



City of Fraser

CENTENNIAL COMMUNITY

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**CITY OF FRASER ZONING BOARD OF APPEALS
DECEMBER 5 2024 @ 7:00 P.M.
COUNCIL CHAMBERS, 33000 GARFIELD, FRASER, MI 48026
AS APPROVED 1/16/2025**

1. CALL MEETING TO ORDER

A regular meeting of the City of Fraser Zoning Board of Appeals was held on Thursday, December 5, 2024 at 7:00 pm in City Council Chambers. Chairman Farina called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Farina led the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Chimenti, Farina, Green, Menendez, Stasek
ABSENT: Burley

OTHERS: City Planner Lauren Sayre, City Attorney Alexander Hishon,
Deputy Clerk Greenia

Chair Farina noted that Board Member Burley was excused from the meeting.

4. APPROVAL OF AGENDA – December 5, 2024

Motion by Menendez supported by Stasek to approve the agenda as presented.

AYES: Chimenti, Farina, Green, Menendez, Stasek
NAYS: None

Motion Carried

5. APPROVAL OF MINUTES – November 7, 2024

Motion by Menendez supported by Green to approve the minutes of the November 7, 2024 City of Fraser Zoning Board of Appeals Meeting with the following correction on

Page 3, 7b under the motion area a spelling correction of Menendez name.

AYES: Chimenti, Farina, Green, Menendez, Stasek
NAYS: None

Motion Carried

6. 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.

7. NEW BUSINESS OF THE BOARD

a. Public Hearings

i. ZBA#224-07 34625 and 34835 Utica Road, Mister Car Wash

Request to obtain a variance from Section 32-86(6) of the Zoning Ordinance to allow the applicant to exceed the maximum allowed foot-candle illumination measurement in a commercial use.

The proposed maximum illumination in the driveway is 21 foot-candles where only 4 foot-candles are permitted.

The proposed maximum illumination for parking areas is 33 foot-candles where only 4 foot-candles are permitted.

The proposed maximum illumination for walks is 33 foot-candles where only 2 foot-candles are permitted for walks.

Planner Lauren Sayre went over her review of the requested variance. She spoke to each condition that is a consideration when looking at an application to see if it meets the standards for a hardship or practical difficulty. She did not feel the applicant had proven either of those and recommended denial of the variance request to the Zoning Board of Appeals.

A lengthy discussion was had regarding a chart Planner Sayre provided to the Zoning Board of Appeals showing nearby communities' requirements for foot-candles. Where was the foot-candle measured at, was there a different number of foot-candles allowed near the property line, was this an "average" or maximum number in the Ordinance? Attorney Hishon stated he believed it was a maximum number, as he did not see anything that would make him think this was an "average" number for the property. Board Member Stasek asked if there was some type of reference point so we knew what 4 foot-candles looked like. Chris Campbell, Mister Car Wash, was present on behalf of the applicant. He brought with him a photometric plan for this site. He explained that if our Ordinance permitted him to average out the foot-candles, he would basically meet the requirements, but because our Ordinance did not allow for that, the foot-candle reading is much higher. Discussion continued on different readings on the site at different locations. He felt that if he could average the ENTIRE site he would be well under the required number of four (4).

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Mr. Campbell then told the Board a bit about the company. He explained how they have a particular system so that they can reclaim about 50% of the water. They were the largest tunnel type car wash business in the Country and recently opened up their 505th site. There were 31 of these car washes currently in the State of Michigan with 18 in development. They facilitate about 100,000,000 washes annually.

Mr. Campbell then told the Board that he had gone out to the businesses in Fraser and measured their foot-candles. He shared with the Board what his findings were and many of them were well above what our Ordinance allows. Further discussion was had on various issues about the business in general.

Chairman Farina opened the public hearing at 7:58 p.m.

There was no public that wished to speak on this matter.

Chairman Farina closed the public hearing at 7:58 p.m.

Motion by Stasek supported by Green to approve the variance granted in variance Request **ZBA#224-07 34625 and 34835 Utica Road, Mister Car Wash**

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The proposed maximum illumination for walks is 33 foot-candles where only 2 foot-candles are permitted for walks.

Based on the fact that the applicant has stated that the hardships are safety related and that they need to have illuminated areas in the drive and vacuum because customers will be busy in their cars and other drivers in the vicinity need to have a good line of sight on people who are moving in and around their vehicles and other businesses in the area enjoy a similar benefit in their lighting areas.

Discussion was had on the motion regarding how it met the criteria to grant a variance.

Planner Sayre interjected that at this time the applicant has indicated he would like to wait until there is a full Board to decide on this matter. Board members then stated their feelings on the matter. Chairman Farina and Member Chimenti indicated they would be voting no on this question, Members Stasak and Green indicated they would be in favor of granting this variance. Menendez stated she would have voted "no" but after the presentation by the applicant and further discussion during the meeting, she stated she would vote "yes".

Motion by Stasek, supported by Green to approve ZBA#224-07 34625 and 34835 Utica Road, Mister Car Wash

AYES: Green, Menendez, Stasek

NAYS: Chimenti, Farina

Motion Carried

8. OTHER

a. 2025 Monthly Meeting Calendar

Discussion was had on the proposed 2025 monthly meeting calendar.

Motion by Menendez supported by Stasek to approve the regular Zoning Board of Appeals meeting calendar for 2025 with the exception of January 2nd amend that to January 16, 2025 and July 3 amend that to July 17, 2025 with the rest of the dates remaining as presented.

January 16, 2024
April 3, 2025
Jul 17, 2025
October 2, 2025

February 6, 2025
May 1, 2025
August 7, 2025
November 6, 2025

March 6, 2025
June 5, 2025
September 4, 2025
December 4, 2025

AYES: Chimenti, Farina, Green, Menendez, Stasek
NAYS: None

Motion Carried

9. OLD BUSINESS (Postponed Cases)

Nothing at this time.

10. UNFINISHED BUSINESS OF THE BOARD Nothing at this time.

11. MONTHLY REPORT

a. November Monthly Reports

Planner Sayre provided an update on activity for the month of November.

b. Action Items Update

None at this time.

12. PLANNING COMMISSION LIAISON REPORT

Chair Farina reviewed the Planning Commission meeting of December 4, 2024 and the actions they took.

13. PUBLIC TO BE HEARD

None at this time.

14. ADJOURNMENT

Motion by Menendez supported by Green to adjourn at 8:29 p.m.

All Ayes

Motion Carried

Respectfully Submitted:

Cindi Greenia, City of Fraser Deputy Clerk