

## 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**  
**Coleman A. Young Municipal Center**  
**2 Woodward Avenue, Suite 212**  
**Detroit, Michigan 48226**  
**Phone: (313) 224-3595**  
**Fax: (313) 224-4597**  
**Email: boardofzoning@detroitmi.gov**

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 28, 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 21, 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**.

**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

**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

Director Ribbron informed the Board that at 3:06 p.m. on April 24, 2020 Board Member Walker emailed the Board of Zoning Appeals office to ask for a reconsideration of her vote pursuant to the Rules and Procedures offered.

**ACTION OF THE BOARD:** Mr. Weed made a motion to **Take the Case under Advisement**

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

Negative: Mr. Sherman  
Ms. Teague

Ms. Grant abstained herself from the case

**TAKEN UNDER ADVISEMENT**

9:15 a.m. **CASE NO.:** 76-18 (BSEED 97-18) Rehearing granted January 14, 2020

**APPLICANT:** ROMIA KIRMA

**LOCATION:** 10345 W. Eight Mile between Birwood and Griggs in a B2 zone (LOCAL BUSINESS AND RESIDENTIAL DISTRICT)- City Council District #2

**LEGAL DESCRIPTION OF PROPERTY:** S EIGHT MILE ROAD W 17 FT 7 6 GRAND PARK SUB L42 P16 PLATS, W C R 16/404 40 X 100

**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). 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. Medical marihuana facilities may be permitted on a conditional basis in the following zoning districts in accordance with this Article, subject to the provisions of this Division and any other applicable provisions of this Code, and all applicable state of Michigan requirements: the subject property is within 1000 ft. of an Outdoor recreation facility; the proposed MMFCF site is located within 950 feet of a "DRUG FREE ZONE" known as Wells Playground located at 20159 Griggs. (Sections 50-4-101. - Jurisdiction over appeals of administrative decisions).AP

**ACTION OF THE BOARD:** Ms. Moore made a motion that the proposed MMPCF is no longer in a Drug Free Zone. Seconded by Ms. Walker

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

Negative:

Mr. Thomas was not present for the vote

**BSEED DECISION REVERSED/LOCATION NOT IN A DRUG FREE ZONE**

**10:00 a.m. CASE NO.:** 10-20

**APPLICANT:** HUDSON REAL PROPERTY, LLC

**LOCATION:** 1208 Woodward between Grand River and Gratiot in B5 Major Business District Historic- City Council District #5

**LEGAL DESCRIPTION OF PROPERTY:** E WOODWARD --- LOTS 33 THRU 39 & LOTS 72 THRU 78 ALSO TOGETHER WITH VAC NORTH-SOUTH & EAST-WEST ALLEYS ADJ PLAT OF SEC 7 GOVERNOR & JUDGES PLAN L34 P544 DEEDS, W C R 420 FT X 220 FT --- 92,400 SQFT

**PROPOSAL:** Hudson Real Property LLC request variances to develop a 49 story, 680 feet high Tower building to include 225,120 sq. ft. of Residential with 150 units, 285,985 sq. ft. of Hotel and 11 story, 232 foot high Block Building to include 401,909 sq. ft. of Office, 127,334 sq. ft. of Event Space and 17, 673 sq. ft. of Retail in a B5 Major 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, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department; Cubical Content Standard, No building or structure, or part thereof, shall be erected, altered, or enlarged to such a size or height that the cubical content of such building or structure above the grade plan shall exceed the volume of a block or prism having a height equal to three times the width of the widest street abutting the zoning lot upon which the building or structure is located or to be located, and a base equal to the area of the zoning lot, provided, that towers may be erected over and above the cubical content limit where 360 per zoning ordinance – 680 feet proposed; The greatest horizontal dimension of the tower does not exceed 60 feet – 132 ft proposed and 12 off-street loading zones are required – 6 are proposed. (Sections 50-4-102 Appeals, 50-4-131 (2&6) Permitted Dimensional Variances, Loading and General Dimensional Standards, 50-13-201 Cubical Content and 50-4-121 Approval Criteria).AP

**ACTION OF THE BOARD:** Ms. Walker made a motion to **Grant dimensional variances to develop a 49 story, 680 feet high Tower building to include 225,120 sq. ft. of Residential with 150 units, 285,985 sq. ft. of Hotel and 11 story, 232 foot high Block Building to include 401,909 sq. ft. of Office, 127,334 sq. ft. of Event Space and 17, 673 sq. ft. of Retail** in a B5 Major Business District. Seconded by Ms. Teague

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

Negative:

**DIMENSIONAL VARIANCE GRANTED**

**10:45 a.m. CASE NO.:** 96-19 (aka SLU2019-00014)  
**APPLICANT:** MICHIGAN CARETAKER COLLECTIVE  
**LOCATION:** 14400 Prairie between Lyndon and Interval in a M4 Zone (Intensive Industrial District)-City Council District #2

**LEGAL DESCRIPTION OF PROPERTY:** S LYNDON N 149.35 FT OF W 252.43 FT 219ASSESSORS DETROIT PLAT NO 16 L74 P24 PLATS, W C R 16/465 37700 SQ FT

**PROPOSAL:** Michigan Caretaker Collective appeals the decision of the Buildings Safety Engineering and Environmental Department’s BSEED Case SLU2019-00014 effective date October 23, 2019 which DENIED permission to establish a Medical Marihuana Grower Facility in a 9,042 square foot square foot section and a Medical Marihuana Processor Facility in a 3,412 square foot section of an existing 20,052 square foot building in a M4 Zone (Intensive Industrial 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. Medical marihuana facilities may be permitted on a conditional basis in the following zoning districts in accordance with this Article, subject to the provisions of this Division and any other applicable provisions of this Code, and all applicable state of Michigan requirements: the establishment of the Conditional Use will impede the normal and orderly development and improvement of surrounding property; adequate, utilities, access roads, drainage and other necessary facilities have not been provided; the applicant has not engaged with the neighborhood and during the hearing the development team seemed uncertain about roles of the members. (Sections 50-4-102 Appeals, Sec. 50-4-101. - Jurisdiction over appeals of administrative decisions, 50-3-534. Conditional Uses, procedures, waivers, public nuisance and 50-3-281 Approval Criteria).AP

**ACTION OF THE BOARD:** Ms. Teague made a motion to Adjourn case at petitioners request without fee and without date. Seconded by Ms. Grant

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

Negative:

**ADJOURNED WITHOUT DATE AND WITHOUT FEE**

**11:30 a.m. CASE NO.:** 100-19  
**APPLICANT:** Dinverno, Inc  
**LOCATION:** 4600 E. Nevada between Nevada and Minnesota Ave in a M4 (Intensive Industrial District)-City Council District #3

**LEGAL DESCRIPTION OF PROPERTY:** S NEVADA THAT PT OF S W 1/4 SEC 8 T 1 S R 12 E DESC AS BEG AT A PTE IN S LINE NEVADA 1720.75 FT FROM W LINE SEC 8 TH S 388.68 FT TH N 89D 29M 30S E 100 FT TH S 42.25 FT TH ON CUR TO R 180.26 FT RAD 383.85 FT TH N 45D 22M 30S W 463.43FT TH N 01D 16M 12S E 59 FT TH N 89D 21M 48S E 400 FT TO PTE OF BEG 13/--- 108,190 SQ FT

**PROPOSAL:** Dinverno, Inc. requests to appeal the BSEED Denial SLU 2019- 00137 effective date November 18, 2019 to modify BSEED #126-95 grant conditions at a Transfer Center on a 2.48 acre in a M4 (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; the close proximity of the site to Sojourner Truth Homes located at 4525 E. Nevada will be detrimental; the proposed use involves activities, processes, materials, equipment or conditions of operation that will be detrimental; a community agreement was not provided and the proposed use will have a detrimental effect upon vehicular turning patterns, ingress/egress, traffic flow, nearby intersections, traffic visibility and the clear vision. (Sections Sec. 50-4-101 Jurisdiction over appeals of administrative decision and 50-3-281 General Approval Criteria).AP

**ACTION OF THE BOARD:** Mr. Weed made a motion to Adjourn due to lack of communication with the petitioner. Seconded by Ms. Grant

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

Negative:

**ADJOURNED WITHOUT DATE AND WITHOUT FEE**

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.**

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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 11:52 A.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON  
DIRECTOR

JWR/atp