

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, April 30, 2009

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

GENERAL ORDER DPW - CITY ENGINEERING DIVISION
BUSINESS LICENSE CENTER

3321 *Roger A. Farinha, requesting a hearing regarding a special variance for carry-out seafood restaurant located at 18203 W. McNichols, to accommodate customer parking.*

RECEIVED
MAY 04 2009

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CED
NOEL

3321

ROGER A. FARINHA
Attorney at Law
4000 Miller, Suite 101
Detroit, MI 48211
(313) 657-6532

April 6, 2009

Detroit City Council
2 Woodward Ave.
Detroit, MI 48226

VIA HAND DELIVERY

APR 06 2009

DETROIT CITY

Re: Special Land Use
18203 W. McNichols

Dear City Council:

On behalf of the owners of 18203 W. McNichols, we respectfully request a hearing for a special variance at the above location. Currently, Detroit Police Department Officers are issuing tickets to customers for parking on the premises. There is a berm that has been leveled for parking and paved over for more than a year. City inspectors had previously requested that yellow poles and parking cement barriers be erected to allow proper egress for pedestrians using the sidewalks. This was accomplished and all neighbors, regular pedestrians, have proper access to main streets without any risk from traffic. (See Exhibit A).

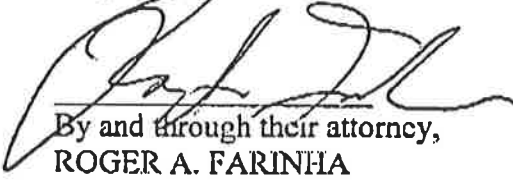
The business currently located on the premises is a carry-out seafood restaurant. There is very limited parking (1) one space, that does not adequately handle the flow of business. The back alley is mostly used for garbage to be picked up and although adequately cleaned and maintained, is unsupportive of the business enterprise. This is a Detroit business catering to Detroit customers, paying Detroit taxes and employing at least seven Detroit employees. The business anchors the block it sits on, it is well maintained and caters to the immediate community and beyond.

As of September 9th, 1994, the specified findings of section 65.0400 of the Detroit Zoning Ordinance have been properly satisfied. The business is in full compliance with all zoning restrictions and regulations and has sought to comply with all requests from the various departments regulating their enterprise. The No Angle Parking designation now posted has served as a deterrent and hindrance to business customers as Detroit Police Officers sit at the location and ticket customers as they park to purchase the fish from the business.

Needless to say, the affect on commerce is counterproductive to encouraging business development for the City of Detroit. The harm to the business has been continuous and

pcrsistent. Therefore, we respectfully request City Council with appropriate review by interested agencies, approve best use of the land and grant a special variance allowing the berm to be utilized for angle parking on the premises.

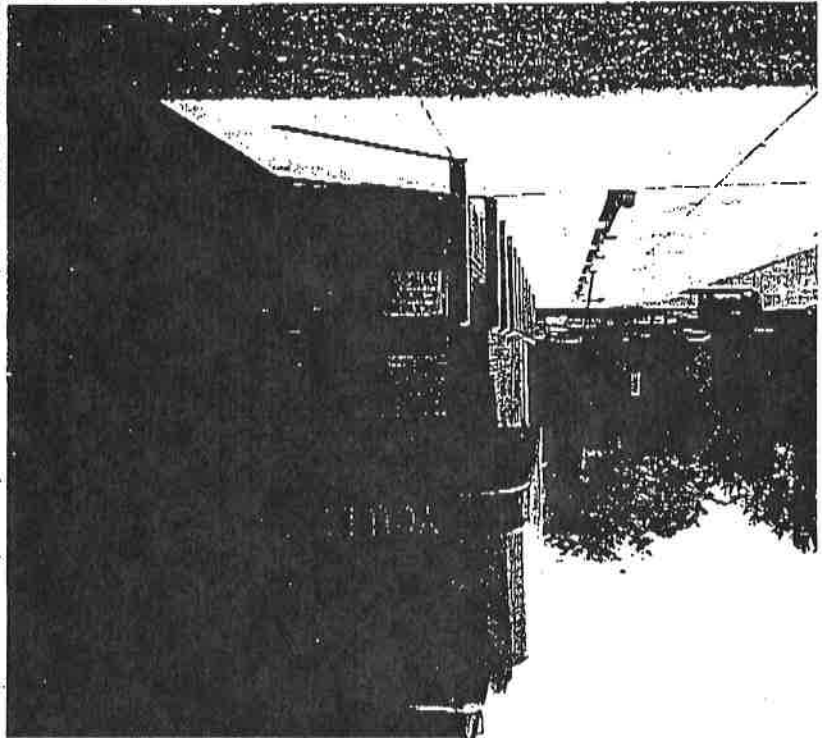
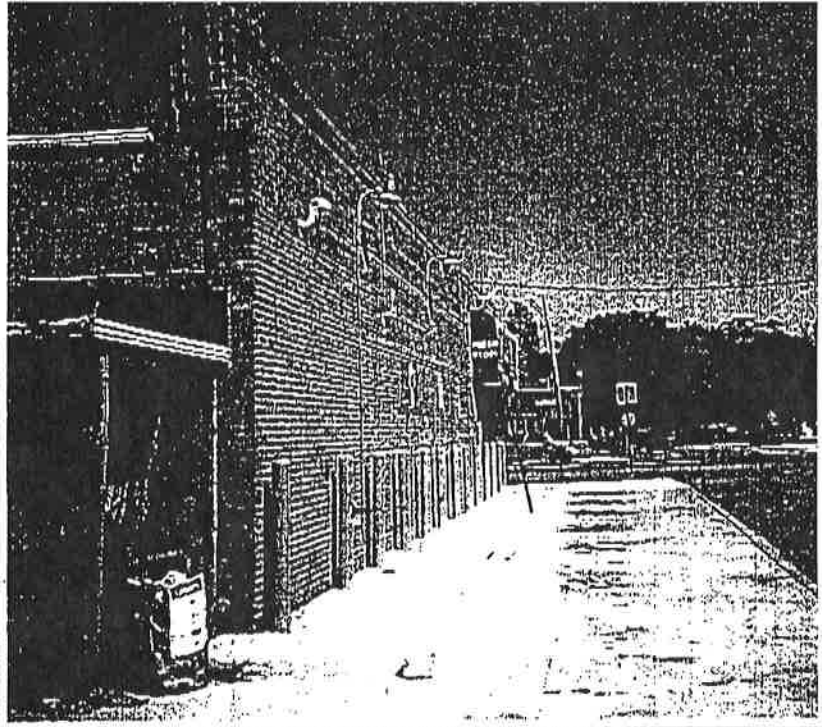
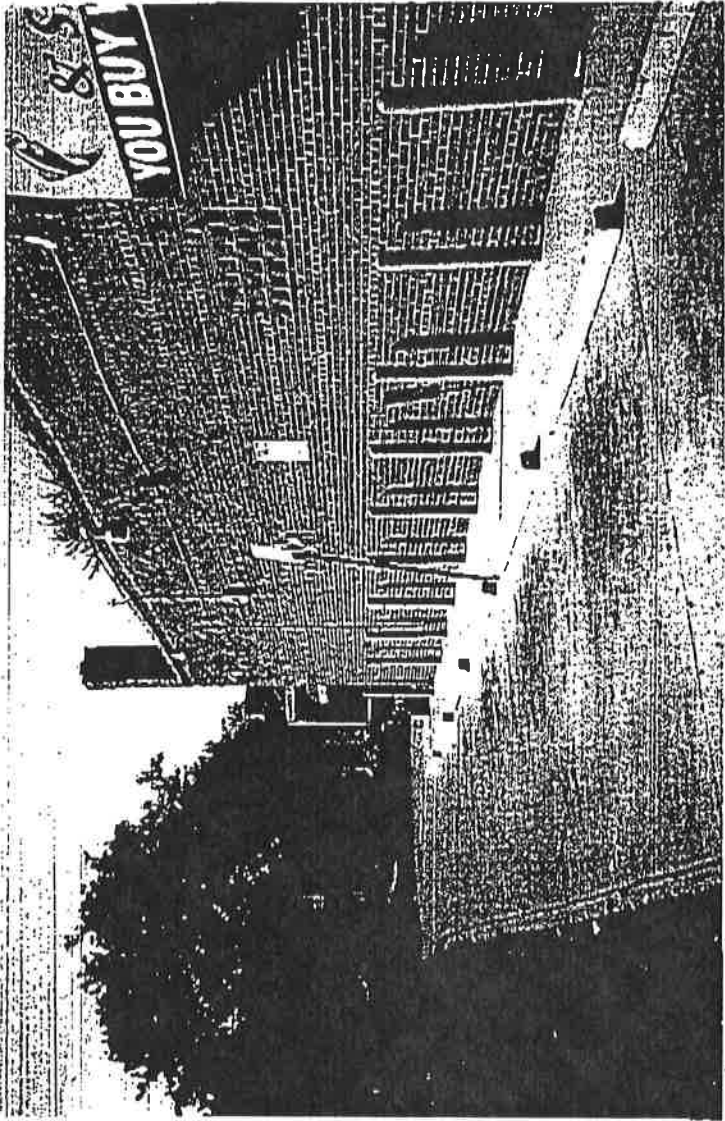
Respectfully submitted,



By and through their attorney,
ROGER A. FARINHA

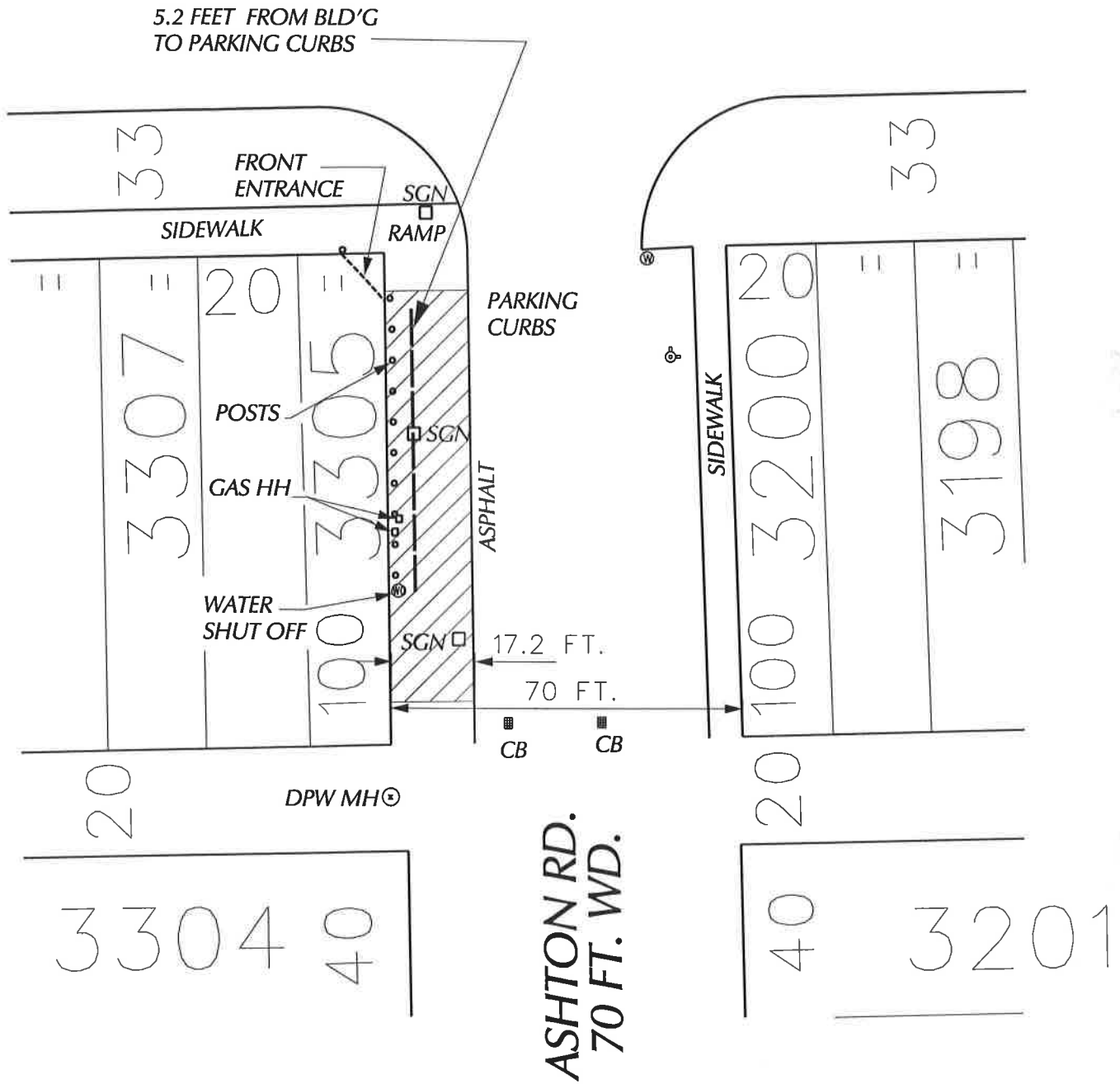
cc. Noel R. Perry
Supervisor of Maps and Records
City of Detroit
Department of Public Works
City Engineering
65 Cadillac Square, Suite 900
Detroit, MI 48226

EXHIBIT A



ROGER A. FARINHA
 4000 MILLER, SUITE 101
 DETROIT, MICHIGAN 48211
 C/O ROGER A. FARINHA
 PHONE NO. 6313 657 6532

WEST McNICHOLS 86 FT. RD.



- AREA OF BERM PARKING

(FOR OFFICE USE ONLY)

CARTO 103 C

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	KSM		CHECKED		
DATE	2-6-10		APPROVED		

REQUEST TO BERM PARK
 ON THE WEST SIDE OF
 ASHTON ROAD 70 FT. WD.
 AT 18203 W. McNICHOLS

CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X3321.dgn