

# 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

## Debra Walker

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 **DECEMBER 17, 2019** on the 2nd Floor in the BZA Office, Coleman A. Young Municipal Building, 2 Woodward Avenue.

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) Robert E. Thomas, Board Member
- (3) Debra Walker, Board Member
- (4) Elois Moore, Board Member

#### BOARD MEMBERS ABSENT:

- (1) Kwame Finn, Board Member
- (2) Vivian Teague, Board Member
- (3) Jacqueline Grant, Board Member

#### MINUTES:

Board Member Walker made a motion to approve the minutes December 10, 2019 with any corrections.

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

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.:**                    **89-19**

**APPLICANT:**                    **METHOD FOX, LLC**

**LOCATION:**                            **414 Ashland** between Avondale and Essex in a R2 (Two-Family Residential District)-City Council District #4

**LEGAL DESCRIPTION OF PROPERTY:** **E ASHLAND S 75 THRU 77 FREUDS FOX CREEK SUB L27 P2 PLATS, W C R 21/299 90 X 140**

**PROPOSAL:**                    **Method Fox, LLC request permission to change a nonconforming Marina Boathouse (est. Permit #29983 10/11/39 & #23861 11/9/42) to a non-conforming Café/Class C located on a 12,600 sq. ft. lot in a R2 (Two-Family Residential District). 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; 5 ft. walkway needed and dumpster not noted on site plan. (50-15-29 Change of nonconforming use to conforming use and 50-15-27. - Required findings).AP**

**ACTION OF THE BOARD**      **Ms. Moore made a motion to Adjourn this case for the petitioner to correspond with Planning and Development after which time the case will be rescheduled and re-noticed for the appropriate variances requested. Support by Ms. Walker**

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

Negative:

**ADJOURNED WITHOUT DATE AND WITHOUT FEE**

10:00 a.m. **CASE NO.:** 85-19

**APPLICANT:** KEN MOODY/KM CONSULTING

**LOCATION:** 19416 Livernois between Outer Dr. and St. Martins in a B2 (Local Business and Residential District)-City Council District #2

**LEGAL DESCRIPTION OF PROPERTY:** E LIVERNOIS 214 EXC LIVERNOIS AVE AS WD SHERWOOD FOREST SUB L39 P11 PLATS, W C R 2/148 40 X 73.43A

**PROPOSAL:** Ken Moody/KM Consulting requests a variance of Traditional Main Street Overlay (TMSO) standards for an existing Restaurant w/consumption (Permit #13921 10/5/2009) in an appr. 2,962 square foot two-story building square foot building 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 variance from Traditional Main Street Overlay standards, 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; material of the shipping container for walk in cooler does not comply with the TMSO standards.. (Sections 50-4-132 Other variances; 50-11-383 Design standards and guidelines for Traditional Main Street Overlay Areas and 50-4-121 Approval Criteria.)AP

**Action of the Board:** Mr. Weed made a motion to Grant requests a variance of Traditional Main Street Overlay (TMSO) standards for an existing Restaurant w/consumption (Permit #13921 10/5/2009) in an appr. 2,962 square foot two-story building square foot building in a B4 zone (General Business District). Seconded by Ms. Moore

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

Negative:

**TMSO STANDARDS WAIVED**

10:45 a.m. **CASE NO.:** 86-19

**APPLICANT:** STEPHEN SCHOCK

**LOCATION:** 408 E. Bethune between Beaubien and Brush in R3 (Low Density Residential District).-City Council District #5

**LEGAL DESCRIPTION OF PROPERTY:** S BETHUNE N 1/2 OF 265 WM Y HAMLIN & S J BROWNS L8, P72 PLATS, W C R 1/103 30 X 60

**PURPOSAL:** Stephen Schock requests dimensional variances to construct a Garage dwelling (By-Right) on a 1,800 square foot lot in an R3 (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. Deficient lot area, lot width, deficient side yard setback and excessive front façade of garage (Sections 50-13-3 R2 District; Intensity and dimensional standard; 50-4-131 Permitted dimensional variances and 50-4-121 Approval Criteria.)AP

**ACTION OF THE BOARD** Mr. Weed made a motion to Grant dimensional variances to construct a Garage dwelling (By-Right) on a 1,800 square foot lot in an R3 (Low Density Residential District). Support by Ms. Moore

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

Negative:

**DIMENSIONAL VARIANCES GRANTED**

11:30 a.m.

**CASE NO.: 97-19**

**APPLICANT: DR. DARNELL KAIGLER**

**LOCATION: 1760 Lincolnshire Dr. between Balmoral and Lucerne in a R1 (Single-Family Residential District)-City Council District #5**

**LEGAL DESCRIPTION OF PROPERTY: W GLOUCESTER S 69 FT ON E BG S 55 FT ON LINE 210 211 PALMER WOODS SUB L32 P16 PLATS, W C R 2/140 189 IRREG**

**PROPOSAL: Dr. Darnell Kaigler request variances for setbacks to allow the construction project of a new garage bay (second story) and enclose an outdoor living area approved by BSEED and subsequently revised by BSEED: now considered to be encroaching, in a R1 (Single-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: Rear yard setback to finish construction (Sections 50-13-2 R1 District; Intensity and dimensional standards, 50-4-131 Permitted dimensional variances and 50-4-121 Approval Criteria.)AP**

**ACTION OF THE BOARD Mr. Weed made a motion to Adjourn this case at petitioners request to work with Law Department to possible resolve the appeal. Support by Ms. Walker**

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

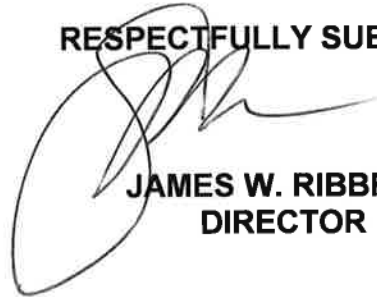
Negative:

**ADJOURNED TO JANUARY 28, 2020.**

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.**

There being no further business to be transacted, Board Member Walker motioned that the meeting be adjourned. Board Member Moore seconded this motion which was unanimously carried and the meeting adjourned at 11:36 A.M.

**RESPECTFULLY SUBMITTED**

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

**JAMES W. RIBBRON  
DIRECTOR**

**JWR/atp**