

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 17, 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 August 27, 2019 with any corrections.

Affirmative: Mr. Weed, Thomas
Ms. Teague, 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.: 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)-City 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: Ms. Teague made a motion to **Reverse the BSEED decision to construct two, three story townhouse buildings (18 units) on a 17,967 square feet vacant site in a B4 zone (General Business District) Seconded by Mr. Weed**

Affirmative: Mr. Weed
Ms. Teague, Moore

Negative: Mr. Thomas
Ms. Grant

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

**ACCORDING TO THE RULES OF PROCEDURE,
MOTION FAILS AND COMMUNITY APPEAL
DENIED**

10:00 a.m. **CASE NO.:** 52-19

APPLICANT: AMIR ALKHAFAGI

LOCATION: 15225 Joy Rd. (aka 15217, 15221 & 15235 Joy Rd.)
between Sussex and Whitcomb in a B4 Zone (General
Business District) City Council District #7

LEGAL DESCRIPTION OF PROPERTY: S JOY 837 THRU 835
FRISCHKORNS WEST CHICAGO BLVD SUB L46
P11-2 PLATS, WCR 22/540 60 X 100

PROPOSAL: Amir Alkhafagi appeals the decision of the Building, Safety, and Engineering Case No. 251-16 which denied the request to establish a major motor vehicle repair facility (no painting) in an existing 2,562 square foot building in a B4 zone (GENERAL BUSINESS DISTRICT). This case is appealed because Appeals of the Buildings and Safety Engineering Department on Conditional Use permit applications shall be taken to the Board of Zoning Appeals within fourteen (14) days of the date of the department's decision, also, 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. **(Sections 61-4-71 Jurisdiction Over Appeals of Administrative Decisions and 61-3-231 Approval Criteria).AP**

ACTION OF THE BOARD: Mr. Finn made a motion to Uphold the BSEED Denial to establish a major motor vehicle repair facility (no painting) in an existing 2,562 square foot building in a B4 zone (General Business District). Seconded by Ms. Moore

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

Negative:

BSEED DECISION UPHELD, USE DENIED

10:45 a.m. CASE NO.: 43-19 (aka BSEED 79-18) – Adjourned from August 20, 2019

APPLICANT: ROSARIA MANNINO

LOCATION: 15146 Gratiot between Bringard and Eastburn in a B4 Zone (General Business District)-City Council District #3

LEGAL DESCRIPTION OF PROPERTY: S GRATIOT S 2 FT 4 5&6 ED DE GRANDCHAMP GRATIOT FARM SUB L40 P18 PLATS, W C R 21/803 42 X 100

PROPOSAL: Rosaria Mannino requests a variance of spacing regulation TO establish a Used Motor Vehicle Sales lot in an existing 1,792 square foot building approved w/ conditions under BSEED Case 79-18 in a B4 (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 instances to modify any use regulation that is specified in ARTICLE XII.DIVISION 2 of this Chapter; there are currently three (3) Motor Vehicle Sales Lots within 1,000 radial feet of the subject property located at 15252 Gratiot – 138 feet, 15296 Gratiot – 749 feet and 15926 Gratiot – 937 feet. (Sections 61-4-92(1) Other Variances, Variance of Use Regulation, 61-12-91 Retail, Service and Commercial uses, Spacing, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria.) AP

ACTION OF THE BOARD: Ms. Moore made a motion to Deny Spacing Variance request to establish a Used Motor Vehicle Sales lot in an existing 1,792 square foot building approved w/ conditions under BSEED Case 79-18 in a B4 (General Business District). Seconded by Ms. Teague

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

Negative: Mr. Thomas, Finn
Ms. Grant

SPACING VARIANCE DENIED

11:30 a.m. **CASE NO.:** 47-19
APPLICANT: Daniel Pettigrew / Greenstone Wellness
LOCATION: 12750 Mansfield between Glendale and Fullerton in an M4 zone (Intensive Industrial District)-City Council District #1

LEGAL DESCRIPTION OF PROPERTY: E MANSFIELD ALL THAT PT OF NE 1/4 SEC 25 T1S R10E LYG E & ADJ MANSFIELD AVE DESC AS FOLS; BEG AT A PTE IN E LINE OF MANSFIELD AVE (65 FT WD) DIST N'LY ALG SD LINE 655 FT FROM N LINE OF FULLERTON AVE (66 FT WD); TH N 0D3M W 201.33 FT TO A PTE ON S LINE OF GLENDALE AVE (56 FT WD); TH S 89D 43M E 271 FT TO A PTE; TH S 0D 4M W 201.33 FT TO A PTE; TH N 89D 43M W 272.43 FT TO P O B 22/--- 54 631 SQ FT

PROPOSAL: Greenstone Wellness, LLC appeals the decision of the Buildings Safety Engineering and Environmental Department's BSEED Case No. 142-18 dated April 23, 2019 which DENIED permission to establish a Medical Marihuana Provisioning Center Facility in a 1,450 square foot unit, a Medical Marihuana Grower Facility in a 7,655 square foot unit and a Medical Marihuana Processor Facility in a 14,960 square foot unit of an existing 24,065 square foot building 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. Medical marihuana facilities may be permitted on a conditional basis in the following zoning districts in accordance with this Article, subject to the provisions of this Division and any other applicable provisions of this Code, and all applicable state of Michigan requirements: (1) Medical marihuana grower facilities MAY be permitted on a conditional basis in the M1, M2, M3, M4, and M5 zoning districts. (Sections 61-4-72 Appeals and Sec. 61-3-355(a)(1). Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions and 61-3-231 Approval Criteria (Conditional Uses).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Uphold the BSEED Denial to establish a Medical Marihuana Provisioning Center Facility in a 1,450 square foot unit, a Medical Marihuana Grower Facility in a 7,655 square foot unit and a Medical Marihuana Processor Facility in a 14,960 square foot unit of an existing 24,065 square foot building in a M4 (Intensive Industrial District). Seconded by Ms. Teague

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

Negative:

BSEED DECISION UPHELD, USE DENIED

12:15 a.m. **CASE NO.:** 51-19

APPLICANT: Mohammed Shammout

LOCATION: 8700 Military between Linsdale and Joy Rd. in an M4 Zone (Intensive Industrial District)-City Council District #6

LEGAL DESCRIPTION OF PROPERTY: E MILITARY ALL THAT PART OF P C 574 LYG E OF & ADJ MILITARY AVE N OF & ADJ LINDALE AVE BG 576.34 FT ON E LINE OF MILITARY AVE & 580.17 FT ON E LINE OF SD P C 574 16/- 148,380 SQ FT

PROPOSAL: Mohammed Shammout appeals the decision of the Buildings Safety Engineering and Environmental Department's Special Land Use Review dated May 6, 2019 which DENIED and states; the subject property has been confirmed as being within 1000 radial feet of an Outdoor Recreation Center known as Sirotkin Park located at 8741 Epworth located approximately 438 radial feet in an M4 (Intensive Industrial 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 MMGF site is located 438 feet from a "DRUG FREE ZONE" known as Outdoor Recreation Center known as Sirotkin Park located at 8741 Epworth. (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, 61-3-355 (b) (1). Permitted districts for medical marihuana facilities; Conditional Uses, 61-3-353. Definitions; meaning of terms: Medical marihuana grower facility).

ACTION OF THE BOARD: Mr. Finn made a motion to **Adjourn without date and with fee for petitioner's new attorney to familiarize himself with the case.** Seconded by Ms. Moore

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

Negative:

Ms. Grant was not present for the vote

ADJOURNED WITH FEE AND WITHOUT DATE

9:45 a.m. **CASE NO.:** 67-18

APPLICANT: JAMES PAPPAS

LOCATION: 13300 Syracuse St (aka 13291 Mound) between Rupert and Luce in a R5 (Medium-Density Residential District) City Council District #3

LEGAL DESCRIPTION OF PROPERTY: W MOUND 55 THRU 60 AND ALL VAC ALLEY ADJ-20' 147 THRU 156 AND ALL VAC ALLEY ADJ-18' A MEYERS & SON NO 1 L56 P84 PLATS, W C R 13/317ALSO N 233.85 FT OF THAT PART OF SE 1/4 OF NE 1/4 SEC 17 T1S R12E LYG S OF AND ADJ LUCE AVE BTWN SYRACUSE AVE & A MEYERS & SON SUB# 1 13/- -- 123.2 IRREG

PURPOSAL: James Pappas requests dimensional variances TO construct a (BY-RIGHT) Multi-family, dwelling containing 19 Affordable Housing Units (A-1 Bedrooms) on a 19,296 square foot lot in a 10,624 square building in a R5 (Medium-Density 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 parking and recreational space provided: That the open space needs of the potential occupants are adequately served; and that said facility complies with all appropriate federal and state statutes, Wayne County Code of Ordinances, this Code and their accompanying regulations that control or regulate such use, including all applicable standards of this Zoning Ordinance; Parking spaces required 24 – spaces provided 2 and recreational space ratios for R5 0.085 – no indication on site plan. (Sections 61-4-91. Permitted Dimensional Variances, General Dimensional Standards and 61-4-81 Approval Criteria)

ACTION OF THE BOARD: Mr. Calzada made a motion to Grant dimensional variances TO construct a (BY-RIGHT) Multi-family, dwelling containing 19 Affordable Housing Units (A-1 Bedrooms) on a 19,296 square foot lot in a 10,624 square building in a R5 (Medium-Density Residential District). Seconded by Mr. Finn

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

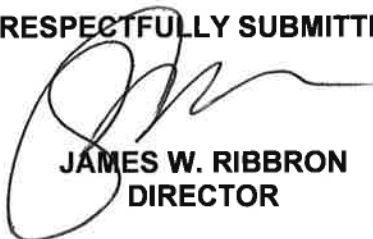
Negative: Ms. Teague, Moore

DIMENSIONAL VARIANCE GRANTED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Finn motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 2:30 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