

City of Dearborn
Zoning Board of Appeals
Thursday, September 24, 2015
Minutes

Called to Order: 5:30 p.m.

Commissioners Present: Stephen Gedert (Chairperson), Glen Green (Vice Chairman), Kenneth Gusfa (Secretary), Gerald Stockwell and Gizela Weaver.

Commissioners Absent: None.

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

Approval of Minutes. Motion by Commissioner Stockwell, supported by Commissioner Gusfa that the minutes of the previous regular meeting of Thursday, August 20, 2015 are approved as recorded. Motion carried unanimously.

Appeal #15-108

From Alan Harajli, 10000 Ford, Dearborn, MI requesting to add a fast food drive-thru to an existing gas station/convenience store. The property size being 166' x 153', in a General Business (BC) zoning district at:

10000 Ford

Joseph Guido, Guido Architects and Alan Harajli, property owner were introduced representing the appeal.

Mr. Paison summarized the Staff Report dated September 4, 2015 for the record, noting that this a further intensification of an existing gas station/convenience store by adding a fast food drive-thru. The site was granted substantial prior variances to be originally built in an industrial area and later to be rebuilt and expanded. At some point a carry-out restaurant was permitted to be established in the station, how this occurred is unclear in the City records. The current proposal needs four variances, this combined with the already active and intense use of the site appears to be an overburdening of the site that it does not have adequate capacity to support. The plan will likely intensify the difficult traffic situation at this busy intersection of a state highway and major truck route.

Mr. Guido stated that the drive-thru will be for a hamburger operation having peak activity for lunch and dinner times. There will be no indoor dining, the restaurant will be for drive-thru and carry-out only. The existing path around the back of the building will be utilized for the drive-thru stacking. Mr. Guido stated that a reduction in drive-thru stacking is under consideration at City Council and hopes the proposed standards will be considered.

Chairman Gedert noted that he passes through this intersection several times a week and sees a lot of hazardous turning movements into and out of this gas station and has concerns about adding anything to the site that would make that worse. Additionally, he really is not seeing a practical difficulty particular to the property that would warrant granting the

requested variances.

Mr. Harajli stated that he thinks closing the one drive on Wyoming would stop cut-through traffic and he cannot eliminate the other drive on Wyoming because that one is need for the tankers to deliver fuel to the station. The carry-out restaurant has operated there for some time with no seating and has worked pretty well. This is probably the best layout they could come up with given the site constraints.

Mr. Guido noted that anyone who goes through the drive-thru is one less person going inside and this should free up some parking that would have been used by the carry-out.

Mr. Green asked about the anticipated service time for the drive-thru. Mr. Harajli replied that it would be about a 3 minute average based on the franchise model. There was some discussion of the general trend in stacking requirements, how the typical number is more like 8-12 spaces.

No one was really concerned about impacts on neighbors, since all are industrial in nature. The concerns that were frequently cited were internal congestion and circulation on the site and impacts on the traffic at the Ford Road and Wyoming intersection. Despite the striping on the road, people do make lefts across the double yellow line to head east on Ford.

Mr. Guido suggested posting it right turn only at the exits. Commissioner Stockwell noted that the sign is unlikely to be more effective than the road striping.

Commissioner Gusfa noted that the configuration makes it very difficult to re-enter Wyoming to go north or south since the only drive is too close to the intersection or navigating through the gas pumps south of the building. The site layout does not look workable for the gas station, convenience store and fast food patrons to utilize and navigate the site effectively.

Chairman Gedert noted the 40% parking variance and 30% stacking variance, these are pretty sizable variances, larger than the Board generally considers appropriate for most developments.

Commissioner Green thinks that eliminating the northern drive on Wyoming and the proposed site circulation really will create additional problems at that intersection.

Commissioner Gusfa has patronized the station to get gas and with 10 cars on the site it seemed very congested as is.

Chairman Gedert called for comment from the audience, no one came forward and there was no outside correspondence related to the appeal.

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

4.01 Drive-thru stacking.

Zoning requirement: 20 spaces. Plan to provide: 14 spaces is DENIED (DZO 32.05,

F.1.j,k,c).

4.01 Off street parking.

Zoning requirement: 35 spaces. Plan to provide: 21 spaces is DENIED (DZO 32.05, F.1.j).

7.02(E.2) Distance between driveways.

Zoning requirement: Minimum 65 feet. Plan to provide: 58 feet is DENIED (DZO 32.05, F.1.c).

7.02(E.7) Distance between fast food restaurants.

Zoning requirement: Minimum 600 feet. Plan to provide: 370 feet to Tim Hortons is DENIED (DZO 32.05, F.1.c).

Motion carried unanimously.

Appeal #15-134

From Salah Aljafer, 5651 Argyle, Dearborn, MI requesting to retain a deck constructed without permits on the rear of an existing home. The property size being 40' x 103.75', in a One-Family Residential (RA) zoning district at:

5651 Argyle

Salah Aljafer, homeowner and Fatma Alajami(?) were introduced representing this appeal.

Mr. Paison summarized the Staff Report dated September 4, 2015 for the record, noting that this a request retain a deck constructed without the required permits which put the property over the lot coverage limit. The deck puts this over the limit by 195 square feet. The house has substantial pavement and total impervious surface remaining available for a potential trade-off to meet the overall intent of the ordinance with some flexibility. This problem is a symptom of maxing out the size of the homes without regard for things like decks, but they could have put in an at-grade patio without variances.

Mrs. Alajami stated that he expanded the original small stoop to make it more usable for the family and did not know it would be a problem.

Mr. Paison noted that it would still need to get a permit and inspections to ensure it was built correctly. The original construction probably included a 3'x5' landing outside the door and was probably right at 35% coverage.

Chairman Gedert agreed that the deck is not excessive or out of scale for the area, but is a reasonable usable size. He suggested going with a conditional approval as suggested by staff prohibiting the installation of further structures or pavement on the site.

Commissioner Gusfa and Green thought that was an acceptable proposal.

Chairman Gedert called for comments from the audience, no one came forward. There was no outside correspondence regarding the appeal either.

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 APPROVE WITH CONDITIONS, the variances detailed below:

29.02 Lot coverage.

Zoning requirement: Max. 35% (1452 s.f.). Plan to provide: 39.5% (1641 s.f.) is APPROVED WITH CONDITIONS (DZO 32.05, F.1.j,m,h).

Approval of this appeal is CONDITIONED as follows: 1) No additional structures or pavement shall be installed on this lot.

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 #15-135

From Faten Fawzi, Bambi Land, 13510 Warren, Dearborn, MI requesting to renovate and reoccupy an existing commercial building for use as a childcare center. The property size being irregular, in a Community Business (BB) zoning district at:

13510 Warren

Faten Fawzi, applicant, Lial Alkayal(?) and Jumal Rubaii, contractor were introduced representing the appeal.

Mr. Paison summarized the Staff Report dated September 4, 2015 for the record, noting that this is reuse of a former funeral home next to a former parochial school as a childcare center. The proposal was granted Special Land Use approval by the Planning Commission in August 2015. The remaining issues are the side setback, which is an existing condition that would be very difficult to modify given the nature of the structure (originally constructed in 1916), and the minimum outdoor play area. The proposed outdoor play area was found acceptable by the Planning Commission and they recommended approval of that variance. The City has a substantially higher requirement for this than the State of Michigan when they license these facilities. The proposal is in some ways similar to and actually less constrained than the daycare that was approved in the old convent building on the northeast corner of Warren and Oakman. That daycare has been operating well and is providing a valuable and needed service in the community. As noted during other daycare appeals, the City is substantially undersupplied with licensed daycare based upon the number of children in the City of the right age range to need it. The only way to get more outdoor play area would be to give up required parking, so there is a trade-off there.

Chairman Gedert asked about how many children would be under care. Mr. Paison stated that the proposal is for 65 children, it would have to be dropped to 40 to meet the requirement. Mrs. Fawzi noted that the children do not go out all at once; they are divided up by age groups. Mr. Paison stated that the age division of playground use is a common practice at daycares.

Chairman Gedert called for comment from the audience, no one came forward and there was no outside correspondence.

RESOLUTION. Motion by Commissioner Gusfa, 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(G.2) Outdoor play area.

Zoning requirement: 3200 s.f. Plan to provide: 2031 s.f. is APPROVED (DZO 32.05, F.1.j,n).

7.02(G.4) Side setback.

Zoning requirement: Minimum 25 feet. Plan to provide: 9 feet is APPROVED (DZO 32.05, F.1.j,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.

Appeal #15-136

From Nina & Ali Bazy, Bazy Investments LLC, 4770 Greenfield, Dearborn, MI requesting to increase the permitted occupant load of an existing banquet hall by providing on and off-site valet parking. The property size being 265' x 278', in a Community Business (BB) zoning district at:

4770 Greenfield

Joseph Guido, Architect, Ali Bazy, owner and Patrick Allison(?), valet parking operator were introduced representing this appeal.

Mr. Paison summarized the Staff Report dated September 4, 2015 for the record, noting that this was originally approved for conversion from a supermarket to banquet hall/restaurant in 2001. Based upon the submittals and available parking the maximum occupancy was limited to 344 patrons and 40 staff, the granted parking variance was only sufficient to cover that occupant load as shown on those plans. The applicant is seeking a higher occupant load; under the building and fire codes the building could accommodate substantially more people. Given the size of the building, the original ZBA approval was awkward at best and likely to lead to the issue before the Board now. The current proposal is seeking to the occupancy load to 640 patrons by use of a mandatory valet parking system utilizing the site parking lot and lease parking arrangements on nearby commercial properties along Greenfield. The other buildings parking to be used are 6-7 day a week, mainly daytime operations. Those buildings cannot provide an exclusive lease for that parking due to needing it to meet their own functional and zoning requirements, so this parking would really only be available during evenings and sometimes during the weekends. An additional issue would be the traffic conducting down the alley, on Greenfield and across Jerome by the valet service to operate this system. If this does not function, any evening/weekend issues will

have to be dealt with by the police since other City staff will be unavailable. Additionally, there is always the concern with granting a permanent land use approval on the basis of a temporary arrangement between private parties. Eventually, these arrangements always fail and it becomes the burden of the City to then correct the issue through enforcement or additional hearings. We have seen this pattern consistently with prior Board approvals based on these kinds of arrangements. Also, a zoning approval based on a valet parking plan of this scale has never been done previously; this is a bit of uncharted territory.

Mr. Paison explained that the maximum occupant load for the entire building under the Building and Fire Code was over 1000, which is based on safe exiting in an emergency. For zoning the parking is based on the maximum occupancy in the actual hall itself, it does not include the lobby area.

Mr. Guido noted that this has been a long effort trying to work out a solution for this facility involving the City Staff, Mayor's office, Police Department and Fire Department.

Mr. Paison stated that the remaining concerns of the Building Official and Fire Marshall have been resolved with regard to the safe occupation of the building, that issue is not before the Board or under its authority.

Mr. Bazy stated that the typical client renting the hall has 500-600 guests, sometimes it is as little as 200 guests for a smaller event. He noted that valet parking is the norm for a facility like this one, that if there are people parking in the neighborhood it is not the valet service, it would be people who don't like to valet park looking for an alternative. They do try to direct non-valet parkers to not park in the neighborhood and get them to park on one of the adjacent properties they have permission to park on, but because most non-valet parkers don't even enter the site with their car they don't have an opportunity to direct them. When they purchased the property in 2006 they understood that the occupancy was 640 persons.

Mr. Paison noted that, to his knowledge, the Certificate of Occupancy never included the 640 number; an occupancy card for posting in the building was mistakenly issued for that number and later retracted by the Building Official as having been provided in error. This has been an ongoing issue for many years and this appeal is part of the effort to reach a resolution of the issue.

Chairman Gedert stated that it is his opinion that the site never really had the capacity to support a banquet hall of this size; it was sized and configured for a grocery store clearly. The valet plan looks like a nightmare, he has done work with a number of facilities with valet parking that are much more conveniently and effectively designed than this and they still get huge backups and create a lot of off-site parking on any and all adjacent streets and properties where they might not get a ticket. He does not see the practical difficulty that would warrant the variances.

Mr. Bazy stated that while the plan looks like a nightmare, it actually works because most of the other businesses are closed in the evenings when the events are at the hall and he has worked out arrangements to use that parking when it is not otherwise in use. He also allows overflow from parking at neighboring businesses during the day when they are not busy.

Chairman Gedert asked what happens when the medical building changes hands and use and the parking is no longer available. Mr. Bazy responded that he could not predict the future, things definitely could change.

Mr. Guido stated that the proposal is how it is done now and it is working. Chairman Gedert

replied that based on some of the information from neighbors and staff it really is not working, it is creating negative impacts on the surrounding area with a substantial off-site parking either due to self-parkers or overflow parking.

Mr. Paison stated that the City asked for lease agreements for the claimed parking because proof of permission from those property owners for this proposal was required for the City and the Board to even consider the issue. Neither the applicant nor the Board could grant approval for parking on those sites without the actual owners of those properties granting permission for the activity.

Mr. Bazy stated that he cannot control or prevent the non-valet parkers from parking in the neighborhood; he suggested that maybe permit parking be created in that area to prevent this.

Commissioner Green noted that even with the valet parking they would be short of the requirement.

Commissioner Gusfa stated that he examined the site and the proposed route the valet parking staff take and it seemed pretty constrained.

Mr. Allison stated that his staff don't use Greenfield at all to move cars, most events they can valet all the cars on the site or the bakery site just to the north, they very rarely valet any cars south of Jerome (one or twice per year). The parties for the wedding typically arrive with 3 or more per car.

Commissioner Gusfa noted that the demand for parking in the neighborhood is created by the banquet hall and exacerbated by not providing any non-valet parking spaces to accommodate those patrons.

Mr. Bazy and Mr. Allison do not know how they would prevent or control the off-site parking from non-valet parking.

Mr. Paison noted that the zoning ordinance provides for a solution for the issue, to provide the minimum parking requirement in the ordinance. The minimum parking requirements in the code are there to prevent off-site negative impacts and nuisance from overflow parking.

Mr. Guido stated that they are proposing a limit of 640 patrons, a number below the building code limit. Mr. Paison noted that this would need to be a condition of the any approval to be enforceable as part of the resolution of this appeal.

Chairman Gedert called for comment from the public.

Margaret Szymanski, resident behind Capri Bakery, stated that she appreciates the neighborhood as businesses and residences, but the narrowness of the street, combined with the overflow parking from the hall does negatively impact the homes nearby already. They also get valet slip blowing around the area.

Chairman Gedert summarized several letters and a petition from neighbors on Jerome and Walwit stating that they are already suffering negative impacts from overflow parking, litter and noise and would not like to see that continue or increase.

Chairman Gedert summarized a field inspectors report from Larry Johnson related to activities and violations on this site since 2006 under the present ownership. There have been various NOVs and tickets related to the site during that time, all have been resolved at this time and there are no remaining open. Per Mr. DeBiasi, the main issues have had to do with the hall regularly exceeding the current limit of 344 patrons.

Mr. Bazy stated that an 18000 s.f. banquet hall cannot be economically feasible with an occupant load of 344 patrons.

There was some additional discussion narrowing the main issue to the impact of the overflow, non-valet parking into the adjacent neighborhood. The Board found that this level of negative impact on adjacent properties to accommodate the desired occupant load is not acceptable and needs to be addressed by the business creating the demand/issue.

There was some of the pros and cons of permit parking, in the end the residents have to petition for it and it frequently creates its own set of problems. It is usually used when there is no other solution.

Mr. Bazy requested to have the appeal tabled to look for ways to address the overflow/off-site parking issue.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Green, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to LAY THIS APPEAL ON TABLE to permit the applicant time to consider the issues raised in this hearing and revise their proposal related to the variances detailed below:

4.01 Off-street parking.

Zoning requirement: 425 spaces. Plan to provide: 131 standard spaces (374 on & off-site valet spaces).

Motion carried unanimously.

Appeal #15-137

From Tarek Baydoun, Attorney, 24513 Ford Rd, Dearborn, MI requesting to occupy an existing commercial building for use as a mosque. The property size being 140' x 100', in a Local Business (BA) zoning district at:

6110 Chase

Tarek Baydoun, Meridian Law, Attorney, representing the American Muslim Bekaa Center was introduced representing the appeal. Jeffrey Hicks, Meridian Law, assisting Mr. Baydoun and Adnan Alkadray, Director of American Muslim Bekaa Center, were also introduced.

Mr. Paison summarized the Staff Report dated September 10, 2015 for the record, noting that this is an appeal for occupancy of an existing commercial building for use as a mosque. Mr. Hill, Commercial Services field inspector, visited the site two consecutive Fridays and provided a report noting that the area was busy for about 1-1.5 hours in the middle of the day and otherwise pretty quiet. There are 5 variances required, one for parking and four site development standards specific to religious institutions. The four site development standards have been waived by the Board on a number of appeals to accommodate the smaller institutions more typical of Dearborn, the smaller institutions frequently fit better into the existing pattern of development reasonably well. The transition of this from a cultural center approved in 1999 to a mosque created a zoning appeal in 2004 that was

tabled and never came back due to the mosque agreeing to relocate to a site on Schaefer. The building was vacated and then the mosque later reopened, thus the current appeal to resolve the unresolved issues from 2004 is before you now. Per Mr. Hill's report there are a lot of walkers to the mosque from the surrounding neighborhood and he did not observe illegal parking or overflow parking to the neighborhood streets in the vicinity when the mosque was busy.

Mr. Baydoun stated that the American Muslim Bekaa Center opened in 1983 providing a range of services including prayer. The issue came up in 1999 with a zoning appeal for an addition for a nonconforming use. Then in 2004 for the mosque usage, a later ordinance change made this a permitted use, but the parking remained an issue as it is with religious institutions throughout the City. In 2012 the City issued a letter that the petitioner had to address issues need to get a Certificate of Occupancy, for commercial properties the Certificate of Occupancy does not expire except with a change of use or there is a code violation.

Mr. Paison stated that there are some remaining minor building code items to be addressed but nothing that would prevent the proposal going forward should the Board approve the variances.

Mr. Baydoun noted that the area is in a commercial area along Chase surrounded by residential areas. A 2013 notice of violation was issued by the City due to lack of CofO and some fire code issues. He noted that many churches in the area have small amounts of parking and have congestion during services. The current Mayor was concerned in 2007, the Department of Law asked the Police to check this, and they went out 4 Fridays and did not issue any tickets. The Police noted it was congested but they had no violations to cite. He does not believe the variances are required as an attorney, but is appealing to try to resolve the issue. Cited federal law generally, stating that the ordinances appear to be invalid. He stated that the institution needs the support of the City and is looking to resolve the matter. He does not think anyone will sell parking easements in gross; Mr. Paison also thinks most land owners would be unwise to do so.

Mr. Baydoun noted that there are many walkers to the mosque; Mr. Paison noted that Mr. Hill stated that this was the case. If the mosque were closed it would create additional congestion at the other mosques in town, the probable best solution would be to open additional mosques in town to address the demand for such facilities.

Mr. Baydoun noted that they have tried to apply for an appeal twice earlier; Mr. Paison noted that these were administratively declined because they were found to be incomplete.

Mr. Baydoun noted that the requirements appear excessive, out of date and not well suited to the layout of the City. Additionally, there have been no complaints from neighbors since 2007. They have worked out agreements with neighboring offices and have use of the newer on-street parking on Chase to support the use. The combined available parking exceeds the requirement. They want to buy the home next door to add parking, but have to wait for the owner to be ready to sell.

Mr. Baydoun summarized the petition from the neighboring businesses in support of the appeal that he submitted to the Chair.

Mr. Baydoun stated that his client is committed to addressing any public safety or neighbor concerns.

Mr. Paison stated that the first time the City acknowledged the religious institution use was when they were cited for operating outside its CofO in 2004, which lead to the prior tabled appeal. The prior approvals in 1999 were based on the assertion by the applicant that no prayer services would be held at the facility.

Mr. Alkadray summarized the petition from the residential neighbors in support of the appeal; the mosque has broad support from the neighborhood.

There was some discussion regarding how this is similar to the older neighborhood churches that were built throughout the neighborhoods decades ago.

Chairman Gedert stated that he thinks the key issue is parking; the other site standards do not appear to be major issues since they are not consistent with the other religious institutions in the City and the pattern of land development in the community.

Mr. Paison explained the weakness of blanket lot area and width requirements in applications like this. This is something to be considered in detail in the pending Zoning Ordinance rewrite.

Mr. Paison stated that the real concern is what happens long term with the parking.

Commission Gusfa noted that the mosque actually appears to use much of the available parking in the area, which implies that even the 63 spaces required might not be adequate.

Mr. Paison noted that the minimum parking requirement ensures a minimum available supply, not adequacy, but you cannot require more than that.

Mr. Baydoun stated that another mosque was built on Schaefer and many members moved over there for services.

Mr. Baydoun stated that one of the reasons they got agreements with all the businesses on the block to make sure wherever patrons parked they would be doing so legally. He does not really think the mosque could grow due to its size without an addition, which would require permits and other approvals.

Commissioner Weaver asked how the weather would impact the demand on parking since the walking might be less desirable. Mr. Baydoun stated that he really could not predict that, but since 2007 they have had no complaints.

Chairman Gedert called for comment from the audience.

Several members of the mosque came forward to speak in favor of the appeal; they are firmly in favor of the mosque in their neighborhood and community. They have worked hard to be good neighbors, think it works well in the location and is only busy for a short period on Fridays.

Commissioner Stockwell noted that the issue is not 3 spaces it's the 33 spaces at the DAV hall and that the parking there might not be available in the future. Mr. Paison has noted

that they have seen some of the Veteran's halls and other private clubs closing and consolidating in the last few years due to declining membership.

Chairman Gedert verified the availability of 29 on-street spaces and that the Board can consider that parking as well in their deliberations. Mr. Paison replied that such consideration is valid as part of this sort of variance review.

RESOLUTION. Motion by Commissioner Gusfa, 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 WITH CONDITIONS, the variances detailed below:

4.01 Off-street parking.

Zoning requirement: 63 spaces. Plan to provide: 27 spaces (+33 spaces off-site at DAV hall) is APPROVED WITH CONDITIONS (DZO 32.05, F.1. n).

7.02(R.1) Minimum site area.

Zoning requirement: 5 acres. Plan to provide: 0.32 acres is APPROVED WITH CONDITIONS (DZO 32.05, F.1.m).

7.02(R.2) Minimum lot width.

Zoning requirement: 200 feet. Plan to provide: 140 feet is APPROVED WITH CONDITIONS (DZO 32.05, F.1.m).

7.02(R.3) Parking setback.

Zoning requirement: 15 feet from property lines. Plan to provide: 0 feet is APPROVED WITH CONDITIONS (DZO 32.05, F.1.m).

7.02(R.4) Frontage & access.

Zoning requirement: frontage on & access from major thoroughfare. Plan to provide: frontage on & access from Chase (not a major thoroughfare) is APPROVED WITH CONDITIONS (DZO 32.05, F.1.m).

Approval of this appeal is CONDITIONED as follows: 1) The mosque shall maintain access to 33 off-site leased parking spaces as indicated in the submitted 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 #15-138

From Najah Wahidi, 938 Monroe, Dearborn, MI requesting to renovate an existing commercial building for use as a restaurant (bakery/café), the site is adjacent to a public parking lot. The property size being 43' x 85', in a General Business (BC & BD) zoning district at:

938 Monroe

Sal Wahidi, property and business owner, was introduced representing the appeal.

Mr. Paison summarized the Staff Report dated September 10, 2015 for the record, noting that this is an existing older building that had a fire (formerly Village Coin Shop and other tenants). The building has no parking of its own, but has always been dependent on the public parking across the alley. The City is working on re-establishing the Special Assessment District for the maintenance of the lots, so allowing him to claim some use of it may be reasonable since he will likely be paying to maintain it.

Mr. Wahidi said it will be a bakery, café and pastries with a large dining room. He would like to be open next summer; they have a lot to work to do on the building. They are adding windows on the north and west sides. This will be a family business and invest for his extended family.

Chairman Gedert called for comment from the audience, no one came forward and there was no outside correspondence related to the appeal.

Commissioner Gusfa thought approval was appropriate based upon the availability of public parking due to its location in the downtown area.

RESOLUTION. Motion by Commissioner Gusfa, 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:

4.01 Off-street parking.

Zoning requirement: 26 spaces. Plan to provide: 0 spaces is APPROVED (DZO 32.05, F.1.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.

Meeting 9:00 p.m.