

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

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
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

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 **OCTOBER 26, 2021** by way of Zoom.

Vice-Chairperson of the Board Walker 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

BOARD MEMBERS ABSENT:

- (1) Elois Moore, Board Member
- (2) Michelle L. West, Board Member

MINUTES:

Board Member Teague made a motion to approve the minutes for October 19, 2021 with any corrections.

Affirmative: Mr. Weed, Thomas, Sherman
Ms. Teague, Walker
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.:** 42-21

APPLICANT: Aderemi Ogundiran

LOCATION: 127 Woodland between John R and Woodward in a R1 (Single-Family Residential District). -City Council District #5

LEGAL DESCRIPTION OF PROPERTY: N WOODLAND 17
WOODLAND L13 P85 PLATS, W C R 1/130 40 X 120

PROPOSAL: Aderemi Ogundiran requests Hardship Relief TO alter property at 127 Woodland from a single-family home (rental) to a two family (rental) not allowed in a R1 (General Business District). Two-Family Dwellings are not allowed R1 Also, the Board of Zoning Appeals shall hold a public hearing to determine whether all reasonable economic use has been prevented as a result of final action on the application; To the extent possible within 30 days of the filing of a hardship relief petition and submission of all information that is specified in Section 50-4-154 of this Code, the Board of Zoning Appeal's staff shall report its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use and in the event a public hearing for a hardship relief petition is scheduled by the Board of Zoning Appeals, the proposed use shall be subject to site plan review by the Planning and Development Department as provided for in Section 50-3-113(5) of this Code; and an Appeal date will be set. (Sections 50-4-151. - Deprivation of use of property, 50-4-171. - Review and consultation with the Law Department; Sec. 50-4-152. - Affected property interest; Sec. 50-4-195. - Burden of proof; Sec. 50-4-194. - Application of the "all reasonable economic use" standard and Sec. 50-4-196. - Findings of the Board of Zoning Appeals). AP

ACTION OF THE BOARD: Ms. Teague made a motion to Deny Hardship Relief TO alter property at 127 Woodland from a single-family home (rental) to a two family (rental) not allowed in a R1 (General Business District). Seconded by Mr. Sherman

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

Negative:

“All reasonable economic use” standard not met; HARDSHIP RELIEF PETITION DENIED

10:15 a.m. **CASE NO.:** 9-21

APPLICANT: Lil Clint’s Mini Mart LLC-KM Consulting w/Ken Moody

LOCATION: 7631 E Warren between Townsend and Baldwin in a R2 (Two-Family Residential District - TMSO)-City Council District #4

LEGAL DESCRIPTION OF PROPERTY: Property exempt from Ad Valorem taxes and assessed on the Special Act Roll pursuant to PA 261 of 2003 expiring 12/30/2022. W BALDWIN 22 BLK 9 E C VAN HUSANS SUB L11 P65 PLATS, W C R 17/67 30 X 121.61A

PROPOSAL: Lil Clint’s Mini Mart LLC – KM Consulting w/ Ken Moody is requesting to expand an existing nonconforming Mini-Mart and Carryout restaurant. Per the site plan, the applicant wants to add a 444 square foot addition to the existing 654 structure located at 7631 E Warren Ave. Both sites are located on land zoned R2 and the carry out restaurant is an existing nonconforming use within this zoning district. This address is located within the E. Warren Traditional Main Street Overlay (TMSO) district and are subject to additional design standards in a R2 (Two-Family Residential District - TMSO). A public hearing at the Board of Zoning Appeals shall be required in any instance that involves the expansion or intensification of a nonconforming use, subject to Section 50-15-27 of this Code – Deficiencies There are no deficiencies. E. Warren Ave. TMSO Design Review • The TMSO Design Advisory Committee has reviewed this proposed expansion of a nonconforming use and found the proposed renovations to be compliant with the design standards set forth in the Zoning Ordinance for this area. o Sec. 50-14-436(c)(1)- Requires a minimum of 50 percent of the street level facade along Traditional Main Streets, major thoroughfares, or secondary thoroughfares between two and eight feet above the grade plane shall consist of transparent windows and doors. (This applies to the proposed addition. No changes are proposed for the existing structure's facade.) o Per the site plan, 73 square feet of transparent doors and windows are required along E. Warren Ave.75 square feet were provided. This meets the requirement. (Sections 50-15-7 - Board of Zoning Appeals, 50-15-26. - Expansion or intensification of nonconforming uses and 50-15-27. - Required findings.) AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant request to expand an existing nonconforming Mini-Mart and Carryout restaurant. Per the site plan, the applicant wants to add a 444 square foot addition to the existing 654 structure located at 7631 E Warren Ave. Seconded by Mr. Sherman

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

Negative:

EXPANSION OF NONCONFORMING USE GRANTED

11:15 a.m. **CASE NO.:** 40-21

APPLICANT: Jonnah Inc

LOCATION: 422 E. Grand Blvd. between Kercheval and St. Paul in a R5 - (Medium Density Residential District)-City Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WEST GRAND BLVD 26 BLK 3 HUBBARDS SUB L5 P49 PLATS, W C R 12/288 40 X 135

PROPOSAL: Jonah Inc. is requesting dimensional variances to construct an 8-space parking lot located in a R5 (Medium Density Residential) zoning district 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 the minimum setbacks; III. Deficiencies Sec. 50-14-342 (1)(b)-Residential Screening • Per the Zoning Ordinance, an opaque wall shall be placed at the edge of the parking area to screen the parking area. The nearest parking space, drive aisle, or other paved surface within the parking area shall be located at least ten feet from the abutting residential lot. Said setback area shall be landscaped. • Per the site plan, a 4'6" opaque masonry wall is proposed along the eastern property line, but no setback has been provided. The constraints of the 35' wide lot width prevent the petitioner from providing an adequate drive aisle for the proposed parking and a landscaped setback. In order to come into compliance, the petitioner will need to obtain a dimensional variance from the Board; Sec. 50-14-234-Pedestrian Walkway • Per the Zoning Ordinance, where parking is proposed immediately adjacent to a building, a pedestrian walkway, that is not less than five feet in width, shall be provided to separate the parking area from the building served. This provision shall not apply to single- and two-family dwellings. • Per the site plan, a pedestrian walkway that varies in width from 2.66' to 3.07' has been provided for the proposed angled parking on the east side of the existing building. This is deficient from between 1.93' to 2.34'. The constraints of the 35' wide lot prevent the petitioner from providing the full 5' pedestrian walkway and preserving an adequate drive aisle for the proposed parking. In order to come into compliance, the petitioner will need to petition the Board for a dimensional variance for this deficiency; Sec. 50-14-233 Wheel Stops • Wheel stops or curbing that are at least six inches in height shall be installed at the head of parking spaces to protect walls and structures. • Per the site plan, no wheel stops have been provided. In order to protect the building from potential damage and to come into compliance, the petitioner needs to provide the wheel stops. If the petitioner cannot provide the wheel stops, they should explain the Board how they will prevent potential damage to the building from the proposed parking spaces. (Sections 50-4-131(6) - Permitted dimensional variances and 50-4-121 Approval Criteria.) AP

ACTION OF THE BOARD: Ms. Walker made a motion to Adjourn this case with Final Notice to attempt to reach petitioner on intent of Zoning Appeal Request. Seconded by Mr. Weed

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

Negative:

ADJOURNED WITH FINAL NOTICE

There being no further business to be transacted, Board Member Walker motioned that the meeting be adjourned. Board Member Weed seconded this motion which was unanimously carried, and the meeting adjourned at 11:34 A.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp