

City of Dearborn
Zoning Board of Appeals
Thursday, April 24, 2025
Minutes

Called to Order: 5:32 p.m.

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

Technical Advisors: David Breneau, Zoning Administrator; Massara Zwayen, Assistant Planning Manager; Rebecca Schultz, City Attorney.

Approval of Minutes. Motion by Commissioner Fadlallah, supported by Commissioner Ajami that the minutes of the previous regular meeting of Thursday, February 27, 2025 are approved as recorded. Motion carried unanimously.

Appeal #25-106

Consideration of a request of Abdul Beydoun, on behalf of Boardwalk Property LLC, for variances to accommodate a building addition. The property size being approx 1.58 acres in size, in a WD-UG (West Downtown Form Based Code - Urban General) and the FP (Floodplain) District at:

21400 Michigan Ave

Breneau summarized the Staff report dated April 24, 2025. Factors to consider on the variance request: The 17,452 sq ft building on the 1.58-acre site is and has been a restaurant with an outdoor seating deck in the rear. The deck encroaches into a flood plain that is zoned FP Flood Plain and is owned by Wayne County; the encroachment is permitted by an existing easement. Proposed is a 2-phase project. Phase 2 is a side and a rear building addition. This request is for the rear building addition, which encroaches onto the deck and into the Flood Plain district. Construction has begun without permits and has a "Stop Work" order from the City. The project requires two variances: a variance waiving the rear setback requirement within the applicant's property and a variance allowing the rear building addition to encroach into the neighboring Flood Plain district. The applicant has provided approval from the Wayne County Commissioners.

Staff is recommending approval of this request.

Breneau clarified there is a letter from the State of Michigan (Egle) stating their approval is not required because the structure is above the flood plain.

Green clarified that the addition is in the Flood Plain zoning district but it is elevated above the physical floodplain.

Hammoud asked if it is an existing structure is the back.

Breneau clarified the deck is an existing structure.

Breneau stated that the way the Ordinance is written the Zoning Board of Appeals can allow this encroachment if it has approval from the State.

Green said it will not interfere in any way with the trail.

Hammoud said the deck is already there.

Zwayen said the addition is in the easement that was granted by Wayne County.

Hammoud asked if it will all be one space.

Breneau said the building has an existing café and it will otherwise be a food court.

Green said typically setbacks are designed to prevent conflicts between different properties, but behind this is nature.

Ajami asked if the flooding in the past has ever reached over.

Breneau said he has never seen anything that high.

Muflihi said it is 30ft between the deck and the river.

Architect said even the foundations are 12ft above flood zone, with the deck being several feet higher.

Green said he spoke with one of the Wayne County Commissioners, who advised that everything was good. Green said he has no issue with the request, he is not concerned about the encroachment into the Flood Plain district, as long as it's not creating a problem, the required 10ft setback is moot given the nature of the neighboring property.

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:

24.05 Allow a commercial structure to encroach in the Floodplain District. Zoning requirement: Requires approval of Zoning Board of Appeals. Proposed: A building addition in the Flood Plain district is APPROVED (DZO 32.05, F.1. D, G).

27.04 A Waive the required 10 ft. building rear setback. Zoning requirement: 10 ft building rear setback. Proposed: 0 ft building rear setback is APPROVED (DZO 32.05, F.1. D, G).

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 #25-107

Consideration of a request of Hussein Hammoud, on behalf of Dearborn Wooden Bakery LLC, for a variance to accommodate a carry out bakery restaurant. The property size being 65.71 ft wide x 128.71 ft, in a BB (Community Business) district at:

25011 Ford Road

Breneau summarized the Staff report dated April 24, 2025. Factors to consider on the variance request: The previous use of the 3,454 sq ft building at 25011 Ford Road was retail with nonconformities in parking. The proposed use is a carry-out bakery restaurant. With the change of use the parking requirement increases to 19 off-street parking spaces. The proposed site plan indicates 11 parking spaces, including 8 within the Silvery Lane right-of-way. The adjacent side street provides approximately 3 or 4 on-street parking spaces. Due to the existing nonconforming driveway and the parking spaces within the Silvery Lane right-of-way future changes to the existing parking layout will likely trigger another variance to be required.

Staff is recommending approval of this request.

A representative of the applicant introduced himself.

Zwayen said City records indicate the east portion where the parking spaces are located is part of the Silvery Lane right-of-way; Staff has worked with the applicant on different proposals, including providing more parking; there were two buildings, one was demolished, both were retail, the removal of the one building overall improves use of the existing for retail, but the applicant is proposing to change the use, which triggers parking and sanitation requirements; the required dumpsters displaces two parking spaces, and the drive aisle is nonconforming at 19ft width, not the required 20ft, and any changes within the street right-of-way would require City Council approval with a maintenance agreement; there was a proposal to add parking, but that would trigger nonconformities.

Breneau clarified the location of the east property line and the encroaching parking spaces.

Green asked if there is no curb cut along Ford Road and that the only access is through the alley.

Breneau said yes as an existing nonconforming.

Hammoud asked if we are considering street parking.

Breneau said there is on-street parking.

Applicant said on one side of the street there is 84 ft and the other side there is 55 ft; he presented pictures to the Board.

Green asked who owns the parking on the west side of the building.

Breneau said a medical office.

Green asked if they sent a correspondence.

Breneau said no.

Ajami said this is more parking than what most businesses in east Dearborn have, many have one or two spots, or not more than 5 or 6 spots; she does not see a problem with this.

Green asked if the parking requirement has been found to be oversufficient.

Breneau said the parking standards in general did get revised within the last 10 years.

Green said a lot of these things are self-regulating.

Hammoud said between the parking lot and the street parking he has 15 spaces.

Public comment:

Kat Hans, 102 N York, said she drives this area a lot and she opposes the request; the Ordinance was put in place to protect the residents while allowing businesses, with references to east Dearborn, we have seen what it has become; she is concerned about traffic safety and congestion. She read her statement intended for 23427 Ford Road (letter on file regarding Appeal 25-108).

Carry Williams, 2044 N York, said we keep giving and giving, business owners need to use due diligence, they are using city parking, it is making for more congestion, Ford Road is a mess, we have zoning and rules for a reason, they say the customers just come and leave, that's what they said about the Cinnabon franchise near her, and then they added another business.

Green said he lives in an area which faces similar issues; while he can appreciate a homeowner's position, he can also understand a business position; people park in front of his house near a main road, but he knew that when he bought the house; while we have zoning for a reason, we also have the Board for a reason, and we try to be honest and fair; with safety, Ford road is bad and out of control, parking is a minor issue in that bigger picture, the parking is for the business, it is a cyclical turnover, it is a bakery, part of the issue is that Dearborn was built when there was not a lot of vehicular traffic, a lot of it was walking, east Dearborn is high density; people don't want businesses to open, and people are adding to their homes; we have to have a balance between needs, at one time we had a lot of parking because we had a lot of vacant buildings, and starting to turn into a ghost town; he has been by the Cinnabon and has not seen a parking issue, even during holidays.

Fadlallah said when we approve something, if they do something illegal, that's on the City, not the Board, the City has someone to monitor and follow up, such as work without permits.

Sukaineh Naim, 2221 North Silvery Lane, said she is right by the business; while she supports the business and is aware of having bought a house next to a business, she did not know how much cars and traffic would be there; one person crashed into her yard, she wants the city to close the alley, a lot of people use it after they bypass a business; there are lot of destinations in the neighborhood, this was retail where people would go in, make their purchase, and leave; she does not have a driveway, she always parks in the street, she will be requesting a street parking permit, a lot of people park and walk the neighborhood, but there is a problem with the businesses; the city always favors the business, the kids are not safe.

Green asked about the hours of operation.

Applicant said typically 6 to 9 with the heaviest traffic in the morning.

Green said what he sees is they are busy in the morning and then it trickles down.

Naim said more and more businesses are opening and they are taking more and more of the street parking which the residences rely on.

Zwayen said all commercial alleys have to be open; there was a request to vacate this alley, the access to this property is through the alley, and for sanitation and public services.

Green asked about making the alley one-way to reduce traffic.

Hammoud asked how difficult is it to expand the parking.

Zwayen said they will need to submit for site plan review, and it will trigger a variance for the drive aisle and they will need to work with the City Engineer and City Council for changes within the right-of-way.

Fadlallah asked about a parking permit for the neighbor.

Breneau said she can get restricted parking on her street and asked if she has a garage.

Naim said she has a garage but people block it in the alley, such as delivery trucks.

Williams said that the businesses that used to be along Ford road were small specialty businesses that did not bring the traffic volumes; the bakeries bring more traffic and congestion, and "no parking" signs are ignored; while not opposed to businesses, the parking regulations are put in place for a reason, but these reasons are being ignored.

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 19 spaces to 11 spaces. Zoning requirement: 19 spaces. Plan to provide: 11 spaces is APPROVED (DZO 32.05, F.1. D, E, 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.

Green said for the record he wants to see enforcement increased in case people are parking illegally.

Breneau said that is a police matter.

Appeal #25-108

Consideration of a request from Ali Ftouni for a variance to accommodate a carry out bakery restaurant. The property size being 60 ft wide, 93 ft deep in a BB (Community Business) district at:

23427 Ford Road

Breneau summarized the Staff report dated April 24, 2025. Proposed for the Factors to consider on the variance request: In 2024 a site plan was administratively approved for an addition to an office building. Proposed today is a carry-out bakery restaurant. The change of use increases the parking requirement from 5 off-street parking spaces to 9. The proposed site plan indicates 5 parking spaces. The only on-street parking available are on nearby side streets.

While Staff is recommending approval of this request, Breneau referenced five emails / letters expressing concerns with the request.

Green asked if there are signs restricting parking on the side streets.

Breneau said there is restricted parking on the residential side, but not the commercial side, on the applicant's side.

Ali Rachouni, applicant's designer, said the owner changed his mind a few times during the process and decided to open a bakery; the zoning district allows a bakery, if people want to open three bakeries in a row they can do that; at this location he is not at an intersection with a lot of turns, people have to make a special turn and a left turn is not allowed; most people order ahead of time.

Applicant said they prebake the goods and have a warming oven so customer service is 5 to 7 minutes, so the five spaces is enough, the parking layout makes for better traffic flow.

Green asked about the hours.

Applicant said 7 to 3pm, and they are busiest on the morning.

Hammoud asked why they did angled parking when they could have added a space with perpendicular parking.

Rachouni said he is unsure why they did angled parking.

Zwayen said they needed to accommodate the room necessary for a door proposed during the review last year, and the plans for a bakery came after the previous plan was approved.

Hammoud asked about changing the orientation of the spaces.

Zwayen said that would require going back to site plan review.

Breneau said he may be able to gain 1 space.

Rachouni said he had a parking space behind the building and did not understand why it had to be removed.

Breneau said there is a door there.

Rachouni said he also needed to lose two spaces for the dumpster enclosure.

Ajami asked if the addition is now going to be the kitchen and how many employees they would have.

Rachouni said yes; he discussed the floor plan.

Applicant said 3 to 4 employees.

Ajami said they need to park somewhere, too.

Applicant said it is a family business

Breneau said restaurants routinely hire non-family.

Green asked to discuss the parking calculation. He said it was 1 space per 300 gfa for office.

Breneau said the office required 5 spaces.

Green asked how we break down floor area.

Breneau said we look at gross floor area.

Green said we treat the entire building as if the activity encompasses the entire building.

Breneau said in using gross floor area it creates flexibility for future renovations so that you are not in a situation where you have to go back to the Zoning Board of Appeals if you want to move a wall; also, the number of employees can change depending on their needs.

Green said this is less concerning than the previous request; he is midblock, he has one-way on-site traffic flow, and North York has 3 or 4 spots.

Public comment:

Dan Makled, Dan Makled Law, 23451 Ford Road, (letter of opposition on file) said the applicant's building used to be an insurance office, a low intensity business, which worked well with the other businesses; his law office has three spots, the architect has 3; this is very different than the previous appeal in that this property is landlocked and not on a corner, the nearby streets are a very far distance, where customers will opt to park in the neighboring parking lots, which will create confrontations; he is an injury lawyer, so his clients need to park in his lot, and he has employees; the bakery's success will be the other businesses' demise, the applicant wants us to rely on this being a family business, what if he sells the business or is successful during Ramadan; the previous appeal went from 19 spaces to 11 spaces, are we going to 0 parking in this city, at this point the Board has to ask itself are there any guardrails left after we approve this; the applicant can go back to his original plan, which is office, this bakery will effectively shut down neighboring

businesses, and this is not the historical use of this corridor, he and the drapery business are already competing for parking.

Green asked if the law office and drapery store have evening hours.

Makled said yes; he said he is asking for a variance to park in the neighbor's lot.

Green said that is incorrect.

Dan Makled, 1715 Rosevere, (distinguished himself from the other Dan Makled) said there is a lot less traffic here than with the other bakery; he lives in the area and walks it and does not see the same level of congestion; the parking here will be more than sufficient, perhaps employees can parking in the street.

Green said they have reviewed a number of bakeries for which there was a lot of concern about parking and traffic and the parking lots seldom has more than one or two cars at a time.

Ajami said DoorDash delivery service has been very instrumental in alleviating parking and congestion.

Rachouni said the bakery is only open until 3pm.

Breneau said we cannot control their hours.

Philip Buck, 5629 N Melbourn, Dearborn Heights, said he has lived there 50 years and is familiar with the traffic patterns along Ford Rd; he owns 3 Little Caesars franchises; while the applicant's hours peak in the morning, his peak increases into the evening; he would not choose this location because it puts a hardship on the customers, there is a "no U-turn" sign and a nearby "no left turn" sign; ever since a nearby plaza was built in Dearborn Heights people have cut through parking lots along here, the left turn lane has a lot of car wrecks, the police don't patrol this area, quite often rush hour traffic is backed up from Outer Drive to Telegraph.

Attorney Makled said that the applicant recently asked the owner of Zena's Drapery about leasing parking spots, they know they will not have enough parking, the customers will not opt to park in the side streets.

Kat Hans spoke (letter of opposition on file).

Imad, 23422 Lawrence, said walking from the side street it is 15 second walk at most, he does not foresee people parking in private lots to save 2 or 3 steps; as for the driving, this is an enforcement issue and businesses should not be punished for it.

Carry Williams, 2044 N York, said parking spaces are taken up all the time by the dentist; she was here for the Cinnabon request. She said they got their variance and drove a neighboring business out because their overflow prevented customers from parking, they didn't park where they were supposed to park; by granting these requests customers are parking in the neighborhoods and neighboring parking lots.

Unidentified person asked how do they zone businesses, can you have ten butchers on the same street?

Breneau said for most types of business we don't regulate how many are within a certain proximity of each other.

Green said eight pharmacies are within a mile of where he lives.

Person asked what the regulations are.

Zwayen said subject to site plan approval for each use.

Person said the applicant expanded his building to open it as an office and you approved it and now he wants to open a bakery and you are giving him an approval.

Zwayen said the Board did not approve the addition; it was an administrative approval because it met the code as an office.

Person said could he have expanded after opening the bakery?

Zwayen said it would need this Board's approval.

Norsa Low, N Melbourn, said there is another bakery nearby with not much more parking than here, yet with not much more than 2 spaces occupied, people are in there not more than 2 minutes, there is a lot of synergy in Dearborn where businesses benefit each other, she likes how the applicant's bakery is within walking distance of the neighborhood.

Outside correspondences: Five emails / letters opposing the request (on file).

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 9 to 5 spaces. Zoning requirement: 9 parking spaces. Proposed: 5 parking spaces is APPROVED (DZO 32.05, F.1. D, K, 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.

Meeting Adjourned: 7:30 p.m.