



City of Hamtramck Zoning Board of Appeals Meeting

Department of Community and Economic Development

313.800.5233x332

Regularly Scheduled Meeting of Zoning Board of Appeals

April 18th, 2023

6:00 P.M.

City Hall – 2nd Floor

Agenda

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
 - a. Regular Members: Tom Habitz, Eric Anderson, Malek Hussein, Gias Talukder, Asim M. Alshahri.
 - b. Alternate: Abdullatif Dagenah
4. **Approval of Minutes**
 - a. Regular Meetings: January 17th, 2023.
5. **Public Comment for Non-agenda Items (3 Minutes)**
6. **New Business**
7. **Public Hearing**
 - a. 9701 Joseph Campau

The subject of the hearing is: Zaher Murray is requesting a variance to the zoning ordinance section 155.066 (F)(6)(j) for address 9701 Joseph Campau, Hamtramck. Parcel # 41-003-04-0251-000. New security gate fencing that was installed violated the requirement that it be placed inside the building.
8. **Old Business**
9. **Commission Announcements**
10. **Staff Announcements**
 - a. Upcoming Trainings
 - i. RRC Virtual Academy- May 18th through June 22nd, Thursdays at 6 PM (virtual)
 - ii. MSU Extension- Citizen Planner Online (on-demand)
11. **Public Comment (3 Minutes)**

12. 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.



MCKENNA

February 8, 2023

Hon. Members of the Zoning Board of Appeals
City of Hamtramck
3401 Evaline St
Hamtramck, MI 48212

SUBJECT: ZBA REPORT: ALADDIN JEWELRY VARIANCE REQUEST
APPLICANT: CITYSWITCH, LLC.
SECTION: § 155.066 (j)
LOCATION: 9701 JOSEPH CAMPAU, HAMTRAMCK MI, 48211

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application requesting Board action on a variance request at 9701 Joseph Campau, and – as the work in question does not meet the requirements of the code – have prepared the following report, which identifies the relevant facts about the property and the proposal. The report also provides a review of the relevant sections of the ordinance that guide the ZBA's decision and our comments regarding how they apply to this request.

REQUEST SUMMARY AND ADMINISTRATIVE STATEMENT OF FACTS

Zaher Murray, owner of 9701 Joseph Campau, requests a variance to permit roll-up security fencing to be installed on the exterior storefront at that address, where roll-up security fencing is required to be installed in the interior of the building only.

It is our understanding that the applicant installed opaque security gates over the windows at the subject address at some point before October 7, 2022. On October 7, 2022, a City Code Enforcement officer issued a citation to the business, noting a violation of the Central Business District (CBD) Structure and Site Requirements. Those requirements are included in **§ 155.066 (F) of the Hamtramck Zoning Ordinance**.

Altering a façade in the Center Business District in any way other than conducting routine maintenance must be done in a manner that is consistent with the Structure and Site requirements for the CBD. Those alterations are also subject to review and approval by the Planning Commission per **§ 155.066(F)(6)**.

The work, to our knowledge, was not permitted and thus not reviewed by the Planning Commission.

The altered façade does not comply with § 155.066 (F)(6)(j), which states:

*(j) Outdoor security fencing shall not be permitted. **Roll-up security fencing, if installed, shall be located within the building.** No permanent or nonretractable security fencing shall be permitted within the building.*

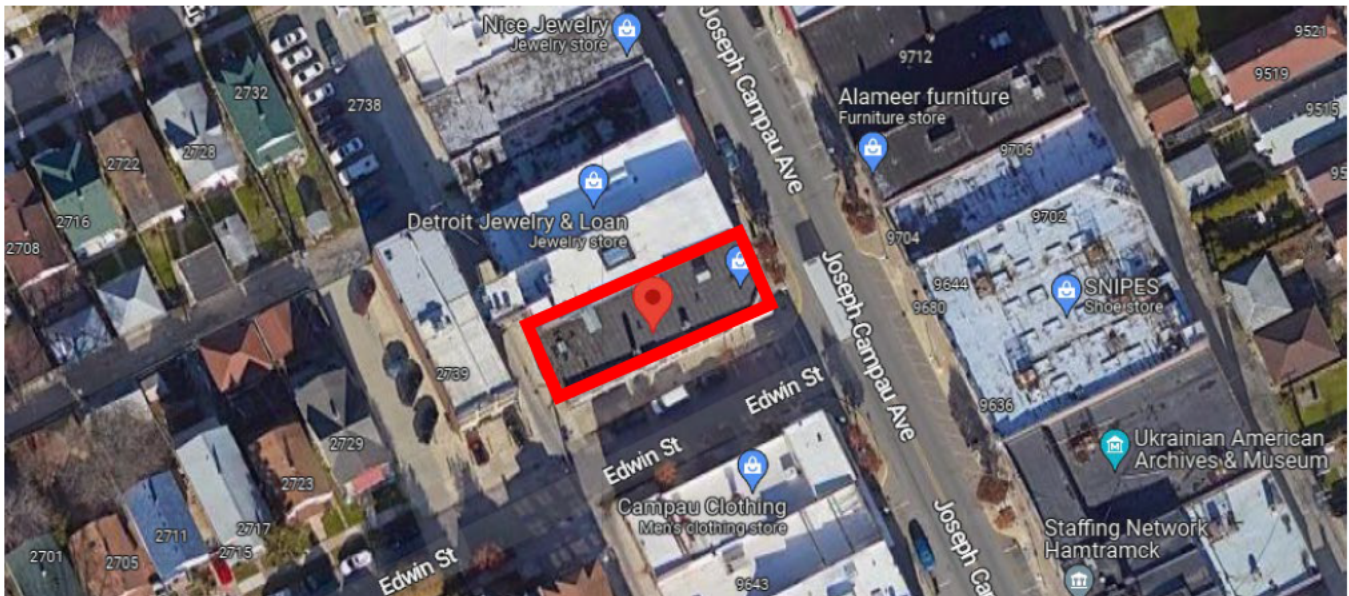
As illustrated in the photographs below, the altered façade includes solid roll-up security shutters installed on the exterior of the building.

HEADQUARTERS

235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



The applicant is applying for a variance to allow the security fencing to stay in place, citing security concerns and previous break-ins.



REQUEST FOR NON-USE VARIANCES

§ 155.024 of the Hamtramck Zoning Ordinance explains how the City of Hamtramck administers variance requests. The ZBA may grant a dimensional or non-use variance only if the applicant demonstrates a practical difficulty (e.g., geographical or topographical conditions or other conditions that are unique and inherent to the property itself, rather than a result of actions taken by the current or previous owner of the property) that impair the improvement of the property without the modifications requested, according to criteria described in the ordinance. The ZBA's actions must uphold the zoning ordinance, secure public safety, and provide substantial justice for all property owners.

The ZBA must find evidence of ALL the following facts in § 155.024 (11)(a)(1) to grant a dimensional or non-use variance. These standards are listed below. Our comments related to the proposal follow each clause in **bold**.

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

The applicant states that compliance is complicated by recent break-ins and his desire for security given the site's use as a jewelry store. The property is similarly configured as neighboring retail properties, including other jewelry stores, that do not to our knowledge have exterior security gates.

It is also notable that the Ordinance DOES allow for security measures on CBD storefronts – but they are required to be on the interior of the building to maintain the integrity and pedestrian-oriented nature of the CBD. The retail uses at 9638-9644 Joseph Campau, very near the subject location, includes gates that comply with the spirit and the literal regulations of the Ordinance – security gates exist, but they do not interfere with the appearance of the exterior of the façade and let light freely pass even when they are deployed.



In the Ordinance, the Central Business District (CBD) “is established to encourage a form of development that shall achieve the physical qualities necessary to maintain and enhance the economic vitality of downtown Hamtramck, promote the preservation and restoration of historic buildings, ensure that new buildings are compatible with and enhance the downtown and reflect the city's cultural, social, economic, and architectural heritage, and maintain uses that relate to the pedestrian. The CBD should promote unique, attractive, pedestrian and bicycle-friendly places with a streetscape that prioritizes pedestrian circulation.”

We contend that security gates that are located within the building and allow light transmittal onto the sidewalk and visibility are more conducive to a safer, more attractive public realm than those that completely obscure the windows.

- 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.*



The applicant notes in the application that other storefronts that are similarly situated have nonconforming security gates. Several of the gates that we observed appear to be old enough to predate the current Zoning Ordinance. We are not aware of similarly opaque shutters that have been permitted in the CBD.

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

As mentioned above, there do not appear to be unique circumstances of the property that are not shared by properties in the vicinity that are similarly zoned and configured.

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

The conflict with the Ordinance is the result of an action that the property owner took, not a characteristic of the property itself. The Board may request this context from the applicant to determine whether a practical difficulty exists.

CONCLUSION

Based on the information provided, it is not clear from the application that the above criteria necessary for granting the variances to the Site and Structure requirements of the Central Business District have been met. We encourage the Applicant to provide additional information before or during the required public hearing for this petition on February 21, 2023.

The ZBA, in considering the Applicant's request, will ultimately determine whether a practical difficulty has been demonstrated, and thus variances from the Zoning Ordinance are warranted, based upon the standards required to grant the applicant's requests and the Applicant's justifications of practical difficulty. Additional information brought forward by the Board or the Applicant during the public hearing should be incorporated into the record prior to the Board making any determination.

Please let us know if you have any questions.

Respectfully submitted,

McKENNA

Paul Urbiel, AICP

Senior Principal Planner

CITY OF HAMTRAMCK

Office of Building and Code Enforcement

3401 Evaline, Hamtramck, MI 48212

PH. (313) 800-5233

10/07/2022

Z-Man's Jewelry
9701 Jos Campau
Hamtramck, MI 48212

Dear Z-Man's Jewelry:

The City of Hamtramck believes that you are in violation of Ordinance § 155.0600-185 (C)-(N) No permanent or nonretractable security fencing shall be permitted within the building. at: 9701 JOS CAMPAU.

You have until 10/16/2022 to correct the violation.

Failure to correct this action by the deadline stated above may result in the issuance of a ticket subject to the following penalties:

1. \$100.00 fine for the first offense, plus costs if any;
2. \$250.00 fine for the second offense within one (1) year, plus costs if any;
3. Misdemeanor violation subject to ninety (90) days in jail, a \$500 fine, or any combination thereof upon conviction for the third and additional offense within one (1) year.

Each violation shall be deemed a separate offense.

When the violation is abated, please contact:

The Office of Building Services - (313) 800-5233 x814 - includes all trade inspections (electrical, mechanical, plumbing), rental inspections - Building Official.
-emails to: building@hamtramckcity.com

The Office of Code Enforcement - (313) 800-5233 x305 or x328 or x338 -emails to:
codeenforcement@hamtramckcity.com.

Please use reference number EN2204678.

Sincerely,

Shernell Stafford

Shernell Stafford
Office of Building and Code Enforcement



Zoning Board of Appeals Application

APPLICANT INFORMATION

Applicant ZAHER MURRAY Phone [REDACTED]
Property Owner (if different than applicant) SAME Phone [REDACTED]
Address 9701 Joseph Campau Ham. Fax [REDACTED]
City HAMTRAMCK MI State, Zip 48212 Email [REDACTED]

SITE INFORMATION

Property Location: On the Joseph Campau Side of EDWIN Road; Between EDWALINE Road and EDWIN Road. Size of Lot: Width _____ Depth _____ Acreage _____ Date Property Acquired _____ and the Type of Ownership _____

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

VARIANCE REQUEST / APPEAL OF DECISION

If applicable: Variance to the Zoning Ordinance Section (s) 135.0660-185(c)-(v)
Explanation of the Practical Difficulty of the Property as defined in Article III Section 5.06 _____

If applicable: Explanation of Appeal ITS A JEWELRY STORE ON THE CORNER ALWAYS BEEN A TARGET BROCKEN IN MANY TIMES WINDOWS BEEN BROCKEN AT LEAST EVERY YEAR-ONE TIME. ALL THE WINDOWS WERE BROCKEN

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

ZAHER MURRAY
Print Property Owner's Name

[Signature]
Signature of Property Owner

10-18-2022
Date

Per Hamtramck City Ordinance 21-01, Chapter 121, §121.003, the City of Hamtramck is not accepting applications for any new Marijuana related businesses.

10/18/2022

ALADDIN JEWELRY

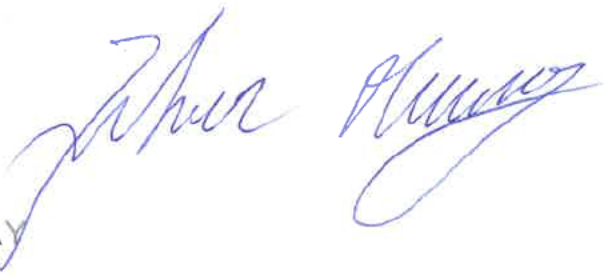
9701 JOSEPH CAMPAU | HAMTRAMCK, MI, 48212

To Whom It May Concern:

My name is Zaher Murray, owner of Aladdin Jewelry (formally Z-Man's Jewelry). I started my business approximately 30 years ago in Hamtramck and have been in this city ever since. I am writing to the board in order to clarify the security modifications inside of my store. On 10/07/22, I received a notice from your office stating I was in violation of ordinance 155.0660-185 (C)-(N) which states "no permanent or nonretractable security fencing shall be permitted within the building". I first wanted to start off by saying that the shutters I installed are retractable and will only be visible at night when the store is closed, meaning during the day they cannot and will not be seen. This is so my store can have the protection it needs while maintaining the neat image the city desires and deserves. I mention protection because there is a very important reason for needing these shutters in particular. As you all know, I own and operate a jewelry store which is unfortunately an obvious target for vandalism and theft. I have a few safes I try to put my merchandise in at closing time but I am blessed with a large selection that cannot all fit in the vaults so that means some things need to be left out. Being that I am on the corner and have many windows, this again makes it that much easier for those who want to steal. The shutters will not only aid in protection, but they are visually more attractive than the gates other stores have in the area and are much more secure as well. I believe these shutters will act as a strong deterrent against any would be law breakers while also influencing other businesses in my situation to see alternative means of protection. The gates that are stationed outside of adjacent businesses are not as appealing and they can be seen even during normal operating hours. The problem that I face in terms of security is not hypothetical in the least. The windows of my store are broken into at least once a year. During one incident, every window was broken, and I had to close for a day and spend a copious amount of money to repair them. An amount that could

have been better spent on merchandise or bettering my store. I implore you all to take a closer look at my situation and the situation that many of these businesses face and I would be very appreciative if you would allow me to keep my security measures in place. Thank you graciously for your time.

SINCERELY,

A handwritten signature in blue ink, appearing to read 'Zaher Murray', is written over the printed name. The signature is fluid and cursive, with the first name 'Zaher' being more prominent than the last name 'Murray'.

ZAHER MURRAY