

City of Dearborn
Zoning Board of Appeals
Thursday, August 20, 2015

Minutes

Called to Order: 5:30 p.m.

Commissioners Present: Stephen Gedert (Chairman), Glen Green (Vice Chairman), Kenneth Gusfa (Secretary), Gerald Stockwell and Christine Sickle (Planning Commissioner).

Commissioners Absent: None.

Technical Advisors: Thomas Paison, Zoning Administrator and William DeBiasi, Assistant City Attorney.

Approval of Minutes.

1. Motion by Commissioner Stockwell, supported by Commissioner Gusfa that the minutes of the previous regular meeting of Thursday, June 25, 2015 are approved as recorded. Motion carried unanimously.
2. Motion by Commissioner Green, supported by Commissioner Gusfa that the minutes of the previous regular meeting of Thursday, July 23, 2015 are approved as recorded. Motion carried unanimously.

Commissioner Gusfa recused himself from appeal 15-132 due to knowing the owner of the property.

Appeal #15-132

From Jeremy Roth, Redeemer Community Church, 3515 Pardee, Dearborn, MI requesting to renovate and reoccupy a portion of an existing commercial building for use as a church (this is an expansion over the space previously approved in just 20251 Carlysle). The property size being irregular, in a Local Business (BA & VP) zoning district at:

20219-20251 Carlysle (formerly Adray Appliance)

Mr. Paison summarized the Staff Report dated August 4, 2015 for the record, noting that this is a revisit of an appeal heard in June to expand into the adjacent building also owned by the same landlord. They have now worked out a deal with the landlord and are seeking a phased occupation of around a total of 8000 s.f. The variances are the same as in June except for elimination of the lot width variance, which is no longer deficient with this addition. The issues and reasoning related to the June appeal appear virtually identical, the only difference being a moderate increase in the scale of the use.

Mr. Roth stated that he didn't understand that the building was on two parcels and the variances did not cover the whole thing or he would have tried to bring it all forward at that time. They also had not finished negotiating for the additional space at that time.

Chairman Gedert stated that he did not see any real substantial differences related to the prior approval. Commissioner Green concurred with the Chairman and Commissioner Sickie stated that the proposed size seems to be more viable and to make more sense anyway.

Chairman Gedert noted one piece of outside correspondence from a neighbor that was concerned with parking; he noted that from the text of the letter it did not appear that the writer understood that all of the former Adray's parking is available for this use.

Chairman Gedert called for comment from the public.

Marie Gerich, 20300 Carlisle, came forward to express support for the appeal. She believes they will be good neighbors and have already been out cleaning up the property and sealing and painting the parking lot.

RESOLUTION. Motion by Commissioner Gedert, supported by Commissioner Green, 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:

7.02(R.1) Minimum site area.

Zoning requirement: 5 acres. Plan to provide: 2 acres (total of all associated parcels) is APPROVED (DZO 32.05, F.1.m,j).

7.02(R.4) Frontage and access.

Zoning requirement: Frontage/access from major thoroughfare. Plan to provide: Frontage/access from Carlisle is APPROVED (DZO 32.05, F.1.m,j).

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.

Commissioner Gusfa returned for the hearing for appeal 15-133.

Appeal #15-133

From Chris McGraw, Store Manager, 22541 Michigan, Dearborn, MI requesting to have a tent sale in the parking lot of the store twice a year for 3 days each time (typically in June and August). This will be one 20'x30' tent displacing 10 parking spaces. The property size being irregular, in a General Business (BC & BD) zoning district at:

22541 Michigan (Harbor Freight)

Mr. Paison summarized the Staff Report dated August 4, 2015 for the record, noting that this is likely the first of several tent approvals the Board will see. The Building Department had been previously been granting these administratively in violation of specific provisions of the

Zoning Ordinance prohibiting outdoor sales. The fireworks tents made the City take a close look at this and get back to the correct procedures. Until such time as the code is amended all outdoor tent sales will need a variance. In this case the activity is accessory to a legal occupant of the site on their own parking lot and the parking lots in that area have proven over the years to have ample capacity for the amount of building in the area. ACE already has an old ZBA approval to do this seasonally in their parking lot and to have sale area on the walk under the canopy along the front of the building.

The Board discussed the approval of this type of tent as an accessory use for an existing business on the site; these are not for itinerant sales with no other legitimate presence on the site. The Board clarified that the items for sale are the same stuff normally carried by Harbor Freight and the item are on sale.

Mr. McGraw clarified that the tent sale technique is used mainly to increase the visibility of the store and raise awareness that they are there and open for business. The tent closes 1 hour before the store to get it squared away for the night.

Chairman Gedert called for comment from the public, no one came forward.

Chairman Gedert summarized the Parking Variance Advisory Committee report for the record, noting that they are recommending approval of the appeal.

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

4.01 Off-street Parking.

Zoning requirement: 119 spaces. Plan to provide: 105 spaces is APPROVED WITH CONDITIONS (DZO 32.05, F.1.k).

16.03(A.2) Outdoor/Tent sales.

Zoning requirement: Outdoor sales prohibited. Plan to provide: Two sales, 3 days/each (one 20'x30' tent) is APPROVED WITH CONDITIONS (DZO 32.05, F.1.n,j).

Approval of this appeal is CONDITIONED as follows: 1) The tent sale shall be accessory to the retail business operating legally in the building and for the type of merchandise normally sold by that business.

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 6:01 p.m.