

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
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **July 10, 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 Calzada made a motion to approve the minutes for June 19, 2018 with any corrections.

Affirmative: Mr. Weed, Finn, Calzada, 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.:** 30-18

APPLICANT: THE QURAN INSTITUTE OF AMERICA / MOSTAFA TOLBA

LOCATION: 8835 Michigan Ave. (aka 8833 Michigan Ave) Between: Cabot St and St. James St in a B4 Zone (General Business District) – Council District #6

LEGAL DESCRIPTION OF PROPERTY: S MICHIGAN 180&179 E 5.2 FT 178 EXC MICHIGAN AVE AS WD NALLS SUB L14 P75 PLATS, WCR 20/372 66.89 IRREG

PROPOSAL: The Quran Institute of America / Mostafa Tolba request a parking variance to establish a Multiple-Family (4 units) combined structures with permitted commercial uses in an existing two-story, 7, 253 square foot building in a B4 zone (General Business 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. Section 61-12-118 indicates in order to encourage the preservation and reuse of existing commercial and industrial structures, and to encourage live-work situations, loft conversions and mixed-use commercial-residential uses are permitted in many zoning districts, even in certain districts where new residential construction is prohibited; twenty-four off-street parking spaces are required; 24 are proposed. However, the applicant received a parking variance in BZA Case #01-09 – January 9, 2009 for deficient parking spaces at the current parking lot located at 4997 & 5004 Cabot for the mosque, school and gymnasium. The proposed Multiple-Family structure use requires additional off-street parking. (Sections 61-4-92(1, 2 &3) Other Variances, Variance of Use Regulation, Development Standard, 61-4-91(6) General Dimensional Standard, 61-12-118 Multi-Family Dwellings, 61-14-24 Household Living (Development Standards - Parking and 61-4-81 Approval Criteria.).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant a parking variance to establish a Multiple-Family (4 units) combined structures with permitted commercial uses in an existing two-story, 7, 253 square foot building in a B4 zone (General Business District). Support by Ms. Moore

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

Negative:

PARKING VARIANCE GRANTED

9:45 a.m. **CASE NO.:** 23-18

APPLICANT: HASON WHITE

LOCATION: 2411 W. Eight Mile Rd. Between: Woodward Ave and Queenston PL in a R2 Zone (Medium Density Residential District) – Council District #2

LEGAL DESCRIPTION OF PROPERTY: S W EIGHT MILE RD 599 THRU 578 WOODWARD SUB L48 P89 PLATS, W C R 2/155 440 X 100

PROPOSAL: Hason White request to overcome a Presumption of Abandonment to re-establish a Restaurant (permit #74202 December 28, 1980 & BZA 442-77) by proposing a Carry-Out Restaurant on a 44,000 square foot lot in a 9,000square foot building in an R2 zone (Medium Density Residential District). **This case is appealed because the Board of Zoning Appeals shall have the authority to hold hearings and render decisions with respect to nonconforming uses, buildings, and structures. Sec. 61-15-21. Loss of nonconformity status; abandonment. 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; Overcoming Presumption of Abandonment. A presumption of abandonment based on the evidence of abandonment, as provided for in Subsection (2) of this section, may be rebutted upon a showing of all of the following, to the satisfaction of the Board of Zoning Appeals, that the owner: this restaurant has been vacant since 2013 and the business license has not been renewed since 2011, It is the opinion of this department [Buildings, Safety Engineering and Environmental Department], that Asian Corned Beef must re-establish the restaurant. (Sections 61-15-7 Board of Zoning Appeals, 61-15-21 Loss of nonconformity status; abandonment and Approval criteria 61-15-18(3) Eligibility for re-establishment).AP**

ACTION OF THE BOARD: Ms. Teague made a motion to Adjourn this case for the petitioner to present newly revised site plan for Planning and Development to review and for the Board to prepare to hear the change of a non-conforming use. Support by Ms. Moore

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

10:15 a.m.

CASE NO.: 22-18

APPLICANT: JOHN BARNWELL

LOCATION: 19141 – 19171 Woodston Rd. Between: W. Seven Mile Rd. and Strathcona Dr. in a R1 Zone (Single-Family Residential District) – Council District #2

LEGAL DESCRIPTION OF PROPERTY: W WOODSTON DRIVE 267
PALMER WOODS SUB L32 P16 PLATS, W C R 2/140
170.95 IRREG

PROPOSAL: John Barnwell request a variance to legalize and change Fences for basketball court and poles for batting cage to Sports court and poles for battling cage on a 16,000 square foot lot with a fence height higher than 8 feet in an R1 zone (Single-Family Residential 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; General Dimensional Standards. For a variance of the maximum height as specified in ARTICLE XIII of this Chapter; fence height allowed 8 feet, fence height to be legalized 9'4" along Strathcona. (Sections 61-4-91(6) Permitted dimensional variances; General Dimensional Standards, 61-4-92(1) Other variances and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant to allow the existing 9'4" on east side and to deny request of 9'4" fence on the west side. No Support for the motion. Motion fails.

Mr. Weed Made a motion to Deny request for excessive height of fences and poles. Support by Ms. Moore

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

Negative: Mr. Finn, Thomas, Calzada

EXCESSIVE HEIGHT OF FENCES DENIED

10:45 a.m.

CASE NO.: 33-18

APPLICANT: JULIAN HILL

LOCATION: 19184 Strathcona Dr Between: W. Seven Mile Rd and Woodward Ave in a R1 Zone (Single-Family Residential District) – Council District #2

LEGAL DESCRIPTION OF PROPERTY: E STRATHCONA DR 289 PALMER WOODS SUB L32 P16 PLATS, W C R 2/140 140 IRREG NEZ CERT# 2007-0211; RELATED PARCEL # 27070211

PROPOSAL: Julian Hill request a variance to install a new 6’ foot chain link fence with poles on the south end of a 2 story, 48,059 square foot single family residence in an R1 zone (Single-Family Residential 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; General Dimensional Standards. For a variance of the maximum height as specified in ARTICLE XIII of this Chapter; fence height allowed 4 feet, proposed fence height 6’ feet. (Sections 61-4-91(6) Permitted dimensional variances; General Dimensional Standards, 61-4-92(1) Other variances, 61-14-251 (4b) Fences and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Teague made a motion to Adjourn this case without date and without fee. Support by Mr. Finn

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

11:15 a.m. CASE NO.: REMANDED BACK BY CIRCUIT COURT
103-17(aka BSEED 172-16) – EXPEDITED HEARING
GRANTED BY BOARD

APPLICANT: MARCELAS BRICE

LOCATION: 20041 W. Eight Mile Rd. Between: Vaughan St and
Evergreen Rd in a B4 Zone (General Business District)
– Council District #1

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE W 4 EXC E
24 FT THEREOF EVERGREEN WOODS SUB L60 P21
PLATS, W C R 22/609 36 IRREG

PROPOSAL: Marcelas Brice requests a Variance of Spacing /
Locational Regulation TO establish a Medical
Marihuana Caregiver Center (MMCC) in an existing
approximate 1,782 square foot building which was
APPROVED conditionally in (BSEED 172-16) 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 another medical marihuana caregiver
center. The proposed use is within 1,000 radial feet
of one (1) medical marihuana caregiver center
located at 20101 W. Eight Mile Rd. – 55 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. Calzada made a motion to **Grant Variance of
Spacing / Locational Regulation TO establish a
Medical Marihuana Caregiver Center (MMCC) in an
existing approximate 1,782 square foot building
which was APPROVED conditionally in (BSEED
172-16) in a B4 zone (General Business District).
Support by Mr. Finn**

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

Negative: Mr. Weed
Ms. Moore

Ms. Grant abstained from the vote

SPACING VARIANCE GRANTED

RE-HEARING REQUEST**CASE NO.:** 28-18**APPLICANT:** GEKKO ENTERPRISES, LLC**LOCATION:** 2250 W. Davison St Between: 14th St and LaSalle Blvd in a B4 Zone (General Business District) – Council District #5**LEGAL DESCRIPTION OF PROPERTY:** N DAVISON 28 EXC DAVISON AS WD R OAKMANS 12TH ST SUB L34 P90 PLATS, W C R 8/145 35 X 108.27A

PROPOSAL: Gekko Enterprises request a variance to establish a Retail (Family Dollar) on a 53,129 square foot lot in an 8,372 square foot building in a B4 zone (General Business 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; 73 parking spaces are required - 38 spaces are provided; 35 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. Calzada made a motion to Deny Re-Hearing request due to lack of new information. Support by Ms. Teague

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

Negative:

RE-HEARING REQUEST DENIED

**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 Finn seconded this motion which was unanimously carried and the meeting adjourned at 4:00 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp