

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

Called to Order: 5:35 p.m.

Commissioners Present: Gary Jefferson (Acting Chairperson), Donald Hostetler and Roy Van Oast.

Commissioners Absent: None.

Technical Advisors: Thomas Paison, Zoning Administrator; John Tanner, Corporation Counsel; and Steve Guile, Deputy Director.

Approval of Minutes. Motion by Commissioner Hostetler, supported by Commissioner Van Oast that the minutes of the previous regular meeting of Thursday, March 27, 2008 are approved as recorded. Motion carried unanimously.

Tabled 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

POSTPONED. The appeal was requested to be postponed prior to the meeting by the applicant and administration to be heard by a fuller Board; it was left on the table to be heard at a later meeting.

Appeal #08-118

From Fatmah AlBaaj, 7034 Coleman, Dearborn, MI requesting to expand a covered front porch across the front of the house. The property size being 35' x 114', in a One-Family Residential (RA) zoning district at:

7034 Coleman

Said Arbid, 3 Parklane, Suite 1028W, Dearborn was introduced, the designer for the project.

Mr. Paison read his staff report dated April 3, 2008 into the record. Mr. Paison also read Mike Kirk's Compatibility Review Report recommending approval for this appeal into the record subject to a few recommended modifications to the plans. Mr. Paison noted that City policy generally favors front porches on houses if they are not excessively oversized.

Mr. Arbid indicated that they were willing to retain the brick arch and switch the columns to brick to match the arch. They will need to examine retaining the arch versus rebuilding it, once they see the full condition on site.

Al Zayet, A to Z Construction 14429 Lansing, Dearborn was introduced. Mr. Zayet offered to keep the same style and use floating columns due to difficulty matching the brick color.

Chairperson Jefferson agreed with Mr. Kirk's suggestion of having a 6 - 8" column on the left, instead of the larger columns shown on the plans (10").

Mr. Tanner was told by Mr. Arbid the brick face was different and that the asphalt shingles are going to match the home. The whole house is to be reroofed; the new porch roof will therefore match the entire house.

RESOLUTION. Motion by Commissioner Hostetler, supported by Commissioner Van Oast, 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) Residential compatibility.

Zoning requirement: Proposed variance triggers compatibility review. Plan to provide: is APPROVED WITH CONDITIONS (DZO 32.05, F.1. m,n).

29.02 Maximum lot coverage.

Zoning requirement: 35% (1396 s.f.). Plan to provide: 37.1% (1480 s.f.) is APPROVED WITH CONDITIONS (DZO 32.05, F.1. m,n).

Approval of this appeal is CONDITIONED as follows: 1) The porch must remain open; it shall not be enclosed or screened in any way. 2) Plans to be revised to address the suggestions of the architectural consultant, for compatibility with the house and surrounding homes. Review by the Zoning Administrator and Department of Building & Safety to determine compliance with this condition.

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 #08-119

From Brenda Hejaij, 6833 Yinger, Dearborn, MI requesting to expand a covered front porch across the front of the house and add a 6' x 8' deck to the rear. The property size being 35' x 105', in a One-Family Residential (RA) zoning district at:

6833 Yinger

Brenda Hejaij, 6833 Yinger was introduced.

Mr. Paison read the staff report dated April 3, 2008 into the record.

Mrs. Hejaij submitted a more detailed drawing of proposed porch.

Mr. Paison stated that Mr. Kirk reported concerns with the proposed plan being too massive and suggested having the pitch roof over door to match the pitch of the false gable. This appears to have been infeasible due to the window above the door; the second preferred alternative was for a shed roof over the door as shown in the plan just submitted to the Board.

Mr. Paison noted that the rear door would entitle the applicant to a minimum 3' x 3' stoop and stairs should the Board deny the rear deck due to lot coverage.

Mr. Tanner was told by Mrs. Hejaij the house was built in 1928 and suffered fire damage relatively recently. Mrs. Hejaij noted that this will help complete the renovations to the house and allows a separate seating area out front that she desires.

The Board discussed the proposal and indicated that they found it to be in scale with the house and neighborhood and considered it a positive addition to the home. They acknowledged long term City policy to allow and promote appropriate/compatible front porches in the residential neighborhoods.

RESOLUTION. Motion by Commissioner Hostetler, supported by Commissioner Van Oast, 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) Residential compatibility.

Zoning requirement: Proposed variance triggers compatibility review. Plan to provide: is APPROVED WITH CONDITIONS (DZO 32.05, F.1. m,n).

29.02 Maximum lot coverage.

Zoning requirement: 35% (1280 s.f.). Plan to provide: 36.7% (1347 s.f.) is APPROVED WITH CONDITIONS (DZO 32.05, F.1. m,n).

Approval of this appeal is CONDITIONED as follows: 1) The porch and deck must remain open; they shall not be enclosed or screened-in in any way. 2) The porch to be built per the elevation plans submitted at the 4/24/08 Zoning Board of Appeals meeting.

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 #08-120 (Use Variance)

Appeal POSTPONED at the request of the Administration due to lack of a quorum to hear the proposed use variance.

2.16 Exemptions to Height Standard.

10.02 Use not permitted.

Appeal #08-121

From Asmaa Kayed, 5473 Kendal, Dearborn, MI requesting to relocate the existing porch stairs from the side of the porch to the front of the porch and add a front walk. The property size being 35' x 109', in a One-Family Residential (RA) zoning district at:

5473 Kendal

Asmaa Kayed, 5473 Kendal, Dearborn was introduced.

Mr. Paison read the staff report dated April 3, 2008 into the record. Pavement coverage is the only variance needed for this appeal. Review of the application with the Building Department came up with no issues with the proposal; it was Building Department's general position that all homes should be permitted a front walk in addition to the driveway for separate pedestrian access.

Mrs. Kayed indicated that the home is undergoing a major remodeling; the porch and walk are part of that process.

Commissioner VanOast indicated that the front walk and stairs appear to address a functional issue related to the property and is the minimal required solution to address it.

RESOLUTION. Motion by Commissioner Van Oast, 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 the variances detailed below:

29.02((m)) Maximum pavement Coverage.

Zoning requirement: 25% (954 s.f.). Plan to provide: 26.4% (1009 s.f.) is APPROVED (DZO 32.05, F.1. f,m).

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 #08-122

From David L. Hanoute, AIA, CHMP, Inc., 5198 Territorial Rd., Grand Blanc, MI requesting to expand the ACCESS facility from 13,400 sq. ft. to 32,079 sq. ft. The addition will include a gymnasium, classrooms, and offices. The proposed parking lot is to be expanded onto the adjacent City property via a lease agreement and the construction of additional on-street parking on Saulino Ct. & Lowrey St. is also proposed. The property size being irregular, in a One-Family Residential (RA & OS) zoning district at:

2651 Saulino Court (ACCESS)

David L. Hanoute, AIA, CHMP, Inc., 5198 Territorial Rd., Grand Blanc and Hussein Berry, 4810 Rosalie, Dearborn were introduced.

Mr. Paison read the Staff Report dated April 7, 2008 into the record. This is a substantial expansion of the facility, though the bulk of the square footage will be in the new gymnasium space.

Mr. Paison reported that the proposed plan involves relocating the existing basketball court, extending the existing parking lot and will have off-street parking on Saulino Court and Lowrey Street (constructed in parallel pull-out bays in the R.O.W.) The current OS parcel is currently being rezoned to RA district. Mr. Paison stated that the total proposed parking (off-street & on-street) is 96 spaces. The site and use are relatively unique and specific, therefore there is some question as to whether the standard requirements of the code fit this proposal well and there is some indication that strict compliance may create a practical difficulty that would require relocation to another site.

Mr. Van Oast asked about existing parking spaces. Mr. Paison clarified that Saulino Court has no parking on it and that the parking on Lowrey Street is currently not optimal.

Mr. Jefferson expressed concern with the proposed plan not conforming to the City's Master Plan in regards to low density residential areas. Mr. Paison stated that the low density residential category permits things like schools, churches and community centers within those areas; as such this use is similar enough to fall under these categories as a non-profit community center.

Mr. Hanoute stated the property will never be 100% occupied to capacity at any one time, so parking demand should be less than the requirement under the ordinance at most times. Mr. Berry reported that most of the 70% of the patrons for the recreation center will be foot traffic and expressed there is a need for a community center for the convenience of the nearby neighbors. With budget cuts the Schools are no longer keeping the gyms open for community use like they used to.

Mr. Tanner was told there is no access to or from the nearby Village Apartments from Lowrey Street. Mr. Hanoute also agreed with Mr. Tanner that there will be no increase or decrease in employee parking. The existing ACCESS office building on the south side of the site will be demolished.

Diane Frank, Angel House, 2600 Saulino Court, Dearborn and Roger Frank, 870 Nightingale were introduced. Mr. Frank expressed concerns that parking will be directly impacted by increased traffic from the proposed community center. It would negatively impact access for buses or garbage trucks to their site. Mr. Frank also mentioned the street is used as a walkway and bike route and is opposed to the off-street parking on Saulino and Lowrey. Until last year ACCESS was allowed to use the Angel House parking lot. Mr. Van Oast asked if there were any posted parking signs for the Angel House property. Mrs. Frank responded that there were not but that cones were in place to prevent parking on their property. Mrs. Frank has been in the area since 1994 and used to work for ACCESS, she indicates that 75-100 cars come to ACCESS on some days. Mrs. Frank also reported illegal parking on the street, grassy areas and shopping areas. Mrs. Frank listed 10 concerns regarding parking on Saulino Court and Lowrey Streets: illegal parking at Angel House; illegal parking near posted No Parking signs; parking near fire hydrants; screening nearby stop signs; the blocking of existing bike paths; the barricading of large vehicle traffic; denying loading access to Angel House; the blocking of nearby pedestrian path; safety issues; and alley access for pedestrians. Mrs. Frank submitted photos that illustrate their parking concerns. Mr. Frank expressed concerns with the narrowing of the street. Mr. Paison stated that there will be no narrowing of the existing road to accommodate the proposed plan. Chairperson Jefferson concurred by stating that a drop off lane would be constructed. Chairperson Jefferson stated that the listed concerns were considered to be enforcement issues to be addressed by the Police.

Chairperson Jefferson was told by Mrs. Frank that ACCESS initially paid lot rent to the former owners of Angel House and refused to add the current owners to their insurance policy. Mrs. Frank stated that Angel House employees were not able to use their own parking lot because it was being used by the patrons/employees of ACCESS. Mr. Tanner reported that the parking lot was not full at the time of his 2 site visits and no on-street parking. Mr. Tanner mentioned that school buses and passenger vans used by Angel House have adequate access to and from this property. Mr. Paison noted that legal on-street parking will be created where most of the on-street parking was illegal. Mr. Tanner was informed that the proposed total of 95 on-street parking spaces will not meet the concerns of Mr. and Mrs. Frank. Chairperson Jefferson suggested to condition this appeal, if approved, to implement an annual review of the parking concerns. Mr. Frank asked if parking can be placed in the rear of the property. Mr. Tanner stated the house/office on the south will be shifted into the new addition.

Mr. Russell Frank, Angel House, 2600 Saulino Court, Dearborn was introduced. Mr. R. Frank asked the Board to clarify the parking requirements for this usage. Mr. Paison stated that the requirement was based on the office, gymnasium, and classrooms within the property. Mr. R. Frank reported that there is illegal parking on Lowrey which is shown on the submitted photos. Mr. R. Frank also expressed concerns with increased parking for this usage. Mr. Paison noted that walking in the street when sidewalks are available is also illegal, it's called J-walking. Chairperson Jefferson stated that the appellant has proven hardship because of the existing inadequate lot size. Mr. Paison noted that the City's parking standards do not reflect this particular unusual use well, that the Board must evaluate whether the proposed parking is adequate. Mr. R. Frank suggested building a parking deck was informed that the current cost is approximately \$20,000 per space, which is very costly.

Linda Hallick, 7424 Indiana, Dearborn, MI, (an ACCESS Board Member and a Salina School Instructor) was introduced. Ms. Hallick acknowledges the non-compliance of parking regulations at Salina School by stating even though adequate parking is provided. Ms. Hallick disagrees that the parking lot is full and reiterates that most of the traffic is from walkers not drivers. Ms. Hallick reported that the patrons of the proposed recreation center will be from the immediate neighborhood and not from other parts of the City. Ms. Hallick states that given her thirty years experience in the area and years with ACCESS indicates that parking will not be a regular or substantial problem.

Chairperson Jefferson inquired about the City's build to fit policy regarding this property and was informed by Mr. Guile that there were other areas and designs considered for that would include a playground area. Consequently, the best option was for the appellants to relocate the existing playground.

Mr. Paison reported the studies on traffic calming indicate that drivers are more apt to slow down on residential streets because the parked cars and that parked cars serve as barriers protecting pedestrians on the street from road traffic.

RESOLUTION. Motion by Chairperson Jefferson, 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:

4.01 Off-street parking.

Zoning requirement: 154 spaces. Plan to provide: 61 spaces is APPROVED WITH CONDITIONS (DZO 32.05, F.1. a,e).

7.02(Q.2.c) Site access.

Zoning requirement: Must have direct access onto major thoroughfare. Plan to provide: Access from Lowrey is APPROVED WITH CONDITIONS (DZO 32.05, F.1. k).

29.02 Minimum Front Setback.

Zoning requirement: 25'. Plan to provide: 14'8" along Saulino Ct is APPROVED WITH CONDITIONS (DZO 32.05, F.1. a,h).

Approval of this appeal is CONDITIONED as follows: 1) Automatic review of the variances in one year to consider revoking, permanently authorizing, or extending the variances based on how the site is functioning. 2) Continued efforts on the part of the applicant to provide additional parking for the site and participation in any SAD established for the area. 3) Execution and continuance of the lease agreement with the City for the use of the adjacent park property, the parking variance and lot coverage are based on inclusion of the City property in the plans. 4) Rezoning of the O-S, Business office, and portion of the site to R-A, One family residential and Special Land Use and Site Plan approval by the City Plan Commission. 5) Transfer of the necessary Saulino Court frontage to the City for inclusion in the Saulino Court R.O.W. to accommodate the proposed on-street parking, including any hold harmless or maintenance agreements as may be required by the City to complete the transfer.

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 #08-123

From Gregory Hayden, PO Box 85894, Westland, MI requesting to construct parking pad, driveway, and sidewalk for the existing house. The property size being 35' x 111', in a One-Family Residential (RA) zoning district at:

6827 Steadman

Mr. Tanner requested to hear Appeal #08-123 with Appeal #08-124 because of adjoining properties. Request was granted by Chairperson Jefferson to combine Appeal #08-123 with Appeal #08-124.

Gregory Hayden and Janice Siconolfi, PO Box 85894, Westland were introduced.

Mr. Paison read the staff report dated April 7, 2008 into the record. Mr. Paison reported both are rental properties that are on adjacent lots; one is a duplex and the other being a single home. There was until recently a garage that straddled the property line between them, it has now been torn down. The smaller house was ordered to be allowed to be rehabilitated by the court with the condition that the garage/parking issue be resolved. The proposed driveway and parking pad configuration is the closest that we could come to compliance with the competing code provisions regarding pavement coverage and off-street parking.

Ms. Siconolfi stated that the existing garage foundation will remain as part of the approach for the parking pads. Mr. Tanner summarized the demolition process that led to this appeal and noted that the current plan appears to be the best we have been able to come to.

This would allow the two homes to go forward on a more or less independent basis in the future.

Commissioner Van Oast was informed that the width of driveway is 8' on the north and 7' on the south; as such nothing can be put along that shared property line. Ms. Siconolfi reported that the tenants are compliant with landscaping maintenance requirements. Ms. Siconolfi informed Mr. Tanner that the lawn mower and other equipment will be stored in a Rubbermaid type shed on the site.

Mr. Paison explained the importance of having a rat wall to Mr. Hayden. Mr. Hayden was unaware of this requirement but agreed to build a rat wall, he was referred to discuss with Building & Safety per permit requirements.

RESOLUTION. Motion by Commissioner Van Oast, 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:

4.01 (B.4) Driveway width.

Zoning requirement: 8 feet. Plan to provide: 7 feet is APPROVED WITH CONDITIONS (DZO 32.05, F.1. a).

29.02 Maximum pavement coverage.

Zoning requirement: 25% (971 s.f.). Plan to provide: 39% (1515 s.f.) is APPROVED WITH CONDITIONS (DZO 32.05, F.1. a).

Approval of this appeal is CONDITIONED as follows: 1) No fence or other obstacle may be constructed along the property line between 6827 and 6831 Steadman.

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 #08-124

From Gregory Hayden, PO Box 85894, Westland, MI requesting to construct a 20' x 20' parking pad for an existing 2-family unit. The property size being 35' x 111', in a One-Family Residential (RA) zoning district at:

6831 Steadman

{ See Appeal #08-123 for deliberations }

RESOLUTION. Motion by Commissioner Van Oast, 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:

3.05(B.3) Alteration to decrease nonconformity.

Zoning requirement: 4 spaces. Plan to provide: 2 parking spaces is APPROVED WITH CONDITIONS (DZO 32.05, F.1. a,m).

29.02 Maximum pavement coverage.

Zoning requirement: 25% (971 s.f.). Plan to provide: 37.2% (1450 s.f.) is APPROVED WITH CONDITIONS (DZO 32.05, F.1. a,m).

Approval of this appeal is CONDITIONED as follows: 1) No fence or other obstacle may be constructed along the property line between 6827 and 6831 Steadman

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 #08-125

From Ali Badawi, 6207 Oakman Blvd., Dearborn, MI requesting to build a restaurant & coffee shop. The property size being 113' x 114', in a Community Business (BB) zoning district at:

5959 Schaefer

Jamil Ismael, JMI Associates & Ali Badawi, 6207 Oakman.

Mr. Paison read the staff report dated April 7, 2008 into the record. Mr. Paison reported that the building had been previously approved to be a coffee shop and an office building. During work on the renovations to become an office building the structure was fully demolished down to the foundation. This caused the site to lose its existing non-conforming status for a number of code requirements. The plans were revised and reviewed by staff before being brought back to the Zoning Board under this version of the proposed site development. Mr. Paison noted that most of the variances are typical for development in the City's commercial corridors, but the off-street parking issues is created solely by the proposal that the site be a restaurant.

The site would be conforming for parking count for retail, office and most other permitted uses in the district. He also noted that the parking layout in front of the building is very awkward and that there is some question as to whether or not those spaces are actually usable.

Commissioner Jefferson was advised that the dumpster location was reviewed by the Sanitation Division and that the proposed location was considered acceptable and preferable over the alternatives.

Commissioner Jefferson explained the build to fit policy for new construction.

Mr. Tanner reiterated that the existing non-conformities were vacated by the accidental demolition of the building and asked if they were trying to rebuild on the existing foundation. Mr. Ismael indicated that they are not reusing the foundation; the proposed building is further back on the site.

Mr. Tanner noted the difficulty in maneuvering out of the parking in front of the building. Mr. Ismael stated admitted that it is awkward, but that he believes that it is functional as shown.

Commissioner VanOast asked about alternate uses for the site that might be conforming. The applicant indicated that they have looked at a variety of uses, and came to this one because they have an interested tenant.

Mr. Paison reviewed the surrounding uses and parking/traffic situation, it appears that there are limited options for additional parking in the area.

Commissioner Jefferson asked if a condition restricting the site to no outdoor seating due to limited parking. Mr. Badawi indicated that he was considering acquiring residences behind him to create parking. Mr. Tanner indicated that this may not be in keeping with City policy due to the intrusion of parking into the residential neighborhood. There was a discussion of the occupancy load and its relation to the parking requirement; this was done per the building code calculation. It was determined to be reasonable given the building layout.

Mr. Tanner asked if there would be hookah smoking in the building. Mr. Badawi indicated that this would be permitted/ provided in the café.

There was a general discussion of the parking layout and building location. Mr. Ismael indicated that moving the drive would require County permission. It was noted that this is a busy intersection with a light. Moving the building up toward the corner and providing a double row of parking along the site was considered, but the applicant wanted the building to face Schaefer for visibility and to provide some visible parking in front. Putting the building to close to the corner creates visibility issues at the intersection as well.

Mr. Paison explained that the staff and administration could not recommend approval of the appeal because there appear to be options to improve conformance to the ordinance, provide a better & safer site layout, and because nearly any non-restaurant use of the site would be conforming for parking count.

Commissioner Jefferson explained the various options regarding this appeal available to the Board and applicant.

Mr. Paison noted that during staff review the applicant was advised of the potential problems with the use and site plan, but the applicant chose to go forward with this plan despite this.

Commissioner Jefferson asked about the possibility of leasing parking from the vacant building across Donald or purchasing the building to create parking for this site. Mr. Ismael said that it might be worth looking into as a possibility.

Mr. Paison noted that there have been prior approvals for commercial buildings of this size with a similar amount of parking, but not for use as a restaurant (only retail and office have been allowed in such circumstances).

Mr. Ismael and Mr. Badawi stated that they are willing to reorient the parking and move it back to provide a double row of parking to the south and parking off the alley behind.

RESOLUTION. Motion by Commissioner Hostetler, supported by Commissioner VanOast, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to POSTPONE this appeal to provide the applicant an opportunity to revise the plans to improve the parking layout and proposed number of off-street parking spaces.

Motion carried unanimously.

Appeal #08-126

From Mason Richardson, Dusevoir Metal Products, 55554 Lordona Lane, Shelby Twp, MI requesting to occupy existing industrial building for use as an industrial building. The property size being 228' x 150', in a Medium Industrial (IB) zoning district at:

25205-25241 Trowbridge

Charles Wick, Wick Construction, 6060 Collection Drive, Suite 101, Shelby Township was introduced.

Mr. Paison read the Staff Report dated April 8, 2008 into the record. Mr. Paison reported that City Engineering considered the 11 parking spaces along Cambridge to be acceptable, but that approval from City Council is required for the encroachment on the public road R.O.W. Mr. Paison suggested conditioning this appeal to continue attempt to implement a lease agreement with the current railroad company and to monitor increase in parking because of additional employees.

Mr. Wick reported that the railroad company has provided written correspondence indicating willingness to enter into an agreement to allow parking on the rail R.O.W.

Commissioner Jefferson was concerned about placing a fixed limit on the number of employees that would limit the viability of the business. Mr. Tanner noted that the reoccupation of this complex is likely to create a variety of parking issues due to the way it was originally developed as a single industrial complex.

Mr. Guile noted that there had been parking across Trowbridge dedicated to this property by lease (that it lapsed when the properties were sold separately).

RESOLUTION. Motion by Commissioner VanOast, 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:

4.01 Off-Street Parking.

Zoning requirement: 29 spaces. Plan to provide: 18 spaces is APPROVED WITH CONDITIONS (DZO 32.05, F.1. g,m).

4.01(D.2) Parking dimensions.

Zoning requirement: 9' x 20'. Plan to provide: 9' x 15' (11 spaces) is APPROVED WITH CONDITIONS (DZO 32.05, F.1. g,m).

4.01(D.4) Parking access.

Zoning requirement: Spaces backing directly onto street is prohibited. Plan to provide: Parking spaces back directly onto street is APPROVED WITH CONDITIONS (DZO 32.05, F.1. g,m).

Approval of this appeal is CONDITIONED as follows: 1) Approval of City Council for the parking encroachment on the Cambridge R.O.W. 2) Continued action by the applicant to acquire a lease from the railroad to allow parking on the rail R.O.W. 3) Any increase in number of employees will require additional parking or application for a new variance for parking (proposed number of employees: 20) 4) An automatic review in one year to consider revoking, permanently authorizing, or extending the variances based on how the site is functioning.

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.

Other Business

Short briefing on the Montgomery Wards (Dearborn Town Center) redevelopment project by Barry Murray, Director of the Department of Economic and Community Development, City of Dearborn. Mr. Murray gave an overview of the history, goals, uses, plans, elevations and renderings for the project and answered any questions the Board may have regarding the project. The briefing was strictly informational; no action was taken by the Board on the matter.

Meeting Adjourned: 8:30 p.m.