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City of Detroit
Board of Zoning Appeals
Coleman A. Young Municipal Center
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Detroit, Michigan 48226
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REGULAR MEETING OF MARCH 27, 2023

JAMES W. RIBBRON

Director

BOARD OF ZONING APPEALS STAFF:

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

Pursuant to the City of Detroit Health Department Emergency Epidemic Order in Response to the COVID-19 Pandemic Per MCL 333.2453, Declaration of Continued Emergency Due to COVID-19, to Extend Remote Public Access to Open Meetings and Prohibit Gatherings at Meetings that Risk the Personal Health and Safety of Members of the Public and Public Bodies, effective from January 1, 2022 to March 31, 2022, the City of Detroit, Board of Zoning Appeals (BZA) will be:

IN-PERSON IN THE ERMA L. HENDERSON AUDITORIUM ON THE 13TH FLOOR, OF THE COLEMAN A. YOUNG MUNICIPAL CENTER, 2 WOODWARD AVE., DETROIT, MI 48226

VIRTUAL ATTENDANCE IS STRONGLY ENCOURAGED.

As pursuant to public health guidelines, the meeting room will be subject to space limitations, and there are NO additional opportunities for public viewing within the building. For the safety of attendees and participants, it is recommended that the public participate by means of one of the methods listed below:

1. In person. Please be advised due to COVID restrictions the space is limited to 15 people. Petitioners will be given first preference. Once the limit is reached you will not be allowed to enter the building.
2. The Board of Zoning Appeals Hearings may be viewed in the following manner.

Join Zoom Meeting

<https://cityofdetroit.zoom.us/j/84422726457>

Meeting ID: 844 2272 6457

Dial by your location

- +1 267 831 0333 US (Philadelphia)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 213 338 8477 US (Los Angeles)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

PUBLIC COMMENT ZOOM / IN-PERSON MEETINGS:

Public Comment Zoom:

1. Telephone participants: Raise your hand by pressing *9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
 - a. Windows computer = [ALT] + [Y]
 - b. Apple computers = [OPTION] + [Y]

Public Comment In-Person:

- You will be called on in the order in which your hand is raised, a public comment sign-in card will be issued.
- All time limits set by the meeting Chair will still be enforced
- Any hands raised after the Chair ends submission of public comments, will not be able to speak at the meeting

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the BZA Office **IN ADVANCE OF THE HEARING:**

<https://app.smartsheet.com/b/form/f8a9187464f4464689094092a1952bc8>

(You can also email the department at the link below for the smartsheet link)
via smartsheet, or email to BOARDOFZONING@DETROITMI.GOV for the record.

PLEASE SEE THE LINK BELOW TO REVIEW THE BOARD OF ZONING APPEALS CALENDARS:

<https://detroitmi.gov/government/boards/board-zoning-appeals/board-zoning-appeals-meetings>

MARCH 27, 2023
DOCKET CONTINUED

DOCKET

I. OPENING:

- A. CALL TO ORDER.....9:00 A.M.**
- B. ROLL CALL**

II. PROCEDURAL MATTERS:

III. MINUTES:

- A. APPROVAL OF MINUTES: March 20, 2023**

IV. COMMUNICATIONS:

V. MISCELLANEOUS BUSINESS:

VI. PUBLIC HEARING

9:15 a.m. CASE NO.: 08-23

APPLICANT: Power 2 LLC

LOCATION: 20232 Livernois between 8 Mile Rd. and Chippewa in an B2 (Local Business and Residential District)-City Council District #2

LEGAL DESCRIPTION OF PROPERTY: E LIVERNOIS 76 THRU 81 EXC LIVERNOIS AVE AS WD GREENACRES SUB L39 P13 PLATS, W C R 2/149 135 X 73.78

PROPOSAL: Power 2 LLC is requesting dimensional (parking) variance to establish a Standard Restaurant with the sale of beer or alcoholic liquor for consumption on the premises in an existing one story approximately 4,650 square foot building APPROVED w/ Conditions in BSEED Case No. SLU2022-00079: Decision Date: January 6, 2023, and Effective Date: January 10, 2023. The subject site is within an B2 Local Business and 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 parking. (Sections 50-4-131 (1)- Permitted dimensional variances and 50-4-121 Approval Criteria.).AP

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.

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

MARCH 27, 2023
DOCKET CONTINUED

9:45 a.m. **CASE NO.:** 09-23

APPLICANT: Brenda Hudgins

LOCATION: 2229 Lamothe between 14th and LaSalle in an R1 (Single-Family Residential District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: S LAMOTHE 336 LA SALLE GARDENS SUB L25 P100 PLATS, W C R 10/66 35 X 200

PROPOSAL: Brenda Hudgins is requesting waiver of development standard: Per (Sec. 50-14-286) - Location of off-street parking on land zoned R1 and R2 for a driveway – Single Family Dwelling. The subject site is within an R1 Single-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. (1) In the R1 and R2 Districts, off-street parking of operable private passenger vehicles on zoning lots that contain single-family or two-family dwellings shall be permitted only: a. In garages; b. On approved parking areas in the rear yard as specified in Subsection (3) of this section; or c. On approved driveways as defined in Section 50-16-172 of this Code, in only one side yard and the continuation of that side yard into the front yard to the property line. Parking area is proposed in the front yard. (Sections 50-4-131 (1)- Permitted dimensional variances and 50-4-121 Approval Criteria.).AP

10:15 a.m. **CASE NO.:** BSEED SLU2021-00077- Adjourned from April 19, 2022

APPLICANT: Vanessa Peake

LOCATION: 19460 Mt. Elliott between Emery and E. Lantz in a M4 (Intensive Industrial District)-City Council District #7

LEGAL DESCRIPTION OF PROPERTY: E MT ELLIOTT N 200 FT OF THAT PT OF N E 1/4 OF S W 1/4 OF SEC 4 T 1 S R 12 E LYG S OF LANTZ AVE BETWEEN MT ELLIOTT AVE & M C R R R/W 15/-- 122.734 SQ FT

PROPOSAL: Vanessa Peake appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED) Case No.: SLU2021-00077 effective date of decision January 20, 2022) which (Approved with Conditions) to establish a Marijuana Grower Facility (MGF) in an existing 71,179 square foot building in a M4 (Intensive Industrial District). 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

- VII. **Public Comment / New Business**
Next Hearing Date: April 3, 2023
- VIII. **ADVISEMENTS / OLD BUSINESS**
- IX. **MEETING ADJOURNED**