

**City of Dearborn**  
**Zoning Board of Appeals**  
**Thursday, August 18, 2016**  
**Minutes**

Called to Order: 5:30 p.m.

Commissioners Present: Kenneth Gusfa (Secretary), Gerald Stockwell, Glen Green, and Christine Sickle.

Commissioners Absent: (Chairman) Stephen Gedert.

Technical Advisors: David Breneau, Zoning Administrator; Thomas Paison, Assistant Direct of Economic Development; Bill Irving, Assistant City Attorney.

Approval of Minutes. Motion by Commissioner Gusfa, supported by Commissioner Stockwell that the minutes of the previous regular meeting of Thursday, June 23, 2016 are approved as recorded. Motion carried unanimously.

**Appeal #16-115 (Use Variance)**

Appeal POSTPONED at request of applicant.

8740 Brandt

**Appeal #16-116**

Appeal POSTPONED at the request of the Administration due to having been tabled by the Planning Commission.

131 S Military

**Appeal #16-117**

Appeal POSTPONED at request of applicant.

14201 Prospect

**Appeal #16-118**

From Saeed Ali, 2538 Salina, Dearborn, MI requesting to reuse an existing building as a grocery store. The property size being irregular, in a Community Business (BB & VP) zoning districts at:

3350 Wyoming

Staff read the report dated July 15, 2016. Key facts: The applicant is proposing to use the site as a produce market. The size and configuration of the site places constraints on accessory uses and structures. Staff believes the alley provides the only logical location for the loading zone. Sanitation is satisfied with the location and orientation of the dumpster

The applicant's contractor introduced himself.

Com. Green inquired if the dumpster is being enclosed with three walls and gated, expressing a concern over spillover and scattering of trash. The contractor said yes and said it is at a 45 degree angle for accessibility from the alley.

Tom Paison mentioned discussing the enclosure with Sanitation and discussed the site constraints relative to the placement of the dumpster.

Green inquired on the size and type of store and the trucks, if there would be semis or smaller trucks, and the frequency of deliveries. The contractor said a fruit store, which will get smaller trucks.

Paison noted this size of store would likely get early morning deliveries by a 40ft truck, probably from Eastern Market.

Com. Sickle inquired if the proprietor is relocating from elsewhere and if he is experienced with grocery retail. The applicant said this is a new store for him, but he has experience.

Paison noted that the site had been a private club that was causing a lot of law enforcement problems, and would rather see the applicant's business, which will be better for the neighborhood.

Public comment is opened.

Imad Hammoud said there is no large grocery store in the area and that many mothers do not drive. It is an isolated area surrounded by industry. The store will make the area more walkable.

Green said he has no issue with the loading zone and the proposed dumpster is an improvement, so no issues.

Com. Gusfa inquired of screening along Salina. Staff clarified that the property is legal nonconforming with no new significant structural changes proposed and therefore the proposal does not require compliance with the zoning code. The city cannot require additional screening or landscaping, which would force the removal of required parking.

Discussion of site conditions and parking.

External correspondence: None

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 variances

4.02(7) Loading zone. Zoning requirement: Required. Plan to provide: None. APPROVED (DZO 32.05, F.1. j, n).

25.02 Dumpster enclosure in VP Parking Zone. Zoning requirement: Not allowed. Plan to provide: Enclosed dumpster. 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 #16-119**

From Art Van Furniture, 15701 Market, Dearborn, MI requesting to erect a tent for accessory outside sales of merchandise. The property size being irregular, in a Community Business (BB) zoning district at:

15701 Market (Art Van Furniture Store)

Staff read the report dated July 15, 2016. Key facts: Last year Harbor Freight Tools was granted a variance to have limited tent sales and Art Van wants consideration for a similar event. Art Van's requested tent sale will not displace required parking. The sales will be isolated from nearby residents. The sales and tent will be accessory to the existing business legally occupying the property.

Tom Paison noted, despite the applicant having done tent sales for a very long time, the purpose of the variance is the recent ban on tents for fireworks sales. These requests will give the Board a chance to review sales tents on a case-by-case basis.

The applicant introduced herself.

Com. Green inquired on the times of the sales. The applicant said the sales are for temporary (seasonal) merchandise and liquidations. The sales would not be after dusk for safety reasons.

The conditions of the variance were discussed.

No public comment.

External correspondences: None

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 WITH CONDITIONS, the variance detailed below:

15.03(A2) Outside sales. Zoning requirement: Not permitted. Plan to provide: In a tent. APPROVED WITH CONDITIONS (DZO 32.05, F.1. n, j).

Approval of this appeal is CONDITIONED as follows:

- 1) Limited to two sales up to 14 days each per year
- 2) The tent is limited in size up to 40ft x 60ft
- 3) Merchandise must be accessory to store (same as store merchandise)
- 4) Hours shall be limited to:

SUNDAY	11:00am – 9:00pm
MONDAY	10:00am – 9:00pm
TUESDAY	10:00am – 9:00pm
WEDNESDAY	10:00am – 10:00pm
THURSDAY	10:00am – 9:00pm
FRIDAY	10:00am - 9:00pm
SATURDAY	9:00am – 9:00pm

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 6:15 p.m.