

## BOARD MEMBERS

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Council District 5

### **Debra T. Walker**

Vice Chairperson  
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### **Robert G. Weed**

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### **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**  
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REGULAR MEETING OF  
**APRIL 26, 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 IN THE ERMA L. HENDERSON AUDITORIUM ON THE 13<sup>TH</sup> FLOOR, OF THE COLEMAN A. YOUNG MUNICIPAL CENTER, 2 WOODWARD AVE., DETROIT, MI 48226**

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)

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+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](mailto: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 Teague made a motion to approve the minutes for April 19, 2022 with any corrections.

Affirmative: Mr. 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**.

**ACTION OF THE BOARD: Ms. Teague made a motion to allow Chairperson Thomas to participate in the hearing remotely due to illness.**

**No second for the motion, Motion fails.**

**MR. THOMAS NOT PERMITTED TO PARTICIPATE REMOTELY**

9:15 a.m. **CASE NO.:** 67-21 aka SPR2020-00087 (2<sup>nd</sup> Submission)- Adjourned December 14, 2021

**APPLICANT:** Full Circle Communities

**LOCATION:** 16711 Burt Rd. between Pierson and Trinity in a (R5 - Medium Density Residential District)-City Council District #1

**LEGAL DESCRIPTION OF PROPERTY:** W BURT RD THAT PT OF N W 1/4 SEC 15 T 1 S R 10 E DESC AS BEG AT A PTE IN W LINE BURT RD 96.27 FT SLY FROM GRAND RIVER TH S 0D 04M 29S E 257 FT TH N 89D 26M 40S W 147.80 FT TH N 0D 03M 01S W 341.95 FT TH S 59D 41M 20S E 171.15 FT TO PTE OF BEG 22/--- 257

**PROPOSAL:** Full Circle Communities request dimensional variances to construct a 3-story, 56,196 square foot building containing 45 multi-family dwelling units with a 1st Floor Childcare center in BSEED SPR2020-00087 (2nd Submission) in an R2 - Two-Family Residential District). 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 for a variance of the minimum setbacks; Variances shall be required from the Board of Zoning Appeals (“BZA”) for the following deficiencies prior to issuance of permits 1. Section 50-13-6(“R5 District”, Intensity and Dimensional Requirements): Front setback: 20’ feet required, 10’9” feet provided, 9’3” feet deficient; and 2. Section 50-12-183 (“Childcare homes and centers”): a minimum 2,000 square feet outdoor play area is required, 1,570 square feet is proposed, 430 square feet deficient. Per Section 50-14-443 (“Interior Landscaping”), for the 44 off-street parking spaces, 792 square feet of interior landscaping and three shade trees are required at time of permit submission. (Sections 50-4-131(6) - Permitted dimensional variances and 50-4-121 Approval Criteria.).AP

**ACTION OF THE BOARD:** Mr. Weed made a motion to Grant dimensional variances to construct a 3-story, 56,196 square foot building containing 45 multi-family dwelling units with a 1st Floor Childcare center in BSEED SPR2020-00087 (2nd Submission) in an R2 - Two-Family Residential District). Seconded by Ms. Teague

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

Negative:

**DIMENSIONAL VARIANCES GRANTED**

**10:15 a.m. CASE NO.:** 82-21 aka BSEED SLU2021-00158  
**APPLICANT:** Melania Holdings, LLC  
**LOCATION:** 6773 E. Davison between Carrie Ave and Sherwood St. in a M4 (Intensive Industrial District)-City Council District #3

**LEGAL DESCRIPTION OF PROPERTY:** N DAVISON 92&91 BISHOP N DETROIT SUB L36 P8 PLATS, W C R 15/204 187 THRU 190 PERRIENS N DETROIT SUB L46 P16 PLATS, W C R 15/231 121.5 IRREG

**PROPOSAL:** Melania Holdings, LLC appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2021-00112 Decision Date: November 18, 2021, Effective Date: December 2, 2021) which DENIED the establishment of a Marijuana Grower Facility in an existing 10,175 square foot building 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. (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 the BSEED Decision which DENIED the establishment of a Marijuana Grower Facility in an existing 10,175 square foot building in a M4 (Intensive Industrial District). . Seconded by Mrs. Moore

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

Negative:

**BSEED DECISION UPHELD, USE DENIED**

11:15 a.m.

**CASE NO.:** 7-22 aka BSEED SLU2021-00141

**APPLICANT:** Mike Yaldo

**LOCATION:** 10345 W. Eight Mile Rd. between Birwood and Griggs in a (B2 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:** Mike Yaldo appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2021-00141 Decision Date: December 3, 2021, Effective Date: December 17, 2021) which DENIED the establishment of a Marihuana Retail/Provisioning Facility (MRPF) and a Marihuana Safety Compliance Facility (MSCF) in an existing 1,400 square foot building. 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, the required findings of fact were made per Section 50-3-281, specifically: A. That because the applicant did not submit the requested architect's letter before the end of March Board of Review to process the parcel split before 2021, The office of the Assessor's Office never received the material to process for the 2022 deadline. Therefore, this split has not been approved by the Assessor's Office. B. That the conditional use sought will be injurious to the use and enjoyment of other properties in the immediate vicinity for all the purposes. Detroit residents have spoken in opposition to the proposed uses due to (i) the lack of community engagement with the adjacent neighbors to hear and address their concerns about this use, and (ii) the over-saturation of other marijuana facilities along Eight Mile Road. C. That the applicant for the Marijuana Safety Compliance Facility was not in attendance for the public hearing. D. 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 a. The conditional use sought will not substantially diminish or impair property values within the neighborhood. B. The conditional use sought will be compatible with the capacities of public services and public facilities that are affected by the proposed use. C. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided. D. The conditional use sought will be compatible with land uses on adjacent and nearby zoning lots in terms of location, size, and character. E. 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 50-3-281-General Approval Criteria).AP

Continued

**ACTION OF THE BOARD: Mr. Weed made a motion to Uphold BSEED's Denial to establish a Marihuana Retail/Provisioning Facility (MRPF) and a Marihuana Safety Compliance Facility (MSCF) in an existing 1,400 square foot building. Seconded by Ms. Moore**

Affirmative: Mr. Weed  
Ms. Walker, Moore

Negative: Mr. Sherman  
Ms. Teague

Motion fails due to vote count, another motion is needed.

**Ms. Teague made a motion to Reverse the BSEED decision to establish a Marihuana Retail/Provisioning Facility (MRPF) and a Marihuana Safety Compliance Facility (MSCF) in an existing 1,400 square foot building. Seconded by Mr. Sherman**

Affirmative: Mr. Sherman  
Ms. Teague

Negative: Mr. Weed  
Ms. Walker, Moore

**Motion fails due to vote count. BSEED DECISION UPHELD, USE DENIED**



**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE**

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There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 2:05 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON  
DIRECTOR

JWR/atp