



CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR

Michael Carnagie

MAYOR PRO-TEM

Patrice M. Schornak

COUNCIL

Amy Baranski

Kathy Blanke

Suzanne Kalka

Patrick O'Dell

Dana Sutherland

AGENDA

CITY OF FRASER ZONING BOARD OF APPEALS

JUNE 20, 2023 @ 7:00 P.M.

COUNCIL CHAMBERS, 33000 GARFIELD, FRASER, MI 48026

- I. Call Meeting to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Approval of Agenda – June 20, 2023**
- V. Approval of Minutes – May 18, 2023**
- VI. Formal Statement by Chair**
- VII. Public Hearing**
 - a. SUBJECT: ZBA REPORT #1**
#23-02 VARIANCE REQUESTS / MEIJER SIGN VARIANCE

APPLICANTS: ALLIED SIGNS, INC.

SECTION: SECTION 32-85-2-D, PROVISIONS PERTAINING TO PERMITTED NUMBER AND ALLOWABLE AREA OF SIGNS IN THE COMMERCIAL GENERAL DISTRICT

LOCATION: 34835 UTICA ROAD, FRASER MICHIGAN, 48026

REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO EXCEED THE NUMBER OF ALLOWABLE SIGNS ON A COMMERCIAL GENERAL DISTRICT ZONED PROPERTY (2 SIGNS ALLOWED; 3 ADDITIONAL SIGNS REQUESTED BEYOND NUMBER PREVIOUSLY GRANTED BY PRIOR VARIANCES), AND TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO EXCEED THE MAXIMUM ALLOWABLE SIGN AREA ON COMMERCIAL GENERAL

[Type here]

DISTRICT ZONED PROPERTY (MAXIMUM OF 96 SQUARE FEET PERMITTED;
ADDITIONAL 175.93 TOTAL SQUARE FEET REQUESTED BEYOND
NUMBER PREVIOUSLY GRANTED BY PRIOR VARIANCES)

VIII. Old Business (Postponed Cases)

IX. New Business of the Board

X. Unfinished Business of the Board

XI. Planning Commission Liaison

XII. Public to be Heard

XIII. Adjournment

Posted: June 14, 2023

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



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MINUTES

CITY OF FRASER

33000 GARFIELD, FRASER, MI 48026

ZONING BOARD OF APPEALS MEETING

MAY 18, 2023 @ 7:00 P.M.

DRAFT

1. CALL MEETING TO ORDER

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

2. PLEDGE TO THE FLAG

Vice-Chairman Farina then led the Pledge of Allegiance.

3. ROLL CALL

Present: Burley, Chimenti, Farina, Lesich, Menendez

Absent:

4. APPROVAL OF AGENDA

Board Member Menendez asked to add July meeting date regarding Meijer to New Business.

Motion by Menendez supported by Burley to approve the agenda for the May 18, 2023 meeting of the City of Fraser Zoning Board of Appeals as amended.

AYES: Burley, Chimenti, Farina, Lesich, Menendez

NAYS: None

Motion Carried

5. APPROVAL OF MINUTES APRIL 6, 2023

Motion by Menendez supported by Burley to approve the minutes of the April 6, 2023 meeting of the City of Fraser Zoning Board of Appeals as amended, noting that on page 2, under Devon Storage Holdings and Designhaus paragraph 5 indicates 400 feet where it should be 40 feet.

AYES: Burley, Chimenti, Farina, Lesich, Menendez

NAYS: None

Motion Carried

**Fraser Zoning Board of Appeals Meeting
May 18, 2023**

6. FORMAL STATEMENT BY THE CHAIR

Vice-Chairman Farina read the formal statement into the record.

7. PUBLIC HEARING

a. Interview Candidate for Zoning Board of Appeals

Zoning Board of Appeals interviewed Mr. Matthew Goodell for a position on the City of Fraser Zoning Board of Appeals.

Vice-Chairman Farina opened the public hearing on this at 7:12 p.m.

Hearing no comments, Vice-Chairman Farina closed the public hearing on this at 7:13 p.m.

Motion by Lesich supported by Burley to recommend to the City of Fraser City Council that Matthew Goodell be appointed to the City of Fraser Zoning Board of Appeals with a term ending December 31, 2025.

AYES: Burley, Chimenti, Farina, Lesich, Menendez

NAYS: None

Motion Carried

8. OLD BUSINESS

a. Variance Request Appeal #22-05 SMOKEY JOE'S SIGNS

BY REASON OF: SECTION 32-85-2-C PROVISION PERTAINING TO PERMITTED NUMBER AND ALLOWABLE AREA OF SIGNS FOR COMMUNITY BUSINESS DISTRICT.

LOCATION: 16841 14 MILE ROAD, FRASER, MI 48026

PURPOSE OF REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO EXCEED THE ALLOWABLE WALL SIGN AREA ON COMMUNITY BUSINESS ZONED PROPERTY (ONE 32 SQUARE FEET PERMITTED, 69.69 TOTAL SQUARE FEET REQUESTED).

Dani Batti and Joe Matteo were here on behalf of the petitioner. Planner Andrew Littman read his review of this variance request to the Zoning Board of Appeals. His opinion was that the Zoning Board of Appeals should not approve this variance request based on the fact that there are no under new business extraordinary or exceptional practical difficulty or hardship at this site.

Mr. Batti asked that Mr. Littman's review be made part of the minutes of this meeting. **See attachment A** He then asked Mr. Littman why he did not include Sal's Liquor in this review.

Joe Matteo read a statement into the record regarding the number of businesses in the City of Fraser that had a liquor license and how much larger the signage was at all the others. He reviewed that he had come before the Zoning Board of Appeals to do what was right and he felt other businesses just went ahead and put signs up with no repercussions. He then stated that this variance request review had been going on for some time now. The ZBA had requested certain things of him and he had addressed everything they asked of him.

**Fraser Zoning Board of Appeals Meeting
May 18, 2023**

Board Member Menendez indicated that reviewing what signs were up, what variances may or may not have been granted from as long ago as 1987, this did not lend itself to be comparing “apples to apples”. Perhaps the Ordinance was different back then. As to the question of whether or not signs may have just been approved administratively they were not in the business of wanting to repeat poor decisions made by others in the past. They were here to do what was fair and right and in line with our ordinance.

It was noted that one of the businesses he spoke about with much more signage and no variance had been referred to code enforcement.

Discussion was again had regarding other businesses and what type and size of signage they were allowed to have up to advertise that they had liquor. Two of the businesses were national chains – Meijer and CVS.

Discussion was had on why the extra 50% was allowed on the current sign.

Discussion was had regarding possibility of further variance review if the applicant makes changes to the current sign.

Motion by Chair Farina, on behalf of the board, variance request appeal # 22-05 for Smokey Joe’s for additional signage over and above that allowed be denied as there is no hardship found that would allow approval. Motion died for lack of support.

Mr. Farina also commented that he withdrew his motion.

Discussion was had on how to address the current size of the sign that was over the current allowable amount.

Motion by Menendez supported by Lesich, to approve 27.5 feet, not additional, plus the existing 32 for a total of 59.5 which is size of the existing sign keeping within compliance.

AYES: Burley, Chimenti, Farina, Lesich, Menendez

NAYS: None

Motion Carried

b. Variance Request Appeal # 23-01 DEVON STORAGE

BY REASON OF: SECTION 32-144 (3), PROVISIONS PERTAINING TO BUILDING SETBACKS IN THE IC, INDUSTRIAL CONTROLLED DISTRICT.

LOCATION: 31475 UTICA ROAD; FRASER, MI 48026

PURPOSE OF REQUEST: TO OBTAIN VARANCES FROM ZONING ORDINANCE STANDARDS THAT APPLY IN THE INDUSTRIAL CONTROLLED DISTRICT INCLUDING:

THE MINIMUM SIDE YARD SETBACK REQUIREMENT FROM AN ADJACENT RESIDENTIAL DISTRICT, WHICH IS 100 FEET. BUILDING C HAS A PROPOSED 59’1” SIDE YARD SETBACK (40’11” VARIANCE REQUESTED).

Peter M. Stuhldreier was present on behalf of the applicant.

Mr. Littman reviewed previous tabled request from April meeting regarding 5 requested variances regarding set backs on the property. Variances were not granted and board had advised the

**Fraser Zoning Board of Appeals Meeting
May 18, 2023**

applicant to revise their plan so that fewer variances were needed. Applicant has revised the plan seeking only 1 variance.

Mr. Littman reviewed his position of the recommendation to grant the request.

Discussion was had with the Board, Mr. Littman and petitioner regarding the buildings on the property. Additional discussion was had on outstanding conditions pending Planning Commission further approval regarding building compliance and RV storage and requirements of the Department of Public Safety.

Discussion was held regarding conformity and/or increasing of non-conformity of the buildings on the property, the property lighting and asphalt.

Discussion was held regarding storage of RV, boats, trailers with mention to Department of Public Safety notice received on May 18, 2023. Discussion with attorney with respect to options to make motion with a specific condition disallowed or removed from the site plan.

Motion by Burley supported by Chimenti, to approve the variance requested # 23-01 for Devon Storage to obtain a variance from the minimum side yard set back requirement from the adjacent residential district of 40 feet 11 inches where 100 feet allowed due to unique and irregular configuration and also has 2 different zonings in 1 property. With the condition that RV, trailers, motor homes and boats storage be removed from the site plan.

AYES: Burley, Chimenti, Farina, Lesich,
NAYS: Menendez

Motion Carried

Chairman Farina advised petitioner to bring revised plans to City Hall for stamp approval.

9. NEW BUSINESS OF THE BOARD

a. Discussion for the July meeting date

City Clerk Greenia reviewed that Meijer wanted to come before the Zoning Board of Appeals and the next scheduled meeting date was July 20, 2023.

She also brought to the attention of the Board that there would be no new business at the meeting scheduled for June and wondered if they wanted to cancel it or not. They agreed to cancel the next meeting due to lack of business.

A June meeting will be planned for June 20.

Motion by Lesich, second by Menendez to hold a special meeting of the Zoning Board of Appeals on June 20, 2023 at 7:00 pm.

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

Motion Carried

10. UNFINISHED BUSINESS OF THE BOARD

**Fraser Zoning Board of Appeals Meeting
May 18, 2023**

Discussion on the status of the sign ordinance review and update which is under review by City Attorney DeNault.

Chairman Farina inquired if any new building is planned for the Utica property which recently had a demolition on the site. Mr. Littman will check for any plans.

Chairman Farina inquired of any changes with the status of the Dairy Queen site. Mr. Littman advised a plan is under review for the next Planning Commission.

Chairman Farina inquired of any information on Hockey Land. None at this time.

Chairman Farina inquired on the Shooters Special Land use of construction begun without the proper permit.

11. PLANNING COMMISSION LIASON MEMBER REPORT

No meeting held to report on.

12. PUBLIC PARTICIPATION

No public to be heard.

13. MEMBERS COMMENTS AND ITEMS OF INTEREST

14. ADJOURNMENT

Motion by Menendez supported Lesich by to adjourn the meeting at 8:49 p.m.

AYES: Burley, Chimenti, Farina, Lesich, Menendez

NAYS: None

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser



**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 Meijer, 34835 Utica Rd. CROSS STREETS: 15 Mile & Utica

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

See attached.

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

To be allowed Home and Fresh wall signs on the store to direct customers to which sides of the store the groceries and home goods are located and also (1) Fraser Meijer Express wall sign on the gas station store that identifies the city location and that the gas station store is a small express store that offers a wide variety of food and snacks.

SECTION OR ORDINANCE INVOLVED: 32-85 (2)(d)

ZONING DISTRICT OF PROPERTY: CG

APPLICANT

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

APPLICANT: Allied Signs, Inc.

ADDRESS: 33650 Giftos, Clinton Twp. MI 48035

PHONE: 586-791-7900

INTEREST: Sign Contractor

APPLICANT: Same as above.

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: 5/10/23

Signature of legal property owner (if not applicant): Ariane Marquant

Date: 5/9/2023

Digitally signed by Ariane Marquant
DN: cn=Ariane Marquant, o=Meijer Inc., ou=Remodel
Constructors, email=ariane.marquant@meijer.com, c=US
Date: 2023.05.09 15:37:32 -0400

ALLIED SIGNS INC.

RE: Meijer, 34835 Utica, ZBA request

1. Due to the size of the property and the store, the additional signs are needed to provide proper wayfinding. Home identifies the entrance to the home goods section of the store and Fresh identifies the entrance to the grocery section of the store. The sign for the gas station lets people stopping for fuel, know they are an express store that offers a wide variety of food and snacks along with what city they are in, for patrons traveling thru.
2. The proposed signs won't be in contrary with the intent or purpose of the zoning ordinance as the proposed are designed to be esthetically cohesive with the surrounding area and overall building design. They offer proper wayfinding.
3. The proposed wall signs will not cause an adverse effect upon adjacent property owners as they are just wall signs.
4. The proposed wall signs only relate to the Meijer property.
5. The proposed wall signs won't alter the character of the surrounding area as they are designed to be esthetically cohesive to the surrounding area and overall building design.
6. The proposed signs will not increase traffic congestion but should actually alleviate it because the signs offer proper wayfinding.
7. The proposed signs won't impair public health, safety, comfort or general welfare of the residents as these are just wall signs.

SPLIT ON 11/02/2021 INTO 03-11-31-100-049 & 03-11-31-100-050; T2N, R13E, SEC 31; COMM AT N 1/4 POST SEC 31; TH S89°24'07"W 184.68 FT TO POB; TH S21°47'00"E 64.36 FT; TH S89°24'07"W 64.35 FT; TH S21°47'00"E 302.71 FT; TH S89°31'41"W 183.52 FT; TH S00°25'20"E 339.18 FT; TH S89°31'43"E 98.70 FT; TH N85°55'32"E 42.61 FT; TH N77°24'57"E 55.82 FT; N69°23'27"E 58.07 FT; TH N22°05'42"W 15.00 FT; TH N67°54'18"E 31.00 FT; TH S22°05'42"E 15.00 FT; TH N67°54'18"E 13.03 FT; TH 5.47 FT ALG A CURVE LEFT, R=24.16, CB N58°11'37"E 5.46 FT; TH S21°47'00"E 50.79 FT; TH N62°42'07"W 12.25 FT; TH S69°11'13"W 33.95 FT; TH 179.94 FT ALG A CURVE RIGHT, R=418.95, CB S76°21'20"W 178.56 FT; TH S00°25'36"E 195.76 FT; TH N89°10'55"E 151.42 FT; TH 148.46 FT ALG A CURVE LEFT, R=338.34, CB N77°11'21"E 147.27 FT; TH N16°37'43"E 3.75 FT; TH S21°21'55"E 83.39 FT; TH S82°18'46"W 122.84 FT; TH S00°37'09"E 357.53 FT; TH S89°24'07"W 1124.46 FT; TH NORTH 1334.67 FT; TH N89°24'07"E 115.41 FT; TH S00°00'00"E 107.68 FT; TH N90°00'00"W 28.84 FT; TH S00°00'00"E 98.42 FT; TH 39.53 FT ALG A CURVE LEFT, R=25, CB S45°17'57"E 35.54 FT; TH N89°24'07"E 213.58 FT; TH N89°27'13"E 160.43 FT; TH 76.75 FT ALG A CURVE TO RIGHT, R=200, CB S79°24'31"E 76.28 FT; TH S68°24'56"E 46.22 FT; TH 49.26 FT ALG A CURVE TO LEFT, R=25, CB N55°08'01"E 41.67 FT; TH N01°19'02"W 156.30 FT; TH N18°29'03"W 24.89 FT; TH NORTH 60.00 FT; N89°24'07"E 298.85 FT TO POB 26.935 AC

Site Plan with Sign Locations:

- B** Lit Wall Sign - "Fresh" - Front North Elevation
- C** Lit Wall Sign - "Home" - Front North Elevation
- H** Lit Gas Station M Express Sign

Site Plan:
SCALE: None

Page 1 - Site Plan Site Plan with Sign Locations



CUSTOMER INFORMATION

Customer: **Meijer**
Store #145
Address: 34835 Utica Rd
Fraser, MI 48026
Project Manager: **Jennifer Henson**

DRAWING INFORMATION

File Name: **Meijer**
Fraser, MI
Site Plan
REV A 2-18-23
Title: **REV A 2-18-23**
Author: **ons**

Scale: **None**
Page: **1 of 1**
Designer: **Jenna Welke**
Customer/ L Approval:



SignArt Company

Eau Claire, WI
715-834-5127
800-235-5178

St. Paul, MN
651-688-0563
800-699-0563

www.signartusa.com



This drawing was created to assist you in visualizing our proposal. It is the property of Sign Art Company and may not be used or reproduced by others.

Proposed Sign:
Front North Elevation - Lit Wall Sign - Fresh

New 5'-0" H. x 13'-10" W. "Fresh" Wall Sign: 69.17 sq. ft.

Total Proposed Wall Sign Area Front North Elevation: 69.17 sq. ft.

Total Proposed Wall Sign Area Allowed Front North Elevation: X sq. ft.

Total Proposed Wall Sign Area Below Allowed Front North Elevation: X sq. ft.

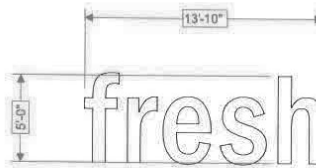
North Elevation Wall Sign
SCALE: 3/16" = 1'-0"

Page 1 - North Elevation - Wall Sign
Building Elevation with Signs

Building Front Elevation (Not to Scale)



Proposed New Sign:
5'-0" H. x 13'-10" W. "Fresh" Wall Sign: 69.17 sq. ft.



North Elevation Wall Sign
SCALE: 1/16" = 1'-0"



CUSTOMER INFORMATION

Customer: **Meijer**
Store #145

Address: **34835 Utica Rd**
Fraser, MI 48026

Project
Manager: **Jennifer Henson**

DRAWING INFORMATION

File Name: **Meijer - Fraser, MI**
North Elevation - Fresh
Lit Letters Wall Sign
REV C 3-20-23

Date: **REV A 2-20-23**
Revisions: **REV B 2-22-23**
REV C 3-20-23

Scale: 3/16" = 1'-0" at 11" x 17"

Page: 1 of 4

Designer: **Jenna Welke**

Customer/
LL Approval:



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Proposed Sign:

Front North Elevation - Lit Wall Sign - Home

5'-0" H. x 14'-9" W. "Home" Wall Sign: 73.75 sq. ft.

Total Proposed Wall Sign Area Front North Elevation: 73.75 sq. ft.

Total Proposed Wall Sign Area Allowed Front North Elevation: X sq. ft.

Total Proposed Wall Sign Area Below Allowed Front North Elevation: X sq. ft.

North Elevation Wall Sign
SCALE: 3/16" = 1'-0"

Page 1 - North Elevation - Wall Sign
Building Elevation with Signs

CUSTOMER INFORMATION

Customer: **Meijer**
Store #145

Address: **34835 Utica Rd**
Fraser, MI 48026

Project
Manager: **Jennifer Henson**

DRAWING INFORMATION

File Name: **Meijer - Fraser, MI**
North Elevation - Home
Lit Letters Wall Sign
REV B 2-22-23

Date: **REV A 2-20-23**

Revisions: **REV B 2-22-23**

Building Front Elevation (Not to Scale)



Proposed New Sign:
5'-0" H. x 14'-9" W. "Home" Wall Sign: 73.75 sq. ft.



North Elevation Wall Sign
SCALE: 1/16" = 1'-0"



Scale: 3/16" = 1'-0" at 11" x 17"

Page: 1 of 4

Designer: **Jenna Welke**

Customer/
LL Approval:



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Proposed Sign: Northeast Elevation - Gas Station Wall Sign

New 5'-10" H. x 5'-8" W. Wall Sign: 33.01 sq. ft.

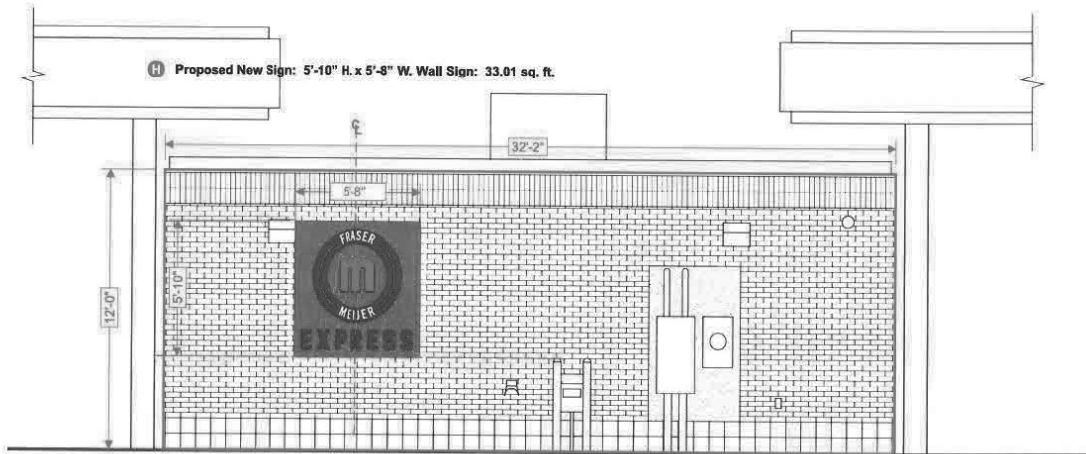
Total Proposed Wall Sign Area Front Northeast Elevation: 33.61 sq. ft.

Total Proposed Wall Sign Area Allowed Northeast Elevation: X sq. ft.

Total Proposed Wall Sign Area Below Allowed Northeast Elevation: X sq. ft.

Page 1 - NE Elevation - Gas Station - Wall Sign Building Elevation with Signs

Photo with Sign Location (Not to Scale)



Northeast Elevation - Gas Station Wall Sign
SCALE: 1/4" = 1'-0"

CUSTOMER INFORMATION

Customer: **Meijer**
Store #145

Address: **34835 Utica Rd**
Fraser, MI 48026

Project
Manager: **Jennifer Henson**

DRAWING INFORMATION

File Name: **Meijer - Fraser, MI**
NE Elev Gas Station
Lit Wall Sign
REV B 3-20-23

Date: **REV A 2-21-23**
Revisions: **REV B 3-20-23**

Scale: 1/4" = 1'-0" at 11" x 17"

Page: 1 of 4

Designer: **Jenna Welke**

Customer/
LL Approval:



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MCKENNA

June 12, 2023

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

**SUBJECT: ZBA REPORT #1
#23-02 VARIANCE REQUESTS / MEIJER SIGN VARIANCE**

APPLICANTS: ALLIED SIGNS, INC.

**SECTION: SECTION 32-85-2-D, PROVISIONS PERTAINING TO PERMITTED NUMBER AND
ALLOWABLE AREA OF SIGNS IN THE COMMERCIAL GENERAL DISTRICT**

LOCATION: 34835 UTICA ROAD, FRASER MICHIGAN, 48026

**REQUEST: TO OBTAIN A VARIANCE FROM ZONING ORDINANCE STANDARDS TO EXCEED THE
NUMBER OF ALLOWABLE SIGNS ON A COMMERCIAL GENERAL DISTRICT ZONED
PROPERTY (2 SIGNS ALLOWED; 3 ADDITIONAL SIGNS REQUESTED BEYOND NUMBER
PREVIOUSLY GRANTED BY PRIOR VARIANCES), AND TO OBTAIN A VARIANCE FROM
ZONING ORDINANCE STANDARDS TO EXCEED THE MAXIMUM ALLOWABLE SIGN AREA
ON COMMERCIAL GENERAL DISTRICT ZONED PROPERTY (MAXIMUM OF 96 SQUARE
FEET PERMITTED; ADDITIONAL 175.93 TOTAL SQUARE FEET REQUESTED BEYOND
NUMBER PREVIOUSLY GRANTED BY PRIOR VARIANCES)**

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for additional signage at the Meijer located at 34835 Utica Road, 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
MCKA.COM**

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ADMINISTRATIVE STATEMENT OF FACTS

The applicant, Allied Signs, seeks variances to install three additional wall signs onto the Meijer facilities at 34835 Utica Road, which is located in CG (Commercial General) zoning district. Section 32-85 of the Zoning Ordinance limits businesses in the CG district to two signs, which cannot exceed a total of ninety-six (96) square feet.

Two of the signs for which the applicant seeks a variance would be on the front façade of the Meijer building. On one end of the front façade of the building, the applicant proposes adding a 73.75 sq. ft. sign that reads “home.” On the other end of the front façade, the applicant proposes a 69.19 sq. ft. sign that reads “fresh.” These signs, which would be 215 feet apart, identify the entrance to the home goods and grocery sections of the store.

The third proposed sign would be on the side of the Meijer gas station. Measuring 33.01 sq. ft., this sign would read “M Express” and identify the City of Fraser.

As background, in February 1994, variances for the following walls signs were approved for the front façade of this Meijer:

- “Meijer” (319 sq. ft.)
- “Why Pay More” (158 sq. ft.)
- “Parcel Pick-Up” (4 sq. ft.)
- “Welcome” (42 sq. ft.)
- “Welcome” (42 sq. ft.)

These signs totaled 565 sq. ft. At that time, the Ordinance permitted two walls signs at a maximum of 48 sq. ft. each. Therefore, that variance was for three additional wall signs and 469 sq. ft. of additional wall signage area.



ZONING BOARD OF APPEALS VARIANCES AND BOARD ACTION RESTRICTIONS

The ZBA is a body of limited powers. §32-228 explains how Fraser administers variance requests. Where there are practical difficulties or unnecessary hardships in the way of strict enforcement of the zoning ordinance, the ZBA may grant appeals to vary or modify any zoning provisions that apply to dimensional standards like construction, structural changes in equipment, or alteration of buildings or structures. The ZBA's actions must uphold the zoning ordinance, secure public safety, and provide substantial justice for all property owners.

The ZBA must consider whether the property in question exhibits practical difficulty, like geographical or topographical conditions that impair its improvements without the modifications requested.

As described in §32-228(a)(2), the ZBA must find evidence of evidence that:

- all the facts and conditions of a. thru d. exists,
- or e. or f. exists independently,

to grant a variance.

Our comments related to the proposal follow each clause in **bold**.

- a. *That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.*

The proposed wayfinding signage on the front façade of this Meijer location is necessary because of the unique size and layout of this retailer. It is the only business in the City with entrances to different departments that are situated so far apart. While denying this variance would result in an inconvenience for able-bodied shoppers, this proposed signage is vital for those with limited mobility, who would be severely challenged if they choose the wrong entrance.

However, while this reasoning applies to the wayfinding signs on Meijer's front façade, it does not apply to the proposed gas station signage. In supplementary material it provided, the applicant maintains that the sign for the gas station is necessary since it "lets people stopping for fuel know they are an express store that offers a wide variety of food and snacks along with what city they are in, for patrons traveling thru." We find this argument unconvincing and that there is not an adequate rationale for granting that part of this variance request.

- 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.*

All other businesses in the area are able to provide customers with the merchandise they desire once they enter the front entrance. However, Meijer needs the wayfinding signs on its façade to enjoy this same right given its size and layout.

- 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.*

Granting this variance will have no effect on adjacent properties, nor will it materially impair the intent and purpose of the Ordinance or the public interest.

- 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.*

As previously mentioned, a nearly 250,000 sq. ft. retail store with multiple departments is not found anywhere else in the City of Fraser, and therefore granting a variance here will 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 variance request. This provision does not apply.

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.

RECOMMENDATION

As to the proposed wayfinding signs on the front façade of the Meijer store, we find the applicant has met the Ordinance standards for obtaining variances and recommend the ZBA grant its request. However, we recommend denying its request for additional signage on the Meijer gas station for lack of a sufficient rationale.

Please let me know if you have any questions.

Respectfully Submitted,

Andrew Littman
Senior Planner

Cc: Applicant
City Manager
Building Official
City Attorneys