

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 **SEPTEMBER 24, 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 G. Weed, Board Member
- (2) Robert E. Thomas, Board Member
- (3) Vivian Teague, Board Member
- (4) Kwame Finn, Board Member
- (5) Emmanuel Calzada, Board Member
- (6) Jacqueline Grant, Board Member
- (7) Elois Moore, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Teague made a motion to approve the minutes September 17, 2019 with any corrections.

Affirmative: Mr. Weed, Thomas
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.:** **53-19**

APPLICANT: **Lamar Advertising**

LOCATION: **5569 14th between I-94 Service Dr. and Hudson St. in a B4 zone (General Business District)-City Council District #5**

LEGAL DESCRIPTION OF PROPERTY: **W 14TH 578 PLAT OF GODFROY FARM L7 P55 PLATS, W C R 10/50 40 X 145**

PROPOSAL: **Lamar Advertising is filing an appeal TO replace an existing non-conforming Billboard Structure with a NEW non-conforming advertising sign structure in the Grand Blvd. Overlay District bounded by East Grand Boulevard, the Detroit River and West Grand Boulevard in a B4 zone (General Business 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 and for a variance from the required location of off-street parking facilities or the amount of off-street parking facilities required, or both, where, after investigation by the Board, it is found that such modification is necessary to secure an appropriate development of a specific parcel of land, provided, that any such modification will not be inconsistent with other requirements and general purpose of this Zoning Ordinance; For this nonconforming sign, once the existing structure is removed then the non-conformity would be extinguished. A new billboard (LED) on a new structure, is not allowed in the Grand Boulevard Overlay Area. The BZA can't hear this new sign. (Sections 61-4-71 Appeals of Administrative Decisions, Sec. 61-4-72.Appeals).AP**

ACTION OF THE BOARD: Mr. Weed made a motion to **Dismiss this case and instruct the petitioner to file for Hardship Relief Petition.**
 Seconded by Mr. Finn

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

Negative:

Mr. Calzada were not present for the vote

DISMISSED

10:00 a.m. **CASE NO.:** 22-19 (aka BSEED 9-18) –

APPLICANT: Nasem Issak

LOCATION: 22251 W Grand River between Cooley and Redford in a B4 Zone (General Business District) City Council District #1

LEGAL DESCRIPTION OF PROPERTY: S GRAND RIVER N 81.45 FT ON W LINE BG N 81.56 FT ON E LINE 3 EXC GRAND RIVER AVE AS WD FAIR PLAINS SUB L26 P50 PLATS, W C R 22/528 100 X 81.5A

Proposal: Nasem Issak appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED 09-18) which DENIED the expansion of an existing Minor Motor Vehicle Repair Facility from 1,353 square feet to 3,937 square feet 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, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department. by expanding the building the petitioner is creating a parking deficiency – 13 parking spaces are required – 5 customer parking spaces are proposed; however, one space is located near an existing curb cut, thus reducing the number of customer parking spaces to 4: 9 space deficient.(Sections Sec. 61-4-91(1). Permitted dimensional variances; (1) Location or Amount of Off-Street Parking and 61-3-231 General Approval Criteria and 61-4-81 (if denial overturned and variance fee is paid).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Reverse the BSEED Denial (BSEED 09-18) which DENIED the expansion of an existing Minor Motor Vehicle Repair Facility from 1,353 square feet to 3,937 square feet in a B4 zone (General Business District). Seconded by Ms. Moore

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

Negative:

BSEED DECISION REVERSED, EXPANSION GRANTED

10:45 a.m. **CASE NO.:** 38-19 (aka BSEED 137-18) –

APPLICANT: Mark Fraser

LOCATION: 7900 Michigan Ave (aka 7924 Michigan)
between Springwells and Elmer in a B4 Zone
(General Business District)-City Council District #6

LEGAL DESCRIPTION OF PROPERTY: N MICHIGAN 25
THRU 30 QUINN & SASS SUB L28 P28 PLATS, W C
R 20/230 129.23 IRREG

PROPOSAL: Mark Fraser requests an Off-Street-Parking Variance TO expand a Minor Motor Vehicle Repair Facility (Father & Son Muffler Clinic) to add a Retail Paint Supply Store with accessory Warehouse in a 4,513 square foot portion of an existing 8,678 square foot building which was APPROVED WITH CONDITIONS in (BSEED 137-18) in a B4 Zone (GENERAL BUSINESS 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 and for a variance from the required location of off-street parking facilities or the amount of off-street parking facilities required, or both, where, after investigation by the Board, it is found that such modification is necessary to secure an appropriate development of a specific parcel of land, provided, that any such modification will not be inconsistent with other requirements and general purpose of this Zoning Ordinance. Also, deficient Off-Street-Parking: 19 spaces required, 7 spaces provided, 12 spaces deficient. (Sections 61-4-91(1) Permitted Dimensional Variances, Location or Amount of Off-Street-Parking and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant Dimensional Variance request of Off-Street-Parking Variance TO expand a Minor Motor Vehicle Repair Facility (Father & Son Muffler Clinic) to add a Retail Paint Supply Store with accessory Warehouse in a 4,513 square foot portion of an existing 8,678 square foot building which was APPROVED WITH CONDITIONS in (BSEED 137-18) in a B4 Zone (General Business District). Seconded by Ms. Teague

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

Negative:

PARKING VARIANCE GRANTED

11:30 a.m. **CASE NO.:** 27-19 (aka BSEED 173-16) – ADJOURNED FROM JUNE 11, 2019

APPLICANT: JAR Capital, LLC

LOCATION: 611 Hillger between E. Jefferson Ave. and Freud St. in an M4 zone (Intensive Industrial District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: W LYCASTE 12 EXC N 149.64 FT OF E 193.57 FT TERMINAL SUB L26 P80 PLATS, W C R 21/372 28 THRU 32 HUTTON TIGHON & NALL SUB L24 P18 PLATS, W C R 21/263 82,985 SQ FT

PROPOSAL: JAR Capital, LLC appeals the decision of the Buildings Safety Engineering and Environmental Department’s Special Land Use Review dated February 6, 2019 which states; the subject property has been identified as being within 1000 radial feet of a Drug Free Zone in a M4 (Intensive Industrial 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 in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed. Also, the proposed MMCC located at 611 Hillger has been identified as being in a Drug Free Zone (DFZ) based on its proximity to Pathways Academy located at 11200 (aka 11340) E. Jefferson.. Pathways Academy is a legally, operating, public charter school located approximately 539 radial feet from the subject property at 611 Hillger, therefore becomes ineligible to establish a Medical Marihuana Growers Faculty (Sections 61-4-72 Appeals and 61-3-355 Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions(c)(d).).AP

ACTION OF THE BOARD: Ms. Teague made a motion to Affirm the BSEED Denial dated February 6, 2019 that the subject property is located in a Drug Free Zone. Seconded by Ms. Moore

Affirmative: Mr. Weed, Calzada
Mr. Teague, Moore

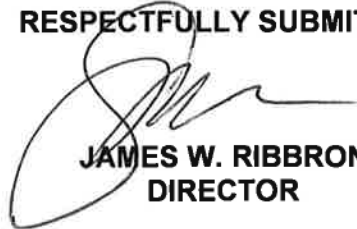
Negative: Mr. Thomas, Finn
Ms. Grant

BSEED DECISION UPHELD, USE DENIED

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 Grant seconded this motion which was unanimously carried and the meeting adjourned at 12:30 P.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to read 'JWR', is written over the printed name and title.

**JAMES W. RIBBRON
DIRECTOR**

JWR/atp