

Board Members

Robert E. Thomas
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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 **May 14, 2019** on the 13th Floor in the Committee of the Whole, 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
- (6) Robert E. Thomas, Board Member

BOARD MEMBERS ABSENT:

- (1) Emmanuel Calzada, Board Member

MINUTES:

Board Member Grant made a motion to approve the minutes May 7, 2019 with any corrections.

Affirmative: Mr. Weed, Thomas
Ms. Moore, 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.:** **30-19 (A.K.A BSEED 134-18)**

APPLICANT: **W. Emery Matthews/Real Estate Interests. LLC**

LOCATION: **4004 Porter between Scotten Ave and Hubbard St in an R2 TWO-FAMILY RESIDENTIAL DISTRICT- City Council District #6**

LEGAL DESCRIPTION OF PROPERTY: **W HUBBARD S 15 FT 44 45 DANIEL SCOTTENS SUB OF LOT 67 L5 P43 PLATS, W C R 14/24 55 X 180**

PROPOSAL: **W. Emery Matthews as Managing Principal of Real Estate Interests, LLC request variances TO convert an existing two-story, seven unit multiple-family dwelling into a twelve unit dwelling with Accessory Parking Approved with conditions in BSEED Case #134-18 in an R2-H zone (Two Family Residential-Historic). 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. Section 61-12-121(1) indicates in the R2 District, such uses shall have a maximum of eight (8) dwelling units, except where developed under the “School building adaptive reuses” provision as defined in Sec. 61-16-171 of this Code;, the petitioner is requesting 12 units; there are dimensional variances needed – Sec. 61-14-222 Residential Screening, abutting Residentially Zoned Lots Not Containing Dwelling Units: the nearest parking space, drive aisle or other paved surface area must be at least five feet from the abutting residential lot; a two and half foot landscaped setback is proposed next to the vacant lot at 1421 Hubbard. (Sections 61-4-92(1, 2 &3) Other Variances, Variance of Use Regulation, Development Standard, 61-4-91(6) General Dimensional Standard, 61-8-40(2) Conditional residential uses, 61-12-121(1) Multi-Family Dwellings, Sec. 61-14-222 (Residential Screening, abutting Residentially Zoned Lots Not Containing Dwelling Units and 61-4-81 Approval Criteria).AP**

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Dimensional Variance to convert an existing two-story, seven unit multiple-family dwelling into a twelve unit dwelling with Accessory Parking Approved with conditions in BSEED Case #134-18 in an R2-H zone (Two Family Residential-Historic). (General Business District). Seconded by Ms. Teague

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

Negative:

DIMENSIONAL VARIANCE GRANTED

10:00 a.m. **CASE NO.:** 20-19 (A.K.A BSEED 77-16)

APPLICANT: Starbuds-MJ, LLC

LOCATION: 15512-15514 W. Warren between Winthrop and Greenfield in a B4 zone (General Business District).- City Council District #7

LEGAL DESCRIPTION OF PROPERTY: N WARREN 28 WEST WARREN AVE EST SUB L43 P65 PLATS, W C R 22/245 20 X 100

PROPOSAL: Starbuds – MJ, LLC requests a **Variance of Spacing / Locational Regulation TO** establish a **Medical Marihuana Caregiver Center (MMCC)** in an **800-square foot building, which was APPROVED w/Conditions** in (BSEED 77-16) 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 or a Religious Institution. The proposed use is within 1,000 radial feet of one (2) Controlled Uses, (CVS Pharmacy #8159) located at 15640 W. Warren – 248’ feet away and (Oasis Liquor) located at 6911 Greenfield – 245’ 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. *(Note: petitioner has provided information regarding Oasis Liquor.)* **(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. Weed made a motion to **Deny Re-Hearing Request for a Variance of Spacing / Locational Regulation TO** establish a **Medical Marihuana Caregiver Center (MMCC)** in an **800-square foot building, which was APPROVED w/Conditions** in (BSEED 77-16) in a B4 zone (General Business District). Seconded by Ms. Grant

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

Negative: Mr. Finn
Ms. Teague

RE-HEARING REQUEST DENIED

11:00 a.m. CASE NO.: 57-18 (A.K.A BSEED 66-16)-Adjourned from March 23, 2019

APPLICANT: MAHER LAZER

LOCATION: 16060 E. Eight Mile Rd Between: Redmond St and Boulder St in a B4 Zone (General Business District)- City 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 appeals the decision of the Buildings Safety Engineering and Environmental Department's Corrected Decision Letter dated April 29, 2019, which states; the property is located within a Drug Free Zone. Bringard-Boulder Park 16251 Bringard-935' away

Only if Board doesn't agree with BSEED determination

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

Case No. 57-18 continued:

Action of the Board: Ms. Teague made a motion to Deny a **Adjourn case without date and with fee for petitioners representative to be prepared for the case due to the newly add DFZ determination from BSEED.**
Seconded by Ms. Finn

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

Negative:

ADJOURNED WITHOUT DATE AND WITH FEE

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 11:25 A.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to read 'JWR', is written over the printed name and title.

JAMES W. RIBBRON
DIRECTOR

JWR/atp