



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 13, 2022

6:00 P.M.

City Hall

Minutes

1. **Call to Order**

The meeting was called to order at 6:03pm.

2. **Pledge of Allegiance**

3. **Roll Call**

Eric Anderson (present), Malek Hussein (present), Adam Alharbi (present at 6:19pm), Muhith Mahmood (present), Gias Talukder (present)

Absent: Tom Habitz, Mark Hausner

Eric Anderson stood in as chair.

4. **Approval of Minutes**

Regular Meetings: November 10, 2021, January 12, 2022 & February 9, 2022

Motion by Gias Talukder, Mahmood Muhith seconds to approve minutes.

Motion passes by unanimous voice vote.

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

No public comment

6. **New Business**

a. Welcome New Board Members: Muhith Mahmood & Gias Talukder

b. Elect Officers – This was delayed due to lack of Quorum in the January & February meeting

Motion to elect Tom Habitz as chair by Eric Anderson; Seconded by Muhith Mahmood. Motion passes by unanimous voice vote.

Motion to elect Eric Anderson as Vice Chair by Muhith Mahmood; seconded by Malek Hussein. Motion passes by unanimous voice vote.

c. Adopt 2022 Schedule – This was delayed due to lack of Quorum in the January & February meeting

Motion to meet on the 3rd Tuesday of each month at 6:00pm, starting in May 2022 by Muhith Mahmood; seconded by Eric Anderson. Motion passes by unanimous voice vote.

7. Public Hearing

- a. **Applicant Iqbal Chowdury requests to expand a non-conforming structure at 3101 Casmere, Hamtramck MI per zoning ordinance section 155.090 - 155.096. Parcel 41007 070001300. The existing structure and proposed second-story addition does not conform to the rear setback requirement of 30' for the R District.**

Staff presents the staff report along with the initial reason for denial. Denial was based on the 30" rear setback requirement and the expansion of the home increasing the nonconformity of the structure. Staff detailed the ordinance section pertaining to expansion of a non-conforming structure. Standards are located in Article VIII – 1.03 (Section 155.090 – 155.100).

The Board may permit the expansion of a nonconforming use or structure upon written findings that the following standards have been met:

- a. *That the use, building, or structure was lawful when permitted or constructed;*
- b. *Continuance thereof would not be contrary to the public health, safety, or welfare or the spirit and intent of this Ordinance;*
- c. *That the use, building, or structure does not, and is not likely to, significantly depress the value of nearby properties;*
- d. *That no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use, building, or structure does not conform; and*
- e. *Expansion shall not have an adverse impact on adjoining property.*

Applicant:

- The architect and owner spoke.
- Unknown whether the house was built to code at the time.
- The architect answered questions pertaining to fire safety.

Public Comment:

One neighbor located across the street spoke (3100 Casmere) stated that he is not opposed.

Board Deliberation:

Board agreed that they should assume the building was lawful when constructed (a). Stated that a 2-story building fits the character of the city (b). Stated that regarding (c) the key word is significantly. Board deliberated over standards d and e. Stated that due to the design of the gables and roof, they do not believe that the sunlight issue is a significant concern.

Muhith Mahmood motioned to approve the expansion of the building; seconded by Adam Alharbi. Roll call vote – all approved.

- b. **The subject of the hearing is: Applicant CitySwitch LLC is requesting a variance to the zoning ordinance section 155.187(B)(13) for address 3901 Christopher, Hamtramck. Parcel 4100599 0007000. Proposed 155ft monopole tower does not meet required setback to the south and east.**

Staff: Staff reviewed the ZBA staff report regarding the variance request.

Applicant:

- Speaker: Mike Long
- Dish Network would provide coverage within the city, including coverage for Factory Zero and coverage along I-75
- Site will be designed and engineered for other carriers to join in future.
- Stated that the requirement pertaining to one-to-one foot setback from unrelated buildings is meant to be a safety guard in case of a tower falling.
- Sabre Industries is the vendor designing and manufacturing the tower and that the tower would break and bend over rather than break at the base. Fall radius - 17 feet. Applicant provided a letter (attached).
- Applicant stated that a 60-foot tower could be built without a variance, but that such a tower would not serve the purpose. Applicant shared a document comparing coverage for a 150 ft tower and a 60 ft tower (attached).
- Hardship is needing more height to accomplish the objective.
- Board asked applicant about materials and color. Applicant stated galvanized steel and grey.

Staff opened public comment. No public was present.

Staff read a letter from a member of the public and gave a copy to each ZBA member.

Board Deliberation:

- Board discussed if the tower would eventually be 5G.
- Board asked the applicant if they have any scientific data on radiation. Applicant referred to FCC standards.
- Board discussed the issue and cost of deconstructing towers if abandoned.

Motion: Adam Alharbi motioned to approve both requested variances with the following conditions:

#1) The safety conditions in the letter dated March 22, 2022 signed by Josh Gosiak, P.E., must be followed.

#2) Applicant must follow all Federal, State and Local regulations.

#3) Applicant must disassemble tower within 60-days of non-use.

#4) Applicant must provide the City of Hamtramck with a 50K surety bond to removed tower in the event that the tower is not removed within 60-days of non-use. **Motion seconded by Malek Hussein. Roll call vote – all approved.**

8. Old Business

- a. Consider Adopting Zoning Board of Appeals Rules of Procedure
Board decides to discuss at following meeting.

9. Commission Announcements

- a. Board member Hamilton Jordon moved out of Hamtramck and is no longer eligible to be on the Zoning Board of Appeals per the Michigan Zoning Enabling Act (MZEA).

10. Staff Announcements

11. Public Comment (3 Minutes)

12. Adjournment

Chair motions to adjourn at 7:47pm.

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.