

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
Coleman A. Young Municipal Center
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **April 9, 2019** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Vice-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 G. Weed, Board Member
- (2) Kwame Finn, Board Member
- (3) Elois Moore, Board Member
- (4) Jacqueline Grant, Board Member
- (5) Vivian Teague, Board Member

BOARD MEMBERS ABSENT:

- (1) Emmanuel Calzada, Board Member
- (2) Robert E. Thomas, Board Member

MINUTES:

Board Member Grant made a motion to approve the minutes April 2, 2019 with any corrections.

Affirmative: Mr. 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.:** **23-19**

APPLICANT: **4530 COMMONWEALTH, LLC**

LOCATION: **4530 Commonwealth** between W. Forest Ave and
Lysander St in a R3 (Low-Density Residential District) -
City Council District #6

LEGAL DESCRIPTION OF PROPERTY: E COMMONWEALTH S 40 FT 11
BLK 14 AVERY & MURPHYS SUB L9 P42 PLATS, W C R
8/52 40 X 130

PROPOSAL: **4530 Commonwealth, LLC requests dimensional
variances TO construct a (BY-RIGHT) 3 unit Multi-
family, dwelling on a 5,200 square foot lot in a 1,452
square building in a R3 Zone (Low-Density Residential
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 variances
provided: Lot Area required 7000 sq. ft. – 5,200 sq. ft.
proposed; Lot Width required 70 ft. – 40 ft. proposed;
and Floor Area Ratio 70% required – 78% proposed.
(Sections 61-4-91. Permitted Dimensional Variances,
General Dimensional Standards and 61-4-81 Approval
Criteria) .AP**

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Dimensional
Variances **construct a (BY-RIGHT) 3 unit Multi-family,
dwelling on a 5,200 square foot lot in a 1,452 square
building in a R3 Zone (Low-Density Residential District).**
Seconded by Ms. Grant

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

Negative: Ms. Teague

DIMENSIONAL VARIANCES GRANTED

10:00 a.m.

CASE NO.: 10-19 (AKA BSEED 98-18)
APPLICANT: NORTHLAND PROVISIONING CENTER, LLC
LOCATION: 18241 W. Eight Mile Rd (aka 18245 W. Eight Mile Rd) Between Rosemont and Ashton in a B4 (General Business District) - City Council District #1

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE W 17 THRU 19 SOUTHFIELD GATE SUB L63 P60 PLATS, W C R 22/675 60 X 90

PROPOSAL: Northland Provisioning Center, LLC appeals the decision of the Buildings Safety Engineering and Environmental Department’s Special Land Use Review dated October 31, 2018 which DENIED and states; the proposed Medical Marihuana Provisioning Center facility site is located within 920 feet of a “Religious Center” known as Greater Olivet Baptist Church located at 20201 Southfield 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. A medical Marihuana Provisioning Center Facility must not be located within one thousand (1000) radial feet of the zoning lot occupied by a Religious Institution, per section 61-3-355(b)(3)(A). Also, the Medical Marihuana Provisioning Center facility site is located within 920 feet of a “Religious Center” known as Greater Olivet Baptist Church located at 20201 Southfield. (Sections 61-4-72 Appeals and Sec. 61-3-355. Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions).AP

ACTION OF THE BOARD: Mr. Finn made a motion to Dismiss appeal at petitioners request with return of fee. Seconded by Ms. Moore

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

Negative:

DISMISSED WITH RETURN OF FEE

11:00 a.m. CASE NO.: 11-19

APPLICANT: GROWRITE MEDICAL SUPPLIES

LOCATION: 4505 Oakman Blvd between W Chicago Ave Grand River in a M4 (Intensive Industrial District) - City Council District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Growrite Medical Supplies appeals the decision of the Buildings Safety Engineering and Environmental Department's Special Land Use Review dated December 6, 2018 which DENIED and states; the subject property has been identified as being within 1000 radial feet of a Drug Free Zone in a M4 Zone (Intensive Industrial 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 4505 Oakman Blvd. has been identified as being in a Drug Free Zone (DFZ) based on its proximity to Generators Club of Detroit located at 4244 Oakman. Generators Club of Detroit is a legally, operating, youth center/school located within 1000 radial feet of the subject property at 4505 Oakman, therefore becomes ineligible to establish a Medical Marihuana Growers Faculty. (Sections 61-4-72 Appeals and 61-3-354(b)(1) Sec. 61-3-354. Medical marihuana caregiver center procedures.).AP

Action of the Board: Mr. Weed made a motion to Uphold the BSEED decision that the subject property is located in a Drug Free Zone. Seconded by Ms. Moore

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

Negative:

Ms. Grant Abstained

AFFIRMED DRUG FREE ZONE

CASE NO.: 8-19 (BSEED 104-18) – Adjourned from April 2, 2019
APPLICANT: STUART CARTER
LOCATION: 4404 Oakman Blvd between W Chicago Ave Grand River in a M3 (General Industrial District) City Council District #7

LEGAL DESCRIPTION OF PROPERTY: W OAKMAN BLVD 82 THRU 79 AND VAC ALLEY ADJ ROBT OAKMAN LAND COS GRAND RIVER & OAKMAN HWY RESUB L58 P7 PLATS, W C R 18/447 ALSO THAT PT OF 25 THRU 28 LYG W & ADJ THERETO MAPLEGROVE SUB L24 P61 PLATS, W C R 18/389 33,258 SQ FT

PROPOSAL: Stuart Carter appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (BSEED 104-18) which determined the location at 4400 Oakman Blvd. to be in a Drug Free Zone (DFZ) therefore ineligible to develop a Medical Marihuana Grower Facility (MMGF) in a M3 (General 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. 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; the proposed MMGF site is located 430 feet of a "DRUG FREE ZONE" known as Northlawn Garden Apartments (a family low income housing apartment HUD) located at 9560-70 Northlawn, Detroit, Mi. 48204. (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, Sec. 61-3-355 (b) (1). Permitted districts for medical marihuana facilities; Conditional Uses, Sec. 61-3-353. Definitions; meaning of terms: Medical marihuana grower facility).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Deny Adjournment Request. Support by Ms. Moore

Affirmative: Mr. Weed
Ms. Moore, Teague

Negative: Mr. Finn
Ms. Grant

ADJOURNMENT REQUEST DENIED DUE TO VOTE COUNT

CASE NO.:
Continued

8-19 (BSEED 104-18) – Adjourned from April 2, 2019

Mr. Weed made a motion to Uphold the BSEED decision that the subject property is located in a Drug Free Zone. Seconded by Ms. Grant

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

Negative:

Ms. Grant Abstained

AFFIRMED DRUG FREE ZONE

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 Grant seconded this motion which was unanimously carried and the meeting adjourned at 12:15 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp