

DATE: July 28, 2009

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services
Paul Evans, Housing & Zoning Inspector Supervisor

RE: 4977 Livernois – response to comments made at July 20, 2009 City Council Meeting

I understand comments were made at the July 20, 2009 City Council meeting regarding the Building Inspection Department's recent actions at Coffee With Cream, 4977 Livernois. The subject matter involves establishing outdoor incidental customer seating outside the building without first receiving a Certificate of Approval from the Building Inspection Department.

The property is Zoned B-1 Local Business. Section 20.25.03 of the City of Troy Zoning Ordinance allows outdoor incidental customer seating as an accessory to food sales establishments. The business sells food items such as pastries, donuts, bagels, ice cream and hot and cold beverages. The Zoning Ordinance requires a Certificate of Approval be granted prior to establishing outdoor incidental seating. Applications for Certificates are reviewed and granted by the Building Inspection Department. There is no charge for the Certificate

On June 3, 2009 Housing and Zoning Inspector Griffeth observed two benches on the private sidewalk adjacent to the business. At that time a Certificate of Approval had not been granted for the benches. A notice dated June 9, 2009 was sent to the property owner advising of the June 3 observation. The notice requested the benches be removed or that the necessary Certificate be obtained. An application was included with the notice.

The Building Department is in receipt of the application, and is preparing a written denial. Chapter 39.70.03 of the Zoning Ordinance requires a minimum 5 foot walkway for pedestrian access. The 7 foot wide sidewalk in front of the store also serves as a bumper stop for motor vehicles using parking spaces. The application proposes placing 21 inch wide benches on the sidewalk adjacent to the front building face. Adding the benches and incorporating a 24 inch wide vehicle overhang reduces the walkway width to 39 inches.