

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
Board of Zoning Appeals
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BOARD OF ZONING
APPEALS STAFF:

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

REGULAR MEETING OF
JUNE 12, 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 June 12, 2023 by way of Zoom and in person.

Board Member 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) Elois Moore, Board Member
- (4) Anthony Sherman, Board Member
- (5) Robert Roberts, Board Member
- (6) Kimberly Hill Knott, Board Member

BOARD MEMBERS ABSENT:

- (1) Jerry Watson, Board Member

MINUTES:

Board Member Roberts made a motion to approve the minutes for May 22, 2023 with any corrections.

Affirmative: Mr. Weed, Roberts, Thomas
Ms. 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: 22-23

BZA PETITIONER:

BENJAMIN NEWMAN

LOCATION:

1815 Church, between 11th St. and Rosa Parks Blvd. in an R2 Two-Family Residential District.

LEGAL DESCRIPTION OF PROPERTY:

S CHURCH 4 BLK 3 LUTHER BEECHERS SUB L2 P27 PLATS, W C R 8/19 33 X 131.12

PROPOSAL:

Benjamin Newman, is requesting to construct an Accessory Dwelling for a Residential unit located at 1815 Church Street. The subject site is within an R2 Two-Family Residential District. The subject site is 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. Excessive Lot Coverage, Excessive lot size, excessive height and more than one building on a zoning lot. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria).

ACTION OF THE BOARD:

Mr. Roberts made a motion to Grant petitioners request for dimensional variances to construct an Accessory Dwelling for a Residential unit located at 1815 Church Street. The subject site is within an R2 Two-Family Residential District. Seconded by Board Member Moore.

Affirmative: Mr. Weed, Thomas, Roberts
Mrs. Moore, Hill-Knott

Negative:

Mr. Sherman was not present for the vote

DIMENSIONAL VARIANCES GRANTED

9:30 a.m.

CASE NO: 23-23

BZA PETITIONER:

PHIL AIELLO

LOCATION:

3400 MICHIGAN, between Butternut and Risdon in an B4 District. General Business District.

LEGAL DESCRIPTION OF PROPERTY: N MICHIGAN AVE 77 & 78 EXC MICHIGAN AVE AS WD J W JOHNSTONS SUB L1 P32&33 PLATS W C R 12/42 84.90 IRREG R 45.95 61.0 51.76

PROPOSAL:

Phil Aiello is requesting to establish a Small Distillery or Winery (outside the Central Business district) in an existing 3,322 square foot building, APPROVED w/Conditions in BSEED SLU2022-00115; Decision Date: March 23, 2323; Effective Date: April 6, 2023. The subject site is 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. *The applicant shall submit a duly executed and recorded shared parking agreement or District Parking Plan that has been approved by the Planning & Development Department, otherwise a parking waiver shall be required from the Board of Zoning Appeals for the deficient nine off-street parking spaces prior to permit. (Sections 50-4-131 (1)- Permitted dimensional variances and 50-4-121 Approval Criteria).*

ACTION OF THE BOARD:

Mr. Roberts made a motion to Grant petitioners request for dimensional variances to establish a Small Distillery or Winery (outside the Central Business district) in an existing 3,322 square foot building, APPROVED w/Conditions in BSEED SLU2022-00115; Decision Date: March 23, 2323; Effective Date: April 6, 2023. Seconded by Board Member Moore.

Affirmative: Mr. Weed, Sherman, Roberts, Thomas
Mrs. Moore, Hill-Knott

Negative:

DIMENSIONAL VARIANCES GRANTED

9:45 a.m. **CASE NO: BSEED SLU2023-00014 (COMMUNITY APPEAL)**

BZA PETITIONER: VANESSA PEAKE

LOCATION: 19347 Mt. Elliott, between Emery and E. Lantz in an M2 Restricted Industrial District.

LEGAL DESCRIPTION OF PROPERTY: W MT ELLIOTT 47-46 GEO J KOLOWICH L46 P45 PLATS, W C R 13/287 40 X 124.51

PROPOSAL: Vanessa Peake appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED) Case No.: SLU2023-00014: Decision Date April 12, 2023; effective April 26, 2023) which (Approved with Conditions) to Establish a Marijuana Retail/Provisioning Facility (MRPF) and Designated Marijuana Consumption Establishment (DMCE) in an existing 1,500 square foot building in an M2 Restricted 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))

ACTION OF THE BOARD: Mr. Weed made a motion to Adjourn the case for the petitioner to be prepared with the understanding and information of the request for Community Appeal. Seconded by Board Member Sherman.

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

Director Ribbron informed the Board Case No. 1-23 will be scheduled for a hearing date on July 17, 2023 at 9:45 a.m.

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 Weed seconded this motion which was unanimously carried and the meeting adjourned at 11:18 A.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp