



**CITY MANAGER**  
Elaine Leven  
**CITY CLERK**  
August Gitschlag

# City of Fraser

CENTENNIAL COMMUNITY

**MAYOR**  
Michael Lesich  
**MAYOR PRO-TEM**  
Patrick O'Dell  
**COUNCIL**  
Amy Baranski  
Kenny Perry  
Patrice Schornak  
George Michael Higgens  
Crystal Fletcher

**AGENDA**  
**CITY OF FRASER ZONING BOARD OF APPEALS**  
**Thursday, May 7, 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. Approval of Agenda – May 7, 2026**
- 5. Approval of Minutes – April 2, 2026**
- 6. Formal Statement by Chair**
- 7. Old Business (Postponed Cases – March 5, 2026 agenda)**
  - a. ZBA 26-01 34860 Utica Road - Birdies and Brews**

To obtain a variance from Section 32-93(3)b to provide 23 parking spaces when 66 parking spaces are required.

To obtain a variance from Section 32-154(b)(1) to waive the requirement that indoor commercial recreation uses are not permitted within the building or on the site within 100 feet of a residential district.
- 8. Unfinished Business of the Board - None**
- 9. Monthly Report**
  - a. April Monthly Report
  - b. Action items Update – None
- 10. Planning Commission Liaison**
- 11. Public to be Heard**
- 12. Adjournment.**

Posted: April 30, 2026



**City Manager**  
Elaine Leven  
**City Clerk**  
August Gitschlag

# City of Fraser Centennial Community

**Fraser Zoning Board of Appeals Minutes**  
**City Council Chambers**  
**33000 Garfield, Fraser, MI 48026**  
**Thursday, April 2, 2026 - 7:00 PM**  
**Draft**

**Mayor**  
Michael Lesich  
**Mayor Pro-Tem**  
Patrick O'Dell  
**Council**  
Amy Baranski  
Crystal Fletcher  
George-Michael Higgins  
Kenny Perry Jr.  
Patrice Schornak

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A regular meeting of the Fraser Zoning Board of Appeals was held on Thursday, April 2, 2026 at 7:00 PM in City Council Chambers, 33000 Garfield, Graser, MI 48026.

## 1. Call to Order

Meeting was called to order by Chairman Farina at 7:00 pm

## 2. Pledge of Allegiance

Chairman Farina led the room in the Pledge of Allegiance

## 3. Roll Call

The following members were present:

Present: Mark Burley, Joseph Chimenti, Frank Farina, Scott Wahl, Rosanne Menendez, Emma Stasek, Patrick Green

Absent: None

Others Present: City Clerk August Gitschlag, Building Department Manager Bob Logan, City Planner Lauren Sayre, City Attorney Alyssa Ericson

## 4. Approval of Agenda

April 2, 2026

Chairman Farina requested to add Meet new City Planner Dan Commer to the agenda

**Motion by Rosanne Menendez, supported by Scott Wahl** to Approve the agenda as amended.

Ayes: Mark Burley, Joseph Chimenti, Frank Farina, Scott Wahl, Rosanne Menendez, Emma Stasek, Patrick Green

Nays: None  
Absent:

**Motion Passed**

**5. Approval of Minutes**

- a. Approval of Minutes – March 5, 2026

**Motion by Rosanne Menendez, supported by Emma Stasek** to Approve the minutes as administratively corrected.

Ayes: Mark Burley, Joseph Chimenti, Frank Farina, Scott Wahl, Rosanne Menendez, Emma Stasek, Patrick Green  
Nays: None  
Absent:

**Motion Passed**

**6. Formal Statement by Chair**

Chairman Farina read the statement

**7. Old Business (Postposed Cases)**

None

**8. New Business**

Applicant Craig Kaiser and his contractor Jamie Craig presented to the board.

- a. Public Hearing: ZBA 26-02 31217 Eveningside  
To obtain a variance from Section 32-122(4)(b) to exceed the maximum permitted lot coverage in the RM district by 3.1%, increasing the limit from 30% to 33.1%.

Chairman Farina opened the public hearing at 7:40pm and closed the public hearing at 7:41pm

**Motion by Farina, supported by Chimenti** to grant a variance from Section 32-122(4)(b) to exceed the maximum permitted lot coverage in the RM district by 3.1%, increasing the limit from 30% to 33.1% to ZBA 26-02 31217 Eveningside because of the nature of the size of the lot, the utilities running through it, and the fact that the school is behind him would preclude this from becoming commonplace in the neighborhood.

Condition: the lot be re-graded to drain directly to the back of the lot.

Ayes: Mark Burley, Joseph Chimenti, Frank Farina, Scott Wahl, Rosanne Menendez, Emma Stasek, Patrick Green  
Nays: None  
Absent:

**Motion Passed**

b. Election of Officers - 2026

Rosanne Menendez nominated **Frank Farina for ZBA Chair**. Frank accepted the nomination. There were no other nominations accepted.

Rosanne Menendez nominated **Mark Burley for ZBA Vice Chair**. Mark accepted the nomination. There were no other nominations.

Mark Burley nominated **Rosanne Menendez for ZBA Board Secretary**. Rosanne accepted the nomination. There were no other nominations.

**9. Unfinished Business**

None

**10. Monthly Report**

a. Monthly Report for March 2026

Chairman Farina introduced the new City Planner, Dan Commer, to the board.

City Planner Lauren Sayre presented her monthly report.

Building Department Manager Bob Logan answered some questions about resident responses to the Planning Commission's Zoning Ordinance Public Hearing.

**11. Planning Commission Liaison**

Chairman Farina reported on the Planning Commission's public hearing on the proposed Zoning Ordinance.

**12. Public to Be Heard**

Board members thanked Lauren Sayre for her service and expressed their best wishes for her future.

Building Department Manager Bob Logan and City Attorney Alyssa Ericson answered some questions from Member Chimenti about the Dairy Queen property.

**13. Adjournment**

**Motion by Rosanne Menendez, supported by Emma Stasek to Adjourn.**

Ayes: Mark Burley, Joseph Chimenti, Frank Farina, Scott Wahl, Rosanne Menendez, Emma Stasek, Patrick Green

Nays: None

Absent:

**Motion Passed**

**Meeting adjourned at 7:59pm**

Respectfully Submitted:

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Michael T. Lesich, Mayor  
City of Fraser

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August R. Gitschlag, City Clerk  
City of Fraser



# MCKENNA

February 23, 2026

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

**Subject:** ZBA Report #1 / #26-01 Variance Request / Birdies and Brews

**Applicant:** Jonathan Juliano

**Section:** Section 32-93(3)b & Section 32-154(b)(1) of the Fraser Zoning Ordinance

**Location:** 34860 Utica Road, Fraser, Michigan 48026

**Request:** To obtain a variance from section 32-93(3)b to provide 23 parking spaces when 66 parking spaces are required. **AND** To obtain a variance from section 32-154(b)(1) to waive the requirement that indoor commercial recreation uses are not permitted within the building or on the site within 100 feet of a residential district.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application for minimum off-street parking count and proximity of indoor commercial recreation use to a residential zoning district the CG District, and – as it does not meet the requirements of the code – have prepared the following report, which identifies the relevant facts about the property and the proposal. The report also provides our professional opinion about how the relevant sections of the ordinance that guide the ZBA’s decisions apply to this requested variance.

### ADMINISTRATIVE STATEMENT OF FACTS

34860 Utica Road is currently zoned CG, Commercial General and is located near the intersection of Utica Road and 15 Mile Road. Initially, in the façade plans, the applicant noted the maximum occupancy would be 252 people. **The applicant has indicated that they will be seeking a reduction to 198 people for the maximum occupancy.** Reducing the maximum occupancy is a process that can be done administratively through the building official and fire marshal. The applicant is aware of the process, which includes providing rationale for the request to minimize the maximum occupancy, as well as providing detailed drawings that the calculations are based on.



***We note the plan provided does not include the dumpster, so the correct number of spaces provided is 23, not 24 spaces.***

***The applicant will need to obtain special land use approval from Planning Commission for the use of an amusement and recreation service, also subject to the use standards in Section 32-154.***

#### HEADQUARTERS

235 East Main Street  
Suite 105  
Northville, Michigan 48167

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☎ 248.596.0930  
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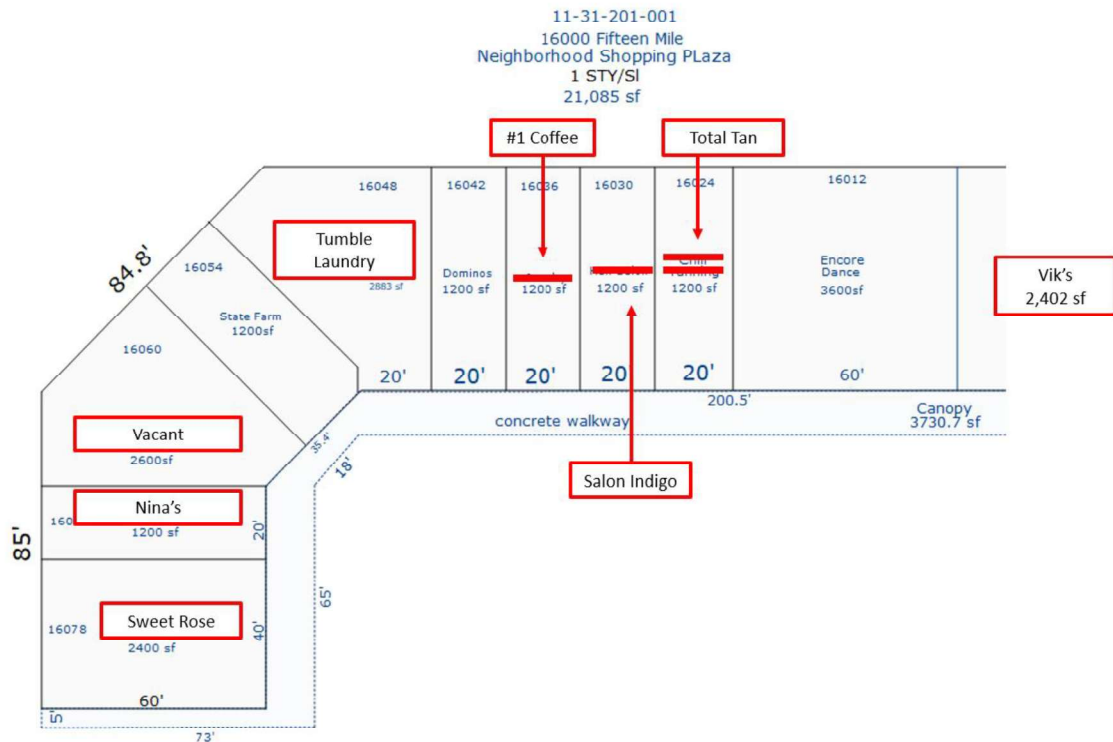


Section 32-93(3)b requires one (1) parking space per three (3) persons allowed at maximum occupancy load, as determined by the Fire Marshal or his official designate. The first variance is for a reduction in parking as follows: **To obtain a variance from section 32-93(3)b to provide 23 parking spaces when 66 parking spaces are required.**

Section 32-154(b)(1) requires that bowling alleys, hockey arenas, tennis houses, racquetball and soccer facilities, and similar forms of indoor commercial recreation, provided that no such use within the building or on the site shall be located within one hundred (100) feet of any residential district. **The second variance request is to waive this requirement, as the subject site is directly adjacent to the RH district to the east.**

**ADDITIONAL PARKING DETAILS**

The applicant is also proposing to utilize parking from Signature Square in the adjacent parking lot to the north, which includes several tenants utilizing shared parking. Below we have compiled a table of uses and parking requirements in the strip mall (Signature Square, 16000 15 Mile Utica). Signature Square currently has 10 leased spaces, and 1 vacant space.



Business	Parking Requirements by the Zoning Ordinance		Parking Required
Sweet Rose Bakery and Blooms	Retail Stores	One (1) space for each one hundred fifty (150) square feet of floor area.	16
State Farm	Business Offices or free-standing administrative offices	One (1) space for each one hundred fifty (150) square feet of gross floor area.	8



<b>Business</b>	<b>Parking Requirements by the Zoning Ordinance</b>		<b>Parking Required</b>
Tumble Laundry	Laundromats and Coin-operated Dry Cleaners	One (1) space for each two (2) machines.	22
Domino's Pizza	Restaurants — Carry-out only	One (1) space per employee, plus fifty (50%) percent of the parking requirement for restaurants with permanent seating.	10 *  *Assumes 4 employees
#1 Coffee & Sweets	Restaurants/Lounges	One (1) space for each one hundred (100) square feet of gross floor area, or one (1) space for each two (2) persons allowed within maximum occupancy, as determined by the Fire Marshal or his official designate, whichever is greater.	12
Salon Indigo	Beauty Parlors/Barber Shops	Three (3) spaces for the first two (2) chairs, plus one and one-half (1½) spaces for each additional chair; or one (1) space for each seventy-five (75) feet of floor area, whichever is less.	12
Total Tan	Beauty Parlors/Barber Shops	Three (3) spaces for the first two (2) chairs, plus one and one-half (1½) spaces for each additional chair; or one (1) space for each seventy-five (75) feet of floor area, whichever is less.	12
Encore the Dance Centre	Nursery Schools, Day Nurseries or Child Care Facilities	One (1) space for each employee; plus one (1) space for each four (4) children on the premise at one time. Adequate, but not fewer than five (5), stacking spaces shall be provided for pick-up and drop-off.	16*  *Assumes class size of 15 and 5 employees
Vik's Diner	Restaurants/Lounges	One (1) space for each one hundred (100) square feet of gross floor area, or one (1) space for each two (2) persons allowed within maximum occupancy, as determined by the Fire Marshal or his official designate, whichever is greater.	24
Nina's Studio Alterations	Dry Cleaners	One (1) space per each two (2) employees, with a minimum of five (5) spaces.	5
Vacant	Retail Stores	One (1) space for each one hundred fifty (150) square feet of floor area.	18
<b>Total parking required</b>			<b>155</b>
<b>Total parking provided</b>			<b>130</b>

We do believe that State Farm, Tumble Laundry, Domino's, and Encore are likely higher than utilized. We also want to note that because this is shared parking, the zoning ordinance provides minimums, but since the peak utilization for a coffee shop and an insurance office or coin laundry vary, we do not believe there is a parking deficit based on current demand.



**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 below.

- 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.*

<b>Applicant Comments</b>	The applicant notes the irregular parcel shape, and constrained lot width and depth, as well as building placement limit the ability for additional parking.  <i>We note the applicant has not provided comments regarding the buffering from residential districts.</i>
<b>Planning Comments</b>	Regarding the parking space variance and the residential buffering, we note that the lot is constrained. The building was originally used for industrial warehousing. Currently, the zoning of the property is CG (commercial), not industrial, so it is likely most commercial uses would require a variance for parking. We believe the former industrial nature of the property does present a unique circumstance.

- 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.*

<b>Applicant Comments</b>	The applicant states that amusement and recreation uses are permitted in the CG, however the property cannot be utilized for this purpose while meeting the parking requirements due to the current site constraints and configuration of the building. The applicant believes this is a restriction on the reasonable return of the property, as this use is permitted in CG zoned properties.  <i>We note the applicant has not provided comments regarding the buffering from residential districts.</i>
<b>Planning Comments</b>	We do agree with the assessment provided by the applicant regarding the parking variance. Regarding the residential buffering variance, we believe that this is necessary for preservation of a substantial property right as other indoor recreation uses nearby are also adjacent to residential districts.



- 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.*

<b>Applicant Comments</b>	<p>The applicant states that granting the parking variance will not be of substantial detriment to the adjacent property nor impair the intent of the ordinance or public interest. The applicant notes that the property is along Utica Road, a major commercial corridor, and near 15 Mile Road, another major corridor. Additionally, the applicant notes that they would likely operate below maximum occupancy and are pursuing shared parking agreements from Signature Square.</p> <p><i>We note the applicant has not provided comments regarding the buffering from residential districts.</i></p>
<b>Planning Comments</b>	<p>We agree that the proposed variance does not impair the intent of the ordinance, as this is a use that is appropriate in the CG district. However, we do have concerns that the lack of parking may negatively impact neighboring properties or create unsafe conditions. We do believe that these can be mitigated with proper signage to direct traffic, as well as utilization of shared parking in the Signature Square parking lot.</p> <p>Regarding the buffering from residential districts, we do not believe that granting this variance will negatively impact adjacent properties, as there is already an indoor amusement/recreation use also abutting the same RH parcel, and the proposed use will be conducted entirely indoors.</p>

- 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.*

<b>Applicant Comments</b>	<p>The applicant believes that the parking variance is not a general condition as the property has an irregular and constrained layout and the occupancy is what is driving the parking requirement.</p> <p><i>We note the applicant has not provided comments regarding the buffering from residential districts.</i></p>
<b>Planning Comments</b>	<p>Regarding the parking variance, we agree that this is not a typical CG parcel, due to its former industrial use, therefor we do not believe that it would create a general rule.</p> <p>Regarding the residential buffering, many CG parcels do abut residential parcels, so it could create a general rule, however, we do not believe that upholding this requirement is necessary to uphold the intent of the district and protect the health, safety, and welfare of adjacent residential properties, as these uses will be fully contained indoors.</p>

**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 these variances would negatively impact the health, safety, welfare, or value of neighboring properties or the community in general. We also find that the standards for granting a variance are met or can be met, therefor we recommend approval for the variance from Section 32-93(3)b - to provide 23 parking spaces when 66 parking spaces are required - conditioned upon the following requirements:

- *The maximum occupancy for the business is administratively reduced to 198 people by the building official.*
- *The applicant must obtain a shared parking agreement with Signature Square to utilize 15 or more spaces in a form satisfactory to the City Attorney.*
- *The applicant must provide signage to ensure adequate vehicular circulation, to the satisfaction of the City Engineer.*

We also recommend approval for the variance from Section 32-154(b)(1) - to waive the requirement that indoor commercial recreation uses are not permitted within the building or on the site within 100 feet of a residential district.

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**

Lauren Sayre, AICP  
Senior Planner

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



**ANDERSON, ECKSTEIN & WESTRICK, INC.**

CIVIL ENGINEERS - SURVEYORS - ARCHITECTS

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February 25, 2026

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

**Reference: Variance Review**  
34860 Utica Road  
AEW Project No. 0190-0544

Dear Mr. Logan:

We have completed our review of the above-mentioned draft site plan and offer the following comments for a variance review:

1. Based on our review of the submitted draft site plan, the proposed development does not provide a sufficient number of parking spaces. The required parking spaces for this use is 66 spaces, while the plan provides only 24 spaces. It should be noted that the southeastern parking space currently houses a dumpster for the property and is not reflected on the site plan. This would reduce the available number of proposed parking spaces to 23.
2. Clear space between the existing buildings is shown as 19.50 feet. Two-way traffic is not recommended to avoid damage to each building and appropriate signage is recommended to encourage drivers to yield for one way traffic.
3. The provided parking space layout and dimensions do not accommodate a van accessible parking space, which requires an 11-foot-wide parking space.

Additional reviews will be required if significant site work outside of the building footprint occurs.



Bob Logan  
February 25, 2026  
Page 2

We are available to answer any questions related to the review comments.

Sincerely,

*Ashley Carpenter*

Ashley M. Carpenter, PE  
Project Manager

cc: Lauren Sayre, McKenna  
Rob Barrett, DPW Superintendent  
Mike Vigneron, AEW

[https://aewincmi-my.sharepoint.com/personal/acasey\\_aewinc\\_com/Documents/Desktop/2026022334860UticaVarianceReview.docx](https://aewincmi-my.sharepoint.com/personal/acasey_aewinc_com/Documents/Desktop/2026022334860UticaVarianceReview.docx)



**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 34860 UTICA RD CROSS STREETS: 15 MILE + UTICA

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

ATTACHED

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

PARKING REQUIREMENTS

**SECTION OR ORDINANCE INVOLVED:** VARIANCES

**ZONING DISTRICT OF PROPERTY:** C6

**APPLICANT**

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

APPLICANT: JONATHAN JULIANO

ADDRESS: 15485 LUXEMBURG

PHONE: (231) 499-3877 INTEREST: OWNER

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

*I (We) hereby request a hearing on the above-mentioned matter before the City of Fraser Zoning board of Appeals. The undersigned swear(s) the foregoing statements and answers herein contained and accompanied information and data are in all respects true and complete. I (we) grant permission to Members of the Zoning Board of Appeals and to the City of Fraser Administration to enter the land in order to view the outside premises in preparation for hearing our case.*

Signature of Applicant: [Signature]

Date: 2-12-26

Signature of legal property owner (if not applicant): \_\_\_\_\_

Date: \_\_\_\_\_

T2N R13E SEC 31; COMM AT THE N 1/4 POST SEC 31; TH S01\*01'40"W 300 FT; TH S88\*25'30"W 43 FT TO POB; TH S88\*25'30"E 234.36 FT; TH N01\*39'30"E 10 FT; TH S88\*25'30"E 80 FT; TH S01\*39'30"W 90 FT; TH N88\*25'30"W 313.48 FT; TH N01\*50"E 80 FT TO POB; ALSO INCLUDING THAT PORTION OF THE VACATED ROADWAY (86 FT WIDE) LYING EAST OF THE CENTERLINE OF THE VACATED MIAMI AVENUE.

## VARIANCE APPLICATION CRITERIA NARRATIVE

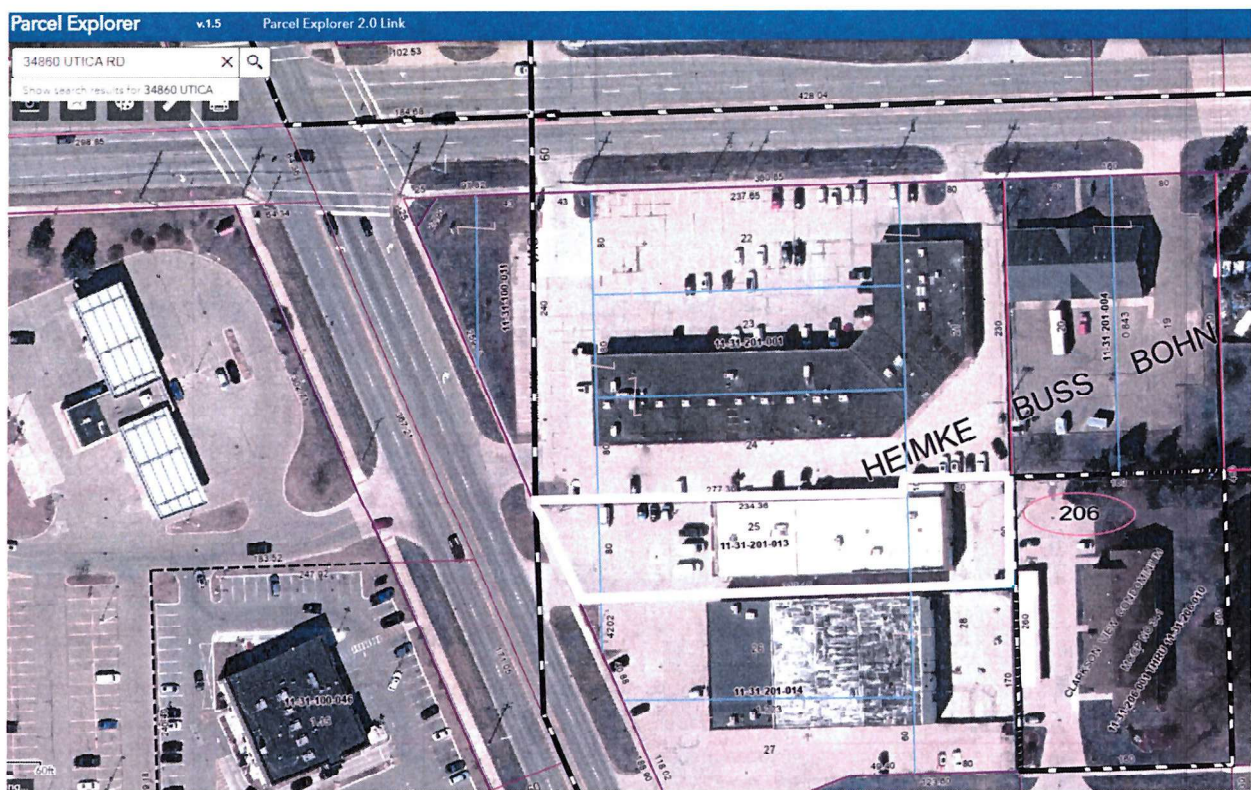
**34680 Utica Road  
Birdies + Brew, c/o Jonathan Juliano**

Dated: February 19, 2026

### Background

Applicant, Birdies + Brew c/o Jonathan Juliano, (“Applicant”) submits this Variance Application for the real property commonly known as 34860 Utica Rd., Fraser, MI 48026, Parcel ID No.: 11-31-201-013 (the “Property”). Pursuant to the City of Fraser’s Zoning Map, the Property is currently zoned Commercial General (“CG”). Applicant’s intended use of the Property is an indoor golf simulator and mini-golf course with a bar.

An ariel view taken from the Macomb County GIS Parcel Explorer system shows the current unique, layout and conditions of the Property (highlighted):



Accordingly, Applicant is requesting an Approval of the following Variances from the City of Fraser Zoning Board of Appeals (the “ZBA”):

1. Variance from Zoning Ordinance Section 32-93(3)b to permit a reduction in the minimum number of off-street parking spaces required on the Property.

Specifically, the maximum permitted occupancy on the site is 198 persons. Zoning Ordinance Section 32-93(3)b requires 1 space per 3 persons at maximum occupancy. Thus, Applicant would need a total of 66 spaces under the Zoning Ordinance. Currently on the site, there are 23 parking spaces existing. **Accordingly, Applicant is requesting a variance of 43 parking spaces**, as discussed further below.

**\*NOTE:** Applicant is working with the owner of the commercial strip center to the north of the Property (being Parcel 11-31-201-001), on a shared parking arrangement, which could provide Applicant an additional 15-30 parking spaces approximately.

#### VARIANCE CRITERIA AND NARRATIVE FOR REQUEST #2

- 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'S RESPONSE:** The need for the requested 43-space variance arises directly from the unique physical characteristics of the Property, including its irregular shape, constrained lot width and depth, and pre-existing building placement. The parcel is oddly shaped and constricted in several areas, limiting circulation improvements and preventing meaningful expansion of the parking field. For instance the size and placement of the building take up most of the Property, as shown above. Further, the west side of the Property is cut off on an angle, further restricting the area available for parking spaces. The existing structure and site improvements were established prior to the Applicant's involvement. Thus, due to the size, shape, and layout of the Property itself, there is no reasonable ability to add the 43 additional spaces required to meet the 66-space calculation without eliminating substantial portions of the building or rendering the Property unusable for any reasonable commercial purpose.

Unlike larger or less constricted shaped parcels zoned CG throughout the City, this site does not have surplus land area to accommodate parking expansion. The practical difficulty is therefore inherent in the land itself and was not created by the Applicant. Additionally, the parking requirement is calculated based on maximum theoretical occupancy (198 persons) as determined by the Fire Marshal. That occupancy represents a peak capacity scenario, not typical day-to-day operational demand of the proposed use. The combination of a high occupancy calculation and a physically constrained parcel creates an extraordinary circumstance not generally applicable to other CG properties. In fact, the commercial developments directly abutting the Property to the north and the south both have parking that wraps around the respective buildings and providing more parking spaces. To the contrary, due to the constrictions, layout and circumstances of the Property, the same cannot be done thereon.

- 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.*

**APPLICANT'S RESPONSE:** The CG zoning district permits amusement and recreation uses, such as proposed by Applicant on the Property. However, without the requested parking variance, the Property cannot reasonably be utilized for a permitted recreational commercial use due solely to the physical limitations of the land. Other commercially zoned properties in the vicinity—particularly those with larger, less constricted lots—are capable of accommodating required parking counts or incorporating expansion areas. Strict enforcement of the 66-space requirement on this uniquely constrained parcel would effectively deprive the Applicant of a substantial property right enjoyed by similarly zoned properties: the ability to operate a permitted commercial recreational use. The request is not based upon the prospect of increased financial return. Rather, it is necessary to allow reasonable use of the Property consistent with its zoning classification, given the inherent physical constraints of the land and the way that the City has naturally developed in this area.

- 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'S RESPONSE:** The intent of the parking ordinance is to prevent congestion, spillover parking, and adverse impacts on neighboring properties. Granting the requested 43-space variance will not materially impair that intent for several reasons including:

- i. **Commercial Corridor Location:** The Property is located at the intersection of Utica Road and 15 Mile Road—two major thoroughfares designed to accommodate significant traffic volumes.
  - ii. **Surrounding Commercial Context:** Commercial uses are located both to the north and south, including a strip mall and a similar indoor entertainment use. The general area is characterized by commercial activity rather than low-intensity residential use.
  - iii. **Shared Parking Efforts:** The Applicant is actively pursuing a shared parking agreement with the adjacent strip mall property to the north, which has excess parking capacity during evening and recreational peak hours. This will supplement the 23 on-site spaces and significantly mitigate any potential parking shortfall.
  - iv. **Actual Operational Demand vs. Theoretical Maximum:** The 66-space requirement is derived from maximum occupancy (198 persons). In practice, recreational uses such as indoor golf simulators and mini-golf do not typically operate at maximum occupancy for sustained periods, and patrons often arrive in groups, reducing vehicle counts relative to headcount.
  - v. **No Expansion of Building Footprint:** The Applicant is utilizing the existing building footprint. The parking deficiency results from the historical development pattern and physical layout—not from Applicant's overdevelopment or expansion beyond site capacity.
- 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'S RESPONSE: The need for this variance is not a general condition affecting all CG properties. Rather, it arises from:

- The Property's irregular and constricted configuration;
- Its limited land area;
- The fixed placement of the existing building; and
- The occupancy-based parking formula applied to the physically constrained parcel.

These conditions are specific to this Property and are not broadly applicable to other commercial parcels within the City, particularly those with larger or more flexible site layouts. Granting this variance would recognize a site-specific practical difficulty caused by the unique shape, size, and layout of the Property, through no fault of the Applicant, and would not establish a general rule or precedent applicable to other properties.

#### Summary

In sum, Applicant suffers a practical difficulty here due to the unique size, layout, conditions, restrictions and circumstances of the Property and its surroundings. As such, granting Applicant's requests is appropriate in this case. Therefore, for the reasons stated above, Applicant respectfully requests that the ZBA GRANT its requested Variances.



# 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 3-5-26**

**Published in the following edition(s)**  
**The Macomb Daily: 17 Feb 2026**

Signature of Principle Clerk

**Noelle Klomp**

Name of Principle Clerk

*Sworn to and subscribed before me this 17 Feb 2026,*

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: 28416-141732 - PO: - Affidavit ID: 2684



**City of Fraser**  
Building & Code Enforcement Department

**NOTICE OF ZONING BOARD OF  
APPEALS HEARING**

NOTICE IS HEREBY GIVEN that the City of Fraser Zoning Board of Appeals will meet on **Thursday, March 5, 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:

<b>APPEAL #ZBA 26-01:</b>	<b>BIRDIES AND BREWS/JONATHAN JULIANO</b>
<b>BY REASON OF:</b>	SECTIONS 32-93(3)B & 32-154(B) (1), OF THE FRASER ZONING ORDINANCE (CHAPTER 32 OF THE FRASER CODE OF ORDINANCES)
<b>PURPOSE OF REQUEST:</b>	TO OBTAIN A VARIANCE FROM SECTION 32-93(3)B TO PROVIDE 23 PARKING SPACES WHEN 66 PARKING SPACES ARE REQUIRED.  TO OBTAIN A VARIANCE FROM SECTION 32-154(B)(1) TO WAIVE THE REQUIREMENT THAT INDOOR COMMERCIAL RECREATION USES ARE NOT PERMITTED WITHIN THE BUILDING OR ON THE SITE WITHIN 100 FEET OF A RESIDENTIAL DISTRICT.
<b>PROPERTY IN QUESTION:</b>	34860 UTICA ROAD, FRASER MICHIGAN, 48026

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](mailto:zoning@frasercitymi.gov) up to 4:30 p.m. on the meeting date.

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10000 Woodward Road, Suite 100  
Livonia, MI 48150  
www.dagarchitect.com

Proposed  
**BIRDIES &  
BREWS**

34860 UTICA ROAD  
FRASER, MI 48026

Proposed Site Plan

DATE:	10/1/2020
DESIGNED BY:	DAVID W. GARDNER
CHECKED BY:	DAVID W. GARDNER
PROJECT NAME:	BIRDIES & BREWS
SHEET NAME:	DEMOLITION AND PROPOSED FLOOR PLANS

