

BOARD MEMBERS

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Council District 4

Byron Osbern

Council District 5



City of Detroit

Board of Zoning Appeals

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JAMES W. RIBBRON

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BOARD OF ZONING

APPEALS STAFF:

THOMINA DAVIDSON

EXECUTIVE ADMINISTRATIVE

ASSISTANT

APRIL PUROFOY

ZONING INSPECTOR

REGULAR MEETING OF MARCH 24, 2025

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Monday March 24, 2025 by way of Zoom and in person.

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

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) Anthony Sherman, Board Member
- (3) Robert G. Weed, Board Member
- (4) Scotty Boman, Board Member
- (5) Jerry Watson, Board Member
- (6) Elois Moore, Board Member
- (7) Byron Osbern, Board Member
- (8) Robert Roberts, Board Member
- (9) Kimberly Hill Knott, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Weed made a motion to approve the minutes for March 17, 2025 with any corrections.

Affirmative: Mr. Weed, Roberts, Thomas, Boman, Watson
Mrs. 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.

9:15 a.m. CASE NO: 4-25

BZA PETITIONER: HASSAN DAWICHE

LOCATION: 11501 E 7 MILE RD, between Albion and Hoover in an B4 General Business District

LEGAL DESCRIPTION OF PROPERTY: N--E SEVEN MILE RD LOTS 86 THRU 76 SKRZYCKI-KONCZAL SUB L45 P25 PLATS, W C R 17/504 234.96 X 110 COMBINATION OF 17005197-9,17005200-1,17005202-7

PROPOSAL: HASSAN DAWICHE request dimensional variances to Establish a light duty Vehicle Service establishment in an existing 4,645 sq. ft. building APPROVED w/Conditions in BSEED Case No: SLU2023 – 00244; Decision Date: December 13, 2024 – Effective Date: December 27, 2024. 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. *prior to issuance of a building permit, a waiver for the over concentration of similar uses.* 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 spacing variance to establish a Light Duty Vehicle Establishment in an existing 2,250 square foot building. Seconded by Board Member Boman

Affirmative: Mr. Roberts, Thomas, Weed, Boman, Osbern, Watson

Negative: Mr. Sherman
Mrs. Moore, Hill-Knott

DIMENSIONAL VARIANCE GRANTED

9:30 a.m. CASE NO: 76-24

BZA PETITIONER: PARKSTONE DEVELOPMENT PARTNERS

LOCATION: 856 Beard, between W Lafayette and Fisher Freeway in a R2 Two Family Residential District

LEGAL DESCRIPTION OF PROPERTY: upon request

PROPOSAL: Parkstone Development request permission dimensional variances for nonconforming Light Duty Vehicle Repair Establishment (Minor Auto Repair) by adding 850 and 846 Beard to 856 Beard Street. The building square footage has also increased from 1,154 square feet within a 1,246 square foot addition to a total of 2,400 square feet in a R2 zone Two 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. Residential Screening and screening material. Sections 50-4-131 (6) dimensional variances and 50-4-121 Approval Criteria AP

ACTION OF THE BOARD: Mr. Roberts made a motion to Adjourn without date for petitioner to provide an updated site plan. Supported by Board Member Osbern

**Affirmative: Mr. Roberts, Weed, Roberts, Boman, Osbern, Sherman
Mrs. Moore, Hill-Knott**

Negative: Mr. Watson

ADJOURNED WITHOUT DATE

9:45 a.m. CASE NO: 84-24

BZA PETITIONER: LAURA BATIE

LOCATION: 19036 W MCNICHOLS, between Sunderland and Warwick in an B4 General Business District

LEGAL DESCRIPTION OF PROPERTY: N--W MC NICHOLS 204&205 PALMER BLVD OUTER DR SUB L46 P2 PLATS, W C R 22/424 44 X 100

PROPOSAL: Laura Batie requests dimensional variances to Add a 990 sq. ft. Rental Hall to an existing 2,868 sq. ft. building with office space APPROVED w/Conditions in BSEED Case No: SLU2024-00010; Decision Date: September 19, 2024 – Effective Date: October 3, 2024. 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. *per section 50-14-2(3) at time of permit, unless the applicant can provide a recorded, fully executed shared parking agreement with the owner of 19000 W. McNichols, a parking waiver shall be required – 8 spaces required, zero provided; 8 space parking deficiency.* Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria AP

ACTION OF THE BOARD: Mr. Roberts made a motion to Adjourn case until April 14, 2025 for BSEED to check site plan as to whether a parking variance is needed. Supported by Board Member Watson

