

BOARD MEMBERS

Robert E. Thomas

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Council District 5

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Council District 4

Debra T. Walker

Council District 6

Anthony Sherman

Council District 7



JAMES W. RIBBRON

Director

City of Detroit
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In accordance with Section 5(4) of the Michigan Open Meetings Act, MCL 15.265(4),
The Board of Zoning Appeals will hold its meetings by **ZOOM** you can either call in or join by web.
We encourage the public to use one of the following:

The Telephone Numbers Are:

(312) 626-6799 or (929) 436-2866, Meeting ID: 83992865544

If You Are Joining By Web The Link Is:

<https://cityofdetroit.zoom.us/j/571081730?pwd=c1UvYUtwVlBUNmhlaitZbVdrTGk5dz09>,

Meeting ID: 571 081 730 and meet ID: 376542

If you need additional information regarding this meeting, our director
James Ribbron can be reached at (313) 939-1405.

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **February 23, 2021** by way of Zoom.

Vice-Chairperson of the Board Moore called the meeting to order and Director Ribbron called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

- (1) Elois Moore, Board Member
- (2) Debra T. Walker, Board Member
- (3) Robert G. Weed, Board Member
- (4) Anthony Sherman, Board Member
- (5) Vivian Teague, Board Member
- (6) Michelle L. West, Board Member

BOARD MEMBERS ABSENT:

- (1) Robert E. Thomas, Board Member

MINUTES:

Board Member Moore made a motion to approve the minutes for February 16, 2021 with any corrections.

Affirmative: Mr. Weed, Sherman
Ms. Moore, Walker, West
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.:** 29-20

APPLICANT: **Mario Mongini**

LOCATION: **2051 W. Davison** between Rosa Parks Blvd and 14th St in a R3 Low Density Residential District-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: **S DAVISON 4 THRU 1 EXC DAVISON AVE AS WD THOMAS BROS WAVERLY PK SUB L30 P74 PLATS, W C R 8/154 110 IRREG**

PROPOSAL: **Mario Mongini, is requesting to change a nonconforming Dry Cleaners to a nonconforming Office, within an existing 4,028 square foot building in a R3 Low Density Residential District. A nonconforming 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 50-2-67 of this Code, except, that a nonconforming use may not be changed to any of the following: (b) Except for the ten items prohibited above, the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. Where a change in use is approved, the Board of Zoning Appeals shall be authorized to impose conditions that the Body deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this chapter. Any condition that is imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact. (Sections 50-15-7 - Board of Zoning Appeals and 50-15-30 (b) - Change of nonconforming use to other nonconforming use: (b) the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use.)AP**

ACTION OF THE BOARD: Mr. Sherman made a motion to Adjourn this case with fee and without date for the petitioner to be clear on proposal request and to meet with the community and receive feedback on the requested proposal. Seconded by Ms. Moore

Affirmative: Mr. Weed, Sherman
Ms. Moore, Walker, West, Teague

Negative:

ADJOURNED WITH FEE AND WITHOUT DATE

10:15 a.m. CASE NO.: 06-21

APPLICANT: Brian Hurttienne

LOCATION: 7631 E. Lafayette between Townsend and Baldwin in an R3 (Low Density Residential District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: W BALDWIN 124 THRU 126MOSES W FIELDS SUB L8 P37 PLATS, W C R 17/40 90 X 107

PROPOSAL: Brian Hurttienne requests dimensional variances for a proposed use of Multiple-family dwellings with fewer than 50 percent of the units in the structure being efficiency units; **BUILDING 1:** (2 story, 4,024 square foot, 8 dwelling units); and **BUILDING 2:** (2 story, 7,944 square foot, 16 unit building) in an R3 (Low 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; Building 2 (16 units): Off-Street Parking (twelve off-street parking spaces required; seven spaces proposed, deficient five spaces). (Sections 50-4-131(1) Permitted imensional Variances, and 50-4-121 Approval Criteria.)AP**

ACTION OF THE BOARD: Ms. Moore made a motion to Grant dimensional variances for a proposed use of Multiple-family dwellings with fewer than 50 percent of the units in the structure being efficiency units; **BUILDING 1:** (2 story, 4,024 square foot, 8 dwelling units); and **BUILDING 2:** (2 story, 7,944 square foot, 16 unit building) in an R3 (Low Density Residential District). **Seconded by Ms. West**

Affirmative: Mr. Weed, Sherman
Ms. Teague, Walker, Moore, West

Negative:

DIMENSIONAL VARIANCES GRANTED

11:15 a.m. CASE NO.: 44-20 aka SLU2018-00025

APPLICANT: Linda Yaldo

LOCATION: 18601 thru 18635 Van Dyke between Hildale and Quinn in a B4 zone (GENERAL BUSINESS DISTRICT)-City Council District #3

LEGAL DESCRIPTION OF PROPERTY: W VAN DYKE 3&4 EXC VAN DYKE AVE AS WD PACKARD PARK SUB L28 P63 PLATS, W C R 15/206 60 X 91.42A

PROPOSAL: Linda Yaldo appeals the decision of the Building, Safety, Engineering SLU2018-00025 which denied the request to expand an existing Major Motor Vehicle Repair Facility building from 5,100 square feet to 6,300 square feet and add a Used Motor Vehicle Sales lot on vacant land in a B4 zone (GENERAL BUSINESS DISTRICT). 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; A) The conditional use involves activities, processes, materials, equipment or conditions of operation that will be detrimental to the physical environment or to public health and general welfare. At the time of inspection, the subject property was in violation of various property maintenance codes including illegal outdoor storage of inoperable vehicles on the public right of way, open dumpster located illegally on the public berm, and excessive weed and foliage overgrowth on the vacant land owned by the applicant. B) Despite owning the business for over sixteen years, the applicant has failed to fully comply with BSEED Grant #06-04 which include the illegal storage of vehicles awaiting repair on East Hildale public right of way (Condition #. 19), absence of perimeter screening (Condition #. 24) and the absence of additional off-street parking which specified that unless additional off-street parking is secured within one hundred feet of the subject site, the use shall become null and void (Condition #. 11), thus the proposed expansion could pose an undue hardship and nuisance to the adjacent residential neighborhood. (Sections 50-4-101 Jurisdiction over Appeals of Administrative Decisions and 50-3-281 General approval criteria) AP

ACTION OF THE BOARD Ms. West made a motion to Adjourn this case with fee and without date at the petitioners request. **Seconded by Ms. Moore**

Affirmative: Mr. Weed, Sherman
Ms. Walker, Moore, Teague, West

Negative:

ADJOURNED WITH FEE AND WITHOUT DATE

CASE NO.: BSEED SLU2019-000186

APPLICANT: NW Community Block Club/Marilyn Winfrey

LOCATION: 14313 Wyoming between Intervale and Lyndon in a M4 (Intensive Industrial District)- City Council District #7

LEGAL DESCRIPTION OF PROPERTY: W WYOMING 283 ASSESSORS DETROIT PLAT NO 20 L74 P28 PLATS, W C R 16/469 15,464 SQ FT

PROPOSAL: NW Community Block Club/Marilyn Winfrey appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED Case No.: SLU2020-00086 effective date of decision September 18, 2020) which (Approved with Conditions) the establishment of a Medical Marihuana Grower Facility in an existing 9,066 square foot building in a M4 (Intensive Industrial District). 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 50-3-281 General Approval Criteria (Community Appeals).)AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant community appeal thereby reversing the BSEED Grant. Seconded by Ms. Moore

After further discussion, Mr. Weed rescinded his previous motion to and made a motion to deny the Community Appeal, thereby Upholding the BSEED Grant that makes condition #12 remain in effect.

Affirmative: Mr. Weed, Sherman
Ms. Teague, Walker, Moore, West

Negative:

COMMUNITY APPEAL DENIED, BSEED GRANT UPHELD

There being no further business to be transacted, Board Member Teague motioned that the meeting be adjourned. Board Member Weed seconded this motion which was unanimously carried and the meeting adjourned at 2:07 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp