

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 **July 24, 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) Vivian Teague, Board Member
- (2) Emmanuel Calzada, Board Member
- (3) Robert G. Weed, Board Member
- (4) Elois Moore, Board Member
- (5) Kwame Finn, Board Member
- (6) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

- (1) Robert E. Thomas, Board Member

MINUTES:

Board Member Weed made a motion to approve the minutes for July 10, 2018 with any corrections.

Affirmative: Mr. Weed, Calzada
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.:** 31-18

APPLICANT: STEVE ATISHA

LOCATION: 1565 E. Lafayette St. Between: Rivard St and Orleans St
in a B3-H Zone (Shopping District-Historic) – Council
District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Steve Atisha request to **ADD a Specially Designated Distributor (SDD) License (Carry-out Sale of Liquor for off-premises consumption) to an existing 13,500 square foot Retail Store with Specially Designated merchant (SDM) License (Carry-of Sale of Beer & Wine for off-premise consumption) in a 28,028 sq. ft. building in a B3-H zone (Shopping District - Historic). 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 or enforcement of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, SDM/SDD establishments are controlled uses which are subject to spacing requirements: two schools are within 500 feet of the subject property; 1100 St. Aubin – Friends School: 444 ft away and 1445 E. Lafayette – Chrysler Elementary: 132 ft away. (Sections 61-4-71 Jurisdiction over Appeals of Administrative Decisions, 61-12-93 Controlled uses - Spacing and 61-3-312 Waiver of spacing requirement from land zoned residential).AP**

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant a spacing waiver to **ADD a Specially Designated Distributor (SDD) License (Carry-out Sale of Liquor for off-premises consumption) to an existing 13,500 square foot Retail Store with Specially Designated merchant (SDM) License (Carry-of Sale of Beer & Wine for off-premise consumption) in a 28,028 sq. ft. building in a B3-H zone (Shopping District - Historic).Support by Mr. Finn**

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

Negative:

SPACING WAIVER GRANTED

9:45 a.m.

CASE NO.: 27-18

APPLICANT: JOAN FIORE / NICHOLAS BACHAND, ESQ.

LOCATION: 7900 Dix St (aka 7840 Dix St) Between: Springwells St and Carson St in a M4 Zone (Intensive Industrial District) – Council District #6

LEGAL DESCRIPTION OF PROPERTY: N DIX ALL THAT PART OF 4 & 5 DESC AS FOLS BEG AT A PTE IN N LINE DIX AVE S 77D 23M W 375.04 FT FROM INTSEC SD N LINE & E LINE OF OL 4 TH N 77D 20M E 105.18 FT TO POB TH N 30D 43M E 1039.07 FT TH S 87D 50M 10S W 166.61 FT TH S 76D 14M 40S E 728.64 FT TH S 3D 32M 50S E 6.91 FT TH ON A CURVE TO R 429.38 FT RAD 373.71 FT CH S 60D 37M 55S E 406.15 FT TH S 27D 43M E 268.62 FT TH S 62D 17M W 146.73 FT TH S 27D 43M E 170.55 FT TH S 62D 17M W 20 FT TH 27D 43M E 316.65 FT TH S 80D 15M 30S W 509.89 FT TH N 77D 20M E 105.18 FT TO POB SUB OF P C 60 L24 P196 DEEDS, WCR 20/196 605.07 IRREG 715,617 SQ FT OR 16.43AC

PROPOSAL: Joan Fiore/Nicholas Bachand, Esq. seeks to change a current Towing Services and Vehicle Storage Yard (permit #99204 1-11-96) and Junkyard (permit #BLD2012-03189 7-1012) by reversing and modifying a Denial by Buildings, Safety Engineering & Environmental Department to establish a Concrete Crushing Facility (Vey High-Impact Processing) on a 16.43 acre parcel in an M4 zone (Intensive 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 decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department; 7900 Dix (aka 7840 Dix) [BSEED 138-17] denied the establishment of a Concrete Crushing facility (Vey High-Impact Processing). (Sections 61-4-71. Jurisdiction over appeals of administrative decisions and 61-3-231 Approve Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Adjourn this case for the petitioner to meet with the surrounding community to inform them of exactly what they propose on the subject property. Support by Mr. Finn

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

10:15 a.m.

CASE NO.: 25-18

APPLICANT: Brain Ellison / Intersection Consulting Group

LOCATION: 1201 Bagley Ave. Between: Sixth St and Brooklyn St in a R3-H Zone (Low Density District-Historic) – Council District #2

LEGAL DESCRIPTION OF PROPERTY: S BAGLEY N 1/2 1 N 1/2 2 BLK 56 LABROSSE FARM L13 P85 DEEDS, W C R 6/6 100 X 65

PROPOSAL: Brain Ellison/Intersection Consulting Group request to change a non-conforming office (Permit #54275 2/7/89) to a non-conforming Restaurant w/Class C and 4 residential units above on a 6500 square foot building in a 7,816 square foot building in an R3-H zone (Low 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. A nonconforming 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 Sec. 61-2-46 of this Code, the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. Where a change in use is approved, the Board of Zoning Appeals shall be authorized to impose conditions that the Body deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Ordinance. Any condition that is imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact; establish a non-conforming Restaurant w/Class C and 4 residential units above on a 6500 square foot building in a 7,816 square foot building. (Sections 61-15-7. Board of Zoning Appeals and approval Criteria and 61-15-20 Change of nonconforming use to other nonconforming use).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Deny Adjournment Request and proceed with hearing the case. Support by Ms, Moore.

Affirmative: Mr. Weed,
Ms. Moore, Grant

Negative: Mr. Finn, Calzada
Ms. Teague

ADJOURNEMENT REQUEST DENIED

Mr. Calzada made a motion to Adjourn this case for the absent Board Member (Mr. Thomas) to hear the audio and participate in the vote for this case at the next Board Meeting (August 14, 2018).

Affirmative: Mr. Finn, Calzada

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

ADJOURNED REQUEST DENIED

Mr. Weed made a motion to Deny request to Change from one Nonconforming Use to Another. Support by Ms. Moore

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

Negative: Mr. Finn, Calzada

CHANGE OF NONCONFORMING USE 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 Grant seconded this motion which was unanimously carried and the meeting adjourned at 12:45 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp