

City of Dearborn
Zoning Board of Appeals
Thursday, January 24, 2008
Minutes

Called to Order: 5:36 p.m.

Commissioners Present: Gary Jefferson (Acting Chairperson), Susan Binder, and Donald Hostetler.

Commissioners Absent: Ken Gusfa.

Technical Advisors: Thomas Paison, Zoning Administrator; Licia Yangouyian, Assistant City Attorney.

Approval of Minutes. Motion by Commissioner Hostetler, supported by Commissioner Binder that the minutes of the previous regular meeting of Wednesday, November 28, 2007 are approved as recorded. Motion carried unanimously.

Appeal #07-189

From Yasser Chami, 7835 Steadman, Dearborn, MI requesting to retain a covered patio built without permits or variances. The property size being 36' x 111', in a One-Family Residential (RA) zoning district at:

7835 Steadman

Yasser Chami, 7835 Steadman, Dearborn was introduced.

Mr. Paison reported that this appeal was tabled at the November 2007 ZBA Hearing providing the appellant would submit plans that would reduce the required variances. Mr. Paison summarized the Staff Report dated January 3, 2008. The appellant has not submitted any revised plans. Mr. Paison noted the appellant could possibly fire rate the structure in regards to the garage setback requirement.

Mr. Chami provided an affidavit to convey 2 feet from his neighbor's property on the southern side, which had not been recorded with Wayne County. Commissioner Binder was informed this agreement would solve the setback requirement but not the lot coverage requirement. Mr. Paison noted that the additional land would improve lot coverage, but not bring it into full compliance.

Mr. Jefferson suggested tabling this appeal based on the attendance of the Commissioners, to get the submitted affidavit recorded and could try to acquire more land to get to lot coverage. Mr. Chami did not wish to table his appeal and stated the neighbor would not be willing to convey more than 2 feet of his property. Mr. Jefferson reminded Mr. Chami that he was told at the previous ZBA hearing to reduce the size of the patio or purchase land from the adjacent neighbor to become compliant.

Commissioner Binder made the motion to postpone this appeal based on the fact that any approval would require a unanimous vote from the three Commissioners present. Mr.

Paison noted that there appears to be an impasse between the appellant and Board, the appellant wants to keep the patio with the addition of the 2 feet of land and the Board wants compliance. Mr. Chami had no issue with fire rating the structure, even though the lot coverage could not be met. Ms. Yangouyian noted that the Mr. Chami states that he was instructed Mr. John Tanner to provide letter of intent to convey the 2 feet in the form of a notarized affidavit and the board could condition the appeal, if granted, to acquire the 2 feet in the form of a registered deed. Ms. Yangouyian suggested that a time limit be put on the 2 foot transfer if approved, documentation of the purchase agreements and deed filings should be sufficient for the City.

RESOLUTION. Motion by Commissioner Binder, supported by Commissioner Hostetler, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to POSTPONE THIS APPEAL.

2.03 (C.2(d)) Setback from garage.
Zoning requirement: 10 feet. Plan to provide: 5 feet.

29.02 Side yard setback.
Zoning requirement: 3 feet. Plan to provide: 1 foot.

29.02 Maximum Lot Coverage.
Zoning requirement: 35%. Plan to provide: 40%.

Appeal Remains Tabled Pending: 1) Appellant to examine ways to modify structure to reduce or eliminate required variances. 2) Postponed to allow the appeal to be heard by a fuller slate of Board members.

Motion carried unanimously.

Appeal #07-145

From Joseph Ricci, Joe Ricci Auto Group, LLC, 12200 Telegraph Rd, Taylor, MI requesting to occupy an existing commercial building for retail sale of new automobiles. The property size being 120' x 100', in a General Business (BC) zoning district at:

14651 Michigan (formerly Donut World)

Joseph Ricci, Joe Ricci Auto Group was introduced.

Mr. Paison stated this property (formerly Donut World) was originally zoned as BB and has been recently rezoned as BC. Mr. Paison summarized the Staff Report dated January 3, 2008. He noted that the rezoning corrected many of the original issues, the remaining two issues relate to auto dealership use site development standards. Since this is part of a larger dealership operation, the minimum lot area may be less relevant. The driveway spacing from the intersection is difficult to meet in the existing urban pattern of development in that area.

Commissioner Binder served on the Planning Commission for this property and noted that the recent BC rezonings have corrected some long standing issues that existed with the uses along that part of Michigan.

Commissioner Jefferson noted more than 11 vehicles on display. Mr. Ricci stated the Jeep

Cherokee and Liberty vehicles are parked back to back taking up about 22 feet. Mr. Paison stated there may be an issue with parking jeeps back to back when the proposed landscaping is installed. Mr. Ricci noted that one space is currently at an angle and would like to establish a rock garden near their sign.

Commissioner Binder suggested conditioning this appeal by limiting the number of vehicles on display. Mr. Paison suggested an annual review of this property if the Board is concerned about how the ongoing operation will be run.

RESOLUTION. Motion by Commissioner Binder, supported by Commissioner Hostetler, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE WITH CONDITIONS, the variances detailed below:

7.02 (A.2) Driveway Setback to Intersection.

Zoning requirement: 60'. Plan to provide: 25' from intersection of Michigan and Charles is APPROVED WITH CONDITIONS (DZO 32.05, F.1. a, f).

7.02 (A.6) Minimum Lot Area.

Zoning requirement: 2 acres. Plan to provide: 12,000 sq.ft. (.28 acres) is APPROVED WITH CONDITIONS (DZO 32.05, F.1. b, j).

Approval of this appeal is CONDITIONED as follows: 1) Auto sales and storage must be a part of a larger adjacent auto dealer 2) Limited to only 3 sales people per submitted plans 3) Display vehicles limited to the number of full size spaces shown on the plans.

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #07-181 (Use Variance)

Appeal POSTPONED at request of applicant.

2.16 (B) Height.

10.02 Use not permitted.

Appeal #08-100

From Chad Bazzi, 2040 W. Circle, Dearborn, MI requesting to construct a circular driveway in the front yard of a single family home. The property size being 105' x 241', in a One-Family Residential (RA) zoning district at:

301 Golfcrest

Chad Bazzi, 2040 W. Circle, Dearborn was introduced.

Mr. Paison summarized the Staff Report dated January 3, 2008 and states that this is a new home under construction. Mr. Bazzi reported the adjacent neighbor has been approved for a circular drive in front. Mr. Paison showed photos of multiple circular drives in the area and stated that a Compatibility Review by Mr. Mike Kirk has been completed.

The Council made an advisory motion supporting these driveways provided there is adequate lot coverage to provide radius and does not involve pavement coverage.

Commissioner Hostetler suggested the condition of landscaping in front of the driveway to soften the look from the street.

RESOLUTION. Motion by Commissioner Hostetler, supported by Commissioner Binder, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE WITH CONDITIONS, the variances detailed below:

2.05 (A.7) Compatibility Review.

Zoning requirement: Proposed variance triggers compatibility review. Plan to provide: Circular drive in front yard is APPROVED (DZO 32.05, F.1. b, j, m).

2.09 (3 (Note 3)) Circular Drive in Front Yard.

Zoning requirement: Driveway permitted in front yard to provide access to rear yard / garage. Plan to provide: Circular drive for vehicle parking in front yard is APPROVED WITH CONDITIONS (DZO 32.05, F.1. b, j, m).

Approval of this appeal is CONDITIONED as follows: 1) Screen driveway by placing some berming and landscaping between the sidewalk and circular drive.

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #08-101

From Hassane Awada, 22439 Michigan Ave, Dearborn, MI requesting to renovate and occupy a vacant tenant space as a carry-out restaurant. The property size being 184' x 100', in a Community Business (BB) zoning district at:

13201 W. Warren (Dearborn Crossings)

Hassane Awada, 22439 Michigan Ave, Dearborn was introduced.

Mr. Paison summarized the Staff Report dated January 3, 2008 for the record. Previously, a sleep lab was approved at this address, but the request for a hair salon was denied at this property due to it being an intensification of the project. The original approval for the building included a 40% parking variance and was to include only one restaurant (already present).

Mr. Awada stated this is a small property and would like to open another Deliziosa in East Dearborn as a carry-out only establishment with no seating. Only pasta, salad, and sandwiches will be served. The applicant stated that the hours of operation are be 11 a.m. to midnight.

Mr. Jefferson read the PVAC report dated January 15, 2008 recommending denial of this variance request.

Mr. Eric Alzaroui, the owner of this property, stated that 12 parking spaces were added behind the building. But Mr. Paison stated that rezoning of this property has been

approved and indicated that parking must be dedicated for this use only. Mr. Paison stated that adding the 12 spaces will not satisfy the parking requirement.

Commissioner Hostetler mentioned the less intense parking requirements for a carry-out restaurant. Ms. Yangouyian stated that the off-street parking requirement could be amended for 6 spaces and would be dedicated only for the carry-out restaurant.

RESOLUTION. Motion by Commissioner Hostetler, supported by Commissioner Binder, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE WITH CONDITIONS, the variances detailed below:

4.01 Off-Street Parking.

Zoning requirement: 10 spaces. Plan to provide: 4 spaces were indicated in prior appeal for a retail tenant use is APPROVED WITH CONDITIONS (DZO 32.05, F.1. i, n).

Approval of this appeal is CONDITIONED as follows: 1) Dedicate 6 spaces of the new VP lot on the east side of Jonathon for this use only 2) Construction of the new VP lot on the east side of Jonathon must take place during the 2008 construction season 3) This must be a carry-out restaurant only, no seating is allowed.

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #08-102

From Mohamed Cheikh, 7312 Middlepoint, Dearborn, MI requesting to renovate an existing building, providing retail space on the first floor and an apartment on the second floor. The property size being 40' x 100', in a Community Business (BB) zoning district at:

10368 W. Warren

Mohamed Cheikh, 7312 Middlepoint, Dearborn was introduced.

Mr. Paison summarized the Staff Report dated January 7, 2008 into the record. The ground floor use to be an appliance store which required less parking. Mr. Paison stated there is currently a bike shop and lawyer's office next to the building. There is an existing apartment on the second floor which can be restored despite fire damage per the findings of the Department of Building and Safety. Mr. Cheikh has just provided some preliminary/draft parking leases for some additional parking from the law office, which has 4 extra spaces, and the Wholesale place on the block to the west, which also has some excess parking. The intention is to use the more distance parking for the employees and apartment tenants.

Mr. Jefferson read the PVAC report dated January 15, 2008 recommending denial of this variance request.

Mr. Cheikh currently has no potential tenants but still would like to improve this property. Since it is an existing building on an existing site he stated that it appeared that some

consideration should be given with regard to variances.

Mr. Paison noted that the stability of the building was checked by Building & Safety; they are prepared to let him renovate the structure per the requirements of the Building Code.

Commissioner Jefferson read the Parking Variance Advisory Committee report into the record and noted the recommendation for denial. The report makes no reference to the parking leases as they had not been provided at that time.

Commissioner Jefferson stated that the appellant presented a petition approving this property to be used for retail and supported the idea of mandatory off-site parking for employees. Commissioner Jefferson also emphasized legalizing the parking lease agreement. Commissioner Jefferson and Mr. Paison agreed upon the request of retail or general office use only for this property.

Mr. Cheikh provided a petition from the surrounding property owners in support of the renovation and reoccupation of the building for retail.

RESOLUTION. Motion by Commissioner Binder, supported by Commissioner Hostetler, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE WITH CONDITIONS the variances detailed

4.01 Off-Street Parking.

Zoning requirement: 17 spaces. Plan to provide: 3 spaces is APPROVED WITH CONDITIONS (DZO 32.05, F.1. j, p).

Approval of this appeal is CONDITIONED as follows: 1) Parking leases to be revised per the requirements of the City of Dearborn Legal Department 2) Tenant agreements to include mandatory employee parking on the leased lot to the west, parking directly adjacent to the building to be reserved for customer parking only 3) First floor uses limited to retail or general business/professional office only 4) Certificate of Occupancy to be contingent on the parking leases remaining in effect.

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Appeal #08-104

From Gus Hassan, Siraj Restaurant, 4201 Calhoun, Dearborn, MI requesting to expand an existing carry-out restaurant into an adjacent tenant space to provide standard restaurant service. The property size being 268' x 112', in a Community Business (BB) zoning district at:

14246-14252 W Warren (Royal Plaza Shopping Center)

Gus Hassan, Siraj Restaurant, 4201 Calhoun, Dearborn was introduced.

Mr. Paison summarized the Staff Report dated January 4, 2008 into the record stating that this is a newer existing shopping center that was originally approved without variances.

There are 10 off-street parking spaces on Warren and 3 additional parking spaces at each ends of the block. Mr. Paison reported that 16 on-street parking spaces are available for their use. He stated that some neighbors have called regarding the parking issues in front of their homes on Middlesex, there is permit parking on Williamson to limit overflow parking issues on that street. Mr. Paison also reported there not being an excessive pattern of complaints related to this property, the property appears generally well maintained.

Mr. Jefferson read the PVAC report dated January 15, 2008 recommending approval of this variance request.

Mr. Hassan had nothing to add to the information provided.

External correspondence: Phone call from Mrs. Hudson, 7247 Middlesex-- against Warren Avenue parking issue.

Phone call from Mrs. Alimini, 7241 Middlesex and Veldona Rousa, 7235 Middlesex-- are opposed to people parking in front of their houses and trash blowing off the site.

RESOLUTION. Motion by Commissioner Hostetler, supported by Commissioner Binder, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE the variances detailed

4.01 Off-Street parking.

Zoning requirement: 63 spaces. Plan to provide: 50 spaces is APPROVED (DZO 32.05, F.1. m, n).

This motion is conditioned on the petitioner's continuous compliance with all applicable ordinances, codes, laws and statutes; and, the petitioner must perform all work under plans, permits and final inspections approved by the City of Dearborn.

Motion carried unanimously.

Meeting Adjourned: 7:19 p.m.