

City of Dearborn
Zoning Board of Appeals
Thursday, November 21, 2024
Minutes

Called to Order: 5:36 p.m.

Commissioners Present: Glen Green (Chair), Samera Ajami (Vice Chair), Hassane Fadlallah (Secretary), Tim Muflihi, Mona Hammoud.

Technical Advisors: David Breneau, Zoning Administrator; Kaileigh Bianchini, Planning Manager; Bradley Mendelsohn, City Attorney.

Approval of Minutes. Motion by Commissioner Fadlallah, supported by Commissioner Muflihi that the minutes of the previous regular meeting of Thursday, October 21, 2024 are approved with a correction noted. Motion carried unanimously.

Appeal #24-115

Consideration of a request from Haroun Fetteh on behalf of Kadygal Zandani for a variance to accommodate an addition to a house. The property size being 60ft wide, 110.22 ft deep, in a RA, Single-Family Residential zoning district at:

16021 Andover Dr

Breneau summarized his Staff report dated November 21, 2024. Factors to consider on the variance request: The applicant owns a 1-story, 1,478 sq ft house. The house has a conforming lot coverage. Proposed is a one-story addition that will render the house lot coverage nonconforming at 26.1%, 1,707 sq ft. This Zoning provision does not distinguish between one-story and two-story houses (with respect to house lot coverage limits), despite possible differences in massing. Based on the above-mentioned facts and analysis the Planning and Zoning Division recommends approval of this request with the stipulation that the variance is limited to accommodating a one-story addition.

Hammoud asked if the neighborhood has an HOA.

Breneau said yes, however, the City has revised its review practices with respect to HOA rules.

Bianchini said in recent years the City was reviewing plans partially based on private deed restrictions and the Zoning Code was revised to ensure those deed restrictions remain private between the homeowner and the HOA.

Bianchini added that as the Staff report states the homeowner states the addition is to accommodate an aging family member, and while the house lot coverage is over by 73 sq ft the required landscape cover is still preserved and the recommendation is that the variance could not apply to a second floor.

Applicant said the addition is for his mother.

Green asked if the foundation was already poured?

Contractor said yes because we are getting into the frost season and they were

anticipating approval.

Green asked if plans were approved.

Breneau said plans are in review, they did get ahead of themselves with the foundation, Staff does not know if it has been inspected, but it has not been permitted; if the project is moving forward the foundation will need to be inspected.

Contractor said there is a permit for interior work and they are turning a three-bedroom house into a four bedroom.

Green asked if they are okay with the recommended condition.

Applicant said yes.

Green said he has no issue with the request; did Council just approve an increase in total lot coverage?

Bianchini said that would not make a difference with this request.

Green said there is also the neighboring golf course.

Hammoud asked if the request is just for the house lot coverage and not the total lot coverage.

Breneau said correct.

Public comment: None.

External correspondence: An email from a neighbor supports the request.

RESOLUTION. Motion by Commissioner Fadlallah, supported by Commissioner Muflihi, for the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE WITH A CONDITION the variance detailed below:

- Increase the maximum permitted principle structure (dwelling) lot coverage from 1,634 sq ft (25.0%), to 1,707 sq ft (26.1%) (Section 29.02 footnote C) is APPROVED WITH CONDITIONS under Dearborn Zoning Ordinance Sec 32.05, F.1. Criteria D, G, H.

Condition: the variance is limited to accommodating a one-story addition.

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 #24-116

Consideration of a request from Ahmad Chahara on behalf of Association for Spiritual Renewal (Hadi Institute) for variances to accommodate a parking lot. The property size being 313.46ft x 140ft, in a VP, Parking zoning district at:

3601 Westwood, vacant land

Breneau summarized his Staff report dated November 21, 2024. Factors to consider on the variance request: The property is currently vacant land, having been used as an informal (gravel) parking lot. Proposed is the development of a formal (paved) parking lot for the Hadi Institute across the street. This request pertains to two provisions for the VP Parking District abutting residential districts that apply regardless of the actual use or development of the abutting residential district. One request is to waive a required screen wall to land developed with an abutting school parking lot. The other request is to reduce the required setback along Westwood to 10 ft; the neighboring parking lot has a 0 ft front setback relative to Westwood. Based on the above-mentioned facts and analysis the Planning and Zoning Division recommends approval of this request.

Green asked for the front setback distances, are those measured from the sidewalk?

Breneau said from the property line.

Bianchini said the city owned this land and the sale to the Hadi Institute was to help with their parking shortage with their patrons; the proposed site plan screens what should be screened, which is the adjacent residential, and the screen wall next to the parking lot does not make sense; the 10ft setback from Westwood does accommodate the required 10ft wide greenbelt with the required number of plantings, and the required 25 ft setback would have been detrimental to the project, eliminating a lot of parking spaces that they could otherwise provide.

Green asked if they are paving it.

Bianchini said they are paving it and providing storm water drainage and landscaping.

Breneau said as for providing a screen wall along the north, there is a provision in the General Code which does not allow fence along fence, partially for maintenance purposes.

Applicant said their main obligation is to make sure the neighborhood is safe and to build a good relation with the neighbors, wanting to make sure there is no street congestion; they are happy the city sold them the land, it allows their congregation to be able to park safely.

Applicant's Engineer said this parking lot will help with larger events.

Fadlallah asked if this is a community center.

Applicant said yes, they have been operating as such for 5 years, as well as a Montessori, school, and child care center.

Hammoud asked if West Village Academy is a school.

Applicant said a charter school.

External correspondence: None.

RESOLUTION. Motion by Commissioner Fadlallah, supported by Commissioner Muflihi, for

the reasons and subject to the facts, representations and stipulations stated on the record during the public hearing, to APPROVE the variances detailed below:

- Waive the required masonry screen wall along the north side of the property.
(Section 25.03 A (9))
- Reduce the required front yard setback from 25 ft. to 10 ft. along Westwood Street.
(Section 25.03 A (10))

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: 6:05 p.m.