

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
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **August 14, 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) Emmanuel Calzada, Board Member
- (4) Robert G. Weed, Board Member
- (5) Elois Moore, Board Member
- (6) Kwame Finn, Board Member
- (7) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Teague made a motion to approve the minutes for July 24, 2018 with any corrections.

Affirmative: Mr. Weed, Thomas
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.: 15-18 - ADJOURNED FROM APRIL 10, 2018
APPLICANT: PROCIDA DIGGS TRUMBULL, LLC
LOCATION: 3664, 3690, 3700 & 3708 Trumbull Ave.
 (Northern portion, Lots 1 thru 10) Between:
 Selden St and Brainard St in a R3-H Zone (Low
 Density Residential District-Historic) – Council
 District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Procida Diggs Trumbull, LLC request variances to construct ten (10) attached, two-story, individual townhouse dwellings units over various lot location; 3664, 3690, 3700, 3708 Trumbull (Lots 1 to 10) 3,658 square foot lot in the Woodbridge Farms Historic District in an R3-H zone (Low Density Residential District-Historic). 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. Town houses shall be subject to the following provisions: In the R3 District, a maximum of ten (10) town houses shall be permitted in any group of attached town houses; variances are requested for deficient lot area – 7,000 square feet required, 3,658 Square feet provided: 3,342 square feet deficient, lot width – 70 feet required, 27.5 feet provided: 42.5 square feet deficient, front setback – 20 feet required, 10 feet provided: 10 feet deficient, and side setbacks. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-8-65. Intensity and dimensional standards, Sec. 61-12-126. Town houses. Sec. 61-13-106. Town houses, 61-13-4. Intensity and dimensional standards - Townhouses and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional waivers to construct townhouse dwellings. Support by Ms, Grant.

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

Negative: Mr. Weed

DIMENSIONAL VARIANCES GRANTED

9:15 a.m. **CASE NO.:** 16-18 - ADJOURNED FROM APRIL 10, 2018

APPLICANT: PROCIDA DIGGS TRUMBULL, LLC

LOCATION: 3664 Trumbull Ave. (Southern Portion, Lots 12 thru 18) **Between:** Selden St and Brainard St in a R3-H Zone (Low Density Residential District-Historic). – Council District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Procida Diggs Trumbull LLC request variances to construct seven (7) attached, two-story, individual townhouse dwellings units over various lot location; 3664 Trumbull (Lots 12 to 18) 3,591 square foot lot in the Woodbridge Farms Historic District in an R3-H zone (Low Density Residential District-Historic). 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. Town houses shall be subject to the following provisions: In the R3 District, a maximum of ten (10) town houses shall be permitted in any group of attached town houses; variances are requested for deficient lot area – 7,000 square feet required, 3,591 square feet provided: 3,409 square feet deficient, lot width – 70 feet required, 27 feet provided: 43 square feet deficient, front setback – 20 feet required, 10 feet provided: 10 feet deficient, and side setbacks. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-8-65. Intensity and dimensional standards, Sec. 61-12-126. Town houses. Sec. 61-13-106. Town houses, 61-13-4. Intensity and dimensional standards - Townhouses and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional waivers to construct townhouse dwellings. Support by Ms, Grant.

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

Negative: Mr. Weed

DIMENSIONAL VARIANCES GRANTED

9:15 a.m. CASE NO.: 17-18 - ADJOURNED FROM APRIL 10, 2018

APPLICANT: PROCIDA DIGGS TRUMBULL, LLC

LOCATION: 3664 Trumbull Ave. (Southern Portion, Lot 19)
Between: Selden St and Brainard St in a R3-H Zone (Low Density Residential District-Historic). – Council District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Procida Diggs Trumbull, LLC request variances to construct one (1) attached, two-story, individual townhouse dwellings units over various lot location; 3664 Trumbull (Lot 19) 4,655 square foot lot in the Woodbridge Farms Historic District in an R3-H zone (Low Density Residential Historic 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. Town houses shall be subject to the following provisions: In the R3 District, a maximum of ten (10) town houses shall be permitted in any group of attached town houses; variances are requested for deficient lot area – 7,000 square feet required, 4,655 square feet provided: 2,345 square feet deficient, lot width – 70 feet required, 35 feet provided: 35 square feet deficient, front setback – 20 feet required, 10 feet provided: 10 feet deficient, and side setbacks. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-8-65. Intensity and dimensional standards, Sec. 61-12-126. Town houses. Sec. 61-13-106. Town houses, 61-13-4. Intensity and dimensional standards - Townhouses and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional waivers to construct townhouse dwellings. Support by Ms, Grant.

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

Negative: Mr. Weed

DIMENSIONAL VARIANCES GRANTED

9:15 a.m. CASE NO.: 18-18 - ADJOURNED FROM APRIL 10, 2018

APPLICANT: PROCIDA DIGGS TRUMBULL, LLC

LOCATION: 3713 Lincoln Ave. (Lot 20) Between: Selden St and Brainard St in a R3-H Zone (Low Density Residential District-Historic). – Council District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Procida Diggs Trumbull, LLC request variances to construct two (2) attached, two-story, individual townhouse dwellings units over various lot location; 3713 Lincoln (Lot 20) 5,057 square foot lot in the Woodbridge Farms Historic District in an R3-H zone (Low Density Residential District-Historic). 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. Town houses shall be subject to the following provisions: In the R3 District, a maximum of ten (10) town houses shall be permitted in any group of attached town houses; variances are requested for deficient lot area – 7,000 square feet required, 5,057 square feet provided: 1,943 square feet deficient, lot width – 70 feet required, 41 feet provided: 29 square feet deficient, front setback – 20 feet required, 10 feet provided: 10 feet deficient, and side setbacks. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-8-65. Intensity and dimensional standards, Sec. 61-12-126. Town houses. Sec. 61-13-106. Town houses, 61-13-4. Intensity and dimensional standards - Townhouses and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional waivers to construct townhouse dwellings. Support by Ms, Grant.

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

Negative: Mr. Weed

DIMENSIONAL VARIANCES GRANTED

9:15 a.m. CASE NO.: 19-18 - ADJOURNED FROM APRIL 10, 2018

APPLICANT: PROCIDA DIGGS TRUMBULL, LLC

LOCATION: 3689, 3679, 3701 & 3707 Lincoln (Lots 21 thru 27)
Between: Selden St and Brainard St in a R3-H Zone (Low Density Residential District-Historic). – Council District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Procida Diggs Trumbull request variances to construct six (6) attached, two-story, individual townhouse dwellings units over various lot location; 3689, 3679, 3701, 3707 Lincoln (Lots 21 to 27) 3,857 square foot lot in the Woodbridge Farms Historic District in an R3-H zone (Low Density Residential Historic 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. Town houses shall be subject to the following provisions: In the R3 District, a maximum of ten (10) town houses shall be permitted in any group of attached town houses; variances are requested for deficient lot area – 7,000 square feet required, 3,857 square feet provided: 3,143 square feet deficient, lot width – 70 feet required, 29 feet provided: 41 square feet deficient, front setback – 20 feet required, 10 feet provided: 10 feet deficient, and side setbacks. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-8-65. Intensity and dimensional standards, Sec. 61-12-126. Town houses. Sec. 61-13-106. Town houses, 61-13-4. Intensity and dimensional standards - Townhouses and 61-4-81 Approval Criteria.).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional waivers to construct townhouse dwellings. Support by Ms, Grant.

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

Negative: Mr. Weed

DIMENSIONAL VARIANCES GRANTED

9:45 a.m.

CASE NO.: 34-18

APPLICANT: Adrian-Keith Bennett

LOCATION: 4401 Avery St. Between: Lysander St and W. Canfield St in a R2 Zone (Local Business and Residential District). – Council District #6

LEGAL DESCRIPTION OF PROPERTY: Property exempt from Ad Valorem taxes and assessed on the Special Act Roll pursuant to PA 261 of 2003 expiring 12/30/2023. W AVERY S 33.66 FT 11 BLK 11 AVERY & MURPHYS SUB L9 P42 PLATS, W C R 8/52 33.66 X 130

PROPOSAL: Adrian-Keith Bennett requests dimensional variances to construct an Single-Family dwelling with attached Garage dwelling (By-Right) on a 4,376+ square foot lot in an R2 zone (Local Business and Residential 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. Per Section 61-24-266, to the maximum extent practicable, new single-family and two-family dwelling units shall be constructed to be generally compatible with other existing dwelling units of the same type on the same block face within two hundred (200) feet. This provision may be satisfied by constructing the subject dwelling unit so that at least three (3) of the six (6) features, which are delineated in this section, are similar to the majority of other dwelling units within two hundred (200) feet on the block face on both sides of the street; and per section 61-13-3 R2 intensity and dimensional standards – a four (4) foot minimum and fourteen (14) feet combined side setback lot is required for single family dwellings; a 4 feet and 7 feet – 7 inches combined side setback is proposed for the new residence: a variance is required for the deficient side setback. (Sections 61-13-3 R2 Intensity and Dimensional Standards, 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Ms. Teague made a motion to Dismiss this case due to a provision in the ordinance for small lots that’s alleviates the need for a Board of Zoning Appeals Hearing. Support by Mrs, Moore.

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

Negative:

DISMISED WITH RETURN OF FEE

10:15 a.m. CASE NO.: 115-17 - ADJOURNED FROM APRIL 10, 2018

APPLICANT: Albert Harb

LOCATION: 3900 Cass Ave. **Between:** Selden St and W. Alexandrine St in a SD2 Zone (Special Development District-Mixed Use). – Council District #6

LEGAL DESCRIPTION OF PROPERTY: N SELDEN 2-3 W 15 FT 4 FALES SUB L5 P28 PLATS, W C R 2/35 122.33 IRREG

PROPOSAL: Albert Harb requests to expand an existing non-conforming Major Motor Vehicle Repair facility (BSEED 129-10) in a B4 District changed to SD2 by constructing a 1,980 Square Foot addition that was constructed without benefit of a permit for storage of approximately six (6) vehicles awaiting repair, the total square footage is now 5,660 square feet in a SD2 Zone (Special Development District-Mixed Use). This case is appealed because a public hearing at the Board of Zoning Appeals shall be required in any instance that involves the expansion or intensification of a nonconforming use, subject to the provisions of Sec. 61-15-17 of this Code; a 1,980 Square Foot addition that was constructed without benefit of a permit for storage of approximately six (6) vehicles awaiting repair, also the zoning was changed from B4 to SD2 creating a non-conforming use of the Major Motor Vehicles repair facility established in BSEED #156-09. (Sections 61-15-16. Expansion or intensification of nonconforming uses, 61-15-17. Required findings).AP

ACTION OF THE BOARD: Ms. Teague made a motion to Deny request to expand existing non-conforming Major Motor Vehicle Repair facility. Support by Mr, Finn.

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

Negative: Mr. Calzada

EXPANSION DENIED

10:45 a.m.

CASE NO.: 24-18 - ADJOURNED FROM JUNE 5, 2018

APPLICANT: JOSEPH EARLY

LOCATION: 25 PETERBORO ST Between: Woodward Ave and Cass Ave in a R6 Zone (High Density Residential District) – Council District #6

LEGAL DESCRIPTION OF PROPERTY: S PETERBORO 5 BLK 71-SCOTTS SUB L1 P249 PLATS, W C R 2/101 30 X 172.86

PROPOSAL: Joseph Early request dimensional variances to construct a Parking Lot on a 10,320 square foot vacant lot in the Peterboro-Charlotte Historic District in an R6 zone (High Density Residential 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 for a variance of the minimum setbacks, for a variance of the loading space provisions of ARTICLE XIV, DIVISION 1, Subdivision D of this Chapter and for a variance of various developmental standards and use regulation requirements; the petitioner request to use a wood fence instead of the required masonry wall, 558 feet of interior landscaping is required – none is provided and side set back 10 feet required – 0 proposed 10 feet deficient. (Sections 61-4-91(6) General Dimensional Standard, 61-4-92(1&2) Other Variances, Variance of Use Regulation, Development Standard and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional variance to construct a Parking Lot. Support by Ms. Teague.

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

Negative:

PARKING VARIANCE GRANTED

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER
NOTICE.**

There being no further business to be transacted, Board Member Teague motioned that the meeting be adjourned. Board Member Finn seconded this motion which was unanimously carried and the meeting adjourned at 12:30 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp