

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 **March 12, 2019** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Vice-Chairperson of the Board Teague 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) Robert G. Weed, Board Member
- (3) Vivian Teague, Board Member
- (4) Kwame Finn, Board Member
- (5) Elois Moore, Board Member
- (6) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

- (1) Emmanuel Calzada, Board Member

MINUTES:

Board Member Finn made a motion to approve the minutes March 5, 2019 with any corrections.

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

9:15 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 that the petitioner has standing to bring the Community Appeal before the Board. Seconded by Ms. Moore

Affirmative: Mr. Weed
Ms. Moore, Grant

Negative: Mr. Thomas, Finn
Ms. Teague

Motion Fails due to vote count

CASE NO.: BSEED 116-17 (Community Appeal) Continued

Mr. Thomas made a motion to take case under Advisement to allow the absent Board Member to hear the audio and participate in the vote. Seconded by Mr. Finn

Affirmative: Mr. Thomas, Finn
Ms. Teague

Negative: Mr. Weed
Ms. Moore, Grant

Motion fails due to vote count

After further review of the Rules and Procedures the original motion made by Board Member Weed stands and the motion failed.

3.04 Quorum; Voting

- (a) Four (4) members of the Board then serving shall constitute a quorum for the conduct of business.
- (b) Except as otherwise provided in these Rules of Procedure, actions taken by the Board shall require a majority vote of the members then serving. As a point of clarity, in the event that a quorum is validly constituted by the presence of four (4) members, pursuant to subsection (a), the unanimous vote of those four (4) members is required to pass any action. Except as otherwise provided in these Rules of Procedure or as required by an applicable law, voting shall be by voice and a show of hands. If a vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

Petitioner does not have standing to bring appeal before the Board.

10:00 a.m.

CASE NO.: 78-18

APPLICANT: Total Armored Car/Stanton J. Barr

LOCATION: 2950 Rosa Parks Blvd. between Elm St and Temple St in a R3 zone (Low Density Residential District) - Council District #6

LEGAL DESCRIPTION OF PROPERTY: E TWELFTH 33 BLK 5 PLAT OF CABACIER FARM N OF CHICAGO RD L1 P154 PLATS, W C R 8/35 203.7 X 189

PROPOSAL: Total Armored Car/Stanton J. Barr request permission to change one nonconforming use (Sales & Service Station Permit #44395 5-15-28) to another non-conforming use (Office & Storage) located in a 39.400 square foot building located on a 65,000 square foot lot in an R3 zone (LOW DENSITY RESIDENTIAL DISTRICT). This case is appealed because the Board of Zoning Appeals 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; 810 square foot of interior landscaping required, No alley shown on site plan and loading, unloading not shown on site plan. (Sections 61-15-20 Change of Use to Other Nonconforming Use.)AP

ACTION OF THE BOARD: Mr. Weed made a motion to change one nonconforming use (Sales & Service Station Permit #44395 5-15-28) to another non-conforming use (Office & Storage) located in a 39.400 square foot building located on a 65,000 square foot lot in an R3 zone. Seconded by Mr. Finn.

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

Negative: Mr. Thomas
Ms. Teague

CHANGE OF NON CONFORMING USE GRANTED

10:45 a.m.

CASE NO.: 76-18 (BSEED 97-18)

APPLICANT: ROMIA KIRMA

LOCATION: 10345 W. Eight Mile between Birwood and Griggs in a B2 zone (Local Business And Residential District) – Council District #2

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE ROAD
W 17 FT 7 6 GRAND PARK SUB L42 P16 PLATS,
W C R 16/404 40 X 100

PROPOSAL: Romia Kirma appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (PIN: 16009481-2 BSEED #97-18) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing building located at 10345 W. Eight Mile in a B2 zone (LOCAL BUSINESS AND RESIDENTIAL 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; the proposed MMPCF site is located within 950 feet of a "DRUG FREE ZONE" known as Wells Playground located at 20159 Griggs. (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, Sec. 61-3-355 (b) (1). Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Ms. Teague made a motion to Uphold BSEED decision that the proposed MMPCF is located in a Drug Free Zone. Seconded by Ms. Moore.

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

Negative: Mr. Finn

BSEED DECISION UPHELD, DRUG FREE ZONE

11:30 a.m.

CASE NO.: 77-18

APPLICANT: WAEL ELZENY

LOCATION: 14730 Harper between Outer Drive and Manistique in a B4 zone (General Business District) – Council District #4

LEGAL DESCRIPTION OF PROPERTY: S HARPER 1 THRU 5 PARK &BOULEVARD SUB L42 P70 PLATS, W C R 21/618 102.40 X 100

PROPOSAL: Wael Elzeny appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (BSEED #103-18) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing building located at 14730 Harper 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; *the proposed MMPCF site is located within 759 feet of a "Controlled Use" known as Ashley's Market located at 9000 Hayes.* (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, Sec. 61-3-355 (b) (1). Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions and 61-3-231 General Approval Criteria.)AP

ACTION OF THE BOARD: Mr. Weed made a motion that BSEED made the correct decision that the proposed MMPCF is located within 759 feet of Controlled Use located at 9000 Hayes. (General Business District). Support by Mr. Finn.

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

Negative:

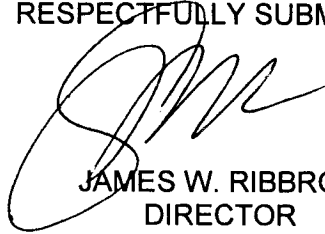
Mr. Thomas and Mr. Finn were not present for the vote

BSEED DECISION AFFIRMED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Grant motioned that the meeting be adjourned. Board Member Weed seconded this motion which was unanimously carried and the meeting adjourned at 1:04 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp