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**REGULAR MEETING OF**  
**MAY 11, 2021**

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: 83992865544

**If You Are Joining By Web The Link Is:**  
<https://cityofdetroit.zoom.us/j/83992865544>

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

**DOCKET**

- I. OPENING:**
  - A. CALL TO ORDER.....9:00 A.M.**
  - B. ROLL CALL.....**
- II. PROCEDURAL MATTERS –**
- III. MINUTES:**
  - A. APPROVAL OF MINUTES: April 27, 2021**
- IV. COMMUNICATIONS:**
- V. MISCELLANEOUS BUSINESS:**
- VI. PUBLIC HEARING**

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](mailto:crio@detroitmi.gov) to schedule these services.

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

9:15 a.m. **CASE NO.:** 3-21

**APPLICANT:** TONJA STAPLETON WITH PARKSTONE DEVELOPMENT

**LOCATION:** 5875 W. Vernor between Calvary and Campbell in a B4 (General Business District - TMSO)- City Council District #6

**LEGAL DESCRIPTION OF PROPERTY:** S VERNOR HWY W 19 FT 946 FIFTH PLAT SUB L20 P18 PLATS, W C R 16/36 947 E 18 FT 948 FOURTH PLAT SUB L19 P57 PLATS, W C R 16/27 62 X 125

**PROPOSAL:** Tonja Stapleton with Parkstone Development is requesting to re-establish an accessory, nonconforming Drive-Through. Per BSEED, the current legal use is "Bakery" (permit# 21852 on 1/22/1976). The applicant provided permits which included the Drive-Through use. Permit 89472 was established in 1957 to construct a Retail Dairy Drive-In. Permit 51806 was established in 1964 to construct an addition to the existing Dairy Drive-In. The existing building is located within a B4 (General Business) zoning district. The case is appealed because the existing building is approximately 1,696 square feet in area. The existing building and parking lot are located within the Vernor-Springwells Traditional Main Street Overlay (TMSO) district and the Southwest/Vernor P&DD Project Planning area in a B4 (General Business District - TMSO). As specified in Section 50-15-31 of this Code, abandoned nonconforming uses may not be re-established, provided, that certain nonconforming uses may present sufficiently beneficial attributes to the community that they merit consideration for re-establishment as exceptions to this prohibition. Such consideration by the Board of Zoning Appeals would only apply in instances where the property of an abandoned land use had never been reoccupied for a different conforming or nonconforming use. – 50-14-114-Off Street Loading-Retail, service and commercial; Per the Zoning Ordinance, for retail uses 1,600 to 10,00 square feet of gross floor area; one 12' X 35' loading space is required. Per the site plan, no loading has been provided. The petitioner would need to obtain a dimensional variance to provide a smaller loading space that maintains adequate circulation at the site, reduce the number of provided parking spaces or request that the Board provide a dimensional variance of this development standard. Sec. 50-14-437-Traditional Main Street Overlay District-Building Design Standards—Drive-up and Drive-Through facilities; Per the Zoning Ordinance, Drive-up and drive-through facilities (including, but not limited to, restaurants and banks) are prohibited on zoning lots abutting a Traditional Main Street except where the Planning and Development Department determines that the proposed development complies with all of the other requirements of the Traditional Main Street standards and is allowed by the underlying zoning designation; Per the site plan, the existing entry door is located on the west elevation at the northwest corner of the building and is directly accessible from the Traditional Main Street. The entry door is proposed to be relocated closer to the center of the building on the west elevation and is not located on the Traditional Main Street. The proposed site plan is not in compliance with this design standard. P&DD cannot make the determination that all of the other requirements of the Traditional Main Street have been met. The proposed drive-through does not qualify to be re-established, as all of the requirements of the Traditional Main Street have not been met. The petitioner will need to obtain a variance of this design standard from the Board in order to come into compliance. Sec. 50-14-439(b) (2) - Traditional Main Street Overlay District-Building Design Standards-Entryways; Per the Zoning Ordinance, All buildings facing a Traditional Main Street shall have a minimum of one active entryway located on the façade facing the Traditional Main Street; Per the site plan, Per the site plan, the existing entry door is located on the west elevation at the northwest corner of the building and is directly accessible from the Traditional Main Street. The entry door is proposed to be relocated closer to the center of the building on the west elevation and is not located on the Traditional Main Street. The petitioner will need to obtain a variance from the Board in order to come into compliance. 50-14-202-Minimum number of Vehicle Stacking space; Per the Zoning Ordinance, 10 total stacking spaces are required for restaurants with drive-through (6 from the center of the order box and 4 from the center of the window); Per the site plan, five stacking spaces have been provided from the center of the order box. This is deficient by one stacking space. Three stacking spaces have been provided to the center of the pick-up window, this is deficient by one stacking space. The site plan is deficient by 2 stacking spaces. The petitioner will need to obtain a dimensional variance for this development standard. (Sections 50-15-7 - Board of Zoning Appeals, 50-15-28. - Eligibility for re-establishment and 50-15-27. - Required findings.) AP

10:15 a.m. **CASE NO.:** 4-21 aka BSEED SLU2020-00100-Adjourned February 16, 2021

**APPLICANT:** Frank Simon Salama

**LOCATION:** 19830 W. Seven Mile between Plainview and Evergreen in a B4 zone (General Business District)-City Council District #1

**LEGAL DESCRIPTION OF PROPERTY: N W SEVEN MILE 53 THRU 62EVERGREEN PARK L57 P68 PLATS, W C R 22/351 203X90**

**PROPOSAL:** Frank Simon Salama appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2019-00007) which DENIED the Construction of a 2,475 square foot building on a vacant 20,300 square foot site to accommodate a Motor Vehicle Filling Station ((Adjourned February 16, 2021) 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, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department; A) That at the time of inspection, the subject property was in violation of several property maintenance codes including excessive overgrown vegetation and weeds, trash, debris and solid waste onsite, repair to chained-linked perimeter fencing around premises and over \$1,000 in outstanding fees, thus the proposed land use may be detrimental to or endanger the social, physical, environmental or economic well-being of surrounding neighborhoods, or aggravate any preexisting physical, social or economic deterioration of the surrounding neighborhood. B) That there are bus stops located on W. Seven Mile Rd. and Evergreen, which many children use to Henry Ford High school. By establishing a motor vehicle filling station may not be compatible with the capacities of public services and public facilities that are affected by the proposed use. (Sections 50-4-101 Jurisdiction Over Appeals of Administrative Decisions and 50-3-171 thru 50-3-281- General Approval Criteria.) AP

11:15 a.m. **CASE NO.:** 34-20 – Adjourned from January 26, 2021

**APPLICANT:** INTEGRITY BUILDING GROUP / JOHN P. BIGGAR

**LOCATION:** 1441 Brooklyn Street between Porter and Labrosse in a R3 Zone (Low Density Residential District)-City Council District #6

**LEGAL DESCRIPTION OF PROPERTY: W BROOKLYN S 80 FT 1 BLK 60 COL D BAKER L17 P272-3 DEEDS, W C R 6/11 80 X 50 SPLIT ON 06/12/2017 06005352-6**

**PROPOSAL:** Integrity Building Group - John P. Biggar request to change from one nonconforming use to another nonconforming use. The current nonconforming legal use is Factory with accessory parking across Brooklyn St. The proposed nonconforming use is Commercial Office with accessory parking across Brooklyn St. The existing building is approximately 20,175 square feet in area. The petitioner obtained a Certificate of Appropriateness on July 14th, 2020 from the Historic District Commission for changes to the exterior of the building. The existing building and parking lot are located within the Corktown Historic District and are within the Greater Corktown Project Planning area in an R3 Zone (Low Density Residential District). This case is appeals because a nonconforming use may be changed to another nonconforming use only where reviewed and approved by the Board of Zoning Appeals in accordance with the procedures that are specified in Section 50-2-67 of this Code, except, that a nonconforming use may not be changed to any of the following: (b) Except for the ten items prohibited above, the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. Where a change in use is approved, the Board of Zoning Appeals shall be authorized to impose conditions that the Body deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this chapter. Any condition that is imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact: Sec. 50-14-342(2)(a)-Residential Screening - Per the Zoning Ordinance, parking that is adjacent to residentially zoned land not containing a residential structure requires an opaque screen wall 4-6' in height, and a landscaped 5' buffer; Per the site plan, there is an existing approximately 6' tall wrought iron fence and no setback on the eastern property line of the parking lot, which the petitioner would like to keep as residential screening. Planning & Development may approve alternative materials used for screening, but not the opacity. In order to come into compliance, the petitioner must request a variance of this development standard; Per the site plan, the north property line is adjacent to a non-residential structure zoned R3. There is an existing cyclone fence and no landscaped setback has been provided. The petitioner is proposing a decorative wrought iron fence that is 6' in height and no landscaped 5' buffer. This is deficient opacity and a 5' landscaped setback. In order to come into compliance, the petitioner must request a variance of these development standards and Sec. 50-14-52-Off-Street Parking: Per the Zoning Ordinance, based on 20,175 gross square feet of Office, 50 off-street parking spaces are required; Per the site plan, 26 spaces have been provided. This is 24 spaces deficient. In order to come into compliance, the petitioner will need to request a parking variance for the deficient parking spaces. (Sections 50-15-7 - Board of Zoning Appeals and 50-15-30 (b) - Change of nonconforming use to other nonconforming use: (b) the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use).AP

**VII. PUBLIC COMMENT / NEW BUSINESS**

Next Hearing Date: May 18, 2021

**VIII. ADVISEMENTS / OLD BUSINESS**

**IX. MEETING ADJOURNED**