

BOARD MEMBERS

Robert G. Weed
Council District 1
Kimberly Hill Knott
Council District 2
Elois Moore
Council District 3
Jerry Watson
Council District 4
Robert E. Thomas
Council District 5
Robert Roberts
Council District 6
Anthony Sherman
Council District 7



City of Detroit
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JAMES W. RIBBRON
Director

BOARD OF ZONING APPEALS STAFF:

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

REGULAR MEETING OF MARCH 20, 2023

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 13TH 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)
- +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 OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Monday March 13, 2023 by way of Zoom and in person.

Board Member Watson called the meeting to order and Director Ribbron called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

- (1) Robert G. Weed, Board Member
- (2) Kimberly Hill Knott
- (3) Anthony Sherman, Board Member
- (4) Elois Moore, Board Member
- (5) Robert Roberts, Board Member
- (6) Jerry Watson, Board Member

BOARD MEMBERS ABSENT:

- (1) Robert E. Thomas, Board Member

MINUTES:

Board Member Moore made a motion to approve the minutes for March 13, 2023 with any corrections.

Affirmative: Mr. Weed, Roberts, Watson
Ms. Hill-Knott, Moore
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.:** 06-22

APPLICANT: Phillip Kafka-Prince Realty LLC

LOCATION: 4885 15th between Warren and Grand River in an B4 General Business District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: W 15TH 10'BRIENS SUB OF PT OF E1/2 OF LAFONTAINE FARM L20 P44 PLATS, W C R 10/49 127.17 IRREG

PROPOSAL: Phillip Kafka - Prince Realty LLC, is requesting dimensional variances (parking variance) for office use (for a digital animation studio). within an B4 General Business District. The Board shall be authorized to hear dimensional variance requests for matters that are beyond the scope of BSEED's 10% administrative adjustments for a variance of the minimum setbacks. Deficient parking. (Sections 50-4-131(1)- Permitted dimensional variances and 50-4-121 Approval Criteria.).AP

ACTION OF THE BOARD: Mrs. Hill-Knott made a motion to Grant dimensional variances (parking variance) for office use (for a digital animation studio). within an B4 General Business District. **Seconded by Board Member Moore.**

Affirmative: Mr. Weed, Sherman, Roberts, Watson
Ms. Hill-Knott, Moore

Negative:

DIMENSIONAL VARIANCE GRANTED

9:45 a.m. CASE NO.: 32-21

APPLICANT: Cathy Potts

LOCATION: 15018 Houston Whittier between Hayes and Queen in a B3 Shopping District)-City Council District #3

LEGAL DESCRIPTION OF PROPERTY: S HOUSTON-WHITTIER 223&222 DALBY-HAYES LAND CO CRAFTSCOMMUNE SUB L46 P22 PLATS, W C R 21/784 40 X 100

PROPOSAL: Cathy Potts is requesting to change from one nonconforming use (auto repair facility) to another nonconforming use (rental hall) in a B3 Shopping 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: (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: Mr. Sherman made a motion to Dismiss case without fee due to lack of progression from the petitioner. Seconded by Board Member Moore.

Affirmative: Mr. Weed, Sherman, Roberts, Watson
Ms. Hill-Knott, Moore

Negative:

DISMISSED WITHOUT RETURN OF FEE

10:15 a.m. **CASE NO.:** 71-22 aka BSEED SLU2022-00008

APPLICANT: Joe's Green Thumb

LOCATION: 4527, 4535 & 4545 Michigan between 28th and 29th in a M4 (Intensive Industrial District)-City Council District #6

LEGAL DESCRIPTION OF PROPERTY: S MICHIGAN 9 EXC MICHIGAN AVE AS WD R H HALLS SUB L2 P26 PLATS, W C R 14/58 40.08 X 76; S MICHIGAN 10 EXC MICHIGAN AVE AS WD R H HALLS SUB L2 P26 PLATS, W C R 14/58 40 X 76; S MICHIGAN 11 EXC MICHIGAN AVE AS WD R H HALLS SUB L2 P26 PLATS, W C R 14/58 44.21 IRREG

PROPOSAL: Joe's Green Thumb appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED Case No: SLU2022-00008 (Decision Date: September 27, 2022 Effective Date: October 11, 2022) which DENIED the Establish a Marijuana Grower Facility (MGF) in an existing 4,874 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 50-3-171 thru 50-3-281- General Approval Criteria.).AP

ACTION OF THE BOARD: Mr. Roberts made a motion to Uphold the BSEED Decision to DENY the Establishment of a Marijuana Grower Facility (MGF) in an existing 4,874 square foot building in a M4 (Intensive Industrial District). **Seconded by Board Member Moore.**

Affirmative: Mr. Weed, Sherman, Roberts, Watson
Ms. Moore, Hill-Knott

Negative:

BSEED DECISION UPHELD, USE DENIED

10:30 a.m. CASE NO.: 81-21 ADJOURNED FROM MARCH 13, 2023

APPLICANT: Abel Juarez

LOCATION: 6760 Grandville between W. Warren and Whitlock in an R1 (Single-Family Residential District)-City Council District #7

LEGAL DESCRIPTION OF PROPERTY: E GRANDVILLE 791 & W 9 FT OF VAC ALLEY ADJ FRISCHKORNS ESTATES SUB L42 P93 PLATS, W C R 22/275 35 X 131

PROPOSAL: Abel Juarez is requesting dimensional variances for a 1,200 square foot Single-family dwelling with 440 square foot detached accessory garage. The subject site is within an R1 Single-Family Residential District. The Board shall be authorized to hear dimensional variance requests for matters that are beyond the scope of BSEED's 10% administrative adjustments for a variance of the minimum setbacks. Sec. 50-13-3. - R2 District. Intensity and dimensional standards within the R2 Two-Family Residential District. Excessive lot coverage. 35% allowed, 37% proposed. 2% excessive lot coverage. (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 for a 1,200 square foot Single-family dwelling with 440 square foot detached accessory garage within an R1 Single-Family Residential District. Seconded by Board Member Sherman.

Affirmative: Mr. Weed, Sherman, Roberts, Watson
Ms. Moore, Hill-Knott

Negative:

DIMENSIONAL VARIANCE 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 Watson seconded this motion which was unanimously carried and the meeting adjourned at 11:50 A.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp