



CITY MANAGER
Elaine Leven
CITY CLERK
August Gitschlag

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
November 7, 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 – November 7, 2024**
- 5. Approval of Minutes – September 5, 2024**
- 6. Formal Statement by Chair**
- 7. New Business of the Board**
 - a. Public Hearings – ZBA 24-06 – 33420 Utica Road, Use Variance for Multiplex Development**

To obtain a use variance from zoning ordinance standards to allow the applicant to construct multiplex buildings consisting of seven two-family dwellings on site with associated parking in the RM zoning district.
 - b. Other**
 - i.** Interview of Joeseeph Chimenti for position on the Zoning Board of Appeals
 - ii.** Interview of Rosanne Menendez for position on the Zoning Board of Appeals
- 8. Old Business (Postponed Cases) - None**
- 9. Unfinished Business of the Board**
- 10. Monthly Report**
 - a.** October Monthly Reports
 - b.** Action items Update – none

11. Planning Commission Liaison

12. Public to be Heard

13. Adjournment.

Posted: October 31, 2024



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CITY OF FRASER ZONING BOARD OF APPEALS SEPTEMBER 5, 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, September 5, 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, Chimenti, Farina, Green, Menendez, Stasek

ABSENT: None

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

IV. APPROVAL OF AGENDA – September 5, 2024

Motion by Menendez **supported** by Burley to approve the agenda as submitted.

AYES: Burley, Chimenti, Farina, Green, Menendez, Stasek

NAYS: None

Motion Carried

V. APPROVAL OF MINUTES –August 15, 2024

Motion by Menendez supported by Green to approve the minutes as submitted.

AYES: Burley, Chimenti, Farina, Green, Menendez, Stasek

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. Public Hearings

33000 Garfield, Fraser, Michigan 48026 – (586) 293-3100 – www.micityoffraser.com

**CITY OF FRASER ZONING BOARD OF APPEALS
SEPTEMBER 5, 2024 @ 7:00 P.M.**

There were no public hearings at this time.

VIII. OLD BUSINESS (POSTPONED CASE)

a. ZBA #24-04: Variance Request – Meijer/ Location 34835 Utica Road

To obtain a variance from zoning ordinance standards to reduce the number of required off-street parking for a commercial business from 1,079 parking spaces to 999 parking spaces, with the current requirement being 1,608 parking spaces.

City Planner Lauren Sayre reviewed the request for the variance. She indicated that this was a request for a reduction for parking at the site. This site had a history of approved reductions and these examples were included in the written review by the City Planner. The request was to reduce the parking from its current 1,079 spaces to 999, which is a reduction of 80 parking spaces. She then stated that if this variance were granted tonight, the applicant would need to amend the current sight plan for approval by the Planning Commission.

This property was the largest CG (Commercial General) zoned property in the City. The applicant felt that they already had far more parking than was necessary for their use. In reviewing this against the standards for variance approval, she indicated that while the applicant did not provide any evidence that the variance was requested for this reason it would financially benefit them. Approval of this, however, would be something that had been done with other variance requests in the CG District by other businesses. They did not find any evidence that a reduction in required parking spaces would negatively affect adjacent properties. She stated that if the variance were approved, it would not be so general or recurrent in nature as to create a general rule for such conditions or situation – she reminded that this was such a large property that there would not be others this size, thus it would not be general or recurrent. Planning Commission did not sponsor the proposal. Ultimately, they recommended granting this variance based on the facts above.

Discussion was had on what other communities required for parking for a business like a Meijer store. Attorney Ericson indicated that there are some communities that are starting to shy away from a required minimum number of parking spaces. It was very different everywhere.

Farina asked if the ZBA could get some data regarding how other communities handle the parking requirements.

At this time Chairman Farina asked the applicant to address the variance request. Joe Paluzzi, MHB Companies and Reid Cooksey with Stonefield Engineering and Design were present on behalf of the applicant.

Discussion was had on the “grey” area on the plan. Mr. Paluzzi indicated this would be employee parking as well as parking for the Garden Center. Mr. Paluzzi gave the history of their involvement with the site. They planned to put a Mr. Carwash there. He further explained that if the variance is granted tonight they would be coming before the Planning Commission for a Special Land Use and Site Plan approval. Discussion was had on the amount of parking that would be required now to build a Meijer store of the same size. Mr. Paluzzi Indicated that 500 parking spaces would be required.

He then indicated that top priority for Meijer was customer experience. They would never put that in jeopardy or sacrifice anything that might alter the experience. Mr. Paluzzi stated they had a

**CITY OF FRASER ZONING BOARD OF APPEALS
SEPTEMBER 5, 2024 @ 7:00 P.M.**

traffic study completed. The results would be included with the Planning Commission submission. Ms. Ericson assured that since they held the Public Hearing on this already they did not have to do so again.

Board Member Menendez asked about the reserved/banked parking and if that would affect the request on the agenda tonight. Ms. Ericson stated “No”, but at some point her office may need to look at the original documents.

Board Member Stasek asked if they owned the property at this time. Mr. Paluzzi stated they did not.

Motion by Chimenti supported by Menendez to approve ZBA #24-04 variance request for Meijer located at 34835 Utica Road., to obtain a variance from Zoning Ordinance Standards to reduce the number of required off-street parking spaces for a commercial business from 1079 parking spaces to 999 parking spaces with the current requirement being 1608 parking spaces based on the following reasons:

1. The property is much larger than surrounding properties and based on the fact that historical observation on this site indicates that there is more than sufficient parking for the use of the Meijer and a reduction of 80 spaces for this out-lot, will not be a detriment to the use and development of this piece or the adjacent property in the vicinity;
2. The Applicants have met the standards for obtaining a variance;
3. The current approved site plan will have to be amended.

ROLL CALL VOTE:

AYES: Chimenti, Menendez, Burley, Farina, Green, Stasek

NAYS: None

Motion Carried

IX. UNFINISHED BUSINESS OF THE BOARD

None

X. MONTHLY REPORT

a. August Monthly Report

Ms. Sayre gave her monthly report including action items on the following matters:
Hockeyland Outlot, Strip Mall at 32660 Utica Road, Sheetz, Foundation Solutions 360,
Sunbelt Rentals, Drivergent, Strip Mall at 16000 15 Mile Road, and Meijer.

b. Action Items Update

XI. PLANNING COMMISSION LIAISON REPORT

Chair Farina updated the Board regarding the current start of review of Our Zoning Ordinance. There would be a survey going out soon before work is started in earnest on this project. They would meet next time in December, hoping to work on it through 2025 and adopt it late in 2025.

**CITY OF FRASER ZONING BOARD OF APPEALS
SEPTEMBER 5, 2024 @ 7:00 P.M.**

XII. PUBLIC TO BE HEARD

Board Member Chimenti stated there was a fish fry Friday night at John F. Kennedy K of C. Chair Farina added this was a great meal and a really good price.

Board Members Stasek, Menendez, Burley, and Green had nothing.

XIII. ADJOURNMENT

Motion by Menendez **supported** by Chimenti to adjourn at 7:34 p.m.

All Ayes

Motion Carried

Respectfully Submitted:

Cindi Greenia, Deputy Clerk
City of Fraser



October 24, 2024

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

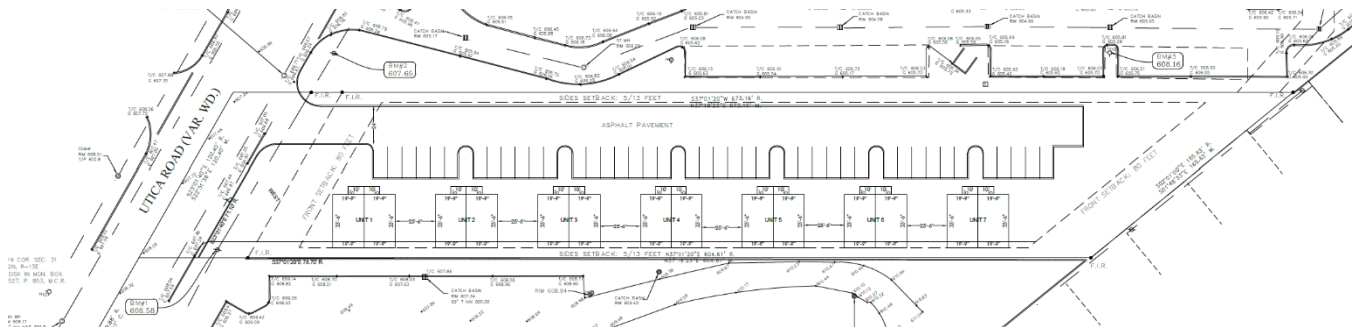
SUBJECT: ZBA REPORT #1: #24-06 VARIANCE REQUEST / 33420 UTICA ROAD
APPLICANT: AYAD RAZOOQ
SECTION: SECTION 32-122-1, PROVISIONS PERTAINING TO PERMITTED USES IN THE RESIDENTIAL MEDIUM – ONE FAMILY, RM, DISTRICT
LOCATION: 33420 UTICA ROAD, FRASER, MICHIGAN 48026

Members of the Zoning Board of Appeals:

We have reviewed the above referenced appeal for multiple residential family use in a single-family residential district. 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, which is 5 Board Members.

VARIANCE REQUEST SUMMARY

The applicant, Ayad Razooq, proposes to construct a multiplex development consisting of 7 duplex buildings, for a total of 14 residential units on a 1.56 acre parcel. The zoning district that the property is located in (RM) does not allow for multiplex developments, so the applicant is seeking a use variance. The site includes 7 duplexes which are positioned in a line with a shared parking and access driveway on the north side of the property. The duplexes would face north under the proposed layout. If approved and constructed, the applicant intends to sell each unit individually as condominiums with a master deed.





BACKGROUND

The following information is for the ZBA's reference and are not inherently standards for approval.

33580 Utica Road (Newberry Condominiums): Located adjacent to the north of the subject site, Newberry Condominiums is zoned RM (the same zoning as the subject site). This property was able to develop as attached condominiums by obtaining a use variance for apartments on February 1, 2001. The ZBA unanimously voted to approve the variance. Below is an excerpt from the minutes with the motion and conditions. The full minutes are attached at the end of this report.

Chairman Stimac stated the hardship is due to the county drain running through the property makes the property hard to develop as single family detached residential, the width of the property makes it difficult both physically and economically to develop in a standard single family residential subdivision format, the adjacent and abutting uses allow it to fit into the neighborhood and does not change the overall character of the neighborhood in which it is associated with.

Motion by Member Jurcak Support by Member Stimac

TO: APPROVE

APPEAL #05-00ZBA/Pavianiti Properties/33490 and 33550 Utica Road/Requesting a use variance to allow apartments be constructed in a residential (one family) zoning district.

- 1. Pending approval of all permits (MDEQ, MCRC, MCDC, AEW, & BUILDING).**
- 2. Must address all 9 items on Planners comments.**
- 3. Approval for site plan dated January 23, 2001.**
- 4. 1st floor must be brick or stone as shown on the plans.**
- 5. Light mount must be 12 feet maximum height at grade.**
- 6. Sidewalks be provided which are continues to Utica Road & adjacent to the parking lot within the development.**
- 7. Recognizing the three decks on the Utica Road side.**
- 8. If necessary, the lights to the adjacent properties be changed if needed, as determined by the Building Department.**

AYES 6 NAYS 0 MOTION CARRIED

Before the use variance was approved, the applicant attempted to seek a rezoning from RM to RH to develop the condominiums. The motion and rationale are below, and the full minutes are also enclosed after this report.

Council Member Rubino stated that the reasons for his motion of denial are as follows: 1) the plan submitted at the last ZBA meeting and was denied and the only reason it is being brought forward is because of a potential lawsuit, 2) the property is capable of being developed as zoned, 3) there are other types of development that could be allowed in the single family zoning, 4) it violates the Master Plan, 5) the Planning Commission is acting in the best interest of the City, and 6) it would create spot zoning.

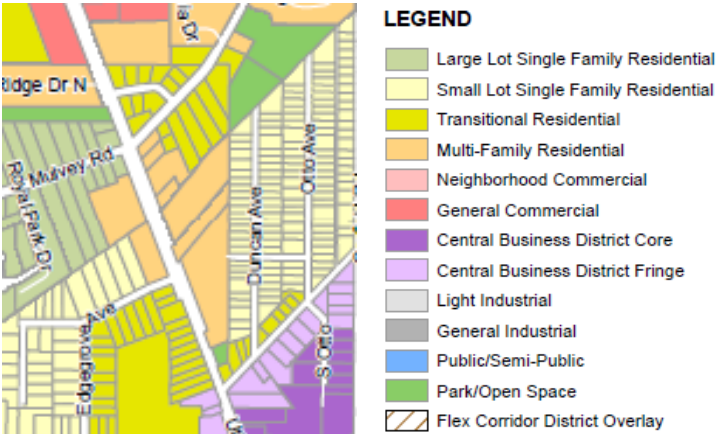
Council Member Rubino moved, seconded by Council Member Wilson, to DENY CONSIDERATION FOR THE PURPOSE OF REZONING THE PROPERTY COMMONLY KNOWN AS 33480 UTICA ROAD AND 33550 UTICA ROAD (VACANT LOTS) FROM RM (ONE FAMILY RESIDENTIAL) TO RH (MULTIPLE-FAMILY), PAVIANITI PROPERTIES, PETITIONER.



Future Land Use Map: The 2021 Master Plan designates the subject site as Multi-Family Residential. The appropriate land uses identified for the Multi-Family Residential areas are as follows:

“Typical uses include multi-unit residential dwelling units such as apartment complexes. The areas designated as Multi-Family Residential are planned for a minimum of 9 units per acre. However, higher density development is also appropriate here if it is determined that specific sites may comfortably accommodate more units”

The proposed development in 14 units, which is almost exactly the intended density, which would be 13.5 units for this site. Thus, this development is very consistent with the Master Plan.



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.

Applicant Comments	The shape of the lot does not allow for an appropriate development of a single-family dwelling because of its disproportionate depth to width ratio. As well as it would be dominated by the neighboring residential developments to the north, south and west as a single-family home. A house here would end up feeling like the house in the movie "Up".
Planning Comments	Planning agrees that this parcel is unique in that the depth (over 600 ft) is significantly greater than other parcels in the same zoning district and nearby.



- 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.

Applicant Comments	This variance is key to the preservation and enjoyment of a substantial property right like that possessed by other properties in the same vicinity because it allows the property use to match for similar use at a smaller scale as its neighbors to the north, south and west.
Planning Comments	Planning agrees, that granting this variance will allow this property owner the same rights afforded to adjacent and nearby parcels with similar zoning, as they were granted a use variance to develop apartments. Additionally surrounding parcels are mainly multi-family developments.

- 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.

Applicant Comments	If the property receives a variance, it will match the surrounding properties and fulfill the same functions from the north, south, and west. This variance will not be of substantial detriment to the adjacent property, it will in fact serve to the opposite. New and attractive properties on the lot would create new neighbors which provides needed additional housing units and an opportunity for growth.
Planning Comments	We do not anticipate this development will materially impair the intent of purpose of this chapter or the public interest. Adjacent properties are mainly multi-family developments, and the property is located along a major thoroughfare.

- 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.

Applicant Comments	Rather than having an impact on the other property, the variance will level levels of competition. We believe this to be a unique situation where a developable piece of property is in the middle of 3 much larger complexes preventing a single-family home to be appropriately built but is large enough to develop a complimenting use of multiplexes. While smaller than its neighbors in scale this project will add a complementing structure design to the mix which will add to the character of the area making it a more diverse and visually interesting.
Planning Comments	This parcel is unique due to it's unusual length-to-depth dimensions and situation among multi-family developments. We do not anticipate granting this variance to create a general rule.

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.

OTHER AGENCY COMMENTS

Below are preliminary comments provided by Engineering and Public Safety. If approved, both reviewing agencies would be asked to provide a more detailed review of the proposed site plan.

Engineering: Water and sewer is available along Utica Road with sufficient capacity to serve the development being considered. Both will likely need to be extended onto the subject site to provide water and sewer service to individual units and/or buildings. On-site storm water detention will be required. No areas are currently reserved for detention, but underground detention is an option for the developer if they can provide sufficient storage volume. There is mapped floodplain adjacent to the site, but this site appears to be outside of any mapped flood zones. We'll likely need to see detailed ground survey to confirm the FEMA mapping. The "dead end" turn-around area is geometrically deficient but could potentially be improved to meet requirements.

Public Safety: From a IFC 2015 we would want to ensure this complies with Appendix D as adopted. Based on the site plan SP-1, the length of the access road (driveway) appears to be longer than 151 ft, which would require a turnaround for fire apparatus. Hydrants are observed on the neighboring property to the north, but we would want to ensure they are free of any obstruction and accessible for use on the proposed property. This could possibly be achieved through requiring an easement. If this is unable to be achieved, we would require an adequate number of hydrants to meet the fire flow requirement installed on the proposed property within the proper distances from the street.

CONCLUSION

We recommend the ZBA approve the use variance for a multiplex development consisting of 7-duplexes as the proposed use variance meets all of the variance standards. Additionally, the use variance is justified as the abnormal length-to-width ratio and location of the property are not conducive to appropriate single-unit residential development.

Please let me know if you have any questions. We will attend the ZBA meeting on November 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

**Fraser City Council – Regular Meeting
Thursday – May 11, 2000 – 7:00 P.M.
Page Three**

**4a. Public Hearing and Request Adoption of Budget Resolution for Setting the Revenues, Expenditures, Fees and Millage Rate for the Fiscal Year 2000-2001
Continued**

BE IT FURTHER RESOLVED, that the City Council hereby adopts the 2000-2001 budget as shown in the budget documents on pages 11 through 18. However, for monthly reports to the City Council, the amounts in the budget documents on pages 19 to 140 will be used for comparative reporting purposes; and,

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers as are necessary not to exceed fifty thousand dollars (\$50,000) to maintain the ongoing monetary obligations of the City within the appropriation centers established through this budget, and that all transfers between appropriations will be reported with each monthly financial report, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act; and that the City Manager is hereby authorized to release bidding documents for those capital items authorized in this budget for public review by the City Council following receipts of bids. The Fraser City Council authorizes the transfer of up to twenty - five percent (25%) of the revenues received for the Major Road Fund to the Local Road Fund; and

THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Fraser, Macomb County, Michigan, that the proposed budget as presented, together with the Manager's budget letter, supporting schedules, statements, budget summaries and related documents, if any, appended thereto, incorporated herein and by reference made part thereof, and as modified by the City Council, be and the same hereby is, adopted as the budget for the City of Fraser for the fiscal period July 1, 2000 to June 30, 2001.

The motion carried unanimously.

4b. Public Hearing and Council Consideration for the Purpose of Rezoning the Property Commonly Known as 33480 Utica Road and 33550 Utica Road (Vacant Lots) from RM (One Family Residential) to RH (Multiple-Family), Pavianiti Properties, Petitioner

Manager Van Damme stated that the Planning Commission and the Planning Consultant made their recommendation as not to rezone this property.

Mayor Adamczyk opened the public hearing at 7:14 p.m.

Mr. Robert Hribar, 16931 19 Mile, Clinton Township and one of the owners, Paul Pavitlitniti, 16203 Wilson, East Pointe, were present to answer any questions Council may have and gave an overview of their request.

Council Member Wilson inquired about the residents who live near the property.

Council Member Cameron stated that she was at the Planning Commission meeting when the local residents did object. The residents stated that they did not want to look at garbage cans and parked cars or take on additional traffic.

Council Member Hale stated that the petitioner submitted the plan to the Planning Commission and they rejected it. You then submitted the same plan again some time later that they already rejected. If the Planning Commission rejected the plan why would you resubmit the same plan? The petitioner stated that he was waiting on his neighbor because he might have had to have his property rezoned so he was hoping to jointly request rezoning with his neighbor and have the whole parcel rezoned. The neighbor's plans fell through and now he is on his own again. The petitioner stated that the only way he could go to court was to file within 21 days of denial, so he had to come back to get denied again so he could file against the City.

Council Member Rubino stated that the sanitary sewer system would be impacted. The sanitary sewer system has had problems with the flooding on Utica Road.

Fraser City Council – Regular Meeting
Thursday – May 11, 2000 – 7:00 P.M.
Page Four

4b. Public Hearing and Council Consideration for the Purpose of Rezoning the Property Commonly Known as 33480 Utica Road and 33550 Utica Road (Vacant Lots) from RM (One Family Residential) to RH (Multiple-Family), Pavianiti Properties, Petitioner Continued

Council Member Sadowski stated that he lives on Mulvey and the traffic on Utica Road at Mulvey is a dangerous corner and more traffic would not be good.

Mr. Doug Haggerty, 16830 Park Lane, stated that the City does not need any more large housing complexes.

There was no other public to be heard and Mayor Adamczyk closed the public hearing at 7:40 p.m.

Council Member Rubino stated that the reasons for his motion of denial are as follows: 1) the plan submitted at the last ZBA meeting and was denied and the only reason it is being brought forward is because of a potential lawsuit, 2) the property is capable of being developed as zoned, 3) there are other types of development that could be allowed in the single family zoning, 4) it violates the Master Plan, 5) the Planning Commission is acting in the best interest of the City, and 6) it would create spot zoning.

Council Member Rubino moved, seconded by Council Member Wilson, to DENY CONSIDERATION FOR THE PURPOSE OF REZONING THE PROPERTY COMMONLY KNOWN AS 33480 UTICA ROAD AND 33550 UTICA ROAD (VACANT LOTS) FROM RM (ONE FAMILY RESIDENTIAL) TO RH (MULTIPLE-FAMILY), PAVIANITI PROPERTIES, PETITIONER.

The motion carried unanimously.

4c. Request Approval to Grant Right-of-Way Permit Agreement to Metricom, Inc. 980 Universal Avenue, Los Gatos, California to Operate and Maintain Radios in the Public Right-of-Way on Facilities Owned by the City and Other Third Parties

Attorney DeNault stated that Metricom, Inc. and our attorney's office have been negotiating on behalf of the City and obtained some favorable provisions for the City. A representative of Metricom is present to give a short presentation. Metricom will compensate the City for our cost in negotiating this agreement. They will also agree to provide the City with a franchise fee of 2.02 percent of adjusted gross revenues during the ten-year negotiated agreement.

Mr. Jurson, 30150 Telegraph Road, Bingham Farms, representative of Metricom handed out materials regarding the service they provide. Mr. Jurson stated Metricom is a provider of wireless Internet access service. Their company needs to install 4 to 10 radios per square mile.

Council Member Wilson inquired if they will be marketing and selling their product. Mr. Jurson stated that they have a major retailer sell their product, like Radio Shack or Best Buy.

Council Member Wolber inquired what the cost of the service would be. Mr. Jurson stated that it would be approximately \$40 - \$50 per month for basic subscription. Council Member Wolber also inquired what percentage the City would receive. Mr. Jurson stated it would be 2% adjusted gross revenues, which is removing taxes, reimbursement fees any bad debt, thus an adjusted gross revenue. Council Member Wolber inquired what the anticipated revenues would be. Mr. Jurson stated one to two percent of the population.

Council Member Sadowski inquired how many other communities are you servicing. Mr. Jurson stated that he has in the Metro Area 15 to 20 agreements in place.

**CITY OF FRASER ZONING BOARD OF APPEALS
THURSDAY FEBRUARY 1, 2001-7:00 P.M.
MINUTES**

Present: Chairman Stimac, Members Farina, Jurcak, Kelly, Reynolds and Rubino

Excused Absence: Member Pacholski

Also Present: Tom Van Damme, City Manager; Rosemary Davis, City Attorney; Brian Hartner, Building Official; Kerry Beauvais and Toni Misch, Recording Secretaries

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 7:05 p.m.

2. Roll Call

Chairman Stimac	Pres.		
Members: Farina	Pres.	Jurcak	Pres.
Kelly	Pres.	Pacholski	Abs.
Reynolds	Pres.	Rubino	Pres.

3. Approval of Minutes – January 4, 2001

Motion by Member Rubino, Support by Member Farina

TO: APPROVE

The minutes of January 4, 2001 as Submitted.

AYES 6 NAYS 0 MOTION CARRIED.

4. Formal Statement

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

5. Old Business

- A) APPEAL #05-00ZBA/Pavianiti Properties/33480-33550
Utica/Requesting a use variance to allow apartments be
constructed in a residential (one family) zoning district.**

Purpose of Request

To allow apartments to be constructed in a residential (one family) zoning district.

**CITY OF FRASER ZONING BOARD OF APPEALS
THURSDAY FEBRUARY 1, 2001-7:00 P.M.
MINUTES**

BRIAN A. HARTNER GAVE THE ADMINISTRATIVE STATEMENT OF FACTS

The petitioner is proposing an apartment complex on Utica Road next to the Harrington Drain. The petitioner last appealed before this board on December 7, 2000. The use variance was tabled, pending recommendations from a joint ad hoc committee consisting of City Manager, Planner, Building Official, Fire Marshall, the petitioner, the petitioner's engineer, architect, and attorney.

The committee met several times at City Hall, once on December 17, 2000 and on January 8, 2001. Many topics related to the site plan were discussed, such as: The committee was concerned about the density of the project and how the buildings impact adjacent properties on Duncan.

If the property was zoned RH, the proposed complex could legally support 42 apartments and the building could be 50 feet to the rear property line.

The petitioner reduced the amount of apartments to 34 and moved the building to 102 feet to the rear property line.

The Fire Marshall did not want a dead-end parking lot. The petitioner provided a turn-around to the Fire Marshall's satisfaction.

Snow removed was an issue, so the petitioner agreed to not place a curb behind the turn-around and thereby creating an area to place snow on the shelf of the drain. MCDC allows for snow in the shelf area

The committee was concerned about water flow being impeded from offsite. The petitioner has agreed to place 5 catch basins on the south property line and to hold the brick retaining wall up six inches to allow for the natural flow of water from offsite to the drain.

The committee was concerned about screening the project. The petitioner agreed to place a wall at the rear property and to install a split rail fence with trees in the 10-foot green belt on the south property line.

The committee was concerned about one large trash dumpster in the middle of the complex. The petitioner agreed to place two, smaller dumpsters onsite and screen them.

CITY OF FRASER ZONING BOARD OF APPEALS
THURSDAY FEBRUARY 1, 2001-7:00 P.M.
MINUTES

The committee was concerned about offsite lighting. The petitioner is providing lower wattage lights, but adequate enough to insure safety. A copy of the planners comments dated January 19, 2001 are included in your packets. All 9 items on the planners list have been satisfied and the blueprint dated January 23 reflects the changes.

We believe that the plan proposed is in an approvable format for the ZBA.

The board has the authority to approve the plan.

If the board denies the request, the petitioner would proceed with his case in circuit court.

The petitioner is now present and is asking for a use variance to allow an apartment complex in a single-family district.

Member Rubino questioned flood plain issues.

Mr. Hartner replied that the petitioner would have to apply to FEMA and the Army Corps of Engineers relating to the 100-year flood plain, this project is definitely in the 100-year flood plain.

Member Rubino asked the City Attorney Rosemary Davis, if the Army Corps of Engineers or DEQ did not approve the plans as submitted would he still be able to build on this site.

Rosemary Davis, City Attorney stated that if it was approved it could be a condition of the motion, that he would have to meet all the requirements and permits from the DEQ and Road Commission.

Member Rubino asked if the variance is just for this project.

Mrs. Davis's replied that it could be made a condition that only the proposed plans can be built. The approval would only be based on this site plan.

Robert Hribar addressed Member Rubino's concerns and stated that they would have to obtain permits for the submitted plan. Approval with conditions would alleviate any fears of building something different.

The petitioner showed an aerial plan and a layout plan showing the location of the project on the lot. He explained the distance from the proposed

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THURSDAY FEBRUARY 1, 2001-7:00 P.M.
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building to the property lines of the adjoining lots, including parking, dumpsters, catch basins, fences, carports, and lights.

Chairman Stimac asked about elevations of the building, in particular the units facing Utica Road.

The petitioners stated there is no elevation. There is a door wall with either a patio or deck.

Chairman Stimac asked what kind of building materials would be used to enclose them and what materials are being used on the building.

The petitioner stated that the bottom units will be brick and the upper units would be siding and/or stone. The buildings would be the same.

Chairman Stimac questioned the ability to show that the hardship for this proposed use was the minimum necessary to overcome the hardship of the land.

The petitioner stated the hardship for the variance is the land is hard to develop in the RM, because to put single family homes and a road would have to be constructed above elevation of the 100-foot flood plain.

Member Rubino questioned their hardship once more.

Steve Mammal, the petitioners engineer confirmed that if developed single family, the homes and road would have to be raised to the flood plan. It would require a greater volume of area then what is available.

Member Rubino asked why the condos could not be built on this site.

Mr. Mammal stated the road and condos would still have to be raised above the flood plain. Any public road would have to be raised up. The proposed plan shows a parking lot not a road.

He also stated that the site would be hard to develop as a residential area, because the site is narrow. The road would have to be 60 feet wide and the drain in the back uses up a lot of area leaving a skinny area, after setback there is no buildable area.

That answered Mr. Rubino's question.

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Member Jurcak asked about lighting in the carports.

The petitioner answered there would be lighting a HO or florescence, something not too bright.

The petitioner showed where the lamp poles are on the plans and stated they were 12 foot mounting height.

Chairman Stimac wanted to clarify that the screen wall would be a pre-cast panel and that snow couldn't be piled up against the wall or it could break.

The petitioner said that there is a location in the back where there will be no curbing in the parking lot to allow for the snow to be plowed to. He informed the Board that the snow would not be piled against the fence.

Member Kelly asked where the wall would actually be located.

The petitioner's replied that the wall will go as close to the drain as possible.

Mr. Farina was concerned about headlights shining on other properties.

The petitioner stated that headlights would be screened.

Chairman Stimac informed the Petitioner that the public comment would be heard, because a new plan was submitted.

Margaret Corron of 33590 Utica, asked how far the building was from the creek.

Chairman Stimac answered according to the plan submitted there is a 55-foot wide drain easement from the center of the drain and an additional 20-foot setback to the building. From the center of the drain there would be a 75-foot setback.

Yvonne Cousineau, 33535 Duncan, had concerns relating to the zoning change and concerns about changing the plans of what is proposed and what is actually built.

Rosemary Davis, City Attorney stated the zoning is not changing, they are requesting a use variance. If approved, they must build per what is on the proposed plan.

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Mrs. Cousineau also has concerns about the location of the dumpsters.

The petitioner stated that there is one dumpster in the rear and it is 50 feet from the property line.

Mrs. Cousineau's property does not back up the petitioner's lot. She is also concerned about raising the level of the dirt.

The petitioner said that the only raising will be the actual building and that is far enough away from the properties. They will be raising the fence to allow the water to flow under to be collected in the catch basin.

Member Farina stated that the plan will not change and that Building Department and Mr. Hartner are the inspector's of the project. They will check and make sure it is being built to plan.

He also stated that in the apartments in this area, the length of residency is 6 plus years. The apartments in this area are fast turn over.

Chairman Stimac questioned Mr. Hartner regarding written correspondence.

There was no written correspondence received regarding public hearing notice.

Member Rubino asked about the turn in the back for the refuse truck. He felt that the curve is too sharp and all trucks, including fire trucks, will not be able to make the turn.

The petitioner stated that he would eliminate a parking space if needed, but has talked to the Fire Marshal and has been told that the 50-foot radius will be enough.

Mr. Rubino was concerned once the trucks make the turn there is not a 50-foot radius.

Steve Mammal stated that it does meet the requirements.

Chairman Stimac asked if it would be possible to turn the dumpster around.

The petitioners stated that it was turned, but the proposed position gives it more screening.

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Chairman Stimac thought that it would be easier for the truck not to make so many turns. The other way has the driveway to make it easier.

Member Rubino asked if the dumpster pickup hours can be controlled.

Mr. Hartner stated that there is an ordinance regarding times that the dumpsters can be picked up: between the hours of 7:00am and 11:00pm.

Member Farina questioned the parking spaces. It was pointed out the spaces he missed. There are 86 parking spaces.

Chairman Stimac stated that the use variance requires a 2/3 approval and there is one board member absent.

The petitioner did not want to have this tabled for a full board.

Chairman Stimac questioned the decks facing Utica Rd. If the variance is approved there does not have to be a variance for decks. The upstairs decks are inside the front yard set backs of 120 feet.

Brian Hartner stated that as for the front 6 units, the Petitioner could remove the second floor deck and leave the first floor.

The petitioner questioned the desirability of those three units facing Utica Road.

Sec. 4.04 states a deck cannot be located facing any street. A variance can be given to that section, based on the ad hoc committee meeting.

Mr. Hartner clarified Mr. Meagher, the City Planner's, comments regarding maneuvering lanes.

Member Rubino questioned if the plan can be approve with the decks on the plan.

Rosemary Davis, city attorney stated that it could be approved with a condition for the decks.

The petitioner wants to give all tenants the same options as the other apartments.

Chairman Stimac asked if the maintenance building is just for storage.

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The petitioner gave an affirmative answer.

There is no parking to be designated for maintenance building.

Chairman Stimac stated the hardship is due to the county drain running through the property makes the property hard to develop as single family detached residential, the width of the property makes it difficult both physically and economically to develop in a standard single family residential subdivision format, the adjacent and abutting uses allow it to fit into the neighborhood and does not change the overall character of the neighborhood in which it is associated with.

Motion by Member Jurcak Support by Member Stimac

TO: APPROVE

APPEAL #05-00ZBA/Pavianiti Properties/33490 and 33550 Utica Road/Requesting a use variance to allow apartments be constructed in a residential (one family) zoning district.

- 1. Pending approval of all permits (MDEQ, MCRC, MCDC, AEW, & BUILDING).**
- 2. Must address all 9 items on Planners comments.**
- 3. Approval for site plan dated January 23, 2001.**
- 4. 1st floor must be brick or stone as shown on the plans.**
- 5. Light mount must be 12 feet maximum height at grade.**
- 6. Sidewalks be provided which are continues to Utica Road & adjacent to the parking lot within the development.**
- 7. Recognizing the three decks on the Utica Road side.**
- 8. If necessary, the lights to the adjacent properties be changed if needed, as determined by the Building Department.**

AYES 6 NAYS 0 MOTION CARRIED

6. Public Hearing

- A) APPEAL #01-01ZBA/Custom Concepts Building Company, Inc./Vacant Lot on Clarkson between Mercer Lane and Utica Road./ To allow a variance of a required front yard setback for an apartment building AND to allow a variance of a required recreational area for an apartment building.**

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Purpose of Request

To allow a variance of a required front yard setback for an apartment building AND to allow a variance of a required recreational area for an apartment building.

The petitioner is present. Mike Fabilli, Developer, Custom Concepts and Andrew Chudzik, Art Design Services.

BRIAN A. HARTNER GAVE THE ADMINISTRATIVE STATEMENT OF FACTS

The petitioner is proposing to construct an apartment complex on Clarkson. The petitioner has been to the planning commission for site plan approval, but has been tabled pending ZBA action.

The petitioner plans are deficient in two areas. Fraser Zoning Ordinance 279, Section 9.20 (D) (2) requires that the building be placed no closer than 120 feet from the center of the road. The proposed building is 93.5 feet. The rear yard setback in this district is 50 feet. The proposed building is 50 feet from the rear. One possible remedy to this variance would be to move the building back to conform to the front yard setback, but a rear yard setback variance would be needed.

Another remedy would be to eliminate the front units and decrease the proposed front yard variance from 26.5 feet to 3 feet.

It should be noted that the two adjacent apartment complexes to the west are closer than the 120 feet setback. Those complexes were constructed prior to the current ordinance and the setback was 35 feet from property line.

The other deficiency is the required recreation space for apartment complexes, Section 9.20 (C) (5) states:

"Well-defined and improved recreation areas and facilities, such as parks, playgrounds, swimming pools and community buildings, shall be provided to the extent necessary to meet the anticipated needs of the residents of the development. The minimum number of square feet of recreation area and/or facilities shall be provided, in addition to all required setbacks and spacing between buildings and be provided on a per unit basis according to the following schedule:

<u>Bedrooms</u>	<u>Townhouse</u>	<u>Multiplex</u>	<u>Apartment</u>
1	400	300	200

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2

500

400

300

The plan does not show any recreational area. The petitioner is here now asking for a variance of Section 9.20 (C) (5) and (D) (2).

Chairman Stimac asked how many units are in the other apartment units are in the adjacent apartment complex.

Mr. Fabilli answered that both have 10 units each.

Member Reynolds asked for clarification on number of units.

The petitioner stated that he is requesting 10 units.

The petitioner stated that he has been to the Planning Commission numerous times. They have refined the plans since first presented. They would like to conform to the area and meet the adjacent apartments in units.

Member Rubino questioned why the wall was not shown on the plan.

The petitioner stated that a landscape buffer and a berm would be used. There would also be 80 feet of wall behind the parking lot to avoid lights.

Planning Commission has not taken final action on these issues, pending action of the ZBA.

Tom Van Damme had concerns about the drainage on the berm in the back of the lot.

Member Reynolds questioned what the hardship is.

The petitioner stated that his hardship is in the setback ordinance. To remove units would still require a variance. He stated that even 6 units would not benefit the developer.

Member Jurcak asked how long the Petitioner has owned the property.

The petitioner stated that he owned the property for 2 years.

Chairman Stimac asked if there was any public to be heard.

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Leo Hall, 16222 15 Mile, (directly behind vacant lot) stated that he would like a wall to go across the whole back of the lot. Green belt would allow people to cut through. He was also concerned about drainage.

Al and Delphine Orluck, 34837 Mercer Lane, were also here to voice their opinions on the berm. They were also concerned about not having a recreational area. They feel people will always be on their property.

Chairman Stimac reminded the public that this hearing is for a setback and recreational variance. He then asked Mr. Hartner if there was any written correspondence.

Mr. Hartner replied that no written correspondence was received regarding public hearing request.

Member Rubino asked the Petitioner what the hardship is.

The petitioner stated that the ordinance is the hardship and they wouldn't be there today under the old ordinance.

Member Rubino explained that the ordinances change to remedy problems. By not living up to the ordinances why bother to change them.

The petitioner stated that to make his plan work with the setbacks and recreational area he would have only 5 or 6 units. It wouldn't be feasible for the developer.

Member Rubino said that Mr. and Mrs. Orluck had a good point about the recreational area and that people would possibly use their property if there were no other area. He stated it has happened before.

Member Rubino asked if the setback variance was approved would there then be land for recreation area.

The petitioner feels there is plenty of recreational area in the setback area.

Chairman Stimac suggested a wall instead of the berm.

The petitioner compared his development to Andy Dubay's development on 14 mile.

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Chairman Stimac asked Mr. Hartner about the road setbacks. The difference between Utica Road and Clarkson, Utica has 5 lanes, whereas Mercer has 2. They have the same setback.

Member Jurcak asked when the ordinance changed.

Mr. Hartner stated that the ordinance changed on December 26, 1996. The ordinance was changed before the property was bought.

Member Rubino asked Chairman Stimac if the Planning Commission has the authority to require screen walls on properties that are zoned identical.

Chairman Stimac gave an affirmative answer.

Member Rubino asked if the petitioner would be amenable to a screen wall along the east side.

The petitioner said they would erect one across the back, but the cost is high for a screen wall.

Member Rubino gave an estimate of what this would cost, \$18,377.00.

The Petitioner stated that he would be willing to put a screen wall on the north side. The petitioner also stated that catch basins would be installed for drainage.

Chairman Stimac stated that the setback variance is an acceptable request, but that the recreation area would need to change.

Mr. Hartner suggested a remedy by eliminating 3 or 4 units, thereby eliminating the need for the variances.

Motion by Member Jurcak Support by Member Reynolds

TO: DENY

APPEAL #01-01ZBA/Custom Concepts Building Company, Inc./Vacant Lot on Clarkson between Mercer Lane and Utica Road./ To allow a variance of a required front yard setback for an apartment building AND to allow a variance of a required recreational area for an apartment building.

1. Self created hardship

AYES 2 NAYS 4 MOTION FAILED.

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Chairman Stimac asked if there is another motion.

Member Farina suggested that Custom Concepts consult the City to try and remedy these issues.

The petitioner agreed.

**Motion by Member Rubino Support by Member Farina
APPEAL #01-01ZBA/Custom Concepts Building Company,
Inc./Vacant Lot on Clarkson between Mercer Lane and Utica Road./ To allow
a variance of a required front yard setback for an apartment building AND to
allow a variance of a required recreational area for an apartment building.
TO: POSTPONE**

Mr. Hartner wanted to make a recommendation. He stated that this plan has been to the Planning Commission three times and is slated for the Feb. 10, 2001 meeting and is not in favor of a meeting between parties.

Member Rubino withdrew his motion.

Member Rubino then stated that he suggested a meeting to address the planner's comments.

Chairman Stimac stated that if a berm were erected in place of a wall at the property line, then a portion of the setback area would be used. The setback area could be utilized as a recreational area, even if it is not classified by the city as one.

**Motion by Member Rubino Support by Member Stimac
TO: APPROVE**

**APPEAL #01-01ZBA/Custom Concepts Building Company,
Inc./Vacant Lot on Clarkson between Mercer Lane and Utica Road./To allow
a variance of a required front yard setback for an apartment building AND to
allow a variance of a required recreational area for an apartment building.**

1. A screen wall must be erected at the north property line.
2. The type of screen wall must allow drainage through the screen wall. Catch basins to be installed to allow the north side of the property to drain properly.
3. The drainage must not affect the adjacent property to the east. An engineer is to review the drainage.

**CITY OF FRASER ZONING BOARD OF APPEALS
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4. Lights must be shielded as to not shine in the windows of the adjacent properties.
5. The reason for the motion is that the 120-foot setback is unfair compared to the same setback for Utica Road: Utica is a 55-foot road and Clarkson is a 25-foot road.
6. The Planning Commission is to decide on the screen wall on the east side of the property. A berm is not recommended because of a lot of upkeep and also takes away from the recreational area located in the setbacks.

AYES 4 NAYS 2 MOTION CARRIED.

7. New Business of the Board

A) Election of Officers

A. CHAIRPERSON

Motion by Member Jurcak, support by Member Rubino to elect MARK STIMAC for Chairperson. Chairman Stimac accepted the nomination.
Motion by Member Jurcak, support by Member Rubino
TO CLOSE THE NOMINATIONS FOR CHAIRPERSON.

AYES 6 NAYS 0 MOTION CARRIED.

B. VICE-CHAIRPERSON

Motion by Member Jurcak, support by Member Farina to elect FRANK RUBINO for Vice-Chairperson. Member Rubino accepted the nomination.
Motion by Member Rubino support by Member Farina
TO CLOSE THE NOMINATIONS FOR VICE-CHAIRPERSON.

AYES 6 NAYS 0 MOTION CARRIED.

C. SECRETARY

Motion by Member Rubino support by Member Farina to elect JOE JURCAK for secretary. Member Jurcak accepted the nomination.
Motion by Member Rubino support by Member Farina
TO CLOSE THE NOMINATIONS FOR SECRETARY.

AYES 6 NAYS 0 MOTION CARRIED.

B) Communication

Report of 2000 ZBA Appeals

A brief discussion ensued relative to the ZBA report of appeals.

Chairman Stimac asked if the sign variances were a part of the total appeals or if they were counted separately.

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Mr. Hartner stated that the signs and variances were segregated.

Chairman Stimac pointed out that appeal #15-00 was a sign variance and it was not counted as a sign variance on the report.

The Board questioned why this report was kept.

Mr. Hartner stated that this report was required per the by-laws and requested by the Board. He also stated that this report was to show trends in hardships in the ordinance. The Planning Commission and the planner look at the totals of variances to decide if the ordinance needs revisions. He then explained that that if administration sees patterns in requests, the Planning Commission could look into making changes in the ordinance to make the ordinance enforceable.

8. Old Business of the Board

9. Public to be Heard

There was no public to be heard.

10. Adjournment

Motion by Member Rubino, Support by Member Jurcak

TO: Adjourn the meeting of February 1, 2001 at 9:40 p.m.

THE MOTION WAS CARRIED UNANIMOUSLY.

Joseph Jurcak, ZBA Secretary

Brian A. Hartner, Building
Department Supervisor

/tm



Community
Planning &
Management P.C.

Dennis J. Meagher
Patrick S. Meagher
C. Stanley Woodhouse
Christopher P. McLeod

48970 Schoenherr Rd
Shelby Township MI
48315

phone: 810.247.7500
fax: 810.247.2480

CITY OF FRASER
BUILDING DEPT.

JAN 29 2001

RECEIVED

TO: Thomas Van Damme and Brian Hartner
FROM: Dennis J. Meagher
SUBJ: Pavianiti Properties - 33480-33550 Utica Road
#02-00 RZ
DATE: January 26, 2001

This application for rezoning from RM One-Family to RH Multiple-Family has been denied by the City Council and sent to the Zoning Board of Appeals for review to exhaust all local remedies prior to a court action. This review notes the areas where the development does not meet the RH Multiple-Family Residential district requirements or notes concerns our office has with the proposal which is dated January 23, 2001. (✓ means comment was addressed, X means comment was not addressed, ? means unknown, and new comments are in bold.)

1. ✓ Clearly define proposed recreation area. The applicant is required to provide 10,200 square feet of recreation area. This area shall be provided in addition to all required setbacks and spacing between buildings. The January 23, 2001 plan indicates that 21,435 square feet of recreation area has been provided.
2. X Decks are not permitted as shown on the six (6) unit building along Utica Road (Section 4.04 item No. 2). If these are not a deck, such would be permitted.
3. ✓ Provide a detail of the trash receptacle enclosure and carports. The carport detail indicates that the carports are constructed of metal and will not be enclosed on the sides or fronts.
4. ✓ Provide a detail of the fence along the south property line. A split rail fence generally has two or three rails and is decorative in nature.
5. ? Indicate the location, type, intensity and method of shielding for all proposed lighting. We suggest that the applicant utilize decorative lighting for a development of this nature. The applicant has indicated that the carports will be illuminated, although details for such lighting have not been provided.
6. ✓ Provide a detailed landscape plan clearly indicating the types of landscaping proposed for the site. The landscape plan is complete.
7. ✓ Provide a scale on the site plan. 1" = 30 feet.
8. X The site plan must be signed and sealed by the registered professional responsible for preparation.
9. X It appears as though the maneuvering lane between the carports and the parking spaces is not twenty-four (24) feet wide. They measure 20 to 24 feet but are noted as 24 feet in the cross section.

If there are any questions, please contact us.

helping
communities build
community...

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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, November 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:

APPEAL #24-06:

VARIANCE REQUEST / AYAD RAZOOQ

BY REASON OF:

SECTION 32-122, PROVISIONS RELATING TO PERMITTED USES IN THE RM, ONE-FAMILY RESIDENTIAL DISTRICT.

PURPOSE OF REQUEST:

TO OBTAIN A USE VARIANCE FROM ZONING ORDINANCE STANDARDS TO ALLOW THE APPLICANT TO CONSTRUCT MULTIPLEX BUILDINGS CONSISTING OF SEVEN TWO-FAMILY DWELLINGS ON SITE WITH ASSOCIATED PARKING.

PROPERTY IN QUESTION:

33420 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 33420 Utica Rd CROSS STREETS: _____

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

Parcel number 03-11-31-427-003

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

Please, see the attached letter.

SECTION OR ORDINANCE INVOLVED: 32-122(1), use variance to construct a multiplex development in RM district

ZONING DISTRICT OF PROPERTY: RM

APPLICANT

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

APPLICANT: Ayad Razouq

ADDRESS: 33420 Utica Rd

PHONE: 619-592-5762 INTEREST: Owner

APPLICANT: Bearing Construction and Consulting, LLC

ADDRESS: 32969 Hamilton Ct, Suite # 120, Farmington Hills, MI 48334

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: _____

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

1- Basis for Request: (Hardship or Practical difficulty imposed by Ordinance):

The property is no longer suitable for a single-family home, and it lacks the privacy that every single-family home enjoys. It is surrounded by multiple family houses and condominiums on its north, south, and west sides.

2- Variance conditions:

- 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 shape of the lot does not allow for an appropriate development of a single-family dwelling because of its disproportionate depth to width ratio. As well as it would be dominated by the neighboring residential developments to the north, south and west as a single-family home. A house here would end up feeling like the house in the movie "Up".

- b) *That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.*

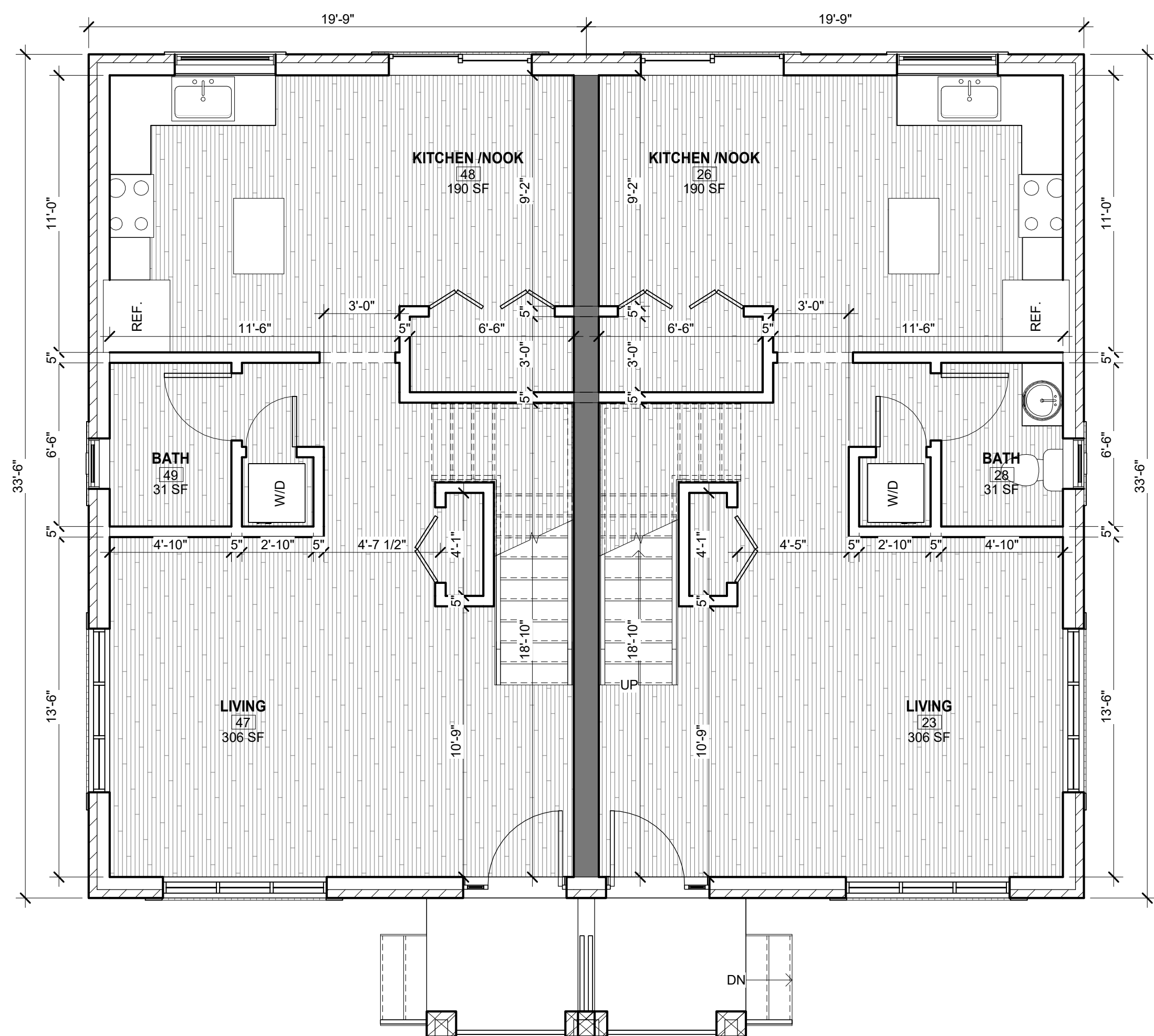
This variance is key to the preservation and enjoyment of a substantial property right like that possessed by other properties in the same vicinity because it allows the property use to match for similar use at a smaller scale as its neighbors to the north, south and west.

- 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.*

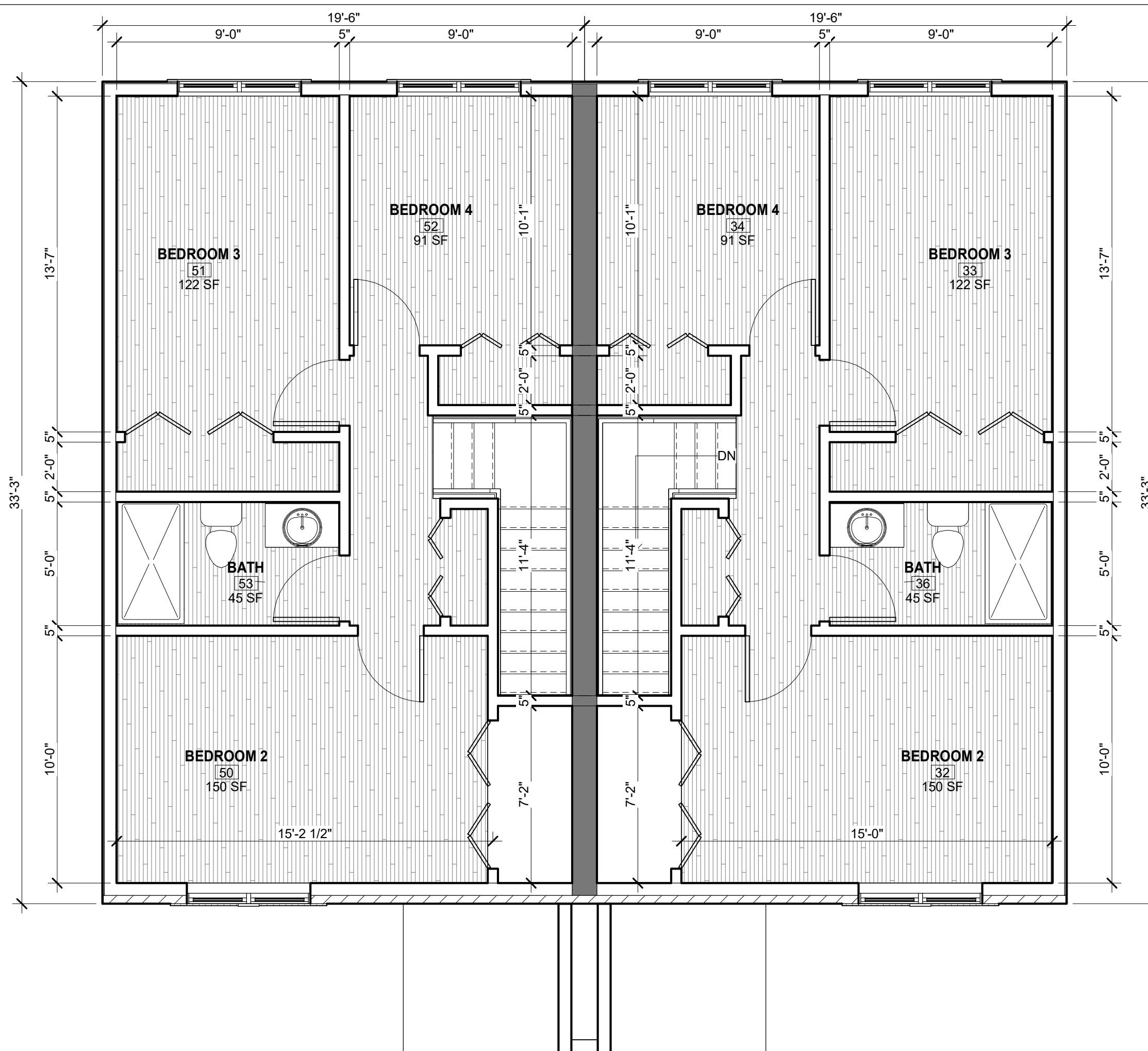
If the property receives a variance, it will match the surrounding properties and fulfill the same functions from the north, south, and west. This variance will not be of substantial detriment to the adjacent property, it will in fact serve to the opposite. New and attractive properties on the lot would create new neighbors which provides needed additional housing units and an opportunity for growth

- 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.*

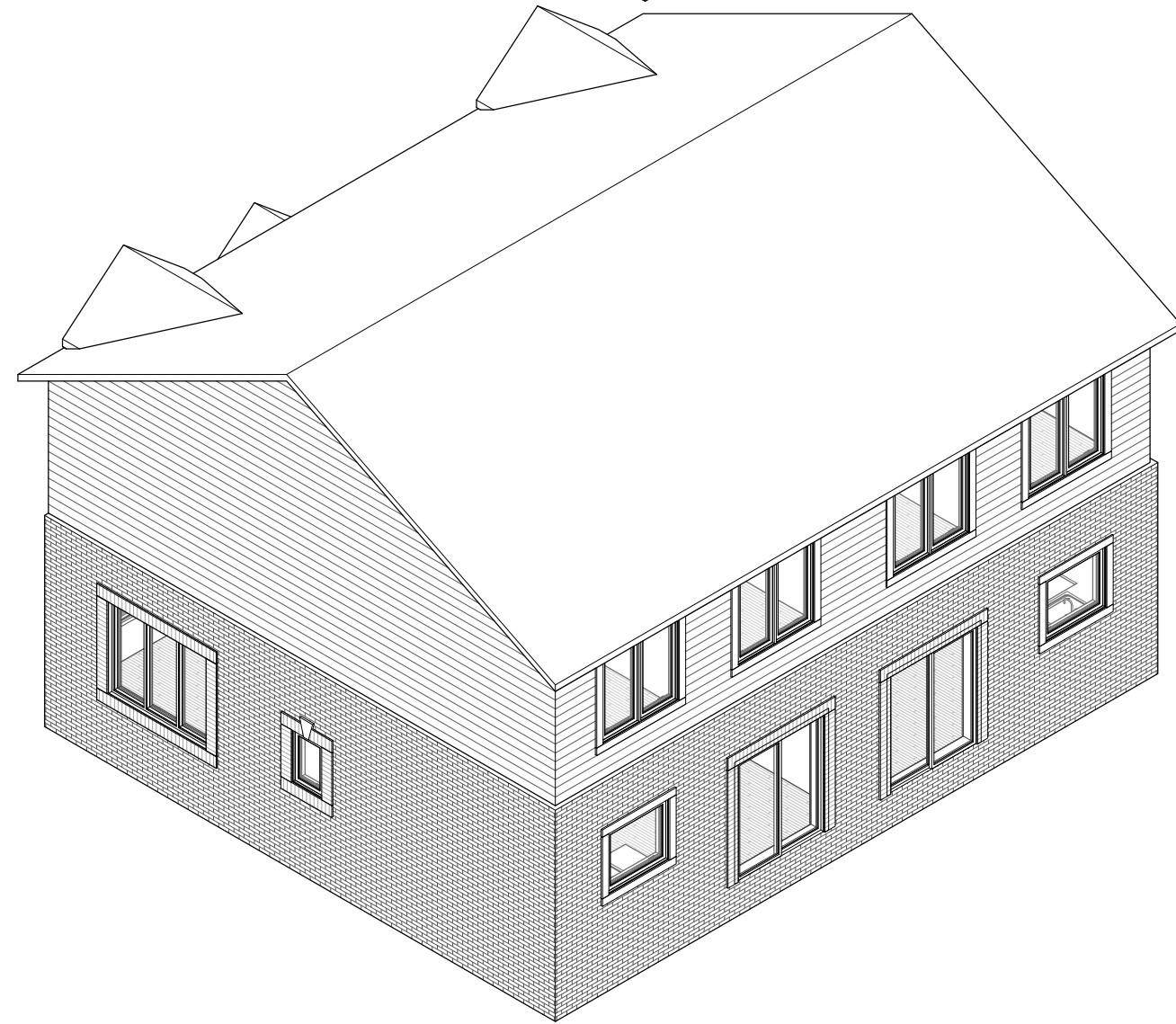
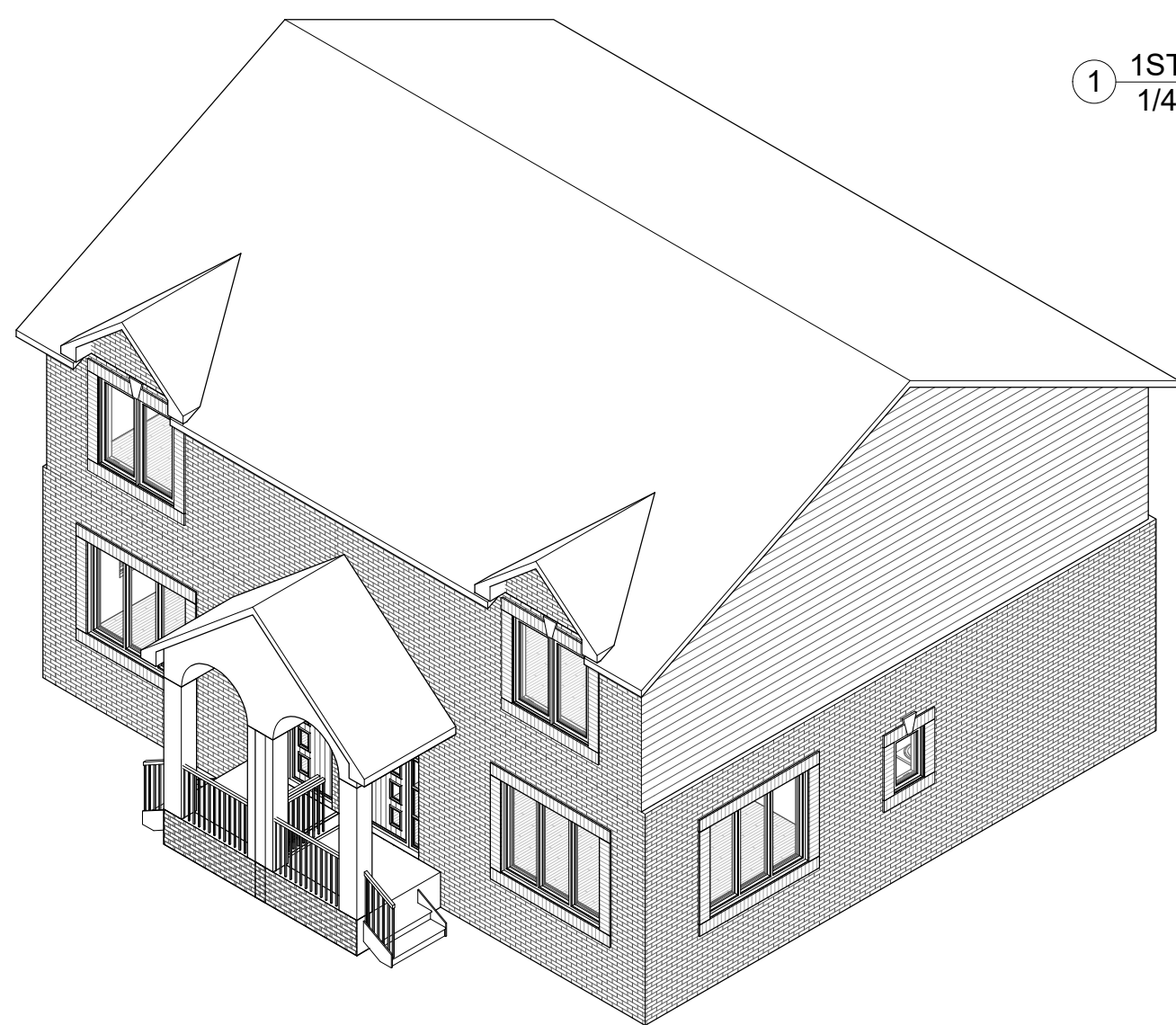
Rather than having an impact on the other property, the variance will level levels of competition. We believe this to be a unique situation where a developable piece of property is in the middle of 3 much larger complexes preventing a single-family home to be appropriately built but is large enough to develop a complimenting use of multiplexes. While smaller than its neighbors in scale this project will add a complementing structure design to the mix which will add to the character of the area making it a more diverse and visually interesting.



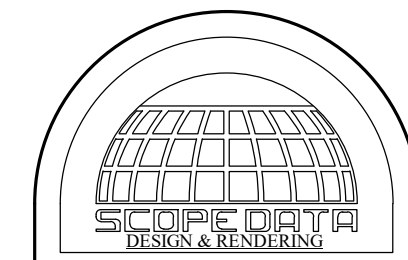
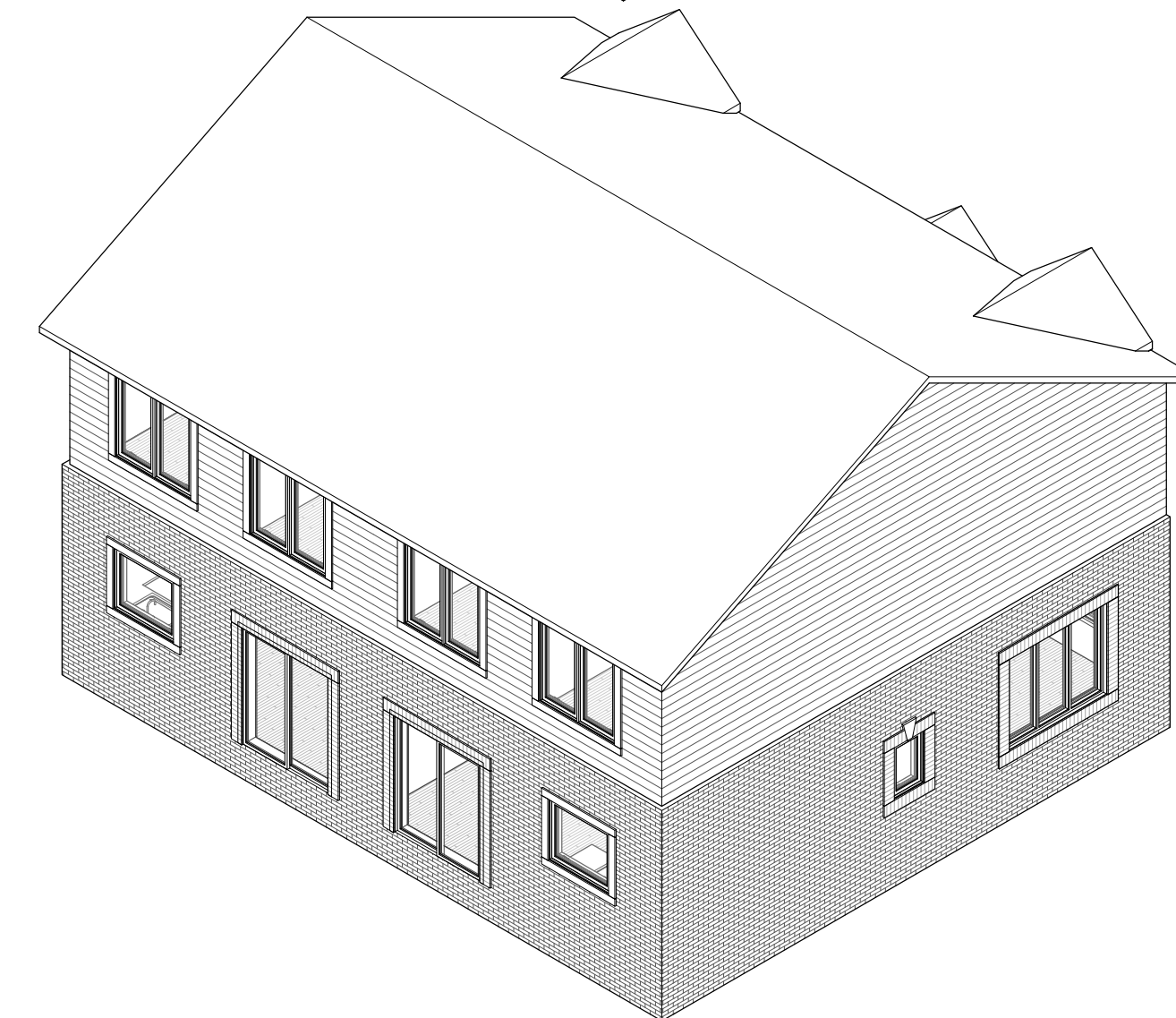
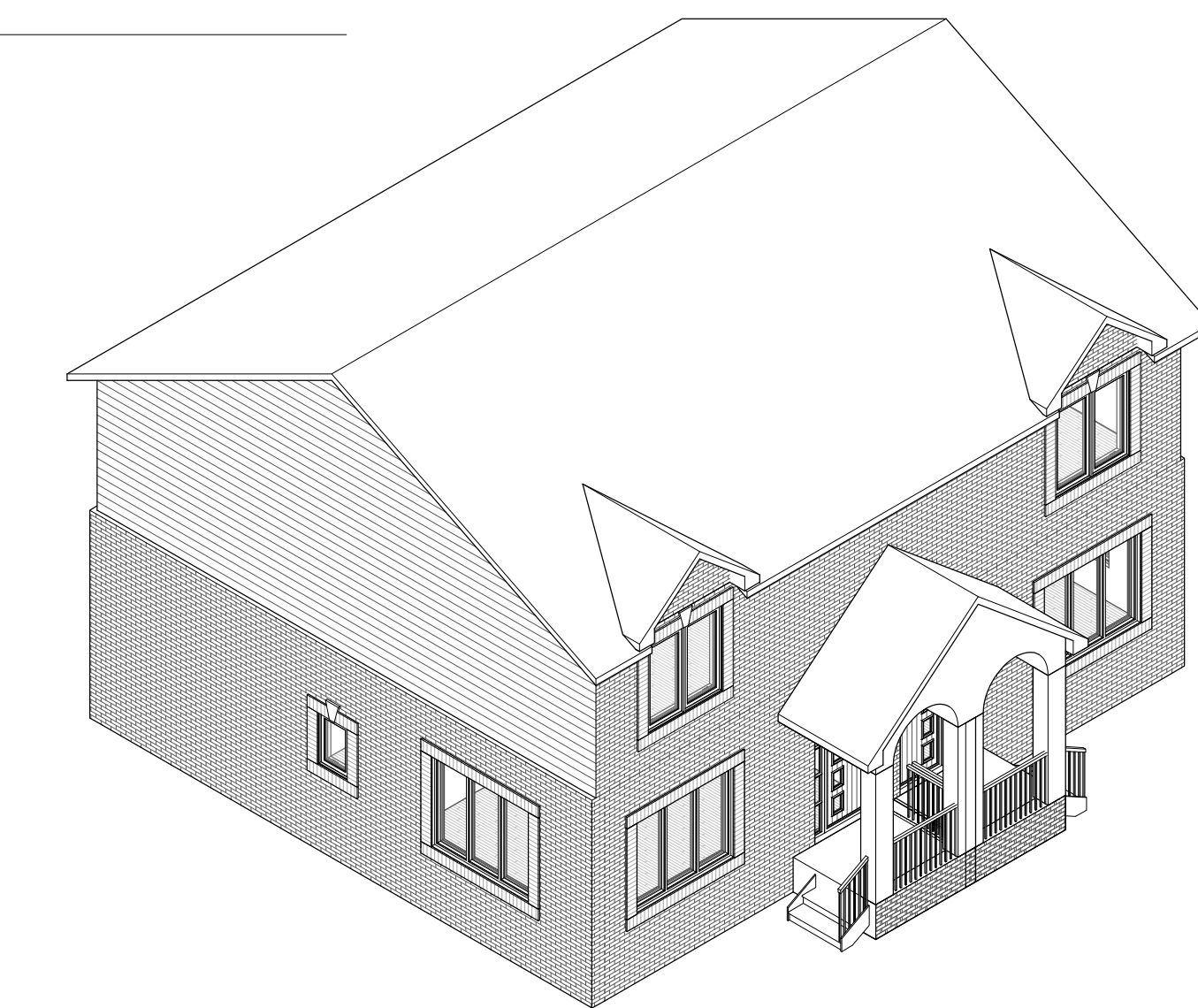
① 1ST FLOOR PLAN - Preliminary
1/4" = 1'-0"



② 2ND FLOOR PLAN - Preliminary
1/4" = 1'-0"



⑦ FRONT ELEVATION
1/4" = 1'-0"



SCOPE DATA, LLC.
381 DEER PATH TRL
WATERFORD
MICHIGAN 48327
WWW.SCOPEDATA.COM

CONTACT NUMBER
PH: (248) 739-6390
FAX: (248) 562-1450
EMAIL:
INFO@SCOPEDATA.COM

BEARING
CONSTRUCTION AND
CONSULTING L.L.C.
32969 Hamilton Ct.
Ste. 120
Farmington Hills, MI
bearingon@gmail.com

PROJECT:
Multi Family Homes

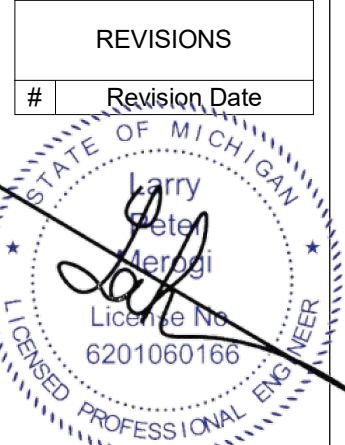
ADDRESS
33420 Utica Rd. Fraser,
MI 48026

OWNER

CONTRACTOR

SUBMITTALS

APPROVED BY:
LARRY MEROGI



PROJECT NO

DATE
09/23/24

SCALE

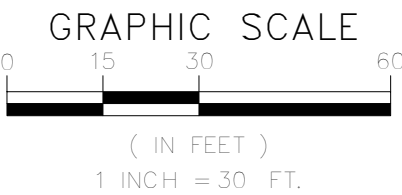
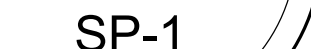
SHEET TITLE
FLOOR PLAN -
ELEVATIONS

SHEET #

A101

CONTRACTOR

10/31/2017



Commencing at the southeast corner of Section 31, Town 2 North, Range 13 East, thence South 88 degrees 12 minutes 20 seconds West 840.34 feet; thence North 23 degrees 01 minutes 40 seconds West 1339.88 feet recorded (1353.88 feet per tax assessors records) along the center line of Utica Road to the point of beginning; thence North 37 degrees 01 minutes 20 seconds East 604.61 feet; thence North 37 degrees 01 minutes 20 seconds East 63.75 feet; thence North 37 degrees 01 minutes 20 seconds West 673.16 feet to a point on the center line of Utica Road; thence South 23 degrees 01 minutes 40 seconds East 120.40 feet along said center line of Utica Road to the point of beginning.

A portion of the above described parcel also being a part of Lot 72 of Assessor's Plat No. 3 of part of South 1/2 of Southeast 1/4 of Section 31, Town 2 North, Range 13 East, Village of Fraser, Macomb County, Michigan, according to the plat of said Assessor's Plat No. 3 of part of South 1/2 of Southeast 1/4 of Section 31, Town 2 North, Range 13 East, Village of Fraser, Macomb County, Michigan, recorded in Liber 5829, Page 10, of said records, is hereby identified as follows: Beginning at the Northwest corner of Lot 72; thence South 23 degrees 01 minutes 40 seconds East 71.10 feet; thence North 37 degrees 01 minutes 20 seconds East 78.70 feet to a point on the North boundary of said Lot 72; thence along said North line of Lot 72 to the point of beginning, except that part taken for widening of Ullica Road as recorded in Liber 5829, Page 10, Macomb County Records.

R.	RECORD
M.	MEASURED
C.	CALCULATED
F.I.R.	FOUND IRON ROD
○	SANITARY SEWER MANHOLE
⊗	UTILITY POLE
↓	GUY WIRE
⌈⌋	ELECTRIC METER
⌈⌋	TELEPHONE BOX
⊗	CATCH BASIN
⊗	GATE VALVE & WELL
○	STORM SEWER MANHOLE
○	CLEAN OUT
⊗	SIGN
⊗	WATER VALVE
HYD	FIR HYDRANT
☆	LIGHT POLE
⌈⌋	GAS METER
⊗	MAIL BOX
A	MAIL BOX
□	MAIL BOX
—	POINT OF BEGINNING
—	OVERHEAD UTILITY LINES
—	EXISTING FENCE LINE
—	STORM SEWER LINE
—	WATER LINE
—	SANITARY SEWER LINE
—	GAS LINE

66,727.6 SQUARE FEET.
1.432 ACRES.

SETBACK ACKS:

ELEVATION 607.65

UTILITY NOTE:
ALL WATER MAIN, STORM SEWER, SANITARY SEWER AND PUBLIC LIGHTING UTILITIES AS SHOWN HEREON ARE TAKEN FROM THE BEST AVAILABLE RECORDS AS DISCLOSED BY THE VARIOUS UTILITY COMPANIES AND/OR MUNICIPALITIES. NO GUARANTEE CAN BE GIVEN BY US AS TO THE ACCURACY OR COMPLETENESS THEREOF. ELECTRIC COMPANY UTILITIES WERE UNAVAILABLE AT THE TIME OF ISSUANCE OF THIS SURVEY.



City of Fraser

CENTENNIAL COMMUNITY

CITY MANAGER
Elaine Leven
CITY CLERK
August Gitschlag

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

To: Zoning Board of Appeals

Date: 10/27/2024

From: Deputy Clerk Greenia

Re: Interview of Candidates

The City of Fraser Zoning Board of Appeals consists of seven (7) members who are registered electors of the City. Currently members Joe Chimenti and Rosanne Menendez have terms that are set to expire on December 31, 2024.

I have reached out to both them and they have very generously agreed to continue to serve the City of Fraser in the capacity of Zoning Board of Appeals Member(s).

In following with the City of Fraser's process for (re)appointing Board and/or Commission members, the body itself conducts interviews and then either recommends appointment of those candidates to City Council or not.

Tonight, the Zoning Board of Appeals will interview Joe Chimenti and Rosanne Menendez, or in this case you may just decide to recommend her to City Council for reappointment. The terms are for three (3) years.

If you decide to recommend their reappointments to City Council, I will need a motion to recommend re-appointment of Joe Chimenti and Rosanne Menendez to the City of Fraser Zoning Board of Appeals noting that their term end date would be December 31, 2027.

APPLICATION FOR APPOINTMENT TO CITY BOARDS & COMMISSIONS

APPLICATION MAY BE SUBJECT TO PUBLIC VIEW



www.MICityOfFraser.Com

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

cityclerk@micityoffraser.com

LAST NAME		FIRST NAME		M.I.	
CHIMENTI		JOSEPH		S.	
ADDRESS (number & street)					
[REDACTED]					
CITY	STATE	ZIP CODE	CELL PHONE	HOME PHONE	
Fraser	MI	48026	[REDACTED]		
NAME OF BOARD/COMMISSION YOU ARE APPLYING FOR					TERM ENDING (IF KNOWN)
Board Name ZONNIG BOARD APPEALS.					
REASON FOR INTEREST IN THIS BOARD (please list activities & special qualifications)					
THE FACTS. AND CONDITIONS FOR GRANTING APPEALS. IS MOST IMPORTANT. TO BE A PART OF BLUE PRINT. READING.					
EDUCATION (please list schools, diplomas, degrees, professional certificates, etc.)					
HIGHT. SCHOOL DIPOLMA 3 YRS. H.F.C.C.					
FORD MOTOR COMPANY-CERTIFIED TRAINED SERVICE TECHNICIAN 37 YEAR SERVICE					
CURRENT EMPLOYMENT					
COMPANY NAME			YOUR TITLE/POSITION		
RETIRED FROM FORD MOTOR COMPANY			PART-TIME ROE.		
COMPANY ADDRESS (number & street)					
CITY	STATE	ZIP CODE	OFFICE PHONE	OFFICE CELL PHONE	
PLEASE LIST YOUR RESPONSIBILITIES					

PLEASE ATTACH YOUR RESUME OR OTHER INFORMATION AND RETURN TO CITY HALL OR EMAIL CITYCLERK@MICITYOFFRASER.COM

APPLICATION FOR APPOINTMENT TO CITY BOARDS & COMMISSIONS

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City of Fraser
33000 Garfield Road
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LAST NAME		FIRST NAME		M.I.	
ADDRESS (number & street)					
CITY	STATE	ZIP CODE	CELL PHONE	HOME PHONE	
NAME OF BOARD/COMMISSION YOU ARE APPLYING FOR				TERM ENDING (IF KNOWN)	
REASON FOR INTEREST IN THIS BOARD (please list activities & special qualifications)					
EDUCATION (please list schools, diplomas, degrees, professional certificates, etc.)					
CURRENT EMPLOYMENT					
COMPANY NAME			YOUR TITLE/POSITION		
COMPANY ADDRESS (number & street)					
CITY	STATE	ZIP CODE	OFFICE PHONE	OFFICE CELL PHONE	
PLEASE LIST YOUR RESPONSIBILITIES					

PLEASE ATTACH YOUR RESUME OR OTHER INFORMATION AND RETURN TO CITY HALL OR EMAIL CITYCLERK@MICITYOFFRASER.COM

Rev 11/2017

Received by _____ Date _____



Monthly Planning & Zoning Report

For October 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
SP21-08 34400 Utica Hockeyland Outlot SLU 24-01	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. SLU modification approved at March 6, 2024 PC Meeting. Big Boy / Hockeyland management met with City (building, planning, engineering, legal) and has submitted a plan to complete all outstanding items by September 30, 2024. Big Boy / Hockeyland met with City in October to discuss outstanding items.
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.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
		City Council to hold public hearing October 30, 2024.
SP 24-01 ZBA 24-03 34400 Klein Foundation Solutions 360	Site Plan amendment to remove ZBA condition and add paved parking area. Variance amendment to remove shared parking requirement. Variance request to increase parking setback nonconformity.	The site plan will be reviewed at the April 3, 2024 PC meeting. The variance requests granted at the May 2, 2024 ZBA meeting. The site plan was approved at the June 5, 2024 PC meeting. The site plan is in engineering review.
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 request granted at the May 2, 2024 ZBA meeting. The site plan will be conditionally approved at the July 15, 2024 PC meeting. A variance will be reviewed at the August 15 ZBA meeting. This variance is part of the conditional site plan approval. Applicant is in engineering review.
SP 23-04 34575 Commerce Road Drivergent	Request for site plan approval to store buses outdoors.	Planning Commission tabled the request at the May 1, 2024 meeting until the applicant obtains all necessary variances and provides revisions to the site plan. Applicant indicated they are wanting to move their business, so will not be seeking approvals for the outdoor storage. Applicant is currently in litigation.
ZBA 24-04 34835 Utica Road SP 24-05 34835 Utica Road Meijer	Request for reduction of off-street parking spaces.	The variance for a parking reduction to 999 spaces was granted at the September 5, 2024 ZBA meeting. The Meijer site plan amendment to reduce the parking required was approved at the October 2, 2024 Planning Commission Meeting.
SP 24-04 34625 Utica Road SLU24-02 34625 Utica Road Mister Car Wash	Request for site plan approval for new car wash. Request for special land use for open air business (outdoor vacuums).	Planning Commission will hold the public hearing and review the site plan and special land use at the November 6, 2024 meeting.
SP 24-06 32925 Groesbeck Hwy Fraser Optical	Request for exterior façade with materials other than brick or stone.	Planning Commission will proposed façade change at the November 6, 2024 meeting.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
ZBA 24-06 33420 Utica Road Use Variance for multiplex development	Request for a use variance to construct a multiplex development in the RM district.	The Zoning Board of Appeals will review the application at the November 7, 2024 meeting.

LOOKING FORWARD

- Sign Ordinance (Potential adoption in October)
- Full Zoning Ordinance Rewrite (End of 2025 – Early 2026)

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)