

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 21, 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 April 14, 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.: 7-20

APPLICANT: GIFFELS WEBSTER / LEON EVANS

LOCATION: 1249 and 1265 Washington Blvd. Between: Grand River and State Street in a B5-H Zone (Major Business District-Historic)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: W WASHINGTON BLVD 9 THRU 7 & N 38.77 FT OF E 10 FT OF VAC ALLEY IN REAR OF LOT 7 W 5 FT OF VAC WASHINGTON BLVD ADJ PLAT OF SEC 10 GOVERNOR & JUDGES PLAN L34 P553 DEEDS, W C R 2/2 182.31 IRREG SPLIT ON 12/16/2019 WITH 02000298. INTO 02000298-9 and W WASHINGTON BLVD 10 THRU 7 & N 38.77 FT OF E 10 FT OF VAC ALLEY IN REAR OF LOT 7 W 5 FT OF VAC WASHINGTON BLVD ADJ PLAT OF SEC 10 GOVERNOR & JUDGES PLAN L34 P553 DEEDS, W C R 2/2 243.08 IRREG SPLIT/COMBINED ON 12/16/2019 FROM 02000298., 02000299 and W WASHINGTON BLVD 10 W 5 FT OF VAC WASHINGTON BLVD ADJ PLAT OF SEC 10 GOVERNOR & JUDGES PLAN L34 P553 DEEDS, W C R 2/2 60.77 X 105 Split on 12/16/2019 with 02000299. into 02000298-9

PROPOSAL: Giffels Webster request variances to develop Retail Space – 29,535 sq. ft., Office Space – 31,965 sq. ft., 118 Room Hotel Space – 88,610 sq. ft., and 225 multi-unit Residential Space – 197,439 sq. ft. at 1249 and 1265 Washington Blvd – combined under one address with the Assessors Division May 24, 2019 in a B5-H Zone Major Business District 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 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; Off-street loading schedule and exemptions – three 12x35 off street loading zones are required – one off-street loading zone is provided. (Sections 50-4-131 (1&2) Permitted Dimensional Variances, Location or Amount of Off-Street-Parking and Loading and 50-4-121 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional (loading) variance to develop Retail Space – 29,535 sq. ft., Office Space – 31,965 sq. ft., 118 Room Hotel Space – 88,610 sq. ft., and 225 multi-unit Residential Space – 197,439 sq. ft. at 1249 and 1265 Washington Blvd – combined under one address with the Assessors Division May 24, 2019 in B5-H Zone Major Business District Historic. Seconded by Ms. Teague

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

Negative:

DIMENSIONAL (LOADING) VARIANCE GRANTED

10:00 a.m. CASE NO.: 111-19 (aka BSEED SLU2019-00152)
APPLICANT: HISHAM TURK
LOCATION: 12500 Mitchell Between: Halleck and Lawley in a R2 Zone (Two-Family Residential District)-City Council District #3
LEGAL DESCRIPTION OF PROPERTY: E MITCHELL N 9.25 FT 115 116 THRU 118 ROEHM & ROTHWELLS SUB L16 P20 PLATS, W C R 9/184 99.25 X 100
PROPOSAL: Hisham Turk request a parking variance to convert a vacant two-story former church building into a Neighborhood Center Non Profit Center with accessory offices and living space on one parcel in a R2 Zone (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 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; 29 off-street parking spaces are required, none are provided. (Sections 50-4-128 – Appeals, 50-4-131 (1)- Permitted dimensional variances and 50-4-121 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Moore made a motion to **Grant** dimensional (parking) variance to convert a vacant two-story former church building into a Neighborhood Center Non Profit Center with accessory offices and living space on one parcel in a R2 Zone (Two-Family Residential District).Seconded by Ms. Grant

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

Negative:

PARKING VARIANCE GRANTED

10:45 a.m. CASE NO.: 98-19 (aka BSEED SLU2019-00042)
APPLICANT: ALI NASSAR
LOCATION: 11318 Woodward Ave. Between: Rosedale Ct and Harmon in a B4 Zone (General Business District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD W 110 FT OF LOTS 3&4 HUNT AND LEGGETTS SUB L10 P40 PLATS, W C R 1/128 130 X 110

PROPOSAL: Ali Nassar request a spacing variance to establish a Used Motor Vehicle Sales Lot Facility in an existing 3,380 square foot building in a B4 zone (General Business District). This case is appealed because after a public hearing, a variance may be granted by the Board of Zoning Appeals based on the approval criteria of Sec. 50-4-121 of this Code in the instance that when an administrative adjustment is granted, excluding all Adult Uses, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 50-12-127, and in accordance with the procedures in Sec. 50-12-135 of this Code and any use regulation that is specified in ARTICLE 7 DIVISION 3 of this code there is one (1) legally established Used Auto Sales Lot within 1,000 feet of the proposed Used Auto Sales Lot located at 11615-21 Woodward Ave (Universal Auto Repair) 600 feet away. (Sections 50-4-132(3) Other Variances, Variance of Use Regulation and Variance of Spacing/Locational Regulation, 50-12-135 Waiver of General Spacing Requirements and 50-4-121 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Spacing/locational Variance to establish a Used Motor Vehicle Sales Lot Facility in an existing 3,380 square foot building in a B4 zone (General Business District). Seconded by Ms. Grant

Affirmative: Mr. Weed, Thomas
Ms. Grant

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

Motion failed

SPACING/LOCATIONAL VARIANCE DENIED

11:30 a.m. CASE NO.: 26-17 (aka BSEED 30-16)

APPLICANT: ADAM MACDONALD

LOCATION: 15831 Mack Between: Berkshire and Buckingham in a B4 Zone (General Business District)-City Council District #4

LEGAL DESCRIPTION OF PROPERTY: N MACK 100 THRU 102 EXC MACK AVE AS WD E DETROIT DEVELOPMENT COS SUB NO 1 L36 P19 PLATS, W C R 21/427 70.83 X 72.90AG

PROPOSAL: Adam MacDonald requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 2,900 square foot building which was APPROVED with conditions in (BSEED 30-16) 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 (1) Controlled Use (Devonshire Liquor & Drugs) located at 16003 Mack – 399’ ft. away, and one (1) Religious Institutions (Spirit of Love MBC) located at 15635 Mack Ave. – 864’ ft. away. Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 50-12-127 of this Code. (Sections 50-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 50-12-132 Other uses-Spacing, 50-12-127 SPC (Spacing), 50-4-132(3) Other Variances, Variance of Spacing/Locational Regulation, 50-12-135 Waiver of General Spacing Requirements and 50-4-121 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Teague made a motion to **Deny** a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 2,900 square foot building which was APPROVED with conditions in (BSEED 30-16) in a **B4 zone (General Business District)**. Seconded by Ms. Moore

Affirmative: Mr. Sherman
Ms. Teague

Negative: Thomas, Weed

Ms. Walker and Ms. Moore abstained from the vote

MOTION FAILS

CASE NO.: 26-17 (aka BSEED 30-16) CON'T

Mr. Weed made a motion to **Grant**.

No second was given.

MOTION FAILS/SPACING/LOCATIONAL VARIANCE DENIED

BOARD MEMBER GRANT RECUSED HERSELF FROM THE CASE

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 Teague seconded this motion which was unanimously carried and the meeting adjourned at 4:00 P.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to read 'JWR', with a large, stylized flourish at the end.

JAMES W. RIBBRON
DIRECTOR

JWR/atp