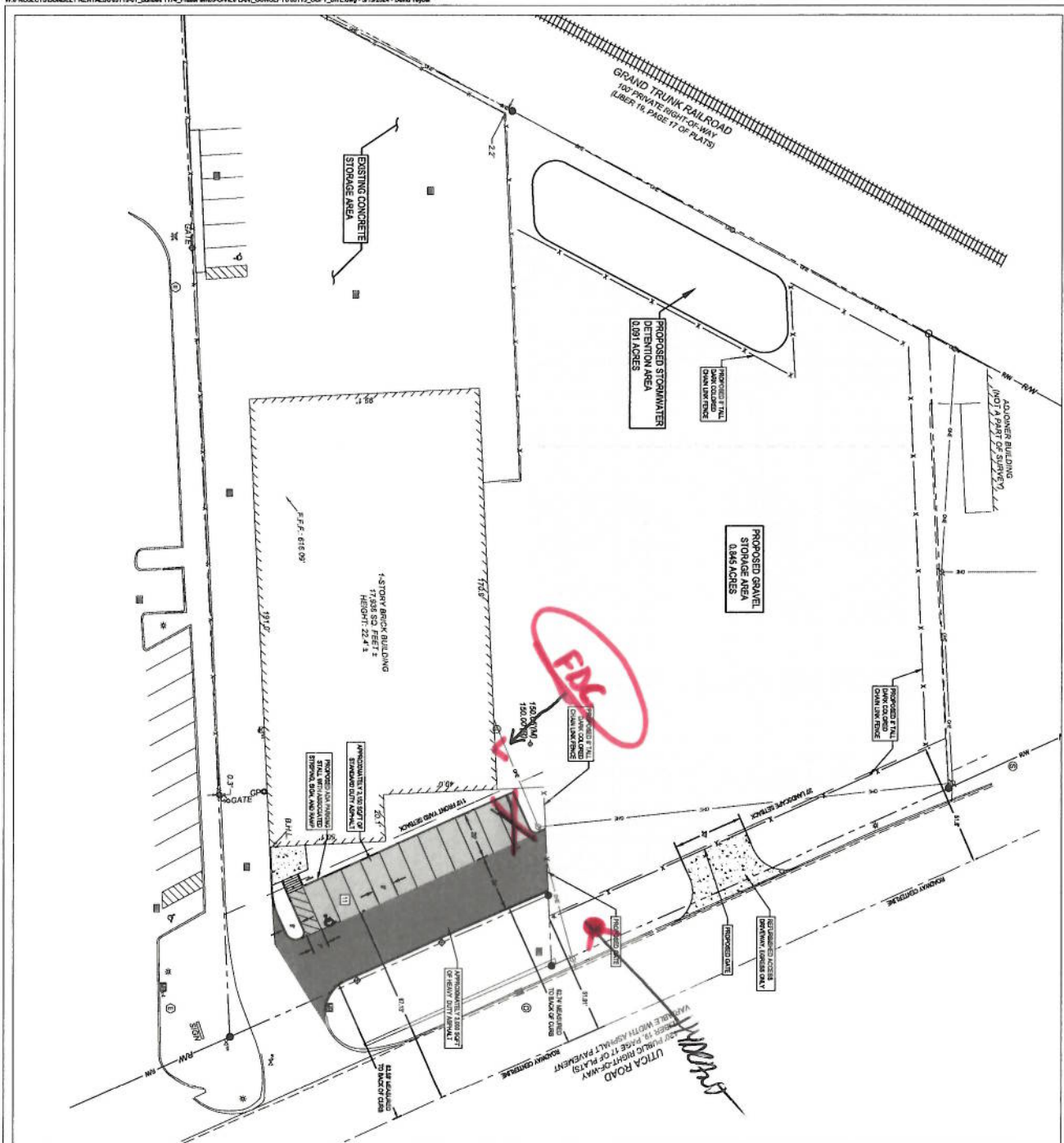
503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the fire chief. Where security gates are installed, they shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

- ❖ This section does not require that security gates be installed, but since they can affect fire department operations, their installation must be approved by the fire chief. Where installed, security gates must be operable in an emergency by the emergency response units and the means of operation must be acceptable to the fire chief. Electrically operated gates should also include a manual method of operation (also see commentary, Section 503.5.1).

This section requires ongoing maintenance of security gates so that ready access to the roadway may be accomplished. If gates are not maintained in a manner that prevents appreciable delay of emergency response, the fire code official has the authority to have gates removed because they would be considered an obstruction of the required roadway width as regulated in Section 503.4.

This section also addresses an important public safety issue regarding automatic operation of vehicular gates. Protection is needed from potential entrapment of individuals between an automatically moving gate and a stationary object or surface in close proximity to such gate. Gates intended for automation require specific design, construction and installation to accommodate entrapment protection to minimize or eliminate excessive gate gaps, openings and protrusions identified as contributing to the hazard of entrapments that have historically caused numerous serious injuries and deaths.

This section references two appropriate standards that deal with automatic gate safety: UL 325 and ASTM F2200. UL 325 is an ANSI-recognized safety standard containing provisions governing gate openers. Gate openers listed to the requirements of UL 325 provide an improved level of assurance that safety requirements have been met for such openers. ASTM F2200 is a consensus document containing provisions governing the construction of vehicular gates intended for automation, and has been harmonized with the applicable provisions of UL 325.

**RENOVATION -
STORE #1174**

31253 UTICA ROAD
FRASER, MICHIGAN 48026

Project Number:	763113
Scale:	1"=20'
Drawn By:	BPR
Checked By:	MY
Date:	02/28/2022
Issue:	PERMIT

Drawing Title:
SITE PLAN

C1.0





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, April 4, 2024**, 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 #24-02:

VARIANCE REQUEST / SUNBELT RENTALS, INC

BY REASON OF:

SECTION 32-144-3-B, PROVISIONS PERTAINING TO REQUIRED FRONT SETBACKS IN THE INDUSTRIAL CONTROLLED (IC) DISTRICT, AND SECTION 9-3-B, PROVISIONS PERTAINING TO FENCE SETBACKS.

PURPOSE OF REQUEST:

TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO ALLOW A FRONT SETBACK FOR PARKING OF 87.13 FT AND A 51.6 FT FRONT SETBACK FOR A STORAGE AREA IN THE IC DISTRICT, WHICH REQUIRES A 110 FT PARKING SETBACK. AND, TO OBTAIN A VARIANCE FROM THE ZONING ORDINANCE TO ALLOW A FRONT SETBACK FOR A FENCE OF 51.6 FT IN THE IC DISTRICT, WHICH REQUIRES A 110 FT PARKING SETBACK.

PROPERTY IN QUESTION:

31253 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
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 31253 Utica Road CROSS STREETS: North of the intersection of Utica Rd and Groesbeck Hwy

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

Please see ALTA Survey Included in variance request submittal package.

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

Please see Page 2 of this application for Basis for Request description.

SECTION OR ORDINANCE INVOLVED: 32-144(3)b.

ZONING DISTRICT OF PROPERTY: Industrial Controlled District (IC)

APPLICANT

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

APPLICANT: Matt Yanda - CESO Inc.

ADDRESS: 3601 Rigby Road, Suite 300 - Miamisburg, Ohio 45342

PHONE: (330) 819-1670 INTEREST: Owner's Engineer

APPLICANT: Kelly Basinger - Sunbelt Rentals, Inc.

ADDRESS: 1799 Innovation Point - Fort Mills, SC 29715

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:  Date: 02/26/2024

Signature of legal property owner (if not applicant):  Date: 3/7/2024



CITY OF FRASER APPLICATION FOR APPEAL ZONING BOARD OF APPEALS

Office Use Only

APPEAL # _____

DATE OF MTG. _____

DATE REC'D _____

RECEIPT #: _____

REQUEST #1: 32-144(3)b.

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

1. Based on the requirements set forth in Section 32-144.3.b of the Code of Ordinances City of

Fraser, MI, the minimum front yard setback for the property is 110ft measured from the

centerline of the associated public roadway. Buildings and parking shall not be located within

aforementioned front yard setback. Due to the limited area of the property and the location of

the existing building, there is not adequate frontage area to accommodate customer parking.

The rear of the site and the north half of the property, is for industrial use and storage.

Customers are not permitted to access the industrial/storage uses of this property. With this, the

only viable location for customer parking would be the property frontage that is direction east of

the existing building. The 110ft front yard setback does not provide sufficient space to provide

the necessary customer parking, thus we are requesting a variance for this requirement to allow

proposed parking within the setback.

2. The parking lot is a critical part of Sunbelt Rentals growing their business, allowing them to

separate the customer traffic from the on-going commercial traffic that operates in the back of

the site. At the moment, these two are commingling, which is a safety hazard for customers,

employees, pedestrians, etc.

3. The additional access point provided by the north lot will allow Sunbelt to ease

pressure/congestion on the Groesbeck/Utica intersection, allowing them to eliminate the delays,

backups, and hazards that current come from frequent Tractor-Trailer traffic taking place on the

main artery that is Utica Rd. Which benefits anyone working or living in the community.



**CITY OF FRASER
APPLICATION FOR APPEAL
ZONING BOARD OF APPEALS**

Office Use Only

APPEAL # _____

DATE OF MTG. _____

DATE REC'D _____

RECEIPT #: _____

REQUEST #2: 32-144(3)b.

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

1. Based on the requirements set forth in Section 32-144.3.b of the Code of Ordinances City of

Fraser, MI, the minimum front yard setback for the property is 110ft measured from the

centerline of the associated public roadway. Buildings and parking shall not be located within

aforementioned front yard setback. Due to the limited area of the property and the location of

the existing building, there is not adequate frontage area to provide cross connection between

the existing site and the proposed storage area. The rear of the site and the north half of the

property, is for industrial use and storage. For the functionality of the proposed storage area,

Sunbelt employees will need to be able to access from the existing site without having to

circulate through the ROW. The rear of the existing site will remain as a storage area and cross

connection with the proposed storage area will not be possible through the rear of the site.

2. Due to the limited area of the property and the requirement of a proposed detention basin,

the 110ft setback would limit the mobility of trucks/heavy equipment maneuvering the

throughout the area. With this area filled with the necessary storage items, adequate square

footage in order to provide functional movements without interfering with proposed fencing

boundaries and adjacent ROW traffic.



CITY OF FRASER
APPLICATION FOR APPEAL
ZONING BOARD OF APPEALS

Office Use Only

APPEAL # _____

DATE OF MTG. _____

DATE REC'D _____

RECEIPT #: _____

REQUEST #3: 32-144(1)b.

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

1. Based on the requirements set forth in Section 32-144.1.b of the Code of Ordinances City of Fraser, MI, Industrial uses to be conducted wholly within a building or within a building and/or an area enclosed within a chainlink fence; the fence shall be not less than six (6) feet high, located not less than fifty (50) feet from the front property line. Currently, the proposed fence is located 20ft from the front property line. Due to the limited area of the property and the requirement of a proposed detention basin, the 50ft fence setback would limit the mobility of trucks/heavy equipment maneuvering the throughout the area. With this area filled with the necessary storage items, adequate square footage in order to provide functional movements without interfering with proposed fencing boundaries and adjacent ROW traffic.

2. Per the requirements set forth in Section 32-144.1.b of the Code of Ordinances City of Fraser, MI, the fence shall be not less than six (6) feet high. The proposed chainlink fence for this project is to be 8ft high for site safety and security purposes. This 8ft high fence will also provide additional screening to accommodate for the 20 ft setback from the front property line.

3. The driveway adjacent to the storage area is not meant for customer access. Setting the proposed fence 50ft from the front property line, would add a cross access between the customer parking and the storage area driveway. This cross access would add conflict between customer traffic and storage related traffic.

SITE INFORMATION

N/F: SUNBELT RENTALS, INC.
31253 UTICA ROAD,
FRASER, MICHIGAN 48026
APN: 03-14-05-353-015 & 03-14-05-353-002
105,625 ± SQUARE FEET, OR 2.425 ± ACRES

TITLE COMMITMENT INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN INVESTORS TITLE INSURANCE COMPANY, POLICY #201800998CA4, DATED 02/11/2019 AT 11:34 A.M.

SCHEDULE A DESCRIPTION

LOTS 13, 14 AND 15 AND PART OF LOT 11, ASSESSOR'S PLAT NO. 9 ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 19, PAGE 17 OF PLATS, MACOMB COUNTY RECORDS, DESCRIBED AS THAT TRIANGULAR PORTION OF LAND IN LOT 11 BOUNDED BY SEVENTY FEET OF THE RAILROAD RIGHT OF WAY ALONG AN ORIENTATION OF NORTH 25 DEGREES 45 MINUTES EAST 115 FEET OF WEST OR BACK LINE OF LOT 13 ALONG AN ORIENTATION OF NORTH 64 DEGREES 15 MINUTES WEST AND A 135 FEET WESTERLY EXTENSION OF THE SOUTH BOUNDARY LINE OF LOT 13.

PARCEL IDENTIFICATION NO. 03-14-05-353-015

BEING THE SAME AS THE PROPERTY AS SHOWN ON ALTA/NSPS LAND TITLE SURVEY FOR SUNBELT PROPERTIES SURVEYED BY BOCK & CLARK CORPORATION, DATED DECEMBER 11, 2018.

NOTES CORRESPONDING TO SCHEDULE B

- ② — SUBJECT TO THE TERMS, PROVISION, AND CONDITIONS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED AGREEMENT, DATED AUGUST 24, 1992 AND RECORDED IN LIBER 5572 AT PAGE 584.
(UNABLE TO DETERMINE, DOCUMENT NOT PROVIDED)
- ③ — PLAT OF ALTA/NSPS SURVEY BY BOCK & CLARK CORPORATION, DATED DECEMBER 11, 2018, LAST REVISED FEBRUARY 8, 2019, SHOWS THE FOLLOWING LOCATED ON THE LAND:
- (A) UTILITY POLE
(B) GUY WIRE
(C) OVERHEAD WIRES
(D) GAS METER
(E) CATCH BASIN
(UNABLE TO DETERMINE, DOCUMENT NOT PROVIDED)
- ④ — BUILDING SETBACK LINE OF 50 FEET FROM FRONT AND 20 FEET FROM SIDE AS SHOWN ON THE RECORDED PLAT OF SUBDIVISION, WHICH SETBACK HAS BEEN VIOLATED TO THE EXTENT SHOWN ON PLAT OF ALTA/NSPS SURVEY BY BOCK & CLARK CORPORATION, DATED DECEMBER 11, 2018, LAST REVISED FEBRUARY 8, 2019.
(UNABLE TO DETERMINE, DOCUMENT NOT PROVIDED)

PARKING INFORMATION

REGULAR= 8
HANDICAP= 2
TOTAL= 10

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY: THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 26999C0339G, WHICH BEARS AN EFFECTIVE DATE OF 09/26/2005 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500 YEAR FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE SOUTH LINE OF THE SUBJECT PROPERTY. THE BEARING IS DENOTED AS S87°09'51"W PER GPS COORDINATE OBSERVATIONS MICHIGAN STATE PLANE, SOUTH ZONE NAD83.

LATITUDE = 42°31'34.1213"

LONGITUDE = -82°58'45.0230"

CONVERGENCE ANGLE = 0°05'58.00 8916"

TEMPORARY BENCHMARK INFORMATION

TBM #1 - 1/2" REBAR
ELEVATION: 616.08'
NORTHING: 377172.83
EASTING: 13505871.81

TBM #1 - 1/2" REBAR
ELEVATION: 616.67'
NORTHING: 377505.49
EASTING: 13506239.13

SIGNIFICANT OBSERVATIONS

NONE OBSERVED AT THE TIME OF THE ALTA/NSPS SURVEY.

UTILITY INFORMATION

THE UTILITIES SHOWN ON THIS DRAWING HEREON HAVE BEEN LOCATED BY FIELD MEASUREMENTS UTILITY MAP DRAWINGS, MICHIGAN 811 DIG UTILITY LOCATE REQUEST, AND PRIVATE UTILITY LOCATION SERVICES, COMPLETED BY BLEW & ASSOCIATES, P.A. ON NOVEMBER 12, 2023. BLEW & ASSOCIATES MAKES NO WARRANTY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THIS DRAWING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION.

TICKET NUMBER: 2023103002161

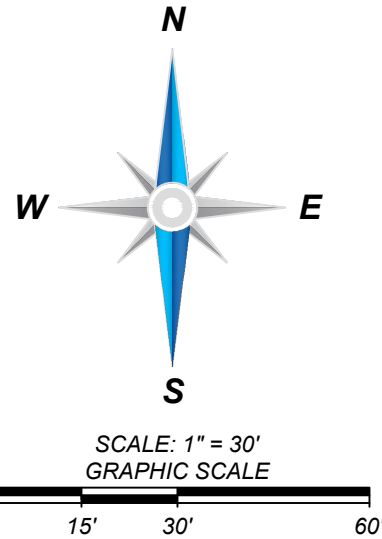
COMPANY:
123.NET, INC. FIBER OPTICS
AT&T TELEPHONE
COMCAST CABLE TV
CONSUMERS ENERGY GAS
DTE ENERGY (ELECTRIC) ELECTRIC
FONOROLA FIBER FIBER OPTICS
FRASER CITY POTABLE WATER
FRASER CITY SANITARY SEWER
FRASER CITY STORM SEWER
MACOMB COUNTY ROAD COMMISSION TRAFFIC

CONTACT:
248-431-4584
616-881-2268
855-962-8525
800-778-9140
313-407-5364
877-459-2690
586-293-2001
586-293-2001
586-293-2001
586-791-3095

ZONING INFORMATION

PROPERTY IS CURRENTLY ZONED:
AWAITING ZONING REPORT

ITEM	REQUIRED	OBSERVED
PERMITTED USE		INDUSTRIAL
MIN. SETBACKS FRONT		49.3'
MIN. SETBACKS SIDE		20.9'
MIN. SETBACKS REAR		112.0'
MAX. BUILDING HEIGHT		22.4'
MIN. LOT AREA	105,625 ± SQ. FEET	
MIN. LOT WIDTH	193.95'	
MAX. BLDG COVERAGE	17%	
PARKING REGULAR	8	
PARKING HANDICAP	2	
PARKING TOTAL	10	

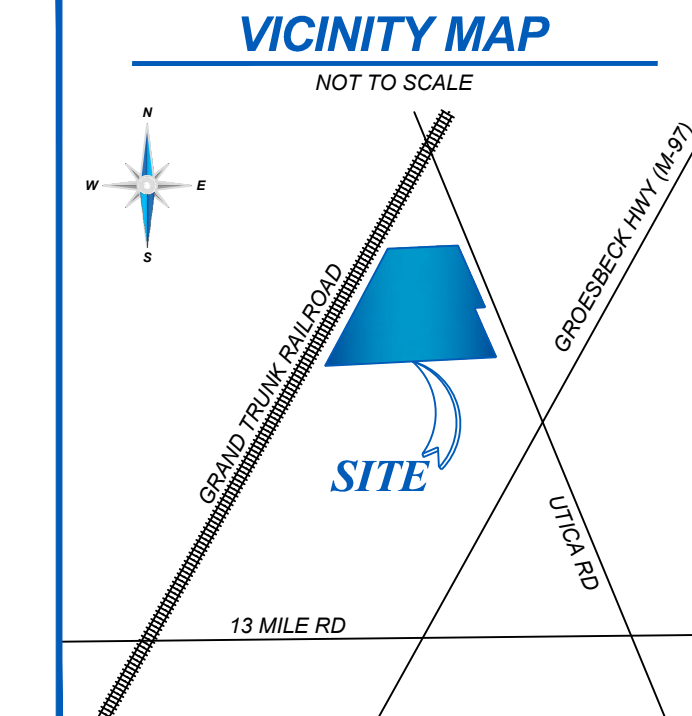


ALTA/NSPS LAND TITLE SURVEY

31253 UTICA ROAD,
FRASER, MICHIGAN 48026
MACOMB COUNTY

LEGEND & SYMBOLS

- FOUND MONUMENT AS-NOTED
- SET MONUMENT AS-NOTED
- ⊕ COMPUTED POINT
- ⊕ HANDICAP PARKING
- ⊕ FIRE HYDRANT
- ⊕ LIGHT
- ⊕ SANITARY MANHOLE (SMH)
- ⊕ BOLLARD
- ⊕ POWER POLE
- ⊕ ELECTRIC VAULT
- ⊕ GAS METER
- ⊕ GATE POST
- ⊕ MAILBOX
- ⊕ WATER VALVE
- ⊕ GRATED INLET (GI)
- ⊕ DRAINAGE MANHOLE (DMH)
- ⊕ GUY ANCHOR
- ⊕ BACK OF CURB
- ⊕ FLOW LINE
- ⊕ EC
- ⊕ TC
- ⊕ EA
- ⊕ TA
- ⊕ NG
- ⊕ CR
- ⊕ (M)
- ⊕ (R)
- ⊕ N/F
- ⊕ B.H.L.
- ⊕ F.F.E.
- ⊕ TBM
- ⊕ PVC
- ⊕ RCP
- ⊕ BOUNDARY LINE
- ⊕ RIGHT-OF-WAY LINE
- ⊕ CIL
- ⊕ FENCE LINE
- ⊕ CHU
- ⊕ WL
- ⊕ GAS
- ⊕ SS
- ⊕ SD
- ⊕ WALL
- ⊕ CENTERLINE OF RAILROAD



GENERAL NOTES

- SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.
- DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.
- IN REGARD TO ALTA/NSPS TABLE A ITEM 16, THERE WAS NO OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADDITIONS EXCEPT AS SHOWN HEREON.
- IN REGARD TO ALTA/NSPS TABLE A ITEM 17, THERE WERE NO KNOWN PROPOSED CHANGES IN RIGHT OF WAY LINES, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS EXCEPT AS SHOWN HEREON.
- AT THE TIME OF THE ALTA/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
- AT THE TIME OF THE ALTA/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY, ISOLATED GRAVE SITE OR BURIAL GROUNDS.
- COMPLETED FIELD WORK WAS OCTOBER 27, 2023.
- THE DISTANCES SHOWN HEREON ARE UNITS OF GROUND MEASUREMENT.
- THE NEAREST INTERSECTING STREET IS THE INTERSECTION OF UTICA ROAD AND GROESBECK HIGHWAY (M-97), WHICH IS APPROXIMATELY 170' FROM THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO UTICA ROAD, BEING A PUBLICLY DEDICATED RIGHT-OF-WAY.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- NO SURVEYOR OR ANY OTHER PERSON OTHER THAN A LICENSED MICHIGAN ATTORNEY MAY PROVIDE LEGAL ADVICE CONCERNING THE STATUS OF TITLE TO THE PROPERTY DESCRIBED IN THIS SURVEY (THE SUBJECT PROPERTY). THE PURPOSE OF THIS SURVEY, AND THE COMMENTS RELATED TO THE SCHEDULE B EXCEPTIONS, IS ONLY TO SHOW THE LOCATION OF BOUNDARIES AND PHYSICAL OBJECTIONS IN RELATION THERETO. TO THE EXTENT THAT THE SURVEY INDICATES THAT THE LEGAL INSTRUMENT "AFFECTS" THE SUBJECT PROPERTY, SUCH STATEMENT IS ONLY INTENDED TO INDICATE THAT PROPERTY BOUNDARIES INCLUDED IN SUCH INSTRUMENT INCLUDE SOME OR ALL OF THE SUBJECT PROPERTY. THE SURVEYOR DOES NOT PURPORT TO DESCRIBE HOW SUCH INSTRUMENT AFFECTS THE SUBJECT PROPERTY OR THE ENFORCEABILITY OR LEGAL CONSEQUENCES OF SUCH INSTRUMENT.
- NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS WERE TAKEN FROM MACOMB COUNTY GIS.
- THE SUBJECT PROPERTY SHOWN HEREON FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITH THE ADJOINING PUBLIC RIGHT-OF-WAY AND/OR ADJOINING PARCELS WITH NO GAPS OR OVERLAPS.
- IN REGARD TO ALTA/NSPS TABLE A ITEM 10, NO VISIBLE DIVISION OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES WERE OBSERVED AT THE TIME THE FIELD SURVEY WAS PERFORMED, NOR WERE ANY DESIGNATED BY THE CLIENT.
- ELEVATIONS ESTABLISHED WITH GPS OBSERVATIONS UTILIZING (INSERT NETWORK NAME) NETWORK WITH ORIGINATING BENCHMARK PID D6132, VERTICAL DATUM BASED UPON NORTH AMERICAN VERTICAL DATUM (NAV88) IN US SURVEY FEET. CONTOURS SHOWN HEREON ARE AT ONE FOOT INTERVALS. BENCHMARK ID: PID D6132 PUBLISHED ELEVATION: 608.5' MONUMENT DESCRIPTION: SURVEY DISK SET IN TOP OF CONCRETE MONUMENT, STAMPED "50657 2006"
- A PRIVATE UTILITY LOCATE WAS COMPLETED BY BLEW & ASSOCIATES, P.A. ON NOVEMBER 12, 2023 UNDER BLEW JOB NO. 23-7297.01.
- THE SUBJECT PROPERTY BOUNDARY IS SUBJECT TO CHANGE UPON RECEIPT OF AN UPDATED TITLE.

SURVEYOR'S CERTIFICATE

TO: SUNBELT RENTALS; & INVESTORS TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDING ITEMS 2, 3, 4, 5, 6A, 6B, 7B1, 7C, 8, 9, 10, 11B, 13, 14, 16, 17, AND 19 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 10/27/2023.

DATE OF PLAT OR MAP: 12/04/2023

RONALD R. HARRIS
PROFESSIONAL LAND SURVEYOR NO.: 4001041917
STATE OF MICHIGAN

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 FAX: 479.582.1883
WWW.BLEWINC.COM

SURVEYOR JOB NUMBER:
23-7297

SURVEY DRAWN BY:
AC - 12/04/2023

SURVEY REVIEWED BY:
LT

SHEET:
1 OF 1

INVERT INFORMATION

GI #1
RIM: 615.2'
BOTTOM: 611.91'
INVERT SE - 12" RCP: 611.9'
INVERT W - 12" METAL PIPE: 612.2'
INVERT NW - 12" RCP: 612.2'

GI #2
RIM: 615.24'
BOTTOM: 612.31'
INVERT NE - 6" PVC: 613.3'
INVERT SE - 12" METAL PIPE (CAPPED): 612.3'
INVERT NW - 12" METAL PIPE: 612.4'

GI #3
RIM: 615.29'
BOTTOM: 611.24'
INVERT N - 12" RCP: 612.7'
INVERT E - 12" RCP: 612.7'

GI #4
RIM: 615.80'
BOTTOM: 613.41'
INVERT E - 10" RCP: 613.4'
INVERT W - 12" METAL PIPE: 613.6'
INVERT NW - 4" PVC: 614.7'

GI #5
RIM: 615.78'
BOTTOM: 614.04'
INVERT W - 10" METAL PIPE: 614.0'
INVERT NW - 12" RCP: 612.3'

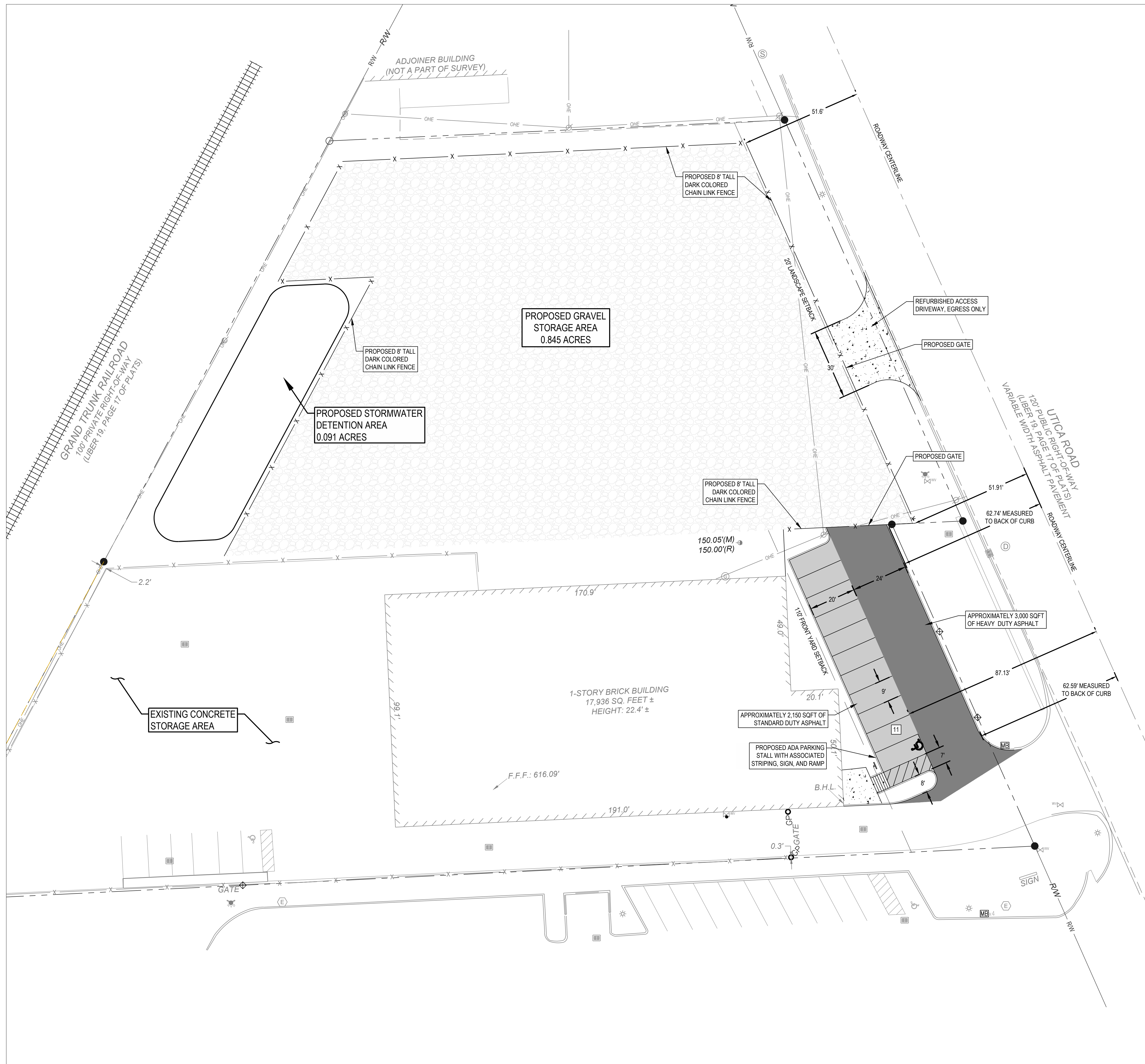
GI #6
RIM: 614.11'
BOTTOM: 611.52'
INVERT SE - 12" RCP: 612.5'

GI #7
RIM: 614.51'
BOTTOM: 611.56'
INVERT N - 6" METAL PIPE: 612.4'
INVERT NE - 12" RCP: 612.2'
INVERT SE - 12" RCP: 612.3'
INVERT SW - 6" METAL PIPE: 612.7'
INVERT NW - 12" RCP: 612.3'

SMH #1
RIM: 615.81'
INVERT SE - 12" RCP: 608.8'
INVERT W - 4" PVC: 609.9'
INVERT NW - 6" PVC: 606.6'

SMH #2
RIM: 615.59'
INVERT NW - 12" RCP: 606.7'
INVERT SE - 12" RCP: 606.5'

W:\PROJECTS\SUNBELT RENTALS\763113-01_Sunbelt 1174_Fraser MI\03-CIVIL\PLAN_CONCEPT\763113_COPT_SITE.dwg - 3/13/2024 - David Teyler

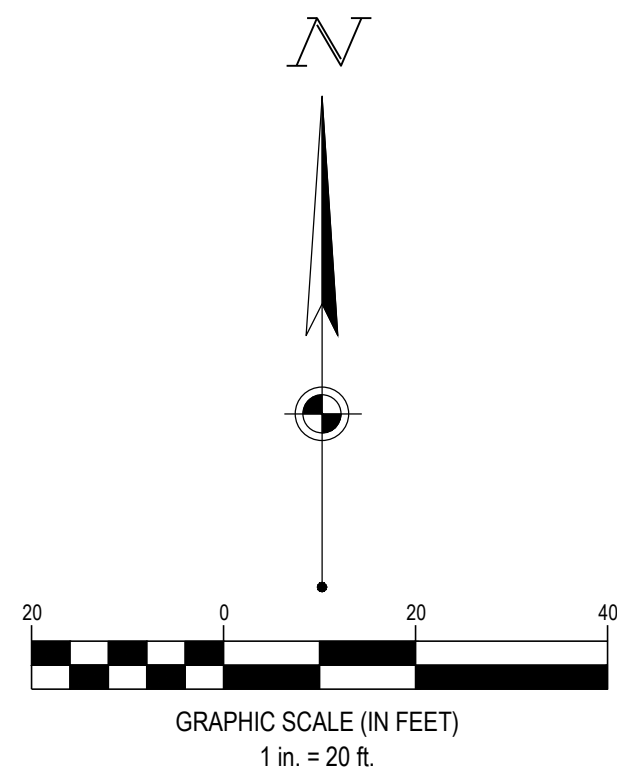


SITE LEGEND

PROPOSED

- PROPOSED GRAVEL PAVEMENT
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- R/W
- RIGHT-OF-WAY
- PROPERTY LINE
- SETBACK
- EASEMENT
- CENTERLINE
- BUILDING
- CONCRETE CURB
- PAVEMENT/WALK
- RETAINING WALL
- PARKING SPACE COUNT
- SIGN

TOTAL DISTURBED AREA = ±1.26 ACRES



SEVENTY-TWO (72) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: MICHIGAN UTILITIES PROTECTION SERVICE AT 811 OR 800-482-7171 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF STATE UTILITIES PROTECTION SERVICE



CESO
WWW.CESOINC.COM

3601 Rigby Rd., Suite 300
Manningsville, OH 43042
Phone: 614.435.8584 Fax: 614.435.8585



SUNBELT RENTALS

**RENOVATION -
STORE #1174**

31253 UTICA ROAD
FRASER, MICHIGAN 48026

Revisions / Submissions

ID	Description	Date
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© 2024 CESO, INC.

Project Number: 763113

Scale: 1"=20'

Drawn By: BPR

Checked By: MY

Date: 02/28/2024

Issue: PERMIT

Drawing Title:

SITE PLAN

C1.0



MCKENNA

March 19, 2024

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

**SUBJECT: ZBA REPORT
#24-03 VARIANCE REQUEST / 34400 KLEIN**

APPLICANT: JOSEPH MARTH, PROPERTY OWNER

**SECTION: SECTION 32-143-3-B-1, PROVISIONS RELATING TO PARKING IN THE FRONT AND SIDE STREET SETBACKS IN THE INDUSTRIAL RESTRICTED (IR) DISTRICT
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 A VARIANCE FROM ZONING ORDINANCE STANDARDS TO INCREASE THE EXISTING NONCONFORMING FRONT PARKING SETBACK FROM 63 FEET TO 51 FEET IN THE IR DISTRICT.

And,

TO MODIFY THE APPROVED VARIANCE CONDITIONS OF ZBA 22-03, APPROVED ON OCTOBER 6, 2022, TO ALLOW THE STORAGE OF GRAVEL OUTSIDE IN THE IR DISTRICT. THE APPLICANT IS SEEKING TO REMOVE CONDITION 4, WHICH REQUIRES: A SHARED PARKING AGREEMENT WITH THE ADJACENT PROPERTY OWNER IN RECORDABLE FORM IS PROVIDED TO AND APPROVED BY THE CITY ATTORNEY.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for front yard parking setback and modifications to the previously approved 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

O 248.596.0920
F 248.596.0930
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ADMINISTRATIVE STATEMENT OF FACTS

34400 Klein is currently zoned IR, Industrial Restricted. The site is occupied by Foundation Solutions 360 (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.

The applicant received a previous site plan approval for the new driveway and paved area along with a variance to allow for outdoor storage of gravel on October 6, 2022. The approved variance request included conditions as follows:

Motion by Chair Stimac supported by Logan to approve variance request #ZBA22-03 34400 Klein to allow outdoor storage of loose gravel on the site that is currently in the IR zoning district with condition that the enclosure and equipment be properly screened in a manner that is acceptable to the Planning Commission in review of the site plan approval.

Commissioner Burley asked that it be limited to 10 yards or less of loose materials.

Commissioner Menendez added that the property owner provide a parking agreement approved by City Attorney and recorded with the city.

All Ayes

Motion Carried

The applicant is now seeking to remove the condition requiring a shared parking agreement and make adjustments to the previously approved site plan, which includes the request of a front yard parking setback of 51 feet where 63 feet is required as an existing nonconformity.

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.





Our comments related to the proposal follow each clause in **bold**. Because the outdoor storage of loose gravel was a use variance, it will need 5 board members (2/3 of the Board) in order to approve the modification.

- 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.*

Regarding the outdoor storage of loose gravel variance, we are not aware of exceptional or extraordinary circumstances applying to the property in question, nor was any submitted with the application, however this variance was granted in 2022.

Regarding the front parking setback variance, we are not aware of exceptional or extraordinary circumstances applying to the property in question, nor was any submitted with the application. We defer to 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.*

Regarding the outdoor storage of loose gravel 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, however this variance was granted in 2022.

Regarding the front parking setback variance, the applicant notes several properties, in the vicinity of the subject site, that have similar setbacks between 41 ft and 51 ft. These properties are also zoned IR.

- 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.*

Regarding the outdoor storage of loose gravel variance and the front parking setback variance, we do not believe that granting either variance will cause substantial detriment to adjacent properties or cause detriment to public interest or the intent of the Zoning Ordinance.

- 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.*

Regarding the outdoor loose gravel storage, 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 gravel storage will be screened.

Regarding the front parking setback variance, it is not likely that authorizing such variances would be of substantial detriment to adjacent properties, particularly in terms or 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.*



Regarding the outdoor loose gravel storage, 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, however this variance was granted in 2022.

Regarding the outdoor loose gravel storage, this variance may be general and recurrent in nature, as evidenced by the existing nonconforming front parking setbacks in the vicinity of the subject site.

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).*

Not applicable.

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.*

Not applicable.

CONCLUSION

We recommend the ZBA grant the modification of the variance approved in 2022, as the applicant indicated no longer needing the same level of parking. The modification would remove the condition that property owner provide a parking agreement approved by City Attorney and recorded with the City.

Regarding the front parking setback, we do not find adequate practical difficulty or unnecessary hardship and recommend denying the variance as the existing setback accommodates the required parking.

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,

Alicia Warren
Assistant Planner

Lauren Sayre, AICP
Associate Planner

cc: Applicant
City Manager
Building Official
City Attorneys



ANDERSON, ECKSTEIN & WESTRICK, INC.

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March 25, 2024

Bob Logan, Building Department Manager
City of Fraser
33000 Garfield Road
Fraser, Michigan 48026

Reference: Site Plan Review

34400 Klein Road (SP21-09) (2024 Update)
AEW Project No. 0190-0475

Dear Mr. Logan:

We have completed our review of the above referenced site plan and offer the following comments:

Utilities

1. There is a 12" water main along the north side of the Malyn Blvd. right-of-way and an 8" water main along the east side of Klein Road available to serve the site.
2. There is a 15" sanitary sewer along the south side of Malyn Blvd. right-of-way and a 12" sanitary sewer along the east side of Klein road available for use. The existing building appears to have sanitary service tied into the sewer along Malyn Blvd. right-of-way.
3. An 18" diameter storm sewer is available along the south side of Malyn Blvd right-of-way as an outlet for stormwater discharge. This site could also directly discharge to the Sweeney Drain located along the easterly property line.
4. The proposed site plan appears to be increasing the volume and rate of stormwater runoff, therefore, it is likely that additional on-site detention will be required, as well as restricting outflow to pre-development conditions. Water quality treatment measures may be required. Specific requirements may vary depending on chosen stormwater outlet and total area disturbed.

General

1. The subject parcel contains mapped Zone AE floodplain and floodway. All necessary floodplain related data will need to be included in the final engineering drawings and additional EGLE permitting may be necessary.



Bob Logan
March 25, 2024
Page 2

The 100-year floodplain and floodway do appear to be contained within the banks of the Sweeney Drain.

2. Prior to issuance of the Building Permit, the petitioner will be required to submit final engineering plans for review and approval. The City of Fraser Standard Details for Paving and Storm Sewer shall be included in final engineering plans. Digital copies are available from our office.
3. Prior to issuance of a Building Permit, a soil erosion permit will need to be obtained from Macomb County Public Works Office. A permit for work related to the Sweeney Drain may also need to be obtained.
4. A storm water maintenance agreement may be necessary and will be determined during the engineering review phase.

We're available to answer any questions related to the review comments.

Sincerely,

Michael A. Vigneron, PE
Vice President | Director of Engineering

cc: Lauren Sayre, McKenna
Mark Ragsdale, DPW Superintendent

\\AEW-ActData\\active\\0190\\0190-0475\\Gen\\Letters\\SitePlanReview_SP21-09_240325.docx

Zoning Zoning

From: J. Gillies <Gilliesj@fraserdps.com>
Sent: Monday, March 25, 2024 2:41 PM
To: Zoning Zoning
Subject: Re: Comments on site plans
Attachments: 2015 Fire Code FDC.pdf; 2015 Fire Code Gates.pdf; FDC .pdf

Good afternoon-

I went to both locations and evaluated any potential concerns or comments the Department of Public Safety would have with these proposed projects.

34400 Klein: No issues based on current conditions and proposed changes

31253 Utica:

- The FDC for this building is located on the north wall of the building, roughly 20 ft from the north/east corner. If a fence is proposed for this corner, it will block our access to the FDC. If there is no fence here, it appears the northern most parking spot would still need to be eliminated to provide access to the FDC. I located these in red on a copy of the site plan. Attached is code 912.4 Access to FDC from the 2015 IFC.
- Any gates installed on this property will need to conform with Appendix D of the 2015 IFC and provide lock that is keyed same as Fire Department key boxes (Knoxbox) if these gates are going to be secured. Attached is code 503.5.1 Secured gates and barricades from the 2015 IFC.

If you have any questions, please let me know.

Captain John Gillies
Fraser Department of Public Safety
33000 Garfield
Fraser, MI 48026
(586) 293 2000 ext. 201

From: Zoning Zoning <zoning@micityoffraser.com>
Sent: Friday, March 22, 2024 4:53 PM
To: J. Gillies <Gilliesj@fraserdps.com>
Subject: Comments on site plans

Hi John,

Would you be able to look at these two upcoming projects and provide any preliminary comments.

1. "Site Plan – SBR -Fraser,MI.pdf" Sunbelt rentals – 31253 Utica, industrial property looking for a front setback variance for the storage area, fence, and front parking.
2. "22-084 site plan_update2024.pdf" Foundation Solutions 360 – 34400 Klein, industrial property looking to modify 2022 site plan to be in compliance with variance conditions and remove a variance condition



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, April 4, 2024**, 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 #24-03:

VARIANCE REQUEST / FOUNDATION SOLUTIONS 360

BY REASON OF:

SECTION 32-143-3-B-1, PROVISIONS RELATING TO PARKING IN THE FRONT AND SIDE STREET SETBACKS IN THE INDUSTRIAL RESTRICTED (IR) DISTRICT, SECTION 32-207-1, PROVISIONS RELATING TO NONCONFORMING STRUCTURES AND BUILDINGS, AND SECTION 32-143-1-M, PROVISIONS RELATED TO PROHIBITED USES IN THE IR DISTRICT.

PURPOSE OF REQUEST:

TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO INCREASE THE EXISTING NONCONFORMING FRONT PARKING SETBACK FROM 63 FEET TO 51 FEET IN THE IR DISTRICT, WHICH DOES NOT ALLOW PARKING IN THE REQUIRED FRONT OR SIDE YARD SETBACKS. AND, TO MODIFY TO THE APPROVED VARIANCE CONDITIONS OF ZBA 22-03, APPROVED ON OCTOBER 6, 2022, TO ALLOW THE STORAGE OF GRAVEL OUTSIDE IN THE IR DISTRICT. THE APPLICANT IS SEEKING TO REMOVE CONDITION 4, WHICH REQUIRES: A SHARED PARKING AGREEMENT WITH THE ADJACENT PROPERTY OWNER IN RECORDABLE FORM IS PROVIDED TO AND APPROVED BY THE CITY ATTORNEY.

PROPERTY IN QUESTION:

34400 KLEIN 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
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 34400 Klein Rd. CROSS STREETS: _____

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

Fraser Industrial Subdivision
L.58, PGS 43444 Parcel 03-11-32-126-005

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

Parking in the front setback. See Attached.

SECTION OR ORDINANCE INVOLVED: Article X. Sec 32-143

ZONING DISTRICT OF PROPERTY: IR

APPLICANT

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

APPLICANT: Joseph Maeth

ADDRESS: 34400 Klein Rd. Fraser Mi. 48026

PHONE: 586-552-3119 INTEREST: _____

APPLICANT: _____

ADDRESS: _____

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: 3-11-24

Signature of legal property owner (if not applicant): _____ Date: _____

3-12-24
PZBA24-03

To Whom it May Concern:

Foundation Solutions 360 is requesting parking that is in the front setback area of the property. The following properties on Klein Rd have the following setbacks.

34500 Klein Rd. 47' parking setback

34600 Klein Rd. 47' parking setback

17150 15 Mile Rd. & Klein Rd. 34' parking setback

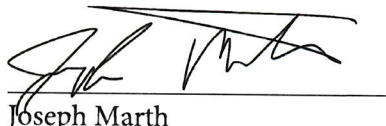
34400 Klein Rd. (Foundation Solutions 360) original setback was 63' and requesting 51'

The reason for this request is to comply with the 14 parking spots required for the size of our building. This would also eliminate the need to have a letter in legal format from our neighbor to use his parking. Also, our neighbor could terminate parking agreement with Foundation Solutions 360 and then we'd be in violation of parking. Fourteen parking spots are required and filled by FS 360 with the 63' setback. We request the 51' for 2 additional parking spots to count for public so they don't block driveways for ingress and egress.

Variance Conditions Sec. 32-228

- A. To comply with parking requirements and the setbacks of our neighbors.
- B. This variance would match surrounding neighbors.
- C. This variance will have no effect on neighbors or public. We would no longer need our neighbor to comply with parking requirements for our property.
- D. This variance would not create a general rule due to the requirement of parking for size of structure.

If there are any questions please contact the owner Joseph Marth.



Joseph Marth
Owner Foundation Solutions 360
586-552-3119
jmarth@foundationsolutions360.com

09:40



90



3D

Original
was 63'
Requesting
51'

KLEIN RD

Original was 63'

KLEIN RD

34400 Klein Rd



48°

AQI 52

09:28

91



3D

Parking
Setback 47'

Required is
to front
of Building

KLEIN RD

47'

34500 Klein Rd

KLEIN RD



47°
AQI 52

Search Maps





09:29

91

KLEIN RD
25 50 ft



3D

Setback Parking
47'

Required front
of Building

34600 Klein Rd

KLEIN RD
47'



☀️ 47°
AQI 52

Search Maps





09:31

91

KLEIN RD



3D

Parking Setback
34'
Required 50'

17150 15 Mile Rd

34'



KLEIN

47°
AQI 52

Search Maps







MCKENNA

February 22, 2024

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

SUBJECT: ZBA REPORT #1: #24-01 VARIANCE REQUEST / 16659B 14 MILE ROAD
APPLICANT: TREVOR TULLER
SECTION: SECTION 32-134-1, PROVISIONS PERTAINING TO PERMITTED USES IN THE COMMUNITY BUSINESS DISTRICT (CBD).
LOCATION: 16659 E. 14 MILE ROAD, SUITE B, FRASER, MICHIGAN 48026

Members of the Zoning Board of Appeals:

We have reviewed the above referenced appeal for light industrial use in the community business district variance. This report provides our professional opinion about how the relevant sections of the ordinance that guide the ZBA's decisions apply to this requested variance. Please note that since this is a use variance request, per Sec. 32-226-A, a concurring vote of 2/3 of the members of the Board shall be necessary to approve the variance. 2/3 of the Board equals 5 members.

VARIANCE REQUEST SUMMARY

The applicant, Trevor Tuller, proposes to utilize the existing storage building on site (shown below, right) for a light industrial use not otherwise permitted in the community business district (CBD). The subject site is shown below on the left. The applicant is requesting to use the accessory building situated in the same parking lot as Schott's Market for a powder coating company. Applicant states powder coating is non-hazardous and safe. There are no proposed changes to the building other than the addition of equipment to perform the job. There is a dumpster on site that will be utilized and no expected excessive noise for the adjacent residents.



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ADMINISTRATIVE STATEMENT OF FACTS

Section 32-134-1 of the Fraser Zoning Ordinance regulates permitted uses in the CBD. Light industrial uses, such as a powder coating business, is permitted in the industrial restricted and industrial controlled district, as *“the manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as approved by the planning commission”* (Sec. 32-143-1-d). These uses are not permitted in the CBD district thus a variance is being requested.

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 indicated that the building's design is meant for an industrial use. It has two 14-foot doors, no windows, showrooms, or places for a general customer facing business. It was built on the Schott's Market site and umbrellaed under the same zoning.

Planning notes that the parcel is irregular, and the building is also not typical of buildings found in the CBD.

- 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 stated that if the building will not be used as an industrial type use, it will remain vacant. Such variance would prevent the building from remaining vacant and thus contribute business to the city.

Planning notes that while it has sat vacant for the past couple years, this building is an accessory building, that was likely not originally intended to be leased.

- 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 the use of the building will not generate excessive noise or smell. It was also stated that the process is non-hazardous and extremely safe.

Planning notes the proximity of residential buildings along the rear lot line of the parcel. This may create a nuisance for the adjacent property owners.



The Building Official provided the following comments: *From the description, this is an accessory building to Schott's market. The proposed use is F-1, per MBC 2015. I noticed residential single family adjacent. I don't know if their type of operation would pose a noise or odor concern. Hours of operation? Would any work be done outside of building? Material storage?*

We defer to the applicant to provide answers to the Building Official's comments.

Public Safety also provided the following comments: *Based on the information provided by the applicant, the business would involve the use of an oven. Chapter 30 of the International Fire Code covers the topic of Industrial Ovens. More information would be required by the Department of Public Safety as to the class of oven that would be utilized by this business and ensuring that adequate fire protection will be in place based on this.*

If approved, the applicant will be subject to Fire Code compliant fireproofing.

- 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.
There are no other such buildings in the surrounding area that could be utilized for the requested use, therefore I believe granting a variance would not create a general rule applicable to other 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 March 7, 2024.

Respectfully submitted,

McKENNA

Alicia Warren
Assistant Planner

Lauren Sayre, AICP
Assistant Planner

cc: Applicant
Elaine Leven, City Manager
City of Fraser Building Official



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, March 7, 2024**, 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:

<u>APPEAL #24-01:</u>	VARIANCE REQUEST / FRASER COATINGS, LLC
<u>BY REASON OF:</u>	SECTION 32-134-1, PROVISIONS PERTAINING TO PERMITTED USES IN THE COMMUNITY BUSINESS DISTRICT (CBD).
<u>PURPOSE OF REQUEST:</u>	TO OBTAIN A USE VARIANCE FROM ZONING ORDINANCE STANDARDS TO ALLOW A POWDER COATING BUSINESS, WHICH IS ALLOWED IN THE INDUSTRIAL RESTRICTED DISTRICT (IR), IN THE COMMUNITY BUSINESS DISTRICT (CBD).
<u>PROPERTY IN QUESTION:</u>	16659 E. 14 MILE ROAD, SUITE B, 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.

Specifics for the request for a Use Variance at 16659B E 14 mile rd

The request for a use variance on this building is due to the building's design in nature being a light industrial use. This building is set back hundreds of feet from other buildings in a parking lot, surrounded on most ends by new 8 ft privacy fence. There are two 14-foot doors, and the building was intended to be used as a light industrial practice when originally built. It sits on the same parcel as Schotts Market and was never separated, which caused the zoning of the market to umbrella over this shop. This building cannot exist as anything other than a light industrial setting due to its design nature from the get-go. There is no windows, showroom or places for general customer facing business. The request is due to Hardship under the premise that it cannot be used in a light industrial capacity, the building would sit vacant instead.

