

City of Dearborn
Zoning Board of Appeals
Thursday, January 23, 2025
Minutes

Called to Order: 5:40 p.m.

Commissioners Present: Hassane Fadlallah (Acting Chair), Afan Bapacker, Tim Muflihi, Mona Hammoud.

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

Approval of Minutes. Motion by Commissioner Muflihi, supported by Commissioner Hammoud that the minutes of the previous regular meeting of Thursday, December 19, 2024 are approved as recorded. Motion carried unanimously.

Appeal #25-101

Consideration of the request of Said Arbid, on behalf of Dearborn Property Acquisitions LLC, for variances to accommodate an expansion to a retail building. The property size being approx. 45 ft x 110 ft, in a BC, General Business, BD Downtown overlay District at:

13300 Michigan

Breneau summarized the Staff report dated January 23, 2025. Factors to consider on the variance request: In 2023 the property owner expanded the front of the building by ~147 sq. ft. for the corner tenant space without permits. Proposed plans also expand the interior tenant space. The expansions brought / will bring the front display windows to the Michigan Ave and Bingham rights-of-way. Variances are required for a 0ft front setback and the lack of the required clear visibility triangle. The expansions brought / will bring the front display windows to align with the other buildings along Michigan Ave, which also have 0 ft front setbacks. The proposed display windows within the required triangle would not block visibility. The requirement for this triangle would typically be more to address the visibility for motorists in southbound Bingham looking east viewing westbound vehicle traffic in Michigan Ave, which the applicant's building would not obstruct. The work done to date (and proposed work) will dramatically improve the look of the building, which is located in the heart of the East Downtown.

Applicant said he is working with the building owner and Planning Staff to try to rectify the situation. It was suggested to have an entrance along Bingham, which the owner is willing to do.

Hammoud said it looks much better than before.

Bapacker said the visibility seems like it is not an issue.

Brief discussion of the additional entrance along Bingham.

Muflihi said because of the clear glass he has no issue with it; it does not block anything and before it was a bad use of space.

Bapacker said it is consistent with the rest of Michigan Ave; how is the 10ft setback part

of the code, aren't they all old buildings?

Breneau said they are old buildings, they are essentially legal nonconforming.

Bianchini said the purpose of the 10ft setback is to allow additional maneuverability for pedestrians since the sidewalk is a little tight with cars in close proximity, but with the pattern of existing development, the work is bringing this building more into alignment.

Breneau said the planters within Michigan Ave could be designed to not take up so much space.

Public comment:

Joseph Boinevich, 13342 Michigan, asked if they are moving the hatch marks so they can park all the way to the corner?

Breneau said it is not a parking issue, he expanded the front display window.

External correspondence: None.

RESOLUTION. Motion by Commissioner Bapacker, 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:

17.05 C1 Waive the required 10 ft. building front setback requirement along Michigan Ave. Zoning requirement: 10 ft. Plan to provide: 0 ft is APPROVED (DZO 32.05, F.1. D, H, K).

2.09.3 Note 5 Waive the unobstructed sight area triangle at the Michigan Ave/Bingham intersection. Zoning requirement: Triangle measured 25 ft from the corner of the property along each street. Plan to provide: 0 FT is APPROVED (DZO 32.05, F.1. D, H, K).

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 #25-102

Consideration of a request from Imad Boussi for variances to accommodate a new retail building. The property size being 60 ft x 100 ft, in a Community Business BA, Local Business district at:

5814 Chase

Breneau summarized the Staff report dated January 23, 2025. Factors to consider on the variance request: Proposed for the 0.138-acre site is new construction of a, 2,100 sq ft retail lighting store building. It is a similar use to the adjacent retail store and both are under common ownership. The proposed development exceeds the maximum permitted building lot coverage limit. As a result it also deviates from the parking requirement, requiring variances. Due to the building's proposed 0 ft front setback the proposal also requires a variance the lack of the greenbelt, planters, or screen wall required along Chase pursuant to Article 5. However, this 0 ft front setback is consistent with those of the neighboring buildings. This lot is less than 120 ft deep. Article 3, Sec 3.05 B includes a provision to waive building setback (and landscaping) requirements for these smaller lots (of less than 120 ft depth); however, it specifically states: "As a trade-off for leniency with setbacks and landscaping, it is the intent of the City of Dearborn to require strict adherence to parking and lot coverage requirements."

Since the applicant's proposed use is the same use as the applicant's neighboring business, an alternative that was originally proposed is for the applicant to combine the parcels and propose this development as an addition to the existing building / store. However, the led to similar issues with lot coverage since 5820 Chase is at nearly 100% lot coverage (this drove the overall percentage up).

Bianchini noted that the drawings had a correction since the hearing notices had been published, eliminating a request for the amount of landscape lot coverage. There were alternatives that Staff explored with the applicant on accommodating the use; one of the biggest constraints was that the existing building (at 5824 Chase) is at 100% lot coverage, and this drove the overall percentage up even if combining the lots. One of the reasons we control lot coverage is to control the intensity of the use. The proposed store is a display area for the adjacent business.

Bapacker asked what is at 5838 Chase and is it an operating business?

Applicant said it is his property; it is not a business, it is a small office and small apartment, but he is not selling it and he is also using the parking lot.

Fadlallah said he does not think the parking is an issue.

Bapacker asked if behind the 5814 Chase building is currently being used for parking.

Applicant said yes.

Bapacker asked if there is street parking along Chase.

Breneau said that is not clear; there is none along Alber to the south.

Applicant said Chase is striped and there is a limited-time parking sign.

Muflihi said there is street parking along parts of Chase, but he is not sure about this area.

Bianchini said the request is for a one space shortage.

Fadlallah said there is ample parking in the back.

Applicant's architect said the lot coverage is pre existing.

Breneau said the request is for new construction.

Applicant said the new showroom will get 2 or 3 customers the whole day; he is putting chandeliers here for the women since they do not want to go into a store with men.

Hammoud said so both buildings will be the same use?

Applicant said yes.

Breneau said these are separate buildings on separate parcels.

Bianchini clarified that the existing storage shed will be demolished for new construction.

Applicant said he is not demolishing it, he is extending it.

Architect said he is demolishing it; he is moving the front wall to match the front of the 5824 building.

Hammoud said it is a higher building, right?

Architect said yes.

Fadlallah asked Breneau about the greenbelt, is it okay because he does not have enough room?

Breneau said he is not providing enough room and if you look at the pattern of development...

Bianchini said no one has a greenbelt in front.

Breneau said expecting him to build a fence or screen wall would not make sense.

Hammoud asked if the building at 5838 Chase uses the lighting store parking lot.

Applicant said yes.

There was a discussion regarding Staff's parking calculation.

Architect said the chandeliers take up a lot of space, about half the space, some are 6ft wide; stores selling small items have more customers.

Fadlallah noted an outside correspondence.

Breneau said they left a voice mail, and he called back and left a voice mail, but never spoke with them.

Public comment: None

Hammoud said it is right now just a brick wall, so this will be better.

Muflihi said there are plenty of parking spaces.

RESOLUTION. Motion by Commissioner Bapacker, supported by Commissioner Hammoud, 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:

29.02 Increase the permitted building lot coverage from 30% to 35%. Zoning requirement: 30.0%, 1,800 sq ft. Plan to provide: 35%, 2,100 sq ft is APPROVED (DZO 32.05, F.1. D, H, K).

4.01 C9 Reduce the required number of off-street parking spaces from 10 spaces to 9 spaces. Zoning requirement: 10 parking spaces. Plan to provide: 9 parking spaces is APPROVED (DZO 32.05, F.1. D, H, K, M).

5.02 B4 Waive the required landscaping / screening alternatives along the road right-of-way. Zoning requirement: Greenbelt or planters or screen wall. Plan to provide: None is APPROVED (DZO 32.05, F.1. D, H, K).

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.

Election of Officers

Fadlallah recommended having the elections when the Chair and Vice-Chair are present.

Patel said to have a special election in February.

Meeting Adjourned: 6:35 p.m.