



DEPARTMENT OF
Buildings, Safety Engineering &
Environmental

Coleman A. Young Municipal Center Phone 313-224-2733 TTY:711
2 Woodward Avenue, Fourth Floor Fax 313-224-1467
Detroit, Michigan, 48226 www.detroitmi.gov

BSEED Case No.: SLU2020-00101
Property Address: 1416 Michigan Ave. (a/k/a 1439 & 1443 W. Elizabeth St.)
Decision Date: December 17, 2020
Effective Date: December 31, 2020

Applicant/ Owner

Peak Management LLC
Mark Jernigan
408 S. Lafayette, Suite 100
Royal Oak MI 48067

Request: Convert an existing two-story building containing two dwelling units to accommodate four Multiple-Family Dwelling units.

Location: 1416 Michigan Ave. (a/k/a 1439 & 1443 W. Elizabeth St) between Trumbull Avenue and Eighth Street in a B4-H (General Business-Historic) Zoning District. and legally described as: *N MICHIGAN OL 86 LYN N OF & ADJ MICHIGAN AVE & S OF & ADJ ELIZABETH ST EXC E 27 FT OF N 80 FT BLK 86 WOODBRIDGE FARM LIBER 1 PAGE 146-7 PLATS, W.C.R. 6/12 120.93 IRREG (PIN: 06000406-7)*

The current legal land use of 1416 Michigan (a/k/a 1439 & 1443 W Elizabeth) is 'Two-Family dwelling' established by permit 60058 issued on July 8, 1971. Per testimony, the applicant proposed to expand the building from two dwelling units to four multi-family dwelling units (two on the first floor and two on the second floor). Additionally, a staircase will be added on the south-side of the building.

Per Section 50-9-110(4), Multiple-Family Dwellings are permitted conditionally in a B4 zoning district; therefore, a Special Land Use Hearing is required.

While the two-family structure (1439 & 1443 W. Elizabeth) is not historically designated, the parcel address (1416 Michigan) is partially located in a local historic district (Corktown) thus the structure shall be subject to review by the Historic District Commission prior to issuance of a building permit. The subject address site is located within the Michigan Ave. Traditional Main Street Overlay (TMSO) district, the Michigan Ave. Gateway Radial Thoroughfare, however the subject site is not visible from the Traditional Main Street and therefore does not require TMSO review.

As the parking requirements for the two-family dwelling (three spaces or 1.5 spaces per dwelling unit) are the same for the proposed change of use (three spaces or .75 spaces per dwelling unit, located within ½ mile of transit line), no additional off-street parking is required.



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This request has been processed in accordance with the provisions of Sections 50-3-241, 50-9-110(4) and 50-12-162 of the Official Zoning Ordinance Chapter 50 and the following was considered as part of this request:

1. Plans prepared by A2 Designs., submitted on 10/6/2020, approved by BSEED on 10/9/2020 and including Site Plans, Floor Plans & Elevation Drawings; and
2. Recommendation to approve the use with conditions from the Detroit Planning & Development Department received on December 16, 2020.

The BSEED held a public Zoom hearing on 11/18/2020. Notice of this hearing was published in the Detroit Legal News on 11/3/2020 and mailed to property owners within 300' of the subject site. Besides City of Detroit representatives, five people attended the hearing: a representative of the owner and four neutral observers. No written comments of either support or opposition were received.

After careful consideration, the required findings of fact were made per Section 50-3-281, specifically:

- A) That the proposed conditional use is consistent with the City of Detroit Master Plan designations of *Mixed Residential Commercial (MRC)*,
- B) That the residential development will encourage further economic development in the surrounding community and create additional demand for goods and services by increasing the population density in this area.
- C) That the development of a four-unit multi-family dwelling will positively contribute to the Corktown neighborhood.

Thereby, the ordinance requirements have been satisfied in this case and the proposed site plan and conditional use have been APPROVED WITH CONDITIONS.

This conditional approval will become effective **December 31, 2020**.

However, Section 50-3-302 of the Zoning Ordinance provides the right to appeal this decision to the Board of Zoning Appeals prior to the effective date of this decision. A fee may be required for an appeal to the Board of Zoning Appeals. **All appeals must be made in person at the Zoning Counter, 4th Floor, Coleman A. Young Municipal Center.**



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It shall be the responsibility of the person or organization who files an appeal, or his/her duly authorized representative, to attend and testify at the Board of Zoning Appeals hearing as to why the original decision of this Department should not take effect.

If no written appeal is filed prior to the effective date of this decision, the conditional approval shall be deemed final.

NOTE: THIS LETTER IS NOT A PERMIT

If no appeal is made within the prescribed time, you must:

1. Pick up the official decision letter from the Buildings, Safety Engineering and Environmental Zoning Office, 4th Floor, Room 407, Coleman A. Young Municipal Center.
2. Record the official decision letter with the Wayne County Register of Deeds and present proof of registration to the BSEED Zoning Counter when applying for the necessary permit.
3. Submit electronically dimensioned, drawn to scale, signed & sealed, construction drawings for the proposed development, electronically prior to the issuance of the necessary permits by the Buildings, Safety Engineering and Environmental Department. Final construction drawings shall be substantially similar to the submitted preliminary plans submitted for zoning approval.

Please email zoning@detroitmi.gov (on or after the effective date of this grant) before coming down to pick up your verified copy of this letter. If someone else is to secure your letter and permits, they must provide a signed and notarized letter of authorization granting them the authority to act on your behalf.

CONDITIONS OF APPROVAL

Occupancy of the premises without full compliance with all of the following conditions is unlawful and contrary to the provisions of the Zoning Ordinance and is subject to penalties as provided in the Ordinance, which may include the revocation of this grant and/or daily fine of \$250-500, for not complying with these conditions.

1. That this grant is only to convert an existing two-story building containing two dwelling units to accommodate four Multiple-Family Dwelling units and cannot



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- be further expanded, enlarged, altered, or modified in any manner without the prior approval of the BSEED or Board of Zoning Appeals.
2. That the owner/occupant of said premises abides by all of the provisions of the Detroit Property Maintenance Code, Article 1, Chapter 9 of the Detroit City Code which includes maintaining the entire parcel free of rubbish, debris, weeds and graffiti. That this operation be conducted in such a manner as to not create a nuisance of any kind to the surrounding neighborhood.
 3. **That the applicant shall submit a copy of the 'Notice to Proceed' from the Historic District Commission for the proposed four-unit multi-family dwelling as the parcel is partially situated within the Corktown Local Historic at time of permit.**
 4. That the proper permit be secured from the Buildings, Safety Engineering and Environmental Department before making use of the premises as herein described and further, that failure to secure such permit by **July 1, 2021** will thereby invalidate and terminate this grant.
 5. Failure to obtain a Certificate of Occupancy before making use of the premises as herein described will nullify this special land use approval and result in enforcement action.
 6. That there shall be no open storage of any kind including any rubbish or debris generated by this operation. All such materials, including curbside and recycling containers, shall be stored inside enclosures and garages until scheduled pick up. If curbside containers are not provided, a masonry dumpster enclosure shall be provided.
 7. That a "Certificate of Maintenance of Grant Conditions" be obtained annually by the owner/operator of the subject premises/use; and further, that the proper application for such Certificate be filed with the Buildings, Safety Engineering and Environmental Department no later than each annual anniversary of the effective date of this grant.

Sincerely,

A handwritten signature in blue ink that reads "David Bell". The signature is written in a cursive, flowing style.

David Bell
Director

DB/JSP/EL