

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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JAMES W. RIBBRON
Director

BOARD OF ZONING
APPEALS STAFF:

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

REGULAR MEETING OF
AUGUST 21, 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 August 21, 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 Roberts, Board Member
- (3) Kimberly Hill Knott, Board Member
- (4) Jerry Watson, Board Member
- (5) Anthony Sherman, Board Member
- (6) Elois Moore, Board Member

BOARD MEMBERS ABSENT:

- (1) Robert G. Weed, Board Member

MINUTES:

Board Member Moore made a motion to approve the minutes for August 14, 2023 with any corrections.

Affirmative: Mr. Roberts, Watson, Thomas
Mrs. 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: 29-23

BZA PETITIONER: Ronald McDonald

LOCATION: 202 Smith, between John R and Brush in an R3 District. Low Density Residential District.

LEGAL DESCRIPTION OF PROPERTY: The west 15 feet of Lot 139 and all of Lots 140 thru 144 both inclusive, WM Y HAMLIN AND S.J. BROWN'S SUBDIVISION, according to the plat thereof as recorded in Liber 8, page 72 of plats, Wayne County Records.

PROPOSAL: Ronald McDonald request dimensional variances to construct a four story, 32,111 square-foot building and establish a Multiple-Family dwelling (35 senior living units) with accessory parking area. The residential unit mix consists of studio, 1-, and 2-bedroom units, with an accessory community room located on the first floor. The subject site is within an R3 Low Density 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; *Deficient Parking, Deficient side yard setback (north side), Excessive Floor area ratio, Deficient Recreational Space and residential screening.* (Sections 50-4-131 (1&6)- Permitted dimensional variances and 50-4-121 Approval Criteria.) AP

ACTION OF THE BOARD:

Mr. Roberts made a motion to Grant dimensional variances to construct a four story, 32,111 square-foot building and establish a Multiple-Family dwelling (35 senior living units) with accessory parking area. Seconded by Board Member Moore

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

Negative: Mr. Watson
Ms. Moore

DIMENSIONAL VARIANCE GRANTED

9:20 a.m.

CASE NO: 30-23 Building 5

BZA PETITIONER: Ronald McDonald

LOCATION: 309, 313, 319 & 331 E Bethune, between John R and Brush in an R3 District. Low Density Residential District.

LEGAL DESCRIPTION OF PROPERTY: N BETHUNE 186 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; N BETHUNE 187 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; N BETHUNE 188 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; N BETHUNE 189&190 WM Y HAMLIN & S J BROWNS L,8 P72, PLATS, W C R 1/103 60 X 115

PROPOSAL: Ronald McDonald request dimensional variances for 10 unit proposed multi-family development. The subject site is within an R3 Low Density 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; Deficient front yard setback, Deficient recreational space, deficient rear setback, trash enclosure cant swing into alley. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria.) AP

ACTION OF THE BOARD: Mr. Watson made a motion to Grant dimensional variances for 10 unit proposed multi-family development. Seconded by Board Member Roberts

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

Negative:

DIMENSIONAL VARIANCES GRANTED

9:25 a.m. **CASE NO:** **31-23 Building 6**
BZA PETITIONER: **Ronald McDonald**
LOCATION: **299, 303, 307, 313, 319, & 325 Smith and 7719 Brush, between Brush and John R. in an R3 zone (Low Density-Family Residential District). City Council District #5**

LEGAL DESCRIPTION OF PROPERTY: N SMITH E 15 FT OF 40 W 6.65 FT OF 41 & S 19.50 FT OF VAC CLAY AVE ADJ W Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 21.65 X 138.90; N SMITH E 23.35 FT OF 41 AND S 19.50 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 23.35 X 138.90; N SMITH 42 AND S 19.50 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWN L8, P72, PLATS, W C R 1/103 30 X 138.90; N SMITH 43 AND S 19.50 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 138.90; N SMITH 44 AND S 19.50 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 138.90; N SMITH 45 AND S 19.50 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 138.90; N SMITH 46 AND S 19.56 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 139.50

PROPOSAL: **Ronald McDonald request multiple dimensional variances for the proposed development/construction of two multi-family buildings to provide 6 units (Building 3A) and 10 units (Building 3B) respectively, for a total of 16 multi-family units in a R3 zoning 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 front setback for both buildings and deficient recreational space for both buildings and *deficient side setback Bldg 3B. AP**

ACTION OF THE BOARD: **Mr. Watson made a motion to Grant dimensional variances proposed development/construction of two multi-family buildings to provide 6 units (Building 3A) and 10 units (Building 3B) respectively, for a total of 16 multi-family units in a R3 zoning district. Seconded by Board Member Roberts**

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

Negative:

DIMENSIONAL VARIANCES GRANTED

9:30 a.m. CASE NO: 32-23 Building 6

BZA PETITIONER: Ronald McDonald

LOCATION: 404-410 Chandler, between Brush and John R in an R3 Low Density Residential District

LEGAL DESCRIPTION OF PROPERTY: Lots 25 and 26 together with the reversionary interest in the North 19.56 feet of vacated Clay Street, of Chandler Avenue Subdivision of Park Lot 5, of the subdivision of Section 57, 10000 acre tract, according to the plat thereof recorded in Liber 13 of Plats, Page 96 of Wayne County Records.

PROPOSAL: **Ronald McDonald request dimensional variance for 10 unit proposed multi-family development within an R3 Low Density 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. Deficient rear and side yard setback, recreational space, residential setback for parking, landscaping adjacent residential and trash enclosure cant swing into alley. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria.) AP**

ACTION OF THE BOARD: **Mr. Watson made a motion to Grant dimensional variances for proposed multi-family development within an R3 Low Density Residential District. Seconded by Board Member Roberts**

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

Negative:

DIMENSIONAL VARIANCES GRANTED

9:35 a.m. Case No. 33-23

BZA PETITIONER: Ronald McDonald

LOCATION: 203, 259, 267, 271, 277 Smith, between Brush and John R in an R3 Low Density Residential District

LEGAL DESCRIPTION OF PROPERTY: N SMITH 25 THRU 33 AND S 18.86 FT VAC CLAY AVE ADJWM Y HAMLINS & S J BROWNS SUB L8 P72 PLATS W C R 1/103 281.84 X 138.86; N SMITH 34 AND S 18.86 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 138.90; N SMITH 35 AND S 18.86 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 138.90; N SMITH 36 AND S 19.50 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 138.90; N SMITH 37 W 15 FT OF 38 & S 19.5 FT OF VAC CLAY AVE ADJ WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 1/103 45 X 138.9

PROPOSAL: Ronald McDonald request dimensional variance for 10 unit proposed multi-family development within an R3 Low Density 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. 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 front setback, Maximum Floor Area Ratio, deficient parking and deficient side yard setback. (Sections 50-4-131 (1&6)- Permitted dimensional variances and 50-4-121

ACTION OF THE BOARD: Mr. Watson made a motion to Grant dimensional variances 10 unit proposed multi-family development within an R3 Low Density Residential District. Seconded by Board Member Roberts

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

Negative:

DIMENSIONAL VARIANCES GRANTED

9:40 a.m. Case No. 34-23 (Bldg 7A & 7B)

BZA PETITIONER: Ronald McDonald

LOCATION: 501, 511, 519, 525, 529, 535, 545, 555, & 561 E. Bethune, between John R and Brush in an R3 District. Low Density Residential District.

LEGAL DESCRIPTION OF PROPERTY: Property exempt from Ad Valorem taxes and assessed on the Special Act Roll pursuant to PA 261 of 2003 expiring 12/30/2028. N BETHUNE E 201-202 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 59.5 X 115; N BETHUNE E 203 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 30 X 115; N BETHUNE E 204 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 30 X 115; N BETHUNE E 205 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 30 X 115; N BETHUNE E 206 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 30 X 115; N BETHUNE E 207 W 1/2 208 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 45 X 115; N BETHUNE E E 1/2 208 209 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 45 X 115; N BETHUNE E 210 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 30 X 115; N BETHUNE E 211 WM Y HAMLIN & S J BROWNS L8 P72 PLATS, W C R 3/91 30 X 115

PROPOSAL: Ronald McDonald request dimensional variances for the development of two buildings (7A and 7B) with 7A containing 14 multiple family units and 7B containing 10 multiple family units in a R3 (Low Density Residential). 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; Building 7A (14 units): Deficient Front Setback, Building 7B (10 units) Deficient Front Setback. Bldg. 7A Deficient Recreational Space Requirement and Building 7B Deficient Recreational (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria.) AP

ACTION OF THE BOARD: Mr. Watson made a motion to Grant dimensional variances for the development of two buildings (7A and 7B) with 7A containing 14 multiple family units and 7B containing 10 multiple family units in a R3 (Low Density Residential). Seconded by Board Member Roberts

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

Negative:

DIMENSIONAL VARIANCES GRANTED

9:45 a.m. Case No. 35-23
BZA PETITIONER: Ronald McDonald
LOCATION: 282, 290, 296, 302, 306, 312 Smith, between John R and Brush in an R3 District. Low Density Residential District.

LEGAL DESCRIPTION OF PROPERTY: S SMITH 131 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; S SMITH 130 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; S SMITH 129 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; Property exempt from Ad Valorem taxes and assessed on the Special Act Roll pursuant to PA 261 of 2003 expiring 12/30/2020. S SMITH 128 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; S SMITH 127 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115; S SMITH 126 WM Y HAMLIN & S J BROWNS L8, P72, PLATS, W C R 1/103 30 X 115

PROPOSAL: **Ronald McDonald request dimensional variances for the development of a 10 unit multi-family development in a R3 zoning 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 and trash enclosure cant swing into alley. Deficient front yard setback and deficient recreational space. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria.) AP**

ACTION OF THE BOARD: **Mr. Watson made a motion to Grant dimensional variances proposed 10 unit multi-family development in a R3 zoning district. Seconded by Board Member Roberts**

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

Negative:

DIMENSIONAL VARIANCES GRANTED

9:45 a.m. **CASE NO:** BSEEDSLU2023-00014 (COMMUNITY APPEAL) – ADJOURNED FROM JUNE 12, 2023
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) AP)

ACTION OF THE BOARD: Mr. Watson made a motion to Reverse 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. Seconded by Board Member Moore.

Affirmative: Mr. Watson
 Mrs. Hill-Knott, Moore

Negative: Mr. Roberts, Sherman, Roberts

MOTION FAILS DUE TO VOTE COUNT ACCORIDING TO THE RULES AND PROCEDURES, BSEED GRANT UPHELD

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 Roberts seconded this motion which was unanimously carried and the meeting adjourned at 3:40 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp