

**CITY OF FRASER, MICHIGAN
ZONING BOARD OF APPEALS
THURSDAY, May 6, 2021 – 7:00PM
MINUTES APPROVED JUNE 3, 2021**

Present: Chairman Stimac; Members: Chimenti, Farina, Logan, Menendez, Burley

Excused Absence: Hunt (arrived at 7:29pm)

Also Present: Alyssa Albright, City Attorney (O'Reilly Rancilio)
Dylan Church, City Attorney (O'Reilly Rancilio)
Donald DeNault, City Attorney (O'Reilly Rancilio)
Paul Urbiel, City Planner (McKenna)
Danielle Bouchard, City Planner (McKenna)
Sarah Traxler, City Planner (McKenna)

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 7:17 PM

2. Pledge of Allegiance

Roll Call Chairman, Stimac: Present (participating from Macomb County, City of Fraser, Michigan)
Member, Burley: Present (participating from Macomb County, City of Fraser, Michigan)
Member, Chimenti: Present (participating from Macomb County, City of Fraser, Michigan)
Member, Farina: Present (participating from Macomb County, City of Fraser, Michigan)
Member, Hunt: Absent (arrived at 7:29pm)
Member, Logan: Present (participating from Harris County, City of Houston, Texas)
Member, Menendez: Present (participating from Macomb County, City of Fraser, Michigan)

3. Approval of Agenda as presented - Regular Meeting of Thursday May 6, 2021

Motion by Member: MENENDEZ (TO APPROVE) **Support by Member:** FARINA

To: Approve the agenda of December 3, 2020 as presented.

AYES 7 (STIMAC, BURLEY, CHIMENTI, FARINA, HUNT, LOGAN, MENENDEZ)

NAYS 0

MOTION CARRIED

4. Approval of Minutes as amended – December 3, 2020

Motion by Member: MENENDEZ (TO APPROVE) **Support by Member:** LOGAN

To: Approve the December 3, 2020 minutes as amended.

AYES 7 (STIMAC, BURLEY, CHIMENTI, FARINA, HUNT, LOGAN, MENENDEZ)

NAYS 0

MOTION CARRIED

5. 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.

6. Public Hearings:

A. Appeal 21-024 (amended 21-01), Variance Request / Happy's Pizza Wall Sign / 31896 Groesbeck Highway

DISCUSSION: BOUCHARD noted that the applicant is requesting to obtain variances from the City of Fraser Zoning Ordinance standards to exceed the building wall sign allowable area by approximately

**CITY OF FRASER, MICHIGAN
ZONING BOARD OF APPEALS
THURSDAY, May 6, 2021 – 7:00PM
MINUTES APPROVED JUNE 3, 2021**

25.3 square feet (57.3 square feet requested; 32 square feet allowed) and to exceed the number of allowable wall signage (3 additional walls signs requested; 1 wall sign allowed). Section 32-85-2.D of the Zoning Ordinance permits a maximum sign area of 32 square feet and Section 32-85.S notes that tenant spaces in the CG, Commercial General, District are permitted a maximum of 1 wall sign.

STIMAC questioned if the proposed signs on the west side of the building were calculated as a combined sign (logo image and lettering combined), what the resulting square footage would be and how spaces in between are calculated. URBIEL noted that the Ordinance's definition of sign area notes that blank spaces between sign elements are included in the total area of the sign. The applicant has previously been approved for a singular Happy's Pizza sign on the north face of the building. FARINA questioned the administration what the hardship is for the application. TRAXLER noted that the analysis did not include any suggested findings for the hardship.

MARK ABRAHAM, applicant, noted that potential patrons of the Happy's Pizza store have a difficult time seeing where the building is located because of the high speeds along Groesbeck. BOUCHARD questioned the applicant if the building landlord approved the proposed signage on the west façade. ABRAHAM confirmed. JENNIFER from Global Signs noted that each proposed sign is 47.5 square feet (includes the logo and the Happy's Pizza lettering). The space in between the logo and the lettering is 10 inches.

The public hearing was opened at 7:52pm.

No public comment was received.

The public hearing was closed at 7:52pm.

BURLEY questioned the applicant regarding the basis for the request of the variances. ABRAHAM noted that new Happy's Pizza location is a new business, and motorists driving down Groesbeck Highway have trouble seeing where the business is located. FARINA questioned the applicant if it satisfies the signage need to approve a variance for 25.3 square feet, as advertised by the public hearing notice. ABRAHAM confirmed that the variance for 25.3 square feet on the west façade of the building will be pursued.

Motion by Member: FARINA

Supported by Member: CHIMENTI

To: Authorize variances for appeal 21-01 / Happy's Pizza Wall Sign / 31896 Groesbeck Highway, for an additional 25.3 square feet of wall signage and to allow a second wall sign on the building's west façade.

AYES: 4 (STIMAC, FARINA, CHIMENTI, LOGAN)

NAYS: 1 (BURLEY)

MOTION CARRIED (Member HUNT was not present at the vote)

B. Appeal 21-02, Variance Request / Best Tires Wall Sign / 33733 Groesbeck Highway

DISCUSSION: The applicant, Best Tires, is seeking a variance to exceed the maximum permitted building wall sign area by approximately 28 square feet. Section ~~32-85-2.D~~ (amended 32-85-2.E) of the City's Zoning Ordinance permits 32 square feet for retail establishments in industrial districts, the applicant is requesting a variance from Ordinance standards to erect a 60 square foot sign.

BOUCHARD explained the variance application details as submitted by Best Tires. The site is zoned IC, Industrial Controlled. As per Section ~~32-85-2.D~~ (amended 32-85-2.E), a maximum of 32 square feet for a wall sign is permitted.

MENENDEZ noted that the application for the variance was not included in the packet. TRAXLER explained that the City accepts applications through the BS&A online system. The fees were paid and the online submittal was also received prior to the meeting.

**CITY OF FRASER, MICHIGAN
ZONING BOARD OF APPEALS
THURSDAY, May 6, 2021 – 7:00PM
MINUTES APPROVED JUNE 3, 2021**

FARINA inquired about the size of the sign on the adjacent tenant space. URBIEL confirmed that the existing sign at the adjacent tenant space is comparably sized to the proposed Best Tires sign. BURLEY noted that the existing building also has 2 additional signs not shown on the application, one sign is located above the garage on the site and the other sign is a phone number sign located between the windows on the front of the building.

The applicant, MARK GULLA, explained that the building has a large setback from Groesbeck Highway and it is difficult to see the location of the building from the road. Additionally, the applicant noted that the sign for Best Tires is proposed to be comparable size and character of the adjacent tenant space.

The public hearing was opened at 8:40pm.

No public comment was received.

The public hearing was closed at 8:40pm.

Motion by Member: LOGAN **Supported by Member:** BURLEY

To: Deny Appeal 21-02 Best Tires wall sign due to the number of additional signs already located on the site.

MOTION WAS NOT VOTED ON

Motion by Member: STIMAC **Supported by Member:** MENENDEZ

To: Postpone Appeal 21-02 to allow additional time for the applicant to confer with their client, Best Tires, on the total signage package proposed for the building, to the next regularly scheduled Zoning Board of Appeals meeting on June 3, 2021.

AYES: 6 (STIMAC, MENENDEZ, BURLEY, CHIMENTI, FARINA, LOGAN)

NAYS: 0

MOTION CARRIED (Member HUNT was not present at the vote)

C. Appeal 21-03, Variance Request / Commercial Vehicle Parking / 34861 Eberlein Drive

DISCUSSION: The applicant, homeowner at 34861 Eberlein Drive, is requesting a variance from Ordinance standards to park a commercial vehicle in the side yard of their residential property, in an unenclosed space. Section 28-109 of the City's Ordinance permits the Zoning Board of Appeals to grant variances in from the standards in Article VII, "Commercial Vehicles and Commercial Equipment."

STIMAC noted that the applicant used to be his neighbor. However, no monetary benefit is to be had as an outcome of the applicant's request, therefore STIMAC did not recuse himself from the discussion.

BOUCHARD explained that Ordinance 28-107.B states that no person shall park or store a commercial vehicle or equipment on a residential property other than in an enclosed building. TRAXLER noted that the criteria utilized for this request pertains to the City's general code, not the Zoning Ordinance. BURLEY questioned what the definition of enclosed means in the City's Ordinance. TRAXLER explained that the term "enclosure" refers to all sides of a structure.

Applicant, JOSEPH DePERRO explained that the commercial vehicle is utilized for his job. DePERRO is often called to emergency job sites at a moment's notice and therefore needs to keep the commercial vehicle on the residential site. MENENDEZ questioned the applicant on the width of the space between the garage and the unenclosed parking space. DePERRO noted that the width is

**CITY OF FRASER, MICHIGAN
ZONING BOARD OF APPEALS
THURSDAY, May 6, 2021 – 7:00PM
MINUTES APPROVED JUNE 3, 2021**

96 inches. The commercial vehicle fits in that space comfortably. It is not anticipated that the applicant's employer would require the applicant to use a larger vehicle. DePERRO explained that if the commercial vehicle is not permitted to be parked on site, he could be subject to losing his employment.

The public hearing was opened at 9:07pm.

No public comment was received.

The public hearing was closed at 9:07pm.

Motion by Member: FARINA Supported by Member: LOGAN

To: Approve appeal 21-03 located at 34861 Eberlein Drive, to park a commercial van on the side yard setback next to the garage, behind the front face of the existing home under the hardship that an additional garage cannot be added to the site.

AYES: 6 (STIMAC, MENENDEZ, BURLEY, CHIMENTI, FARINA, LOGAN)

NAYS: 0

MOTION CARRIED (Member HUNT was not present at the vote)

7. New Business: Election of Officers

Chair

Member Stimac was nominated for Chair of the City of Fraser Zoning Board of Appeals. Mr. Stimac accepted the nomination. Mr. Stimac was elected as Chair of the City of Fraser Zoning Board of Appeals by acclamation.

Vice Chair

Member Farina was nominated for Vice Chair of the City of Fraser Zoning Board of Appeals. Mr. Farina accepted the nomination. Mr. Farina was elected as Vice Chair of the City of Fraser Zoning Board of Appeals by acclamation.

Secretary

Ms. Menendez was nominated for Secretary of the City of Fraser Zoning Board of Appeals. Ms. Menendez accepted the nomination. Ms. Menendez was elected as Secretary of the City of Fraser Zoning Board of Appeals by acclamation.

8. Unfinished Business. None.

9. Planning Commission Liaison

FARINA noted that the City of Fraser Planning Commission held a meeting on Wednesday, May 5, 2021. During the meeting, the Planning Commission recommended adoption of the 2021 City of Fraser Master Plan to City Council. A public hearing on the Plan was held at the meeting where one public comment was received. Additionally, the Planning Commission considered one site plan for a building addition located at 33417 Kelly Road, that was approved with conditions.

10. Public to be Heard: None.

**CITY OF FRASER, MICHIGAN
ZONING BOARD OF APPEALS
THURSDAY, May 6, 2021 – 7:00PM
MINUTES APPROVED JUNE 3, 2021**

11. Adjournment

Motion by Member: FARINA (TO ADJOURN) **Support by Member:** CHIMENTI

To: Adjourn the meeting on Thursday, May 6, 2021 at 9:57 pm.

AYES 6 (STIMAC, MENENDEZ, BURLEY, CHIMENTO, FARINA, LOGAN)

NAYS 0

MOTION CARRIED (Member HUNT was not present at the vote)

ZBA Secretary, Rosanne Menendez

Recording Secretary, Danielle Bouchard, Senior Planner, McKenna