

Board Members

Robert E. Thomas

Chairperson

Vivian Teague

Vice Chairperson

Robert G. Weed

Council District 1

Elois Moore

Council District 3

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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 **August 21, 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) Emmanuel Calzada, Board Member
- (4) Robert G. Weed, Board Member
- (5) Elois Moore, Board Member
- (6) Kwame Finn, Board Member
- (7) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Teague made a motion to approve the minutes for August 14, 2018 with any corrections.

Affirmative: Mr. Weed, Thomas
Ms. Teague, Moore, Grant
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.: 35-18

APPLICANT: The Detroit Media Group, LLC

LOCATION: 10 Witherell St Between: Woodward Ave and Broadway St in a B5 Zone (Major Business District) – Council District #5

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 seeks approval to change the advertising copy or affirm the waiver of the BZA condition for an Advertising Sign on a Multiple-Family Dwelling with first floor commercial and advertising sign approved in BZA Case 83-04 in a B5 zone (Major Business District). This case is appealed because the grant cannot be expanded, enlarged or modified in any manner unless proper written permission is given by the Board of Zoning Appeals; permission to change copy is requested. The grant is only to affix a 75-foot by 185 foot (13,875 sq. ft.) illuminated, changeable copy wall sign (advertising) 255 ft. high onto the east face of the building. Accessory uses are neither permitted nor implied; also a permanent waiver is requested to for condition (k)(1) of BZA Grant 83-04: “the appellant must come before the Board every time the copy and or content of the changeable signs are changed for content approval”. (Sections 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to dismiss this case because the Board is not allowed to properly hear the request and allow petitioner to change the request to Overcome Abandonment as stated by BSEED staff for the proposed sign with no additional fee. Support by Ms. Teague.

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

Negative:

DISMISSED AWAITING NEW REQUEST

9:45 a.m.

CASE NO.: 32-18

APPLICANT: NAQI MOHAMMAD

LOCATION: 8021, 8029 & 8037 W. Warren and 8100 Holmes
Between: Holmes and W. Warren in a M4 Zone
(Intensive Industrial District). – Council District #3

LEGAL DESCRIPTION OF PROPERTY: N HOLMES E 15 FT 15
14&13 DOTYS SUB L18 P76 PLATS, WCR 18/373
7725 SQ FT

PROPOSAL: Naqi Mohammad requests a variance of spacing regulation TO establish a Used Auto Sales use and Minor Motor Vehicle Repair Facility which are both (by-right-uses). Only the Used Auto Sales use requires the spacing variance in this instance in a M4 zone (Intensive Industrial District). **NOTE: This case was previously denied by BZA in November 2016). This case is appealed because after a public hearing, a variance may be granted by the Board of Zoning Appeals based on the approval criteria of Sec. 61-4-81 of this Code in the instances to modify any use regulation that is specified in ARTICLE XII.DIVISION 2 of this Chapter. Also, there are currently three (3) Motor Vehicle Sales Lots within 1,000 radial feet of the subject property: 8000 W. Warren (Popa’s Used Auto Sales, 75’ away), 8007 W. Warren (T&A Auto Repair, 70’ away) and 7700 W. Warren (Sky Auto Sales, 260’ away). (Sections 61-4-92(1) Other Variances, Variance of Use Regulation, 61-12-91 Retail, Service and Commercial uses, Spacing, 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 Grant **variance of spacing regulation TO establish a Used Auto Sales use and Minor Motor Vehicle Repair Facility.** Support by Ms. Grant.

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

Negative:

SPACING VARIANCE GRANTED

10:15 a.m. CASE NO.: 12-17 (aka BSEED 60-16)

CIRCUIT COURT REMANDED BACK FOR REHEARING

APPLICANT: JIMMY ELLIS

LOCATION: 13350 E. Eight Mile Rd. Between: Hickory and Alcoy in a B4 Zone (General Business District). – Council District #3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE RD E
361&360 WALTHAM MANOR SUB L54 P55 PLATS,
W C R 21/879 44.57 IRREG

PROPOSAL: Jimmy Ellis requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in a 2,104 square foot building, which was APPROVED conditionally in (BSEED 60-16) 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 one Controlled Use, Rainbow Market located at 13510 E. Eight Mile Rd. – 390 linear 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** REMAND: it is ORDERED the case is hereby remanded to the BZA for ANOTHER Hearing. (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 Deny Adjournment Request and proceed with case. Support by Ms. Teague.

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

Negative:

Mr. Calzada was not present for the vote

ADJOURNMENT REQUEST DENIED

CASE NO.: 12-17 (aka BSEED 60-16) Continued

CIRCUIT COURT REMANDED BACK FOR REHEARING

ACTION OF THE BOARD: Mr. Weed made a motion to Deny **Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in a 2,104 square foot building, which was APPROVED conditionally in (BSEED 60-16) in a B4 zone (General Business District). Support by Ms. Teague.**

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

Negative:

SPACING VARIANCE DENIED

11:15 a.m. CASE NO.: 76-16

CIRCUIT COURT REMANDED BACK FOR REHEARING

APPLICANT: FADI ANTOINE

LOCATION: 19344 W. Seven Mile Rd Between: Huntington Rd and Grandville Ave in a B4 Zone (General Business District). – Council District #1

LEGAL DESCRIPTION OF PROPERTY: THE NORTH 82.95 FEET OF LOT 69 AND THE NORTH 82.95 FEET OF LOT 70, OF MARSHALL SUBDIVISION, AS RECORDED IN LIBER 44 OF PLATS, PAGE(S) 77, WAYNE COUNTY RECORDS.

PROPOSAL: Fadi Antoine appeals the decision of the Buildings Safety Engineering and Environmental Department’s Correction Order dated August 10, 2016, which states; Discontinue use of premises as a Medical Marihuana Facility. No permit has been issued for the present use of the property, unlawful change of use of the building or land and each day an uncorrected and continued violation shall constitute a separate violation in a B4 zone (General Business District). This case is appealed because appeals to the Board of Zoning Appeals may be taken by any person, firm, partnership or corporation, or by any City department, commission, board or other City agency which is aggrieved 1) by a decision of an enforcing officer, or 2) by any decision made by the Buildings and Safety Engineering Department involving Conditional Uses. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed.

CASE NO.: 76-16 Continued

CIRCUIT COURT REMANDED BACK FOR REHEARING

Also, the proposed (MMCC) by **Fadi Antoine** located at 19344 W. Seven Mile Rd. has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Christian Day Care Center, which is an active daycare center that was legally established under permit #77741 obtained on September 21, 2004. Furthermore, on September 5, 2005, the daycare center received their Certificate of Occupancy to legally occupy the building. Therefore, because the proposed Med Shop is approximately 158 linear feet within the Christian Day Care radius, **it is confirmed to be within a Drug Free Zone. REMAND: it is ORDERED the case is hereby remanded to the BZA for further proceedings and the Board shall complete the record and make findings consistent with the Ordinance.** (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).**AP**

ACTION OF THE BOARD: Ms. Teague made a motion to adjourn this case to allow the petitioner to file the required Hardship Relief Petitioner as stated in the judge's order. Support by Mr. Finn.

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

Negative:

ADJOURNED WITHOUT DATE

3, 2017 **CASE NO.:** 23-17 (aka BSEED 95-16) – Adjourned from October

APPLICANT: **GREEN CURE MMCC**

LOCATION: 20211 W. McNichols Rd. Between: Kentfield St. and
Heyden St. in a B4 Zone (General Business District).
– Council District #3

PROPOSAL: **Green Cure MMCC requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in a 462 square foot portion of an existing 1,200 square foot building which was APPROVED with conditions in (BSEED 95-16) 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 or a Religious Institution. The proposed use is within 1,000 radial feet of one (1) Controlled Use (Consumer Party Store) located at 20040 W. McNichols – 302’ away, and two (2) Religious Institutions (Trinity Ev Un Breth Church) located at 19816 W. McNichols – 718’ ft. away and (Apostolic Church) located at 20332 W. McNichols – 344’ ft 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. Calzada made a motion to Deny Re-Hearing Request due to lack of new evidence. Support by Ms. Grant.

REHEARING REQUEST DENIED

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL
FURTHER NOTICE.**

There being no further business to be transacted, Board Member Calzada motioned that the meeting be adjourned. Board Member Moore seconded this motion which was unanimously carried and the meeting adjourned at 12:23 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp