

BOARD MEMBERS

Robert E. Thomas

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Anthony Sherman

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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 (213) 338-8477, Meeting ID: 82469728510

If You Are Joining By Web The Link Is:

<https://cityofdetroit.zoom.us/j/82469728510>

If you need additional information regarding this meeting, you can contact either
James Ribbron: (313) 939-1405 or Thomina Davidson: (313) 224-3432

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **OCTOBER 19, 2021** 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) Robert G. Weed, Board Member
- (3) Anthony Sherman, Board Member
- (4) Vivian Teague, Board Member
- (5) Elois Moore, Board Member
- (6) Michelle L. West, Board Member
- (7) Debra T. Walker, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member West made a motion to approve the minutes for October 12, 2021 with any corrections.

Affirmative: Mr. Weed, Thomas, Sherman
Ms. Teague, West, 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.:** 28-20

APPLICANT: Joseph Altman

LOCATION: 2640 S. Fort St. between Conway and Omaha St in a R1 (Single Family Residential District)-City Council District #6

LEGAL DESCRIPTION OF PROPERTY: E CONWAY N 26.30 FT 104 HANNANS AMERICAN PARK SUB L32 P85 PLATS, W C R 20/423 26.3 IRREG

PROPOSAL: Joseph Altman request permission to an expand a non-conforming carry out restaurant (Fish Station) Permit #42921 issued 2/8/01 in a R1 Zone (Single Family Residential District). 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: Sec. 50-13-2-Intensity and Dimensional Standards in an R1 Zoning District (Carry-Out restaurant) parcel fronts on Fort St. The minimum rear setback required: 30' (1', 7" is provided). This is 28', 5" deficient. Also, the maximum lot coverage for buildings within this zoning district is 35% and the building with the addition will cover approximately 47% of the zoning lot, which is 12% excessive. The existing use is nonconforming and variances were granted in BZA Grant #72-02. In order for the proposed addition to come into compliance for the rear setback and increase in excessive lot coverage, the applicant would need to request dimensional waivers from the BZA. Sec. 50-13-2- Intensity and Dimensional Standards in an R1 Zoning District (Parking lot) Per the ordinance, the required front and side setbacks required are: Front setback: 20', (5' are provided, per the site plan). This is deficient by 15' Side setback: 10', (5' are provided, per the site plan). This is deficient 5' To come into compliance, the applicant would need to provide the required setback, or request that the BZA waive this requirement. Sec. 50-14-342(b)-Residential Screening (Parking lot) Per the Ordinance, an opaque masonry screen wall and a 10' landscaped setback are required from the nearest parking space for properties abutting vacant residentially zoned land or across the alley from residentially zoned land. Residential property surrounds this parcel on three sides. Per the site plan, a 6' tall masonry wall and a 5' setback is proposed surrounding the parking lot. This is deficient 5'. In order to come into compliance, the petitioner will need to obtain a dimensional variance from the BZA. Sec. 61-14-417-Intensity of Façade Colors Façade colors should be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors are discouraged. To come into compliance the applicant would need to bring the color palate into conformance with this standard. No BZA waiver is required for this requirement and P&DD requests that the BZA make this a condition of approval.(Sections 50-15-7 - Board of Zoning Appeals, 50-15-26. - Expansion or intensification of nonconforming uses and 50-15-27. - Required findings.) AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant expansion of a non-conforming carry out restaurant (Fish Station) Permit #42921 issued 2/8/01 in a R1 Zone (Single Family Residential District). Seconded by Ms. Walker

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

Negative:

Mr. Sherman was not present for the vote

EXPANSION OF NON-CONFORMING USE GRANTED

Case No. 28-20 Continued:

ACTION OF THE BOARD: Mr. Weed made a motion to waive dimensional variances for the expansion of the non-conforming carry out restaurant (Fish Station) Permit #42921 issued 2/8/01 in a R1 Zone (Single Family Residential District) with a condition to include the recommendation from P&DD regarding colors of the façade of the building. Seconded by Ms. Walker

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

Negative:

Mr. Sherman was not present for the vote

DIMENSIONAL VARIANCES GRANTED

10:15 a.m. **CASE NO.:** 26-21 aka SLU2021-00021

APPLICANT: Payne Landscaping LLC

LOCATION: 7506 & 7512 Buhr between Cliff St. and School Ave. in R1 Zone (Single-Family Residential District)-City Council District #3

LEGAL DESCRIPTION OF PROPERTY: S BUHR 142 HARRAHS N DETROIT SUB L37 P48 PLATS, W C R 15/200 30 X 107.60; S BUHR 141 HARRAHS N DETROIT SUB L37 P48 PLATS, W C R 15/200 35.99 X 107.60

PROPOSAL: Payne Landscaping LLC appeals the decision of the Buildings Safety and Engineering and Environmental Department (SLU2021-00021) which DENIED the establishment of an accessory parking lot on an existing vacant land in a R1 Zone Single-Family Residential District. 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; on Monday, August 30, 2021 the BZA voted to grant Payne Landscaping LLC a rehearing regarding BZA decision June 15, 2021 upholding BSEED Denial. (Sections 50-4-101 Jurisdiction over Appeals of Administrative Decisions and 50-3-281 General approval criteria.) AP

ACTION OF THE BOARD: Mr. Weed made a motion to Reverse BSEED’s Denial for the establishment of an accessory parking lot on existing vacant land in a R1 Zone Single-Family Residential District. Seconded by Mr. Thomas

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

Negative: Ms. Teague, West, Moore

BSEED DENIAL OVERTURNED, PARKING LOT USE GRANTED

11:15 a.m. **CASE NO.:** 48-21 aka SLU2020-00148

APPLICANT: Stephen Kwasnik

LOCATION: 19055 W. Davison between Westwood and Artesian in M4 Zone (Intensive Industrial District)-City Council District #1

LEGAL DESCRIPTION OF PROPERTY: S DAVISON THAT PT OF LOT 53 & FORMER 20FT R R R/W ADJ LOTS 53 THRU 55 LYG E OF THAT PT OF THE E LINE OF LOT 52 BEG AT N E COR OF LOT 52 & CONT SLY ALG SD LINE TO THE S W LINE OF SD R R R /W B E TAYLORS BRIGHTMOOR CONSOLIDATED R R SITES L52 P48 PLATS, W C R 22/511 54,684 SQ FT

PROPOSAL: Stephen Kwasnik appeals the decision of the Buildings Safety and Engineering and Environmental Department (SLU2020-00148) (effective date July 29, 2021) which DENIED the establishment of an Abattoir (“Slaughterhouse”) in an existing 3,295 square foot unit on a 1.25-acre site in an M4 Zone (Intensive Industrial District). 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; After careful consideration, we were unable to make the required findings of fact as required by Section 50-3-281, specifically: A) At the time of site inspection, the applicant was illegally operating the subject property as an Abattoir (“Slaughterhouse”). The property contained butchered, skinned, and dressed animal carcasses hanging from hooks inside the unit. Additionally, an open trash dumpster behind the premises contained butchered animal parts including visceral internal organs, intestines, feet, etc. thus posing a public health and safety hazard for the adjacent businesses and residential neighborhood. The Detroit Police Department and Property Maintenance Division executed an emergency cease and desist order at the location on June 16th; and B) The site had several deficiencies at time of inspection including outstanding fees and code violations, lack of a dumpster enclosure, and failure to obtain a Certificate of Compliance, thereby aggravating any pre-existing physical social or economic deterioration of the adjacent community. (Sections 50-4-101 Jurisdiction over Appeals of Administrative Decisions and 50-3-281 General approval criteria.)AP

ACTION OF THE BOARD: Ms. Moore made a motion to Uphold’s BSEED’s Denial for the establishment of an Abattoir (“Slaughterhouse”) in an existing 3,295 square foot unit on a 1.25-acre site in an M4 Zone (Intensive Industrial District). **Seconded by Ms. Teague**

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

Negative:

BSEED DENIAL UPHELD, ABATTOIR USE DENIED

There being no further business to be transacted, Board Member Teague motioned that the meeting be adjourned. Board Member Moore seconded this motion which was unanimously carried and the meeting adjourned at 1:30 P.M.

RESPECTFULLY SUBMITTED

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

JAMES W. RIBBRON
DIRECTOR

JWR/atp