

BOARD MEMBERS

Robert E. Thomas

Chairperson
Council District 5

Debra T. Walker

Vice Chairperson
Council District 6

Robert G. Weed

Council District 1

Vivian Teague

Council District 2

Elois Moore

Council District 3

Michelle L. West

Council District 4

Anthony Sherman

Council District 7



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

REGULAR MEETING OF
APRIL 19, 2022

JAMES W. RIBBRON

Director

BOARD OF ZONING APPEALS STAFF:

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

Pursuant to the City of Detroit Health Department Emergency Epidemic Order in Response to the COVID-19 Pandemic Per MCL 333.2453, Declaration of Continued Emergency Due to COVID-19, to Extend Remote Public Access to Open Meetings and Prohibit Gatherings at Meetings that Risk the Personal Health and Safety of Members of the Public and Public Bodies, effective from January 1, 2022 to March 31, 2022, the City of Detroit, Board of Zoning Appeals (BZA) will be:

IN-PERSON AT DETROIT PUBLIC SAFETY HEADQUARTERS, 1301 3RD AVE., DETROIT, MI 48226

VIRTUAL ATTENDANCE IS STRONGLY ENCOURAGED.

As pursuant to public health guidelines, the meeting room will be subject to space limitations, and there are NO additional opportunities for public viewing within the building. For the safety of attendees and participants, it is recommended that the public participate by means of one of the methods listed below:

1. In person. Please be advised due to COVID restrictions the space is limited to 15 people. Petitioners will be given first preference. Once the limit is reached you will not be allowed to enter the building.
2. The Board of Zoning Appeals Hearings may be viewed in the following manner.

Join Zoom Meeting

<https://cityofdetroit.zoom.us/j/84422726457>

Meeting ID: 844 2272 6457

Dial by your location

+1 267 831 0333 US (Philadelphia)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 213 338 8477 US (Los Angeles)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

PUBLIC COMMENT ZOOM / IN-PERSON MEETINGS:

Public Comment Zoom:

1. Telephone participants: Raise your hand by pressing *9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
 - a. Windows computer = [ALT] + [Y]
 - b. Apple computers = [OPTION] + [Y]

Public Comment In-Person:

- You will be called on in the order in which your hand is raised, a public comment sign-in card will be issued.
- All time limits set by the meeting Chair will still be enforced
- Any hands raised after the Chair ends submission of public comments, will not be able to speak at the meeting

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the BZA Office **IN ADVANCE OF THE HEARING:**

<https://app.smartsheet.com/b/form/f8a9187464f4464689094092a1952bc8>

(You can also email the department at the link below for the smartsheet link)

via smartsheet, or email to BOARDOFZONING@DETROITMI.GOV for the record.

PLEASE SEE THE LINK BELOW TO REVIEW THE BOARD OF ZONING APPEALS CALENDARS:

<https://detroitmi.gov/government/boards/board-zoning-appeals/board-zoning-appeals-meetings>

MINUTES:

Board Member Walker made a motion to approve the minutes for March 29, 2022 with any corrections.

Affirmative: Mr. Thomas, Weed, Sherman
Ms. Moore, Walker, Teague
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.:** BSEED SLU2021-00077

APPLICANT: Vanessa Peake

LOCATION: 19460 Mt. Elliott between Emery and E. Lantz in a M4 (Intensive Industrial District)-City Council District #7

LEGAL DESCRIPTION OF PROPERTY: E MT ELLIOTT N 200 FT OF THAT PT OF N E 1/4 OF S W 1/4 OF SEC 4 T 1 S R 12 E LYG S OF LANTZ AVE BETWEEN MT ELLIOTT AVE & M C R R R/W 15/-- 122.734 SQ FT

PROPOSAL: Vanessa Peake appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED) Case No.: SLU2021-00077 effective date of decision January 20, 2022) which (Approved with Conditions) to establish a Marijuana Grower Facility (MGF) in an existing 71,179 square foot building in a M4 (Intensive Industrial District). 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 50-3-281 General Approval Criteria (Community Appeals)). AP

ACTION OF THE BOARD: Ms. Walker made a motion to Grant adjournment request from the BZA petitioner without date and without fee.

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

10:15 a.m. **CASE NO.:** 79-21 aka SLU2021-00085
APPLICANT: True Green Cannabis Company, LLC
LOCATION: 2600 E. Grand Blvd. between Hamtramck Dr. and Chrysler Freeway in M4 Intensive Industrial District -City Council District #5
LEGAL DESCRIPTION OF PROPERTY: E ORLEANS 6 THRU 8 W AC MILLERS FACTORY SUBDIVISION LIBER 24 PAE 14 PLATS, W C R 7/85 70,195 SQ FT
PROPOSAL: True Green Cannabis Company, LLC request variances to establish a Medical Marijuana Grower Facility (MMGF) and a Medical Marijuana Processor Facility (MMPF) in an existing 72,000 square foot building APPROVED w Conditions in BSEED Case No: SLU2021-00079 effective date September 29, 2021, in a M4 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; be advised per Section 50-12-413(3) of the Detroit Zoning Ordinance, a Marijuana Grower Facility (MGF) that is co-located may operate only in a commercial or industrial building that does not exceed 50,000 sq. ft. The proposed marijuana facility is excessive in square footage by 22,000 sq. ft. (Sections 50-4-131 - Permitted dimensional variances and 50-4-121 Approval Criteria). AP

ACTION OF THE BOARD: Ms. Teague made a motion to Grant dimensional variance for excessive square footage for proposed MMGF and MMPF in an existing 72,000 square foot building approved under BSEED SLU2020-00079. Seconded by Mrs. Moore

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

Negative:

EXCESSIVE SQUARE FOOTAGE VARIANCE GRANTED

11:15 a.m. CASE NO.: 01-22 aka SLU2021-00124
APPLICANT: KM Consulting
LOCATION: 20569 and 20577 Vaughan, between Heyden and Evergreen in a (R1 Single-Family Residential District)- City Council District #1

LEGAL DESCRIPTION OF PROPERTY: W VAUGHAN 165 AND E 9 FT OF VAC ALLEY ADJ EVERGREEN WOODS SUB L60 P21 PLATS, W C R 22/609 40 X 135; W VAUGHAN 166 AND E 9 FT OF VAC ALLEY ADJ EVERGREEN WOODS SUB L60 P21 PLATS, W C R 22/609 40 IRREG NEZ HOMESTEAD CERT #2008-0631 RELATED PARCEL #27080631

PROPOSAL: KM Consulting appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2021-00124 Decision Date: December 22, 2021, Effective Date: January 4, 2022) which DENIED the establishment of the development of a 23-space Accessory Parking Lot on existing vacant land to serve an existing Medical Marihuana Provisioning Facility, located at 20101 W 8 Mile Rd. 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 applicant has otherwise failed to meet its burden and satisfy other general approval criteria outlined in Section 50-3-281 of the 2019 Detroit City Code. More specifically, the applicant has not provided evidence which demonstrates: The conditional use sought will not substantially diminish or impair property values within the neighborhood. (1) The conditional use sought will be compatible with the capacities of public services and public facilities that are affected by the proposed use. (2) Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided. (3) The conditional use sought will be compatible with land uses on adjacent and nearby zoning lots in terms of location, size, and character. (4) The conditional use sought is so designed, located, planned, and will be operated so that the public health, safety, and welfare will be protected. (Sections 50-4-101 Jurisdiction Over Appeals of Administrative Decisions and 50-3-171 thru 50-3-281- General Approval Criteria. Although the BZA may modify, reverse, or affirm—in whole or in part—the department’s decision, the BZA’s powers are limited to determining whether the decision-making department made the decision properly at the time made. As a result, the BZA examine only the information available to the department at the time it made its decision and determine whether the department made a sound decision—factually, legally, and otherwise. Allowing evidence in addition to that previously submitted is inappropriate.). AP

ACTION OF THE BOARD: Mr. Weed made a motion to Uphold BSEED’s Denial to establish a 23 space parking lot in an R1 district.

Motion fails due to lack of support for the motion

Ms. Teague made a motion to Reverse the BSEED decision to establish a 23 space parking lot in a R1 district. Seconded by Mr. Sherman

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

Negative: Mr. Weed

BSEED DECISION REVERSED, PARKING LOT GRANTED

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 Sherman seconded this motion which was unanimously carried and the meeting adjourned at 1:00 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp