

BOARD MEMBERS

Robert E. Thomas

Chairperson
Council District 5

Vivian Teague

Vice Chairperson
Council District 2

Robert G. Weed

Council District 1

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Council District 3

Michelle L. West

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 (213) 338-8477, Meeting ID: 82469728510

If You Are Joining By Web The Link Is:

<https://cityofdetroit.zoom.us/j/82469728510>

If you need additional information regarding this meeting, you can contact either
James Ribbron: (313) 939-1405 or Thomina Davidson: (313) 224-3432

MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **AUGUST 30, 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) Robert G. Weed, Board Member
- (3) Anthony Sherman, Board Member
- (4) Vivian Teague, Board Member
- (5) Debra T. Walker, Board Member
- (6) Michelle L. West, Board Member
- (7) Elois Moore, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member West made a motion to approve the minutes for August 9, 2021 with any corrections.

Affirmative: Mr. Weed, Thomas
Ms. Teague, Walker, Moore, 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.:** 31-21 aka SPR2020-00066
APPLICANT: Allied Media Projects
LOCATION: 4731 Grand River between 14th and 15th St. in a B4 - (GENERAL BUSINESS DISTRICT)-City Council District #6
LEGAL DESCRIPTION OF PROPERTY: S GRAND RIVER 398 399 SUB OF PT OF THE GODFROY FARM L1 P293 PLATS, W C R 10/32 ALSO 635 THRU 641 SUB OF PC 44 L68 P2-3 DEEDS, W C R 10/31 325.51 IRREG 33605 SF 124
PROPOSAL: David Rzyzi request dimensional (parking) variances to the develop office spaces in a newly constructed four story building. The existing one story building will be a proposed restaurant without drive-up or drive through facilities. These uses are by-right in this zoning districts B4 - (GENERAL BUSINESS 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 the minimum setbacks;77 parking spaces are required, 30 parking spaces are provided, 47 parking spaces deficient. A hearing with the Board of Zoning appeals is required to waive the deficient parking. A 4 foot to 6-foot masonry wall must be provided along the rear of the parking lot to screen the residential to the south, per section 50-14-342 of the Detroit Zoning Ordinance. (Sections 50-4-131(1&6) - Permitted dimensional variances and 50-4-121 Approval Criteria.)
ACTION OF THE BOARD: Ms. Walker made a motion to **Grant parking variance and waiver of residential screen wall to develop office spaces in a newly constructed four story building. The existing one story building will be a proposed restaurant without drive-up or drive through facilities.** Seconded by Mrs. Moore

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

Negative:

DIMENSIONAL VARIANCES GRANTED

10:15 a.m. **CASE NO.:** 41-21 aka SPR2021-00002

APPLICANT: Kimberly Dokes

LOCATION: 503, 509, 515, 521 Horton and 7414 Beaubien, between Beaubien and Oakland in a R3 - (Low Density Residential District)-City Council District #6

LEGAL DESCRIPTION OF PROPERTY: N HORTON S 62 FT 123 HIBBARD BAKERS L7 P90 PLATS, W C R 3/90 29 X 62; N HORTON 124 HIBBARD BAKERS L7 P90 PLATS, W C R 3/90 30 X 125; N HORTON 125 HIBBARD BAKERS L7 P90 PLATS, W C R 3/90 30 X 125; N HORTON 126 HIBBARD BAKERS L7 P90 PLATS, W C R 3/90 30 X 125; N HORTON N 63 FT 123 HIBBARD BAKERS L7 P90 PLATS, W C R 3/90 29 X 63

PROPOSAL: Kimberly Dokes request dimensional (parking) variance to demolish residential structure and construct a three story, 24-unit apartment building across the five combined lots in a 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 for a variance of the minimum setbacks; per Section 50-14-34 of the Detroit Zoning Ordinance, Chapter 50, BSEED can provide a 25% public transit reduction for the 24-unit multifamily dwelling as the project is within ¼ mile from public transit (Woodward). 18 parking spaces are required, 14 on-site spaces were proposed, and 4 spaces deficient. BSEED is unable to waive this deficiency, thus a parking variance shall be required from the Board of Zoning Appeals prior to issuance of permits. (Sections 50-4-131(1) - Permitted dimensional variances and 50-4-121 Approval Criteria.)

ACTION OF THE BOARD: Mr. Weed made a motion to **Adjourn this case without date and without fee for the newly submitted site plan to be reviewed.** Seconded by Ms. West

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

11:15 a.m. **CASE NO.:** BSEED SLU2021-00023 & SPR2021-00009-Adjourned from June 29, 2021

APPLICANT: Clara Dennis and Jacinta Lyon

LOCATION: 8726 Woodward & 95 Alger in a B4 Zone (General Business District and R3 Zone (Low Density Residential District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD 4 & 3 JOS R MCLAUGHLINS SUBDIVISION LIBER 16 PAGE 77 PLATS, W.C.R. 1/115 246 X 200 and N ALGER 5 THRU 11; JOS R MCLAUGHLINS LIBER 16 PAGE 77 PLATS, W.C.R. 1/115 361.8 X 113 (PIN 01004336 & 01002726-30)

PROPOSAL: Clara Dennis and Jacinta Lyon appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED SLU2021-00023 & SPR2021-00009 effective date of decision May 5, 2021) which (Approved with Conditions) the establishment of a Mental Health Facility with accessory Substance Abuse Treatment Facility in an existing approximately 20,000 square foot building along with an Accessory Parking Lot on existing vacant land located at 95 Alger in a B4 Zone General Business District and R3 Zone Low Density Residential 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; 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 Reverse BSEED’s Decision for the establishment of a Mental Health Facility with accessory Substance Abuse Treatment Facility in an existing approximately 20,000 square foot building along with an Accessory Parking Lot on existing vacant land located at 95 Alger in a B4 Zone General Business District and R3 Zone Low Density Residential District. Seconded by Ms. Moore

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

Negative:

BSEED DECISION REVERSED, USE DENIED

II. Cases recommended for dismissal:

ACTION OF THE BOARD: Mr. Weed made a motion to Dismiss the following cases.
Seconded by Ms. Moore

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

Negative:

CASES DISMISSED, Case 87-19 and 99-19 are dismissed with return of fee.

- 6-19: 8836 McGraw(hardship) – Retail w/SDM-SDD (Vinnie Sokrie)
- 87-19: 850 W. Fisher (hardship) – Billboard (International Outdoor)
- 99-19: 5680 French Rd. – Billboard (Lamar Detroit Advertising)
- BSEED SLU2020-00137: 13266 E. Outer Dr. (Community Appeal) – Group Day Care (Jacqueline Grant) (Withdrawing Appeal)

Cases requesting Rehearing

26-21 located at 7506 & 7512 Buhr – Accessory Parking Lot Denied and Upheld by BZA (Payne Landscaping)

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Rehearing Request.
Seconded by Ms. Moore

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

Negative: Ms. West

Ms. Teague abstained from the vote

Re-Hearing Request Granted, fee required.

There being no further business to be transacted, Board Member Walker motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 1:21 A.M.

RESPECTFULLY SUBMITTED

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

JAMES W. RIBBRON
DIRECTOR

JWR/atp