

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
MAY 15, 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 May 15, 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 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) Jerry Watson, Board Member

BOARD MEMBERS ABSENT:

- (1) Kimberly Hill Knott, Board Member

MINUTES:

Board Member Weed made a motion to approve the minutes for May 8, 2023 with any corrections.

Affirmative: Mr. Weed, Sherman, Roberts, Watson
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.: 16-23

APPLICANT: CAROLYN PATRICK WANZO

LOCATION: 23466 Grand River, between Grayfield and Coddling in an B4 General Business District City Council #1

LEGAL DESCRIPTION OF PROPERTY: N GRAND RIVER 6 W 25 FT 5 SUPERVISORS STATE SUB L58 P69 PLATS, W C R 22/532 75 X 143.52

PROPOSAL: Carolyn Patrick Wanzo appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED Case PIN: 22007784) which **DENIED** the Establishment of a Marijuana Retail/Provisioning Facility at 23466 Grand River in a B4 General Business District. This case is appealed because 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 review has determined that the proposed Marijuana Retail/Provisioning facility is located within approximately 446 radial feet from Rogell Park located at 18601 Berg Rd. Marijuana facilities cannot exist within 1,000 feet of a Drug Free Zone. (Sections 50-4-101 Jurisdiction Over Appeals of Administrative Decisions and 50-3-281-General Approval Criteria).

ACTION OF THE BOARD:

Mrs. Moore made a motion to Deny petitioners request to reverse the BSEED Denial of the Establishment of a Marijuana Retail/Provisioning Facility at 23466 Grand River in a B4 General Business District Seconded by Board Member Sherman.

Affirmative: Mr. Weed, Sherman, Watson, Roberts
Mrs. Moore

Negative:

Mr. Thomas was not present for the vote

BSEED DENIAL UPHELD

9:30 a.m. CASE NO.: 17-23 aka BSEED SLU2022-00003

APPLICANT: STONEFIELD ENGINEERING AND DESIGN

LOCATION: 1931 & 1935 25TH Street, between Vernor and Toledo in a R2 zone (Two Family Residential District). City Council #6

LEGAL DESCRIPTION OF PROPERTY: Property exempt from Ad Valorem taxes and assessed on the Special Act Roll pursuant to PA 261 of 2003 expiring 12/30/2021. W 25th E 95 FT OF S 30 FT 41 SCOTTEN, LOVETT & DAVIS SUB L2 P19 PLATS, WCR 12/289 30X95 & W W 54 FT OF S 30 FT 41 SCOTTEN, LOVETT & DAVIS SUB L2 P19 PATS, WCR 12/289 30X54 (PIN 12009633 & 12009634)

PROPOSAL: Stonefield Engineering and Design appeals the decision of the Buildings Safety and Engineering and Environmental Department SLU2023-00003 which DENIED permission to develop a 13-space accessory parking lot on existing vacant land to serve an adjacent multi family dwelling at 512 W. Grand Blvd within an R2 Two-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; At the time of the inspection, there were numerous piles of dirt, concrete and asphalt on the site. The applicant does not have the correct screening to shield the residential neighborhood, thus could pose an adverse public health, noise, and safety hazard for residents. (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 Overturn BSEED Denial to develop a 13-space accessory parking lot on existing vacant land to serve an adjacent multi family dwelling at 512 W. Grand Blvd within an R2 Two-Family Residential District. Seconded by Board Member Sherman.

Affirmative: Mr. Weed, Sherman, Roberts

Negative: Mr. Watson
Mrs. Moore

Mr. Thomas abstained from the vote

MOTION FAILED DUE TO VOTE COUNT/BSEED DENIAL UPHELD

10:00 a.m. CASE NO.: 94-19 aka BSEED 147-17

APPLICANT: Mike Semma

LOCATION: 13777 Plymouth between Freeland and Schaefer in a M4 Zone (Intensive Industrial District)City Council #7

LEGAL DESCRIPTION OF PROPERTY: S PLYMOUTH E 90 FT OF W 406 FT A EXCEPT N 33 FT E 340 FT OF W 406 FT BC&D LYG N WLY OF PENN R R LOUD SPUR R/W PLAT OF THE ESTATE OF JOHN KEAL L543 P404 DEEDS, W C R 22/586 78322 SQ FT

PROPOSAL: Kazem Jawad appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED 147-17 effective date August 8, 2019) which DENIED a (re-submission) to add a Junkyard with dismantling to an existing used auto parts facility and used motor vehicle sales lot on a combined 2.39-acre site in a 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. Also, the establishment, maintenance, location and operation of the proposed Conditional Use will be detrimental, the current use of used auto parts sales does not have a certificate of compliance, business license nor legal building permits and the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding properties. (Sections 50-12-341 - Junkyards Setbacks 50-4-132 - Other variances and 50-2-231 Approve Criteria –Conditional Land Use.)AP

ACTION OF THE BOARD: Mrs. Moore made a motion to Deny petitioners request to reverse the BSEED Decision to add a Junkyard with dismantling to an existing used auto parts facility and used motor vehicle sales lot on a combined 2.39-acre site in a M4 Zone (Intensive Industrial District). **Seconded by Board Member Watson.**

Affirmative: Mr. Weed, Thomas, Watson, Sherman, Roberts
Ms. Moore

Negative:

BSEED DECISION UPHELD, USE DENIED

10:15 a.m. **CASE NO.:** 64-22 ADJOURNED FROM APRIL 3, 2023

APPLICANT: Janice Jackson

LOCATION: 4505 Lodewyck, between Cornwall and Munich in a R1 (Single-Family Residential District)-City Council District #4

LEGAL DESCRIPTION OF PROPERTY: E MARSEILLES 60&61 LODEWYCK SUB L46 P67 PLATS, W C R 21/816 67.3 X 206.88

PROPOSAL: Janice Jackson is requesting and appealing to seek relief from regulations in this zoning ordinance on the basis that the denial of the application (Hardship Relief Petition) for a Women Domestic Violence Shelter in a R1 Single-Family Residential District. This case is appealed because 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 denial of a site plan by the Planning and Development Department. Also, any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property and shall forward the application to the Board of Zoning Appeals. Prior to any public hearing, the Board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use. (Sections 50-4-85 Appeals of Administrative Decisions, 50-4-151 Deprivation of Use of Property, 50-4-171 Review and Consultation with the Law Department, 50-4-194 Application of the "All Reasonable Economic Use" standard, 50-4-195. Burden of proof, 50-4-196 Findings of the Board of Zoning Appeals 50-4-197 Additional forms of relief and 50-4-121 Approval Criteria (if Hardship is approved)).

ACTION OF THE BOARD: Mr. Thomas made a motion to Adjourn the case for the absent board members to hear the audio of the hearing and participate in the vote at the next scheduled hearing. Seconded by Board Member Weed.

Affirmative: Mr. Weed, Thomas, Watson
Negative: Ms. Moore

Mr. Roberts and Mr. Sherman were not present for the hearing

ADJOURNED TIL MAY 22, 2023

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 1:45 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp