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REGULAR MEETING OF

MARCH 5, 2019

IN THE ERMA L. HENDERSON AUDITORIUM

ON THE 13TH FLOOR

DOCKET

I. OPENING:

A. CALL TO ORDER.....9:00 A.M.

B. ROLL CALL.....

II. PROCEDURAL MATTERS

III. MINUTES:

A. APPROVAL OF MINUTES: FEBRUARY 26, 2019

IV. COMMUNICATIONS:

V. MISCELLANEOUS BUSINESS:

VI. PUBLIC HEARINGS:

9:15 a.m. CASE NO.: 5-19

APPLICANT: BRIAN HURTTIENNE

LOCATION: 7250 Mack (aka 7200 Mack) Between: E. Grand Blvd. and Field in an R5 Zone (Medium Density Residential District) – Council District # 6

LEGAL DESCRIPTION OF PROPERTY: S MACK N 382.15 FT OF W 355.20 FT LYG E OF & ADJ BOULEVARD P C 678 S OF MACK AVE 15/31 355.20 X 382.15

PROPOSAL: Brian Hurtienne request to construct a Mixed Use Development with Townhouses (17 units), Multi-Family Dwelling (21 units) and Medical Office (3,000 sq. ft) with accessory parking (By-Right) (Approved w/conditions in BSEED PLN-8582 SPR2019-00001) in an R5 Zone (Medium Density Residential District). This case is appealed because the Board of Zoning Appeals shall be authorized to hear dimensional variance requests for matters that are beyond the scope of Buildings and Safety Engineering Department ten percent (10%) administrative adjustments; Multiple Family Dwelling, Bldg. A: Front and Side yard setbacks, Townhouses attached and Building B: Front Yard Setbacks. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-13-13. Intensity and dimensional standards, Sec. 61-8-40. Conditional residential uses and 61-4-81 Approval Criteria).AP

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

10:00 a.m.

CASE NO.: 72-18 (aka BSEED 43-18)

APPLICANT: JAWAD SALAYTAH

LOCATION: 20181 Van Dyke Between: Savage and Milbank in a B4 zone (General Business District) – Council District # 3

LEGAL DESCRIPTION OF PROPERTY: W VAN DYKE 105 THRU 107 EXC VAN DYKE AVE AS WD BASE LINE SUB L45 P82 PLATS, W C R 15/258 60 X 93.32A

PROPOSAL: Jawad Salaytah requests to reverse the decision of Building, Safety, Engineering and Environmental Department (BSEED) in (BSEED Case 43-18) DENYING permission the establishment of a Motor Vehicle Washing and Steam Cleaning Facility (Hand Car Wash) in an existing 1,220 square foot building in a B4 Zone (General Business District). This case is appealed because the appeals of the Buildings and Safety Engineering Department on Conditional Use permit applications shall be taken to the Board of Zoning Appeals within fourteen (14) days of the date of the department’s decision, also, 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. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-141 Zoning Grant Modifications, 61-12-216. Motor vehicle washing and steam cleaning, and 61-3-231 General Approval Criteria).AP

10:45 a.m.

CASE NO.: 75-18

APPLICANT: ARBOR WELLNESS AND SOLUTIONS, LLC

LOCATION: 16703 Mack Between: Bishop and Yorkshire in a B4 zone (General Business District) City Council District #4

LEGAL DESCRIPTION OF PROPERTY: N MACK 125 & 126 EXC MACK AVE AS WD GROSSE POINTE VIEW SUB L48 P35 PLATS, W C R 21/717 40.29 IRREG

PROPOSAL: Arbor Wellness and Solutions, LLC appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (PIN: 21001480) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing building located at 17611 Mack Ave in a B4 zone (General Business 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. Also, no Conditional Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, unless each of the general findings of Section 61-3-231 are made; the proposed MMPCF site is located within 872.8 feet of a “DRUG FREE ZONE” known as St. Clare of Montefalco Catholic School located at 16231 Charlevoix, Grosse Pointe, Park, Mi. 48230. (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, Sec. 61-3-355 (b) (1). Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions and 61-3-231 General Approval Criteria). AP

11:30 a.m.

- CASE NO.:** 116-16 (aka BSEED 23-16) – REMANDED BACK BY CIRCUIT COURT (Adjourned by BZA on December 4, 2018 & January 29, 2019)
- APPLICANT:** BAMBOO MEDICAL, INC. #3 / DINA HAMZE
- LOCATION:** 14846 W. Seven Mile Rd. Between: Robson and Lauder in an B4 Zone (General Business District) Council District #2
- LEGAL DESCRIPTION OF PROPERTY:** LOTS 615-624 EXCLUDING SEVEN MILE ROAD AS WIDENED, SAN BERNANDO PARK SUBDIVISION NO 2, LIBER 52, PAGE 28, PLATS W.C.R. 240 X 86.08 (PIN 22017317-26)
- PROPOSAL:** Bamboo Medical, Inc #3 / Dina Hamze requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 1,078 square foot unit of an existing eight unit, approximate 10,080 square foot building APPROVED in (BSEED 23-16) in a B4 zone (General Business 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 three (3) other Controlled Uses located at 14701 W. Seven Mile Rd. – Omni Party Store – 174’ away, 15025 W. Seven Mile Rd. – Savon Foods – 208’ away and 15215 W. Seven Mile Rd. – Atty’s Parti Expo – 862’ 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; remanded from Circuit Court for a further de novo hearing to introduce all issues and evidence that they [Appellant] consider relevant at the remanded hearing to clarify the non-exhaustive list of issues for the BZA. (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 and 61-4-81 Approval Criteria).AP

- VII. **PUBLIC COMMENT / NEW BUSINESS**
Next Hearing Date: March 12, 2019
- VIII. **ADVISEMENTS / OLD BUSINESS**
- IX. **MEETING ADJOURNED**

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the Civil Rights, Inclusion and Opportunity Department at [\(313\) 224-4950](tel:3132244950), through the TTY number 711, or email at crio@detroitmi.gov to schedule these services.