

Board Members

James W. Ribbron
Director



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

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 **October 16, 2018** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Vice- Chairperson of the Board Teague 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) Elois Moore, Board Member
- (4) Kwame Finn, Board Member
- (5) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

- (1) Robert G. Weed, Board Member
- (2) Emmanuel Calzada, Board Member

MINUTES:

Board Member Thomas made a motion to approve the minutes for October 9, 2018 with any corrections.

Affirmative: Mr. 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.: 87-17 (AKA BSEED 101-16)

APPLICANT: MARK A. SNIPES

LOCATION: 8620 LYNDON ST Between: Ohio St and Wisconsin St in a M2 Zone (Restricted Industrial District) – Council District #7

LEGAL DESCRIPTION OF PROPERTY: N LYNDON 293&294 OAKFORD SUB L35 P56 PLATS, WCR 16/246 40 X 100

PROPOSAL: Mark A. Snipes requests a **Parking Variance** for the establishment of a **Medical Marihuana caregiver Center (MMCC)** in an existing two-story 5,836 square foot building **APPROVED w/ Conditions** by the Buildings Safety Engineering and Environmental Department (**BSEED 101-16**) in a M2 zone (Restricted 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 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. The use has deficient Off-Street-Parking. 18 spaces required, 0 provided, 18 off street parking spaces deficient. (Sections 61-4-91 Permitted dimensional variances, 61-4-89 Variances In General and 61-4-81 Approval Criteria).AP**

ACTION OF THE BOARD: Ms. Teague made a motion to Grant **Parking Variance for the establishment of a Medical Marihuana caregiver Center (MMCC)** in an existing two-story 5,836 square foot building **APPROVED w/ Conditions** by the Buildings Safety Engineering and Environmental Department (**BSEED 101-16**) in a M2 zone (Restricted Industrial District). Mr. Finn seconded the motion.

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

Negative:

PARKING VARIANCE GRANTED

9:45 a.m.

CASE NO.: 88-17

APPLICANT: DAVISON WELLNESS, LLC C/O WILLIAM OTIS CULPEPPER

LOCATION: 2694 W. DAVISON Between: Linwood St and Lawton St in a B4 Zone (General Business District). – Council District #2

LEGAL DESCRIPTION OF PROPERTY: N DAVISON 49 THRU 52 EXC DAVISON AVE AS WD PEARSON HEIGHTS SUB L35 P65 PLATS, W C R 10/133 144 X 109.36A

PROPOSAL: Davison Wellness, LLC/co William Otis Culpepper appeals the decision of the Buildings Safety Engineering and Environmental Department’s Correction Order dated July 29, 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. Also, the proposed MMCC located at 2964 W. Davison has been identified as being in a Drug Free Zone (DFZ) based on its proximity to the Stewart Performance Academy located at 13120 Buena Vista aka 13120 Wildemere. Stewart Performance Academy is an active neighborhood, K-8 cheater school, operated by the Detroit Publics Schools (DPS), and is approximately 737 radial feet from Davison Wellness, LLC. Therefore, because Davison Wellness, LLC is approximately 737 radial feet from (Stewart Performance Academy), it is affirmed in a DFZ contingent upon 61-3-353(2) of the Detroit City Code. (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).AP

ACTION OF THE BOARD: Ms. Grant made a motion to Dismiss with prejudice and without return of fee. Petitioner not present for the case. Support by Ms. Teague.

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

Negative:

DISMISSED WITH PREJUDICE AND WITHOUT RETURN OF FEE

10:15 a.m.

CASE NO.: 89-17 (AKA BSEED 220-16)

APPLICANT: CHRISTOPHER J. YERMIAN / FIRE HOUSE COLLECTIVE, LLC C/O POLLICELLA & ASSOCIATES, PLLC

LOCATION: 8941 W. EIGHT MILE RD Between: Wyoming St and Kentucky St in a B4 Zone (General Business District). – Council District #2

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE ROAD 13 WETHERBEE OAK GROVE SUB L37 P89, PLATS, W C R 16/367 40 X 100

PROPOSAL: Christopher J. Yermian/Fire House Collective, LLC c/o Pollicella & Associates, PLLC requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 1,720 square foot unit of an existing two unit approximate 2,947 square foot building APPROVED in (BSEED 220-16) 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 five (5) Religious Institutions: (Detroit Ecclesiastic Bible) located at 20501-19 Wyoming – 72 ' radial feet away, (Gospel Tabernacle, Inc.) located at 20516 Wyoming – 60' radial feet away, (United Methodist) located at 8711-35 W. Eight Mile – 608' radial feet away, (Brown) located at 20531 Washburn – 352' radial feet away and (Church of God in Christ) located at 20475 Indiana – 480' radial 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 Dismiss with prejudice and without return of fee. Petitioner not present for the case. Support by Ms. Grant.

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

Negative:

DISMISSED WITH PREJUDICE AND WITHOUT RETURN OF FEE

10:45 a.m. CASE NO.: 94-17 (AKA BSEED 145-16)

APPLICANT: MANAR ABBO / PLYBURT, LLC

LOCATION: 13624 E EIGHT MILE RD Between: Schoenherr St and Reno St in a B4 Zone (General Business District). – Council District #3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE E 297 THRU 300 EXC EIGHT MILE RD AS WD HUNDS REGENT PARK SUB L55 P8 PLATS, W C R 21/898 80 X 58

PROPOSAL: Manar Abbo / Plyburt, LLC. requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing approximate 1,434 square foot building, which was APPROVED conditionally in (BSEED 145-16) 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). The proposed use is within 1,000 radial feet of one Controlled Use, (Rainbow Market) located at 13510 E. Eight Mile Rd. – 357.7’ 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. Grant made a motion to Deny Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 1,434 square foot building, which was APPROVED conditionally in (BSEED 145-16) in a B4 zone (General Business District). Support by Ms. Moore

Affirmative: Mr. Finn
Ms. Grant, Moore

Negative: Mr. Thomas

Ms. Teague abstained from the vote

SPACING/LOCATIONAL VARIANCE DENIED

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER
NOTICE.**

There being no further business to be transacted, Board Member Teague motioned that the meeting be adjourned. Board Member Finn seconded this motion which was unanimously carried and the meeting adjourned at 11:45 A.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp