



**BUILDINGS, SAFETY ENGINEERING
AND ENVIRONMENTAL DEPARTMENT**

Coleman A. Young Municipal Center
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BSEED Case No: SLU2024-00022
Property Address: 1308 Broadway St. (a/k/a 277 Gratiot Avenue)
Decision Date: May 24, 2024
Effective Date: June 7, 2024

Owner
Marki Jerjis
1308 Broadway
Detroit, MI 48323

Applicant
Mike Semma
7011 Orchard Lake, Suite 104
West Bloomfield MI 48322



Request: Establish a Specially Designated Merchant's (SDM, Beer and Wine establishment) on the first floor of a 3,888 square foot tenant space in an existing eight-story building.

Location: 1308 Broadway St. (a/k/a 277 Gratiot Avenue) between Grand River and Gratiot Avenues in a B5 (Major Business-Historic) Zoning District and legally described as: *NE BROADWAY S 56.65 FT OF W 60.85 FT OF 5 AND VAC 10 FT OF LAND IN FRONT PLAT OF SEC 9 GOVERNOR & JUDGES PLAN L34 P552 DEEDS, W C R 1/56 56.65 X 70.85 (PIN 01004003)*

The current, legal use of the subject property is "Office, business or professional" per building permit number 19587, issued August 24, 1984. The applicant proposes to add a retail store which includes a Specially Designated Merchant's (SDM, Beer and Wine establishment) along with general merchandise sales.

Additionally, this area is located within the Downtown Overlay Area. Per Section 50-11-443 of the Detroit Zoning Ordinance, Chapter 50 ("Consistency with design standards required"), "The Buildings and Safety Engineering Department shall not approve a permit application for any work relating to a zoning lot within a Downtown or Riverfront Overlay Area unless the Planning and Development Department shall have verified that such work is consistent with the design standards of this subdivision."

The applicant provided no off-street parking spaces on the site plan. However, per Section 50-14-7(a)1, uses in the B5 Zoning District and in any other district in the Downtown Overlay Area shall be exempt from the off-street parking requirements of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C; thus, no deficiency for the off-street parking requirement.



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However, as the gross square footage of the carry-out restaurant is more than 1,600 square feet (3,888 square foot), a 12' x 35' off-street loading zone shall be required at time of permit.

Additionally, the site is within the Breitmeyer-Tobin Building Local Historic District, thus any alteration or modification to the exterior will also require review and approval by the Historic District Commission along with a Certificate of Appropriateness at time of building permit.

The proposed use of Specially designated merchant's establishment is a controlled use per Section 50-3-402(2), thus is subject to additional spacing or concentration requirements.

A review of the permitted controlled uses within 2,000 radial feet of the subject site found the following:

- Jazz Liquor Store (2001 Woodward) 1,650 feet
- Millender Center Food Plaza (575 Brush) 1,600 feet
- Eve's Downtown Gourmet Market (1411 Washington) 1,550 feet
- 7-Eleven (139 Cadillac Sq) 1,250 feet
- Eatori Market (1215 Griswold) 1,200 feet
- Athens Liquor Store (579 Monroe) 1,160 feet

Per Section 50-3-443(2), as there are more than two controlled uses within 2000' radial feet of this site, at time of permit, the Director of the Planning & Development Department ("P&DD") can waive this spacing requirement if the proposed use will contribute to the social, economic, aesthetic, or physical improvement of the surrounding neighborhood. On May 8, 2024, BSEED received a recommendation to waive the over-concentration of controlled uses from P&DD.

This request has been processed in accordance with the provisions of Sections 50-3-241, 50-9-142(19) and 50-12-314 of the Detroit Zoning Ordinance, Chapter 50 and the following submittals were considered as part of this request:

1. Preliminary plans, including site plan, floor plan & elevation drawing, submitted on 2/22/2024, approved by BSEED on 3/26/2024 (2nd Revision) and included Site Plan, Floor Plan and Elevations; and
2. Recommendation to approve with conditions from the Detroit Planning & Development Department received 5/8/2024.

Our department held a public Zoom hearing on 5/1/2024. Notice of this hearing was published in the Detroit Legal News on 4/16/2024 and mailed to residents and property owners within 300' radial feet of the subject site.



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- Besides City of Detroit staff, three people attended the hearing, the tenant/applicant, his consultant, and the building landlord.
- No letters of support or opposition were received by the department.

After careful consideration, we have determined the findings of facts per Section 50-3-281 can be made in this case, specifically:

- A) That per the Planning & Development Department, the conditional use is consistent with the City of Detroit Master Plan designation of *Mixed Residential/Commercial (MRC)*.
- B) That the proposed improvements will have a positive impact on the neighborhood by maintaining an active business on the site.
- C) That with the necessary grant conditions, the use as proposed will not adversely impact property values within the area and in fact the improvements to the site will eliminate blight and upgrade the commercial area.

Thereby, the ordinance requirements for a conditional use have been satisfied in this case and the request has been APPROVED WITH CONDITIONS.

This conditional approval will become effective **June 7, 2024**.

However, Section 50-3-282 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 by emailing zoning@detroitmi.gov.**

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:



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1. Pick up the official decision letter from the Buildings, Safety Engineering and Environmental Zoning Division 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 when applying for the necessary permit.
3. Submit electronically fully dimensioned, drawn to scale, final site and floor plans when applying for the necessary permits from the Buildings, Safety Engineering and Environmental Department.

Please call 224-1317 or send an email to 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 Establish a Specially Designated Merchant's (SDM, Beer and Wine establishment) on the first floor of a 3,888 square foot tenant space in an existing eight-story building and this use cannot be further expanded, enlarged, altered, or modified in any manner without the prior approval of the Buildings, Safety Engineering and Environmental Department 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 8 of the Detroit City Code. 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 proper permit be secured from the Buildings, Safety Engineering and Environmental Department by **December 9, 2024**. Failure to secure such permit will thereby invalidate and terminate this grant.
4. 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.
5. At time of permit, per Section 50-14-114 ("Retail, service, and commercial uses"), one 12' x 35' off-street loading space shall be provided for the 3,888 square foot



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unit space. The applicant can contact the Department of Public Works regarding an on-street loading permit as no off-street loading is available.

6. That any alteration or modification to the exterior of the building shall require a Certificate of Appropriateness from the Historic Development Commission prior to issuance of a building permit.
7. The project site is in the Downtown Overlay Area; thus P&DD shall review the plans for design consistency once the building permit application has been submitted.
8. That there shall be no open storage of any kind including any rubbish or debris generated by this operation. The applicant and property owner shall appropriately maintain and remove trash and refuse from the subject lot along with providing necessary refuse containers on the subject property.
9. That all appropriate licenses shall be obtained and maintained from the State of Michigan and City of Detroit.
10. All proposed improvements along the public right of way by the property owner (i.e., sidewalk repair, etc.) shall be approved by Department of Public Works, Traffic Engineering Division in accordance with the provisions of Chapter 50, Article IV of this Code prior to issuance of building permits.
11. That all signs, including temporary signs and banners, shall abide by the requirements of Article VI of the Detroit Zoning Ordinance and Chapter 4 of the Detroit City Code
12. 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,

Raymond A. Scott, MPH
Deputy Director

RS/JSP/EL