

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
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **November 20, 2018** on the 13th Floor in the Committee of the Whole, 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) Elois Moore, Board Member
- (4) Kwame Finn, Board Member
- (5) Jacqueline Grant, Board Member
- (6) Emmanuel Calzada, Board Member
- (7) Robert G. Weed, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Teague made a motion to approve the minutes for November 13, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed
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.: 45-18

APPLICANT: KERCHEVAL EAST, LLC

LOCATION: 1811 Fischer St. Between: Kercheval Ave. and St. Paul in a R2 Zone (Two-Family Residential District) – Council District #4

LEGAL DESCRIPTION OF PROPERTY: W FISCHER S 1/2 3 4 STANDARD SUB L22 P21 PLATS, W C R 17/37 45 X 100

PROPOSAL: Kercheval East, LLC request to construct a two story six (6) unit multifamily dwelling with each unit having attached car garage (Approved w/conditions in BSEED 08-18) on a vacant 4,500 square foot site in an R2 zone (Two-Family Residential District 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; Minimum Lot Area – 7000 sq. ft. required; 4,500 sq. ft. proposed – 2,500 sq. ft. deficient, Minimum Lot Width – 70 ft. required; 45 ft. proposed – 25 ft. deficient, Side Lot Setback – 10 ft required; 2 ft. 7 in proposed – 7 ft. 5 in deficient, Maximum Lot Coverage – 35% required; 57% proposed – 22% exceeding and Floor Area Ratio – Required FAR .50; proposed FAR 1.14- FAR exceed by .64, therefore a waiver is required for each. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-13-13. Intensity and dimensional standards, Sec. 61-8-40. Conditional residential uses and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional variances to construct a two story six (6) unit multifamily dwelling with each unit having attached car garage (Approved w/conditions in BSEED 08-18) on a vacant 4,500 square foot site in an R2 zone (Two-Family Residential District District). Ms. Grant seconded the motion.

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

Negative:

Mr. Calzada not present for the vote

DIMENSIONAL VARIANCES GRANTED

10:00 a.m.

CASE NO.: 46-18 (AKA BSEED 283-16)

APPLICANT: ROOTS, SHOOTS AND FLOWERS C/O MARVIN H. CONVINGTON III

LOCATION: 13110 Chicago St. Between: Ward St. and Cheyenne St in a B4 Zone (General Business District). – Council District #7

LEGAL DESCRIPTION OF PROPERTY: N--W CHICAGO 445 BUCKINGHAM PARK SUB L34 P20 PLATS, W C R 22/572 25 X 100

PROPOSAL: Roots, Shoots and Flowers c/o Marvin H. Covington requests a Variance of Spacing/Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing one story, irregular shaped 1,271 square foot building which was APPROVED w/Conditions in (BSEED 283-16) in a B4 zone (General Business District). Roots, Shoots and Flowers c/o Marvin H. Covington requests a Variance of Spacing/Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing one story, irregular shaped 1,271 square foot building which was APPROVED w/Conditions in (BSEED 283-16) in a B4 zone (General Business 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 (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet of one (1) controlled use and three (3) Religious Institutions: Mays Market located at 13040 W. Chicago – 118’ feet away, St. Joseph Tabernacle COGIC located at 13041 W. Chicago – 164’ feet away, Adams Chapel Baptist located at 12843 W. Chicago – 772’ feet away and 1st Christian COM Church located at 9640 Sorrento – 748’ 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. Weed made a motion to Deny Spacing Variance TO establish a Medical Marijuana Caregiver Center (MMCC) in an existing approximate 1,271 square foot, one story building which was APPROVED conditionally in (BSEED 283-16) in a B4 zone (General Business District). Support by Ms. Grant

Affirmative: Mr. Weed
Ms. Grant, Moore

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

Motion did not receive the required number of votes

46-18 Continued

Mr. Finn made a motion to Grant Spacing Variance **TO establish a Medical Marijuana Caregiver Center (MMCC) in an existing approximate 1,271 square foot, one story building which was APPROVED conditionally in (BSEED 283-16)** in a B4 zone (General Business District). Support by Ms. Grant

Affirmative: Mr. Finn, Thomas
Ms. Teague

Negative: Mr. Weed
Ms. Grant, Moore

Motion did not receive the required number of votes, Spacing Variance Denied

Mr. Calzada not present for the vote

10:45 a.m.

CASE NO.: BSEED 116-17 (COMMUNITY APPEAL)

APPLICANT: CKM COMMUNITY DEVELOPMENT CORP.
C/O IMOGENE R. JOHNSON, PRESIDENT

LOCATION: 13042 Van Dyke Ave. Between: Forestlawn St and Almont St. in a B4 Zone (General business District). – Council District #3

LEGAL DESCRIPTION OF PROPERTY: E VAN DYKE 1 GARBARINO SUB L62 P6 PLATS, W C R 17/537 1 THRU 4 EXC VAN DYKE AVE AS WD MT OLIVET STATION SUB L17 P46 PLATS, W C R 17/458 138.50 IRREG

PROPOSAL: CKM Community Development Corp./c/o Imogene R. Johnson, President appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 116-17) which (Approved with Conditions) permission to establish a Medical Marihuana Caregiver Center in an existing 1,140 square foot building in a B4 zone (General Business District). This case is appealed because 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 NOT in a drug free zone, a Gateway Radial Thoroughfare or a Traditional Main Street overlay area. It is NOT located within 1000 feet of any controlled uses, religious institutions or MMCC's. (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. Weed made a motion to indicate the petitioner does not have standing to bring this appeal before the Board. Support by Ms. Moore.

Affirmative: Mr. Weed
Ms. Teague, Moore

Negative: Mr. Thomas, Calzada, Finn

Ms. Grant recused herself from the case.

COMMUNITY APPEAL DISMISSED DUE TO LACK OF STANDING.

11:30 a.m. **CASE NO.:** BSEED 20-18 (Community Appeal)

APPLICANT: JAMES OLIVER & Heidelberg Community

LOCATION: 3662 HEIDELBERG ST Between: Ellery and Mt. Elliott St in a R2 Zone (Two Family Residential District). – Council District #5

LEGAL DESCRIPTION OF PROPERTY: S HEIDELBERG 6 KAISERS L15 P95 PLATS, W C R 13/57 30 X 105.28

PROPOSAL: James Oliver and other residents appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 20-18) which (Approved With Conditions) TO establish a Nonprofit Neighborhood Center with residential unit on the second floor in a vacant, two story single family dwelling in an R2 zone (Two Family Residential District). This case is appealed 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; the proposed neighborhood center – no additional off-street parking is required and because the art work has spread to other parcels in the vicinity strict conditions and a time frame has been added (see conditions: #5&6 BSEED Conditions). (Sections 61-4-72 Appeals and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to indicate the petitioner has demonstrated they have standing to bring this appeal before the Board. Support by Ms. Grant.

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

Negative: Mr. Weed

Standing has been established

ACTION OF THE BOARD: Mr. Thomas made a motion to adjourn case for the both parties to meet and discuss the appeal and bring findings back before the board at a later date. Facilitated with the Planning and Development Department. Support by Ms. Moore

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

Negative:

Mr. Finn not present for the vote

ADJOURNED WITHOUT DATE AND WITHOUT FEE

12:15 p.m.

CASE NO.: BSEED 78-17 (Community Appeal)

APPLICANT: BISHOP TONY RUSSELL

LOCATION: 8052 E. EIGHT MILE RD. Between: Van Dyke Ave and Bramford St in a B4 Zone (General Business District).
– Council District #3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE 620 AND VAC CONNORS ADJ EXC EIGHT MILE AS WD BASE LINE SUB NO 2 L46 P51 PLATS, W C R 17/497 108 X 48.23

PROPOSAL: Bishop Tony Russell appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 78-17) which (Approved with Conditions) permission to establish a medical marihuana caregiver center in an existing one story 3,419 square foot building in a B4 zone (General Business District). This case is appealed because 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 four (4) Controlled Uses; The Connoisseur Collective located at 20510 Van Dyke aka 20516 Van Dyke – 38’ feet away, 8&Van Dyke Helping Hands located at 20254 Strotter aka 7722 E. Eight Mile – 360’ feet away, Pure Van Dyke, LLC., located at 20477 Van Dyke aka 20481 Van Dyke – 317’ feet away and Helping Hands Holistic Center located at 20245 Van Dyke – 788’ 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 to indicate the petitioner does not have standing to bring this appeal before the Board. Support by Ms. Grant.

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

Negative: Ms. Moore

Mr. Thomas and Mr. Finn were not present for the vote.

COMMUNITY APPEAL DISMISSED DUE TO LACK OF STANDING.

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 Weed seconded this motion which was unanimously carried and the meeting adjourned at 3:10 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp