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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
JUNE 12, 2023

JAMES W. RIBBRON

Director

BOARD OF ZONING APPEALS STAFF:

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

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.

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)
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- +1 213 338 8477 US (Los Angeles)
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- +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>

DOCKET

I. OPENING:

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

II. PROCEDURAL MATTERS:

III. MINUTES:

- A. APPROVAL OF MINUTES: May 22, 2023**

IV. COMMUNICATIONS:

V. MISCELLANEOUS BUSINESS:

VI. PUBLIC HEARING

9:15 a.m. CASE NO: 22-23

BZA PETITIONER: BENJAMIN NEWMAN

LOCATION: 1815 Church, between 11th St. and Rosa Parks Blvd. in an R2 Two-Family Residential District.

LEGAL DESCRIPTION OF PROPERTY: S CHURCH 4 BLK 3 LUTHER BEECHERS SUB L2 P27 PLATS, W C R 8/19 33 X 131.12

PROPOSAL: Benjamin Newman, is requesting to construct an Accessory Dwelling for a Residential unit located at 1815 Church Street. The subject site is within an R2 Two-Family Residential District. The subject site is within an B4 General Business 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. Excessive Lot Coverage, Excessive lot size, excessive height and more than one building on a zoning lot. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria).

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

**JUNE 12, 2023
DOCKET CONTINUED**

9:30 a.m. CASE NO: 23-23

BZA PETITIONER: PHIL AIELLO

LOCATION: 3400 MICHIGAN, between Butternut and Risdon in an B4 District. General Business District.

LEGAL DESCRIPTION OF PROPERTY: N MICHIGAN AVE 77 & 78 EXC MICHIGAN AVE AS WD J W JOHNSTONS SUB L1 P32&33 PLATS W C R 12/42 84.90 IRREG R 45.95 61.0 51.76

PROPOSAL: Phil Aiello is requesting to establish a Small Distillery or Winery (outside the Central Business district) in an existing 3,322 square foot building, APPROVED w/Conditions in BSEED SLU2022-00115; Decision Date: March 23, 2323; Effective Date: April 6, 2023. The subject site is within an B4 General Business 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. *The applicant shall submit a duly executed and recorded shared parking agreement or District Parking Plan that has been approved by the Planning & Development Department, otherwise a parking waiver shall be required from the Board of Zoning Appeals for the deficient nine off-street parking spaces prior to permit. (Sections 50-4-131 (1)- Permitted dimensional variances and 50-4-121 Approval Criteria).*

9:45 a.m. CASE NO: BSEED SLU2023-00014 (COMMUNITY APPEAL)

BZA PETITIONER: VANESSA PEAKE

LOCATION: 19347 Mt. Elliott, between Emery and E. Lantz in an M2 Restricted Industrial District.

LEGAL DESCRIPTION OF PROPERTY: W MT ELLIOTT 47-46 GEO J KOLOWICH L46 P45 PLATS, W C R 13/287 40 X 124.51

PROPOSAL: Vanessa Peake appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED) Case No.: SLU2023-00014: Decision Date April 12, 2023; effective April 26, 2023) which (Approved with Conditions) to Establish a Marijuana Retail/Provisioning Facility (MRPF) and Designated Marijuana Consumption Establishment (DMCE) in an existing 1,500 square foot building in an M2 Restricted 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))

VII. Public Comment / New Business

Next Hearing Date: June 26, 2023

VIII. ADVISEMENTS / OLD BUSINESS

IX. MEETING ADJOURNED