

# Board Members

James W. Ribbron  
Director



**Robert E. Thomas**  
Chairperson

**Vivian Teague**  
Vice Chairperson

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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**  
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## MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **September 25, 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 9:26 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:

- (1)

### MINUTES:

Board Member Moore made a motion to approve the minutes for September 18, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed  
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.:** 41-18  
**APPLICANT:** FOUNTAIN OF TRUTH / DAVID JONES  
**LOCATION:** 14301 aka 14349 Longview St. Between:  
Chalmers St and Dickerson St in a R2 Zone  
(Two-Family Residential District) – Council  
District #4

**LEGAL DESCRIPTION OF PROPERTY:** N LONGVIEW 178 THRU  
185 GRATIOT GARDENS SUB L32 P14 PLATS, W C  
R 21/455 314.34 IRREG

**PROPOSAL:** **The Fountain of Truth/David Jones** seeks to change a non-conforming Child Caring Institution to a non-conforming Single Room Occupancy Housing in a R2 zone (Two-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 Deny change of nonconforming use to Single Room Occupancy Housing. Ms. Moore seconded the motion.

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

Negative: Mr. Thomas

Mr. Finn abstained from the vote

**CHANGE OF NONCONFORMING USE DENIED**

9:45 a.m.

**CASE NO.: 40-18**

**APPLICANT: VINCE SHILLCUT / NATHAN HARVEY**

**LOCATION: 13960 Gratiot Ave.** Between: Park Grove St and Glenwood St in a B4 Zone (General Business District). – Council District #4

**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 denied by BSEED (247-16) 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, 61-3-231 General Approval Criteria and 61-4-81 Approval Criteria).AP

**ACTION OF THE BOARD:** Mr. Calzada made a motion to Reverse the BSEED decision to allow the establishment of a Rental Hall to existing 8,000 square foot building. Support by Ms. Teague.

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

Negative: Mr. Weed  
Ms. Moore, Grant

**BSEED DECISION REVERSED, RENTAL HALL USE GRANTED, PETITIONER MUST FILE FOR DIMENSIONAL HEARING TO ADDRESS PARKING AND SCREENING.**

10:15 a.m. **CASE NO.:** 39-18  
**APPLICANT:** MARWAN TALES  
**LOCATION:** 17151 W Eight Mile Rd. Between: Biltmore St and Gilchrist St in a B4 Zone (General Business District). – Council District #2

**LEGAL DESCRIPTION OF PROPERTY:** Available Upon Request

**PROPOSAL:** Marwan Tales request to establish a 4,240 square foot Motor Vehicle Filling Station with accessory Carry-Out Restaurant and a 1,504 square foot Minor Motor Vehicle Repair Facility on a 26,000 square foot vacant lot APPROVED w/ conditions by BSEED (148-17) in a B4 zone (General Business District). This case is appealed because except when an administrative adjustment may be granted, the Board of Zoning Appeals may modify any use regulation or developmental standard specified in Article XII and may grant dimensional variances based on the approval criteria of section 61-4-81 of this Code. Also, the Board of Zoning Appeals may vary the requirements and limitations that are imposed by this zoning ordinance that pertain to dimensional requirements, use regulations or general development standards of various land use where strict application of such requirements or standards would result in practical difficulty and where all applicable standards and approval criteria of this division are met, including those of Sec. 61-4-81 of this Code.; per section 11-14-223; 504 (five hundred and four) square feet of interior landscaping along with 2 (two) shade trees is required – site plan shows 467 (four hundred and sixty-seven) square feet and 61-12-186 through 61-12-191; a Motor Vehicle Filling Station shall not be located on a corner lot at the intersection of two or more major thoroughfares, or off a major thoroughfare and a freeway – the proposed Motor Vehicle Filling Station does not meet the locational suitability requirements and per 61-12-215 (7); Minor Motor Vehicle Repair Facility is required to have vehicle stacking – the stacking shown on the site plan does not meet *the required dimensional standards*; therefore variances are required from the BZA. (Sections 61-4-92 Other Variances, Variance of Use Regulation and Development Standard, 61-4-89(1) Variances, In General and 61-4-81 Approval Criteria).AP

**ACTION OF THE BOARD:** Mr. Calzada made a motion to **Grant establishment a 4,240 square foot Motor Vehicle Filling Station with accessory Carry-Out Restaurant and a 1,504 square foot Minor Motor Vehicle Repair Facility on a 26,000 square foot vacant lot APPROVED w/ conditions by BSEED (148-17) in a B4 zone (General Business District).** Support by Mr. Thomas.

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

Negative:

**DIMENSIONAL WAIVERS GRANTED TO ESTABLHSE MOTOR FILLNG STATION, WITH CARRY OUT RESTAURANT AND MINOR MOTOR VEHICLE REPAIR FACILITY.**

**12:30 p.m. CASE NO.:** 54-17 (aka BSEED 128-16) – Adjourned from November 9, 2017

**APPLICANT:** MORGAN KEMP

**LOCATION:** 3840 E. Eight Mile Rd Between: Wexford St and Yonka St in a B4 Zone (General Business District). – Council District #3

**LEGAL DESCRIPTION OF PROPERTY:** S EIGHT MILE ROAD 192 THRU 184 E 8.99 FT 183 ASSESSORS BASE LINE SUPERHIGHWAY NO 4 L63 P64 PLATS, W C R 13/330 188.98 X 100

**PROPOSAL:** Morgan Kemp appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (BSEED 128-16) which DENIED the establishment of a Medical Marihuana Caregiver Center (MMCC) in a 685-square foot unit of an existing 3,380 square foot building 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. Also, no Conditional Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, unless each of the general findings of Section 61-3-231 are made. (Sections 61-4-71 Jurisdiction Over Appeals of Administrative Decisions and 61-3-231 General Approval Criteria).AP

**ACTION OF THE BOARD:** Ms. Moore made a motion to Uphold the BSEED Decision to Deny the establishment of a Medical Marihuana Caregiver Center (MMCC) in a 685-square foot unit of an existing 3,380 square foot building in a B4 zone (General Business District). Support by Mr. Weed.

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

Negative: Mr. Finn, Calzada

**BSEED DECISION UPHELD, MMCC USE DENIED**

1:30 p.m. CASE NO.: 79-16 (aka BSEED 31-16)  
Adjourned from February 28, 2017 & October 12, 2017

APPLICANT: STEVE DENNIS

LOCATION: 16094 E Eight Mile Rd. Between: Boulder St and Redmond St in a B4 Zone (General Business District).  
– Council District #3

LEGAL DESCRIPTION OF PROPERTY: LOTS 1-6 PATERSON BROS & COS. RIDGEMONTS GARDENS SUBDIVISION, LIBER 60, PAGE 3, PLATS, W.C.R. (PIN 21027954-9)

PROPOSAL: Steve Dennis requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in one (1) unit of an existing two (2) unit 6,500 square foot building APPROVED in (BSEED 31-16) 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 from two (2) other Controlled Uses located at (15900 E. Eight Mile Rd., Handy Spot Liquor & Food - 763 radial feet away) and (16086 E. Eight Mile Rd., Royalty Foods – 227 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. Moore made a motion to Deny the Spacing/Locational Regulation to establish a Medical Marihuana Caregiver Center (MMCC) in one (1) unit of an existing two (2) unit 6,500 square foot building APPROVED in (BSEED 31-16) in a B4 zone (General Business District). Support by Ms. Grant.

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

Negative: Mr. Finn, Calzada  
Ms. Teague

**SPACING/LOCATIONAL WAIVER DENIED, MMCC USE DENIED**

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER  
NOTICE.**

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There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 3:10 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON  
DIRECTOR

JWR/atp