

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
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **July 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) Emmanuel Calzada, Board Member
- (3) Vivian Teague, Board Member
- (4) Robert E. Thomas, Board Member
- (5) Kwame Finn, Board Member
- (6) Elois Moore, Board Member
- (7) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Moore made a motion to approve the minutes July 9, 2019 with any corrections.

Affirmative: Mr. Weed, Thomas
Ms. Teague, Moore, Grant
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.: 41-19

APPLICANT: BRIAN HURTTIENNE

LOCATION: 3303 Cochrane between Ash and Sycamore in a R2 (TWO-FAMILY RESIDENTIAL DISTRICT)-City Council #5

LEGAL DESCRIPTION OF PROPERTY: W COCHRANE 408 PLAT OF LOGNON FARM L2 P5 PLATS, W C R 8/29 31 X 100

PROPOSAL: Brian Hurttienne request to construct an eleven unit, 5,760 square foot townhouse building with an Accessory Parking structure on vacant land in an R2 (TWO-FAMILY 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 a variance of the minimum setbacks, for a variance of the loading space provisions of ARTICLE XIV, DIVISION 1, Subdivision D of this Chapter and for a variance of various developmental standards and use regulation requirements; Front setback: 20' feet required; 4' feet proposed, Side setback: 16' feet required; 9 feet proposed, Rear Setback: 30 feet required; 17' 4" proposed, Maximum Lot Coverage: 35% permitted, 60% proposed, Number of dwelling units: 8 max permitted, 11 proposed. (Sections 61-4-92(1,2 &3) Other Variances, Variance of Use Regulation, Development Standard, 61-4-91(6) General Dimensional Standard and 61-4-81 Approval Criteria) AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Dimensional Variance to construct an eleven unit, 5,760 square foot townhouse building with an Accessory Parking structure on vacant land in an R2 (Two-Family Residential District). Seconded by Ms. Grant

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

Negative:

DIMENSIONAL VARIANCE GRANTED

10:00 a.m. **CASE NO.:** 13-19 (AKA BSEED 133-17)

APPLICANT: ALI ZEINEDDINE

LOCATION: 12730 Joy Rd (aka 12726, 12734 & 12738 Joy Rd.)
between Appoline St and Meyers in a B4 zone (General Business District)- City Council District 7

LEGAL DESCRIPTION OF PROPERTY: N JOY RD 7 THRU 11 B E TAYLORS QUEENSBORO SUB L35 P26 PLATS, W C R 22/562 100 X 100 10,000 SQFT SPLIT/COMBINED ON 11/29/2018 FROM 22003264., 22003261-2, 22003263., 22003265.; N JOY RD 8 B E TAYLORS QUEENSBORO SUB L35 P26 PLATS, W C R 22/562 20 X 100 Split on 11/29/2018 with 22003261-2, 22003263., 22003265. into 22003261-5;

PURPOSAL: Ali Zeineddine request to change a nonconforming (current legal use of 12730 Joy Road a Motor Vehicle Car Wash, by permit number 95834, issued January 16, 2007 while the current legal use of 12726, 12734 and 12738 Joy Rd. is vacant land) to a nonconforming Used Auto Sales in a 1,400 square foot building established via rezoning (BSEED Case No. 133-17) to B2 Zone (Local Business and Residential District), also there is one Used Auto Sales Lot within 1000 sq. ft. This case is appealed because a non-conforming use may be changed to another nonconforming use only where reviewed and approved by the Board of Zoning Appeals in accordance with the procedures that are specified in Section 61-2-46 of this Code and the Board of Zoning Appeals may approve such change of use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. Also, Used Motor Sales Lots cannot be established within 1,000' of another Used Motor Vehicle Sales Lot. There is one existing used auto sales lots within 1,000 feet of this property: 10614 Joy Rd. (Sections 61-15-20 Change of Use to Other Nonconforming Use, 61-15-17 Required Findings, 61-4-92(1&3) Other Variances, Variance of Use Regulation and 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 Deny Change of Non-Conforming Use and Spacing Variance to allow Used Auto Sales Lot in B2 Zone (Local Business and Residential District). Seconded by Mr. Finn

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

Negative:

DIMENSIONALVARIANCES GRANTED

10:45 a.m. **CASE NO.:** 80-17 (AKA BSEED 65-16)- Remanded February 25, 2019

APPLICANT: ALEXANDER BRYCE, LLC

LOCATION: 201 W. Eight Mile Rd. Between: Danbury St. and Exeter St. in a B4 Zone (General Business District)- City Council District #3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE RD W 80 THRU 84 CHILDS BLVD SUB L37 P41 PLATS, W C R 9/180 98 X 100

PROPOSAL: ALEXANDER BRYCE, LLC requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in a existing 1,520 square foot building which was APPROVED conditionally in (BSEED 65-16) 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 another medical marihuana caregiver center. The proposed use is within 1,000 radial feet of one (1) medical marihuana caregiver center located at 10 E. Eight Mile Rd. (Bamboo Medical #2) – 701 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. Calzada made a motion to Grant a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in a existing 1,520 square foot building which was APPROVED conditionally in (BSEED 65-16) in a B4 zone (General Business District). Seconded by Ms. Grant

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

Negative: Ms. Moore

Spacing/Locational Variance Granted

Case No. 39-19 and 36-19

Director Ribbron read into record letters from each petitioner stating they would like to withdraw their application and have cases dismissed.

Action of the Board: Mr. Thomas made a motion to Dismiss above cases with prejudice. Seconded by Ms. Moore

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

Negative:

CASES DISMISSED

RE-HEARING REQUEST

10:45 a.m. **CASE NO.:** 76-18 (BSEED 97-18)

APPLICANT: ROMIA KIRMA

LOCATION: 10345 W. Eight Mile between Birwood and Griggs in a B2 zone (Local Business And Residential District) – Council District #2

PROPOSAL: Romia Kirma appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (PIN: 16009481-2 BSEED #97-18) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing building located at 10345 W. Eight Mile in a B2 zone (LOCAL BUSINESS AND RESIDENTIAL DISTRICT).

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Re-Hearing Request. Seconded by Ms. Moore.

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

Negative: Mr. Thomas
Ms. Teague

RE-HEARING REQUEST GRANTED

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 1:25 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp