

## 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  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 212  
Detroit, Michigan 48226  
Phone: (313) 224-3595  
Fax: (313) 224-4597  
Email: boardofzoning@detroitmi.gov

## MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **August 28, 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) Kwame Finn, Board Member
- (6) Jacqueline Grant, Board Member

### BOARD MEMBERS ABSENT:

- (1) Elois Moore, Board Member

### MINUTES:

Board Member Teague made a motion to approve the minutes for August 21, 2018 with any corrections.

Affirmative: Mr. Weed, Thomas

Ms. Teague, 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.: 43-18**

**APPLICANT: ARI MANAGEMENT, LLC**

**LOCATION: 20703 Pembroke Ave** Between: Braile St and Burt Rd in a R1 Zone (Single Family Residential District) – Council District #1

**LEGAL DESCRIPTION OF PROPERTY:** S PEMBROKE 126 THRU 129 35 THRU 38 ALSO VAC ALLEYS & E 30 FT OF VAC PIERSON AVE ADJ SD LOTS PALMEADOW SUB NO 1 L62 P53 PLATS, W C R 22/654 ALSO THAT PT OF SD SEC LYG BETW SD SUB & ST MARTINS AVE 60 FT WD & BETW C L OF VAC PIERSON AVE & BRAILE AVE BOTH 60 FT WD 22/--- 295.96 IRREG

**PROPOSAL:** **ARI Management** request permission to **change the use of the entire existing approved non-conforming Child Caring Institution to a non-conforming (Independent Living, Housing Homeless Vets and Medical Facility), located on a campus site approximately 92,845 square feet with a 2 story Main Building, 3 residential cottages and other amenities** in a R1 zone (Single Family Residential District). This case is appealed because a non-conforming use may be changed to another nonconforming use only where reviewed and approved by the Board of Zoning Appeals in accordance with the procedures that are specified in Section 61-2-46 of this Code and the Board of Zoning Appeals may approve such change of use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. **(Sections 61-15-20 Change of Use to Other Nonconforming Use, 61-15-17 Required Findings).AP**

**ACTION OF THE BOARD:** Mr. Weed made a motion to Grant **change the use of the entire existing approved non-conforming Child Caring Institution to a non-conforming (Independent Living, Housing Homeless Vets and Medical Facility).** Support by Ms. Teague

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

Negative:  
Mr. Calzada was not present for the vote

**CHANGE ON NONCONFORMING USE GRANTED**

9:45 a.m. CASE NO.: 36-18

APPLICANT: TRICIA DEMARCO

LOCATION: 3400 Orleans St Between: Mack Ave and Wilkins St in a M3 Zone (General Industrial District). – Council District #5

LEGAL DESCRIPTION OF PROPERTY: E ORLEANS PT OF P C 8 & 17; DESC AS: COMM AT THE INTERSEC OF E LINE ORLEANS ST (50 FT WD) & CENTERLINE OF VAC SCOTT ST (50 FT WD) TH S 26D 09M 26S E 288.85 FT TO POB; TH N 63D 50M 34S E 272 FT; TH S 26D 09M 26S E 160.15 FT; TH S 63D 50M 34S W 272 FT; TH N 26D 09M 26S W 160.15 FT TO POB 1.0 ACRES SPLIT/COMBINED ON 10/09/2017 FROM 07001837., 07000973-81

PROPOSAL: Tricia DeMarco request a parking variance to establish a 4 (four) story Retail/Restaurant on a 1.25 acre site in an 25,000 square foot building in a M3 zone (General 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 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; Location or Amount of Off-Street Parking. For a variance from the required location of off-street parking facilities or the amount of off-street parking facilities required, or both, 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; 125 parking spaces are required – 5 (five) handicapped accessible parking spaces are provided; 120 spaces deficient. (Sections 61-4-92(1) Permitted dimensional variances; Location or Amount of Off-Street Parking and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant parking variance to establish a 4 (four) story Retail/Restaurant on a 1.25 acre site in an 25,000 square foot building in a M3 zone (General Industrial District). Support by Ms. Teague.

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

Negative:

Mr. Calzada was not present for the vote

**PARKING VARIANCE GRANTED**

10:15 a.m.      **CASE NO.:**                    14-17 (aka BSE&ED 89-16)  
**CIRCUIT COURT REMANDED BACK FOR REHEARING**

**APPLICANT:**                    HEATHER GATIE

**LOCATION:**                        13815 W. Eight Mile Rd Between: Lesure St and Stansbury Ave  
in a B4 Zone (General Business District). – Council District #3

**LEGAL DESCRIPTION OF PROPERTY:**                    S EIGHT MILE W W 18 FT OF S 80 FT  
67 E 7 FT OF S 80 FT 66 DERBY SUB L38 P85 PLATS, WCR  
22/215 25 X 80

**PROPOSAL:**                    Heather Gatie requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing approximate 1,544 square foot building, which was APPROVED conditionally in (BSEED 89-16) 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, Vanidy Liquor Shop located at 20516 Schaefer – 852.65 linear away, and three (3) Religious Institutions, Tracey Life Changing Ministries located at 20461 Tracey – 594 linear feet away, Monument of Faith Full Gospel located at 13829-35 W. Eight Mile – 54 linear feet away and Walking on Faith Ministries located at 13823 W. Eight Mile Rd. – 30 linear 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: remanded back to BZA by the Circuit Court “to schedule a hearing on plaintiff’s appeal of the revised decision of the City of Detroit Building, Safety, Engineering and Environmental Department dated September 21, 2017 and to schedule a hearing to decide plaintiff’s request for a variance that was heard by the BZA on September 12, 2017”. (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 Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing approximate 1,544 square foot building, which was APPROVED conditionally in (BSEED 89-16) in a B4 zone (General Business District). Support by Mr. Teague.

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

Negative:

**SPACING VARIANCE DENIED**

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL  
FURTHER NOTICE.**

\*\*\*\*\*

There being no further business to be transacted, Board Member Finn motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 1:25 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON  
DIRECTOR

JWR/atp