



BOARD MEMBERS

Keith Williams
Chairperson

Robert Thomas
Vice-Chairperson

Evelyn Smith
Latisha Johnson
Paul Huxley
Rita Ross
Robert G. Weed

City of Detroit
Board of Zoning Appeals
Coleman A. Young Municipal Center
2 Woodward Ave Suite 212
Detroit, Michigan 48226
(313) 224-3595

JAMES W. RIBBRON
Director

LYALL T. HOGGATT
Appeals Specialist

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **June 23, 2015** on the 13th Floor in the City Council Chambers, Coleman A. Young Municipal Building, 2 Woodward Avenue.

The Chairman of the Board Keith Williams called the meeting to order and Appeals Specialist Hoggatt called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

- (1) Keith Williams, Board Member
- (2) Robert E. Thomas, Board Member
- (3) Evelyn Smith, Board Member
- (4) Paul Huxley, Board Member
- (5) Robert G. Weed, Board Member
- (6) Latisha Johnson, Board Member
- (7) Rita Ross, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Ross made a motion to approve the minutes for June 16, 2015 with corrections.

Affirmative: Mr. Huxley, Williams, Thomas, Weed
Ms. Smith, Johnson, Ross
Negative: None

PROCEDURAL MATTERS:

- (A) A motion was made, seconded and carried that the Director of the Board read into the record the notices, reports, letters, or any other information pro or con, on each individual case, and be filed and made a part of the record in each case.
- (B) A motion was made, seconded and carried that the appearance slips, be filled out by property owners or parties of interest who appeared at the public hearing, be filed in the individual case file and be made a part of the record in each case.
- (C) A motion was made, seconded, and carried that the recorded transcript of the proceedings of the various hearings, furnished by BZA Staff, be made part of the MINUTES.

9:15 a.m. CASE NO.: 14-15
APPLICANT: Ben Varney / Bowin Place Attn. Christine Taylor
LOCATION: 15400 W. Seven Mile Rd. Between: Greenfield and Whitcomb
in a R3 Zone (Low Density Residential District).

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Ben Varney / Bowin Place Attn. Christine Taylor are petitioning the Board for a waiver of providing camouflage for the installation of 12 cellular antennas on ballast frames mounted on the roof of an existing multi-family building within a R3 zone (Low Density Residential District). This case is appealed because the Board of Zoning Appeals may vary the requirements and limitations that are imposed by this zoning ordinance that pertain to dimensional requirements, use regulations, locational/spacing requirements, or general developmental standards of various land use where strict application of such requirements or standards would result in practical difficulty and where all applicable standards and approval criteria of this division are met, including those of Sec . 61-4-81 of this code. (Sections 61-4-89 Variances, In General and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Smith made a motion to waive the required camouflage for the installation of 12 cellular antennas on ballast frames mounted on the roof of an existing multi-family building within a R3 zone (Low Density Residential District). . Support by Board Member Huxley.

Affirmative: Mr. Huxley, Weed, Williams, Thomas
Ms. Smith, Johnson, Ross

Negative: Ross

Waiver of masonry wall screening Waived

10:00 a.m. CASE NO.: 16-15

 APPLICANT: Najat Karjou

 LOCATION: 7104 Waldo Between: Freer and Parkinson in a R2 Zone
(Two Family Residential District).

 LEGAL DESCRIPTION OF PROPERTY: LOT 86 PALMS SUBDIVISION
AS RECORDED IN LIBER 25, PAGE 44 OF PLATS , WAYNE
COUNTY RECORDS, COMMONLY KNOWN AS 7104 WALDO.

PROPOSAL: Najat Karjou requests to rebuild in the same footprint a one-story retail convenience fire damaged store, approximately 2,200 square feet containing a SDD/SDM, carry out sale of Beer, Wine and Liquor (nonconforming use) in a R2 zone (Two Family Residential District). This case is appealed because where a structure that contains a nonconforming use is damaged or destroyed by any means to the extent of more than sixty percent (60%) of the assessed valuation, as defined in Sec. 61-16-33 of this Code, of the structure at the time the damage occurred, the use shall not be re-established except in compliance with all applicable regulations of ARTICLE XII, ARTICLE XIII, and ARTICLE XIV of this Chapter. The Board may modify the provisions of the applicable regulations of ARTICLE XII, ARTICLE XIII, and ARTICLE XIV of this Chapter only after a public hearing, upon satisfying the approval criteria of ARTICLE IV, DIVISION 6 of this Chapter. The Board may impose any limitations or conditions, that the Body deems necessary to carry out the intent, spirit, and purpose of this Chapter: In addition, deficient Off-Street-Loading Space, Lot Area, Lot Width, Front and Rear Yard Setback. (Sections 61-15-7 Board of Zoning Appeals, 61-15-22 Damage or Destruction to Principles Structures, Containing Nonconforming Uses, 61-4-89 Variances, In General and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to request to rebuild in the same footprint a one-story retail convenience fire damaged store, approximately 2,200 square feet containing a SDD/SDM, carry out sale of Beer, Wine and Liquor (nonconforming use) in a R2 zone (Two Family Residential District). Support by Board Member Thomas.

Affirmative: Mr. Williams, Huxley, Weed, Thomas

Negative: Ms. Ross, Smith, Johnson

Rebuild of Nonconforming Structure Granted

10:30 a.m. CASE NO.: 15-15
APPLICANT: Mazen Ajilat
LOCATION: 17740 W. Seven Mile Rd. Between: Southfield and Greenfield in a B4 Zone (General Business District).

LEGAL DESCRIPTION OF PROPERTY: LOTS 138-140 EXCEPT SEVEN MILE ROAD AS WIDENED, HOMELANDS SUBDIVISION, LIBER 35, PAGE 12, PLATS, W.C.R. 63 X 86.15 (PIN 22017085-7)

PROPOSAL: Mazen Ajilat request to reverse the decision of the Buildings Safety Engineering and Environmental Department (BSEED 20-13) which DENIED establishment of a Minor Motor Vehicle Repair Facility in an existing 2,735 square foot building in a B4 zone (General Business District). This case is appealed because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses and the Board of Zoning Appeals shall be authorized to hear dimensional variance requests for matters that are beyond the scope of Buildings and Safety Engineering Department ten percent (10%) administrative adjustments. (Sections 61-4-71 Jurisdiction Over Administrative Appeals, 61-4-89 Variances, In General, 61-4-92(2) Variance of Developmental Standard and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion establishment of a Minor Motor Vehicle Repair Facility in an existing 2,735 square foot building in a B4 zone (General Business District).

Affirmative: Mr. Weed, Williams, Thomas, Huxley
Ms. Smith, Johnson

Negative: Ms. Ross

Minor Motor Vehicle Repair Granted

11:00 a.m. CASE NO.: 20-15

 APPLICANT: Bilrivin, Inc. c/o Scott MacDonald / Susan A. Knight

 LOCATION: 7057-59 Michigan Ave. Between: Parkinson and Larkins in a B4 Zone (General Business District).

 LEGAL DESCRIPTION OF PROPERTY: LOTS 75 THRU 77
EXCLUDING MICHIGAN AVE. AS WIDENED OF "T. LARKINS SUBDIVISION WEST OF APPLE STREET ON P.C. 719 IN SPRINGWELLS" T. 2 S., R. II E., (NOW CITY OF DETROIT), WAYNE COUNTY MICHIGAN, AS ECORDED IN LIBER 17 OF PLATS, PAGE 74, WAYNE COUNTY RECORDS

PROPOSAL: Bilrivin, Inc. c/o Scott MacDonald / Susan A. Knight requests continuation of a legal nonconforming Cabaret "D" BY dismantling and removing the second-story floor structural members (floor joist) and abandon the nonconforming vacant apartment space on the second floor as per attached plans and obtain Certificate of Compliance per (Sec. 9-1-36a) of the Detroit Mini Code in a B4 zone (General Business District). This case is appealed because structural alteration of any legally established nonconforming adult use / sexually oriented business may be permitted by the Board of Zoning Appeals where: The proposed structural alteration meets the relevant building, design and dimensional criteria set forth in this Code and the proposed structural alteration is necessary for the sexually oriented business to comply with interior configuration requirements set forth in Chapter 5, Article XV of the Detroit Mini Code. (Sections 61-3-346(1&2) and 61-4-81 Approval Criteria).AP

Mr. Huxley made a motion to Approve removal of second-story floor structural members.

Affirmative: Mr. Thomas, Huxley, Weed, Williams
 Ms. Ross, Smith, Johnson

Negative: None

Request Granted

11:30 a.m. CASE NO.: 5-15 (Adjourned from April 21, 2015 & May 19, 2015)
 APPLICANT: Allied Signs, Inc. / Errol Service / McDonald's
 LOCATION: 2889 W. Grand Blvd. Between: 3rd Street and John C. Lodge Freeway in a B5 Zone (Major Business District).

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Allied Signs, Inc / Errol Service / McDonald's request to reverse the decision of the Planning and Development Department's decision DENYING the erection and construction of a prohibited internally illuminated, double-faced monument business sign which has an animated/flashing electronic message board that is excessive in size, approximately six (6) feet high that would modify a previous Board Grant (BZA 12-14) which granted dimensional variances and waived a developmental standard to demolish an existing nonconforming building and rebuild a new building in the same footprint in a Traditional Main Street Overlay Area in a B5 zone (Major Business District). This case is appealed because except when an administrative adjustment may be granted, the Board of Zoning Appeals may modify any development standards that is specified in ARTICLE XIV of this Chapter. Also, the sign does not meet the design standards of the TMOA area and may be waived or modified by the Board of Zoning Appeals. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-92(2) Other Variances, Variance of Developmental Standard, 61-4-89 Variances, In General and 61-4-81 Approval Criteria).AP

Mr. Weed made a motion to Deny erection and construction of a prohibited internally illuminated, double-faced monument business sign which has an animated/flashing electronic message board that is excessive in size, approximately six (6) feet high that would modify a previous Board Grant (BZA 12-14) which granted dimensional variances and waived a developmental standard to demolish an existing nonconforming building and rebuild a new building in the same footprint in a Traditional Main Street Overlay Area in a B5 zone (Major Business District).

Affirmative: Mr. Huxley, Weed,
 Ms. Ross, Smith

Negative: Thomas

Mr. Williams and Ms. Johnson recused themselves from the case.

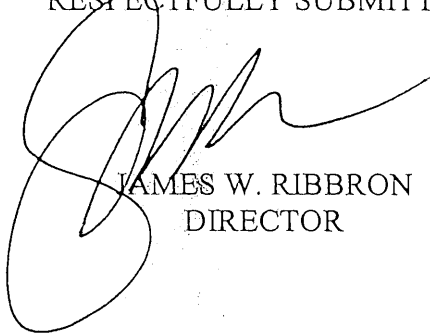
On Firday, June 26, 2015 at 9:45am Board Member Rita Ross advised the Director of her intention to *move for reconsideration* of her vote on this case. Reason stated: Procedural Matter Relater.

Request Denied

ADVISEMENTS CONTINUED INDEFINITELY UNTIL
FURTHER NOTICE.

There being no further business to be transacted, Board Member Thomas motioned that the meeting be adjourned. Board Member Huxley seconded this motion which was unanimously carried and the meeting adjourned at 2:40 p.m.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp