



City of Hamtramck Zoning Board of Appeals Meeting

Department of Community and Economic Development

Regularly Scheduled Meeting of Zoning Board of Appeals

July 14, 2021

6:00 P.M.

Zoom/Facebook Live

313.800.5233

Minutes

1. **Call to Order-** the meeting was called to order at 6:02pm.
2. **Pledge of Allegiance-** all stood for the pledge of allegiance
3. **Roll Call-** Present: Nasr Hussain, Hamilton Jordan, Eric Anderson, Tom Habitz, Malek Hussein, Mark Hausner, Adam Alharbi, Staff: Mara Braciszewski and Grace Stamper
4. **Approval of Minutes:** Regular Meeting, April 14, 2021
 - Anderson motioned and Hausner seconded to approve the minutes. The motion passed unanimously.
5. **Public Comment**
 - Eddie has lived on Florian for 15 years and is concerned about parking with a new business. It's hard to find parking. The city should focus on residents and a business isn't a good idea in the neighborhood.
 - Antar lives on Florian and is against having a business in residential.
 - Gus lives on Florian and is against having a business in residential. There's limited parking.
 - Fakrul Islam lives at 9427 Brombach and is against the business. There's big parking issues in the neighborhood.
 - Abdul lives on Florian and agrees with the parking concerns. There's too much traffic and there shouldn't be a business in residential.
 - Virginia says that customers and repair people have parked in handicap. There's no respect for the residents.
6. **New Business**
 - 2456 Florian use variance request for a salon/spa in a residential zone
 - Tiara Boyd, the applicant, responds to the public comment concerns. She has a no tolerance policy with clients. It wasn't her clients who parked in handicap and she has cameras to stop that from happening. She respects the neighborhood. They're open from 10-5 and are allowed to use the dentist parking lot so there should be no parking issues. Only 2-3 people are there at a time and it's appointment based. She wants to give back to the community.
 - Stamper gives an overview of the request based on the staff review.

- Anderson and Habitz ask if not currently having a salon/spa as a specific use category in the ordinance affects the request. Stamper says it doesn't.
- Jordan asks what the building was originally. No one is entirely sure but Boyd guesses a bar because it has a beer sign in the window.
- Alharbi asks what does the spa/salon do?
- Boyd replies they do nails, waxing, facials, mole removals.
- Hussain asks if it's already operating. Boyd says yes. Stamper explains it was open without permits but enforcement is stayed until the meeting.
- Hussain doesn't see any hardship and isn't convinced by the staff report.
- Hausner says it's surrounded by commercial activity, they can use the dentist parking lot, it's appointment only. The traffic and safety issues have been addressed. He visited the business.
- Anderson says that there is a hardship on anyone who buys commercial property but is limited by zoning. It isn't self-created.
- Hussain wants to know what happens if the variance fails. Can she be open until approval at another level? He doesn't want to be hypocritical when the board has denied others in the past. There's no hardship. It's a slippery slope.
- Habitz says this echoes issues the PC has seen in commercial districts where we've rezoned properties just off the main commercial strip. We can't rezone here though. It's a hardship because it's commercial but we can't rezone it. A salon/spa is an appropriate use and can coexist in the neighborhood.
- Hussein wants to know why she can't find a property on Joseph Campau. It's not residential.
- Jordan says the hardship is clear. She's invested in the business. If this is denied a greater traffic use that's allowed could open.
- Alharbi says opening without approval isn't a hardship. He's against it.
- Habitz says we aren't supposed to consider the business operation. We need to consider the ordinance. Our role isn't punitive.
- Hussain says there's no hardship. He wants to expose the city's preferential treatment. She'll probably stay open.
- Habitz says local walkable businesses are good and create safer, healthier, and wealthier communities.
- Braciszewski clarifies this isn't approving commercial in general, just a salon/spa. The zoning ordinance and master plan aren't in alignment and we're working on it.
- Anderson says there is an undercurrent on coded language about this business being used. It has racist undertones. We've been permissive before. This is being driven by prejudice.
- Habitz wants to keep the conversation to the application.
- Hussain says we've been permissive with well-connected people but not those who aren't.
- Braciszewski says there is no preferential treatment.
- Alharbi says he isn't concerned about race. He wants clarification on what the business does. The neighbors had some concerns.
- Habitz says the applicant has already explained. They're open 10-5 for nails, waxing, eyebrows, mole removal.
- Hausner says they can park in the back at the dentist office.

- **Habitz motions to approve the use variance on the basis that it meets the criteria in the zoning ordinance especially related to the hardship caused by the format of the building, the mixed-use character and the zoning ordinance's limited uses. Eric second.**
- **Stamper explains that we need 2/3 to pass, so 5 out of 7 members. Stamper takes a roll call vote: yes- Habitz, Anderson, Jordan, Hausner. No- Alharbi, Hussain, Hussein. The motion fails.**
- Stamper explains that the motion failed. There is an appeal option with circuit court. The city will follow up with the applicant.

7. Commission Announcements

- Anderson is putting together a database of old meetings and hopes to share it by next meeting.
- Hussain thinks we should make the sign ordinance more permissive and says we need the right sign ordinance on the city website.

8. Staff Announcements

- It's Stamper's last meeting.
- Braciszewski announces that CED is hiring.

9. Adjournment – Habitz adjourns the meeting at 7:11pm.

10. 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.