

## 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



**James W. Ribbron**  
Director

**City of Detroit**  
**Board of Zoning Appeals**  
**Coleman A. Young Municipal Center**  
**2 Woodward Avenue, Suite 212**  
**Detroit, Michigan 48226**  
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### MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **December 11, 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) Vivian Teague, Board Member
- (3) Kwame Finn, Board Member
- (4) Elois Moore, Board Member
- (5) Emmanuel Calzada, Board Member
- (6) Robert G. Weed, Board Member
- (7) Jacqueline Grant, Board Member

#### BOARD MEMBERS ABSENT:

#### MINUTES:

Board Member Grant made a motion to approve the minutes for December 4, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed, Finn  
Ms. Teague, 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.:** BSEED 102-17 – COMMUNITY APPEAL

**APPLICANT:** ESSENCE OF DETROIT CARE CENTER/PREMIER HOLDING, LLC  
JOE MILITELLO

**LOCATION:** 13900 Gratiot Between: Mapleridge and Park Grove in a M4 Zone (Intensive Industrial District) – Council District # 3

**LEGAL DESCRIPTION OF PROPERTY:** S GRATIOT 679&678 SEYMOUR & TROESTERS MONTCLAIR HEIGHTS SUB NO 2 L40 P74 PLATS, W C R 21/594 46.94 X 100

**PROPOSAL:** Rev. Eduard Perrone and several other petitioners appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 102-17) which (Approved with Conditions) permission to establish a medical marihuana caregiver center in an existing one story 974 square foot unit of an existing one-story 3003 square foot building in a B4 zone (General Business District). This case is appealed because the 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. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center that is One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use or a Religious Institution. The proposed location is within 1,000 radial feet of two (2) Controlled Uses; Mirage Liquor Store located at 13887 Gratiot – 122.4’ feet away, JJRX Enterprises located at 13990 Gratiot – 569.6’ feet away and one (1) Religious Institution; Assumption Grotto Church located at 13780 Gratiot – 93’ feet away. (Sections 61-4-72 Appeals, 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance and 61-3-231 General Approval Criteria).AP

**ACTION OF THE BOARD:** Mr. Calzada made a motion that the petitioner has standing to bring this appeal before the Board. Seconded by Ms. Teague.

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

Negative:

**BSEED 102-17 Continued**

Mr. Weed made a motion to Approve the Community Appeal thereby reversing the Decision of the BSEED department 102-17 which granted permission to establish a MMCC in an existing one story 974 square foot unit of an existing one story 3,002 square foot building in a B4 zone.

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

Negative:

**BSEED decision reversed. Use Denied**

10:00 a.m.

**CASE NO.:** 52-18 (AKA BSEED 147-16)

**APPLICANT:** LEAF ZONE/LATOYA JONES

**LOCATION:** 14445 Wyoming between Intervale and Lyndon in a M4 zone (Intensive Industrial District) – Council District # 7

**LEGAL DESCRIPTION OF PROPERTY:** W WYOMING 292 N 30 FT OF E 100.27 FT 291 ASSESSORS DET PLAT NO 20 L74 P28 PLATS W C R 16/469 15,074 SQ FT

**PROPOSAL:** Leaf Zone/Latoya Jones requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 870 square foot irregular shaped building, which was APPROVED w/Conditions in (BSEED 147-16) in a M4 zone (Intensive Industrial District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use or a Religious Institution. The proposed use is within 1,000 radial feet of one (1) Religious Institution; Life Changer International MBC located at 14615 Wyoming – 619 feet away, Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria). AP

**ACTION OF THE BOARD:** Mr. Teague made a motion to Dismiss this request at the petitioners request with prejudice and without return of fee. Support by Mr. Finn

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

Negative:

**DISMISSED WITH PREJUDICE AND WITHOUT RETURN OF FEE**

10:45 a.m.

**CASE NO.:** 53-18 (aka BSEED 76-17) – Amended

**APPLICANT:** CSOD, LLC / C.S. MANAGEMENT

**LOCATION:** 3930 E. Eight Mile Rd Between: Wexford and Binder in a B4 Zone (General Business District) – Council District # 3

**LEGAL DESCRIPTION OF PROPERTY:** S EIGHT MI RD 202 THRU 198 ASSESSORS BASELINE SUPERHIGHWAY SUB NO 4 L63 P64 PLATS, W C R 13/330 107.99 X 100

**PROPOSAL:** CSOD, LLC appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (BSEED 76-17) which DENIED the establishment of a Medical Marihuana Caregiver Center (MMCC) in an existing approximate 3,600 square foot building in a B4 zone (General Business District). This case is appealed because 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. Also, no Conditional Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, unless each of the general findings of Section 61-3-231 are made. (Sections 61-4-71 Jurisdiction Over Appeals of Administrative Decisions and 61-3-231 General Approval Criteria).AP

**ACTION OF THE BOARD:** Mr. Calzada made a motion to Adjourn the case without date and with fee for the petitioners new representative to familiar themselves with the case. Support by Ms. Grant

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

Negative:

ADJOURNED

11:30 a.m. CASE NO.: 02-18

APPLICANT: DONATO GROUP, INC. FOR THE CHASE GROUP, LLC

LOCATION: 2630 Charlevoix St Between: Chene St and Joseph Campau Ave in a R3 Zone (Low-Density Residential District) – Council District # 5

LEGAL DESCRIPTION OF PROPERTY: S CHARLEVOIX 4 ARNDTS SUB L2 P21 PLATS, W C R 11/52 4 SUB OF GABRIELS CHENE EST L2 P43 PLATS, W C R 11/48 38.5 IRREG

PURPOSAL: Donato Group, Inc. for the Chase Group, LLC request permission to change the current existing approved non-conforming site from (Lofts - 4) which was established in (BSEED Permit# 57411 issued 6-25-202) to a five story office building with accessory parking lot. The subject site is located within a R3 zone. (Low Density Residential District). This case is appealed because a non-conforming 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 61-2-46 of this Code and the Board of Zoning Appeals may approve such change of use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. (Sections 61-15-20 Change of Use to Other Nonconforming Use).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant permission to change the current existing approved non-conforming site from (Lofts - 4) which was established in (BSEED Permit# 57411 issued 6-25-202) to a five story office building with accessory parking lot. The subject site is located within a R3 zone. (Low Density Residential District).Support by Ms. Grant

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

Negative:

CHANGE OF NONCONFORMING USE GRANTED

Director Ribbron informed the Board that in accordance with the Rules and Procedures Board Member Finn called the office on December 7, 2018 at 3:15 pm, Board Member Teague at 3:30 p.m and Board Member Calzada at 2:31 pm to ask to reconsider their vote for Case No. 51-18 property located at 10 Witherell.

**ACTION OF THE BOARD:** Ms. Teague made a motion to reconsider the vote from the prior hearing on December 4, 2018. Supported by Mr. Finn

Affirmative: Mr. Finn, Weed  
Ms. Teague, Grant

Negative: Mr. Thomas  
Ms. Moore

**Motion for Reconsideration Granted**

Mr. Calzada was not present for the vote

**ACTION OF THE BOARD:** Mr. Weed made a motion to adjudicate this hearing at this moment. Supported by Mr. Teague

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

Negative: Mr. Thomas

Mr. Calzada was not present for the vote

**Motion to vote today Granted**

**ACTION OF THE BOARD:** Mr. Weed made a motion to Uphold BSEED's Decision of abandonment of the advertising sign originally approved under BZA Grant 83-04. Second by Ms Teague.

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

Negative: Mr. Thomas

Ms. Moore abstained from the vote

**PRESUMPTION OF ABANDONMENT REQUEST DENIED**

Director Ribbron informed the Board that in accordance with the Rules and Procedures Board Member Finn called the office on Thursday 6, 2018 at 2:17 pm, to ask to reconsider their vote for adjournment on Case No. 73-16 property located at 18207 W. 8 Mile Rd.

**ACTION OF THE BOARD:** Mr. Finn made a motion to reconsider the vote for adjournment and decide the case today. No support was given.

**Motion Fails**

**ACTION OF THE BOARD:** Mr. Weed made a motion to Deny requests a **Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 2,400 square foot portion of an existing approximate 3,600 square foot building APPROVED in (BSEED 38-16) in a B4 zone (General Business District).** Support by Ms. Grant

Affirmative: Mr. Weed,  
Ms. Moore, Grant

Negative: Mr. Thomas, Calzada, Finn  
Ms. Teague

**Motion Fails**

**ACTION OF THE BOARD:** Ms. Teague made a motion to Grant requests for a **Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 2,400 square foot portion of an existing approximate 3,600 square foot building APPROVED in (BSEED 38-16) in a B4 zone (General Business District).** Support by Ms. Grant

Affirmative: Mr. Thomas, Calzada, Finn  
Ms. Teague

Negative: Mr. Weed,  
Ms. Moore, Grant

**Spacing Wavier Granted**



**RE-HEARING REQUEST**

Director Ribbron read into record a letter from the Petitioner of Case 6-17 stating they had their meeting with the community and again request a rehearing request based on the information contained in the letter.

**ACTION OF THE BOARD:** Ms. Teague made a motion to have the petitioner and a representative from the community come before the Board to put the details of their meeting and agreements on the record before a rehearing request is considered. Support by Mr. Finn

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

Negative:

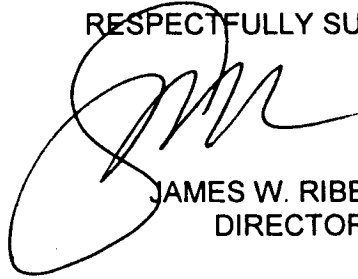
**RE-HEARING REQUEST CONTINUED TABLED**

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.**

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There being no further business to be transacted, Board Member Finn motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 12:50 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON  
DIRECTOR

JWR/atp