

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 **June 9, 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) Anthony Sherman, Board Member

BOARD MEMBERS ABSENT:

- (1) Jacqueline Grant, Board Member

MINUTES:

Board Member Walker made a motion to approve the minutes for May 26, 2020 with any corrections.

Affirmative: Mr. Thomas, Weed, Sherman
Ms. Moore, Teague, 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.:** 1-20

APPLICANT: MARIO MOGINI

LOCATION: 2051 W. Davison between Rosa Parks Blvd and 14th St in a R3 (Low Density Residential District)- City Council District #5

LEGAL DESCRIPTION OF PROPERTY: S DAVISON 4 THRU 1 EXC DAVISON AVE
AS WD THOMAS BROS WAVERLY PK SUB L30 P74 PLATS, W C R 8/154 110
IRREG

PROPOSAL: Mario Mongini request permission to change an existing non-conforming Dry Cleaners (Permit #50354 – August 3, 1988) to a non-conforming Office Retail in a 1612 sq. ft bldg. on a 5830 sq. ft. lot in a R3 Low Density Residential District. This case is appealed because A nonconforming 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 50-2-67 of this Code, except, that a nonconforming use may not be changed to any of the following: (b) Except for the ten items prohibited above, the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. Where a change in use is approved, the Board of Zoning Appeals shall be authorized to impose conditions that the Body deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this chapter. Any condition that is imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact – 12x35 loading zone required – 0 proposed; No right of way screening, residential screening, dumpster enclosure, masonry wall/fence proposed (Sections 50-15-7 - Board of Zoning Appeals and 50-15-30 (b) - Change of nonconforming use to other nonconforming use: (b) the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use). AP

ACTION OF THE BOARD: Ms. Walker made a motion to **Deny** change of nonconforming use. Seconded by Ms. Teague

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

Negative:

CHANGE OF NONCONFORMING USE DENIED

10:15 a.m. **CASE NO.:** 2-20

APPLICANT: MAZIN MAROGI

LOCATION: 4210 & 4236 E. Eight Mile Rd. between Dean and Sunset in B4 (General Business District)- City Council District #2

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE ROAD 48 THRU 37 ASSESSORS BASE LINE SUPERHIGHWAY NO1 L63 P67 PLATS W C R 13/331 250.50 X 100 SPLIT/COMBINED ON 11/27/2019 FROM 13009123-7, 13009118-22; S EIGHT MILE ROAD 43 THRU 37 ASSESSORS BASE LINE SUPERHIGHWAY NO1 L63 P67 PLATS W C R 13/331 142.50 X 100 SPLIT ON 11/27/2019 WITH 13009118-22 INTO 13009118-27; S EIGHT MILE ROAD 48-44 ASSESSORS BASE LINE SUPERHIGHWAY NO 1 L63 P67 PLATS, W C R 13/331 108 X 100 Split on 11/27/2019 with 13009123-7 into 13009118-27;

PROPOSAL: Mazin Marogi appeals the decision of the Buildings Safety and Engineering and Environmental Department (SLU2019-00067) which DENIED the expansion of an existing Used Motor Vehicle Sales Lot containing an existing 2,065 sq. ft. building with the lot increasing from 14,250 sq. ft. to 25,050 sq. ft. in a B4 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, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department; USE denied; the subject property was in violation of numerous property maintenance codes, thus the proposed use may be detrimental or endanger the social, physical, environmental or economic well-being of surrounding neighborhoods and the applicant has failed to properly install designated parking spaces onsite for display of vehicles, maintain the adjacent alley nor initiate repair of collapsed screen wall, thus the proposed expansion may pose an undue hardship to the adjacent residential neighborhood. (Sections 50-4-101 Jurisdiction over Appeals of Administrative Decisions and 50-3-281 General approval criteria).AP

ACTION OF THE BOARD: Ms. Teague made a motion to **Uphold BSEED Decision** to Deny expansion of existing Used Auto Sales Lot. Seconded by Ms. Moore

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

Negative: Mr. Weed

BSEED UPHELD, USE DENIED

11:15 a.m. **CASE NO.:** 4-20 aka BSEED 226-16

APPLICANT: CLINTON MCRAE

LOCATION: 8825 & 8829 Hubbell between Joy Rd. and Westfield in B4 (General Business District)- City Council District 7

LEGAL DESCRIPTION OF PROPERTY: W HUBBELL 1375 FRISCHKORNS W CHICAGO BLVD SUB NO 1 L46 P8 PLATS, W C R 22/554 25 X 100; W HUBBELL 1377&1376 FRISCHKORNS W CHICAGO BLVD SUB NO 1 L46 P8 PLATS, W C R 22/554 43 X 100

PROPOSAL: Clinton McRae appeals the decision of the Buildings Safety and Engineering and Environmental Department (PIN 22040309-10 & 22040311) 226-16 which DENIED an extension for a proposed Auto Motor Repair Shop because the extension was requested after the expiration of the Special Land Use approval decision (effective date of decision April 11, 2018; October 18, 2018 the decision expired) (Section 50-3-305) in a B4 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, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department; DENIED an extension for a proposed Auto Motor Repair Shop because the extension was requested after the expiration of the Special Land Use approval decision (effective date of decision April 11, 2018; October 18, 2018 the decision expired)(Sec. 50-3-305. - Lapse of approval - In any case where a permit for a conditional use has not been obtained within six months after the granting of said use, the grant shall be null and void without further action by the Buildings, Safety Engineering, and Environmental Department or the Board of Zoning Appeals, except, that the Buildings, Safety Engineering, and Environmental Department, or where applicable, the Board of Zoning Appeals, may extend, without further public hearing, said six-month deadline for no more than 12 months beyond the expiration date of the original six months. Where this extension expires, no additional extension shall be authorized, unless a new application has been filed and a further public hearing has been held. Notwithstanding the preceding, no such extension may be considered in the case of a land use that was unlawfully established or expanded and that was subsequently legalized as a result of a conditional land use hear.) (Sections 50-4-101 Jurisdiction over Appeals of Administrative Decisions and 50-3-281 General approval criteria).AP

ACTION OF THE BOARD: Ms. Teague made a motion to **Adjourn** this hearing for the petitioner to handle issues of ownership and to obtain representation to present the case before the Board. Seconded by Mr. Sherman

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member Walker seconded this motion which was unanimously carried and the meeting adjourned at 12:45 P.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to be 'JWR', written in a cursive style.

JAMES W. RIBBRON
DIRECTOR

JWR/atp