

City of Dearborn
Zoning Board of Appeals
Thursday, June 23, 2016
Minutes

Called to Order: 5:30 p.m.

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

Commissioners Absent: None.

Technical Advisors: David Breneau, Zoning Administrator; William DeBiasi, Assistant City Attorney; Ken Foley, Building Official.

Approval of Minutes. Motion by Commissioner Green, supported by Commissioner Stockwell that the minutes of the previous regular meeting of Thursday, May 26, 2016 are approved with one correction. Motion carried unanimously.

Appeal #16-111

From Jack Zelazny, Z Consulting Architects, 347 Rosemary, Dearborn Hts, MI requesting to erect lighting for an athletic field. The property size being 1000' x 840', in a One-Family Residential (RA) zoning district at:

1055 N Silvery Ln (Divine Child)

The applicant introduced themselves.

Staff read the report dated May 23, 2016. Key facts: The applicant is proposing four 80ft tall lights for an athletic field it is renovating; the lights closest to the residences face away from these residences, while the lights facing the residences face them from across the field; the drawings indicate the candlepower will be conforming at the lot line; public facilities in Dearborn have similar lighting.

The applicant agreed with the presentation, but clarified the location of the lights. They had been using the field throughout the history of the schools. The 80ft height is to have functioning lights without spilling over onto neighboring properties. The lights are 23-53 candlepower at the field.

Board: The field is used for various sports and evening games. Inquired on the types of evening games.

Applicant: Football, soccer, lacrosse. Four evening events, some nights. Track and field is daytime.

Board inquired if there would be band practice and graduations. Applicant: Yes, also convocations.

The Board noted with conforming 30ft-tall lights the applicant would need more intensive lighting, more lights. The requested lighting requires fewer lights, less intensive lighting.

The applicant noted the lights would be focused on the field. They had done extensive photometric study.

The Board noted the taller lights would work better, and helped with the public schools. Other schools have the same lighting as requested.

The City Attorney noted the standard lighting is 80ft.

The Board opened public comment.

Roger Frank (810 Nightingale) opposes the request (letter on file), says 30ft lights were proposed at the Planning Commission hearing; concerned about too much activity on the field beyond the needs of the school; applicant not a friendly neighbor; wants buffering. Presented a petition signed by the neighbors. Wanted to know how the light height is measured.

The Board reminded Mr. Frank that the plan was reviewed and his concerns were heard at the Planning meeting and the nearby park is also very active. The Board cannot consider the details of the site plan, only the lighting height.

The city attorney said it is an athletic field and it will generate noise.

Jeff Barber of the light company clarified for Mr. Frank that height is measured from the ground.

Frank Guido, 544 Meridan, parishioner, said there was a thorough discussion at the Planning Commission meeting, everyone had a chance to speak, it was not taken lightly. Did not recall promise of 30ft lighting. Wants similar lighting as other schools, which are in residential areas. They need lighting for late games. It is a safety matter; low lighting can blind players.

Judia Kilia, Nightingale, moved there 60 years ago, prior to campus, favors project, lights provide a sense of security.

Edward Plaza, Highview, the school has not approached the neighbors. Does not remember 80ft lighting discussed at Planning meeting.

The Board said the higher lighting works better, better diffusions.

Steve Forester, 858 Nightingale, parishioner, lives adjacent to field, wanted to know how many night events.

Michael Paleo, athletic director of Divine Child: 4-5 night games a season for football. Nothing in summer. Practices until 9pm. It is expensive to run lights and the kids have school the next day.

Forester said the potential number of home games with the various sports and the various levels of school sports was 55 per season, said field was advertised to be rented. Protested no discussion of lighting at Planning hearing.

Board discussed a condition of the variance be that the field is not rented.

Applicant's architect clarified there was no discussion of lights at Planning meeting. Clarified that the field is being moved west and north to accommodate seating, but not south towards adjacent residents. Said the field would be screened from the residents.

Staff clarified that the Board had already received one other outside correspondence.

RESOLUTION. Motion by Commissioner Gusfa, supported by Commissioner Sickie, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE the variance

2.12(C) Lighting. Zoning requirement: 30ft maximum. Plan to provide: 80ft is APPROVED (DZO 32.05, F.1. a, 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 #16-112

From Ayed Alharbi, Al-Fahd Supermarket, 10155 Dix, Dearborn, MI requesting to expand his building and adding a parking lot. The property size being irregular, in Community Business and Parking (BB & VP) zoning districts at:

10155 Dix (Al-Fahd Supermarket)

The applicants introduced themselves.

Staff read the report dated May 23, 2016. Key facts: The applicant is proposing an addition to his existing building and to improve his back parcel for parking; the general retail area has an overall parking deficiency as it exists and the parking request would increase this deficiency; the lot coverage request goes hand-in-hand with the parking request; businesses along Dix do not have a greenbelt or landscaping along Dix and the applicant is seeking the same; the back parcel is small and triangular shaped, greatly limiting its ability to be developed for parking. Staff recommends denial of the parking and building lot coverage variances.

The applicant agreed with Staff's findings for the landscaping requests for the Dix parcel. Businesses rely on walking traffic. The applicant when visiting the site rarely cannot find parking. The plan provides the best they could for parking. The requested building lot coverage is the same as other businesses, same with landscaping coverage.

The Board asked about the whitebox. The applicant said he would move his store into it and use the existing space for storage.

The Board said the landscaping request is okay. Issues with parking and building lot coverage requests. Over 50% lot coverage. Unless there is substantial public parking available this is overbuilding. Drove the area, it is confusing with recent changes to streets.

Applicant discussed his parking calculations then said that the rezoning (to VP) was to accommodate parking, and it passed.

The Board said traffic flow is a concern. Kids walking around. Lots of back door traffic with proposed design. No place for servicing trucks. Safety problem with parking. It is a confusing area with lots of traffic.

Staff clarified a dedicated loading zone is not required due to small size.

General discussion of the unimproved sideyard being used for parking.

The Board opened public comment.

Fonda Packer, representing Nadia Fatash, owner of house adjacent to proposed parking, concerned with traffic safety and property values. The parking lot is out of place.

Board clarified that the back lot has been rezoned for parking.

The Board notes the PVAC letter (on file), which notes parking is stressed and many cars are parked illegally.

No outside correspondences.

Board: the parking variance – no; the others okay. Safety issue, lots of foot traffic, nowhere to park.

Applicant: Denying the parking variance will kill the project. Does the Board want to leave a vacant parcel?

Board: Come up with a better design.

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, on the variances

4.01(C9) Parking. Zoning requirement: 27 spaces minimum. Plan to provide: 12 spaces is DENIED (DZO 32.05, F.1. k).

5.03(A1) Landscaping. Zoning requirement: 6% coverage minimum. Plan to provide: None is APPROVED (DZO 32.05, F.1. h).

5.03(A2) Landscaping along right-of-way. Zoning requirement: 20ft-wide greenbelt minimum. Plan to provide: 8ft-wide greenbelt is APPROVED (DZO 32.05, F.1. h).

5.03(A2) Landscaping along right-of-way. Zoning requirement: 10ft-wide greenbelt minimum. Plan to provide: None is APPROVED (DZO 32.05, F.1. h).

6.01(A3) Front setback. Zoning requirement: 20ft minimum. Plan to provide: 11ft is APPROVED (DZO 32.05, F.1. h).

29.02 Building lot coverage. Zoning requirement: 40% maximum. Plan to provide: 83% is APPROVED (DZO 32.05, F.1. h).

Motion carried unanimously.

Board clarified that if the parking can be resolved that the remaining variances are good.

Appeal #16-114

From Robert Cliffe, MGA Architect, 4351 Delemere Ct, Royal Oak, MI requesting to add to a paint processing facility and reuse it as a dentist office. The property size being 60' x 200', in a Local Business (BA) zoning district at:

1150 Mason

The applicants introduced themselves.

Staff read the report dated June 1, 2016. Key facts: The applicant is proposing to reuse the building as a dentist's office with two additions; three public parking lots provide substantial off-site parking within 300 ft of the site; the parking and lot coverage requests go hand-in-hand; the setback request accommodates access from the large public parking lot. Mentioned restricted parking signage on the property.

The applicant specializes in pediatrics. Has 9 chairs. Anticipates using the smaller lot due to its proximity. Does not want children crossing Mason. The vestibule is oriented away from railway. The lot coverage is needed because they provide full service with auxiliary functions.

Craig Gonzales represents current property owner. The signage does not enforce a license agreement but a hand shake for condominium visitors. Discussed seeking easement through city-owned lot and purchasing it. Mentioned 9ft-wide driveway, site plan has limited parking in rear.

Board okay with setback request. The lot coverage is displacing hard surface and accommodating the need for the auxiliary functions.

Discussion of hours, staff, and parking. Weekdays 8-5 and possibly Saturday 8-12. 6 staff, who would parking behind the building, patients would park elsewhere.

Board never sees cars in the public parking lots. The north lot is more evening and weekend.

Discussion of who should park in rear and fencing the lot to limit who parks in the rear.

The Board opens public comment.

Glen Savarese, 222 Abbey Ln., who had submitted a letter (on file). Referenced a previous City Council meeting about parking. The Board addressed various concerns he had.

The Board notes the PVAC letter.

One other outside correspondence (on 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 variances

4.01(C9) Parking. Zoning requirement: 23 spaces minimum. Plan to provide: 9 spaces is APPROVED (DZO 32.05, F.1. j, m).

29.02 Building front setback. Zoning requirement: 50ft minimum. Plan to provide: 42ft from Mason centerline is APPROVED (DZO 32.05, F.1. j, m).

29.02 Building lot coverage. Zoning requirement: 30% maximum. Plan to provide: 35.5% is APPROVED (DZO 32.05, F.1. 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.

The Board discussed having 3-minute time limits for public comment and asking people to not repeat comments. City attorney agreed and added everyone should have a chance to speak before anyone speaks a second time, and no arguing. Do need to let people speak their minds. Mention of another jurisdiction having a sign-up sheet before the meeting for those wishing to comment.

Meeting adjourned 8 p.m.