Affirmative: Mr. Roberts, Weed, Roberts, Boman, Osbern, Sherman, Watson
Mrs. Moore, Hill-Knott

Negative:

ADJOURNED TO APRIL 14, 2025

10:00 a.m. CASE NO: 82-24

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: Parkside at Corktown, LLC represented by Brian Hurttienne request dimensional variances to construct four, separate, three-story townhouse buildings consisting of 18 units on existing vacant land APPROVED w/Conditions in BSEED Case No: SLU2024-00082; Decision Date: November 8, 2024 – Effective Date: November 22, 2024. The subject site is within an R2 Two-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. Deficient front setback (Bldg. A, B C & D) deficient side setback (Bldg. A), deficient rear yard setback (Bldg. B & C), minimum lot area (Bldg. A, B C & D), deficient parking area setback and number of building on a zoning lot. 50-4-131 (6) dimensional variances and 50-4-121 Approval Criteria

ACTION OF THE BOARD: Mr. Boman made a motion to Grant dimensional variances to construct four, separate, three-story townhouse buildings consisting of 18 units on existing vacant land APPROVED w/Conditions in BSEED Case No: SLU2024-00082. Supported by Board Member Watson

Affirmative: Mr. Roberts, Weed, Roberts, Boman, Osbern, Watson, Sherman
Mrs. Moore, Hill-Knott

Negative:

DIMENSIONAL VARIANCE GRANTED

10:15 a.m. CASE NO: BSEED SLU2024-00062

BZA PETITIONER: The Concerned Residents on McNichols Rd of the Detroit Golf Club H.O.A.

BSEED PETITIONER: ATLAS TOWERS 1, LLC

LOCATION: 2201 W. McNichols, between Log Cabin and Inverness in a B4 General Business District.

LEGAL DESCRIPTION OF PROPERTY: S W MCNICHOLS RD 74 THRU 78 N 110 FT OF E 28 FT 217 LOG CABIN HEIGHTS SUB L31 P52 PLATS WCR 8/171 145X110

PROPOSAL: The Concerned Residents on McNichols Rd of the Detroit Golf Club H.O.A. appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED; SLU2024-00062 which Approved with Conditions permission to construct a 75 foot tower to add a Monopole Antenna on the site of an existing business in a B4 zone. 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. Boman made a motion to Reverse the BSEED decision. Supported by Board Member Watson

Affirmative: Mr. Roberts, Weed, Roberts, Boman, Osbern, Watson, Sherman
Mrs. Moore, Hill-Knott

Negative:

BSEED DECISION REVERSED, USE DENIED

9:45 A.M. CASE NO: 50-24 – Council District # 6

BZA PETITIONER: TIMOTHY FLINTOFF/1530 BAGLEY DEVELOPMENT, LLC

LOCATION: 1530 BAGLEY, aka 1530-1550 Bagley between Trumbull and 10th in an R3 District (Low Density Residential District).

LEGAL DESCRIPTION OF PROPERTY: Lots 10 and 11, Block 77 of Woodbridge Farm, as recorded in Liber 1 of Plats page 146 and 147 of WCR.

PROPOSAL: Timothy Flintoff request is requesting Relief From Hardship to establish a 11,903 sq ft building with 10 residential units with total sq ft of 11288 sq ft and one commercial space with 615 sq. ft . A public hearing at the Board of Zoning Appeals shall be required; Any applicant for development may file a hardship relief petition with the Buildings, Safety Engineering, and Environmental Department which seeks relief from any regulations in this chapter on the basis that the denial of the application has deprived the applicant of all reasonable use of such applicant's property. A hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City may provide the petitioner with relief from applicable zoning regulations Sections: 50-4-151. - Deprivation of use of property, 50-4-153. - Denial of all reasonable economic use standard, 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 and 50-4-197. - Additional forms of relief. AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant the Hardship Relief Petition. Supported by Board Member Osbern

Affirmative: Mr. Watson, Weed, Boman, Osbern, Thomas, Sherman
Mrs. Moore, Hill-Knott

Negative: Mr. Roberts

HARDSHIP RELIEF PETITION GRANTED

Mr. Roberts made a motion to Grant dimensional variances establish a 11,903 sq ft building with 10 residential units with total sq ft of 11288 sq ft and one commercial space with 615 sq. Ft. Supported by Board Member Boman

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

Negative:

DIMENSIONAL VARIANCE GRANTED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE

There being no further business to be transacted, Board Member Boman motioned that the meeting be adjourned. Board Member Osbern seconded this motion which was unanimously carried and the meeting adjourned at 1:55 P.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to be 'JWR', written in a cursive style.

JAMES W. RIBBRON
DIRECTOR

JWR/atp