

Board Members

James W. Ribbron
Director



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

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 **March 26, 2019** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Vice-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) Robert G. Weed, Board Member
- (3) Kwame Finn, Board Member
- (4) Elois Moore, Board Member
- (5) Jacqueline Grant, Board Member
- (6) Emmanuel Calzada, Board Member

BOARD MEMBERS ABSENT:

- (1) Vivian Teague, Board Member

MINUTES:

Board Member Moore made a motion to approve the minutes March 19, 2019 with any corrections.

Affirmative: Mr. Weed, Finn, Thomas, Calzada
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.: 2-19

APPLICANT: JASSIM ERZOUKI

LOCATION: 5604, 5610 & 5614 Florida Between: McGraw and Wagner in a R2 Zone (Two-Family Residential District) - **Council District #6**

LEGAL DESCRIPTION OF PROPERTY: E FLORIDA N 22.14 FT 206 SEYMOUR & TROESTERS MICHIGAN AVE SUB L28 P86 PLATS, W C R 18/346 22.14 X 90; E FLORIDA 205 SEYMOUR & TROESTERS MICHIGAN AVE SUB L28 P86 PLATS, W C R 18/346 30 X 90; E FLORIDA 204 SEYMOUR & TROESTERS MICHIGAN AVE SUB L28 P86 PLATS, W C R 18/346 30 X 90

PROPOSAL: Jassim Erzouki request permission to demolish an existing non-conforming 2,000 square foot Retail Store use with SDD to construct new 4,035 square foot expanded and intensified non-conforming Retail Store with SDD and accessory parking in a R2 (Two-Density Residential District). This case is appealed because of 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.(Sections Sec. 61-15-16 (#1, 2 & 4) Expansion or intensification of nonconforming uses and 61-15-17 Required Findings).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional Variance to demolish an existing non-conforming 2,000 square foot Retail Store use with SDD to construct new 4,035 square foot expanded and intensified non-conforming Retail Store with SDD and accessory parking in a R2 (Two-Density Residential District). Seconded by Ms. Moore

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

Negative: Mr. Thomas

DIMENSIONAL VARIANCE GRANTED

10:00 a.m.

CASE NO.: 4-19 (BSEED 66-18)
APPLICANT: JOSE JESUS LOPEZ
LOCATION: 2505, 2511, 2517, 2523, 2529 & 2535 Green St
 Between: Pitt and Vernor in a R2 Zone (Two-Family Residential District) - Council District #6

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Jose Jesus Lopez request to establish an Accessory Parking lot to serve an existing Banquet Hall located on a 24,353 square foot site approved in Buildings Safety Environmental Department Case No. 66-18 in an R2 (TWO-FAMILY RESIDENTIAL DISTRICT). 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 proposed lot exceed 8,500 sq. ft. in size – 24,353 proposed. (Sections 61-4-92(1, 2 &3) Other Variances, Variance of Use Regulation, Development Standard, 61-4-91(6) General Dimensional Standard and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional variances to **establish an Accessory Parking lot to serve an existing Banquet Hall located on a 24,353 square foot site approved in Buildings Safety Environmental Department Case No. 66-18 in an R2 (Two Family Residential District).** Seconded by Ms. Grant

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

Negative: Mr. Thomas,

DIMENSIONAL VARIANCES GRANTED

10:45 a.m. **CASE NO.: 06-17 (aka BSEED 58-16) – Rehearing granted January 22, 2019**

APPLICANT: KUSH BROTHERS, LLC / DAKOTA KLEINER

LOCATION: 15500 E. Eight Mile Rd Between: Crusade Ave. and Brock Ave. in a B4 zone (General Business District) – Council District #3

LEGAL DESCRIPTION OF PROPERTY: LOTS 303-308, DRENNAN & SELDON'S REGENTS PARK SUBDIVISION NO. 1, LIBER 55, PAGE 88, PLATS, W.C.R 120 X 100 (PIN28046-7, 21028048, 21028049, 2128050, 21028051)

PROPOSAL: Kush Brother, LLC / Dakota Kleiner requests a Variance of Spacing/ Locational Regulation TO establish a Medical Marijuana Caregiver Center (MMCC) in an existing approximate 3,600 square foot building which was APPROVED conditionally in (BSEED 58-16) 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 marijuana 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 (J's Liquor Shop) located at 15260 E. Eight Mile Rd. – 765' 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/Locational Regulation to establish a Medical Marijuana Caregiver Center (MMCC) in an existing approximate 3,600 square foot building which was APPROVED conditionally in (BSEED 58-16) in a B4 zone (General Business District). Seconded by Ms. Moore

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

Negative:

SPACING/LOCATIONAL VARIANCE DENIED

11:30 a.m. **CASE NO.:** 57-18 (aka BSEED 66-16) – Rehearing Granted
February 5, 2019

APPLICANT: MAHER LAZER

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: Mr. Weed made a motion to Adjourn case due to
petitioners attorney having a prior Court appearance.
Seconded by Mr. Finn.

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

Negative:

ADJOURNED WITHOUT DATE AND WITH FEE

RECONSIDERATION OF VOTE FOR CASE 79-18

Director Ribbron informed the Board that on Friday March 22, 2018 at 1:10 p.m. Board member Kwame Finn notified the BZA Office Staff he wishes to move for a reconsideration of the decision in BZA Case 79-18 located at 8052 E. Eight Mile between Terrell and Stotter in a B4 zone (General Business District) – Council District # 3 approved Tuesday, March 19, 2019.

ACTION OF THE BOARD: Mr. Finn made a motion for reconsideration of the vote for Case 79-18. Seconded by Mr. Calzada.

Affirmative: Mr. Weed, Calzada, Finn

Negative: Mr. Thomas,
Ms. Moore

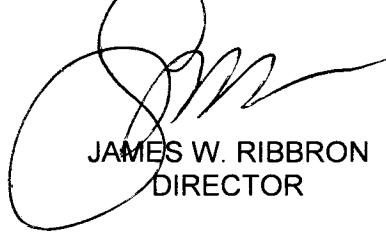
Ms. Grant abstained from the vote

MOTION FAILS DUE TO VOTE COUNT. ORIGINAL MOTION TO APPROVE STANDS.

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Calzada motioned that the meeting be adjourned. Board Member Finn seconded this motion which was unanimously carried and the meeting adjourned at 1:30 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp