



**City of Hamtramck Meeting**  
Department of Community and Economic Development  
Regular Zoning Board of Appeals Meeting  
January 18, 2023  
7:00 P.M.  
City Hall – Council Chambers 2<sup>nd</sup> Floor  
313.800.5233 ext. 332

**MINUTES**

1. **Call to Order**

Chairperson Habitz called the meeting to order at 6:07pm

2. **Pledge of Allegiance**

3. **Roll Call**

**Present:** Tom Habitz, Eric Anderson, Malek Hussein, Asim M. Alshahri

**Absent:** Gias Talukder, Munir Shareef.

**Also present:**

Paul Urbiel, Planning Consultant to City of Hamtramck

Hadwan Hadwan, Variance Applicant

Alan Hall, Architectural Planners Inc., Architect Representing Variance Applicant

3 Members of the Public

4. **Approval of Minutes**

**Motion** by Anderson supported by Hussein to approve the City of Hamtramck Zoning Board of Appeals meeting minutes of the April 13, 2022 and November 15, 2022 Zoning Board of Appeals Meeting, as presented.

AYES: Habitz, Anderson, Hussein, Alshahri

NAYS:

**MOTION CARRIED**

5. **Public Comment** (3 Minutes)

No members of the public wished to comment.

6. **New Business**

A. **2023 Schedule**

**Motion** by Hussein supported by Anderson to adopt the 2023 ZBA meeting schedule as presented.

AYES: Habitz, Anderson, Hussein, Alshahri

NAYS:

**MOTION CARRIED**

**B. Elect Officers**

Nominations were had for the offices of Zoning Board of Appeals Chairperson, Vice Chairperson and Secretary as follows:

Nomination by Anderson with support by Hussein for Tom Habitz to be Chairperson of the City of Hamtramck Zoning Board of Appeals.

Habitz accepted the nomination.

Nomination by Anderson with support by Habitz for Malek Hussein to be the Vice-Chairperson of the City of Hamtramck Zoning Board of Appeals.

Hussein accepted the nomination.

Nomination by Anderson with support by Hussein for Eric Anderson to be the Secretary of the City of Hamtramck Zoning Board of Appeals.

Anderson accepted the nomination.

AYES: Habitz, Anderson, Hussein, Alshahri

NAYS:

Tom Habitz was deemed to be the City of Hamtramck Zoning Board of Appeals Chairperson, Malek Hussein was deemed to be the City of Hamtramck Zoning Board of Appeals Vice-Chairperson, and Eric Anderson was deemed to be the City of Hamtramck Zoning Board of Appeals Secretary through December 31, 2023.

**7. Public Hearing**

Chair Habitz opened the public hearing.

The subject of the hearing was: Applicant Architectural Planners Inc. requested a variance to the zoning ordinance section 155.080(D)(4) and 155.114(C)(2) for address 9531 Buffalo Street, Hamtramck. Parcel # 41-008-02-0025-301. Proposed new construction building does not meet side yard setback and parking stall length requirements.

Urbiel presented the administrative statement of facts regarding the appeal.

The applicant is requesting one variance from Section 155.080, which describes the Structure and Site requirements for the Industrial (I) zoning district, namely item 155.066 (D)(4). The applicant requests a variance of 9'-2" to the required side yard setback, which would result in a 10-inch side yard setback.

The applicant is also requesting one variance from Section 155.114, which describes the Off-Street Parking requirements for the Industrial (I) zoning district, namely item 155.114 (C)(2). The applicant is requesting a variance of 2 feet from the required minimum length to allow for parking stalls to be 18 ft in length.

The site plan as addressed may require further modifications and additional information to meet all Zoning Ordinance requirements and be granted site plan approval by City Council. These can be achieved through the site plan review process. The matters in question currently prevent the development from proceeding.

Hall presented further details regarding the proposed site plan and the reasons for seeking a variance.

**Discussion:**

Habitz questioned petitioner about the state of the property to the south, and whether the adjacent property owner is supportive of the setback variance since it will affect the usability of the property to the south.

Hadwan replied that the owner of the property to the south also owns several other parcels on Buffalo Street. Hadwan purchased the subject parcel from that owner. The property to the south of the subject parcel is used for parking for the industrial use across Buffalo street, and that parking is necessary for the successful operation of that industrial use, so Hadwan does not believe the use of that parcel will change or be impacted by the proposal.

Anderson questioned the proposed screening on the Norwalk-facing property line.

Hall replied that the existing 2-foot retaining wall is proposed to be maintained and continued along the remainder of the existing property line.

Habitz states that he believes that the neighboring properties are not affected by this proposal, and the use fits the prevailing land use pattern.

**Public Comment:**

Linda Slappey, resident of Norwalk Street, voiced a concern regarding the proposed condition of the Norwalk-facing property line. Ms. Slappey would prefer a six-foot wall or fence, with perhaps some landscaping, to screen the use from the adjacent residences.

Richard Gattigan, resident of Doremus Street, spoke on the proposed variance. He stated that he is an associate of the owner of the property to the south and asserted that that owner has seen the proposed site plan and is not opposed to granting the variance.

**Motion** by Habitz, supported by Anderson, to grant the requested variances based on the demonstrated practical difficulty caused by the irregular shape of the parcel and lack of impact on the surrounding neighborhood and use.

AYES: Habitz, Anderson, Hussein, Alshahri

NAYS:

**MOTION CARRIED**

**Motion** by Hussein, supported by Anderson that the Zoning Board of Appeals recommends to the Planning Commission in their evaluation of the Special Land Use application that is expected for this project, and to the City Council in their evaluation of the Site Plan application that is expected

for this project, that the public comment received with regard to the requested variance is considered, namely:

The ZBA agrees with the request voiced in public comment for a six-foot wall (or other additional, adequate screening) be required above and beyond what is currently proposed in the conceptual site plan to protect the residents of Norwalk Street from adverse impacts resulting from noise or visual impacts associated with the proposed use.

AYES: Habitz, Anderson, Hussein, Alshahri

NAYS:

**MOTION CARRIED**

#### 8. **Old Business**

**Motion** by Anderson, supported by Hussein, to adopt the ZBA Rules of Procedure (Bylaws), draft date April 13<sup>th</sup>, 2022.

#### 9. **Commission Announcements**

No announcements were made.

#### 10. **Staff Announcements**

The staff wished to welcome New Members (Members Alshahri and Shareef Appointed at City Council on 1/10/23).

Member Alshahri introduced himself. He is a validation engineer and a student at Wayne State University, and looks forward to service on the Board.

#### 11. **Public Comment**

A resident of 3885 Doremus Street spoke on issues he had with the City's property sale and a difference of understanding with the City administration about a potential lot split and the deed for this property.

Habitz explained that the ZBA is a volunteer board that has limited powers and the resident would be better served to take the matter up further with the City Administration.

12. **Adjournment**

**Motion** by Habitz, supported by Anderson, to adjourn the meeting at 7:02pm

AYES: Habitz, Anderson, Hussein, Alshahri

NAYS:

**MOTION CARRIED**