



Zoning Board of Appeals 2017 Report

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Table of Contents

1 | Executive Summary

2 | 2017 Variance Requests

4 | Zoning Board of Appeals Membership

5 | Zoning Board of Appeals Training + Education Resources

6 | Observations + Recommendations

Executive Summary

The City of Hamtramck Zoning Board of Appeals performs an essential function for the City, guiding the growth and development of our community. The Hamtramck Zoning Board of Appeals (ZBA) reviews variance applications, changes to and expansions of nonconforming uses and buildings, appeals, and interprets the City of Hamtramck Zoning Ordinance. The membership of the ZBA consists of seven (7) members and two (2) alternate members, each appointed by City Council. Terms are for three (3) years and expire on January 1 in the year of expiration.

The City of Hamtramck Zoning Board of Appeals held five (5) regular monthly meetings in 2017 in February, April, July, November, and December. Meetings for the month of January, March, May, June, August, September and October were cancelled due to lack of agenda items.

The Board reviewed eight (8) non-use variance requests and four (4) use variance requests. They granted three (3) use variances and tabled one (1). The Board granted six (6) non-use variances and denied two (2).

During 2017, the Zoning Board of Appeals' membership vacancies were filled completely and all members now have current terms. However, a vacancy for an alternate member opened up in December of 2017 and has yet to be filled. The Board also received new training and educational resources in 2017.

The Zoning Board of Appeals recommends a major rewriting of the Hamtramck Zoning Ordinance in order to be compliant with the law and to thoughtfully guide the development of our community for future generations.

2017 Variance Requests

Noaman Nagi, Alqublani LLC, 2950 Holbrook

Use Variance

A use variance for V – 1.02. to permit a restaurant use in a commercial building located in the Residential (R) zoning district was granted by the Zoning Board of Appeals on April 5, 2017.

Hakeem Adam, International Detail LLC, 8422 Joseph Campau

Use Variance

A use variance for VI – 2.02. to permit an automotive repair shop use in the Central Business District (CBD) zoning district was granted by the Zoning Board of Appeals on April 5, 2017.

Wheelhouse Detroit LLC, 9401 Joseph Campau Avenue

Non-Use Variances

A non-use variance for XI – 5.10. was granted to allow a wall sign on the exterior of the building which also includes more information than the business name, address and phone number was granted by the Zoning Board of Appeals on July 5, 2017. The signage also includes the year the business was established, a brief description of the business offerings, a direction sign/language about access and parking, and an artistic mural component.

A non-use variance for XI – 7.I. to allow a sign painted on the exterior of the building was denied by the Zoning Board of Appeals on July 5, 2017.

B&C Rental Property, LLC, 9331 Brombach Street

Non-Use Variances, Use Variance

The request was for multiple variances to allow for a new construction of townhouses on a nonconforming parcel.

At the November 1, 2017 meeting, the Zoning Board of Appeals granted the following non-use variances:

- Non-Use Variance Request: V – 1.05.b. Maximum lot size in square feet: 6,000.
- Non-Use Variance Request: V – 1.05.e. Minimum yard setback in feet: front: 6 and within 2 feet of adjacent structures;
The developer is proposing a zero lot line setback on Brombach Street, where the frontage is 20 feet wide.
- Non-Use Variance Request: V – 1.05.e. Minimum yard setback in feet: rear: 30;
The developer proposes a rear setback of 18 feet.
- Non-Use Variance Request: V – 1.06.a. All new dwelling units shall have an unenclosed front porch located close to the sidewalk, designed as places to sit, socialize, and observe the street. The proposed architectural design of the townhouse development does not have a front porch for each unit. They have included a front stoop and second story balconies.
- Non-Use Variance Request: V – 1.06.g. The front door shall face the front lot line.
The front lot line of the property faces Brombach Street. This frontage is only 20 feet wide. The developer has proposed having the front door of each townhouse face the north alleyway.

At this same meeting the following non-use variance was denied:

- Non-Use Variance Request: V – 1.06.h. All new houses shall have a minimum twenty-four inch finished first floor line about grade.
The developer is proposing a twelve (12) inch finished floor line above grade.

At this same meeting the following use variance was tabled:

- Use Variance Request: IX—11.02. The following home occupations shall be allowed....And IX—11.01.d. Such use is conducted by permanent resident of the dwelling.
A home occupation is a permitted use in the Residential Zoning District. The developer is requesting a home occupation use of the townhouse development management office and an art gallery space in the portion fronting Brombach Street. The developer is proposing that the home occupation use be conducted by an individual(s) that do not reside in the attached townhouse dwelling(s). They are proposing a door connection from the office space to the first unit dwelling.

Progressive Poletown Properties, 2016 Caniff Street Use Variance

At the December 6, 2017 meeting, the Zoning Board of Appeals granted a use variance for V – 1.02 to permit a rental/meeting/banquet hall use to be conducted at the property located at 2016 Caniff in the Residential (R) zoning district.

Zoning Board of Appeals Membership

The Zoning Board of Appeals started off 2017 with two (2) vacancies for regular members. All other members had expired terms: five (5) regular members and (2) alternate members.

Council appointment of Mohammed A. Rahman and Adam Alharbi to the Zoning Board of Appeals as regular members, the appointment of Frances Sims as an alternate member, and the reappointment of all other current members with expired terms was processed through Resolution 2017-3 at the January 10, 2017 City Council meeting. The City of Hamtramck is still under the control of the State-appointed Receivership Transition Advisory Board. Under the Emergency Manager's final orders, no resolution passed by Council is valid or effective until approved by the Receivership Transition Advisory Board. At the February 28, 2017 meeting of the Receivership Transition Advisory Board, the Board voted not to approve Council Resolution 2017-3. Thus, the appointments contained in Resolution 2017-3 are considered null and void. Therefore, City Council appointments and reappointments to the Zoning Board of Appeals required reprocessing.

Eric Anderson and Adam Alharbi were appointed to the Zoning Board of Appeals as regular members, Frances Sims was appointed as an alternate member, the reappointment of Gray Kales, Carrie Beth Lasley, Nasr S. Hussain, Mark Hausner, and Thomas Habitz as regular members, and the reappointment of Mohammad A. Rahman as an alternate member was processed through Resolution 2017-24 at the March 14, 2017 City Council meeting. At this time, all resolutions of City Council must also be approved by the Receivership Transition Advisory Board (RTAB). The RTAB approved Resolutions 2017-24 at their April 25, 2017 meeting.

Frances Sims stepped down from the Zoning Board of Appeals for personal reasons, effective December 12, 2017. This leaves a current vacancy for an alternate member on the Zoning Board of Appeals.

With a term expiring on January 1, 2018, Council reappointment for Nasr. S. Hussain as a regular member was processed through Resolution 2017-97 at the December 12, 2017 City Council meeting. Council also appointed a new alternate member, Syed Rob, through Resolution 2017-98, taking the place of alternate member Mohammed A. Rahman whose term was set to expire 1/1/2018. At this time, all resolutions of City Council must also be approved by the Receivership Transition Advisory Board (RTAB). The RTAB review is forthcoming at their January 2018 meeting.

Current members, term expirations and attendance records are below.

Zoning Board of Appeals Members	Served Since	Term Expiration	2017 Attendance	Overall Attendance <i>(since 2012)</i>
Gray Kales, Chair	2003	1/1/2019	60%	58.62%
Mark Hausner, Vice Chair	2011	1/1/2020	80%	79.31%
Carrie Beth Lasley	2014	1/1/2020	100%	100%
Nasr. S. Hussain	2012	1/1/2021	100%	93.10%
Thomas Habitz	2014	1/1/2020	80%	86.67%
Adam Alharbi	2017	1/1/2020	60%	60%
Eric Anderson	2017	1/1/2019	50%	50%
Syed Rob, Alternate	2017	1/1/2021	NA	NA
Vacancy, Alternate	NA	1/1/2021	NA	NA

Zoning Board of Appeals Training + Education Resources

The Zoning Board of Appeals started off 2017 without educational resources.

The Zoning Board of Appeals now has an American Planning Association Group Planning Board Membership. All Commissioners are full members of the American Planning Association (APA) national and Michigan local chapter. APA publishes most of the materials used to educate planning commissions, zoning boards, and boards of adjustment. In addition to *Planning* magazine — and its bimonthly supplement, *The Commissioner* — members have unlimited web access to current and archived publications of the Planning Advisory Service, APA's Research KnowledgeBase, and *Interact* (sources for news on contemporary planning practices). Members also enjoy the APA Library's E-book Collection and discounts on resources through the online store. APA publications, online programming, national and chapter conferences, and targeted training practices teach core lessons that help commissioners create consensus on controversial issues, decide on issues fairly, and sidestep legal pitfalls.

On February 16, 2017, the City Planner organized a two hour training on the Religious Land Use and Institutionalized Persons Act (RLUIPA) for the Zoning Board of Appeals and Plan Commission. City Council, the Downtown Development Authority, and Department Heads were also invited to attend. Materials provided included:

- Letter to Municipal Officials from the U.S. Department of Justice, Civil Rights Division, RE: RLUIPA, December 15, 2016
- Statement of the Department of Justice on the Land-Use Provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Report on the Tenth Anniversary of the Religious Land Use and Institutionalized Persons Act, U.S. Department of Justice, September 22, 2010
- Update on the Justice Department's Enforcement of the Religious Land Use and Institutionalized Persons Act: 2010-2016, U.S. Department of Justice, July 2016
- Public Law 106-274, Religious Land Use and Institutionalized Persons Act of 2000

An online training video was also provided to all members who could not attend, titled "Planning For Religious Land Uses in an Age of Religious Diversity and Lawsuits."

https://www.youtube.com/watch?v=ZqqWY_c46Tl

In addition to RLUIPA materials, each new Zoning Board of Appeals Member is now provided the following materials as part of their onboarding:

- Zoning Board of Appeals Membership Roster
- Zoning Board of Appeals Meeting Schedule
- Hamtramck Zoning Ordinance 497
- Hamtramck Zoning Map
- Ordinance 2017-04, Establishment of Plan Commission per recent amendment to Zoning Ordinance 497
- Michigan Zoning Enabling Act, Act 110 of 2006
- Michigan Planning Enabling Act, Act 33 of 2008
- Michigan Open Meetings Act, Act 267 of 1976
- Michigan Freedom of Information Act, Act 442 of 1976
- Zoning Board of Appeals Handbook from the Michigan Municipal League
- Zoning Board of Appeals Meeting Minutes
- Hamtramck Master Plan

Observations + Recommendations

There were many more development projects and inquiries in 2017 than in recent years, requiring added resources and capacity to process and review each variance request when they occurred. The Community and Economic Development Department is continually working to improve the development review process.

The Hamtramck Zoning Ordinance requires major amendments. Likewise, the Hamtramck Zoning Map also requires an analysis and potential updates. The lack of an updated Zoning Map online is cause for concern. There are currently no mapping technology resources or raw GIS data. It has been observed that the need for several of the use variance requests in 2017 may have been avoided with a recent review and update to the Zoning Map. It is the Plan Commission's purview to recommend Zoning Ordinance and Map amendments to City Council for consideration. However, these recommendations are slow to come before Council and are piecemeal. The following are major areas of the Hamtramck Zoning Ordinance that have occupied discussion and require review and amendment to be compliant with recent legal updates and rulings, the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities (RRC) Program, as well as to be more in line with the Hamtramck Master Plan, trends in healthy urbanism, and the context of our community (listed in no particular order).

- Signage Standards
- Parking Requirements
- Permitted Uses
- Replacement within the code of outdated language and removal/replacement of unnecessarily duplicative language/terminology throughout the code
- Mural and Public Art Standards
- Green Infrastructure Standards
- Vacant Land Uses
- Landscape Standards
- Architectural Standards
- Form-based Code
- Public Participation

Capacity is a major challenge to reviewing and recommending Ordinance amendments to City Council. The required changes are to such a large and expansive degree that ad hoc Ordinance amendments will not solve the immediate and long-term issues and needs associated with the Zoning Ordinance and Zoning Map. The Zoning Board of Appeals recommends that a qualified consultant focus solely on rewriting the Hamtramck Zoning Ordinance and Map and consider incorporating form-based code. This will require a dedication of budgetary resources. These updates will ensure that the Zoning Ordinance not only reflects our community's needs and desired outcomes for the future, but that the City is compliant with the law, and furthermore, that the need for variance requests may become less frequent. The suspension of some of the ordinance requirements and the permission of qualified administrative oversight may be advantageous in the meantime.

PASSED AND APPROVED BY THE PLAN COMMISSION OF THE CITY OF HAMTRAMCK, WAYNE COUNTY, MICHIGAN, THIS 10 DAY OF JANUARY, 2018.

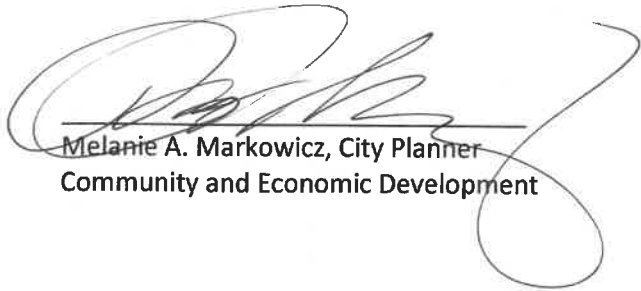
AYES: Anderson, Lasley, Hussain, Hausner, Habitz, Alharbi, Kales

NAYS: None

ABSTENTIONS: None

ABSENT: None

ATTEST: None

A handwritten signature in black ink, appearing to read 'Melanie A. Markowicz', is written over a horizontal line. The signature is stylized and extends to the right of the line.

**Melanie A. Markowicz, City Planner
Community and Economic Development**