

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

Called to Order: 5:30 p.m.

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

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

Approval of Minutes. Motion by Commissioner Bapacker, supported by Commissioner Fadlallah that the minutes of the previous regular meeting of Thursday, May 22, 2025 are approved as recorded. Motion carried unanimously.

Appeal #25-111

Consideration of a request of Kamal Meroueh, for a variance to accommodate a retail plaza housing a restaurant with drive-through service, the property size being approx 0.64-acre, irregular, in BB Community Business and VP Vehicular Parking districts:

14401 and 14411 Ford Road (and 5540 Kenilworth Street)

Breneau summarized the Staff report dated July 24, 2025. Factors to consider on the variance request: The applicant owns a 0.64-acre vacant site located on the south side of Ford Road between Greenfield and Schaefer Roads. They are proposing a new 4,996 sq.ft. four-tenant plaza. It will have three white box stores and a drive-through food service. Among the development standards for the drive-through food service is a 700ft minimum distance requirement from schools. This is meant to reduce traffic congestion associated with clustering of these uses. The variance request is due to an elementary school being 638ft to the west (William Ford Elementary), which is along the north side of Ford Road. Ford Road between Greenfield and Schaefer is a divided highway, with four lanes of traffic going each direction and a landscaped median with U-turn lanes.

Green asked what is the purpose of the 700ft?

Breneau said it is to help deal with the traffic congestion associated with both types of uses, since both generate a lot of traffic, although they are at different times of the day.

Green said this even if they are separated by an eight-lane highway with a full-size median?

Breneau said the distance is still less than 700ft.

Green said is the distance measured from the property centers as the crow flies?

Breneau said as the crow flies from property line to property line.

Green asked from the nearest property line to the nearest property line.

Breneau said yes.

Bapacker asked what is the nearest school.

Breneau said Fordson Elementary.

Green said Fordson High School is also nearby, but it is more than 700 ft.

Bapacker asked if the entrance and exit is at the center?

Breneau said yes.

Green asked if the parking is sufficient.

Breneau said yes, the request is for the distance requirement and not parking, which means there is enough parking.

Bapacker said that could change depending on the future uses.

Breneau said yes, but that would be a future review.

Hammoud asked if there is enough stacking.

Breneau said yes, the only request is the distance requirement; everything else meets the zoning code.

Hammoud noted the outside correspondences.

Breneau said one of the letters is from William Ford Elementary.

Green said the other two schools are along Michigan Avenue.

Green said he does not see what the impact would be if you are crossing that much vehicular traffic; he could see if they were adjacent to each other or on the same side of the street; otherwise he does not understand what difference 60ft makes.

Bapacker said while we are measuring from the property lines the restaurant is on the other side, so if you are measuring from the restaurant the distance is more than 700ft.

Breneau said yes.

Ali Charara, applicant's broker, said he will be handling the leasing and management of the center; the property has been vacant since the 1990's; they tried a land lease on it at one time, but then covid changed things; they worked with the City on the proposed layout and reduced the size of the building for the project to work; the plan is that the other tenants will complement the restaurant and minimize traffic congestion; William Ford School is on the other side of Ford Road and further down; Mr Dakroub owns the other restaurant by the other two schools.

Ali Dakroub said he will be managing the restaurant and asked if the distance requirement would apply if it were a fast-food restaurant without a drive through, such as other franchisors? At his other location he has not had any other issues and the schools are directly behind him.

Bianchini clarified that if it were a stand-alone restaurant the distance would not be required.

Green asked if it is for drive-throughs with the traffic flow and the potential hazard with school kids, is that the intent?

Bianchini said the way it is defined and regulated is a drive-through and the distinction is

otherwise irrelevant to this request.

Charara said there was also a traffic study that said there are no issues.

Dakroub said the distance is greater than the 700ft if you walk it, it is almost 800ft, which would be more if you drive it with the turn-arounds.

Dakroub said at the other location kids often use it as a safe haven if they are waiting for a ride and it is raining.

Green mentioned the outside correspondences, saying they supported the request, and asked if there was a copy of the traffic study.

Breneau said the traffic study has a few recommendations regarding minor issues with on-site traffic circulation, which is not relevant to this request.

Green said the 62ft difference given the school is separated by an eight-lane divided highway does not lend itself to requiring a variance; they are not next door to each other, with traffic going into and out of driveways, running over children.

Public comment: None

Outside correspondences: Three letters from schools in Dearborn supporting the request (on file)

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

Sec. 7.02 E 6 Reduce the minimum distance requirement between a drive-through restaurant and a school from 700 ft. to 638 ft. Zoning requirement: 700ft distance from school. Proposed: 638 distance from school is APPROVED (DZO 32.05, F.1. C, 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 #25-112

Consideration of a request of Wassim Mahfouz, on behalf of LAHC, for variances to accommodate an addition to an existing office building. The property size being 210 ft wide, 224 ft deep, 1.07-acre, in a RA (Single-Family Residential) district at:

5275 Kenilworth Street

Breneau summarized the Staff report dated July 24, 2025. The applicant owns a 1.07-acre site on the west side of Kenilworth Street south of Ford Road at Ruby Avenue that is occupied by a former church and rectory. It is zoned residential (RA). The applicant (LAHC) currently occupies the former church as an office for their nonprofit community organization under a use variance granted in 2017. Proposed is to remove the rectory and build an addition to the existing office building. This proposal triggers the following variances: Use. The applicant is requesting to expand the existing use variance in order to remove the rectory and build an office addition. The rectory is in poor condition and cannot feasibly be used for residential uses as it was originally restricted to in 2017. Additionally, it is extremely challenging to renovate into offices due to its overall structural characteristics and modern code requirements such as ADA accessibility. Setbacks, lot coverage, and landscaping. Variances are required for setbacks, lot coverage, and landscaping. The front and side building setbacks are nonconforming for the RA district and the landscaping is also nonconforming. The proposed addition triggers full compliance. However, the proposed setbacks are more conforming than what is existing and the site layout creates practical difficulties in complying with the landscaping requirements. Additionally, a one-story addition is more fitting with the character of the neighborhood as opposed to a two-story addition which would be permitted under the Zoning Ordinance. Parking. A parking variance was granted in 2017. The applicant is not constructing any additional parking with the building addition. However, on-street parking is available along all three abutting streets and the applicant has executed a parking easement for use of the neighboring day-care center's stand-alone parking lot at 5230 Kenilworth, which has 46 spaces. These businesses have differing peak hours of operation meaning that there is not much overlap in parking demand.

Staff is recommending approval of this request.

Bianchini said this is a very unique site, with a very unique background; it has three road frontages, which makes it challenging to make the setback requirements; the adjacent use is not single-family residential, as a day-care facility, with the side yard setbacks the day care is not a single-family use, it is commercial that is permitted in the RA district; and for context the applicant has tried to use the rectory, but in working with City Staff they realized that changes that would be required and to structurally comply with code it would still impact how it would comply with the Zoning Code, and they worked with Staff to come up with an option that would be compatible with the existing residential neighborhood; and the existing RA regulations are primarily structured around single-family detached houses, and does not adequately account for other uses allowed in the district, such as schools and churches and mosques; for example, they will not meet the landscape requirements; and the parking, for reference in 2017 among the variances granted was for parking, from 64 spaces to 40, a deviation of 24 spaces; the request in review today is for 30 spaces, an increase of 6 spaces, however, the applicant has secured an easement agreement with the adjacent property owner, for a parking lot that has 46 spaces, and that parking lot, as seen in the staff photos, appears to be largely empty; and the two businesses have differing hours of peak traffic volume, which does not create a nuisance for the surrounding area; and while this is considered an office use, with the addition there are also elements of their use which are similar to uses that are permitted in the residential district, such as schools and community centers.

Wissam Mahfous, CEO of LAHC, said they have been in business for 34 years as a

community nonprofit and acquired the church property in 2018 and changed the church building into a community center; the rectory was an attraction to illicit activities such as drug use, it is currently boarded and stripped down; the expansion is for privacy for some of the clients for their intake, such as workforce development clients.

Architect Peter Oberson, said they are doing a one-story building which is more appropriate for the residential neighborhood, less imposing.

Applicant referenced the petition he submitted to Staff (in file).

Green said there are several letters of support from the community; there is one lengthy letter of opposition with points to address, with unnecessary hardship the applicant took a largely abandoned church and turned it into a community center, an asset to the community; there is practical difficulty in that the church is in the middle of a residential area, it certainly had parking issues, for negative neighborhood impacts, the new building is much more aesthetically pleasing, but we are not building a five-story building or another building out of place for what is there; it is not so much servicing the purposes of a offices as it is servicing the purposes of community support and community involvement; it is not a business office, it does not negatively impact the neighborhood; for parking, he was on the Board in 2017 and they did approve the variance, this is not much more imposing, and with the lease there is more than sufficient parking, and the church likely had much more parking need; the parking, traffic, and safety concerns are moot, and this is a good use of this property, they have made the building useful again and have done a good job with integrating their use of the building with the fabric of the community, and it will not change the neighborhood character; the difference between the rectory and the addition other than to improve it, it provides for orderly development, the setbacks we have are nonconforming, we are reducing the nonconformity, granting these variances is the right thing to do.

Fadlallah asked if the church was vacant when he bought it.

Applicant said the Archdiocese had been consolidating churches, so yes.

Muflihi asked if the current building will be demolished and rebuilt?

Applicant said it is an old building, they had four architects look at it and said they interior walls are weight bearing, they can't do much with it; it has served its life, it is not safe, it is better to rebuild.

Hammoud asked if in 2017 it was for both buildings?

Applicant said yes.

Samir Alawie, M&M Day Care, said he had to go through the same thing with one of his buildings, which they have had to remove due to how it was built, and with the rectory, with by removing it, there is a cement common area between the two buildings, the kids play there and he has it gated to guard the kids.

Bapacker said between these two buildings it cannot be put to use for residential.

Hammoud said there are classrooms on the floorplan, what type of classes?

Applicant said ESL, digital literacy, financial literacy, for adults; often parents drop their kids off at the day-care and walk to LAHC.

Fadlallah asked what are their hours?

Applicant said 9-5, except for a program for adolescents after hours 4-7.

Hammoud said she has a question for the front setback, on Google Images it looks like it is set back further than the houses on the block, do we still need a variance.

Bianchini said under the Ordinance it is required because it is nonresidential.

Breneau said that provision is for infill housing, which this is not.

Public comment:

Kalal Salawai, 4800 Middlesex Street, said he supports the project, he lives two blocks away and walks the neighborhood with his wife; the rectory is an eyesore and he was happy to see the public hearing notice; he routinely drives the area and parking has never been an issue, with no overflow into the neighborhood.

Jamal Adora (letter on file) 5274 Kenilworth, said he lives directly in front of the building; people on the street have difficulty getting out of their driveways, this is a large addition, the City uses this place occasionally for their Board meetings, this exacerbates the situation and it will get worse, with the staff and students parking for the neighbors it will get more difficult; they get delivery trucks with nowhere to park, and it will get worse with the addition; given how difficult the City said this was the Board should err on the side of caution and deny the request.

Bapacker asked if he would rather have a vacant building in front of him.

Adora said it is blight because of the owner and it should be removed.

Bapacker said it used to be a church with a lot more parking.

Adora said he has been there 30 years and when it was a church there was not much use of it.

Bapacker said at one time the use of the church was much more than what is being proposed; also on aerial photos you can see that the building has a natural barrier around it separating it from the residential.

Green said the parking will be easier because of the lease and their parking arrangement will far exceed their parking needs.

Adora said the agreement has a 90-day cancelation clause, so if they exercise this clause we will be in a different situation.

Jamal Adora (Sr?) said parking in the area is difficult for the residential, he often has to have his wife move her car, and there are accidents, with cars getting hit, the report says 30 cars can park in the street, is it okay for people to come and park in front of your house?

Green said he lives near a business district and people park in front of his house every day all day.

Adora said he offered to sell them both of his houses to take care of the parking problem.

Green asked if we have anything regarding accidents from Dearborn Police; and can we do permit-only parking?

Mendelsohn said he does not have anything and there is a process for permit parking.

Bapacker said you have to show a safety problem in applying for the permit.

Outside correspondences: On file.

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 CONDITIONALLY APPROVE the variances detailed below:

USE Expand the existing use variance that allows offices for a non-profit community organization in the RA (Single-Family Residential) Zoning District Zoning requirement: Expansion not permitted. Proposed: Offices for a non-profit community organization (expansion of an existing use variance ZBA17-119, granted in 2017) is APPROVED (DZO 32.05, F.1. A, D, H).

Sec. 29.02 Waive the required minimum side and front yard setbacks requirements. Zoning requirement: The proposed addition triggers the setback requirements. Proposed: Not meeting the setback requirements is APPROVED (DZO 32.05, F.1. A, D, H).

Sec. 29.02 Increase the maximum permitted building lot coverage from 30% to 45% Zoning requirement: 30%. Proposed: 45% is APPROVED (DZO 32.05, F.1. A, D, H).

Sec. 5.03 D 2 Waive the landscape requirements along the Ruby Avenue and Kenilworth Street rights-of-way. Zoning requirement: The proposed addition triggers the landscape requirements. Proposed: Not meeting the landscape requirements is APPROVED (DZO 32.05, F.1. A, D, H).

Sec. 4.01 C 9 Reduce the minimum required number of off-street parking spaces from 66 spaces to 36 spaces. Zoning requirement: 66 spaces. Proposed: 36 spaces is APPROVED (DZO 32.05, F.1. A, D, H).

The CONDITION is as follows: The property owner shall have an easement for use of the parking lot at 5230 Kenilworth; if said easement is discontinued then the Zoning Board of Appeals shall reconsider the parking variance.

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 #25-113

Consideration of a request of Wassim Beydoun, on behalf of W B Development, for a variance to accommodate a building addition for a carry-out restaurant within an existing gas station, the property size being 110 ft x 126.65 ft, approx 0.32-acre, in a (BB) Community Business District at:

25351 Ford Road

Breneau summarized the Staff report dated July 24, 2025. The applicant owns an existing gas station with a 1,388 sq ft retail building and 8 pump stations on a 0.32-acre site at the southeast corner of Ford and Gulley Roads. Proposed is a 577 sq ft building addition to accommodate a carry-out restaurant. With the proposed restaurant the gas station requires 21 off-street parking spaces. The proposed site plan indicates 17 spaces. No on-street parking is available on either Ford or Gulley Roads. Staff believes the Zoning Code requires too much parking for gas stations by requiring 1.5 parking spaces for each pump station plus requiring parking for the retail store (and the proposed restaurant).

Bianchini said for context the City recently adopted amendments to the Zoning Code to regulate food trucks, which are effective September 1; the code no longer permits food trucks on properties such as this, for example you cannot cohabitate, food trucks courts have specific regulations and processes, so this proposed plans is in line with this new provision; the required parking is 21 spaces, provided is 17, so with the 1.5 spaces required per fueling station, if this were only 1 space required per station that would be 8 required, so they would be providing enough parking; one of the tasks we need to do is to update our parking standards, specifically for gas stations since they are heavy with the 1.5, which double dips into the retail.

Hammoud asked if they currently need a permit for a food truck.

Bianchini said they do need to be licensed by the city, and just because food trucks are not specifically addressed in the ordinance does not mean that the original site plan approval is not relevant; so if you are taking up parking spaces or adding something to the site it most of the time conflicts with the original approval, but the new Ordinance is meant to clarify this since it has been a gray area.

Green said so when you are at the pump that counts as a parking space.

Breneau said yes.

Green asked about the other half car.

Breneau said that is where the code double dips and has been creating excessive parking for gas stations.

Bianchini said we are doing cleanup to the site by removing buildings and improving on-site traffic circulation.

Muflihi asked if it is a carry out.

Applicant said yes, it is replacing the food truck.

Green asked if there is indoor seating.

Applicant said no.

Green said the 1.5 spaces per pump station is excessive and should be reduced and given that it would reduce the required number of spaces to what is being the proposed, and they are cleaning the property, and providing better flow through the site; he is good with approval.

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 variance detailed below:

Sec. 4.01 C 9 Reduce the required number of off-street parking spaces from 21 spaces to 17 spaces. Zoning requirement: 21 spaces. Proposed: 17 spaces is APPROVED (DZO 32.05, F.1. D, 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.

Meeting Adjourned: 7:05 p.m.