

BOARD MEMBERS

Robert E. Thomas

Chairperson
Council District 5

Jerry Watson

Vice Chairperson
Council District 6

Robert G. Weed

Council District 1

Kimberly Hill Knott

Council District 2

Elois Moore

Council District 3

Robert Roberts

Council District 4

Anthony Sherman

Council District 7



**City of Detroit
Board of Zoning Appeals
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 212
Detroit, Michigan 48226
Phone: (313) 224-3595
Fax: (313) 224-4597
Email: boardofzoning@detroitmi.gov**

JAMES W. RIBBRON

Director

**BOARD OF ZONING
APPEALS STAFF:**

THOMINA DAVIDSON
APRIL PUROFOY
DEJA SAMMONS

**REGULAR MEETING OF
AUGUST 14, 2023**

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: 84422726457

If You Are Joining By Web The Link Is:

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

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: July 31, 2023**

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 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:** 36-23

BZA PETITIONER: JAVIER CALZADA-VEGA

LOCATION: 5630-36 PLUMER, between Junction and McKinstry in an R3 Low Density Residential District.

LEGAL DESCRIPTION OF PROPERTY: N PLUMER 83 BRUSHES SUB L14 P83 PLATS, WCR 16/59 30 X 103 COMBINED ON 12/01/2022 WITH 16001215. INTO 16001215-6.

PROPOSAL: **Javier Calzada-Vega request dimensional variances for an accessory use (Garage) with deficient side setback. The subject site is within an R3 Low Density 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. Sec. 50-13-209. – Deficient side yard setback. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria.)AP**

9:30 a.m. **CASE NO:** 39-23

BZA PETITIONER: EDWARD POTAS

LOCATION: 1452 W. ALEXANDRINE, between Trumbull and Lincoln St. in an R3-H District Low Density Residential Historic District.

LEGAL DESCRIPTION OF PROPERTY: South 40 feet of Lot 96, Hodges Bros Subdivision, as recorded in Liber 1, Page 308 of Plats, Wayne County Records, commonly known as 1452 W. Alexandrine.

PROPOSAL: **Edward Potas request permission to change an existing non-conforming (Motor Vehicle Repair Garage) to a non-conforming (Standard Restaurant) and expand a nonconforming use by adding a 40 square foot addition to a 1,240 sq. ft bldg. in a R3-H Low Density Residential Historic District. 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 uses, 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. (Sections 50-15-7 - Board of Zoning Appeals and Sec. 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**

9:45 a.m. **CASE NO:** BSEEDSLU2023-00014 (COMMUNITY APPEAL) – ADJOURNED FROM JUNE 12, 2023

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) AP)

- VII. **Public Comment / New Business**
 Next Hearing Date: August 21, 2023
- VIII. **ADVISEMENTS / OLD BUSINESS**
- IX. **MEETING ADJOURNED**