

Board Members

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 6

Kwame Finn

Council District 7



James W. Ribbron

Director

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 **May 29, 2018** on the 13th Floor in the Committee of the Whole, 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) Robert G. Weed, Board Member
- (4) Jacqueline Grant, Board Member
- (5) Elois Moore, Board Member
- (6) Kwame Finn, Board Member

BOARD MEMBERS ABSENT:

- (1) Emmanuel Calzada, Board Member

MINUTES:

Board Member Teague made a motion to approve the minutes for May 22, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed, Finn
Ms. Grant, 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.: 97-17

APPLICANT: BODYWERKS, INC. / CHRISTOPHER KRASUSKY

LOCATION: 18700 FITZPATRICK ST Between: Warwick St and Brace St in a M2 Zone (Restricted Industrial District) – Council District #7

LEGAL DESCRIPTION OF PROPERTY: N-E FITZPATRICK 583&584 AND VAC ALLEY N & ADJ EMERSON PARK SUB L55 P45 PLATS, W C R 22/322 110 X 170

PROPOSAL: Bodywerks, Inc. /Christopher Krasusky appealing to seek relief from regulations in this zoning ordinance on the basis that the denial of the application TO establish a Used Auto Dealer, Parts, Wrecking & Dismantling [Salvage] Use on a 18,687 sq. ft. lot in a 7,307 sq. ft. bldg., has deprived the applicant of all reasonable use of his or her property in a B4 zone (General Business District). For purposes of this Zoning Ordinance, a hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City of Detroit may provide the petitioner with relief from applicable zoning regulations in a M2 zone (Restricted Industrial 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 denial of a site plan by the Planning and Development Department. Also, any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property and shall forward the application to the Board of Zoning Appeals. Prior to any public hearing, the Board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use. Staff is reporting its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use; the current Used Auto Sales (Permit#7004 May 5, 1979) is located at 18700 Fitzpatrick in a M2 zone – the use is not allowed in a M2 zone, Dismantling Use does not have a permit on record (per BSEED): should the Hardship be granted, a variance for the Dismantling will need to be considered. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-101 Deprivation of Use of Property, 61-4-111 Review and Consultation with the Law Department, 61-4-124 Application of the “All Reasonable Economic Use” standard, 61-4-125 Burden of proof, 61-4-126 Findings of the Board of Zoning Appeals Sec. 61-4-127 Additional forms of relief and 61-4-81 Approval Criteria (if Hardship is approved).AP

ACTION OF THE BOARD: Mr. Weed made a motion to adjourn this case without date and without fee for petitioner attorney to recover enough to present the case before the Board. **Support by Ms. Grant**

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE AT PETITIONERS REQUEST DUE TO ILLNESS OF ATTORNEY WHO PREPARED THE CASE FOR HARDSHIP RELIEF PETITION.

10:15 a.m. CASE NO.: 8-18

APPLICANT: MATTHEW WARD

LOCATION: 22100 GRAND RIVER AVE Between: Redford St and Cooley St in a B3 Zone (Shopping District) – Council District #1

LEGAL DESCRIPTION OF PROPERTY: N GRAND RIVER ALL THAT PART OF S E 1/4 OF SEC 9 T 1 S R 10 E DESC AS FOLS BEG AT A PTE IN N LINE OF GRAND RIVER AVE 120 FT WD BG ALSO IN W LINE OF REDFORD AVE 66 FT WD TH N 61D W 50.15 FT ALG SD N LINE TH N 28D 56M 40S E 74 FT TH N 61D W 78.84 FT TH N 28D 56M 30S E 109.18 FT TH S 61D E 106.36 FT TH S 22D 04M 20S W 184.56 FT ALG W LINE OF REDFORD AVE TO P O B 22/--- 50.15 IRREG

PROPOSAL: Matthew Ward appealing to seek relief from regulations in this zoning ordinance on the basis that the denial of the application TO establish a Tire Service and Sales & Major Auto Repair Use on a 120ft x 66ft lot has deprived the applicant of all reasonable use of his or her property in a B3 zone (Shopping District). For purposes of this Zoning Ordinance, a hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City of Detroit may provide the petitioner with relief from applicable zoning regulations in a B3 zone (Shopping 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 denial of a site plan by the Planning and Development Department. Also, any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property and shall forward the application to the Board of Zoning Appeals. Prior to any public hearing, the Board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use. Staff is reporting its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use; the current use A Bank is located at 22100 Grand River in a B3 zone – the use is not allowed in a B3 zone. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-101 Deprivation of Use of Property, 61-4-111 Review and Consultation with the Law Department, 61-4-124 Application of the “All Reasonable Economic Use” standard, 61-4-125 Burden of proof, 61-4-126 Findings of the Board of Zoning Appeals 61-4-127 Additional forms of relief and 61-4-81 Approval Criteria (if Hardship is approved).AP

CASE NO.: 8-18 CONTINUED

ACTION OF THE BOARD: Mr. Weed made a motion to Adjourn this case which is awaiting Re-Zoning initiated by the City Planning Commission to the Detroit City Council. Support by Ms. Grant

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

Negative:

ADJOUNED WITHOUT DATE AWAITING RE-ZONING

11:15 a.m. CASE NO.: 20-18 (aka BSEED 3-18)

APPLICANT: OPTIVIA

LOCATION: 6364 WOODWARD AVE Between: E. Baltimore Ave and Endicott Ave in a M4 Zone (Intensive Industrial District) – Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD 1 THRU 3 AND 78 VAC ALLEY ADJ TO SAID LOTS PATRICK MC GINNIS L4 P93 PLATS, W C R 1/97 129 X 252.07 32,358 SQFT SPLIT/COMBINED ON 3/22/2017 FROM 01004273., 01001822-33;

PROPOSAL: OptiVia representing White Castle Systems seeks a variance to waive Traditional Main Street Overlay (TMSO) standards by adding a Drive-up ATM to the current Restaurant with Drive Thru (Permit #43519 – September 21, 1972 and 93133 – March 16, 1995) in an M4 zone (Intensive Industrial District). This case is appealed because 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 and for variance from Traditional Main Street Overlay standards, where, after investigation by the Board, it is found that such modification is necessary to secure an appropriate development of a specific parcel of land, provided, that any such modification will not be inconsistent with other requirements and general purpose of this Zoning Ordinance; and for loading and setback requirements; Sec. 61-14-287. Building design standards: Drive-up and drive-through facilities. Drive-up and drive-through facilities (including, but not limited to, restaurants and banks) are prohibited on zoning lots abutting a Traditional Main Street except where the Planning and Development Department determines that the proposed development complies with all of the other requirements of the Traditional Main Street standards and is allowed by the underlying zoning designation. Driveways or vehicle stacking areas shall not be located between the building and the Traditional Main Street. No more than one (1) driveway/curb cut shall be allowed on the Traditional Main Street. (Sections 61-4-92(1) Other Variances, Variance of Developmental Standards, 61-14-287. Building design standards: Drive-up and drive-through facilities and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant waiver of the TMSO Standards by adding a Drive Up ATM to the current restaurant and drive thru. Support by Ms. Teague

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

Negative:

TMSO STANDARDS WAIVED, ATM ALLOWED

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER
NOTICE.**

There being no further business to be transacted, Board Member Teague motioned that the meeting be adjourned. Board Member Finn seconded this motion which was unanimously carried and the meeting adjourned at 11:45 A.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp