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**REGULAR MEETING OF OCTOBER 30, 2018
IN THE ERMA L. HENDERSON AUDITORIUM
ON THE 13TH FLOOR
COLEMAN A. YOUNG MUNICIPAL CENTER**

DOCKET

- I. OPENING:**
 - A. CALL TO ORDER.....9:00 A.M.**
 - B. ROLL CALL.....**
- II. PROCEDURAL MATTERS**
- III. MINUTES:**
 - A. APPROVAL OF MINUTES: October 16, 2018**
- IV. COMMUNICATIONS:**
- V. MISCELLANEOUS BUSINESS:**
- VI. PUBLIC HEARINGS:**

9:15 a.m. CASE NO.: 98-17 (aka BSEED 25-17)

APPLICANT: RANDY SHABE / THE HERBAL CENTRE

LOCATION: 14325 WYOMING Between: Lyndon St and Intervale St in a M4 Zone (Intensive Industrial District) – Council District #7

LEGAL DESCRIPTION OF PROPERTY: W WYOMING 284 ASSESSORS DETROIT PLAT NO 20 L74 P28 PLATS, W C R 16/469 27,922 SQ FTG

PROPOSAL: Randy Shabe / The Herbal Centre requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in a 1,277 square foot portion of an existing two-story 27,306 square foot building which was APPROVED with conditions in (BSEED 25-17) in an M4 zone (Intensive Industrial District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use or a Religious Institution. The proposed use is within 1,000 radial feet of one (1) Controlled Use: (Leaf Zone MMCC) located 381’ feet away at 14445 Wyoming Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria).AP

This Meeting is open to all members of the public under Michigan’s Open Meetings Act

OCTOBER 30, 2018
DOCKET CONTINUED

10:00 a.m.

CASE NO.: 104-17

APPLICANT: CARLOS RICHARDS

LOCATION: 8100 LYNDON ST Between: Roselawn St and Greenlawn St in a M2 Zone (Restricted Industrial District). – Council District #7

LEGAL DESCRIPTION OF PROPERTY: N LYNDON 679 THRU 683 OAKFORD SUB L35 P56 PLATS, WCR 16/246 103.80 X 100

PROPOSAL: Carlos Richards appeals the decision of the Buildings Safety Engineering and Environmental Department’s Correction Order dated May 15, 2017 & May 18, 2017, which states; “your application to establish a Medical marihuana Caregiver Center has been DENIED because the location is within a “Drug Free Zone” and “pursuant to your letter stating that this department [BSEED] made a Drug Free Zone determination in error, we respectfully disagree with your findings”, in a M2 zone (Restricted Industrial 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. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed. Also, the proposed MMCC located at 8100 Lydon has been identified as being in a Drug Free Zone (DFZ) based on its proximity to the Clinton Park/Playground located at 8145 Chalfonte found on page 86 and 112 of the 2017 Parks and Recreation Improvement Plan. Therefore, because 8100 Lyndon is approximately 890 feet from (Clinton Park/Playground), it (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).AP

10:45 a.m.

CASE NO.: 105-17 (aka BSEED 46-16)

APPLICANT: STUART CARTER / UTOPIA GARDENS

LOCATION: 4400 OAKMAN BLVD. Between: Grand River Ave and W. Chicago Blvd. in a M2 Zone (Restricted Industrial District). – Council District #7

LEGAL DESCRIPTION OF PROPERTY: W OAKMAN BLVD 82 THRU 79 AND VAC ALLEY ADJ ROBT OAKMAN LAND COS GRAND RIVER & OAKMAN HWY RESUB L58 P7 PLATS, WCR 18/447 ALSO THAT PT OF 25 THRU 28 LYG W & ADJ THERETO MAPLEGROVE SUB L24 P61 PLATS, WCR 18/389 33,258 SQ FT

PROPOSAL: Stuart Carter/Utopia Gardens requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 9,762 square foot building (basement and first floor) which was APPROVED conditionally in (BSEED 59-16) and in a M2 Zone (Restricted Industrial District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet of four (4) Religious Institutions: Detroit Baptist Temple located at 4320 Oakman – 331’ away, Great Faith Ministries located at 10735 Grand River – 510’ ft. away, Strictly Biblical Bible Teaching located at 10709 Grand River located at 560’ ft. away and Thy Kingdom Come COGIC located at 8333 Plymouth – 800’ ft. away. Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria).AP

11:30 a.m.

CASE NO.: 106-17 (aka BSEED 121-16)

APPLICANT: STEPHANIE STEPHEN / THE TREE HOUSE CLUB

LOCATION: 10325 W EIGHT MILE RD Between: Birwood St and Griggs St in a B2 Zone (local business & Residential District). – Council District #2

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE ROAD 11 GRAND PARK SUB L42 P16 PLATS, W C R 16/404 20 X 100

PROPOSAL: Stephanie Stephen / The Tree House Club requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in a 605 square foot building which was APPROVED with conditions in (BSEED 121-16) in a B2 zone (Local Business & Residential District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use or a Religious Institution. The proposed use is within 1,000 radial feet of one (1) Controlled Use Full Basket Liquor) located at 10345 W. Eight Mile – 63’ ft. away and one (1) Religious Institutions (Detroit Ecclesiastic Bible) located at 20501 Wyoming Ave. – 900’ ft. away. Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria).AP

- VII. PUBLIC COMMENT / NEW BUSINESS
Next Hearing Date: November 13, 2018
- VIII. ADVISEMENTS / OLD BUSINESS
- IX. MEETING ADJOURNED