

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 **September 13, 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) Latistha Johnson, Board Member

BOARD MEMBERS ABSENT:

MINUTES:

Board Member Smith made a motion to approve the minutes for September 6, 2016

Affirmative: Mr. Thomas, Williams, Calzada, Weed

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**.

9:45 a.m.

CASE NO.: BSE&ED 30-16

APPLICANT: Sharleen Wadley & Jacqueline Jones

LOCATION: 15831 Mack (aka 15837 Mack) Between: Berkshire and Buckingham in a B4 Zone (General Business District).

LEGAL DESCRIPTION OF PROPERTY: LOTS 100-102 EXCLUDING MACK AVENUE AS WIDENED, E DETROIT DEVELOPMENT COS. SUBDIVISION NO. 1, LIBER 36, PAGE 19, PLATS, W.C.R. 70.83 X 72.90 (PIN 21001445-6)

PROPOSAL: Sharleen Wadley & Jacqueline Jones appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 30-16) which (Approved With Conditions) TO establish a Medical Marihuana Caregiver Center (MMCC) in an existing 2,900 square foot building 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: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed location is within 1,000 radial feet of a Controlled Use (Devonshire Liquor & Drugs) and a Religious Institution (Spirit of Love MBC). (Sections 61-4-72 Appeals, 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Calzada made a motion to DENY Community Appeal which would thereby Uphold the decision of the Building Department which approved the establishment of a Medical Marihuana Caregiver Center (MMCC) in an existing 2,250 square foot building in a B4 zone (General Business District). Supported by Mr. Thomas.

Affirmative: Mr., Thomas, , Calzada
Ms. Johnson

Negative: Mr. Weed, Williams
Ms. Smith, Ross

MOTION FAILED THEREBY BSEED DECISION REVERSED.USE DENIED

10:15 a.m.

CASE NO.: 53-16

APPLICANT: Nabban Jarbo / Bank of Buds

LOCATION: 22401 W. 8 Mile Rd. Between: Lahser and Redfern in a B4 Zone (General Business District).

LEGAL DESCRIPTION OF PROPERTY: S EIGHT MILE W W 113 FT OL B HARRY SLATKINS SUB NO 4 L81 P47-8 PLATS, W C R 22/817 113 X 190

PROPOSAL: Nabban Jarbo / Bank of Buds 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, Bank of Buds located at 22401 W. 8 Mile Rd. has been identified as being in a Drug Free Zone based on the arcade in the Northland Roller Rink. The arcade has been in good standing with the City of Detroit, paying all applicable fees and receiving all necessary annual inspections. The Bank of Buds is approximately 780 linear feet within the Northland Arcade/Roller Rink radius, therefore, it is affirmed 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. Thomas made a motion to DENY petitioner's appeal of 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). Supported by Mr. Calzada

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

Negative: none

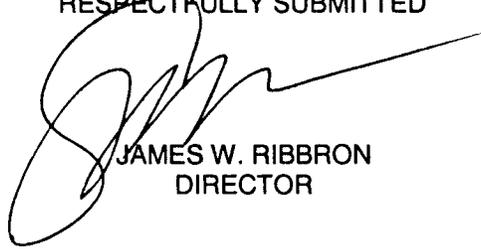
PROPERTY DETERMINED TO BE IN A DRUG FREE ZONE. Request Denied.



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 1:35 p.m.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to read 'JWR', with a long horizontal flourish extending to the right.

JAMES W. RIBBRON
DIRECTOR

JWR/atp