

**City of Hamtramck**  
**Notice of Virtual Meeting**

**Meeting Date/Time:** November 12,2020 at 6pm

**Meeting Place:** Virtual Meeting Zoning Board of Appeals for the City of Hamtramck

will be conducted virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 under the Governor of Michigan’s Executive Orders 2020-15 and 2020-21

**Topic:** ZBA Meeting

**Time:** Nov 12, 2020 06:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89240119788>

**Meeting ID:** 892 4011 9788

**Passcode:** 720063

**One tap mobile**

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**Meeting ID:** 892 4011 9788

**Passcode:** 720063

**Find your local number:** <https://us02web.zoom.us/j/89240119788>



## City of Hamtramck Zoning Board of Appeals Meeting

Department of Community and Economic Development

Special Meeting of Zoning Board of Appeals

November 12, 2020

6:00 P.M.

Zoom

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### Agenda

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**- Tom, Eric, Nasr, Adam, Mark, Hamilton, McKenna
4. **Approval of Minutes:** Regular Meeting, September 9, 2020
5. **Public Comment** (non-agenda items)
6. **New Business**
  - Dimensional Variance
    - 8610 Conant setback variance
      - Applicant Presentation
      - Staff Presentation
      - Open Public Hearing (3 minutes each)
      - Close Public Hearing
      - Discussion
      - Decision
  - Use Variance
    - 2024 Caniff
      - Application Presentation
      - Staff Presentation
      - Open Public Hearing (3 minutes each)
      - Close Public Hearing
      - Discussion
      - Decision
7. **Commission Announcements**
8. **Staff Announcements**
9. **Adjournment** PLEASE NOTE: This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act), MCLA 41.71 a (2)(3) and the Americans with Disabilities Act

(ADA). City of Hamtramck will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the Meeting to individuals with disabilities at the Meeting or Public Hearing upon 10 day notice to the City Clerk's Office. Individuals with disabilities requiring auxiliary aids or services should contact the Hamtramck City Clerk by writing or calling the Clerk's Office at (313) 800-5233 x821.



## City of Hamtramck Zoning Board of Appeals Meeting

Department of Community and Economic Development  
Regularly Scheduled Meeting of Zoning Board of Appeals

September 9, 2020

6:00 P.M.

Zoom

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### Minutes

#### 1. Call to Order

-the meeting was called to order at 6:10 pm

#### 2. Pledge of Allegiance

#### 3. Roll Call

- Present: Nasr Hussain, Mark Hausner, Hamilton Jordan, Tom Habitz, Eric Anderson, Carrie Beth Lasley, Staff Alex Iseri and Grace Stamper
- Absent- Adam Alharbi

#### 4. Approval of Minutes: Regular Meeting, August 12, 2020

- Lasley mentioned 2 changes- the document needs to say minutes instead of agenda and needs to say ZBA in the footer instead of plan commission.
- Habitz motioned and Hussain seconded to approve the minutes as amended. The motion passes unanimously.

#### 5. Public Comment

-There was no public comment.

#### 6. New Business

-Dimensional Variance

- 2656 Carpenter setback variance
  - Public Hearing
    - Iseri plays 2 video testimonials of community members in support of the variance- Amy Memminger and Jason B.
    - 4 more people speak in support of the variance- Mickey Lyons, Barbara, Peter Herzberg, and Gias Takulder.
  - Staff Presentation
    - Stamper read the staff review letter and mentions the fire department review letter.
  - Applicant Presentation
    - Ian Perrotta speaks for MEEM LLC regarding their request. He mainly addresses his case that his property is under a unique circumstance.
    - Perrotta also shares a petition with 300 names of people in support of the variance, including at least 100 Hamtramck residents.

- Discussion
  - There are questions about why the municipal attorney was involved in this case. Lasley has a list of questions she would like answered. Hausner, Anderson, and Hamilton agree. These are included and will be addressed at the next meeting.
  - Questions are asked about what the pavilion will look like. Perrotta explains it will be open on all 4 sides with a slanted roof.
  - **Habitz motions to approve the variance as presented because it meets all necessary criteria. Anderson seconds. The motion passes unanimously.**

7. **Commission Announcements**

8. **Staff Announcements**

9. **Adjournment**

-The meeting was adjourned at 7:26pm.

**Email from Carrie Beth Lasley**

Questions from ZBA for follow-up:

- 1) Why is a municipal lawyer interpreting planning law when we pay a planning contractor? If the law contractor is using an appropriate specialist, does using the law contractor to do the planning contractor's work cost the city more or less?
- 2) Is the practice of having the law contractor conduct the planning contractor's work of planning and zoning interpretation typical practice in Hamtramck? About how many hours are billed on planning and zoning by the city law contractor vs. the city planning contractor?
- 3) What did we pay the planning contractor for tonight's item? What did we pay the law contractor for this item?
- 4) When the law contractor is conducting zoning review, does the city pay hourly rate for the law contractor or is the law contractor reimbursed at the rate we would pay our planning contractor?
- 5) Do we pay either our city law contractor or our planning contractor a monthly rate above hourly billing?
- 6) What did the planning contractor and staff do on this item? What was done by the city attorney? What precluded the planning contractor from conducting the work they were contracted to perform?

ZBA, September 9, 2020

7) If I were to look at an invoice, where would the costs borne by the city law contractor be captured in the invoice register?

8) Is there precedent from other communities where the city attorney does the work for the planning contractor? Which cities?

9) Is there precedent for our city attorney conducting the work of other contractors in our city and billing for it?



# Zoning Board of Appeals Application

## APPLICANT INFORMATION

Applicant Ali Alzubairi Phone 313 467 4704  
 Property Owner (if different than applicant) 3' Phone \_\_\_\_\_  
 Address 3926 Oliver St Fax \_\_\_\_\_  
 City Hamtramck State, Zip 48211 Email \_\_\_\_\_

## SITE INFORMATION

Property Location: On the 8610 Side of Conant Road; Between Dorothy Road  
 and Oliver Road. Size of Lot: Width 240 Depth 100 Acreage .48758  
 Date Property Acquired and the Type of Ownership 10-12-2020

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

## VARIANCE REQUEST

Variance to the Zoning Ordinance Section (s) VI.05.2a + 1.06a + VI 1.06i. A-A

Explanation of the Practical Difficulty of the Property as defined in Article III Section 5.06 Parking visible from street is critical to viability of commercial space A.A

Explanation of request for Administrative Review Interpretation \_\_\_\_\_

## REQUIRED INFORMATION

- Photographs of the building and/or structures on site
- Sketch plan/plot plan showing the dimensions of the lot and the existing and proposed setbacks

## OWNER'S SIGNATURE

Ali Alzubairi  
Print Property Owner's Name

[Signature]  
Signature of Property Owner

10-12-2020  
Date



# memo

**To: Zoning Board of Appeals**

**From: Grace Stamper, Economic Development Associate**

**RE: 8610 Conant Variance Request**

**Date: November 3, 2020**

The applicant, Ali Alzubairi, is seeking a variance from the requirement to have a building on a corner lot be constructed within one foot of the side lot line per Article VI-1.05.2 a and 1.06a and from the requirement for parking lots to be a maximum of 35 feet off the rear lot line and behind the main building per Article VI-1.06i. The applicant would like to have a parking lot on the side of the building at the front corner of the lot when he constructs a mixed-use building.

The property in question is located on the east side of Conant between Oliver and Dorothy. It is bordered by residences to the east, vacant lots to the north and south, and the old Missant plant across the street to the west. It is zoned C-2 Mixed Use Commercial.

The ordinance's variance process is as follows:

5.06.11.1. Non-use variance. The Board shall be permitted to approve or approve with conditions by a simple majority vote of the Board a request for a dimensional or non-use variance provided that the property owner demonstrates practical difficulty by showing all of the following:

The Board is to consider the following when reviewing a variance request. Responses to how each apply to the proposed project are listed under the standards.

a. Strict compliance with the area, setbacks, frontage, height, bulk, or density requirements of this Ordinance would unreasonably prevent the property owner from using property for some lawful permitted purpose or would render conformity unnecessarily burdensome in the particular case.

- Strict compliance with the setback requirements would not prevent the property owner from using the property for a lawful use but would make it more difficult for the property owner to showcase the commercial opportunities on the property considering it would be one of the only open businesses along that section of Conant.

b. A variance shall do substantial justice to both the property owner and neighboring property owners in the district or that a lesser requirement would give substantial relief and be more consistent with justice to others.

- A variance may benefit both the property owner and neighboring property owners by allowing more space for parking, thus keeping more cars off the residential streets. By

having parking closer to a business entrance. It would encourage drivers to park in the lot and not on the street.

c. The plight of the property owner is due to unique circumstances of the property.

- The property has frontage on 2 corners, making it difficult for the property owner to show passing drivers that there is parking for the commercial space because the building would hide all the parking, and the property would be one of the only open businesses along that section of Conant, so the maximum visibility of the commercial space would be beneficial to the business owner.

d. The problem of the property owner is not self-created.

- The problem of the property owner is that he wants to have visible parking to show passing drivers that the commercial space is there. While this is self-created because it is a marketing decision by the application, granting the variance may be in the economic development interests of the city.

It is up to the Zoning Board of Appeals to determine whether the applicant meets the criteria of the Ordinance and base their recommendation upon that.



### Zoning Board of Appeals Application

#### APPLICANT INFORMATION

Applicant Hosh Investments, LLC Phone 586-206-5553  
 Property Owner (if different than applicant) \_\_\_\_\_ Phone \_\_\_\_\_  
 Address 2024 Caniff Fax \_\_\_\_\_  
 City Hamtramck State, Zip MI, 48212 Email joe@angellcompany.com

#### SITE INFORMATION

Property Location: On the South Side of Caniff Road; Between Chrysler Dr. Road and Lumpkin St. Road. Size of Lot: Width \_\_\_\_\_ Depth \_\_\_\_\_ Acreage \_\_\_\_\_

Date Property Acquired and the Type of Ownership 07/01/2018 ; Fee-simple

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

N/A

#### VARIANCE REQUEST

Variance to the Zoning Ordinance Section (s) Article U-1.02 and 111-5.06.11.2 of zoning ordinance

Explanation of the Practical Difficulty of the Property as defined in Section 12.403 The property is zoned residential but this cement block building is designed for commercial use. Looks as if it has always been commercial.

Explanation of request for Administrative Review Interpretation 2024 Caniff is seeking a use variance to have commercial retail sales in a residential zone.

#### REQUIRED INFORMATION

- Photographs of the building and/or structures on site
- Sketch plan/plot plan showing the dimensions of the lot and the existing and proposed setbacks

#### OWNER'S AFFIDAVIT

William Calunas, member of Hosh Investments, LLC 11/3/2020 | 10:30:34 PST  
 Print Property Owner's Name William Calunas, member of Hosh Investments, LLC Signature of Property Owner Date

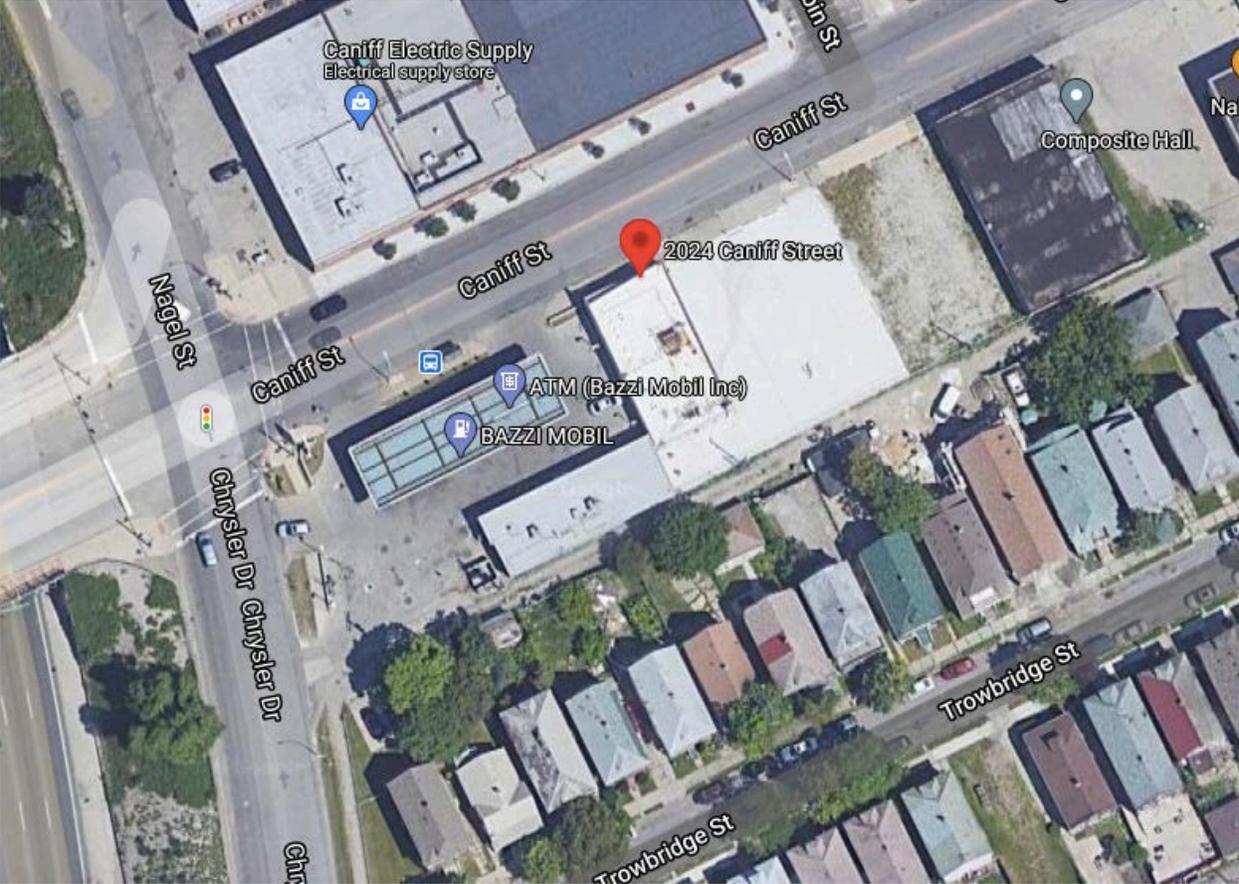
STATE OF MICHIGAN  
 COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statement and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_, Notary Public, \_\_\_\_\_ County, Michigan

My Commission Expires \_\_\_\_\_, 20\_\_



# memo

**To: Zoning Board of Appeals**

**From: Grace Stamper, Economic Development Associate**

**RE: 2024 Caniff Use Variance**

**Date: November 3, 2020**

The applicant, Hosh Investments, LLC, is requesting a use variance to have commercial retail sales and services in an existing commercial building located in a residential zone at 2024 Caniff. Part of this use variance would be approving the business to have a sign on the building as well, which is generally prohibited in residential districts.

The property in question is located on the south side of Caniff between Chrysler Drive and Caniff. It is zoned residential and is bordered by a gas station to the west, a vacant lot to the east, Caniff Electric to the north across the street, and residences to the south across the alley. Commercial retail sales and services are not listed as a permitted or special land use in the residential district so a variance is needed in order for the proposed project to happen.

The ordinance's variance process is as follows.

5.06.11.2. Use variance. The Board shall be permitted to grant by a two-thirds vote of the Board a use variance of the literal provisions of this Ordinance to a property owner provided that the property owner demonstrates all of the following:

The Board is to consider the following when reviewing a variance request. Responses to how each apply to the proposed project are listed under the standards:

a. Showing of unnecessary hardship on the property owner if this Ordinance was strictly enforced. The landowner shall prove that the land cannot be put to a reasonable use or yield a reasonable return under its existing zoning classification.

**The property is improperly zoned with respect to its historic use as a commercial property and the investment into the commercial structure that exists. Strictly enforcing the ordinance would prevent its use in alignment with the property's historic use and the master plan's designation of its future use.**

b. The hardship shall be unique or peculiar to the particular parcel and cannot be the result of general neighborhood conditions.

**The parcel is peculiar in the residential zone because it is located along a main commercial street, Caniff, and contains a commercial concrete block building that has been used commercially in the past.**

c. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same zone.

**The property in question is a commercial building in a residential zone. It is unique in that it is a concrete block building designed to hold a commercial use that has been used commercially in the past and is located along a major commercial road. This is not true of most buildings in the residential district.**

d. The variance is necessary to the preservation and enjoyment of a substantial property right possessed by other property in the same zone and proximity.

**While other commercial retail sales and services are not allowed to operate in the same zone (residential) as this property, they are allowed to operate in proximity to it, as it is located on a predominately commercial street. Allowing this use variance for a property with a history of commercial use to be used for commercial retail sales and services now will give the applicant the substantial property rights possessed by other similarly configured property in the same proximity.**

e. The variance shall not result in the alteration of the essential character of the neighborhood by impairing an adequate supply of light and air to adjacent property, increasing traffic congestion in public streets, increasing the danger of fire, endangering the public safety, or unreasonably diminishing or impairing established property values within the surrounding area.

**The property was used commercially in the past, was designed for commercial use, and is on a major commercial street, so the essential character of the neighborhood will not be altered.**

f. The variance is a minimum variance that shall make possible the reasonable use of the land, building, or structure.

**This is the minimum variance as it would limit the use of the building to commercial retail sales and services or an already permitted use.**

g. The variance shall be in harmony with the general purpose and intent of this Ordinance and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**The Ordinance intends for neighborhood friendly businesses to be able to open in residential zones hence its allowance of some land uses. A commercial retail or sales service would be beneficial to the nearby neighborhood and the street it is on and wouldn't be injurious to the neighborhood or otherwise detrimental to the public welfare.**

It is up to the Zoning Board of Appeals to determine whether the application for the variance at 2024 Caniff meets the requirements of the ordinance and base their recommendation upon that.