

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

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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **February 5, 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) Elois Moore, Board Member
- (7) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Grant made a motion to approve the minutes for January 22, 2018 and January 29, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed, Finn
Ms. Moore, 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 **BZA Staff**, be made part of the **MINUTES**.

9:15 a.m. **CASE NO.:** 63-18 (BSEED 163-17)
APPLICANT: T&P Management/Theresa Martin
LOCATION: 3815 W. Fort Street Between: Vinewood and W. Grand
Blvd in a M4 Zone (Intensive Industrial District)- Council
District #6

LEGAL DESCRIPTION OF PROPERTY: S Fort St 2&3 C F Campaus
Subdivision (Liber 5, Page 66 Plats, W C R 14/11 100.02
Irregular)

PROPOSAL: T and P Management request dimensional variances
(Distance variance) from 3 parking lots located at 117 W
Grand Blvd, 214 Vinewood and 222 Vinewood to
establish 19 residential loft units on the second floor of
an existing 68,781 square foot building (BSEED 163-17)
in a M4 zone (Intensive 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 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; Ordinance requirements states distance
is 100 feet. Provided parking lots are approximately 140
feet from the loft building. (Sections 61-14-24 Multi
Family Parking distance requirements, 61-4-91(1)
General Dimensional Standard (Parking), and 61-4-81
Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional
variances (Distance variance) from 3 parking lots
located at 117 W Grand Blvd, 214 Vinewood and 222
Vinewood to establish 19 residential loft units on the
second floor of an existing 68,781 square foot building
(BSEED 163-17) in a M4 zone (Intensive Industrial District).
Seconded by Ms. Moore

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

Negative:

DISTANCE VARAINCE GRANTED

10:00 a.m. CASE NO.: 62-18

APPLICANT: Advance Plumbing & Heating Supply Co.

LOCATION: 150 Parsons, between Woodward Ave and Cass Ave in a SD2 zone (Special Development District-Mixed Use)- Council District #5

LEGAL DESCRIPTION OF PROPERTY: AVAILABLE UPON REQUEST

PROPOSAL: Advance Plumbing and Heating Supply Co request dimensional variances to establish a projection sign on existing retail& wholesale sales use in an SD2 zone (Special Development District-Mixed Use. 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 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 under Sec. 61-6-93. Projection of signs. No sign shall project more than thirty-six (36) inches into a public way. (Sections 61-6-93 Projection of Signs and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional variances establish a projection sign on existing retail& wholesale sales use in an SD2 zone (Special Development District-Mixed Use. Seconded by Ms. Grant.

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

Negative: Mr. Weed

Mr. Calzada not present for the vote

DIMENSIONAL VARAINCE GRANTED

10:45 a.m. **CASE NO.:** BSEED 29-18 COMMUNITY APPEAL
APPLICANT: Wellspring/Dan Bandrowski
LOCATION: 16745 Lamphere Between: Grove St. and Verne St. in a R1 Zone (Single Family Residential District)- Council District #1

LEGAL DESCRIPTION OF PROPERTY: W Lamphere 36 thru 26 72 thru 62 Redford Highlands Subdivision (Liber 33 Page 74 Plats, W C R 22/473 560 Irregular)

PROPOSAL: Wellspring/Dan Bandrowski appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 29-18) which (Approved With Conditions) permission TO establish an Educational Institution with urban garden on 3.3 acres of existing vacant land in an R1 zone (Single Residential 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. (Sections 61-4-72 Appeals and 61-3-231 General Approval Criteria) AP

ACTION OF THE BOARD: Ms. Moore made a motion to Dismiss the community appeal at the BZA petitioners requests as they have worked out their differences with the development. Seconded by Ms. Grant.

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

Negative:

Mr. Calzada not present for the vote

DISMISSED

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. Calzada made a motion to reconsider the vote from the hearing heard on January 22, 2019. Support by Mr. Finn.

Affirmative: Mr. Thomas, Finn, Calzada

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

RECONSIDERATION DENIED, ORIGINAL DECISION STANDS. SPACING VARIANCE DENIED

CASE NO.: BSEED 184-17 – COMMUNITY APPEAL

APPLICANT: JUDITH SALE

LOCATION: 2031, 2037, 2043 & 2047 11th Street Between:
Michigan Ave and Church St in a B4 Zone (General
Business District) – Council District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Judith Sale appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 184-17) which **(Approved with Conditions) TO construct two, three story townhouse buildings (18 units) on a 17,967 square feet vacant site 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. **(Sections 61-4-72 Appeals and 61-3-231 General Approval Criteria).**AP

ACTION OF THE BOARD: Mr. Finn made a motion to reconsider the vote from the hearing heard on January 22, 2019. Support by Ms. Teague.

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

Negative:

RECONSIDERATION GRANTED

Ms. Teague made a motion to Re-Hear this case with the BSEED petitioner present and for P&DD to mediate between the Parties for a possible amicable solution to the development. Seconded by Ms. Grant.

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

Negative:

Mr. Calzada not present for the vote

RE-HEARING GRANTED

CASE NO.: 56-18 (aka BSEED 06-17)

APPLICANT: GREENLEAF EXTENDED CARE, LLC / SHIRLEY CARMICHAEL

LOCATION: 13125 W. CHICAGO ST Between: Ward Ave and Cheyenne St in a B4 Zone (General Business District) – Council District # 7

LEGAL DESCRIPTION OF PROPERTY: S-W CHICAGO 7 ROBERT OAKMAN LAND COS MC FARLANE SUB L53 P54 PLATS, WCR 22/561 19 X 100, (PIN 22003495)

PROPOSAL: Greenleaf Extended Care. LLC / Shirley Carmichael requests a Variance of Spacing / Locational Regulation TO establish a medical marihuana caregiver center in an existing 1,235 square foot one-story building 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 location is within 1,000 radial feet of two (2) Controlled Uses; May's Market located at 13040 (13044) W. Chicago – 200' feet away, Roots Shoots & Flowers LLC located at 13110 W. Chicago – 84.6' feet away and three (3) Religious Institution; Adams Chapel Baptist located at 12845 W. Chicago – 840' feet away, Ecclesia Church located at 9611 Iris – 828 feet away and First Christian COM Church Corp., located at 9640 Sorrento – 880' 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 in an existing 1,235 square foot one-story building in a B4 zone (General Business District). Support by Mr. Finn.

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

Negative: Mr. Weed, Thomas

SPACING VARAINCE DENIED/USED DENIED

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. Weed made a motion to Deny Community Appeal. Support by Mr. Thomas.

Affirmative: Mr. Thomas, Weed

Negative: Mr. Finn, Calzada
Ms. Teague, Moore, Grant

MOTION FAILS DUE TO VOTE COUNT

Mr. Calzada made a motion to Grant Community Appeal, thereby reversing the BSEED Decision to establish a Non-Profit Neighborhood Center in a R2 zone. Support by Ms. Teague

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

Negative: Mr. Thomas, Weed

COMMUNITY APPEAL GRANTED, USE DENIED

RE-HEARING REQUEST

Case No. BSEED 116-17 16060 E. EIGHT MILE RD.

CASE NO.: 57-18 (aka BSEED 66-16)

APPLICANT: MAHER LAZER / DALTON BROWN

LOCATION: 16060 E. EIGHT MILE RD. Between: Redmond St and boulder St in a B4 Zone (General Business District) – Council District # 3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE RD E 14&15 PATERSON BROS & COS RIDGEMONT GARDENS SUB L60 P3 PLATS, W C R 21/943 40 X 100

PROPOSAL: Maher Lazer requests a Variance of Spacing / Locational Regulation TO establish a medical marihuana caregiver center in an existing 1,380 square foot unit of an existing two-unit 2,760 square foot building 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 location is within 1,000 radial feet of two (2) Controlled Uses; Handy Spot Liquor & Food located at 15900 E. Eight Mile Rd. – 373' feet away and Royalty Foods located at 16086 E. Eight Mile – 82' 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. Finn made a motion to Grant Re-Hearing request due to the new evidence presented. Support by Ms. Grant.

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

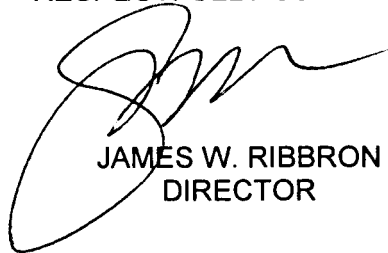
Negative:

REHEARING REQUEST ADJOURNED

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 12:00 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp