

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
Coleman A. Young Municipal Center
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Detroit, Michigan 48226
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JAMES W. RIBBRON
Director

BOARD OF ZONING
APPEALS STAFF:

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

REGULAR MEETING OF
SEPTEMBER 11, 2023

In accordance with Section 5(4) of the Michigan Open Meetings Act, MCL 15.265(4),
The Board of Zoning Appeals will hold its meetings by **ZOOM** you can either call in or join by web.
We encourage the public to use one of the following:

The Telephone Numbers Are:

(312) 626-6799 or (213) 338-8477, Meeting ID: 84422726457

If You Are Joining By Web The Link Is:

<https://cityofdetroit.zoom.us/j/84422726457>

If you need additional information regarding this meeting, you can contact either
James Ribbron: (313) 939-1405 or Thomina Davidson: (313) 224-3432

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Monday September 11, 2023 by way of Zoom and in person.

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

BOARD MEMBERS ABSENT:

- (1) Jerry Watson, Board Member

MINUTES:

Board Member Moore made a motion to approve the minutes for August 28, 2023 with any corrections.

Affirmative: Mr. Weed, Roberts
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: 38-23

BZA PETITIONER: Eleni Zaharopoulos, Redbird Investments LLC

LOCATION: 11720 Brush between Woodward and Tennyson in R1 Zone (Single Family Residential District).

LEGAL DESCRIPTION OF PROPERTY: N WOODLAND 45 WOODLAND L13 P85 PLATS, W C R 3/124 40 X 120

PROPOSAL: Eleni Zaharopoulos, Redbird Investments LLC proposes to reestablish the abandoned retail use (1,453 square feet) and convert the abandoned Restaurant Carry-out use to nonconforming Restaurant, Standard (551 square feet). The site would include retail sales (no beer/wine/liquor), a commercial kitchen, and on-site food consumption amenities within the existing building. The subject site is within an R1 Zone (Single-Family Residential District). This case is appealed because the Board of Zoning Appeals shall have the authority to hold hearings and render decisions with respect to nonconforming uses, buildings, and structures. (Sections 50-15-7. Board of Zoning Appeals, 50-15-28(20), 50-15-28(16), 50-15-30(3) and 50-15-27. Required Findings). AP

ACTION OF THE BOARD: Mr. Roberts made a motion to Grant permission to re-establish the abandoned Carry-out Restaurant. Seconded by Board Member Moore

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

Negative:

RE-ESTABLISH ABANDONED CARRYOUT RESTAURANT USE GRANTED

9:15 a.m.

CASE NO: 38-23

BZA PETITIONER: Eleni Zaharopoulos, Redbird Investments LLC

LOCATION: 11720 Brush between Woodward and Tennyson in R1 Zone (Single Family Residential District).

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ACTION OF THE BOARD:

Mr. Weed made a motion to Grant permission to re-establish the Carry-out Restaurant. Seconded by Board Member Moore

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

Negative:

RE-ESTABLISH CARRYOUT RESTAURANT USE GRANTED

9:15 a.m. CASE NO: 38-23

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ACTION OF THE BOARD: Mr. Roberts made a motion to Grant change of nonconforming use of Carry-out Restaurant to Standard Restaurant. Seconded by Board Member Weed

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

Negative:

CHANGE OF NONCONFORMING USE GRANTED

9:30 a.m.

CASE NO: 40-23

BZA PETITIONER: BALLSTARS, LLC

LOCATION: 8830 MARK TWAIN, between Joy Rd. and Ellis in a M4 (Intensive Industrial District).

LEGAL DESCRIPTION OF PROPERTY: E MARK TWAIN 52&51 S 25 FT 50 KARNATZ BONAPARTE SUB L55 P29 PLATS, W C R 22/555 103.78 IRREG

PROPOSAL: Ballstars, LLC request dimensional variances to establish a Marijuana Grower Facility (MGF) in an existing 9,607 square foot building. The subject site is within an M4 Intensive Industrial 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 3 parking spaces. (Sections 50-4-131 (1)- Permitted Dimensional Variances and 50-4-121 Approval Criteria) AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional parking variance to establish a Marijuana Grower Facility (MGF) in an existing 9,607 square foot building. Seconded by Board Member Sherman

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

Negative:

DIMENSIONAL VARAINCE GRANTED

9:45 a.m. **CASE NO:** **BSEED SLU2023-00053**

BZA PETITIONER: **JENNIFER GIROUX**

BSEED PETITIONER: **BRIAN HURTTIENNE**

LOCATION: **1429,1435,1437,1441 17th Street & 1426 and 1438 18th Street, between Porter and Bagley in a R2 (Two Family Residential District).**

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: **Jennifer Giroux appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED) Case No.: SLU2023-00053; Decision July 11, 2023; Effective Date July 25 2023) which Approved with Conditions to Construct four separate three-story, five-unit Townhouse buildings on existing vacant land in a R2 Zone (Two Family Residential District). This case is appealed because 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. Roberts made a motion that petitioner has not demonstrated standing under the Aggrieved Person Standard of the Ordinance. Seconded by Board Member Moore**

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

Negative: Mr. Weed

AGGRIEVED PERSON STANDARD NOT MET

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 Sherman seconded this motion which was unanimously carried and the meeting adjourned at 12:00 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp