

City of Dearborn
Zoning Board of Appeals
Thursday, March 24, 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, February 18, 2016, are approved as with one minor correction. Motion carried unanimously.

Tabled Appeals. None.

Appeal #16-103

From Mona Hammoud, Iconic Designs, 17 West Lane Court, Dearborn, MI, requesting to build a new house (demolish existing), the property size being 100ft x 150ft, in a One-Family Residential (RA) zoning district at:

5 Cherry Hill Court

The applicant introduced herself.

Staff summarized report dated March 3, 2016. Key facts: The existing house is a brick ranch; the proposed house is new construction; no other 2-stories or colonials exist along Cherry Hill Court.

Applicant: Received comments from Staff after first submittal. The home was larger than the other homes. The other homes are up to 3,000sq.ft.. The proposal was scaled down to 4,950 from 5,500 sq.ft. They were asked to reduce the height. They tried to make it work. We reduced the second floor from 9ft to 8ft. They were asked to soften the edges; they tried to push the ends down to reduce the appearance of a 2 story. They changed the materials on the second floor to reduce the massiveness. It is 28-29ft towards the rear. The 2-story wall is on the rear. The bedrooms are in the rear. Did not want 2-story in front. The lot coverage is 28%; it is not possible to have the square footage on one floor. It was best to push the roofline back. It is to code at 26-27ft. It is like other newer homes on next block. We tried to follow guidelines as much as possible. It has 10ft setbacks on the sides. The owner approached the neighbors.

Owner: His immediate neighbors support. (Gave signatures to Board.) Some neighbors were not home to ask. Bought the house in 2014. Have worked with Planning. Drove the area and saw 30 similar homes. Tried to meet with the immediate neighbors. Tried to meet all the guidelines. The front is one-story. He is close to work, staying in the area. He has a medical practice in the area and needs to live close to work. Has 3 kids. No yard on Law Street, 70ft x 90ft. Doing this for his kids. Needs

to go to park, but does not have time. (Gave second petition to Board. Showed plans to audience.) Has supporters in audience.

Board clarified what they are reviewing. House meets general zoning, but not neighborhood guidelines.

Applicant: Mentioned 4 Cherry Hill Ct, who wants similar house and supports his house. People need more space, kids need extra space.

Board inquired of the maximum roof height of house.

Applicant: approximately 26ft.

Staff clarified that 4 Cherry Hill Ct is not under the guideline rules.

Applicant: some houses along Cherry Hill Rd are 3 stories.

Board said these are along a main road.

Board asked about windows and materials.

Applicant said they removed an oval window from the plan based on Planning comments.

Board inquired on the brick.

Applicant said brick is typical. No sample now.

Board asked about neighborhood association review. Applicant said they did not review.

Staff clarified that the association is voluntary and does not review plans.

Board expressed a concern on size. 2-Story. The street is well-defined by 1-story homes. Proposed house will stick out. Okay with design, not size. Guidelines are for uniformity. There will be a first. Many renovations in the area. Neighborhood character will be impacted, maybe not value.

Board: It was not that big a difference with previous approvals. This is a well-defined area. This is significantly different structurally. Will alter the character of the area. Will encourage other bigger homes despite other people who want ranches.

Board inquired on the long term goals with the guidelines.

Staff noted they are in beginning of review by council. Uncertain of outcome. Don't want to stifle "reasonable" development.

Board discussed compatibility vs radical change. Not comfortable with putting onus on the Board. Should have deed restrictions. Proposed house is like day to night.

Applicant: house not different from other houses in area. Though different from immediate neighborhood. Unfair comparison. Several similar houses on Golfcrest, which are newer and the exact same style as proposed. Gave list of 30 similar homes to Planning.

Board: Those cases were compared to those around it. The other homes were similar.

Applicant happens to be the first; neighbors approve.

Board opens floor to Audience.

180 Woodcrest: Family sizes are bigger. 1950's houses are too small. Board has important decision. The comparisons are too limited. Decision based on too narrow a field. Applicant dealing with setting precedent. The house is not too different. Whole purpose of conformity is to avoid bizarre. Being punished for setting precedent, being the 1st house. The houses are changing. This is not a 3 story. House for kids.

Applicant: guidelines are to accommodate for existing ranches. People buy big lots to build big homes. Guidelines should follow same path. Forcing to make conform to existing.

Board inquired of who wrote guidelines.

Staff noted it was a neighborhood survey adopted as part of the Ordinance.

Board asked if guidelines have been updated. Staff said No.

Applicant said some guidelines based on minority vote. And 80% of tenure has changed since.

Board acknowledged turnover. But noted most incompatible houses are different in only one criteria, not multiple.

Staff noted many of the guidelines are in deed restricted neighborhoods, except height.

7 Parkside. Supports applicant. Applicant meets zoning. Guidelines are dated. Applicant knew of this battle. He is innovative, a pioneer. The neighborhood needs to change. People want this, positive change. People want colonials.

Dr. Hassan, 33 Shady Hollow. Said he was the 1st victim. Lifestyles change. He wanted a few more rooms. More comfort. More cultures. Don't want people to leave. Keep people in Dearborn.

10 Cherry Hill Ct (submitted letter – on file)

Sam Beydoun 15 W Lane Ct, likes house. Improve values. Deny: limit to ranch, values go down. Grant, values go up. How do you define compatibility? Each house is unique. People can build bigger elsewhere. The guidelines are stuck in 1950's.

Board: You can build nice, modern compatible house and not discourage people from building in Dearborn.

Beydoun: denial will restrict value of houses.

10 Cherry Hill Ct: Asked about keeping 2nd floor within 23ft height.

Applicant cannot do this. Trying to not increase roof, needs headroom for stairs.

Board noted his house is a 23ft high colonial.

Staff noted comments by Building Official on low roof pitches with large homes are causing structural problems. Produces goofy rooflines. Problems with the 23ft rule.

Hassan: His house is not 2 story on front, but is in rear. Compromise, get peaks down, do hip roof.

Staff: Lot coverage drives larger homes to larger lot. Noted larger replacement homes on Gulley.

Beydoun: Guidelines are needed, but questioned how compatibility being determined.

Board: Should remove guidelines.

Applicant: If we eliminate the multiple peaks, it makes the house more plain, bleak, ugly, look bigger. Multiple peaks are aesthetically appealing.

Board: We are not an architectural Board.

Board acknowledges 3 outside correspondences, including petitions handed to them during hearing.

Board: Homes getting larger, will change character on the street; it should be allowed, to not restrict. Unique homes. No issues.

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 APPROVE, the variance detailed below:

Section: 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 #16-105

From Tim Vargas, Beaumont Health, 18101 Oakwood Blvd., Dearborn, MI, requesting to continue using an existing MRI trailer. The property size being 190ft x 130ft, in a Community Business (BB) zoning district at:

25045 Ford Rd

Applicant introduced himself.

Staff summarized report dated March 3, 2016. Key facts:

1. A variance was granted in 2011 allowing the MRI trailer for 48 months so that Oakwood Hospital could work on qualifying for State approval to install a permanent MRI inside the building. This 48-month period has now lapsed.
2. The applicant, now Beaumont-Oakwood, is still working to qualify for State approval.
3. There is demand in the community for advanced diagnostic medical imaging such as this unit would provide. Particularly, many patients would prefer to be able to get this sort of outpatient diagnostic service at a satellite facility rather than have to go to the main hospital.
4. State regulations on MRI's require the use of mobile units to provide proof of sufficient demand before a fixed MRI installation will be approved. Oakwood Healthcare has the

required resources and client base to have a good chance of getting approved for a fixed MRI installation.

The applicant's representative responsible for ancillary operations. Wants time extensions. Many factors for delays that are out of the control of the applicant including changes in managed care. Made changes to business strategy. Closed central location, oversaturation with 3 MRIs. More appointments getting to other locations. 6-8 procedures per day before, now 14 at Ford Rd. Open 7 days a week. At mercy of the State.

Board: What total do you need to attain?

Applicant: 11,000 per facility, but they can transfer numbers between facilities.

Board: 14 procedures per day, that's 3,500 a year; you won't get to 11,000. How many at main campus?

Applicant: We don't do MRI's there.

Board: Why not put the trailer at the main campus?

Applicant: Patients don't like to go to the main campus.

Clarification on multiple procedures per patient and 14 patients can have multiple procedures counted.

Board: They have been there 5 years already. They put a wrench in their own goals. Now they need more time because they've got a great plan. They will not get there.

Applicant: We can apply procedures at one facility to other facility. Main campus is not convenient, too much walking, parking not convenient. Parking is more convenient at satellite. Patients are older, often sick.

Board notes patience of neighbors of the satellite.

Staff clarified the variance expired late in January.

Board: How many procedures are at the hospital?

Applicant: 18 procedures a day. However, these are more acute patients, so they spend more time on the table than at outpatient.

Board: You won't get to 11,000.

Consultant: The rules for the Certificate of Need are convoluted. There are 4 ways to do it. Can overdo procedures. Can get more than 1 MRI if you are getting too many procedures for one. Need 11,000 at outpatient. They've shut down Midwest. So they could in theory get 11,000 in 6 months and they have added Saturday hours. The State date is too difficult. Can put 11,000 at West. Not enough capacity at 3 sites. We can't keep repeatedly going to State for more extensions.

Board: It won't happen.

Consultant: We were trying a different strategy until now. Could have aimed for lower target of 6,000 to convert mobile MRI to permanent, but this would have required six days of service. Wrong strategy.

Board acknowledged inconvenience of hospital vs clinic, but doesn't see the point of extension.

Applicant strapped to meet demand with just 2 machines without Ford Rd.

Board: How much time is needed to convert?

Applicant: 150 days of State review plus 1 year. Applicant mentioned parking arrangements with church; the church is sold. Mentioned convenience of clinic vs hospital. The parking won't add stress to the neighborhood. Cares about services, does better than competition. Patients prefer outpatient such as Bostik vs hospital.

Board: The neighborhood has to put up with this forever?

Applicant agreed, but the MRI is there, it's quiet, no one is stressing.

Board: The trailer is quiet, quieter than Ford road. Limit on allowance. MRI's are important, and it is hard to get on an MRI schedule. Willing to extend. But this is the limit.

Applicant acknowledges other providers have had MRIs loud. They are staying with an MRI, not adding other machines.

Staff notes a past noise complaint, which was actually a rooftop mechanic. The hardship is the state regulation. Previous MRIs have sounded like a taxing jet.

Discussion of wanting a progress report, does not want surprises. Will you hit this year?

Applicant: There is a lag in state data.

Board: Shouldn't *you* have the numbers? Will you get 11,000 this year?

Applicant says they'll hit.

Board: 3 years ago they were nowhere near close to 11,000.

Applicant had made too many mistakes.

Board: Are you adding weekends? We need to know now. We need to change the conditions.

Applicant is adding weekends to main campus only.

Board: The service is needed. Wants progress report, doesn't want surprises. Won't get extended again.

Board acknowledges two outside correspondences (in file). PVAC: no issues, recommend approval. Resident against.

Period starts at approval.

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.

Section 4.01 Parking. Zoning requirement: 41 Spaces. Plan to provide: 38 Spaces is

APPROVED. (DZO 32.05, F.1. N).

Section 14.03(A2) Outside storage and operation of equipment. Zoning requirement: Not

permitted. Plan to provide: Mobile MRI trailer 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.

Meeting adjourned 7:15 p.m.