

City of Dearborn
Zoning Board of Appeals
Thursday, February 18, 2016
Minutes

Called to Order: 5:30 p.m.

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

Commissioners Absent: None.

Technical Advisors: David Breneau, Zoning Administrator; William DeBiasi, Assistant City Attorney; Thomas Paison, Assistant-Director of ECD

Approval of Minutes. Motion by Commissioner Stockwell, supported by Commissioner Gusfa that the minutes of the previous regular meeting of Thursday, January 14, 2016 are approved as recorded. Motion carried unanimously.

Tabled Appeals. None.

Appeal #15-143

From David J. Codd, Homeowner, 14238 Lithgow, Dearborn, MI requesting to construct a rear addition to an existing home to provide for supportive features that will allow the homeowner (a disabled veteran) to remain in their home. The property size being 30' x 100', in a One-Family Residential (RA) zoning district at:

14238 Lithgow

The applicant introduced himself.

Staff summarized report dated February 8, 2016. Key facts: The applicant is disabled; The house is old and likely cannot reasonably accommodate extensive handicapped features; The front ramp is proposed for removal when he can have a lift installed on the front porch in the future.

Applicant: Has spent \$60,000 adapting his house, the Veteran's Administration says the existing bathroom is not fit for adaptation. The house was built in 1924 and has a small bathroom. The VA wants to make adaptations. There is no place with the existing house for accommodations. He has spent 44 years in the house.

Board: The lot is very small, 30ft x 100ft. There is precedent for assisting the disabled through variances. Question on removal of the front ramp.

Applicant: He is removing the rear ramp and installing a lift for a second exit, such as for emergencies. He wants a vertical lift in the front, too. It is a long walk to front door.

Board wanted clarification on both ramps being removed. Concern with the lift failing or getting icy. Wants to change the conditions to leave the front ramp until the house is sold or a lift is installed or keep it if it is still needed after the applicant no longer lives at the house.

Staff expressed a concern about the existing ramp blocking the walkway from being

extended to the public sidewalk. But the concern for keeping the ramp is valid.

Board asked the applicant about possibly replacing the front ramp with a lift in the future.

Applicant wants to replace the ramp with a lift when he can afford it. It burdens visitors; it is an 83ft ramp with lots of turns. He needs to price the lift. The VA is willing to invest \$74,000 for the addition, the applicant has \$20,000. He wants a front lift as soon as possible. The VA spent \$10,000 on the front ramp. The lifts were an afterthought.

Board agreed with the need for two exits, but the front ramp takes up the whole front yard.

Contractor is trying to stay on a budget with VA funding limits.

Board said the ramp should be removed upon sale of the home, not before, unless it is sold or leased to a person with similar needs.

Board opened public comment. None.

No outside correspondences.

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:

2.03((C.2.d)) Distance between home & detached garage. Zoning requirement: 10 feet. Plan to provide: 2.5 feet is APPROVED, with the following conditions:

1. Replacement of the exterior lift with a porch and steps upon the sale of the dwelling unless sold or leased to a person with similar needs;
2. Making the garage fire-rated;
3. Removal of the front ramp, unless the house is sold or leased to a person with similar needs;

(DZO 32.05, F.1. B and H).

29.02 Lot coverage (all structures). Zoning requirement: Maximum 35% (1050 s.f.). Plan to provide: 49.3% (1477 s.f.) is APPROVED, with the same conditions as the other variance (DZO 32.05, F.1. B and H).

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 #16-102

From Michael Tsakoff, Michael Tsakoff, Architect, 24500 Ford Rd, Ste 40, Dearborn Hts, MI requesting to build a new house (demolish existing). The property size being irregular, in a One-Family Residential (RA) zoning district at:

340 Hampshire Ct

The applicant (architect) introduced himself.

Staff summarized report dated February 1, 2016. Key facts: The proposed house is new construction; the existing house and houses behind it are colonials; no other colonial exists along Hampshire Court.

Board confirmed the nature of the request with Staff, that the Planning Department has determined the house to be incompatible and that the Board is approving the house to be incompatible.

Staff briefly summarized the nature of the compatibility guidelines.

Applicant: This is a large home, 6,200sq.ft., it was redesigned from a previous plan, the first version was different. We brought the roof down 1ft. and scaled down the ends and made changes, such as adding a gable roof over the ends. It is 26ft high on the existing house with a gable roof, with a 3ft difference in height. It fits nice on the lot. The side setbacks increase to 20ft as you go towards to the rear of the pie-shaped lot. There is a lot of space between the houses. We downplayed the front porch, the focal point is the center with the turret; it is more modest, hidden. The owner wants stone (distributed black-and-white rendering). The house meets required setbacks, and has a 23% lot coverage, or 27% with the pool. It meets association setbacks. Acknowledges the height and compatibility are at issue. We are making it as compatible as possible for a large home, which is difficult with a larger house.

Board confirmed the height restriction with staff. 23ft on this street; however, this does create aesthetic and durability complications. The guidelines are being reviewed for revisions.

Board: Relief has been granted from guidelines in the past, but typically only for 1 item, such as a recessed porch. This has an unprecedented 5 items. We don't want to reduce the roof pitch, which would be a detriment to appearance.

Staff noted the nature of the existing house; the proposed is similar to the existing.

Applicant: Roof pitch is compatible; a 12:8 pitch is compatible, similar to others, and drives the height.

The Board acknowledged a letter from an association board member submitted by the applicant.

The Board opens public comment:

Jim Jomon, a general contractor. Surprised about the 1 letter; has 3 other letters from neighbors on Hampshire. The larger houses are an ongoing problem. Noted the 5 compatibility items, but said they are minor given the neighborhood in general. They are building similar housing in the neighborhood.

Larry Wolkalsky, 530 Meadowlane. Has concerns about the height and grade of the house. With the size of the house, size of the roof, it creates a water catcher. The neighborhood has had flooding problems with the new larger houses. The higher grading of the newer housing is not compatible with older homes. Water runoff, flooding yards. He has spent \$9,000 on flood control. His neighbor's house floods a lot. Need to connect downspouts with stormwater, not on lawns. (Staff, Board interjected that runoff cannot be connected into stormwater or sewer.) It will overflow onto other properties. He wants water taken away given the larger roof. The 29ft height is 6ft higher than the standard. It is more than 25% higher. Then add the higher grade. It has the look of

3-story apartments. He wants a lower pitch. Main concern is flooding with the larger footprint, stormwater runoff.

Applicant: Before a permit is issued the contractor needs a plot plan, and a surveyed grading plan to avoid overspill. Can use swales. Grading is review by Engineering.

Staff acknowledged past flooding problems. They now need a surveyor before and after framing is done to verify grades and avoid attempts to go 1ft to 2ft higher. This is done on all homes. Infill housing is especially sensitive. Lot coverage limits are important to control runoff. However, whether it is a 1 or 2 story makes no difference with runoff.

Board. The property slopes to the rear and east. Applicant confirms.

Applicant: The house has lots of property to accommodate the water. It helps to have a grading plan with low points where water can settle and the back corner helps.

Wolkalsky: There is separation of storm and sewer in the neighborhood, the City has permitted to hook drainpipes to storm. Board suggested investigating this option. Staff confirmed separation.

Applicant: sump pumps can hook to storm, downspouts cannot.

Wolkalsky: You can make that choice when building.

Staff suggested investigating if options exist.

Board inquired of association review.

Staff: The City will run it by active associations as a courtesy.

John Sheridan: 510 Meadowlane. He can see the applicant's house from his. He has been in the area since 1990 on Meadowlane, the only street to allow colonials. Increased his house from 1800 to 4300 sq.ft. with no variances. It blended in. Model house. He likes his view. His quality of life and home has diminished since variances have been approved. The proposed house is not even close to being compatible, totally out of place, gaudy. The neighborhood was designed to have open spaces. He doesn't understand why the 30ft height. Building activity is not monitored. He protested a 3ft extension on a garage that was requested, it became a 7ft variance and now it looks like a concrete runway with a 3-car garage. Complained of floodlights in his face from his neighbor. A shed that was built blocks his view. Someone burns wood and piles wood. He doesn't want to look at the applicant's proposed house; it is an abomination. They need to follow the rules. New houses overwhelm older houses. The association was once active, kept the rules, was strict, and now it is abandoned. He wants wide open spaces and nature. Lower the height by 6 feet and remove the turret.

Mike Tenica approves the house. Everyone investing in the area is going a bigger. Improves the neighborhood, increases tax values. The house fits the area. The older homes need to be removed. People want the bigger homes.

Board acknowledges a letter from a resident on Hampshire, a board member of the association. It offered no objections.

No other correspondences.

Applicant: He forwarded 3 letters of neighbors to Staff (not received). The house meets city and association rules for setbacks.

Board: The Board does not determine if the house is compatible, but if relief should be

granted.

Staff gave a brief history of the expired deed restrictions and how a resident survey became compatibility guidelines. The association is now voluntary. The house meets all general city requirements, but not the compatibility rules. Discussed deed restrictions that have not expired in other neighborhoods.

City Attorney explains Planning procedures for compatibility reviews.

Board poses a question about challenges to the guidelines.

Attorney: Courts look at these case-by-case. The court upheld the guidelines when a 2½ story house was grossly incompatible, otherwise, no clear rules on aesthetics. Staff added that the 2½-story house had architectural inconsistencies within itself.

Applicant: Talked with the association, who said talk with the city first; association may make suggestions after.

Staff noted it should be the other way around. The City is required to review, not the association. Noted the correspondence is not an official Association letter.

City Attorney said association can only make suggestions.

Discussion of the plan having been sent to the association, who did not respond.

Wolkalsky: Received the public hearing notice; did not understand it. Discussion to explain the notice. Wolkalsky: Board has granted nearly all variances before them, allowing people to do what they want, upsetting a lot of residents and council. Discussion of history of association and deed restrictions.

Board: The neighborhood has supported variances in the past and are supporting this.

Staff explains that larger homes can only be built on larger lots and people build their dream houses in this neighborhood and similar areas.

Mona Hammoud, designer: Approached by several people to build larger homes, many over the 35% lot coverage limit. They look large in comparison to the existing, but they are not.

Board: The homes are getting bigger in that neighborhood, not smaller. The Association had the opportunity to review, but waived it by no action. This is one of the few areas in the city where you can build the larger homes. No issue.

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 the variance.

2.05(7) Compatibility. Zoning requirement: Compatible. Plan to provide: Not compatible is APPROVED. (DZO 32.05, F.1. 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 #16-104

From Mona Hammoud, Iconic Designs, 17 W. Lane Ct., Dearborn, MI requesting to transfer part of parcel to neighboring mosque (lot reconfiguration). The property size being irregular, in a Community Business (BB) zoning district at:

6275 Schaefer (The Schaefer Pavilion)

Staff notes a change in the request for a lesser variance due to a change in the proposal. (The applicant, designer, had introduced herself.)

Staff summarized report dated February 1, 2016. Key facts: The applicant (plaza) is proposing a lot split to accommodate the mosque acquiring the Family Dollar store building from them; the applicant is losing parking from their parcel; the mosque is granting an easement to the plaza for parking and access. On January 11 of 2016 the Planning Commission approved the lot split conditioned on the variance and combining the north half of the split lot with the mosque property.

Attorney confirmed that the proposed easement is acceptable.

Staff adds that a prior parking variance allowed a restaurant, but this request lowers the previous variance because its parking needs are lower without the Family Dollar. The mosque has enough parking with the balance of its property and has more property to its north that it is acquiring. There is no neighboring residential to disrupt with overflow. Applicant understands the dynamics of traffic flow for the mosque; the mosque and the plaza should be symbiotic.

Applicant: The mosque has other shared parking arrangements.

Staff noted the removal of a wall between the existing retail and mosque properties and noted the multiple points of entry, including onto Maple, which should help with traffic flow.

City Attorney requested the easement be recorded and copies provided to Staff.

Discussion of the technicalities of the request. Board asks applicant if they understand that they should not ask for more parking variances, keep it to retail, no restaurants; applicant said yes. Discussion of parking calculations that were done at Intake Review.

Board: Concerned about more parking needed for mosque than retail.

Staff: The reconfigured mosque property accommodates the difference, especially with new parking they are planning at the north end of their property. Also, the building that the mosque currently owns will connect with the new worship hall so people can go in from the existing mosque property and not have to walk around.

Board: Concern about 147 spaces for mosque. They will go into the lot, and then have to go back out into Schaefer to get to the other lot.

Discussion of the brick wall to be removed to accommodate on-site traffic flow. Schaefer will not be adversely affected.

Clarification on variance request being for 80 parking spaces provided and not 57 as published.

Board opens public comment: None.

Outside correspondences: None.

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 Parking. Zoning requirement: 92 parking spaces. Plan to provide: 80 parking spaces is APPROVED, with the following conditions: the easement be recorded with the deed to the mosque (DZO 32.05, F.1. J and 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.

Meeting adjourned 7:15 p.m.