

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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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 **January 29, 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) Emmanuel Calzada, Board Member
- (3) Robert G. Weed, Board Member

BOARD MEMBERS ABSENT:

1. Vivian Teague, Board Member
2. Kwame Finn, Board Member
3. Elois Moore, Board Member
4. Jacqueline Grant, Board Member

MINUTES:

No minutes were approved

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.:** 49-18 - ADJOURNED BY BZA ON NOVEMBER 27, 2018
APPLICANT: A & Z 13510, LLC / BRANDON NADEEM DALAL
LOCATION: 13510 E. Eight Mile Rd. Between: Pelkey St. and Schoenherr St. in a B4 Zone (General Business District)

LEGAL DESCRIPTION OF PROPERTY: S--E EIGHT MILE RD 19 THRU 14 EXC EIGHT MILE RD AS WD SCHOENHERR MANOR SUB L54 P98 PLATS, W C R 21/885 120 X 58.62A 58.78 R 58.47

PROPOSAL: A & Z 13510, LLC / BRANDON NADEEM DALAL requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing one-story, 2,226 square foot building which was APPROVED w/Conditions in (BSEED 88-17) 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 or a Religious Institution. The proposed use is within 1,000 radial feet of two (2) Controlled Uses; Forest Wolf aka Puff Detroit located at 388' feet away – 632' feet away and Plyburt, LLC located at 13624 E. Eight Mile – 356' 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: According to the Rules of Procedure:

3.04 Quorum; Voting

- a) Four (4) members of the Board then serving shall constitute a quorum for the conduct of business.

CASE ADJOURNED

10:15 a.m. CASE NO.: 116-16 (aka BSE&ED 23-16) - REMANDED BACK BY CIRCUIT COURT
(Adjourned by BZA on December 4, 2018)

APPLICANT: BAMBOO MEDICAL, INC. #3/ DINA HAMZE

LOCATION: 14846 W. Seven Mile Rd. Between: Robson and
Lauder in a B4 Zone (General Business District)

LEGAL DESCRIPTION OF PROPERTY: LOTS 615-624 EXCLUDING SEVEN MILE ROAD AS WIDENED, SAN BERNANDO PARK SUBDIVISION NO 2, LIBER 52, PAGE 28, PLATS W.C.R. 240 X 86.08 (PIN 22017317-26)

PROPOSAL: Bamboo Medical, Inc #3 / Dina Hamze requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 1,078 square foot unit of an existing eight unit, approximate 10,080 square foot building APPROVED in (BSEED 23-16) 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 three (3) other Controlled Uses located at 14701 W. Seven Mile Rd. – Omni Party Store – 174’ away, 15025 W. Seven Mile Rd. – Savon Foods – 208’ away and 15215 W. Seven Mile Rd. – Atty’s Parti Expo – 862’ 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 from Circuit Court for a further de novo hearing to introduce all issues and evidence that they [Appellant] consider relevant at the remanded hearing to clarify the non-exhaustive list of issues for the BZA. (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 and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: According to the Rules of Procedure:

3.04 Quorum; Voting

- a) Four (4) members of the Board then serving shall constitute a quorum for the conduct of business.

CASE ADJOURNED

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: According to the Rules of Procedure:

3.04 Quorum; Voting

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CASE ADJOURNED

CASE NO.: BSEED 184-17 – COMMUNITY APPEAL

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: According to the Rules of Procedure:

3.04 Quorum; Voting

- a) Four (4) members of the Board then serving shall constitute a quorum for the conduct of business.

CASE ADJOURNED

CASE NO.: 56-18 (aka BSEED 06-17)

APPLICANT: GREENLEAF EXTENDED CARE, LLC / SHIRLEY CARMICHAEL

LOCATION: 13125 W. CHICAGO ST Between: Ward Ave and Cheyenne St in a B4 Zone (General Business District) – Council District # 7

LEGAL DESCRIPTION OF PROPERTY: S-W CHICAGO 7 ROBERT OAKMAN LAND COS MC FARLANE SUB L53 P54 PLATS, WCR 22/561 19 X 100, (PIN 22003495)

PROPOSAL: Greenleaf Extended Care. LLC / Shirley Carmichael requests a Variance of Spacing / Locational Regulation TO establish a medical marihuana caregiver center in an existing 1,235 square foot one-story building 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 or a Religious Institution. The proposed location is within 1,000 radial feet of two (2) Controlled Uses; May's Market located at 13040 (13044) W. Chicago – 200' feet away, Roots Shoots & Flowers LLC located at 13110 W. Chicago – 84.6' feet away and three (3) Religious Institution; Adams Chapel Baptist located at 12845 W. Chicago – 840' feet away, Ecclesia Church located at 9611 Iris – 828 feet away and First Christian COM Church Corp., located at 9640 Sorrento – 880' 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: According to the Rules of Procedure:

3.04 Quorum; Voting

- a) Four (4) members of the Board then serving shall constitute a quorum for the conduct of business.

CASE ADJOURNED

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: According to the Rules of Procedure:

3.04 Quorum; Voting

- a) Four (4) members of the Board then serving shall constitute a quorum for the conduct of business.

CASE ADJOURNED

RE-HEARING REQUEST

Case No. BSEED 116-17 16060 E. EIGHT MILE RD.

CASE NO.: 57-18 (aka BSEED 66-16)

APPLICANT: MAHER LAZER / DALTON BROWN

LOCATION: 16060 E. EIGHT MILE RD. Between: Redmond St and
boulder St in a B4 Zone (General Business District) –
Council District # 3

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE RD E 14&15
PATERSON BROS & COS RIDGEMONT GARDENS SUB
L60 P3 PLATS, W C R 21/943 40 X 100

PROPOSAL: Maher Lazer requests a Variance of Spacing /
Locational Regulation TO establish a medical
marihuana caregiver center in an existing 1,380
square foot unit of an existing two-unit 2,760
square foot building 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 or a
Religious Institution. The proposed location is
within 1,000 radial feet of two (2) Controlled Uses;
Handy Spot Liquor & Food located at 15900 E.
Eight Mile Rd. – 373' feet away and Royalty Foods
located at 16086 E. Eight Mile – 82' 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: According to the Rules of Procedure:

3.04 Quorum; Voting

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conduct of business.

REHEARING REQUEST ADJOURNED

RECONSIDERATION OF DECISION FOR CASE 94-17

Director Ribbron informed the Board that the attorney for the Petitioner submitted a letter to the Board of Zoning Appeals office for a reconsideration of the BZA decision made on January 22, 2019 where the Board denied permission to waive spacing for proposed MMCC.

ACTION OF THE BOARD: According to the Rules of Procedure:3.04 Quorum; Voting

- a) Four (4) members of the Board then serving shall constitute a quorum for the conduct of business.

RECONSIDERATION REQUEST ADJOURNED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp