

## BOARD MEMBERS

**Keith Williams**  
Chairperson

**Robert Thomas**  
Vice-Chairperson

**Evelyn Smith**  
**Latisha Johnson**  
**Rita Ross**  
**Robert G. Weed**  
**Emmanuel Calzada**



**City of Detroit**  
**Board of Zoning Appeals**  
**Coleman A. Young Municipal Center**  
**2 Woodward Ave Suite 212**  
**Detroit, Michigan 48226**  
**(313) 224-3595**

**JAMES W. RIBBRON**  
Director

**LYALL T. HOGGATT**  
Appeals Specialist

### MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **October 11, 2016** on the 13th Floor in Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

The Chairman of the Board Keith Williams called the meeting to order and Appeals Specialist Hoggatt called the roll at 9:00 a.m.

#### BOARD MEMBERS PRESENT:

- (1) Keith Williams, Board Member
- (2) Robert E. Thomas, Board Member
- (3) Robert G. Weed, Board Member
- (4) Emmanuel Calzada, Board Member
- (5) Rita Ross, Board Member
- (6) Evelyn Smith, Board Member
- (7) Latisha Johnson, Board Member

#### BOARD MEMBERS ABSENT:

#### MINUTES:

Board Member Ross made a motion to approve the minutes for October 4, 2016 and with corrections.

Affirmative: Mr. Williams, Thomas, Calzada

Ms. Ross, Smith, Johnson

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.: 58-16

APPLICANT: Rex Rosenhaus c/o Pollicella & Associates, PLLC

LOCATION: 19331 Mt. Elliott St. Between: E. Lantz St. and Emery St. in a m2 Zone (Restricted Industrial District).

LEGAL DESCRIPTION OF PROPERTY: W MT ELLIOT 43-40 GEO J KOLOWICH L46 P45 PLATS, W C R 13/287 80 X 124.51

PROPOSAL: Rex Rosenhaus c/o Pollicella & Associates, PLLC appeals the decision of the Buildings Safety Engineering and Environmental Department's Administrative Review and Correction Order dated July 20, 2016, which states; Discontinue use of premises as a Medical Marihuana Facility. No permit has been issued for the present use of the property, unlawful change of use of the building or land and each day an uncorrected and continued violation shall constitute a separate violation in a M2 zone (Restricted Industrial 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. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed. Also, the proposed (MMCC) by Rex Rosenhaus c/o Pollicella & Associates located at 19331 Mt. Elliot has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Kern Playground located at 18801 Mt. Elliot (939 linear feet away) from the subject property. Because the subject property is approximately 939 linear feet from the park, it is confirmed to be within a Drug Free Zone. (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).AP

ACTION OF THE BOARD: Ms. Johnson made a motion to **ADJOURN without date and with fee at petitioner's request.** Supported by Ms. Smith

Affirmative: Mr. Thomas, Weed, Calzada, Williams  
Ms. Ross, Smith, Johnson

Negative:

**ADJOURNED WITHOUT DATE AND WITH FEE**

9:45 a.m.      **CASE NO.:**                      60-16

APPLICANT:                              Sabrina Drinkwine

**LOCATION:**                              4140 E. Eight Mile Rd. Between: Ryan Rd. and Dean Ave. in a B4 Zone (General Business District).

**LEGAL DESCRIPTION OF PROPERTY:** S EIGHT MILE RD 119-12- DROSTE WALDMANN L45 P95 PLATS, W C R13/299 100 X 72 Parcel ID 13-009128.001

**PROPOSAL:**                              Sabrina Drinkwine appeals the decision of the Buildings Safety Engineering and Environmental Department’s Administrative Review and Correction Order dated July 27, 2016, which states; Discontinue use of premises as a Medical Marihuana Facility. No permit has been issued for the present use of the property, unlawful change of use of the building or land and each day an uncorrected and continued violation shall constitute a separate violation in a B4 zone (General Business 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. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed. Also, the proposed (MMCC) by Sabrina Drinkwine located at 4140 E. Eight Mile Rd. has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Farwell Field located 4400 E. Eight Mile Rd. (approximately 612 linear feet away) from the subject property. Because the subject property is approximately 612 linear feet from the park, it is confirmed to be within a Drug Free Zone. (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).AP

**ACTION OF THE BOARD:**                      Ms. Smith made a motion to DENY petitioners request and UPHOLD the BSEED Decision confirming property is in a Drug Free Zone. Supported by Ms. Ross

**Affirmative:**                              Mr. Thomas, Weed, Calzada, Williams  
    Ms. Ross, Smith, Johnson

**Negative:**

**BSEED DECISION UPHELD**

10:15 a.m.      **CASE NO.:**                    61-16

**APPLICANT:**                    Mohanad Morad

**LOCATION:**                            19156 Kelly Rd. Between: McCormick St. and Kingsville St. in a B4 Zone (General Business District).

**LEGAL DESCRIPTION OF PROPERTY:**    E KELLY RD 659 THRU 661 EAST PARK MANOR NO 1 L55 P75 PLATS, W C R 21/890 60 X 80

**PROPOSAL:**                    Mohanad Morad appeals the decision of the Buildings Safety Engineering and Environmental Department's Administrative Review and Correction Order dated July 26, 2016, which states; Discontinue use of premises as a Medical Marihuana Facility. No permit has been issued for the present use of the property, unlawful change of use of the building or land and each day an uncorrected and continued violation shall constitute a separate violation in a B4 zone (General Business 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. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed. Also, the proposed (MMCC) by Mohanad Morad located at 19156 Kelly Rd. has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Our Kidz World Learning Center located 16060 Moross Rd. (approximately 651 linear feet away) from the subject property. Because the subject property is approximately 651 linear feet from the park, it is confirmed to be within a Drug Free Zone (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).AP

**ACTION OF THE BOARD:**    Ms. Johnson made a motion to DENY petitioners request and UPHOLD the BSEED Decision confirming property is in a Drug Free Zone. Supported by Mr. Calzada

Affirmative:            Mr. Thomas, Calzada, Weed, Williams  
                                 Ms. Smith, Ross, Johnson

Negative:                none

**BSEED DECISION UPHELD**

10:45 a.m. CASE NO.: 63-16

APPLICANT: The Jazz Club c/o George Brikho

LOCATION: 16890 Telegraph Rd. Between: W. McNichols Rd. and Dehner St. in a B4 Zone (General Business District).

LEGAL DESCRIPTION OF PROPERTY: E TELEGRAPH 8 RIVERDALE PARK SUB L33 P77 PLATS, W C R 22/472 140 X 300

PROPOSAL: The Jazz Club c/o George Brikho appeals the decision of the Buildings Safety Engineering and Environmental Department's Administrative Review and Correction Order dated August 3, 2016, which states; Discontinue use of premises as a Medical Marihuana Facility. No permit has been issued for the present use of the property, unlawful change of use of the building or land and each day an uncorrected and continued violation shall constitute a separate violation in a B4 zone (General Business District). This case is appealed 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. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed. Also, the proposed (MMCC) by The Jazz Club c/o George Brikho located at 16890 Telegraph has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Rouge Valley Parkway Park. Because the subject property is approximately 182 linear feet from the park, it is confirmed to be within a Drug Free Zone. (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).AP

ACTION OF THE BOARD: Ms. Ross made a motion to ADJOURN without date and with fee at petitioner's request. Supported by Ms. Johnson

Affirmative: Mr. Thomas, Weed, Calzada, Williams Ms. Ross, Smith, Johnson

Negative:

ADJOURNED WITHOUT DATE AND WITH FEE





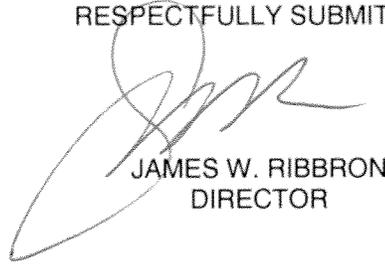
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**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.**

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There being no further business to be transacted, Board Member Thomas motioned that the meeting be adjourned. Board Member Johnson seconded this motion which was unanimously carried and the meeting adjourned at 11:36 A.m.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON  
DIRECTOR

JWR/atp