

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
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Detroit, Michigan 48226
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **NOVEMBER 12, 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

BOARD MEMBERS ABSENT:

- (1) Jacqueline Grant, Board Member

MINUTES:

Board Member Grant made a motion to approve the minutes November 5, 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.: 83-19

APPLICANT: MOST HOLY TRINITY SCHOOL

LOCATION: 1229 Labrosse St. (aka 1221 Labrosse St.) Between: Brooklyn and Sixth in a R3 Zone (Low-Density Multi-Family District). City Council District #6

LEGAL DESCRIPTION OF PROPERTY: S LA BROSSE 1 THRU 4 E 25 FT OF 5BLK 54 LA BROSSE FARM L13 P85 DEEDS, W C R 6/6 225 X 130

PROPOSAL: Most Holy Trinity School request dimensional variances to add an 8,970 square foot Classroom/Gymnasium/multipurpose addition to an existing School which was established in (BSEED Permit# 16979 issued January 9, 1968) located on a 29,250 square feet lot in a R3 zone (Low-Density Multi-Family 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 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; deficient minimum setback and the site plan does not show parking. (Sections 50-4-131 (1). Permitted dimensional variances; Location or Amount of Off-Street Parking, 50-14-223 Layout and Set Back and 50-4-121. Approval criteria).AP

ACTION OF THE BOARD Mr. Weed made a motion to Grant dimensional variances to add an 8,970 square foot Classroom/Gymnasium/multipurpose addition to an existing School which was established in (BSEED Permit# 16979 issued January 9, 1968) located on a 29,250 square feet lot in a R3 zone (Low-Density Multi-Family District). **Support by Ms. Moore**

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

Negative:

DIMENSIONAL VARIANCES GRANTED

10:15 a.m. CASE NO.: 76-19 (aka BSEED 97-18)

APPLICANT: ROMIA KIRMA

LOCATION: 10345 W. EIGHT MILE RD. Between: Birwood Ave. and Griggs Ave. in a B2 Zone (Local Business and Residential District)-City Council District #2

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE ROAD W 17 FT 7 6 GRAND PARK SUB L42 P16 PLATS, W C R 16/404 40 X 100

PROPOSAL: Romia Kirma appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (PIN: 16009481-2 BSEED #97-18) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing building located at 10345 W. Eight Mile in a B2 zone (Local Business and 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. Medical marihuana facilities may be permitted on a conditional basis in the following zoning districts in accordance with this Article, subject to the provisions of this Division and any other applicable provisions of this Code, and all applicable state of Michigan requirements: the subject property is within 1000 ft. of an Outdoor recreation facility; the proposed MMFCF site is located within 950 feet of a "DRUG FREE ZONE" known as Wells Playground located at 20159 Griggs. (Sections 50-4-102 Appeals and 50-3-534(b) (1) (2). Conditional uses, procedures; waivers; public nuisance; Drug-free zone. Where located in a drug-free zone, as defined in 50-3-533 of this Code, or where located within a Gateway Radial Thoroughfare overlay area or Traditional Main Street overlay area (as provided in Article 6. Division 14 of this chapter; and Where located in a zoning lot in a B2, B4, M1, M3 or M4 district less than 1,000 radial feet from any zoning lot occupied by any religious institution, another MMCC or a controlled AND adopted by Ordinance No. 20-18 of the Medical Marihuana Section of Chapter 61).AP

ACTION OF THE BOARD Ms. Teague made a motion to Affirm BSEED's Decision that the subject property is located in a Drug Free Zone. Support by Ms. Teague

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

Negative: Mr. Weed
Ms. Walker

Motion fails

RE-HEARING REQUEST 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

LEGAL DESCRIPTION OF PROPERTY: S MILLER 96 THRU 116 AND VAC ALLEY ADJ ALSO 124 THRU 130 HAFELI BRINKMAN & CAMPBELLS SUB L26 P67 PLATS, W C R 15/242 ALSO 61 THRU 66 AND E 9 FT OF VAC ALLEY ADJ HAFELIS SUB L37 P85 PLATS, W C R 15/239 218.2 IRREG

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 Mr. Weed made a motion that Community Appeal Petitioner does not have standing to bring this request before the Board. Support by Ms. Moore

Affirmative: Mr. Weed, Finn Ms. Moore

Negative: Mr. Thomas Ms. Walker, Teague

Motion fails a new motion needs to be offered

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

ACTION OF THE BOARD Mr. Thomas made a motion to adjourn this case for the absent Board Member (Ms. Grant) to hear the audio and participate in the vote. Support by Ms. Teague

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

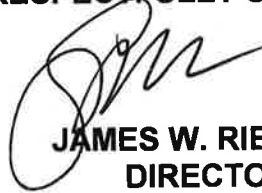
Negative: Mr. Weed

ADJOURNED TO NOVEMBER 19, 2019

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 12:29 P.M.

RESPECTFULLY SUBMITTED



**JAMES W. RIBBRON
DIRECTOR**

JWR/atp