

**ZONING BOARD OF APPEALS
MEETING MINUTES
March 27, 2013
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:06 p.m.

II. ROLL CALL

Present: J. Bailey, R. Johnson, T. Roach, A. Bedogne

Absent: M. Shecket, (excused) G. Udoji (excused)

Staff: B. Wessler, City Planner I
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES – August 22, 2012

Commissioner Bedogne moved to approve the minutes of August 22, 2012 as read (Support: R. Johnson) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Commissioner Bailey stated that the purpose of the meeting is to consider a dimensional variance request for 1425 Washtenaw. Commissioner Bailey advised the applicant that since there were only 4 board members in attendance, it was within his right to wait until the next meeting when a full board would be present. The applicant, Mohammed Issa, declined and agreed to accept the decision by the four members.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. Dimensional Variance Request: 1425 Washtenaw

Ms. Wessler presented the staff report stating that the applicant is planning to open a deli at 1425 Washtenaw, and as part of that, they would like to have an outdoor café at the western edge of the building. The proposed location is within 50' of a residential district, which is prohibited by ordinance. With regard to the standards in Sec 122-94(b) of the ordinance, all of the standards to grant

a variance must be met. She detailed the standards that have not been met. Staff is recommending denial of this request and listed the various findings as to how staff arrived at this decision.

Board members had some comments on the parking situation. There had been two site plans submitted to Planning Commission at its recent meeting. The second site plan included closure of a curb on Owendale and parallel parking in the rear. Commissioner Johnson added that the Planning Commission conditionally approved the second site plan with 15 parking spaces.

Commissioner Johnson moved to open the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Mohammed Issa, owner of the property, stated he is hoping to open within the next few weeks. They would like to have the outside café since that would bring in business from the surrounding neighbors and the fact that there is not currently any outside cafes in that area.

Commissioner Johnson stated that to support this request would set a precedent and we want to be sure that we protect the residents. Planning Commission allowed the applicant a waiver to have less than the 19 required parking spots. If they were to move the outdoor café 20 ft to the north, taking out one spot after they close the curb, they would still be in line with conditions of the Parking Commission.

Mr. Issa agreed that the outdoor café would be inviting for neighbors.

Commissioner Bedogne added that he believes this is a great use for the site but questioned the requirement for 19 spots since by moving the café they would still have enough parking. Mr. Issa responded that they would like to have enough parking for seating since the outdoor café would be more seasonal and would probably entice more residents to walk to the location.

Mr. Al-Saati, architect for the project – stated that with regard to the parking, they tried to comply with the zoning and maximize the number. The area for the proposed café is considered “dead area” hence the reason for the choice of this location. They have to maintain maneuvering and maintain number of parking spaces.

Commissioner Bedogne moved to close the public portion of the hearing (Support: R. Johnson) and the motion carried unanimously.

After some further discussion by the board members, Commissioner Bedogne moved to recommend that the Zoning Board of Appeals deny the variance request to permit an outdoor café within 50' of a residential district, as submitted on 20 February 2013, with the following findings:

1. Such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance.
2. The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in Sec 122-94(b)(5).
3. Denial of this variance does not preclude the applicant's ability to place an outdoor café on the site.

The motion was supported by Commissioner Roach and carried unanimously.

2. Zoning Board of Appeals Meeting Schedule

Commissioner Johnson moved to approve the Zoning Board of Appeals schedule of meetings for 2013 (Support: A. Bedogne) and the motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Bedogne moved to adjourn the meeting (Support: T. Roach) and the motion carried unanimously. The meeting adjourned at 7:45 p.m.