

## 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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**Detroit, Michigan 48226**  
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### MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **March 19, 2019** on the 13th Floor in City Council Chambers and 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 E. Thomas, Board Member
- (2) Robert G. Weed, Board Member
- (3) Vivian Teague, Board Member
- (4) Kwame Finn, Board Member
- (5) Elois Moore, Board Member
- (6) Jacqueline Grant, Board Member
- (7) Emmanuel Calzada, Board Member

#### BOARD MEMBERS ABSENT:

#### MINUTES:

Board Member Grant made a motion to approve the minutes March 12, 2019 with any corrections.

Affirmative: Mr. Weed, Finn, Thomas, Calzada  
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

9:15 a.m.      **CASE NO.:**            01-19

**APPLICANT:**            Robert McLean

**LOCATION:**                32 Monroe Ave. Between: Farmer St and Woodward Ave  
in a B5 Zone (Major Business District) Council District #6

**LEGAL DESCRIPTION OF PROPERTY:**    S MONROE 50 THRU 47 PLAT OF  
SEC 6 GOVERNOR & JUDGES PLAN L34 P545 DEEDS,  
W C R 1/5 3 THRU 1 PLAT OF LOTS 45 & 46 SEC 6  
GOVERNOR & JUDGES PLAN L1 P68 PLATS, W C R 1/17  
44 & 43 W 19 FT 42 PLAT OF SEC 6 GOVERNOR &  
JUDGES PLAN L34 P545 DEEDS, W C R 1/5 1/--- 58,070  
SQ FT

**PROPOSAL:**                Robert McLean/Neumann Smith Architecture on behalf  
of Bedrock requests dimensional variances to  
construct a 862,503 square foot High Rise Mixed-use  
Development with Residential structures, Retail and  
Office (By-Right-Uses) in a B5 Zone (MAJOR 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 of the minimum lot area, minimum lot width,  
minimum setbacks and the dimensional variances or  
adjustments of which are provided for in this Chapter,  
provided: (a) That the open space needs of the  
potential occupants are adequately served; and (b) That  
said facility complies with all appropriate federal and  
state statutes, Wayne County Code of Ordinances, this  
Code and their accompanying regulations that control  
or regulate such use, including all applicable standards  
of this Zoning Ordinance; Said dimensional variances  
may be granted on the approval criteria of Sec. 61-4-81  
of this Code; the proposed mixed use high rise tower is  
535 feet high – the maximum building height permitted  
is 450 feet; the proposed horizontal dimension of the  
mixed use tower is 95 feet – the greatest horizontal  
dimension of the tower can't exceed 60 feet; a total of  
fifteen (15) off-street loading zones are required – 6 off-  
street loading zones are provided. (Sections Sec. 61-13-  
121. Cubical content standard, 61-4-91. Permitted  
dimensional variances and General Dimensional  
Standards and 61-4-81 Approval Criteria).AP

**ACTION OF THE BOARD:** Ms. Moore made a motion to Adjourn this case at  
petitioners request until further notice. Seconded by Ms.  
Grant

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

Negative:

10:00 a.m.

**CASE NO.:** 53-18 (aka BSEED 76-17)

**APPLICANT:** CSOD, LLC / C.S. MANAGEMENT

**LOCATION:** 3930 E. Eight Mile Rd. Between: Wexford and Binder in a B4 Zone (General Business District) - Council District #3

**LEGAL DESCRIPTION OF PROPERTY:** S EIGHT MI RD 202 THRU 198 ASSESSORS BASELINE SUPERHIGHWAY SUB NO 4 L63 P64 PLATS, W C R 13/330 107.99 X 100

**PROPOSAL:** CSOD, LLC appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (BSEED 76-17) which DENIED the establishment of a Medical Marihuana Caregiver Center (MMCC) in an existing approximate 3,600 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 BSEED Decision to Deny establishment of a Medical Marihuana Caregiver Center (MMCC) in an existing approximate 3,600 square foot building in a B4 zone (General Business District). Seconded by Ms. Teague

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

Negative: Mr. Thomas, Finn, Calzada

**BSEED DECISION UPHELD/USE DENIED**

10:45 a.m. CASE NO.: 79-18

APPLICANT: HNFMMN PROPERTIES 8 VAN, LLC

LOCATION: 8052 E. Eight Mile Rd Between: Terrell and Stotter in a B4 Zone (General Business District) – Council District #3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE 620 AND VAC CONNORS

ADJ EXC EIGHT MILE AS WD BASE LINE SUB NO 2 L46 P51 PLATS, W C R 17/497 108 X 48.23

PROPOSAL: HNFMMN Properties 8 Van, LLC requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) at 8052 E. Eight Mile (BSEED PIN: 1700574.004L) 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 several MMCC's: 20054 Van Dyke; NOTE: 8052 E. Eight mile submitted to BSEED 5-1-17, SLU decision for conditional approval given 2-17-18 with spacing variances needed from several MMCC's. (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 Spacing/Locational Regulation to establish a Medical Marihuana Caregiver Center (MMCC) at 8052 E. Eight Mile (BSEED PIN: 1700574.004L) in a B4 zone (General Business District). Seconded by Ms. Teague.

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

Negative: Mr. Weed  
Ms. Teague

**SPACING/LOCATIONAL VARIANCE GRANTED**

Mr. Calzada was not present for the vote

**11:30 a.m. CASE NO.:** 49-18 (AKA BSEED 88-17) – REMANDED BACK BY CIRCUIT COURT (ADJOURNED BY BZA ON NOVEMBER 27, 2018)

**APPLICANT:** A & Z 13510, LLCC

**LOCATION:** 13510 E. Eight Mile Rd. Between: Pelkey St. and Schoenherr Rd in a B4 Zone (General Business District) – Council District#3

**LEGAL DESCRIPTION OF PROPERTY:** S--E EIGHT MILE RD 19 THRU 14 EXC EIGHT MILE RD AS WD SCHOENHERR MANOR SUB L54 P98 PLATS, W C R 21/885 120 X 58.62A 58.78 R 58.47

**PROPOSAL:** A&Z 13510, LLCC requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing one-story, 2,226 square foot building which was APPROVED w/Conditions in (BSEED 88-17) 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 two (2) Controlled Uses; Forest Wolf aka Puff Detroit located at 388' feet away – 632' feet away and Plyburt, LLC located at 13624 E. Eight Mile – 356' 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 Adjourn case due to Court Order by Judge Hathaway until further notice. Seconded by Mr. Finn.

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

Negative:

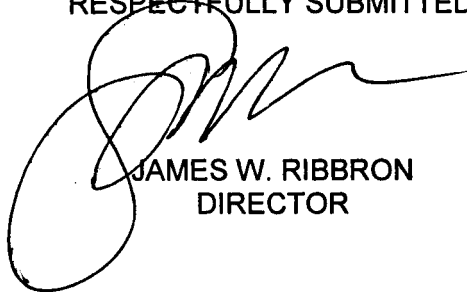
**ADJOURNED WITHOUT DATE AND WITHOUT FEE**

Mr. Calzada was not present for the vote

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.**

There being no further business to be transacted, Board Member More motioned that the meeting be adjourned. Board Member Finn seconded this motion which was unanimously carried and the meeting adjourned at 1:19 P.M.

RESPECTFULLY SUBMITTED

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

JAMES W. RIBBRON  
DIRECTOR

JWR/atp