

## 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 20, 2016** on the 13th Floor in Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

The Vice-Chairman of the Board Robert Thomas called the meeting to order and Appeals Specialist Hoggatt called the roll at 9:00 a.m.

#### BOARD MEMBERS PRESENT:

- (1) Robert E. Thomas, Board Member
- (2) Robert G. Weed, Board Member
- (3) Emmanuel Calzada, Board Member
- (4) Rita Ross, Board Member
- (5) Evelyn Smith, Board Member
- (6) Latistha Johnson, Board Member

#### BOARD MEMBERS ABSENT:

- (1) Keith Williams, Board Member

#### MINUTES:

Board Member Johnson made a motion to approve the minutes for September 13, 2016

Affirmative: Mr. Thomas, 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**.

9:15 a.m. CASE NO.: 57-16

APPLICANT: Bruce Kello / Green Pharm LLC

LOCATION: 7455 Gratiot Between: Townsend and Sherdain 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: Bruce Kello / Green Pharm LLC appeals the decision of the Buildings Safety Engineering and Environmental Department's Administrative Review and Correction Order dated July 15, 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 Bruce Kello / Green Pharm LLC located at 7455 Gratiot has been identified as being in a Drug Free Zone based on being approximately 470 linear feet from St. Anthony Park/Playground at 5330 Field Street and 510 linear feet from Dueweke Parl/Playground located at 4975 Sheridan Street. Therefore, 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 petitioner's Appeal and Uphold the BSEED decision that property is in a DFZ.** Supported by Ms. Ross

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

Negative:

**BSEED DECISION UPHELD, PROPERTY IS IN A DRUG FREE ZONE.**

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9:45 a.m.      **CASE NO.:**                      54-16

**APPLICANT:**                      Aaron Pacheco c/o Pollicella & Associates

**LOCATION:**                              8201 W. 8 Mile Rd. Between: Northlawn and Roselawn in a B4 Zone (General Business District).

**LEGAL DESCRIPTION OF PROPERTY:**                      Available Upon Request

**PROPOSAL:**                              Aaron Pacheco c/o Pollicella & Associates appeals the decision of the Buildings Safety Engineering and Environmental Department's Administrative Review and Correction Order dated July 15, 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 Aaron Pacheco c/o Pollicella & Associates located at 8201 W. 8 Mile Road has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Joe Louis Park (982 linear feet away) at 20250 Wisconsin (PIN 16034932-50). Said park is defined as an Outdoor Recreational Facility. Because the subject property is approximately 982 linear feet from the park, 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

**Case 54-16 Continued:**

**ACTION OF THE BOARD:**

Ms. Smith made a motion to **DENY** petitioner's Appeal and **Uphold the BSEED decision** that property is in a DFZ.  
Supported by Mr. Weed

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

**Negative:**

**BSEED DECISION UPHELD, PROPERTY IS IN A DRUG FREE ZONE.**

**10:15 a.m. CASE NO.:** 55-16

**APPLICANT:** Marcel Farran

**LOCATION:** 24251 W. McNichols Between: Telegraph and Beech Daly in a B4 Zone (General Business District).

**LEGAL DESCRIPTION OF PROPERTY:** Available Upon Request

**PROPOSAL:** Marcel Farran appeals the decision of the Buildings Safety Engineering and Environmental Department's Administrative Review and Correction Order dated July 15, 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 Marcel Farran located at 24251 W. McNichols has been identified as being in a Drug Free Zone based on being within 1,000 radial feet of Edward G. Hackel Park (950 linear 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

Case 55-16 Continued:

**ACTION OF THE BOARD:** Ms. Ross made a motion to **DENY** petitioner's Appeal and **Uphold the BSEED decision that property is in a DFZ.**  
Supported by Mr. Weed

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

Negative: none

**BSEED DECISION UPHELD, PROPERTY IS IN A DRUG FREE ZONE.**



Case 43-16 Continued:

**ACTION OF THE BOARD:** Mr. Calzada made a motion to **Grant permission establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 1,664 square foot building which was Approved in (BSEED 15-16) in a B4 zone (General Business District).** Supported by Ms. Johnson

Affirmative: Mr. Thomas, Calzada  
Ms. Johnson

Negative: Mr. Weed  
Ms. Smith, Ross

**MOTION FAILED DUE TO VOTE COUNT/USE DENIED.**

11:15 a.m. **CASE NO.:** 44-16 (aka BSE&ED 16-16) – Adjourned from August 16, 2016

**APPLICANT:** Richard Gaetano / Dank House

**LOCATION:** 1490 E. Outer Drive Between: Lumpkin and Aubin in a B2 Zone (Local Business and Residential District).

**LEGAL DESCRIPTION OF PROPERTY:** THE SOUTH 58 FEET OF LOTS 374-377, BOTH INCLUSIVE “BURTON’S” SEVEN MILE ROAD SUBDIVISION, CITY OF DETROIT, WAYNE COUNTY MICHIGAN, AS RECORDED IN LIBER 34, PAGE 47, PLATS, WAYNE COUNTY RECORDS, 88 X 58 (PIN 09007836-9)

**PROPOSAL:** Richard Gaetano/Dank House appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED 16-16) which DENIED the request to establish a Medical Marihuana Caregiver Center (MMCC) in an existing 430 square foot building in a B2 zone (Local Business and Residential District). This case is appealed 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) and/or a Religious Institution. The proposed use is within 1,000 radial feet of eight (8) Religious Institutions where three (3) of those institutions have been identified with tax exempt status. Also, there are two (2) Controlled Uses within 1,000 radial feet of the proposed Medical Marihuana Caregiver Center (MMCC). 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, 61-3-231 General Approval Criteria, 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

Case 44-16 Continued:

**ACTION OF THE BOARD:** Ms. Smith made a motion to **DENY** petitioner's appeal to **establish a Medical Marihuana Caregiver Center (MMCC) in an existing 430 square foot building** in a B2 zone (Local Business and Residential District). Supported by Ms. Smith

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

Negative: none

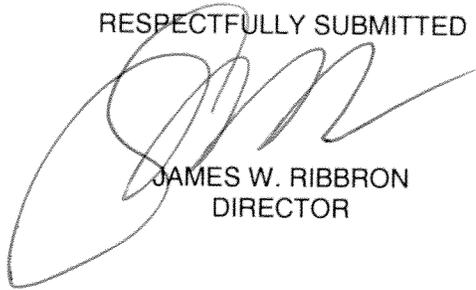
**BSEED DECISION UPHELD, USE DENIED**

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.**

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There being no further business to be transacted, Board Member Calzada motioned that the meeting be adjourned. Board Member Weed seconded this motion which was unanimously carried and the meeting adjourned at 2:15 p.m.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON  
DIRECTOR

JWR/atp

