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Director

**City of Detroit
Board of Zoning Appeals
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**PLEASE NOTE
LOCATION OF
HEARING HAS
CHANGED**

**REGULAR MEETING OF
NOVEMBER 19, 2019
BOARD OF ZONING APPEAL'S
ON THE 2ND FLOOR, SUITE 212
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: November 12, 2019**

IV. COMMUNICATIONS:

V. MISCELLANEOUS BUSINESS:

VI. PUBLIC HEARINGS:

9:15 a.m. CASE NO.: 74-19

APPLICANT: TANYA SALDIVARE-ALI/AGI CONSTRUCTION, LLC

LOCATION: 1326 18th Street between Porter St and Howard St in a R2 Zone (Two-Family Residential District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: E 18TH N 26 FT 134 SUB OF P C 473 L47 P558-9 DEEDS, W C R 10/8 26 X 134

PROPOSAL: Tanya Saldivare – Ali/AGI Construction, LLC request permission to re-establish a non-conforming vacant retail use to construct new a non-conforming 3-story office use on a 3134 sq. ft. lot in a R2 (Two-Density Residential District). This case is appealed because a public hearing at the Board of Zoning Appeals shall be required in any instance that involves the expansion or intensification of a nonconforming use, subject to the provisions of Sec. 50-15-27 of this Code. (Sections 50-15-7 Board of Zoning Appeals, 15-15-30. Change of nonconforming use to other nonconforming use and 50-15-27 Required Findings).AP

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

10:00 a.m. **CASE NO.:** 73-19 (aka BSEED SLU2019-00007)
APPLICANT: ABDULMALIK ALHARTAKI
LOCATION: 16980 W. Warren between Clayburn and Rutland in a B4 zone (General Business District).-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: N WARREN 807 THRU 802 WEST WARREN PARK SUB L50 P6 PLATS, W C R 22/249 125 X 100

PROPOSAL: Abdulmalik Alhartaki appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2019-00007) which DENIED the site plan for the proposed intensification of the current use Minor Motor Vehicle Repair from three (3) service bays to seven (7) service bays on a 12,500 square foot lot in a 3,670 square foot building in a B4 zone (General Business District). This case is appealed because 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, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department; site plan denied; did not meet the site plan requirements (see BSEED letter dated February 8, 2019). (Sections 50-4-101 Jurisdiction Over Appeals of Administrative Decisions and 50-3-151 thru 50-3-187 Approval Criteria).AP

10:45 a.m. **CASE NO.:** 75-19 (aka BSEED 117-02)
APPLICANT: JIHAD NASSAR
LOCATION: 5996 Woodward between Harper Ave. and Edsel Ford Service Dr. in a B4 (General Business District).-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD 3 THRU 1 EXC WOODWARD AS WD HARPER HOSPITAL L6 P43 PLATS, W C R 1/90 150.22 IRREG

PURPOSAL: Jihad Nassar requests to modify conditions for BSEED 117-02 which established Motor Vehicle Filling Station with Carry-out Restaurant APPROVED w/ Conditions in a B4 Zone (General Business 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 and for a variance from the required location of off-street parking facilities or the amount of off-street parking facilities required, or both, where, after investigation by the Board, it is found that such modification is necessary to secure an appropriate development of a specific parcel of land, provided, that any such modification will not be inconsistent with other requirements and general purpose of this Zoning Ordinance; all landscaped areas be properly maintained and watered. Off-street parking shall be provided with a pavement having an asphaltic or Portland cement binder. A landscaping belt, 5 feet in width shall be installed along the Woodward and Harper Ave. property line except where across from approved driveways and separated from paved access by a six-inch curbing to protect the plant material – petitioner seeking waiver for landscaping and screening. (Sections 50-4-131 Permitted dimensional variances, 50-4-129 Variances In General and 50-4-121 Approval Criteria.)AP

11:30 a.m. CASE NO.: BSEED SLU2019-00094 – COMMUNITY APPEAL

APPLICANT: CHURCH OF OUR FATHER BAPTIST C/O PASTOR BURNARD BYLES

LOCATION: 4809 E. Seven Mile Rd. between Healy and Lamont in a B4 (General Business District).-City Council District #3

LEGAL DESCRIPTION OF PROPERTY: N SEVEN MILE ROAD 80 81 82 DONDEROS L38 P43 PLATS, W C R 13/268 93 X 100

PURPOSAL: Church of Our Father Baptist c/o Pastor Burnard Byles appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED SLU2019-00094) which (Approved with Conditions) permission TO ADD BSEED a Specially Designated Distributor’s (SDD) license (Carry-Out Sale of Liquor for off-premise consumption) to an existing SDM establishment (Carry-out Sale of Beer & Wine for off-premise consumption) in an existing 5,415 square foot building in an B4 (General Business 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 50-3-381 General Approval Criteria (Community Appeals)).AP

- VII. **PUBLIC COMMENT / NEW BUSINESS**
Next Hearing Date: November 26, 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, through the TTY number 711, or email at crio@detroitmi.gov to schedule these services.