

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 **August 30, 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) Latisha Johnson, Board Member
- (7) Evelyn Smith, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Thomas made a motion to approve the minutes for August 16, 2016

Affirmative: Mr. Thomas, Williams, Calzada

Ms. Ross, Johnson, Smith

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**.

Director Ribbron requested that the Board dismiss Case No. 63-15 Property located at 8044 Fenkell for petitioner to explore rezoning with return of fee.

ACTION OF THE BOARD: Mr. Thomas made a motion to Dismiss Case No. 63-15 with prejudice and with return of fee for petitioner to explore rezoning.. Supported by Mr. Calzada

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

Negative:

DISMISSED WITH PREJUDICE AND WITH RETURN OF FEE

9:15 a.m. **CASE NO.:** 10-16 (Adjourned from May 24, 2015)

APPLICANT: Phillips Sign & Lighting / E & L Meats

LOCATION: 6000 W. Vernor Between: Military and Calvary in a B4 Zone (General Business District).

LEGAL DESCRIPTION OF PROPERTY: N VERNOR HWY S 100 FT 397 DANIEL SCOTTENS RE SUB L3 P1 PLATS, W C R 16/43 47 X 100

PROPOSAL: Phillips Sign & Lighting / E&L Meats requests permission to modify a previous BZA Grant (BZA 31-14) which expanded an existing retail sales area BY replacing a 21' high business/identification/directional ground sign with a two-sided, 22'9" high, 103.5 square foot, internally illuminated business/identification ground sign with an Electronic Message Board component that covers not more than 25% of the sign face area in a B4 zone (General Business District). (Located within a Traditional Main Street Overlay Area). This case is appealed because electronic Message Boards are not allowed to cover more than 25% of the sign face area and are considered flashing signs. Coverage of the electronic component of the sign cannot be more than 25% or 27.6 sq. ft. of the sign's face coverage. The proposed coverage is 32.62 sq. ft. which is 5.02 sq. ft. in excess and violates Municipal Code. This excess is over the allowable coverage and cannot be waived by the Board. In the Traditional Main Street Overlay area, animated signs with flashing or moving lights are prohibited. However, the Board of Zoning Appeals may modify this developmental standard specified in this article (Article XIV of this Chapter; Traditional Main Street Overlay Area) and after a public hearing, a variance may be granted by the Board based on the approval criteria of Section 61-4-81 of this Code in this instance. Also, excessive sign height may be waived by the Board under Section 61-6-38 of this Code. **(Sections 61-6-10 Electronic Message Boards, 61-6-7 Business Sign, 61-14-300(9) Maximum Height in TMOA area, 61-6-14 Identification Sign, 61-4-92(2) Other Variances, Variance of Development Standard, 61-6-38(a.1&2) Sign Height Variances and 61-4-81 Approval Criteria).** AP

ACTION OF THE BOARD: Mr. Calzada made a motion to **Modify the previous Board Grant (31-14) and replace the existing sign with a new sign and waive the developmental standards in the TMSO District. (business/identification/directional ground sign).** Supported by Ms. Johnson

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

Negative:

SIGN REQUEST GRANTED

10:15 a.m. CASE NO.: 12-16

APPLICANT: Mario Feagin

LOCATION: 16126 thru 16134 Wyoming Between: Puritan and Florence in a B2 Zone (Local Business and Residential District).

LEGAL DESCRIPTION OF PROPERTY: E WYOMING LOTS 53, 54 & 55 PURITAN HEIGHTS SUB L34 P60 PLATS, W C R 16/302 66.77 X 100

PROPOSAL: Mario Feagin requests permission modify a previous Board Grant (101-91), which established a Hand Car Wash BY intensifying an existing legal nonconforming use, adding the parking of operable trucks on the lot in a B2 zone (Local Business and Residential District). This case is appealed because an intensification of a use occurs where a use is added to an existing land use without the physical expansion of the building, structure, lot or gross floor area. The Board of Zoning Appeals shall have the authority to hold hearings and render decisions with respect to nonconforming uses, buildings, and structures. The addition of any by-right or conditional land use to a nonconforming use upon the same zoning lot and within the same gross floor area shall deemed an intensification of the nonconforming use. (Sections 61-16-112 Intensification of Use, 61-15-16 Expansion or Intensification of Nonconforming Uses, 61-15-7 Board of Zoning Appeals and 61-15-17 Required Findings).AP

ACTION OF THE BOARD: Mr. Thomas made a motion to **GRANT intensifying an existing legal nonconforming use, adding the parking of operable trucks on the lot** in a B2 zone (Local Business and Residential District). Supported by Mr. Thomas

Affirmative: Mr. Williams, Thomas
Ms. Smith, Johnson

Negative: Mr. Weed, Calzada
Ross

**INTENSIFYING NONCONFORMING HAND CAR WASH
GRANTED**

10:45 a.m. CASE NO.: 41-15

APPLICANT: Martin Waters

LOCATION: 8343 Fenkell Between: Northlawn and Cherrylawn in a B4 Zone (Local Business and Residential District).

LEGAL DESCRIPTION OF PROPERTY: S FENKELL LOTS 14 THRU 12 HUNTLEYS ELECTRIC RR SUB L20 P59 PLATS, W C R 16/254 90 X 100

PROPOSAL: Martin Waters requests permission to intensify an existing legal nonconforming use (Minor Vehicle Repair Facility) BY adding a Used Auto Sales and Service use within an approximate 4,760 square foot building and upon an approximate 9,300 square foot lot in a B2 zone (Local Business and Residential District). This case is appealed because 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 the provisions of Sec. 61-15-17 of this Code. (Sections 61-15-16 Expansion or Intensification of Nonconforming Uses and 61-15-17 Required Findings).AP

ACTION OF THE BOARD: Mr. Thomas made a motion to **ADJOURN** this case due to petitioner submitted new site plans to P&DD who needs time to review and submit a revised report. Supported by Ms. Johnson.

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

Negative:

ADJOURNED WITHOUT DATE AND WITHOUT FEE

CASE NO.: 39 thru 42-16 and Case A 2110 Eighth and Case B 2130 Trumbull

APPLICANT: Vionna Adams / Soave Enterprises

LOCATION: 1406 W. Elizabeth, 1355 W. Elizabeth, 2020 Trumbull, 2026 Trumbull, 2128 8th Street, 2110 Eighth and 2130 Trumbull in a B4 Zone (General Business District).

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Vionna Adams / Soave Enterprises requests various dimensional variances TO construct four (4) new mixed use buildings (Bldgs. A, C, D and E) with commercial uses on the first floors and residential units on the remaining floors, buildings to contain 45 units, 40 units and two (2) buildings containing 5 units each respectively totaling 89 residential units with associated parking in a B4 zone (General Business 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 and For a variance from the required location of off-street parking facilities or the amount of off-street parking facilities required, or both, 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; and for a variance of the loading space provisions of ARTICLE XIV, DIVISION 1, Subdivision D of this Chapter where, after investigation by the Board, it is ascertained that the volume of vehicular service will not require complete compliance with said provisions, or that variance will not cause undue interference with the public use of the streets or alleys or imperil public safety, and where the requested variance will not be inconsistent with the spirit and purpose of this Zoning Ordinance; and except when an administrative adjustment may be granted, the Board of Zoning Appeals may modify any development standards that is specified in ARTICLE XIV of this Chapter. **(Sections 61-4-91(1, 2&6) Permitted Dimensional Variances, Location or Amount of Off-Street-Parking, Loading Spaces and General Dimensional Standards, 61-4-92(2) Other Variances, Variance of Developmental Standard and 61-4-81 Approval Criteria).** AP

CASE NO.: 39 thru 42-16 and Case A 2110 Eighth and Case B 2130 Trumbull

ACTION OF THE BOARD: Mr. Thomas made a motion to **GRANT dimensional variance to various properties located in a B4 zone.** Supported by Ms. Johnson

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

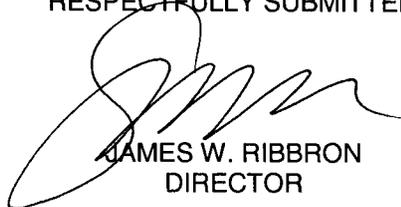
Negative:

GRANTED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

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 11:55 a.m.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp