

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
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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 23, 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
- (6) Emmanuel Calzada, Board Member
- (7) Robert E. Thomas, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Grant made a motion to approve the minutes April 16, 2019 with any corrections.

Affirmative: Mr. Weed, Thomas, Calzada, 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.: 12-19 (BSEED 130-18)

APPLICANT: CRYSTAL MITCHELL

LOCATION: 18845 W. McNichols Rd. between Stahelin Ave. and Avon Ave. in a B4 zone (General Business District)-City Council District #1

LEGAL DESCRIPTION OF PROPERTY: S--W MC NICHOLS RD 121 EXC MC NICHOLS RD AS WD 122&123 MYLAND SUB L33 P10 PLATS W C R 22/443 134.05 IRREG

PROPOSAL: Crystal Mitchell seeks dimensional variances to establish a 3,492 square foot Rental Hall on the second floor of an existing 13,600 square foot building along with accessory parking APPROVED w conditions in BSEED 130-18 (effective date February 1, 2019) 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 and 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; per section 61-14-2 (change of use); *thirty-five (35) off-street parking spaces are required – nineteen (19) are proposed and the proposed use requires a neighborhood petition of 67% of the people owning property, residing or doing business within 500 radial feet of the subject property have no objection to this proposal,* therefore variances are required by the BZA. (Sections 61-4-91(1) Permitted Dimensional Variances, Sec. 61-14-2 (3). Applicability (*Change of Use*). and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Parking Variance to establish a 3,492 square foot Rental Hall on the second floor of an existing 13,600 square foot building along with accessory parking APPROVED w conditions in BSEED 130-18 (effective date February 1, 2019) in a B4 zone (General Business District). Seconded by Ms. Teague

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

Negative:

DIMENSIONAL (Parking) VARIANCE GRANTED

10:00 a.m. CASE NO.: 14-19 (BSEED 55-18)

APPLICANT: HOWARD BROWN

LOCATION: 16424 W. Warren Ave. between Audobon Rd. and E. Outer Dr. in a B4 zone (General Business District) City Council District #4

LEGAL DESCRIPTION OF PROPERTY: S WARREN E 311 & 312 135 A M CAMPAUS THREE MILE DRIVE ADDNL46 P78 PLATS, W C R 21/698 50 X 100

PROPOSAL: Howard Brown request a parking variance to add a Rental Hall to an existing Dance Studio in a 5,700 square foot building (Permit #BLD2017-00650 February 2, 2017) 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 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; Location or Amount of Off-Street Parking. 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; fifty-one off-street parking spaces are required, 0 spaces are provided. (Sections 61-4-92(1) Permitted dimensional variances; Location or Amount of Off-Street Parking and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Parking Variance to add a Rental Hall to an existing Dance Studio in a 5,700 square foot building (Permit #BLD2017-00650 February 2, 2017) in a B4 zone (General Business District). Seconded by Ms. Moore

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

Negative: Mr. Weed, Calzada

Ms. Grant abstained from the case

DIMENSIONAL VARIANCE GRANTED

10:45 a.m.

CASE NO.: 15-19 (BSEED 91-18)

APPLICANT: RIVIL RAAD VALDO

LOCATION: 14290 Goddard between Modern St. and E. McNichols in a M4 zone (Intensive Industrial District)-City Council District #3

LEGAL DESCRIPTION OF PROPERTY: E GODDARD E 95 FT OF LOTS 3 THRU 10 169 THRU 163 N 12 FT OF 162 AND W 25 FT OF VAC ARLINGTON AVE AND ALLEY ADJ RAYNOLDS & HARVEYS SUB L15 P5 PLATS, W C R 9/141 53,052 SQ FT

PROPOSAL: Rivil Raad Valdo appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED 91-18 Effective Date: January 14, 2019) which DENIED the establishment of a Junkyard with Indoor Dismantling and Used Auto Parts Facility in two existing buildings encompassing a combined on 6,850 square foot building on a 1.22 acre site 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, the minimum lot or parcel size for junkyards shall be two acres or 87,120 square feet; 14290 Goddard is approximately 1.22 acres or 53,146 square feet; and a twenty foot landscaped setback from the property line is required, none is provided; and for opaque screening, a waiver is required for the sheet metal fencing proposed along the north, east and south property lines. (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: Mr. Calzada made a motion to Adjourn with fee and without date for petitioner to work on site cleanup. Seconded by Ms. Moore

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

Negative:

ADJOURNED WITHOUT DATE

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 St. in a B4 zone (General Business District)-City 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 at petitioners request. Case is Scheduled for May 7, 2019. Seconded by Mr. Finn

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

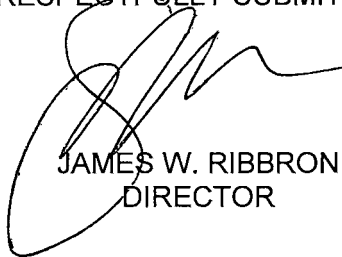
Negative:

ADJOURNED to MAY 7, 2019

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 11:00 A.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp