

Board Members

Robert E. Thomas
Chairperson

Vivian Teague
Vice Chairperson

Robert G. Weed
Council District 1

Elois Moore
Council District 3

Jacqueline Grant
Council District 4

Emmanuel Calzada
Council District 6

Kwame Finn
Council District 7



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Board of Zoning Appeals
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James W. Ribbron
Director

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **April 17, 2018** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Chairperson of the Board Thomas called the meeting to order and Director Ribbron called the meeting to order and called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

- (1) Robert E. Thomas, Board Member
- (2) Robert G. Weed, Board Member
- (3) Jacqueline Grant, Board Member
- (4) Emmanuel Calzada, Board Member
- (5) Elois Moore, Board Member
- (6) Kwame Finn, Board Member

BOARD MEMBERS ABSENT:

- (1) Vivian Teague, Board Member

MINUTES:

Board Member Weed made a motion to approve the minutes for April 10, 2018 and with corrections

Affirmative: Mr. Thomas, Finn
Ms. Moore, Grant
Negative: None

PROCEDURAL MATTERS:

- (A) A motion was made, seconded and carried that the Director of the Board read into the record the notices, reports, letters, or any other information pro or con, on each individual case, and be filed and made a part of the record in each case.
- (B) A motion was made, seconded and carried that the appearance slips, be filled out by property owners or parties of interest who appeared at the public hearing, be filed in the individual case file and be made a part of the record in each case.
- (C) A motion was made, seconded, and carried that the recorded transcript of the proceedings of the various hearings, furnished by **BZA Staff**, be made part of the **MINUTES**.

9:15 a.m. CASE NO.: 116-17 (aka BSEED 04-17)

APPLICANT: FRANK SALANA

LOCATION: 10350 WOODWARD AKA 10358 WOODWARD AVE. Between: Harmon St and Trowbridge St in a B4 (General Business District) – Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD N 44.43 FT OF W 110 FT FRT BG N 43.92 FT OF W 110 FT REAR 1 W 110 FT 2 HUNT & LEGETTS L10 P40 PLATS, W C R 1/128 105.93 IRREG

PROPOSAL: Frank Salana requests a parking variance TO construct a 467 square foot portion of an existing 1,429 square foot building into a Motor Vehicle Filling Station and Retail Store, in a Traditional Main Street Overlay District (TMSO) which was Approved in (BSEED 04-17) in a B4 zone (General Business District). This case is appealed because the Board of Zoning Appeals shall be authorized to hear dimensional variance requests for matters that are beyond the scope of Buildings and Safety Engineering Department ten percent (10%) administrative adjustments and for a variance from the required location of off-street parking facilities or the amount of off-street parking facilities required, or both, where, after investigation by the Board, it is found that such modification is necessary to secure an appropriate development of a specific parcel of land, provided, that any such modification will not be inconsistent with other requirements and general purpose of this Zoning Ordinance. This site is located within the Woodward TMSO District – conditions applying to aesthetics, safety and screening were added by the Design Advisory Committee and the Central Team: landscaping knee walls, parking and development standards. Also deficient Parking- 10 (ten) parking spaces are required: 5 parking spaces are proposed – 5 spaces deficient. (Sections 61-4-91(1) Permitted Dimensional Variances, Location or Amount of Off-Street-Parking, 61-12-183 Motor vehicle filling stations; retail stores, other than SDD/SDM, permitted, 61-12-200 Motor vehicle filling stations; screening and landscaping and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional variance to allow construction of a 467 square foot addition to existing motor vehicle filling station in a B4 zone. **Support by Mr. Finn**

Affirmative: Mr. Thomas, Finn, Weed
Ms. Grant, Moore

Negative:

DIMENSIONAL VARAINCE GRANTED

Mr. Calzada was not present for the vote

10:15 a.m.

CASE NO.: 118-17 (aka BSEED 157-16)

APPLICANT: MAH LAND, LLC / MOSHEN EL HADI

LOCATION: 9101 FORT ST Between: Fisher Freeway and Woodmere St in a M4 Zone (Intensive Industrial District) – Council District #6

LEGAL DESCRIPTION OF PROPERTY: S W FORT ALL THAT PT OF P C 340 DESC AS BEG AT S W COR OF FORT ST 100 FT & WABASH R R R/W TH S 27D 15M W 582.01 FT TH N 27D 50M W 339.10 FT TH N 62D 53M E 472.28 FT TO POB E 195.72 FT OF OL 1 LYG S & ADJ FORT ST 100 FT WD E & ADJ WOODMERE AVE 66 FT WD PLAT OF PT OF P C 340 L2 P14 PLATS, W C R 20/480 146,537 SQ FT

PROPOSAL: Mah Land, LLC/Moshen El Hadi request to establish a Junkyard including dismantling on a 3.36 acre parcel with five existing approved in BSEED 157-16, September 19, 2017 in a M4 zone (Intensive Industrial District). This case is appealed because except when an administrative adjustment may be granted, the Board of Zoning Appeals may modify any use regulation or developmental standard specified in Article XII and may grant dimensional variances based on the approval criteria of section 61-4-81 of this Code. Also, the Board of Zoning Appeals may vary the requirements and limitations that are imposed by this zoning ordinance that pertain to dimensional requirements, use regulations or general development standards of various land use where strict application of such requirements or standards would result in practical difficulty and where all applicable standards and approval criteria of this division are met, including those of Sec. 61-4-81 of this Code. In addition, a 20' landscaped setback is required from the right-of-way; only a small area for landscaping is proposed and the building is not setback, and junkyards are not allowed within 150' feet of residentially-zoned land; this site is 55' from residential. (Sections 61-12-261. Junkyards Setbacks (4), 61-4-92 Other Variances and 61-4-81 Approve Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional variance of setbacks and spacing for the existing junkyard with the removal of having a car crusher on site in a M4 zone. **Support by Mr. Moore**

Affirmative: Mr. Thomas, Finn, Weed, Calzada
Ms. Grant, Moore

Negative:

DIMENSIONAL and SPACING VARAINCE GRANTED

11:15 a.m.

CASE NO.: 117-17 (aka BSEED 280-16)

APPLICANT: DEMETRIUS THOMAS

LOCATION: 19770-19790 JAMES COUZENS FWY. Between: Lauder St and S. Martins Ave in a B2 Zone (Local Businesses and Residential District) – Council District #2

LEGAL DESCRIPTION OF PROPERTY: N-E JAS COUZENS DR 107
THRU 105 EXC JAS COUZENS HWY AS WD HULANS
GREENLAWN SUB L53 P82 PLATS, W C R 22/292 60 X 51

PROPOSAL: Demetrius Thomas appeals the decision denying the establishment of a Loft Unit in an existing 2,127 square foot building in BSEED Case #280-16 in a B2 zone (Local Business and Residential District). This case is appealed because appeals of the Buildings and Safety Engineering Department on Conditional Use permit applications shall be taken to the Board of Zoning Appeals within fourteen (14) days of the date of the department’s decision, also, the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses. The reasons for the denial; the proposed use would be injurious to the use and enjoyment of the other properties in the immediate vicinity, and the existing business is both a nuisance and blight to the surrounding area, and at the time of BSEED inspection, the subject property was in violation of several property maintenance codes. The proposed use is condition in a B2 zone subject to Sec. 61-12-118. Lofts; residential uses combined in structures with permitted commercial uses. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-141 Zoning Grant Modifications, 61-12-118. Lofts; residential uses combined in structures with permitted commercial uses, and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Reverse the BSEED decision to allow the establishment of a loft unit in an existing 2,127 square foot building in a B2 zone. Support by Ms. Moore

Affirmative: Mr. Thomas, Finn, Calzada, Weed
Ms. Moore, Grant

Negative:

BSEED DECISION REVERSED, USE GRANTED.

Director Ribbron presented the Board with 3 hardship cases ato be placed on the docket for the Board to hear.

ACTION OF THE BOARD:

Ms. Teague made a motion to Adjourn the case due an emergency with the petitioners architect who is unable to attend this hearing. **Support by Ms. Moore**

Affirmative: Mr. Thomas, Finn, Calzada, Weed
Ms. Teague, Moore, Grant

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

11:15 a.m. CASE NO.: 11-18

APPLICANT: Luxury Properties & Investments

LOCATION: 10010 Joy Rd. Between: Dawes St & Wyoming Ave in a B2 Zone (Local Business and Residential District). – Council District #7

LEGAL DESCRIPTION OF PROPERTY: N JOY RD 4 THRU 1 ROBT OAKMAN LAND COS BONAPARTE AVE & OAKMAN HWY SUB L51 P15 PLATS, W C R 18/434 90 X 100

PROPOSAL: Luxury Properties & Investments request a variance of spacing regulations to change a Secondhand Jewelry Store to Used Auto Sales on 9000 square foot lot in a 721 square foot building in a B2 zone (Local Business and Residential District). This case is appealed because after a public hearing, a variance may be granted by the Board of Zoning Appeals based on the approval criteria of Sec. 61-4-81 of this Code in the instance that when an administrative adjustment is granted, excluding all Adult Uses, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87, between land uses as provided for in the table in Sec. 61-12-91 of this Code and in accordance with the procedures in Sec. 61-12-95 of this Code and any use regulation that is specified in ARTICLE XII DIVISION 3 of this code. Also, Used Motor Sales Lots cannot be established within 1,000' of another Used Motor Vehicle Sales Lot. There is one existing used auto sales lot within 1,000 feet of this property: 10025 Joy Rd (directly south of the subject property across joy Rd.). (Sections 61-4-92(1&3) Other Variances, Variance of Use Regulation and Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD:

Ms. Moore made a motion to Deny spacing variance to change non conforming use to Used Auto Sales lot. **Support by Ms. Teague**

Affirmative: Mr. Thomas, Finn, Calzada, Weed
Ms. Teague, Moore, Grant

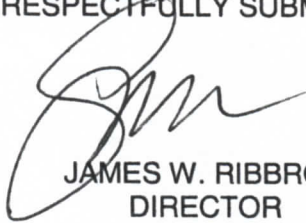
Negative:

SPACING VARAINCE DENIED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 1:40 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp