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AGENDA
CITY OF FRASER ZONING BOARD OF APPEALS
Tuesday, April 14, 2026 @ 7:00 P.M.
COUNCIL CHAMBERS, 33000 GARFIELD; FRASER, MI 48026

- 1. Call Meeting to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Formal Statement by Chair**
- 5. New Business of the Board**
 - a. Public Hearing: ZBA 26-03 33710 Mulvey Road**

To obtain a variance from Section 32-121(a)(3) to exceed the maximum accessory building height in the RL district by five (5) feet, increasing the limit from fifteen (15) feet to twenty (20) feet, and to exceed the maximum allowable two-thirds of the total floor area of the principal residence. The principal residence is 1,437 square feet and the applicant is proposing to build a 3,120 square foot accessory building (pole barn), exceeding the maximum allowable accessory building square footage by 2,157 square feet, increasing the limit from 963 square feet to 3,120 square feet.

- 6. Planning Commission Liaison**
- 7. Public to be Heard**
- 8. Adjournment.**

Posted: April 7, 2026



MCKENNA

March 31, 2026

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

Subject: ZBA Report #1 / #26-03 Variance Request / 33710 Mulvey Road
Applicant: Joseph Cicalo
Section: Section 32-121(a)(3) of the Fraser Zoning Ordinance
Location: 33710 Mulvey Road, Fraser, Michigan 48026
Request: To obtain a variance from Section 32-121(a)(3) to exceed the maximum accessory building height in the RL district by five (5) feet, increasing the limit from fifteen (15) feet to twenty (20) feet, and to exceed the maximum allowable two-thirds of the total floor area of the principal residence. The principal residence is 1,437 square feet and the applicant is proposing to build a 3,120 square foot accessory building (pole barn), exceeding the maximum allowable accessory building square footage by 2,157 square feet, increasing the limit from 963 square feet to 3,120 square feet.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for increasing the maximum allowable accessory building on a residential lot within the Residential Low-Density (RL) district and 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.

ADMINISTRATIVE STATEMENT OF FACTS

33710 Mulvey Road is currently zoned RL, Residential Low-Density, and is located west of Utica Road and north of 14 Mile Road. The principal residence is a 1,437 square foot home located on a 1.40-acre lot.

The applicant is seeking variances to:

- 1) Exceed the maximum accessory building height in the RL district by five (5) feet – increasing the limit from fifteen (15) feet to twenty (20) feet.
- 2) Exceed the maximum allowable accessory building square footage by 2,157 square feet – increasing the limit from 963 square feet to 3,120 square feet.

Section 32-121(a)(3) limits the maximum building height of an accessory building in the RL district to 15 feet and to two-thirds of the total floor area of the principal residence.



HEADQUARTERS

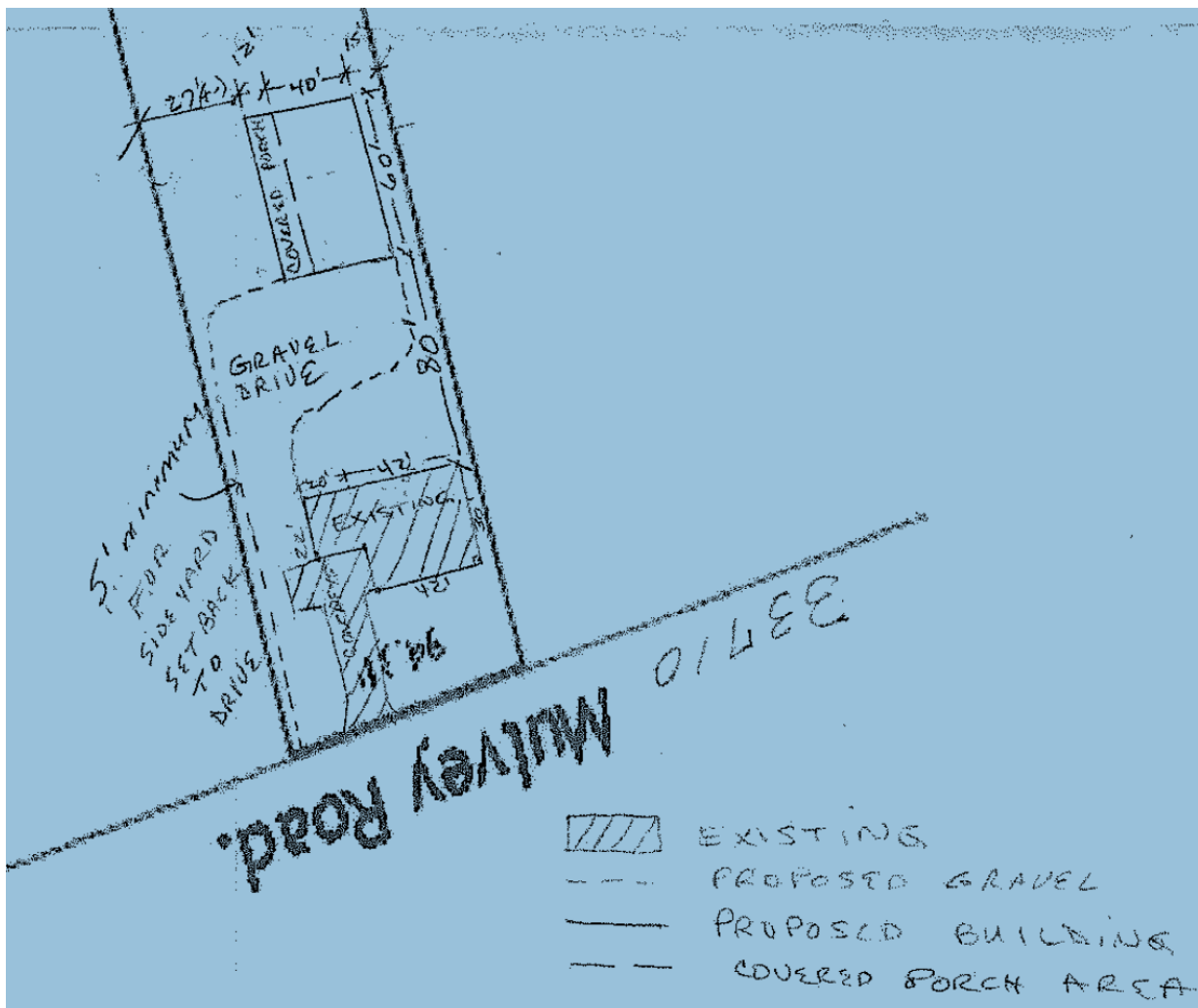
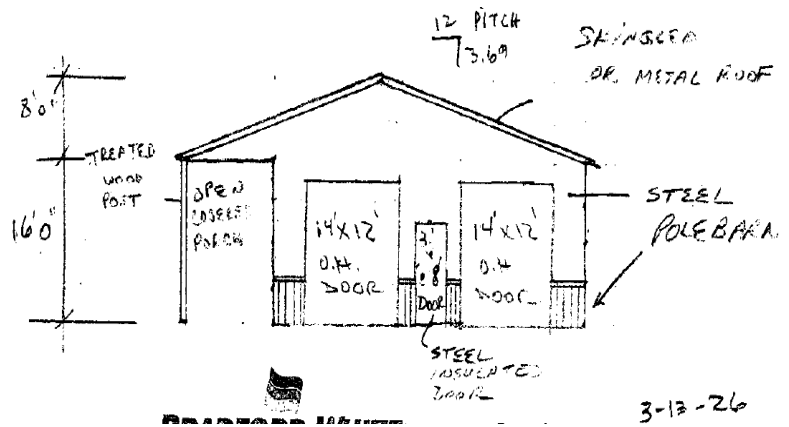
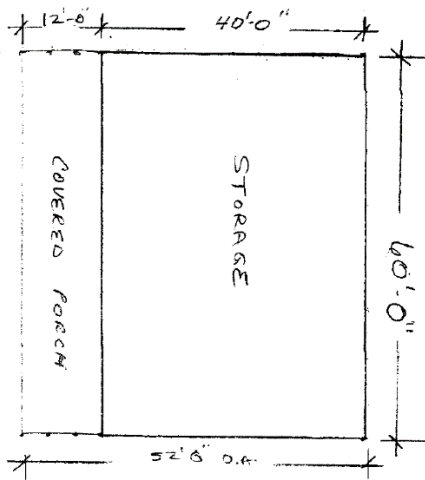
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PROPOSED PLANS





Subject to the Zoning Board of Appeals granting relief for the requested variances under Section 32-121(a)(3) **the applicant will need to submit a formal site plan for review in accordance with all standards and requirements provided in [Article VII. – Site Plan Review Requirements and Procedures.](#)**

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.

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 are included as follows:

- 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	This lot is very rural in nature with a size of 1.4 acres and extremely deep at over 635 feet deep. Approving this variance would accommodate my need to build a 40' wide x 60' long pole barn/garage.
Planning Comments	While there a handful of lots on Mulvey that exceed one (1) acre, the minimum lot size in the RL district is 0.23 acres and many of the nearby lots are roughly 25% the size as the applicant's, therefore we do find that this a unique parcel able to accommodate the proposed pole barn.

- 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	There are at least 3 other properties on the same street that I noticed additional buildings which led me to consider buying this property to do the same: 33683 Mulvey, 33643 Mulvey, and 33625 Mulvey.
Planning Comments	This request is consistent with other properties on Mulvey that already have existing accessory buildings.

- 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	The size and location on the lot of this building still provides adequate room to far exceed all front, side, and rear yard setbacks from lot lines and existing buildings. Approving this variance would not affect any adjacent properties in any way.
Planning Comments	We do not believe that this variance would be of substantial detriment to the adjacent property, nor would it impair the intent of purpose of this chapter or the public interest as the setbacks are maintained.

- 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	Approving this variance would not require any rule changes. The request is strictly for a larger accessory building size on this lot with a residential home.
Planning Comments	Since many residential lots in the area do not provide the same unique size and depth as the applicant's it is unlikely 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). **Not applicable.***

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. **Not applicable.***

CONCLUSION

We do not believe granting the variance would negatively impact the health, safety, welfare, or value of neighboring properties or the community in general.

Therefore, we **recommend approval** for the variance from Section 32-121(a)3 - to allow five (5) feet increase in building height and increase in allowable accessory building square footage by 2,157 square feet.

Additional information brought forward by the Board, the applicant, and/or during the public hearing should be incorporated into the record prior to the Board making any determination.

Please let me know if you have any questions.



Respectfully Submitted,

McKenna

Dan Commer, AICP
Senior Planner

cc: Applicant, City Manager, Building Official, City Attorneys



AFFIDAVIT OF PUBLICATION

39949 Garfield Rd., Suite D, Clinton Twp., MI 48038

CITY OF FRASER
33000 GARFIELD
FRASER, MI 48026

STATE OF MICHIGAN COUNTY OF MACOMB

The undersigned, **NOELLE KLOMP** being duly sworn he/she is the principal clerk of **The Macomb Daily**, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

ZBA 4-14-26 33710 Mulvey Rd

Published in the following edition(s)
The Macomb Daily: 28 Mar 2026

A handwritten signature in black ink, appearing to read 'Noelle Klomp', written over a horizontal line.

Signature of Principle Clerk

Noelle Klomp

Name of Principle Clerk

Sworn to and subscribed before me this 28 Mar 2026,

A handwritten signature in black ink, appearing to read 'Jennifer A. Mosher', written over a horizontal line.

Notary Public, State of Michigan
Acting in Oakland County

JENNIFER A MOSHER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires August 29, 2029
Acting in the County of _____

Advertiser Name / ID: CITY OF FRASER / 262703 - Ad ID: 49685-208248 - PO: - Affidavit ID: 9069



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 **Tuesday, April 14, 2026** 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 requests:

APPEAL #ZBA 26-03: BY REASON OF: PURPOSE OF REQUEST:	33710 MULVEY ROAD JOSEPH CICALO SECTIONS 32-121(A)(3) OF THE FRASER ZONING ORDINANCE (CHAPTER 32 OF THE FRASER CODE OF ORDINANCES) To obtain a variance from Section 32-121(a)(3) to exceed the maximum accessory building height in the RL district by five (5) feet, increasing the limit from fifteen (15) feet to twenty-four (20) feet, and to exceed the maximum allowable two-thirds of the total floor area of the principal residence. The principal residence is 1,437 square feet and the applicant is proposing to build a 3,120 square foot accessory building (pole barn), exceeding the maximum allowable accessory building square footage by 2,157 square feet, increasing the limit from 963 square feet to 3,120 square feet. PROPERTY IN QUESTION: 33710 MULVEY ROAD, FRASER MICHIGAN, 48026
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NOTICE IS FURTHER GIVEN that any interested person may appear and comment upon the requested variance themselves or by agent or attorney.

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.

Pertinent information relating to the variance request 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 variance request can be directed to the Planner, c/o Building Department at 586-293-3100, extension 153. Written comments may be submitted to the Fraser Building Department at 33000 Garfield Road, Fraser, Michigan 48026, or by email to zoning@frasercitymi.gov up to 4:30 p.m. on the meeting date.

Advertiser Name / ID: CITY OF FRASER / 262703 - Ad ID: 49685-208248 - PO: - Affidavit ID: 9069



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 33710 MULVEY CROSS STREETS: UTICA RD

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

#0311-31-402-006, PART OF LOT 49
1.4 ACRES

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

THIS REQUEST IS CONSISTANT DUE TO LARGE LOT
SIZE TO HAVE LARGER STORAGE BUILDING

SECTION OR ORDINANCE INVOLVED: ACCESSORY BUILDINGS

ZONING DISTRICT OF PROPERTY: 401 - RESIDENTIAL - IMPROVED

APPLICANT

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

APPLICANT: JOSEPH CICALO

ADDRESS: 8467 DARLENE, WARREN, MI 48093

PHONE: 586-292-7575 INTEREST: LOOKING TO PURCHASE THIS HOUSE

APPLICANT: JOSEPH CICALO

ADDRESS: 8467 DARLENE, WARREN, MI 48093

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: Joseph Cicalo Date: 3-13-06

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

CRYSTAL SCHMIDT, OPEN LIMITS, LLC



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:

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SIZE TO HAVE LARGER STORAGE BUILDING

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ZONING DISTRICT OF PROPERTY: 401-RESIDENTIAL-IMPROVED

APPLICANT

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

APPLICANT: JOSEPH CICALO

ADDRESS: 8467 DARLENE, WARREN MI 48093

PHONE: 586-292-7575 INTEREST: LOOKING TO PURCHASE THIS HOUSE

APPLICANT: JOSEPH CICALO

ADDRESS: 8467 DARLENE, WARREN, MI 48093

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Signature of Applicant: Joseph Cicalo Date: 2-13-26

Signature of legal property owner (if not applicant): CRUSAL SCHMIDT, OPEN LIMITS LLC Date: _____



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 33710 MULVEY CROSS STREETS: UTICA RD

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

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1.4 ACRES

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

THIS REQUEST IS CONSISTANT DUE TO LARGE LOT
SIZE TO HAVE LARGER STORAGE BUILDINGS

SECTION OR ORDINANCE INVOLVED: ACCESSORY BUILDINGS

ZONING DISTRICT OF PROPERTY: 401-RESIDENTIAL-IMPROVED

APPLICANT

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

APPLICANT: JOSEPH CICALO

ADDRESS: 8467 DARLENE, WARREN MI 48093

PHONE: 586-292-7575 INTEREST: LOOKING TO PURCHASE THIS HOUSE

APPLICANT: JOSEPH CICALO

ADDRESS: 8467 DARLENE, WARREN, MI 48093

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Signature of Applicant: Joseph Cicalo

Date: 2-13-26

Signature of legal property owner (if not applicant): CRYSTAL SCHMIDT, OPER LIMITS LLC

03/15/26

Date: _____

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Inlay City, MI 48444
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(810) 721-8050 f

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Escanaba, MI 49829
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(866) 416-5077
(906) 786-5195 f

Kingsford

701 Balsam St.
Kingsford, MI 49802
(906) 774-4455
(800) 562-7102
(906) 779-2570 f

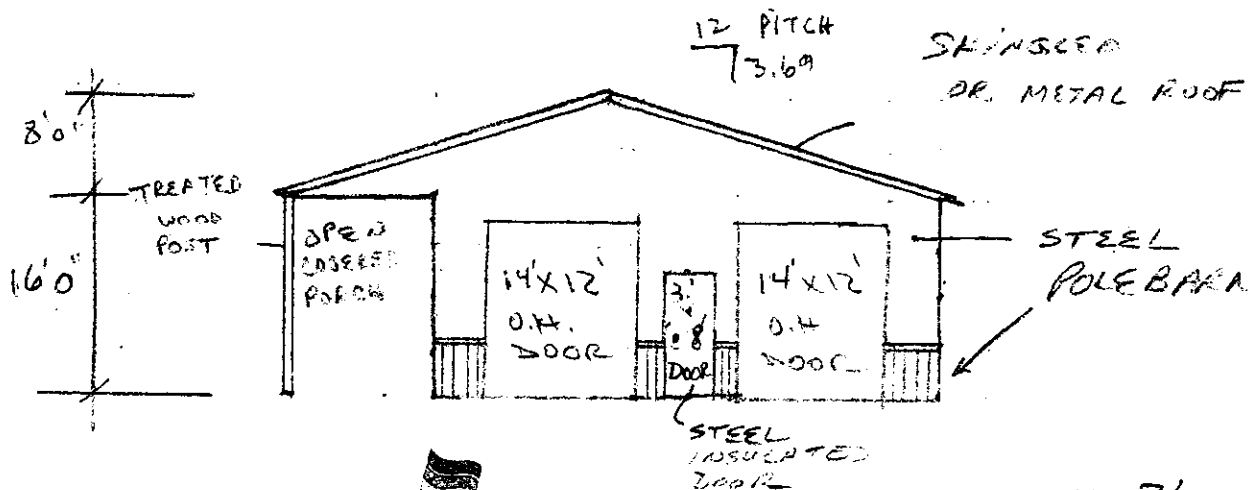
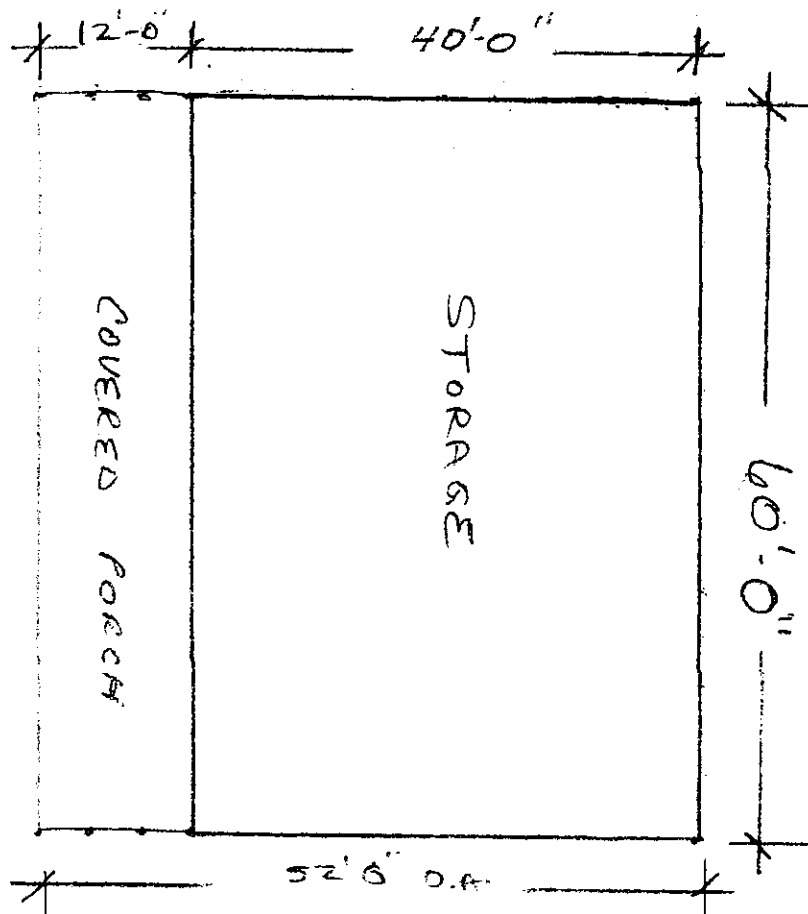
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(866) 215-3685
(906) 228-2811 f

Sault Ste. Marie

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Sault Ste. Marie, MI 49783
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3-13-26

3-23-2026

ATTN: Lauren Sayre, AICP City Planner & Zoning Administrator

RE: 33710 Mulvey Road, Fraser Property

I, Joseph Cicalo, am in pending contract with the owner, Open Limits, LLC, Crystal Schmidt, to purchase above referenced property contingent on me being able to secure a variance to construct an accessory building large enough to enclose my boat, motor home and sportscar.

In response to your request for more information, I submit the following:

- a. This lot is very rural in nature with a size of 1.4 acres and extremely deep at over 635' deep as there are several other lots on the same street and on both sides of the street too. Approving this variance would accommodate my need to build a 40' wide x 60' long pole barn/garage (previously submitted drawings and site plan).
- b. This request is consistent with several other properties on the same street (Mulvey) that already have various existing accessory buildings housing their belongings as well. The size and location on the lot of this building still provides adequate room to far exceed any and all front, side and rear yard setbacks from lot lines and/or existing buildings/fences, etc. There are at least 3 other properties on the same street that I noticed additional buildings on which led me to consider buying this property to do the same -33683 Mulvey, 33643 Mulvey, and 33625 Mulvey and others.
- c. Approving this variance would not affect any adjacent property in any way.
- d. The surrounding properties are of the same nature as this structure and approving this variance would not require any rule changes. The request is strictly for a larger accessory building size on this lot with a residential home.

I have already had a consultation with the building official, Karson Claussen and he stated to me that he fully supports these plans to build this size and type of structure.

Time is of the essence so please schedule this request to present at the APRIL 2nd meeting. IF YOU NEED ANYTHING AT ALL PLEASE CONTACT ME ANYTIME @ 586-292-7575.

Thank you

Joseph Cicalo