

memo

To: Zoning Board of Appeals

From: Grace Stamper, Economic Development Associate

RE: 8610 Conant Variance Request

Date: March 3, 2021

The applicant, Ali Alzubairi, is seeking a variance to have a new curb cut in a C-2 zone per the following section of the Hamtramck Zoning Ordinance.

- VI-1.06 g. No new driveways, service drives, or curb cuts shall be permitted off of any public road

The applicant is proposing a curb cut on Dorothy, just off Conant, for his proposed mixed-use development.

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 requirements of the ordinance would not prevent the property owner from using the property for some lawful permitted purpose, but it may make it difficult for traffic flow since the applicant was already granted a variance to have the parking in the front.

- 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 provide substantial justice to both the property owner and the neighboring property owners in the district because it pushes the flow of traffic in the parking lot further toward Conant through the curb cut on Dorothy and not as close to the neighborhood as a curb cut in the alley would be.

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

The plight of the owner isn't due to the unique circumstances of the property, but it is due to the unique circumstances that this would be one of the only active buildings along this stretch of Conant. The applicant has concerns about the safety of a parking lot in the back of the building and has already received a variance to have the parking in front of the building. Receiving a variance for the curb cut would allow the applicant to utilize this parking in the front because the way the building is positioned there would be no way to do a u-turn back through the parking lot to exit through the alley.

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

The problem of the property owner is self-created because of his decision to position the building on the lot in a way that places the parking in the front and makes it impossible to exit the parking lot through the alley, though he has done this due to safety concerns. It may be in the economic development interest of the city to grant the variance.

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