

Board Members



James W. Ribbron
Director

Robert E. Thomas
Chairperson

Vivian Teague
Vice Chairperson

Robert G. Weed
Council District 1

Elois Moore
Council District 3

Jacqueline Grant
Council District 4

Emmanuel Calzada
Council District 8

Kwame Finn
Council District 7

City of Detroit
Board of Zoning Appeals
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **December 4, 2018** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Chairperson of the Board Thomas called the meeting to order and Director Ribbron called the meeting to order and called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

- (1) Robert E. Thomas, Board Member
- (2) Vivian Teague, Board Member
- (3) Kwame Finn, Board Member
- (4) Elois Moore, Board Member
- (5) Emmanuel Calzada, Board Member
- (6) Robert G. Weed, Board Member

BOARD MEMBERS ABSENT:

- (1) Jacqueline Grant, Board Member

MINUTES:

Board Member Finn made a motion to approve the minutes for November 20, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed, Finn
Ms. Teague, Moore
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.: 51-18

APPLICANT: THE DETROIT MEDIA GROUP, LLC

LOCATION: 10 Witherell St. Between: Woodward Ave. and Broadway St. in a B5-H Zone (Major Business District-Historic) – Council District #6

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD 22 PLAT OF SEC 7 GOVERNOR & JUDGES PLAN L34 P544 DEEDS, W C R 1/9 62.16 IRREG

PROPOSAL: The Detroit Media Group, LLC request to overcome the presumption abandonment to erect a 13,875 square foot changeable sign copy advertising sign at 10 Witherell approved in BZA Case 83-04 and BSEED issued a permit for such signage February 10, 2006 in a B5- H zone (Major Business District – Historic). This case is appealed because once abandoned, a nonconforming use shall not be re-established or resumed, except in accordance with the provisions of Sec. 61-15-18 of this Code. Any subsequent use or occupancy of the structure or open land must comply with the regulations of the district where it is located and all other applicable requirements of this Zoning Ordinance. On December 12, 2017, the Detroit Media Group applied to BSEED for a permit to erect a 5,980 square foot advertising sign at 10 Witherell, and on June 13 2018, DMG petitioned the BZA to the same effect. BSEED's review of DMG's application and supporting documentation, as well as of its own permitting records, has revealed the following: 1. The petitioner in BZA Case 83-04 failed to timely secure the necessary permitting by July 1, 2005, 2. No advertising has been posted at 10 Witherell since 2012, 3. No application for annual sign licensing to operate advertising signage has been received by BSEED since 2014, 4. Wall anchors, lighting and other necessary structural elements have not been maintained and 5. The art mural depicting whales and other sea life has been maintained at 10 Witherell in place of any advertising signage, furthermore a recent inspection of the building exterior conducted on August 8, 2018 confirmed that no advertising signage or supporting infrastructure is currently erected, therefore under Section 61-15-21 of the Detroit Zoning Ordinance, these findings constitute evidence of abandonment of the advertising sign use of 10 Witherell, and based on its review BSEED has determined that the use of 10 Witherell for advertising signage is PRESUMED TO HAVE BEEN ABANDONED. (Sections 61-15-21 Loss of nonconformity status; abandonment and 61-15-21 (#3 Overcoming Presumption of Abandonment) - Loss of nonconformity status; abandonment).AP

9:15 a.m. CASE NO.: 51-18 Continued

ACTION OF THE BOARD: Mr. Weed made a motion to Uphold BSEED's Decision of abandonment of the advertising sign originally approved under BZA Grant 83-04.

No second was given for the motion.

Motion fails

Mr. Calzada made a motion that the petitioner has overcome the presumption of abandonment to allow the changeable sign copy advertising sign at 10 Witherell.

Affirmative: Mr. Thomas, Finn, Weed
Ms. Teague, Moore

Negative: Weed

**PRESUMPTION OF ABANDONMENT OVERCAME USE
GRANTED**

10:00 a.m. **CASE NO.:** 116-16 (aka BSEED 23-16) – REMANDED BACK BY CIRCUIT COURT

APPLICANT: BAMBOO MEDICAL, INC. #3 / DINA HAMZE

LOCATION: 14846 W. Seven Mile Rd. Between: Robson and Lauder in a B4 Zone (General Business District). – Council District #2

LEGAL DESCRIPTION OF PROPERTY: LOTS 615-624 EXCLUDING SEVEN MILE ROAD AS WIDENED, SAN BERNANDO PARK SUBDIVISION NO 2, LIBER 52, PAGE 28, PLATS W.C.R. 240 X 86.08 (PIN 22017317-26)

PROPOSAL: Bamboo Medical, Inc #3 / Dina Hamze requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 1,078 square foot unit of an existing eight unit, approximate 10,080 square foot building APPROVED in (BSEED 23-16) in a B4 zone (General Business District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet of three (3) other Controlled Uses located at 14701 W. Seven Mile Rd. –Omni Party Store – 174’ away, 15025 W. Seven Mile Rd. – Savon Foods – 208’ away and 15215 W. Seven Mile Rd. – Atty’s Parti Expo – 862’ away. Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to adjourn this case at the petitioners request after late hearing start and due to personal reasons that he needs to attend. Support by Mr. Calzada

Affirmative: Mr. Weed, Calzada, Finn
Ms. Moore, Teague

Negative: Mr. Thomas

ADJOURNED WITHOUT DATE AND WITHOUT FEE

10:45 a.m. CASE NO.: 73-16 (aka BSEED 38-16) – REMANDED BACK BY CIRCUIT COURT

APPLICANT: AVEN MEIOU / HELLO WELLNESS

LOCATION: 18207 W. Eight Mile Rd. Between: Ashton Ave. and Rosemont Ave. in a B4 Zone (General business District). – Council District #2

LEGAL DESCRIPTION OF PROPERTY: THE WEST 10 FEET OF LOT 8, ALL OF LOTS 9-10 AND THE EAST 10 FEET OF LOT 11, SOUTHFIELD GATE SUBDIVISION, LIBER 63, PAGE 60, PLATS, W.C.R. 60 X 90 (PIN 22018884-5)

PROPOSAL: Ayen Meiou / Hello Wellness requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 2,400 square foot portion of an existing approximate 3,600 square foot building APPROVED in (BSEED 38-16) in a B4 zone (General Business District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet from one (1) other Controlled Use located at 18245 W. Eight Mile Rd. (Northland Party Store - 109 radial feet away) Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Adjourn the case without date and without fee due for the Board to review all documents as instructed by the Circuit Court. Support by Ms. Moore

Affirmative: Mr. Thomas, Weed, Finn
Ms. Moore, Teague

Negative: Mr. Calzada

ADJOURNED

RE-HEARING REQUEST

CASE NO.: 06-17 (aka BSEED 58-16) – Delayed Due To Moratorium

APPLICANT: KUSH BROTHERS, LLC / DAKOTA KLEINER

LOCATION: 15500 E. Eight Mile Rd. Between: Crusade Ave and Brock Ave in a B4 Zone (General Business District). – Council District #3

PROPOSAL: Kush Brother, LLC / Dakota Kleiner requests a Variance of Spacing/ Locational Regulation TO establish a Medical Marijuana Caregiver Center (MMCC) in an existing approximate 3,600 square foot building which was APPROVED conditionally in (BSEED 58-16) in a B4 zone (General Business District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marijuana caregiver center; One thousand (1,000) radical feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet of one (1) Controlled Use (J's Liquor Shop) located at 15260 E. Eight Mile Rd. – 765' away. Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses- Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to continue to table the discussion of a Re-hearing until the petitioner meets with the community and reports the findings to the Board as the letter states. Support by Ms. Moore

Affirmative: Mr. Finn, Thomas, Weed
Ms. Moore, Teague

Negative:

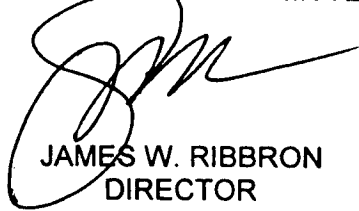
Mr. Calzada not present for the vote

RE-HEARING REQUEST CONTINUED TABLED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 1:50 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp