

BOARD MEMBERS

Robert E. Thomas

Chairperson
Council District 5

Vivian Teague

Vice Chairperson
Council District 2

Robert G. Weed

Council District 1

Elois Moore

Council District 3

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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
Board of Zoning Appeals
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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 **May 11, 2021** by way of Zoom.

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Moore made a motion to approve the minutes for April 27, 2021 with any corrections.

Affirmative: Mr. Weed, Thomas, Sherman
Ms. Moore, Walker, West, 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.:** 3-21

APPLICANT: TONJA STAPLETON WITH PARKSTONE DEVELOPMENT

LOCATION: 5875 W. Vernor between Calvary and Campbell in a B4 (General Business District - TMSO)- City Council District #6

LEGAL DESCRIPTION OF PROPERTY: S VERNOR HWY W 19 FT 946 FIFTH PLAT SUB L20 P18 PLATS, W C R 16/36 947 E 18 FT 948 FOURTH PLAT SUB L19 P57 PLATS, W C R 16/27 62 X 125

PROPOSAL: Tonja Stapleton with Parkstone Development is requesting to re-establish an accessory, Drive-Through. Per BSEED, the current legal use is “Bakery” (permit# 21852 on 1/22/1976). 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; also The Board of Zoning Appeals has the authority to determine if re-establishing the accessory drive thru will be more or less injurious when combined with the current bakery use (Sections 50-15-7 - Board of Zoning Appeals, 50-15-28. - Eligibility for re-establishment and 50-15-27 and 50-4-121 Approval Criteria - Required findings.) AP

ACTION OF THE BOARD: Ms. Walker made a motion to **Grant re-establishemnt of drive thru and dimensional variances for the drive thru at bakery.** Seconded by Ms. West

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

Negative:

RE-ESTABLISH DRIVE THRU AND DIMENSIONAL VARIANCES GRANTED.

10:15 a.m. **CASE NO.:** 4-21 aka BSEED SLU2020-00100-Adjourned February 16, 2021

APPLICANT: Frank Simon Salama

LOCATION: 19830 W. Seven Mile between Plainview and Evergreen in a B4 zone (General Business District)-City Council District #1

LEGAL DESCRIPTION OF PROPERTY: N W SEVEN MILE 53 THRU 62EVERGREEN PARK L57 P68 PLATS, W C R 22/351 203X90

PROPOSAL: Frank Simon Salama appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2019-00007) which DENIED the Construction of a 2,475 square foot building on a vacant 20,300 square foot site to accommodate a Motor Vehicle Filling Station ((Adjourned February 16, 2021) in a B4 zone (General Business District). **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; A) That at the time of inspection, the subject property was in violation of several property maintenance codes including excessive overgrown vegetation and weeds, trash, debris and solid waste onsite, repair to chained-linked perimeter fencing around premises and over \$1,000 in outstanding fees, thus the proposed land use may be detrimental to or endanger the social, physical, environmental or economic well-being of surrounding neighborhoods, or aggravate any preexisting physical, social or economic deterioration of the surrounding neighborhood. B) That there are bus stops located on W. Seven Mile Rd. and Evergreen, which many children use to Henry Ford High school. By establishing a motor vehicle filling station may not be compatible with the capacities of public services and public facilities that are affected by the proposed use. (Sections 50-4-101 Jurisdiction Over Appeals of Administrative Decisions and 50-3-171 thru 50-3-281- General Approval Criteria.) AP**

ACTION OF THE BOARD: Mr. Weed made a motion to Uphold BSEED Denial. Seconded by Ms. Walker

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

Negative:

BSEED DENIAL UPHELD/ USE DENIED

11:15 a.m. CASE NO.: 34-20 – Adjourned from January 26, 2021

APPLICANT: INTEGRITY BUILDING GROUP / JOHN P. BIGGAR

LOCATION: 1441 Brooklyn Street between Porter and Labrosse in a R3 Zone (Low Density Residential District)-City Council District #6

LEGAL DESCRIPTION OF PROPERTY: W BROOKLYN S 80 FT 1 BLK 60 COL D BAKER L17 P272-3 DEEDS, W C R 6/11 80 X 50 SPLIT ON 06/12/2017 06005352-6

PROPOSAL: Integrity Building Group - John P. Biggar request to change from one nonconforming use to another nonconforming use. The current nonconforming legal use is Factory with accessory parking across Brooklyn St. The proposed nonconforming use is Commercial Office with accessory parking across Brooklyn St. The existing building is approximately 16,140 square feet in area. The petitioner obtained a Certificate of Appropriateness on July 14th, 2020 from the Historic District Commission for changes to the exterior of the building. The existing building and parking lot are located within the Corktown Historic District and are within the Greater Corktown Project Planning area in an R3 Zone (Low Density Residential District). This case is appeals because 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: Sec. 50-14-342(2)(a)-Residential Screening - Per the Zoning Ordinance, parking that is adjacent to residentially zoned land not containing a residential structure requires an opaque screen wall 4-6' in height, and a landscaped 5' buffer; Per the site plan, there is an existing approximately 6' tall wrought iron fence and no setback on the eastern property line of the parking lot, which the petitioner would like to keep as residential screening. Planning & Development may approve alternative materials used for screening, but not the opacity.

ACTION OF THE BOARD: Ms. Teague made a motion to Grant change of nonconforming use and dimensional variances. Seconded by Ms. West

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

Negative:
Mr. Weed recused himself from the case

BSEED DENIAL UPHELD/ USE DENIED

There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member West seconded this motion which was unanimously carried and the meeting adjourned at 1:12 P.M.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to be 'JWR', written in a cursive style.

JAMES W. RIBBRON
DIRECTOR

JWR/atp