

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 16, 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

BOARD MEMBERS ABSENT:

- (1) Evelyn Smith, Board Member

MINUTES:

Board Member Thomas made a motion to approve the minutes for August 2, 2016

Affirmative: Mr. Thomas, Williams, Calzada

Ms. Ross, 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**.

CASE NO.: 07-16

APPLICANT: Mustapha Akhdar

LOCATION: 335 S. Schaefer Between: Fent and Melon in a M4 Zone (Intensive Industrial District).

LEGAL DESCRIPTION OF PROPERTY: E SCHAEFER S 142 THRU 156 SCHAEFER-DIX SUB L55 P48 PLATS, WCR 20/453 45,020 SQ FT

PROPOSAL: Mustapha Akhdar requests permission to modify a previous Board Grant (BZA 69-95) which Granted permission to erect a 35' X 75' truck gas and service station with two (2) canopies and seven (7) pump islands as per lot plot BY legalizing four (4) additional pumps (installed without benefit of a permit) to total eleven (11) pump islands in a M4 zone (Intensive Industrial District). This case is appealed because no modification of any provision of any zoning grant, that is issued by the Buildings and Safety Engineering Department or the Board of Zoning Appeals, shall be permitted, unless such modification shall have been approved subsequent to a public hearing as required for the use. (Sections 61-4-141 Zoning Grant Modifications, Hearing Required and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Thomas made a motion to Grant permission to modify a previous Board Grant (BZA 69-95) which Granted permission to erect a 35' X 75' truck gas and service station with two (2) canopies and seven (7) pump islands as per lot plot BY legalizing four (4) additional pumps (installed without benefit of a permit) to total eleven (11) pump islands in a M4 zone (Intensive Industrial District). Supported by Mr. Calzada

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

Negative:

MODIFICATION GRANTED

10:15 a.m. **CASE NO.:** 46-16

APPLICANT: STT Holdings c/o Pollicella & Associates &
Thamer Zedan

LOCATION: **16656 Harper** Between: Kensington and Yorkshire in a B4 Zone
(General Business District).

LEGAL DESCRIPTION OF PROPERTY: LOTS 288-291 INCLUSIVE, "EASTERN
HEIGHTS LAND COMPANY'S SUBDIVISION", CITY OIF
DETROIT, WAYNE COUNTY, MICHIGAN, AS RECORDED IN
LIBER 48, PAGE 23, PLATS, WAYNE COUNTY RECORDS (PIN
21003805)

PROPOSAL: **STT Holdings c/o Pollicella & Associates & Thamer Zedan**
requests a variance of spacing and locational regulation TO
establish a Medical Marihuana Caregiver Center (MMCC) in
an approximate 1,179 square foot portion of an existing 8,128
square foot building which was Approved in (BSEED 18-16)
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) Controlled Uses located at 16634 Harper (McDonnell
Drugs) 128 feet away; 16700 Harper (Del Point Foods) 404 feet
away and a religious institution at 5959 Whitter (St. Mathews
Church) 992 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: Ms. Johnson made a motion to **DENY** spacing and locational
variance **TO** establish a Medical Marihuana Caregiver Center
(MMCC) in an approximate 1,179 square foot portion of an
existing 8,128 square foot building which was **Approved** in
(BSEED 18-16) in a B4 zone (General Business District).
Supported by Mr. Thomas

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

Negative:

SPACING AND LOCATIONAL VARIANCE DENIED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Calzada motioned that the meeting be adjourned. Board Member Johnson seconded this motion which was unanimously carried and the meeting adjourned at 11:45 A.m.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp