

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

Debra Walker
Council District 6

Kwame Finn
Council District 7



James W. Ribbron
Director

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 **NOVEMBER 19, 2019** on the 2nd Floor in the BZA Office, 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) Debra Walker, Board Member
- (6) Elois Moore, Board Member
- (7) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Grant made a motion to approve the minutes November 12, 2019 with any corrections.

Affirmative: Mr. Weed, Thomas
Ms. Moore, Walker, 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 hearings, furnished by **BZA Staff**, be made part of the **MINUTES**.

9:15 a.m. **CASE NO.:** **74-19**
APPLICANT: **TANYA SALDIVARE-ALI/AGI CONSTRUCTION, LLC**
LOCATION: **1326 18th Street between Porter St and Howard St in a R2 Zone (Two-Family Residential District)-City Council District #5**

LEGAL DESCRIPTION OF PROPERTY: **E 18TH N 26 FT 134 SUB OF P C 473 L47 P558-9 DEEDS, W C R 10/8 26 X 134**

PROPOSAL: **Tanya Saldivare – Ali/AGI Construction, LLC request permission to change from the current legal use “Vacant” (the previous legal nonconforming use was retail) to another nonconforming use (Office) in a 2,485 square foot building on a 2,674 square foot lot in a R2 (Two-Density Residential District). This case is appealed 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 50-2-73 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. (Sections 50-15-7 Board of Zoning Appeals, 15-15-30. Change of nonconforming use to other nonconforming use. AP**

ACTION OF THE BOARD **Mr. Weed made a motion to Grant permission to change from the current legal use “Vacant” (the previous legal nonconforming use was retail) to another nonconforming use (Office) in a 2,485 square foot building on a 2,674 square foot lot in a R2 (Two-Density Residential District). Support by Ms. Grant**

Affirmative: **Mr. Thomas, Finn, Weed, Finn
Ms. Walker, Moore, Teague,**

Negative:

CHAGNE OF NON CONFORMING USE GRANTED

10:00 a.m. CASE NO.: 73-19 (aka BSEED SLU2019-00007)

APPLICANT: ABDULMALIK ALHARTAKI

LOCATION: 16980 W. Warren between Clayburn and Rutland in a B4 zone (General Business District).-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: N WARREN 807 THRU 802 WEST WARREN PARK SUB L50 P6 PLATS, W C R 22/249 125 X 100

PROPOSAL: Abdulmalik Alhartaki appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2019-00007) which DENIED the site plan for the proposed intensification of the current use Minor Motor Vehicle Repair from three (3) service bays to seven (7) service bays on a 12,500 square foot lot in a 3,670 square foot building 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; site plan denied; did not meet the site plan requirements (see BSEED letter dated February 8, 2019). (Sections 50-4-101 Jurisdiction Over Appeals of Administrative Decisions and 50-3-151 thru 50-3-187 Approval Criteria).AP

ACTION OF THE BOARD Ms. Teague made a motion to Adjourn to December 17, 2019 for BSEED's to review the revised site plan and decide if it is still denied or approved. Support by Ms. Moore

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

Negative:

ADJOURNED TO DECEMBER 17, 2019

10:45 a.m. CASE NO.: 75-19 (aka BSEED 117-02)

APPLICANT: JIHAD NASSAR

LOCATION: 5996 Woodward between Harper Ave. and Edsel Ford Service Dr. in a B4 (General Business District).-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD 3 THRU 1 EXC WOODWARD AS WD HARPER HOSPITAL L6 P43 PLATS, W C R 1/90 150.22 IRREG

PURPOSAL: Jihad Nassar requests to modify conditions for BSEED 117-02 which established Motor Vehicle Filling Station with Carry-out Restaurant APPROVED w/ Conditions 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; all landscaped areas be properly maintained and watered. Off-street parking shall be provided with a pavement having an asphaltic or Portland cement binder. A landscaping belt, 5 feet in width shall be installed along the Woodward and Harper Ave. property line except where across from approved driveways and separated from paved access by a six-inch curbing to protect the plant material – petitioner seeking waiver for landscaping and screening. (Sections 50-4-131 Permitted dimensional variances, 50-4-129 Variances In General and 50-4-121 Approval Criteria.)AP

ACTION OF THE BOARD Mr. Weed made a motion to Grant modification of BSEED Grant Conditions to require the petitioner to provide wrought iron fencing along Woodward and Harper and landscaping along Harper. Support by Ms. Moore

Affirmative: Mr. Weed, Finn, Thomas
Ms. Moore , Walker, Teague

Negative:

MODIFICAITON OF GRANT CONDITIONS GRANTED

11:30 a.m. CASE NO.: BSEED SLU2019-00063 – COMMUNITY APPEAL
(aka BSEED 153-17)

APPLICANT: VAN DYKE COMMUNITY ASSOCIATION

LOCATION: 7554 Miller (aka 8333 Townsend) Between:
Townsend and Wallace in a R5 Zone (Medium Density
Residential District).-City Council District #3

PURPOSAL: Van Dyke Community Association, Johnathan Borrow,
Lydia Jamison appeals the decision of the Buildings
Safety Engineering and Environmental Department
(BSEED SLU2019-00063) which (Approved with
Conditions) permission TO modify BSEED Case #153-
17 to construct a 10,775 square foot building to
establish a Pre-Release Adjustment Center in an R5
zone (Medium Density Residential District). This case is
appealed because the 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; Michigan
courts have held that in order to meet the “aggrieved
person” standard, the appellant must prove that he or
she (or it, if the appellant is an organization) has
suffered special damages related to the beneficial use
and enjoyment of his/her own property that are not
common to other property owners similarly situated.
The party filing the appeal must be more than a mere
resident of the City; he or she must be able to show
harm or damages that are unique to him or her, and to
his/her property, specifically. (Sections 50-4-102
Appeals, Michigan Case Law on “Aggrieved Person”
Standard and 50-3-381 General Approval Criteria
(Community Appeals)).AP

ACTION OF THE BOARD Ms. Walker made a motion to Dismiss the
Community Appeal due to correspondence from
both the Original Petitioner and Community
Appellant has reached an agreement. Support by
Ms. Grant

Affirmative: Mr. Weed, Finn, Thomas
Ms. Moore, Walker, Teague

Negative:

CASE DISMISSED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Teague motioned that the meeting be adjourned. Board Member Moore seconded this motion which was unanimously carried and the meeting adjourned at 11:44 A.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to be 'JWR', written over the printed name of James W. Ribbron.

**JAMES W. RIBBRON
DIRECTOR**

JWR/atp