

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 **November 27, 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) Kwame Finn, Board Member
- (4) Jacqueline Grant, Board Member
- (5) Emmanuel Calzada, Board Member
- (6) Robert G. Weed, Board Member

BOARD MEMBERS ABSENT:

- (1) Elois Moore, Board Member

MINUTES:

Board Member Grant made a motion to approve the minutes for November 20, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed

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.:** 60-18 (aka BZA 40-18)
APPLICANT: VINCE SHILLCUT / NATHAN HARVEY
LOCATION: 13960 Gratiot Ave. Between: Park Grove and Glenwood in a B4 Zone (General Business District) – Council District #3

LEGAL DESCRIPTION OF PROPERTY: S GRATIOT 768
 THRU 765 SEYMOUR & TROESTERS MONTCLAIR
 HEIGHTS SUB NO 2 L40 P74 PLATS, W C R 21/594 88 X
 100

PROPOSAL: Vince Shillcut / Nathan Harvey seeks to add a Rental Hall to an existing 8,000 square foot Office building denial reversed by BZA (40-18) 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 and 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; per section 61-14-40; 100 (one hundred) parking spaces are required, 16 (sixteen) are currently proposed and 61-14-221 – Right of Way Screening; the wrought iron fence should be between 30 inches but not more than 36 inches in height; the proposed fence is 6 inches, therefore variances are required by the BZA. (Sections 61-4-91(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 dimensional variances to Rental Hall to an existing 8,000 square foot Office building denial reversed by BZA (40-18) in a B4 zone (General Business District). Ms. Teague seconded the motion.

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

Negative:

Mr. Calzada not present for the vote

DIMENSIONAL VARIANCES GRANTED

10:00 a.m. **CASE NO.:** 44-18 (aka BSEED 181-17) – ADJOURNED FROM OCTOBER 9, 2018

APPLICANT: YAHYA HAMMOUD

LOCATION: 5564 Woodward Ave. Between: Palmer St and Ferry St in a B4 Zone (General Business District). – Council District #7

LEGAL DESCRIPTION OF PROPERTY: N 44.43 FT OF W 110 FT FRT BG N 43.92 FT OF W 110 FT REAR 1 W 110 FT 2 HUNT & LEGETTS L10 P40 PLATS, W.C.R. (PIN 01004239)

PROPOSAL: Yahya Hammoud seeks to construct a 972 square foot addition to an existing 5,029 square foot Motor Vehicle Filling Station with an existing Carry-Out Restaurant DENIED by BSEED (181-17) in a B4 zone (General Business 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; petitioner proposes to ADD another carry-out restaurant to the existing Domino’s Pizza; and 36 off-street parking spaces are required, 26 proposed; the site is located in Traditional Main Street Overlay District, as the new building is not located on the property lot line – O (zero) line setback; therefore if the denial of the use is overturned, variances will be required. NOTE: If the denial is overturned an additional fee is required to HEAR the variances and an additional FEE will be required. Should the petitioner want both APPEALS heard on the same day the additional FEE must be paid; and if the denial is upheld the additional fee will not be refunded. The petitioner may elect to hear the cases separate therefore the additional fee would not be assessed until the denial is decided. (Sections Setbacks 61-4-92 Other Variances, 61-3-231 Approve Criteria – Conditional Land Use (If Approved then 61-4-81 Approval Criteria to approve or deny the variances).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to overturn the BSEED Decision to **construct a 972 square foot addition to an existing 5,029 square foot Motor Vehicle Filling Station with an existing Carry-Out Restaurant DENIED by BSEED (181-17)** in a B4 zone (General Business District). Support by Ms. Grant

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

Negative:

44-18 Continued

BSEED DENIAL REVERSED, USE GRANTED.

ACTION OF THE BOARD: Mr. Calzada made a motion to grant dimensional variances to **construct a 972 square foot addition to an existing 5,029 square foot Motor Vehicle Filling Station with an existing Carry-Out Restaurant** in a B4 zone (General Business District). Support by Ms. Teague

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

Negative:

DIMENSIONAL VARIANCES GRANTED

10:45 a.m.

CASE NO.: 49-18 (aka BSEED 88-17)

APPLICANT: NSI CONSTRUCTION

LOCATION: 13510 E. Eight Mile Rd. Between: Pelky St and Schoenherr in a B4 Zone (General business District). – Council District #5

LEGAL DESCRIPTION OF PROPERTY: S--E EIGHT MILE RD
19 THRU 14 EXC EIGHT MILE RD AS WD
SCHOENHERR MANOR SUB L54 P98 PLATS, W C R
21/885 120 X 58.62A 58.78 R 58.47

PROPOSAL: NSI Construction requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing one-story, 2,226 square foot building which was APPROVED w/Conditions in (BSEED 88-17) 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 two (2) Controlled Uses; Forest Wolf aka Puff Detroit located at 388’ feet away – 632’ feet away and Plyburt, LLC located at 13624 E. Eight Mile – 356’ 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 Adjourn the case without date and without fee due to Temporary Restraining Order issued by Judge Hathaway. Support by Mr. Finn

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

Negative:

Mr. Weed abstained from the vote

ADJOURNED

11:30 a.m. **CASE NO.:** 48-18 (aka BSEED 73-16)

APPLICANT: ABDUL EL-HEDI / THE STRAIN STATION

LOCATION: 9216 Dexter Ave. (aka 9200 Dexter Ave.) Between: Joy Rd. and Atkinson St in a B4 Zone (General Business District). – Council District #5

LEGAL DESCRIPTION OF PROPERTY: E DEXTER LOTS 164 THRU 160 WAGERS SUB L35 P7 PLATS, WCR 12/190 196 X 100 [2003 COMBINATION ITEMS 010456-8, 010459] 2-20-03

PROPOSAL: Abdul EL-Hedi / The Strain Station requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 821 square foot unit of an existing one story, 7,226 square foot building, which was APPROVED w/Conditions in (BSEED 73-16) in a B4 zone (General Business District). This case is appealed 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 three (3) Controlled Uses; Sunshine Liquor located at 3300 Joy Rd. – 632’ feet away, Grand Liquor Party Store located at 9141 Dexter – 128’ feet away, Flamingo Liquor located at 4058 aka 4050 Joy Rd. – 994’ feet away and four (4) Religious Institutions; AL HAQQ located at 4017 Clairmount – 918 feet away, New Kingdom Missionary Baptist Church located at 3733 Joy Rd. – 340 feet away, United House of Prayer located at 4018 Joy Rd. – 872 feet away and Mount Charity Baptist Church located 9210 Wildmere – 720 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: Ms. Teague made a motion to Deny Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 821 square foot unit of an existing one story, 7,226 square foot building, which was APPROVED w/Conditions in (BSEED 73-16) in a B4 zone (General Business District). Support by Ms. Grant.

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

Negative:

SPACING/LOCATIONAL VARIANCE DENIED

RE-HEARING REQUEST

CASE NO.: 06-17 (aka BSEED 58-16) – Delayed Due To Moratorium

APPLICANT: KUSH BROTHERS, LLC / DAKOTA KLEINER

LOCATION: 15500 E. Eight Mile Rd. Between: Crusade Ave and Brock Ave in a B4 Zone (General Business District). – Council District #3

PROPOSAL: Kush Brother, LLC / Dakota Kleiner requests a Variance of Spacing/ Locational Regulation TO establish a Medical Marijuana Caregiver Center (MMCC) in an existing approximate 3,600 square foot building which was APPROVED conditionally in (BSEED 58-16) 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 marijuana caregiver center; One thousand (1,000) radical 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 (1) Controlled Use (J's Liquor Shop) located at 15260 E. Eight Mile Rd. – 765' 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. Weed made a motion to table the discussion of a Re-hearing until the petitioner meets with the community and reports the findings to the Board as the letter states. Support by Ms. Teague

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

Negative:

Mr. Calzada not present for the vote

RE-HEARING REQUEST TABLED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Grant motioned that the meeting be adjourned. Board Member Weed seconded this motion which was unanimously carried and the meeting adjourned at 1:40 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp