

City of Dearborn
Zoning Board of Appeals
Thursday, February 27, 2025
Minutes

Called to Order: 5:40 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 Hammoud, supported by Commissioner Fadlallah that the minutes of the previous regular meeting of Thursday, January 23, 2025 are approved as recorded. Motion carried unanimously.

Appeal #25-103

Consideration of a request of Michael Rea, on behalf of Kean Street LLC, for a variance to accommodate a restaurant with drive-through service. The property size being approx 200 ft wide x 130 ft, in a BC, General Business District at:

23955 Michigan Ave

Breneau summarized the Staff report dated February 27, 2025. In 2021 the Planning Commission and Zoning Board of Appeals approved new commercial construction at 23955 Michigan Ave. The approval was for 2 retail spaces and a 1,088 sq. ft. restaurant with drive-through service. Today the exterior shell of the building and the exterior site work have been completed. The applicant also owns a nearby medical building 23874 Kean Street and an auxiliary parking lot at 23964 Kean Street. The proposed changes to the building and its use significantly increase its parking requirements from the previous approval to 47 off-street parking spaces. 46 off-street spaces are available: 26 spaces on site at 23955 Michigan Ave. 20 are available in the auxiliary parking lot 23964 Kean. The proposed changes require a variance to allow a deficiency of 1 parking space. On-street parking is available on Kean and Kandt Streets. On-street parking is not available on Michigan Avenue or Telegraph Road.

Ajami asked what kind of restaurant.

Applicant said during construction in March 2024 they reached an agreement with Savvy Sliders and Fat Boy Pizza to cobrand the entire building.

Green asked who has the drive through?

Applicant said Savvy Slider.

Green said he remembers discussions at the Planning Commission hearing in 2021; there is a one-space deviation needed and there is off-street parking, it is not unusual for the Board to accommodate a request like this, they are close to what they need.

Fadlallah said during the Planning Commission meeting earlier this month there was discussion to have a pedestrian crossing in the alley.

Mendelsohn said it was a matter of discussion, but it was not a made a condition of the approval.

Green said it appears they accommodated the other requests from 2021, including a curb between the alley and the property so people could not cut across or speed through; the site is laid out well.

Hammoud asked if the parking lot is full how do people know to go to the auxiliary lot?

Applicant said they are installing signs.

Public comment: None

Outside correspondences: None

RESOLUTION. Motion by Commissioner Fadlallah, supported by Commissioner Ajami, 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:

4.01 C9 Reduce the required number of off-street parking spaces from 47 spaces to 46 spaces. Zoning requirement: 47 spaces ft. Plan to provide: 46 spaces is APPROVED (DZO 32.05, F.1. D, G, 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 #25-104

Consideration of a request of Ali Cheaito, on behalf of AHC Investments LLC, for variances to accommodate constructing an addition to the existing commercial plaza. The property size being 282 ft wide x 107 ft, in a Community Business BA, Local Business district at:

7518 Wyoming Ave

Breneau summarized the Staff report dated February 27, 2025. The applicant owns a 7,032 square foot retail-medical plaza on a 0.69-acre site. The property currently has conforming lot coverage and parking. Proposed is a 2,921 sq ft addition for medical office to make for a 9,953 square foot building. The proposal requires a variance to allow a nonconforming 33% building lot coverage, which is also driving a request to allow for an 11-space off-street parking deficiency. 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." The applicant must submit final engineering plans during the permitting phase for the review

of utilities and the stormwater management. Meeting the requirements may impact the overall site plan.

Bianchini said it is an interesting location in that just south of the property is a City-owned park, so that is a physical constraint, so the applicant tried to work with the City if there was a possibility to use the space for parking.

Breneau added that a concern of Staff are three parallel spaces on a dead-end drive aisle, in that getting out of the parking lot from these spaces would require 3-point turns, which Staff does not typically approve.

Hammoud asked if Breneau was discussing spaces in front of the proposed addition.

Breneau said yes, three proposed spaces.

Ajami asked if he tried to get land from the City.

Breneau said he acquired land through a land swap.

Bianchini said with the location of the park and some trees he was limited on what he could acquire.

Ajami asked if he is making the building bigger.

Fadlallah said he wants to accommodate a physician.

Hammoud asked if he is to reduce the deficiency in parking, how much does he need to shrink the building?

Najim Saymuah, applicant's architect, said 1,000 sq ft.

Hammoud asked how big is the addition?

Saymuah said 2,900 sq ft.

Ajami asked if there is no parking behind the building along the alley.

Saymuah said correct; the logic behind the number of parking spaces is that there is only one retail store and with medical office people don't just show up for medical, they have an appointment.

Ajami asked if building on top is an option and make more parking spaces.

Saymuah it is an option but there is a tenant for this space and this is the most opportune size space for their practice and one level is easier for the servicing of the patients, and he did not understand Staff's comment on the parking spaces.

Ajami said cars are so big these days and people are parked at different angles and it is hard to get in and out, so getting out of a spot with the proposed layout can be hard.

Saymuah said that should not be an issue if the aisle is 20 ft.

Hammoud said with the last space they will need more room to back out; with the calculation, is everything based on square footage/

Breneau said yes.

Hammoud asked how many rooms are being added for the new space, how many patients are you expecting?

Saymuah said in addition to the lab there are 6 rooms for patients; he said the way the plaza is occupied it is like a one-stop shop with the doctor's office, the specialists, and the pharmacy.

Green said so the parking calculation double-dips someone stopping at the plaza.

Saymuah said compared to the existing they eliminated some parking spaces for a loading zone on the north side of the building, which is required by the Zoning Ordinance.

Ajami asked if the loading zone could be in the alley.

Green said we are looking at a parking variance and building lot coverage; part of the building lot coverage can become a water issue, but if it wasn't building then it would be parking, so for impervious surface it is the same for runoff.

Saymuah said the plans have to be approved by Engineering for storm water management.

Green said he has been by there a number of times and there has always been plenty of parking with vacant spaces, so if the shortage is 12 spaces then there should not be an issue with overflow.

Public comment: None

Outside correspondences: 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:

29.02 Increase the permitted building lot coverage from 30% to 33%. Zoning requirement: 30.0%, 9,052 sq ft. Plan to provide: 33%, 9,953 sq ft is APPROVED (DZO 32.05, F.1. A, D, M).

4.01 C9 Reduce the required number of off-street parking spaces from 51 spaces to 39 spaces. Zoning requirement: 51 parking spaces. Plan to provide: 39 parking spaces is APPROVED (DZO 32.05, F.1. A, D, 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 #25-105

Consideration of a request from Hassan Dabaja for a variance to accommodate construction of a new retail building. The property size being 160 ft x wide 100 ft, in a BB, Community Business district at:

15323-15337 Warren Ave

Breneau summarized the Staff report dated February 27, 2025. Proposed for the 0.37-acre vacant site is new construction of a 5,350 sq ft white box retail building. While the required parking for the proposed building is 25 off-street spaces, only 20 parking spaces are proposed. This is a deficiency of 5 spaces. A dedicated on-street parking lane exists in Warren Avenue adjacent to the applicant's property. Staff believes it accommodates the deficiency. 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."

Green asked why is the applicant keeping the garage.

Applicant said he will likely use it for storage or office.

Ajami asked what type of business will go in there?

Applicant said retail; it was retail when he bought it 20 years ago. It was 10 parking spaces before, he gained more parking, he owns the east parking lot.

Hammoud asked about the email, they are neighbors across Warren.

Breneau said it sounded more like a neighbor dispute.

Bianchini said it is not applicable in this case.

Ajami said it seemed like they are worried about overflow.

Applicant said he owns a business across the street and there has never been a parking issue.

Green said the email sounded like people on the residential street are competing for parking spaces and it is on the other side of Warren. The five spaces directly in front of the property in Warren is sufficient to offset the 5 space deficiency, and there is also on-street parking on the side streets.

Public comment: None

RESOLUTION. Motion by Commissioner Fadlallah, 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:

4.01 C9 Reduce the required number of off-street parking spaces from 25 spaces to 20 spaces. Zoning requirement: 25 parking spaces. Plan to provide: 20 parking spaces is APPROVED (DZO 32.05, F.1. D, G, 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.

Election of Officers

Chair: Motion by Commissioner Ajami, supported by Commissioner Fadlallah, to nominate Green.

Motion carried unanimously.

Vice-Chair: Motion by Commissioner Fadlallah, supported by Commissioner Green, to nominate Ajami.

Motion carried unanimously.

Secretary: Motion by Commissioner Green, supported by Commissioner Ajami, to nominate Fadlallah.

Motion carried unanimously.

Zoning Ordinance Updates

Bianchini advised the Board of recent changes to the Zoning Ordinance.

1. Nonconformities, which largely affects residential: Changes created more flexibility for additions, for example, while an addition cannot make a dwelling more nonconforming, it can expand a nonconformity, but not in the front.
2. Lot coverages, again focusing on residential: changes include streamlining the categories, focusing more on house lot coverage and total impervious coverage, and allowing more flexibility with structure coverage.

The Board will likely be reviewing fewer residential cases with these changes.

Breneau said changes include switching total impervious lot coverage with minimum landscape coverage.

Fadlallah asked for the first case could that have been handled administratively for the one parking space deviation?

Bianchini said Staff is looking into ways for the code to be more flexible, so if a Special Land Use permit is required the Planning Commission can approve minor parking deviations, which would at least limit the number of meetings.

Meeting Adjourned: 6:30 p.m.