BOARD MEMBERS

Robert E. Thomas
Chairperson

Latisha Johnson
Vice-Chairperson

Vivian Teague
Rita Ross
Robert G. Weed
Emmanuel Calzada
Elois Moore

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 **April 25, 2017** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Board Member Thomas called the meeting to order and Appeals Specialist Hoggatt called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

(1) Robert Thomas, Board Member
(2) Elois Moore, Board Member
(3) Vivian Teague, Board Member
(4) Robert G. Weed, Board Member
(5) Rita Ross, Board Member
(6) Latisha Johnson, Board Member
(7) Emmanuel Calzada, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Teague made a motion to approve the minutes for April 18, 2017 and with corrections.

Affirmative: Mr. Thomas, Calzada

Ms. Teague, Moore, Ross

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.:** **96-16**

APPLICANT: **Kahri Wheeler**

LOCATION: **18211 W. McNichols Rd.** Between: Ashton Ave. and Rosemont Ave. in a B4 Zone (General Business District). – Council District #1

LEGAL DESCRIPTION OF PROPERTY: **S—W MCNICHOLS 3307 THRU 3310 ROSEDALE PK NO 9 SUB L50 P90 PLATS, W C R 22/446 80 X 100**

PROPOSAL: **Kahri Wheeler appeals the decision of the Buildings Safety Engineering and Environmental Department's Correction Order dated August 25, 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 Kahri Wheeler located at 18211 W. McNichols has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Cornerstone Health & Technology High School located at 17365 Southfield Rd. Therefore, because the proposed MMCC (The Rosedale Provisioning Center) is approximately 757 linear feet within the Cornerstone Health & Technology radius, **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 this case at petitioners request with condition that they close the establishment until the case is adjudicated before the Board. Support by Board Member Moore**

Affirmative: Mr. Calzada, Thomas
Ms. Ross, Teague, Moore, Johnson

Negative: Mr. Weed

ADJOURNED WITHOUT DATE AND WITH FEE

9:45 a.m. **CASE NO.:** **100-16**

APPLICANT: **Happy Corner 2, LLC c/o Alvin Alyas**

LOCATION: **15050 Gratiot Ave. (aka 15100 Gratiot Ave.)** Between: Fairmont Dr. and Eastburn St. a B4 Zone (General Business District). – Council District #3

LEGAL DESCRIPTION OF PROPERTY: **S GRATIOT 10 THRU 16 ED DE GRANDCHAMP GRATIOT FARM SUB L40 P18 PLATS, W C R 21/803 ALL THAT PART OF SEC 1 T 1 S R 12 E LYG S ELY OF AND ADJ GRATIOT AVE N OF & ADJ FAIRMOUNT AVE & W OF AND S OF ADJ ED DE GRANDCHAMP GRATIOT AVE SUBN 21/--284.24 IRREG**

PROPOSAL: **Happy Corner 2, LLC c/o Alvin Alyas appeals the decision of the Buildings Safety Engineering and Environmental Department's letter dated March 3, 2016, which states; "your application to establish a Medical Marijuana Caregiver Center has been DENIED because the location is within a Drug Free Zone as set forth in Section 61-3-353 of the 1984 Detroit City Code."** 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 **Happy Corner 2, LLC c/o Alvin Alyas** located at 15050 Gratiot (aka 15100 Gratiot) has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Edmore Marbud Park located at 14689 Edmore, 571.8 feet away. **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 Mr. Weed made a motion to **Deny Adjournment Request. Support by Ms. Ross**

Motion fails due to lack of support

Affirmative: Mr. Weed, Calzada, Thomas
Ms. Ross, Johnson, Teague, Moore

Negative:

Ms. Johnson made a motion to **DISMISS this case due to lack of proper representation and no adequate reason to request adjournment. Support by Ms. Moore**

Affirmative: Mr. Weed, Calzada, Thomas
Ms. Ross, Johnson, Teague, Moore

Negative:

DISMISSED

10:15 a.m. **CASE NO.:** **97-16 (aka BSE&ED 44-16)**

APPLICANT: **JJRX Enterprise LLC / Amira Partners LLC**

LOCATION: **13990 Gratiot Ave.** Between: Glenwood St. and Linnhurst St. in a B4 Zone (General Business District). – Council District #4

LEGAL DESCRIPTION OF PROPERTY: **LOTS 838-844, SEYMOUR & TROESTERS MONTCLAIR HEIGHTS SUBDIVISION NO. 2, LIBER 40, PAGE 74, PLATS, W.C.R. 156.94 X 100 (PIN 21028606-8, 21028605, 21028604, 21028603)**

PROPOSAL: **JJRX Enterprises LLC / Amira partners LLC requests a Variance of Spacing / Locational Regulation** TO **establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 2,900 square foot unit of an existing approximate 3,900 square foot building APPROVED in (BSEED 44-16)** in a B4 zone (General Business District). **This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet from two (2) other Controlled Use located at (13887 Gratiot, Mirage Liquor Store - 468 radial feet away) and (14130 Gratiot, Steve's Saratoga Market – 804 radial feet away), and one (1) Religious Institution located at (13780 Gratiot Assumption Grotto Catholic Church – 700 radial feet away) Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, 61-12-95 Waiver of General Spacing Requirements and 61-4-81 Approval Criteria).AP**

ACTION OF THE BOARD: Mr. Weed made a motion to **DENY spacing waiver to establish a Medical Marihuana Caregiver Center in an approximate 2,900 square foot unit of an existing approximate 3,900 square foot building APPROVED in (BSEED 44-16)** in a B4 zone (General Business District). **Support by Board Member Moore**

Affirmative: Mr. Thomas, Calzazda
Ms. Ross, Moore, Johnson

Negative: Mr. Weed
Ms. Teague

SPACING WAIVER DENIED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

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There being no further business to be transacted, Board Member Johnson motioned that the meeting be adjourned. Board Member Ross seconded this motion which was unanimously carried and the meeting adjourned at 12:30 p.m.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp