

memo

To: Zoning Board of Appeals

From: Grace Stamper, Economic Development Associate

RE: 2456 Florian Use Variance

Date: July 6, 2021

The applicant, Tiara Boyd, is proposing to operate a salon/spa at 2456 Florian. The property is owned by OX Industries LLC which has included a letter of support for the variance request.

The property is a mixed use building located on the south side of Florian between Brombach and Lumpkin. It is zoned residential and is bordered by a dentist office to the east, residences to the west and north, and a vacant lot to the south. Spas and salons 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 zoning ordinance has a limited list of uses allowed in residential, even in commercial storefronts. The Plan Commission is reviewing this list to consider expanding it, but for now a variance is required for the proposed use. A spa/salon is a reasonable use and a benefit to the surrounding community but needs a variance to be able to operate.

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

The limited list of uses allowed in residential isn't unique to this particular parcel but is still a consideration in whether to allow a variance.

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 mixed use commercial building in a residential zone. Most properties in the residential zone don't have a storefront like this one does, though all properties in the zone are limited by the list of permitted uses that doesn't allow salons/spas.

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.

Other commercial uses are allowed to operate in the residential district especially in buildings that are designed for commercial use such as this one. A variance would allow the applicant to enjoy the right to operate a business in the commercial zone, particularly as it is not a controversial use but rather one which would benefit the neighborhood's residents.

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.

Hamtramck was built to have small businesses scattered throughout the neighborhoods, hence the existence of commercial storefronts like this property. It is not expected that allowing another business use will cause problems or alter the essential character of the neighborhood.

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 a salon/spa 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 salon/spa would be a neighborhood friendly and beneficial institution which would not 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 2456 Florian meets the requirements of the ordinance and base their decision upon that.