The company which my associate Patrick Green and I founded and wish to operate out of the shop is called Fraser Coatings LLC, which is a powder coating company. Powder coating is a durable finish you can apply to metal to strengthen and protect it against rust and other corrosion. Almost anything you interact with that isn't painted metal on a daily basis is powder coated. Many everyday items such as chair legs, metal cabinets, and things like car wheels are all commonly powder coated. This is a part time venture we are starting as a passion project for quality work and customizing cars and motorcycles. There are tens of thousands of color options for powder coat including every color under the sun, and an array of finishes from chrome, metallic flake, and hammered/textured finishes.

The best part about this process is it's extremely safe and not hazardous at all. It's as simple as sand blasting a part, and then using a low voltage electric current to charge the piece. The powder then sticks to the piece in a perfectly uniform layer without the need for paint or chemicals. Then you bake the part in an oven like the one in your home, but bigger, for about 10 minutes. All these stations to perform this process is housed inside the shop and will be installed safely and up to the standards of code, in a very clean environment.

Waste disposal is another concern of most light industrial areas. Since the products we are working with are not chemical in nature and not hazardous or harmful, they are 100% safe to be thrown away in the dumpster already on site per the manufacturer. Noise is also always a concern too, but the procedures we perform are extremely quiet. We are also taking measures to ensure that all neighbors are pleased with our appearance and operation.

Overall, Pat and I are both Fraser residents. I have been here for 6 years now and have become extremely passionate about Fraser. We want to work and live in this great city, plus also help contribute and bring people in!

Trevor Tuller
Fraser coatings LLC

Fraser Coatings LLC

Hardship Use Variance

The below information pertains to concerns and questions from the initial meeting on 3/7/2024.

In terms of noise, there shouldn't be any nuisance for the surrounding properties and business.

Sand blasting cabinet produces 70 decibels.

○ Equivalent to washing machine

Air compressor produces 80 decibels.

○ Equivalent to a kitchen blender from 6 feet away

Within the solid brick construction of the building, the noise generated will not permeate the surrounding area.

Smell will not be an issue. The small size of the oven, and the infrequency of its use in general will not cause an issue with smell in the surrounding area.

There are two types of powder coating, polyester and epoxy. We use epoxy because it doesn't generate smoke or odors. The coatings contain no volatile organic compounds and are not carcinogenic, teratogenic, or mutagenic. There are no chemicals used in the process. All materials can be safely stored on the shelf. There is no requirement for fireproof storage.

To ensure a quality finish, keeping the workspace as clean and dust free is a priority. The sand blasting cabinet is a self-contained unit, with an air filtration system built in. A dedicated spray booth that utilizes an extraction fan captures any airborne powder. The rest falls to the ground and can be swept or vacuumed. Per the manufacturer the used powder can be disposed of in the normal trash and requires no special disposal. PPE is worn throughout the entire process.

Light Armor Ovens manufacture the oven. It is an electric convection oven built specifically for hobbyist curing projects. It reaches a maximum of 450 degrees and has automatic safety shut offs built in. There are multiple fire extinguishers distributed throughout the shop as a precaution.

- The electric curing oven has a circulation fan that circulates fresh air and prevents a buildup of fumes.
- The small size of the oven also ensures that any fumes are minimal and are contained inside the building and captured by the JET AFS-1000 air filtration system
- The oven utilizes electric heating elements. They are identical to a home electric oven, the difference being there are 3 heating elements, instead of one.
- It is constructed of galvanized steel and is insulated using Rockwell insulation. This insulation is fire resistant to 2000 degrees.

This is a part time hobby and will not cause a nuisance to nearby residents. As you know, we are also City of Fraser residents and want to be good neighbors. We will take it upon ourselves to be good neighbors and will communicate with the neighborhood and address any issues or concerns head on. No work will be done after

10pm in conjunction with city noise ordinances. No work will be done outside of the building. All operations are contained within the confines of the building.

Our vision for this endeavor falls under the classification of "Artisan Maker Space". This is listed as an appropriate use within the Fraser Master Plan, but it has not been defined by city ordinance. Neighboring municipalities have codified their definition of a maker space, which we have used as the basis for our argument.

Our business will have low impact on the surrounding area and is a hobby venture. The space will be used 90% for personal use, and 10% for powder coating projects. It is directed towards furniture restoration, and small automotive parts. We are not undertaking commercial jobs. It is aimed at small, individual projects. We may have 2 or 3 projects a week at the most.

We have attempted to find another space that would be zoned in an area Fraser would allow us to operate with no issue. We have been working with multiple brokers over the past 4 months to no avail. All commercial space in the vicinity is only leased to established businesses with 3 years of financial history and require 3–5-year lease terms.

Supplemental Photos

- Curing Oven
 - <https://lightarmor.us/collections/ovens/products/la7500sb-powdercoatoven>



- Parts Cleaning Cabinet





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 16659 B e 14 Mile Rd CROSS STREETS: 14 & Utica

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

03-11-31-478-025

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

Practical difficulties imposed by ordinance & hardship

SECTION OR ORDINANCE INVOLVED: Zoning

ZONING DISTRICT OF PROPERTY: General Business District

APPLICANT

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

APPLICANT: Trevor Tuller

ADDRESS: 16711 Erin, Fraser Mi 48026

PHONE: 248-515-9616 INTEREST: Partner

APPLICANT: Patrick Green

ADDRESS: 16630 Kingston, Fraser Mi 48026

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: 2-13-24

Signature of legal property owner (if not applicant): [Signature] Date: 2-13-24



Monthly Planning & Zoning Report

For March 2024

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
<i>SP21-08</i> <i>34400 Utica</i> <i>Hockeyland Outlot</i> <i>SLU 24-01</i>	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. Temporary CofO granted until January 1, 2024. Extensions granted to January 17, 2024, February 16, 2024, and March 16, 2024. SLU modification approved at March 6, 2024 PC Meeting
<i>SP23-03 / ZBA23-04</i> <i>32660 Utica Road</i> <i>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. Variance request for front parking setback reduction granted for October 5, 2023 ZBA. Conditionally approved by Planning Commission on November 1, 2023.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
		Final site plans approved by Planning and Zoning. Pending engineering and building review. Applicant applying for demolition permits.
RZ23-02 32981 & 32875 Utica Road Sheetz	Conditional rezoning from CBD to CG to operate a gas station and fast food restaurant.	Public hearing at the January 3, 2024 Planning Commission Meeting. Planning Commission recommended denial of conditional rezoning to City Council at January 3, 2024 Planning Commission Meeting. Sheetz to return after conditional rezoning agreement is drafted. City Council to grant approval or denial of conditional rezoning TBD. Tentatively April or May.
ZBA24-01 16659, Suite B, E. 14 Mile Road Schott's Market – Storage Building	Use variance to operate a light industrial use in the community business district (CBD).	Public Hearing at the March 7, 2024 ZBA Meeting. Postponed to April 4, 2024 Meeting due to lack of members necessary to approve a use variance.
SP 24-01 ZBA 24-03 34400 Klein Foundation Solutions 360	Site Plan amendment to remove ZBA condition. Variance amendment to remove shared parking requirement. Variance request to increase parking setback nonconformity.	The site plan will be reviewed at the April 3, 2023 PC meeting. The variance requests will be reviewed at the April 4, 2024 ZBA meeting.
ZBA 24-01 31253 Utica Road Sunbelt Rentals	Request for front parking setback, as well as front fence setback and front setback for a storage area.	The variance requests will be reviewed at the April 4, 2024 ZBA meeting.

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 January