

BOARD MEMBERS

Robert E. Thomas

Chairperson
Council District 5

Vivian Teague

Vice Chairperson
Council District 2

Robert G. Weed

Council District 1

Elois Moore

Council District 3

Jacqueline Grant

Council District 4

Debra T. Walker

Council District 6

Anthony Sherman

Council District 7



JAMES W. RIBBRON

Director

City of Detroit
Board of Zoning Appeals
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In accordance with Section 5(4) of the Michigan Open Meetings Act, MCL 15.265(4), The Board of Zoning Appeals will hold its meetings by **ZOOM** you can either call in or join by web. We encourage the public to use one of the following:

The Telephone Numbers Are:

(312) 626-6799 or (929) 436-2866, Meeting ID: 571 081 730.

If You Are Joining By Web The Link Is:

<https://cityofdetroit.zoom.us/j/571081730?pwd=c1UvYUtwVlBUNmhIaitZbVdrTGk5dz09>,

Meeting ID: 571 081 730 and meet ID: 376542

If you need additional information regarding this meeting, our director James Ribbron can be reached at (313) 939-1405.

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **April 14, 2020** by way of Zoom.

Chairperson of the Board Thomas called the meeting to order and Director Ribbron called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

- (1) Robert E. Thomas, Board Member
- (2) Vivian Teague, Board Member
- (3) Elois Moore, Board Member
- (4) Debra T. Walker, Board Member
- (5) Robert G. Weed, Board Member
- (6) Jacqueline Grant, Board Member
- (7) Anthony Sherman, Board Member

BOARD MEMBERS ABSENT:

None

MINUTES:

Board Member Moore made a motion to approve the minutes for February 25, 2020, March 24, 2020, March 31, 2020 and April 7, 2020 with any corrections.

Affirmative: Mr. Thomas, Weed, Sherman
Ms. Moore, Teague, Walker, 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.: 5-20 (aka SLU2019-00072)
APPLICANT: LEGACY CITY GROUP, LLC / AKUNNA OLUMBA
LOCATION: 7316 W. McNichols Rd. Between: Prarire and Monica in a B2 Zone (Local Business and Residential District)-City Council District #2

LEGAL DESCRIPTION OF PROPERTY: N--W MC NICHOLS RD 30&31 STAFFORD INTER-COLLEGE SUB L46 P82 PLATS, W C R 16/333 40 X 90

PROPOSAL: Legacy City Group, LLC/Akunna Olumba request dimensional (parking) variance to establish a Standard Restaurant with consumption on the premises and second floor outdoor seating area in a an existing two-story 5,818 square foot building in a B2 (Local Business and 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 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; 26 parking spaces are required, 0 spaces proved, 26 spaces deficient. (Sections 50-4-132 - Other variances and 50-4-121 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Walker made a motion to Grant dimensional (parking) variance to establish a Standard Restaurant with consumption on the premises and second floor outdoor seating area in a an existing two-story 5,818 square foot building in a B2 (Local Business and Residential District). Seconded by Ms. Teague

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

Negative:

DIMENSIONAL (PARKING) VARIANCE GRANTED

10:00 a.m. CASE NO.: 95-19 (AKA BSEED 205-16)
APPLICANT: SUNSHINE AUTO CARE
LOCATION: 7706 TIREMAN AVE. Between: Alpine and Central in a B4 Zone (General Business District)-City Council District #6
LEGAL DESCRIPTION OF PROPERTY: N TIREMAN 512&511 FRISCHKORNS TIREMAN PARK SUB L34 P43 PLATS, W C R 16/225 43 X 100
PROPOSAL: Sunshine Auto Care request a dimensional variance to establish a Major Motor Vehicle Repair Facility in an existing 4,171 square foot building and accessory parking at 8023 & 8033 Central approved with conditions Building, Safety, Engineering Case No. 205-16 effective date November 7, 2017 in a B4 zone (GENERAL BUSINESS DISTRICT). This case is appealed because appeals of the Buildings and Safety Engineering Department on Conditional Use permit applications shall be taken to the Board of Zoning Appeals within fourteen (14) days of the date of the department’s decision, also, 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; screening of parking area – proposed screening material does not meet the standards and setback from residential – front 20 ft required – 5 ft 6 in proposed. (Sections 50-4-101 - Jurisdiction over appeals of administrative decisions and 50-4-121 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Moore made a motion to **Adjourn the case for Planning and Development to review the newly submitted site plan and provide an updated report.** Seconded by Ms. Grant

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

10:45 a.m. CASE NO.: 68-18
APPLICANT: ALVIN NABIL ALOSACHI
LOCATION: 16711 MACK AVE. Between: Bishop and Yorkshire in a B4 Zone (General Business District)-City Council District #4
LEGAL DESCRIPTION OF PROPERTY: N MACK 127 & 128 EXC MACK AVE AS WD GROSSE POINTE VIEW SUB L48 P35 PLATS, W C R 21/717 40 X 92.95A
PROPOSAL: Alvin Nabil Alosachi appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (PIN: 21001481-2) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing approximate 2,941 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 50-3-281 are made; the proposed MMPCF site is located within 872.8 feet of a "DRUG FREE ZONE" known as St. Clare of Montefalco Catholic School located at 16231 Charlevoix, Grosse Pointe, Park, Mi. 48230. (Sections 50-4-102 Jurisdiction Over Appeals of Administrative Decisions, 50-3-534(b) (1). Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions and 50-3-281 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to **Affirm BSEED's decision that the property is located in a Drug Free Zone.** Seconded by Ms. Moore

Affirmative: Mr. Weed
 Ms. Moore, Grant

Negative: Mr. Thomas, Sherman
 Ms. Teague, Walker

Motion failed

Mr. Teague made a motion to **Adjourn the case for BSEED to review the submitted survey.** Seconded by Ms. Walker

Affirmative: Mr. Thomas, Sherman
 Ms. Teague, Walker

Negative: Mr. Thomas, Sherman
 Ms. Grant

ADJOURNED WITHOUT DATE AND WITHOUT FEE

11:30 a.m. CASE NO.: BSEED SLU2019-00141 – COMMUNITY APPEAL

APPLICANT: VEDA SHERMAN

LOCATION: 1657 Gladstone, 1503 Blaine, 1426 Pingree and 8519 John C Lodge
Surrounding Streets: Rosa Parks Blvd., Gladstone St., W. Euclid St and John C. Lodge in a R2 Zone (Two-Family Residential District) & R3 Zone (Low Density Residential District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: S GLADSTONE W 5 FT 60 E 25 FT 59 STEPHENS SUB L30 P44 PLATS, WCR 8/118 30 X 111.29A and S BLAINE 44 BESSENGER & MOORES BLAINE AVE SUB L24 P65 PLATS, W C R 6/2 30 X 100 and N PINGREE 24 HOMER WARRENS SUB L15 P63 PLATS, W C R 6/115 30 X 100 and W JOHN LODGE S 9.82 FT 5 LOT 6 & N 19.73 FT 7 BARBOUR & REXFORDS RESUB L24 P11 PLATS, W C R 6/114 64.46 X 100

PROPOSAL: Veda Sherman appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED SLU2019-00141 effective date of decision January 21, 2020) which (Approved with Conditions) the establishment of an Urban Farm (Tree Farm when principal use) on multiple parcels of existing vacant land in a R2 Zone (Two-Family Residential District) & R3 Zone (Low Density Residential District). This case is appealed because appeals to the Board of Zoning Appeals may be taken by any person, firm, partnership or corporation, or by any City department, commission, board or other City agency which is aggrieved 1) by a decision of an enforcing officer, or 2) by any decision made by the Buildings and Safety Engineering Department involving Conditional Uses; Michigan courts have held that in order to meet the “aggrieved person” standard, the appellant must prove that he or she (or it, if the appellant is an organization) has suffered special damages related to the beneficial use and enjoyment of his/her own property that are not common to other property owners similarly situated. The party filing the appeal must be more than a mere resident of the City; he or she must be able to show harm or damages that are unique to him or her, and to his/her property, specifically. (Sections 50-4-102 Appeals, Michigan Case Law on “Aggrieved Person” Standard and 50-3-381 General Approval Criteria (Community Appeals).AP)

ACTION OF THE BOARD: Ms. Grant made a motion to **Adjourn case at Petitioners and Original Petitioners Request.** Seconded by Ms. Walker

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Grant motioned that the meeting be adjourned. Board Member Walker seconded this motion which was unanimously carried and the meeting adjourned at 12:55 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp