

City of Dearborn
Zoning Board of Appeals
Thursday, August 28, 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; Kaileigh Bianchini, Planning Manager; Brad Mendelsohn, City Attorney.

Approval of Minutes. Motion by Commissioner Fadlallah, supported by Commissioner Hammoud that the minutes of the previous regular meeting of Thursday, July 24, 2025 are approved as recorded. Motion carried unanimously.

Appeal #25-114

Consideration of a request of Abdul Beydoun, on behalf of Wayne Rentals and Development LLC, for variances to accommodate the reconstruction of an existing gas station with a retail store, the property size being 120ft x 102ft, in the BB Community Business district:

100 North Telegraph Road

Breneau summarized the Staff report dated August 28, 2025. Factors to consider on the variance request: The applicant owns an existing gas station with a 1,421 sq ft retail building and 6 pump stations under two separate canopies on a 0.28-acre site at the northeast corner of Telegraph Road and Cherry Hill. The applicant is proposing to rebuild the site due to an aging infrastructure and to reconfigure the site in with a larger retail building and the 6 pumps stations. The proposed site layout consolidates the pumps and creates a larger vehicular circulation area by relocating the building to the rear lot line. The reconstruction / proposal is triggering variances for parking, site size, landscaping, and building rear setback. 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.

Green asked if a guardrail is between 100 and 136 N Telegraph.

Breneau said yes.

Green asked if it will be removed or if the dumpster will be serviced from the other lot?

Bianchini said there will be no proposed access between properties, the dumpster will be placed at 136 N Tel and will be serviced in the rear area.

Bianchini added this is a Special Land Use permit and went to Planning Commission; during the Site Plan Review process what was discussed was how the proposed design will improve vehicle circulation on the site; this is not the first gas station rebuild due to an aging infrastructure, and a site plan review question is whether this is an improvement to on-site traffic circulation; due to the existing site configuration and the layout out the

pumps vehicular maneuvering is very challenging, such as entering and exiting the site; so consolidating the pumps and maintaining good traffic circulation was very important; it is a retail store, but there is no alcohol sales or food service proposed, which affects how it drives the parking requirement; there is a four-space parking requirement difference between what is existing and what is proposed; Staff did work with the applicant to try to reduce the size of the building; some of the difference in building size is due to changes in the building code from the original construction to now, and the dimensions of this site cannot change; it is square corner property, which present challenges to a layout; they did free up space by placing the dumpster on the neighboring lot at 136 N Telegraph, with an easement to ensure permanent access.

Green asked about the Planning Commission meeting, they took into consideration of traffic flow within the site itself; as for the streets, did they see any issue with the pump orientation with regards to stacking backups onto Telegraph.

Bianchini said at the Planning Commission meeting they did ask about consolidating curb cuts; we said while this would be ideal, due to site dimensions closing any curb cut or trying to reconfigure them creates challenges; during the review we made sure there is still opportunity for on-site two-way traffic, which the proposed layout provides to the north and the south of the pump area.

Green said his concern is someone pulls in and someone else is at the pump they decide to stay in the curb cut instead of going around and then someone else pulls up and you have stacking inside Telegraph.

Bianchini said that was discussed and the curb cut is till wide enough you can still move around; numerous site configurations were considered; keeping the curb cuts the way they are allows maneuvering.

Green said if the old design were in place today they would be four spaces short?

Bianchini said with the current code and current conditions with the retail component alone instead of 11 spaces required as with the proposed building it would be seven spaces.

Green said they are increasing the retail size, which means more parking required, and as discussed before we allocate 1.5 spaces per pump, and we believe 1 is sufficient.

Bianchini said yes.

Green said with the proposal we are 9 short, otherwise we are 8 short, however I think it is self-limiting, I have seen other gas stations if the stacking is too much people just leave.

Ajami asked if they can open the two properties to each other for more room.

Green asked if it is the same owner.

Bianchini said yes.

Green said it is two separate properties.

Ajami asked if they can combine them into one.

Bianchini said the zoned classifications are different, the one to the north at 136 being BA, which does not allow gas stations, and it is not BB like the subject property, which means

they could not expand their gas station, and it goes further back and abuts residential.

Green asked is the lot to the north is a parking lot.

Breneau said there is a building there.

Green said if it were himself and the parking lot was full he would just park in the north lot and climb over the guard rail, so if we are short on parking if we can use the other property.

Bianchini said the applicant stated that is provided in his narrative, and they could incorporate that into the agreement for the dumpster.

Hammoud asked if the property is sold they can still use it for the dumpster and for the parking?

Bianchini said that depends on what the Board wants, so if they chose to incorporate the parking into the easement then that would secure the parking.

Green asked if the existing gas station has been there since 1953.

Breneau said yes.

Green said nothing has changed there so it has always been a 120ft lot width, and there has been no landscape along Telegraph.

Breneau said or any of the property.

Green said the only change is the rear setback.

Breneau said the current setback is at least 10ft and they are moving the building back.

Green asked if there will be any issues with a 0ft setback in the rear?

Breneau said the neighboring property to the east is on Cherry Hill and has a minimum side setback requirement of 0ft; if you were to give the subject property a Cherry Hill address instead of a Telegraph address they would not need that variance to abut the east property line.

Bianchini said the 1ft setback would become a maintenance issue because it is not accessible and makes it worse so if it is a 0ft setback then it is a matter of meeting fire and building code.

Hammoud asked about the yellow curbs next to the sidewalk, are they intentional? Are they being removed? They look like trip hazards.

Mike Tsakoff, applicant's architect, said those are inside the right-of-way, between the sidewalk and the street curb; those will be removed as shown in the demolition plan; on the Telegraph side the plan is to remove the flatwork and put sod there.

Applicant said he purchased the property in 2010, the curbs were there, they used to be landscaping.

Green asked if there will be delineation between the curb cut area and the city sidewalk so we don't have people jumping the curb thinking it is all curb cut?

Tsakoff said it is confusing now because right now it is all a mass of concrete, but you can see the curb cuts, but there will be sod; he said the building is slightly over 2,000sf, larger than the existing; the problem with the existing is the coolers are reach-ins and not

walk-ins; there is little storage when you need a lot; with the proposed floor plan it has 1,197sf of sales area.

Green said the calculation for the retail does it include storage?

Bianchini said based on how the Ordinance is written it is GFA based on the size of the entire building.

Green said the customer area now versus what is proposed, what is the difference?

Tsakoff said existing building is 1,400sf, the sales area is 1,197sf, today's building is almost entirely sales area, and the sales area is not much smaller than proposed.

Green said while we have a larger building the customer area about the same, so the parking need won't actually be increased with the traffic.

Tsakoff said the existing site the building is not at the back of the property, the site is only 102ft deep, so it has a very narrow depth; behind the building is 25ft, which is not very useable, not an inviting place to park, and the dumpster is in the corner, so they decided to move it, his thought of having trash serviced on this property is not a good idea; they were able to get 6% landscape cover on the site; one of the problems with the existing site is having pumps at different directions, and with the pumps along Cherry Hill when you get out of your car you can be on the public sidewalk, which is dangerous to be that close, and when you pull away from the space you are at a blind spot, so having the pumps perpendicular to Telegraph is the most ideal for such a small site.

Hammoud said this makes circulation much simpler, it is confusing right now with the two different canopies.

Green said with the parking what is the requirement for the existing conditions.

Bianchini said with the pumps it is the same and the today's building requires 4 fewer spaces.

Green said in reality we are looking at 13 required, 9 provided in his mind.

Hammoud asked how many spaces there are today.

Bianchini said the parking lot is not striped, there are seven at the pumps, as you can see in the aerial people are parking every which way, it is currently nonconforming.

Fadlallah asked usually with a gas station there is only one employee, correct?

Tsakoff said sometimes there is an additional employee doing stock, but usually only one.

Fadlallah asked can the employees park in the other lot.

Tsakoff said yes, which makes sense, and there is a side door there in the new building facing the other property.

Green asked if the easement can include the parking.

Tsakoff said yes, the current easement is in draft and not recorded yet.

Public comment:

Sandy McKenty, 24502 Winona, this appeal is for one parcel only the way it's written, it is for a reduction of parking, we don't know where we find 20 spaces down to 9, we are talking about multiple properties.

Green said we are discussing the use of a second property for an easement for additional parking; we do this a lot when there is available parking nearby.

McKenty said one of the roles of the Board is granting variances based on a proven hardship; what is the hardship, it cannot be self-created, and we know this intersection at Telegraph and Cherry Hill is a dangerous corner; the request is to reduce the size of the lot, have 0 setback, taking parking from 20 to 9, and increasing the retail traffic.

Green said they are not reducing the size of the lot, the lot already is 120ft, this is a pre-existing condition from 1953, and the codes changed; what we want to avoid is a situation similar to another at Cherry Hill and Military where a service station went out of business, they could not get a new service station in there, possibly because of code, and it sat and possible became an EPA supersite, and sat vacant 40 years; we don't want this at this corner, it is a vibrant corner; it is not of their own making, the tanks have a useful life, the tanks are rotting which will create a an environmental hazard if not replaced, and we want to mitigate this; the parking code changed after the existing building was built, the proposed building is bigger because of storage and not the number of shoppers, so the number of people parking should not change, and the parking requirements is too high for gas pumps; the new pump layout will improve traffic circulation, whereas now it is haphazard; with the setback right now there is dead space behind the building that is not useful, if the property were on Cherry Hill they would be building wall-to-wall, and it is better and safer to not have 7ft between the buildings and to have the buildings abutting.

Green read the key factors and added we are not reducing the size of the lot, the lot is as it always has been, they are not doing anything to remove landscaping, it is already there, the rear setback is changing for the better, the site plan was approved by the Planning Commission, the size of the building, while it is increasing, the customer area is not significantly different from what they have now, so it likely does not increase the parking requirements due to additional storage requirements, it is a consideration based on other gas stations, where the tanks have rotted, we have had environmental issues, leaving properties vacant for many years; we need to address the aging infrastructure before it becomes a nuisance and a problem for the applicant and the city.

Outside correspondences: A voice mail from a resident at 135 Meridan opposing the request.

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 CONDITIONALLY APPROVE the variance detailed below:

Sec. 4.01 C 9 Reduce the required number of off-street parking spaces from 20 spaces to 9 spaces. Zoning requirement: 20 spaces. Proposed: 9 spaces is APPROVED (DZO 32.05, F.1. A, G, F).

Sec. 7.02 B (2) Reduce the required minimum lot width for a gas station from 150 ft. to 120 ft.. Zoning requirement: 150 ft lot width. Proposed: 120 ft lot width is APPROVED (DZO 32.05, F.1. A, G, F).

Sec. 5.02 B Waive the landscaping planting requirements along Telegraph Road. Zoning requirement: 10 ft wide greenbelt with trees and shrubs, or alternatives. Proposed: As shown in the landscape plan is APPROVED (DZO 32.05, F.1. A, G, F).

Sec. 29.02 footnote J Reduce the required rear yard setback from 1 ft to 0 ft. Zoning requirement: 1 ft rear setback. Proposed: 0 ft rear setback is APPROVED (DZO 32.05, F.1. A, G, F).

The CONDITION is as follows: The property owner shall have an easement for use of the dumpster and 2 parking spaces at 136 N Telegraph Rd. Said easement shall be recorded with the Wayne County Register of Deeds.

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 #25-115

Consideration of a request of Mike Shehadi, on behalf of AMS Regent Court LLC, for a variance to accommodate construction of a new stand-alone retail grocery store and a new plaza (Units 6 and 7 of the Regent Court Condominium). The property size being irregular, 15.7-acre, in a (BC) General Business zoning district at:

16900 Executive Plaza Drive

Breneau summarized the Staff report dated August 28, 2025. Factors to consider on the variance request: The applicant owns a 15.7-acre site, which is part (Units 6 and 7) of a larger 58-acre site condominium complex. Proposed for Units 6 and 7 is a stand-alone "big box" retail store and a smaller plaza. The proposed development for Units 6 and 7 requires 627 parking spaces. The site plan proposes 577 parking spaces, an 8% deficiency. The development agreement requires a residential component and the development plans propose a network of pedestrian paths both within the complex and connections to neighboring properties outside the complex. The overall development proposal should reduce the need for vehicular parking such that the amount of parking proposed by the developer should be sufficient.

If approved, it is recommended that a condition be imposed which requires execution of an easement agreement between Units 6 & 7 to cover the shared parking and access.

Bianchini said looking at the overall property it is a very large site that the applicant has been working on with the city; it is approximately 58 acres, there is a development agreement executed with the city, which requires the residential component, which will make the condominium complex mixed-use; in working out the site layout with them it was important to have the pedestrian connections throughout the condominium complex linking all units and there is substantial greenspace around the Kroger site, and on the

plan you see a lot of pedestrian and cycling connections within the Kroger site; and this is a phased development and there are developments still being worked out; this grocery store also needed Planning Commission approval since there is a pharmacy drive-through in the Kroger store; for Staff the mixed use and pedestrian connections was more important than having a large amount of parking, and the mixed-use nature of the complex is an important consideration in the amount of parking provided.

Ajami asked Unit 7 this is a shopping plaza with 4 units, are they rented?

Matthew Heron, attorney on behalf of the applicant, said no.

Hammoud asked if there is an easement for everyone to share the parking.

Bianchini said there will need to be the execution of another type of agreement, which will be up to them to figure out how such as amending the condominium documents, but this is one variance request for both Units 6 and 7.

Hammoud asked where would the condominiums be?

Heron said they are working on a document for the shared parking and access and also for the drive-through, which is on the west side of the Kroger, the big building; as for the condominiums, that is just a way to divide the land, it is a site condominium project; the shared parking easement between Units 6 and 7 came out the Planning Commission meeting.

Ajami asked if future rentals would need to seek a variance for parking.

Bianchini said tonight's request was based on the retail units and one restaurant, one restaurant is anticipated for Unit 7, a future increase in restaurant space would require another variance.

Ajami asked what the construction timeline is.

Ghassan Khalaf, project engineer, said construction would start the middle of 2026.

Hammoud asked if there are projects planned for the other units.

Heron said there are other projects planned for the other units, and some of them may require future variance requests, for example for possible distance waivers.

Muflihi said so this is going in phases, when is the residential development supposed to start?

Heron said from a planning standpoint the first things we will need to do is to amend the condominium documents to formally bring that in, for timing we do not know.

Khalaf said they are working on it.

Green said the proposal is for 577 spaces instead of the required 627, there will be an easement agreement.

Herson said Unit 7 is west of the Kroger, the easement is between the owner of Unit 6 and the owner of Unit 7, both owners would be both benefitted from and encumbered by the easement, the 627 is the parking requirement for both units and the 577 would be available for both units, we believe the site will have ample parking, there is pedestrian connectivity and lots of greenspaces.

Public comment: None

Green read the key facts.

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 CONDITIONALLY APPROVE the variances detailed below:

Sec. 4.01 C (9) Reduce the required number of parking spaces from 627 spaces to 577 spaces. Zoning requirement: 627 spaces. Proposed: 577 spaces is APPROVED (DZO 32.05, F.1. D, G).

The CONDITION is as follows: execution of an easement agreement between Units 6 & 7 of the Regent Court Condominium for shared parking and access. Said easement shall be recorded with the Wayne County Register of Deeds.

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.

Other business

2026 Zoning Board of Appeals meeting schedule

Green mentioned the proposed meeting schedule for 2026 and asked the Board members if it is okay.

All said yes.

Meeting Adjourned: 7:05 p.m.