### **BOARD MEMBERS**

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Council District 7



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Director

BOARD OF ZONING APPEALS STAFF:

THOMINA DAVIDSON EXECUTIVE ADMINISTRATIVE ASSISTANT

> APRIL PUROFOY INSPECTOR

REGULAR MEETING OF

MAY 19,2025

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: 816 4214 3162

# If You Are Joining by Web, the Link Is:

https://cityofdetroit.zoom.us/j/81642143162

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

### **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:** 

 $\underline{https://app.smartsheet.com/b/form/f8a9187464f4464689094092a1952bc8}$ 

(You can also email the department at the link below for the smartsheet link) via smartsheet, or email to <a href="mailto:BOARDOFZONING@DETROITMI.GOV">BOARDOFZONING@DETROITMI.GOV</a> 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

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 <a href="mailto:crio@detroitmi.gov">crio@detroitmi.gov</a> to schedule these services.

"ANY AND/OR ALL INFORMATION INTENDED FOR PRESENTATION TO THE BOARD OF ZONING APPEAL MUST BE SENT TO THE BZA DIRECTOR (RIBBRONJ@DETROITMI.GOV) BEFORE 5:00 PM ON THE THURSDAY PRIOR TO THE BZA HEARING ON MONDAY. ANY INFORMATION RECEIVED AFTER 5:00 PM ON THURSDAY WILL NOT BE ACCEPTED."

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

## **DOCKET**

I. OPENING:

A. CALL TO ORDER......9:00 A.M.

B. ROLL CALL

II. PROCEDURAL MATTERS:

III. MINUTES:

A. APPROVAL OF MINUTES: May 12, 2025

IV. COMMUNICATIONS:

V. MISCELLANEOUS BUSINESS:

VI. PUBLIC HEARING

9:15 a.m. CASE NO: 11-25 - Council District #6

BZA PETITIONER: VANESSA DE LA CRUZ HERNANDEZ

LOCATION: 4645 Vernor Highway aka 1626 Lansing, between McKinstry and

Lansing in a R2 zone (Two Family Residential District).

**LEGAL DESCRIPTION OF PROPERTY:** Available Upon Request

PROPOSAL:

VANESSA DE LA CRUZ HERNANDEZ request permission to change from one nonconforming use to another (Retail to Tea Shop/Standard nonconforming use. Restaurant). The subject site is within a R2 Zone (Two Family Residential 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:) AP

# MAY 19, 2025 DOCKET CONTINUED

9:45 a.m. CASE NO: 63-24 - Council District #1

**BZA PETITIONER: BENWASSEL PROPERTIES, LLC** 

**LOCATION:** 15303 FENKELL, between Whitcomb and Prest in a B2 zone (Local

Business and Residential District).

**LEGAL DESCRIPTION OF PROPERTY:** S FENKELL E 98.90 FT 118 AVON PARK

SUB L30 P98 PLATS, W C R 22/77 98.90 X 74

PROPOSAL: Benwassel Properties, LLC, is requesting to re-establish a currently

nonconforming gas station, this is a hardship relief in a B2 Zone (Local Business and Residential District). A public hearing at the Board of Zoning Appeals shall be required; Any applicant for development may file a hardship relief petition with the Buildings, Safety Engineering, and Environmental Department which seeks relief from any regulations in this chapter on the basis that the denial of the application has deprived the applicant of all reasonable use of such applicant's property. A hardship shall be defined as a denial of all reasonable economic use of the property. Upon finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City may provide the petitioner with relief from applicable zoning regulations. Sections 50-4-151. - Deprivation of use of property, 50-4-153. - Denial of all reasonable economic use standard, 50-4-194. - Application of the "all reasonable economic use" standard, 50-4-195. - Burden of proof, 50-4-196. - Findings of the Board of Zoning Appeals and 50-4-197. - Additional

forms of relief. AP

VII. Public Comment / New Business

Next Hearing Date: June 9, 2025

VIII. ADVISEMENTS / OLD BUSINESS

IX. MEETING ADJOURNED