

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 6, 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

BOARD MEMBERS ABSENT:

- (1) Latistha Johnson, Board Member

MINUTES:

Board Member Thomas made a motion to approve the minutes for August 30, 2016

Affirmative: Mr. Thomas, Williams, Calzada, Weed

Ms. Ross, 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. 15-16 Property located at 1900 E. 7 Mile Rd. for case to return to BSEED for new site plan review.

ACTION OF THE BOARD: Mr. Weed made a motion to Dismiss Case No. 15-16 with prejudice and without 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 WITHOUT RETURN OF FEE

9:15 a.m. CASE NO.: 17-16

APPLICANT: Greg Mudge

LOCATION: 1300 thru 1314 Porter Between: Eighth St. and Brooklyn in a R3-H Zone (Low Density Residential District-Historic).

LEGAL DESCRIPTION OF PROPERTY: N PORTER S 1/2 OF THAT PT 14 BLK 60 LABROSSE FARM L13 P85 DEEDS, W C R 6/6 S 1/2 OF THAT PT 14 BLK 60 COL D BAKER L17 P272-3 DEEDS, W C R 6/11 50 X 65 & N PORTER 13 BLK 60 COL D BAKER L17 P272-3 DEEDS, W C R 6/11 50 X 130

PROPOSAL: Greg Mudge request permission to legalize an approximate 1,827 square foot outside patio area constructed without benefit of a permit that was added to an existing approximate 800 square foot building (nonconforming structure)containing a standard restaurant with a Group "C" Cabaret License (nonconforming use), thereby expanding the nonconforming use in a R3-H zone (Low Density Residential District-Historic). This case is appealed because any increase in the gross floor area of a building that houses a nonconforming use shall be deemed an expansion of the nonconforming use. The Board of Zoning Appeals shall have the authority to hold hearings and render decisions with respect to nonconforming uses, buildings, and structures. Also, applications to enlarge or expand a nonconforming uses shall be taken to the Board of Zoning Appeals and a public hearing shall be required in any instance that involves the expansion of a nonconforming use, subject to the provisions of Sec. 61-15-17 of this Code. (Sections 61-15-16 Expansion of Nonconforming Uses, 61-15-7 Board of Zoning Appeals and 61-15-17 Required Findings).AP

ACTION OF THE BOARD: Ms. Smith made a motion to ADJOURN this case at the petitioner's requests With Fee and Without Date. Supported by Mr. Weed

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

Negative:

ADJOURNED WITHIOUT DATE AND WITH FEE

10:15 a.m. **CASE NO.:** 33-16

APPLICANT: Shytown Properties, LLC / Salvation Army

LOCATION: 20703-20775 **Pembroke** Between: Brail and Burt Rd. in a R1 Zone (Single Family Residential District).

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Shytown Properties, LLC / Salvation Army request permission to change the nonconforming use Child Care Facility to a non-conforming (Residential Substance Abuse Service Facility use), located on a campus site approximately 3.93 acres or 171,192 square feet, containing four (4) one story residential structures and one (1) garage totaling approximately 46,777 square feet in a R1 zone (Single Family Residential District). This case is appealed because a nonconforming use may be changed to another nonconforming use only where reviewed and approved by the Board of Zoning Appeals in accordance with the procedures that are specified in Section 61-2-46 of this Code. The Board of Zoning Appeals may approve such change of use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. Where a change in use is approved, the Board of Zoning Appeals shall be authorized to impose conditions that the Body deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Ordinance. Any condition that is imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact. (Sections 61-15-20 Change of Use to Other Nonconforming Use, 61-15-17 Required Findings).AP

ACTION OF THE BOARD: Mr. Weed made a motion to **DENY** request to change the use of the entire existing approved non-conforming site from a (Emergency Shelter use) which was established in (BZA # 47-10) to a non-conforming (Residential Substance Abuse Service Facility use), in a R1 zone (Single Family Residential District). Supported by Mr. Thomas

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

Negative: none

CHANGE OF USE TO OTHER NONCONFORMING USE 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 Calzada seconded this motion which was unanimously carried and the meeting adjourned at 11:50 a.m.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp