

City of Dearborn
Zoning Board of Appeals
Thursday, October 22, 2015
Minutes

Called to Order: 5:30 p.m.

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

Commissioners Absent: None.

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

Approval of Minutes. Motion by Commissioner Green, supported by Commissioner Gusfa that the minutes of the previous regular meeting of Thursday, September 24, 2015, are approved as recorded. Motion carried unanimously

Tabled Appeals. None.

Appeal #15-139

From William Farmer, Anchor Conveyor Products, 6830 Kingsley, Dearborn, MI, requesting to split an existing industrial property with two buildings into two parcels with a building on each parcel. The property size being 600' x 250', in a Light Industrial (IA & IB) zoning district at:

6830-6906 Kingsley

The applicant introduced himself.

Staff summarized the report (dated Sept. 4, 2015), noting remarks by the Planning Commission that the buildings are separable and the proposed split would bring the lot configurations back to the original platting, adding that the applicant wants to sell the northern lot. The requested setback creates no substantial problems; the building has access from the road.

The applicant confirmed the report, adding that the proposed north parcel was sold 4 years ago on a land contract. He wants to restore the original conditions of the site, saying the building has been the same for 70 years. He occupies the south building, where he manufactures conveyors, and plans to stay. He is unsure of the purchaser's plans. He needs the split to record the deed.

Staff said that the applicant needs to secure the north (sold) building, noting broken windows.

The applicant says he had been in the north building and moved to the south building during the recession. He says the new owners are not maintaining it.

The Board opened public comment.

Jerry Hack said he is in the property behind the site. He asked for clarification on which building was sold and complained of lack of maintenance, noting overgrown vegetation

and debris.

Jeffrey Edom said he has property nearby and complained about trucks parked on the property near his property, as well as overgrown vegetation, tires, and debris on the site.

The Board advised Mr. Edom of where to direct his complaint and that the Board is limited to considering the requested variance.

Correspondences: no

The Board noted the need for cleanup of tires, garbage, piled bumper blocks and suggested getting enforcement officers to the site.

Staff noted the site's isolated location makes it difficult for enforcement's limited resources to address, but said that enforcement would be specifically requested.

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

29.02 Side setback.

Zoning requirement: Minimum 20 feet. Plan to provide: 5 feet 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.

Appeal #15-140

From Dima Mroue, 24801 Ward, Dearborn, MI requesting to construct a 2 story rear addition to an existing home. The property size being ' x ', in a One-Family Residential (RA) zoning district at:

24801 Ward

Applicant introduced herself.

Staff noted the irregular shape of the lot and said the existing house and the proposed addition meet the lot coverage requirement and the other setbacks. The irregular lot creates the practical difficulty because it does not accommodate reasonable development. The side setbacks are generous. Staff said a location for the addition is limited by the 106-foot lot depth, which is less than the neighborhood norm of 120 feet. (Staff report dated Oct. 6, 2015)

The applicant stated she lived at the house for 11 years and referenced a letter from neighbors agreeing with the addition.

The Board inquired of the side setback versus the rear setback and the lot shape.

Staff said the corner location and the setback of nearby homes limits a reasonable placement of the addition, and the variance would allow the addition to be closer to the neighbor's garage. Most of the addition does not require the variance, and the variance accommodates a better location for it.

The Board opened public comments.

Mr. Kusick, the design reviewer for the subdivision, says he recommended the variance to avoid an awkward floor design and he wants to maintain the character of the neighborhood. The addition is compatible with the exterior design of the house.

The Board agreed with the design compatibility and said no passerbies would even notice the addition.

Correspondences: The Board referenced a letter signed by 9 neighbors (see file) and one phone call supporting the variance. One email is from someone opposed to the variance (see file).

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 variance

29.02 Rear setback.

Zoning requirement: Minimum 18 feet. Plan to provide: 14 feet is APPROVED (DZO 32.05, F.1. h,j,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 #15-141

From Yehia Ghamlouche, Elegance Center, 440 Meadowlane, Dearborn, MI requesting to renovate and reoccupy an existing commercial building for use as a jewelry store. The property size being 20' x 100', in a Community Business (BB) zoning district at:

15022 Michigan

Amir Maklid introduced himself as the applicant's representative.

Staff discussed the area, noting the existence of nearby side street parking and the lack of parking on Michigan Ave. Given the space available and the handicapped parking requirements the site can fit one parking space, which will be handicapped-accessible. The building was built in 1969 and has been a travel agency with inadequate parking. The site has limited use potential, but a jeweler would work given typical jewelry store traffic. We don't want blanket retail approval because many uses would not work here. It is a small building and has nearby parking, so people would need to walk, but less than 275 feet. (Staff went over some photos and plans.) Like other buildings in Dearborn, it has historically been supported by on-street parking. (Staff report dated Oct. 6, 2015)

The Board inquired of parking across the rear alley. Staff said that it belongs to a neighboring business and is otherwise not to code.

The applicant said the usable floor space is less than 500 square feet and it will be a high-end retail store with little foot traffic.

The Board noted the condition of the variance limiting the site's use, to which the applicant agreed.

The Board expressed a concern over potential parking on neighbor's lots; the applicant said they can post signs prohibiting this.

The Board opened public comment; none.

The Board read a letter from the Parking Variance Advisory Committee (see file).

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: Minimum 7 spaces. Plan to provide: 1 space is APPROVED WITH CONDITIONS (DZO 32.05, F.1. h,j).

Approval of this appeal is CONDITIONED as follows: 1) The approval shall be for general office use or jewelry store (specialty retail) only, not to allow a broader range of retail uses without approval for modification of this condition by the Zoning Board of Appeals 2) The approved use is prohibited from imposing on the parking lots of the buildings to the east and west.

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: None

Meeting Adjourned 6:22 p.m.