

Board Members

Robert E. Thomas

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Vivian Teague

Vice Chairperson

Robert G. Weed

Council District 1

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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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James W. Ribbron

Director

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **February 12, 2019** 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) Emmanuel Calzada, Board Member
- (3) Robert G. Weed, Board Member
- (4) Vivian Teague, Board Member
- (5) Kwame Finn, Board Member
- (6) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

- (1) Elois Moore, Board Member

MINUTES:

Board Member Grant made a motion to approve the minutes for February 5, 2019. with any corrections.

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

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 **B7A Staff** be made part of the **MINUTES**

9:15 a.m.

CASE NO.: 64-18

APPLICANT: BORN TO WIN MINISTRIES

LOCATION: 12951 W. Chicago St. Between: Steel St and Sorrento St in a B4 Zone (General Business District) - Council District #7

LEGAL DESCRIPTION OF PROPERTY: S--W CHICAGO 269 THRU 274 W 7.5 FT 275 B E TAYLORS QUEENSBORO SUB L35 P26 PLATS, W C R 22/562 135 X 100 SPLIT/COMBINED ON 12/20/2018 FROM 22003469-71, 22003472-5; AND S--W CHICAGO 272 THRU 269 B E TAYLORS QUEENSBORO SUB L35 P26 PLATS, W C R 22/562 87.5 X 100 SPLIT ON 12/20/2018 WITH 22003469-71 INTO 22003469-75

PROPOSAL: Born To Win Ministries requests a variance of deficient Off-Street-Parking and other deficient General Dimensional Standards TO establish a Religious Institution (Church) (By-Right) 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 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; and for a variance of the minimum required setbacks. Also, deficient off street parking; deficient residential screening, Dumpster located in the alley, 5 ft. walkway required for parking spaces and deficient right of way screening. (Sections 61-4-91(1&6) Permitted Dimensional Variances, Location or Amount of Off-Street-Parking and General Dimensional Standards, and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Teague made a motion to Grant dimensional variances (TO establish a Religious Institution (Church)(By-Right) and construct a new 4,436 square foot one-story structure on a 13,635 square foot lot with an accessory parking lot BY-RIGHT in a B4 zone (General Business District). Seconded by Mr. Finn

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

Negative:

DISTANCE VARAINCES GRANTED

10:00 a.m. CASE NO.: 65-18 (aka BSEED 141-17)

APPLICANT: KAZEM JAWAD

LOCATION: 13777 Plymouth Rd. Between: Freeland St and Schaefer Hwy. in a M4 zone (Intensive Industrial District) - Council District #7

LEGAL DESCRIPTION OF PROPERTY: S PLYMOUTH E 90 FT OF W 406 FT A EXCEPT N 33 FT E 340 FT OF W 406 FT BC&D LYG N WLY OF PENN R R LOUD SPUR R/W PLAT OF THE ESTATE OF JOHN KEAL L543 P404 DEEDS, W C R 22/586 78322 SQ FT

PROPOSAL: Kazem Jawad appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED 141-17 Effective Date: September 7, 2018) which DENIED the establishment of a Junkyard on a 1.8 acre parcel in a 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. Also, 13777 Plymouth is approximately 1.8 acres or 78,322 square feet, thus is 8,798 square feet deficient; a dimensional variance is required. (Sections 61-12-261. Junkyards, 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: Ms. Teague made a motion to Uphold the BSEED Decision to the establishment of a Junkyard on a 1.8 acre parcel in a M4 zone (Intensive Industrial District). Seconded by Mr. Finn.

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

Negative:

BSEED DECISION UPHELD, USE DENIED

10:45 a.m. **CASE NO.:** 68-18

APPLICANT: ALVIN NABIL

LOCATION: 16711 Mack Ave. Between: Bishop St and Yorkshire Rd
in a B4 Zone (General Business District) - Council District
#4

LEGAL DESCRIPTION OF PROPERTY: N MACK 127 & 128 EXC MACK
AVE AS WD GROSSE POINTE VIEW SUB L48 P35
PLATS, W C R 21/717 40 X 92.95A

PROPOSAL: Alvin Nabil Alosachi appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (PIN: 21001481-2) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing approximate 2,941 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. The proposed MMPCF site is located within 872.8 feet of a "DRUG FREE ZONE" known as St. Clare of Montefalco Catholic School located at 16231 Charlevoix, Grosse Pointe, Park, Mi. 48230. (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, 61-3-353 Definitions Sec. 61-3-355 (3). Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Uphold BSEED decision that the proposed MMPCF is located in a Drug Free Zone. Seconded by Ms. Grant.

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

Negative: Mr. Finn

BSEED DECISION UPHELD, DRUG FREE ZONE

CASE NO.: 94-17 (aka BSEED 145-16)
REMANDED BACK BY CIRCUIT COURT TO BZA FOR
NEW HEARING

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; remanded by Circuit Court November 30, 2018 back to BZA for New Hearing. (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. Finn made a motion to Re-Hear Case No. 94-17.
Support by Mr. Calzada.

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

Negative: Ms. Weed

REHEARING GRANTED without date and with fee

CASE NO.: BSEED 20-18 (Community Appeal)

APPLICANT: JAMES OLIVER & Heidelberg Community

LOCATION: 3662 HEIDELBERG ST Between: Ellery and Mt. Elliott St in a R2 Zone (Two Family Residential District). – Council District #5

LEGAL DESCRIPTION OF PROPERTY: S HEIDELBERG 6 KAISERS L15
P95 PLATS, W C R 13/57 30 X 105.28

PROPOSAL: James Oliver and other residents appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 20-18) which (Approved With Conditions) TO establish a Nonprofit Neighborhood Center with residential unit on the second floor in a vacant, two story single family dwelling in an R2 zone (Two Family Residential District). This case is appealed 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; the proposed neighborhood center – no additional off-street parking is required and because the art work has spread to other parcels in the vicinity strict conditions and a time frame has been added (see conditions: #5&6 BSEED Conditions). (Sections 61-4-72 Appeals and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Reconsider the vote made on February 5, 2016 which Granted the **Community Appeal**. Support by Mr. Thomas.

Affirmative: Mr. Thomas, Weed, Finn, Calzada

Negative: Ms. Teague

Ms. Grant not present for the vote

VOTE RECONSIDERED

Mr. Calzada made a motion to Adourn the vote until there is a full Board present. Support by Ms. Teague.

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

Negative:

RECONSIDERED VOTE ADJOURNED

Director Ribbron informed the Board there are two cases that Case No. 71-18 property located at 8229 John R and Case No. 74-18 property located at 1535 Sycamore that no longer need variances from the Board of Zoning Appeals and need to be formally dismissed.

ACTION OF THE BOARD: Mr. Weed made a motion to Dismiss Case No. 71-18 and 74-18. Support by Ms. Grant.

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

Negative:

DISMISSED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Finn motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 1:15 P.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to be 'JWR', written over the printed name.

JAMES W. RIBBRON
DIRECTOR

JWR/atp