

Board Members



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Robert G. Weed

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Council District 3

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Council District 4

Emmanuel Calzada

Council District 6

Kwame Finn

Council District 7

City of Detroit
Board of Zoning Appeals
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 212
Detroit, Michigan 48226
Phone: (313) 224-3595
Fax: (313) 224-4597
Email: boardofzoning@detroitmi.gov

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday January 22, 2019 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 18, 2018 and December 20, 2018 with any corrections.

Affirmative: Mr. Thomas, Weed
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.: 80-18

APPLICANT: KECIA ESCOE

LOCATION: 12200 PETOSKEY AVE, Between: Richton St and Cortland St in a R2 Zone (two Family Residential District) – Council District # 7

LEGAL DESCRIPTION OF PROPERTY: N RICHTON 232 LEWIS & CROFOOTS SUB NO 5 L27 P70 PLATS, W C R 14/194 39.4 X 77.14A

PROPOSAL: Kecia Escoe request permission to change one nonconforming use (Original Use) to another nonconforming use (Quilting Education Studio) located on a 6 square foot Building locate on a 3,049 square foot lot in an R2 zone (Two Family 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. P&DD report indicated there are no deficiencies. (Sections 61-15-20 Change of Use to Other Nonconforming Use, 61-15-17 Required Findings).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant change of non conforming use to another nonconforming use. Seconded by Ms. Teague.

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

Negative: Mr. Weed

CHANGE OF NONCONFORMIING USE GRANTED

10:00 a.m. **CASE NO.:** BSEED 184-17 – Community Appeal
 (Adjourned from September 18, 2018)

APPLICANT: JUDITH SALE

LOCATION: 2031, 2037, 2043 & 2047 11TH STREET
 Between: Michigan Ave and Church St in a B4
 Zone (General Business District) – Council
 District # 6

LEGAL DESCRIPTION OF PROPERTY: AVAILABLE UPON
 REQUEST

PROPOSAL: Judith Sale appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 184-17) which (Approved With Conditions) TO construct two, three story townhouse buildings (18 units) on a 17,967 square feet vacant site 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. (Sections 61-4-72 Appeals and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to state the petitioner has proper standing to bring this request before the Board. Support by Ms. Teague

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

Mr. Calzada made a motion to Grant the community appeal, thereby Reversing the BSEED Decision to construct two, three story townhouse buildings in a B4 zone. Support by Ms. Teague

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

Negative:

10:45 a.m. CASE NO.: 73-18 (aka BSEED 181-16)

APPLICANT: SHARET MAZEN

LOCATION: 13747 Plymouth Rd. Between: Shirley Ave. and Schaefer Hwy. in a B4 Zone (General Business District) – Council District # 7

LEGAL DESCRIPTION OF PROPERTY: S PLYMOUTH E 204 FT OF W 666 FT OF A EXC N 33 FT E 104 FT OF W 566 FT OF B EXC RR SPUR TRACK PLAT OF THE ESTATE OF JOHN KEAL L543 P404 DEEDS W C R 22/586 29 239 SQ FT

PROPOSAL: Sharet Mazen requests a Variance of Spacing/Locational Regulation TO ADD Used Moto Vehicle Sales to an establish Used Auto Parts and Wrecking Lot (Junk Yard) APPROVED in (BSEED 152-89) in a B4 zone (General Business 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 are three existing used auto sales lots within 1,000 feet of this property: 13631 Plymouth – located 361 feet away, 13777 Plymouth – located 0 feet away (adjacent), 10040 Freeland – located 772 feet away and 11374 Schaefer – located 820 feet away. In addition, this use is required to be located on a major thoroughfare (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: Mr. Calzada made a motion to Grant Variance of Spacing/Locational Regulation. Support by Mr. Finn

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

Negative: Mr. Weed, Thomas
Ms. Grant

SPACING VARIANCE GRANTED

11:30 a.m. **CASE NO.:** 94-17 (aka BSEED 145-16)
REMANDED BACK BY CIRCUIT COURT TO BZA FOR NEW HEARING

APPLICANT: MANAR ABBO / PLYBURT, LLC.

LOCATION: 13624 E Eight Mile Rd Between: Schoenherr St and Reno St in a B4 Zone (General Business District) – Council District # 3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE E 297 THRU 300 EXC EIGHT MILE RD AS WD HUNDS REGENT PARK SUB L55 P8 PLATS, W C R 21/898 80 X 58

PROPOSAL: Manar Abbo / Plyburt, LLC. requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing approximate 1,434 square foot building, which was APPROVED conditionally in (BSEED 145-16) 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). The proposed use is within 1,000 radial feet of one Controlled Use, (Rainbow Market) located at 13510 E. Eight Mile Rd. – 357.7' 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; remanded by Circuit Court November 30, 2018 back to BZA for New Hearing. (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 Variance of Spacing /Locational Regulation to establish a MMCC in a 1,434 square foot building Support by Ms. Moore

Affirmative: Mr. Weed,
Ms. Moore, Grant

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

Motion Fails

Continued

11:30 a.m.

CASE NO.:

94-17 (aka BSEED 145-16)

REMANDED BACK BY CIRCUIT COURT TO BZA FOR NEW HEARING

ACTION OF THE BOARD: Mr. Finn made a motion to Grant Variance of Spacing /Locational Regulation to establish a MMCC in a 1,434 square foot building Support by Mr. Thomas

Affirmative: Mr. Thomas, Finn

Negative: Mr. Calzada, Weed
Ms. Teague, Grant, Moore

MOTION FAILS/SPACING/LOCATIONAL VARIANCE DENIED

RE-HEARING REQUEST

Case No. BSEED 116-17 13042 VAN DYKE

ACTION OF THE BOARD: Ms. Calzada made a motion to Grant Re-Hearing Request due to information and testimony of the BZA petitioner. Support by Ms. Grant

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

Negative:

RE-HEARING REQUEST GRANTED

Case No. 6-17 15500 E EIGHT MILE RD.

ACTION OF THE BOARD: Ms. Calzada made a motion to Grant Re-Hearing Request due to information and testimony of the petitioner. Support by Ms. Moore

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

Negative:

RE-HEARING REQUEST GRANTED WITH FEE AND WITHOUT DATE

Director informed the Board the Correct Fee schedule should be incorporated into the current Rules and Procedures and a motion is needed to facilitate that action.

ACTION OF THE BOARD: Mr. Weed made a motion to incorporate the current fee schedule into the approved Rules and Procedures. Support by Ms. Grant

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

Negative:

FEE SCHEDULE INCORPORATED INTO RULES & PROCEDURES

RECONSIDERATION OF VOTE FOR CASE 56-18

Director Ribbron informed the Board that on Friday December 21, 2018 at 11:42 a.m. Board Member Teague notified the BZA Staff she wishes to move for a reconsideration of the BZA decision 56-18 property located at 13125 W. Chicago.

ACTION OF THE BOARD: Ms. Teague made a motion for reconsideration of the vote for Case 56-18. Seconded by Mr. Calzada.

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

Negative:

Director Ribbron recommended taking this case under Advisement for City Department to weigh in on the concerns of the Board Members before a final vote is taken.

ACTION OF THE BOARD: Ms. Teague made a motion to take the case under Advisement . Seconded by Mr. Calzada.

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

Negative:

TAKEN UNDER ADVISEMENT

CASE NO.: 58-18 (aka BSEED 178-17)

APPLICANT: ANTHONY PA

LOCATION: 1180 VINEWOOD ST Between: Porter St and W. Lafayette Blvd. in a R2H Zone (two Family Residential – Historic Zoning District) – Council District # 6

LEGAL DESCRIPTION OF PROPERTY: E VINEWOOD S 35 FT OF N 93 FT OF W 140.60 FT OF P C 78 LYG S OF PORTER ST E OF VINEWOOD AVE 14/--- 35 X 140.60

ROPOSAL: Anthony PA request dimensional variances TO convert an existing 4 unit Multi-Family Dwelling into a 5 unit Multi-Family Dwelling (Approved w/ Conditions in BSEED 178-17) in an R2H zone (Two Family Residential - Historic Zoning 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. Section 61-12-121(1) indicates in the R2 District, such uses shall have a maximum of eight (8) dwelling units, except where developed under the "School building adaptive reuses" provision as defined in Sec. 6116-171 of this Code;, the applicant proposes to expand from 4 dwelling units to 5 multi-family dwelling units; 6 parking spaces are required, 4 are proposed; LOT size 7000 square feet required, 4,291 proposed; LOT width 70 feet required, 35 proposed; Maximum LOT coverage, 35% permitted, 52% proposed and FAR 3,445 square feet required, 5,084 square feet proposed. Dimensional variances are required. (Sections 61-4-92(1, 2 &3) Other Variances, Variance of Use Regulation, Development Standard, 61-4-91(6) General Dimensional Standard, 61-8-40(2) Conditional residential uses, 61-12-121(1) Multi-Family Dwellings and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional variances to allow conversion of an existing 4 unit Multi-Family Dwelling into a 5 unit Multi-Family Dwelling (Approved w/ Conditions in BSEED 178-17) in an R2H zone (Two Family Residential - Historic Zoning District) Seconded by Ms. Grant.

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

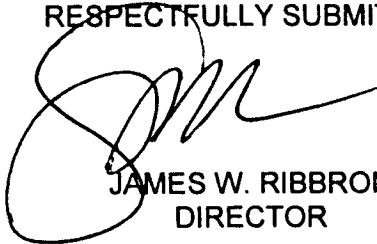
Negative:

DIMENSIONAL 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 3:30 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp