



BOARD MEMBERS

Keith Williams
Chairperson

Robert Thomas
Vice-Chairperson

Evelyn Smith
Antonette McILwain
Paul Huxley
Beverly B Smith
Robert G. Weed

**CITY OF DETROIT
BOARD OF ZONING APPEALS**
Coleman A. Young Municipal Building
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 5, 2014** on the 13th Floor City Council Chambers, 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) Paul Huxley, Board Member
- (3) Robert E. Thomas, Board Member
- (4) Robert G. Weed, Board Member
- (5) Evelyn Smith, Board Member
- (6) Antonette McILwain, Board Member
- (7) Beverly B. Smith, Board Member

BOARD MEMBERS ABSENT: none

NOT PRESENT FOR THE ENTIRE MEETING:

- (1) Robert E. Thomas, Board Member
- (2) Evelyn Smith, Board Member

MINUTES:

Board Member Huxley made a motion to approve the minutes for June 3, 2014 with corrections.

Affirmative: Mr. Williams, Huxley
Ms. McILwain, B. Smith, E. 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 apart 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 transcript of the proceedings of the various hearings, furnished by **LAFLORA COURT REPORTING**, be made part of the **MINUTES**.

9:30 a.m. **CASE NO.:** 13-14

APPLICANT: Currie Adult Day Care, LLC & Vivacity, LLC c/o Ellen G. Schreuder

LOCATION: 16551 E. Warren Between: E. Outer Drive and Kensington in a B4 Zone (General Business Historic).

LEGAL DESCRIPTION OF PROPERTY: N WARREN E 93&94 EASTERN HEIGHTS LAND COMPANYS SUB L48 P23 PLATS, W C R 21/716 40.14 X 100.

PROPOSAL: Currie Adult Day Care, LLC & Vivacity, LLC c/o Ellen G. Schreuder requests a parking variance TO establish an Adult Day Care Center 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. (Sections 61-4-91(1) Permitted Dimensional Variances, General Dimensional Standards and Location or Amount of Off-Street-Parking and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to **GRANT parking variance TO establish an Adult Day Care Center** in a B4 zone (General Business District). Seconded by Ms. B. Smith

Affirmative: Mr. Williams, Weed, Huxley, Thomas
Ms. McIlwain, B. Smith

Negative:

Ms. E. Smith not present for the vote

PARKING VARIANCE GRANTED

10:00 a.m.

CASE NO.: 14-14

APPLICANT: Ismail Zindani & Marzook Obeid

LOCATION: 14822 E. Warren Between: Alter Rd. and Ashland in a B4 Zone (General Business District).

LEGAL DESCRIPTION OF PROPERTY: S WARREN E 456 THRU 462 JEFFERSON PARK LAND CO LTD SUB L47 P6 PLATS, W C R 21/691 142.25 IRREG.

PROPOSAL: Ismail Zindani & Marzook Obeid requests dimensional variances to expand an existing approximate 1,220 square foot gas station building BY constructing an approximate 430 square foot addition to total approximately 1,650 square feet in conjunction with a 4-pump-island Motor Vehicle Filling Station located on a nonconforming lot in a B4 zone (General Business District). This case is appealed because the Board of Zoning Appeals shall have the authority to hold hearings and render decisions with respect to nonconforming uses, buildings, and structures. 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. Also, deficient side yard setback along the east (side) property line. (Sections 61-15-7 Board of Zoning Appeals, 61-15-41 Nonconforming Lots, 61-4-91 Permitted Dimensional Variances, General Dimensional Standards, 61-4-89 Variances, In General, 61-15-17 Hearing, Required and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Huxley made a motion to Grant expansion of gasoline station in a B4 zone. (General Business District). Seconded by Mr. Thomas.

Affirmative: Mr. Williams, Weed, Thomas, Huxley
Ms. E. Smith, B. Smith, McIlwain

Negative: none

EXPANSION GRANTED

10:30 a.m.

CASE NO.: 21-14

APPLICANT: Hussein Dayekh

LOCATION: 9331 Freeland Between: Hubbell and Schaefer in a M4 Zone (Intensive Industrial District).

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Hussein Dayekh appeals the decision of the Planning and Development Department denying the site plan TO add a Major Motor Vehicle Repair Facility (bump and paint) to an existing Used Auto Sales and Service Facility in a M4 zone (Intensive Industrial District). This case is appealed because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department. Also, deficient display spaces. (Sections 61-4-71 Jurisdiction Over Administrative Decisions, 61-3-231 General Approval Criteria and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Ms. B. Smith made a motion to Approve the Site Plan and allow the addition of a Major Motor Vehicle Repair Facility in a M4 zone. (**General Business District**). Seconded by Mr. Weed.

Affirmative: Mr. Williams, Weed, Thomas, Huxley
Ms. E. Smith, B. Smith, McIlwain

Negative: none

SITE PLAN AND EXPANSION GRANTED

11:00 a.m. **CASE NO.:** 20-14
APPLICANT: Haider H. Abed-Ali
LOCATION: 9101-21 Freeland Between: Hubbell and Schaefer in a M4 Zone (Intensive Industrial District).

LEGAL DESCRIPTION OF PROPERTY: Available Upon Request

PROPOSAL: Haider H. Abed-Ali appeals the decision of the Planning and Development Department denying the site plan TO add a Major Motor Vehicle Repair Facility (bump and paint) to an existing Used Auto Sales and Service Facility in an existing approximate 10,160 square foot building in a M4 zone (Intensive Industrial District). This case is appealed because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department. Also, deficient display spaces. (Sections 61-4-71 Jurisdiction Over Administrative Decisions, 61-3-231 General Approval Criteria and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Approve the Site Plan and allow the addition of a Major Motor Vehicle Repair Facility in a M4 zone. **(General Business District).** Seconded by Ms. B. Smith.

Affirmative: Mr. Williams, Weed, Huxley
 Ms. B. Smith, McIlwain

Negative: none

Mr. Thomas and Ms. E. Smith were not present for the vote

SITE PLAN AND EXPANSION GRANTED

Mr. Nader requested a closed session to update the Board on Case No. 23-13 property located at 15763 Livernois.

ACTION OF THE BOARD: Mr. Huxley made a motion to go into a closed session. Seconded by Mr. Thomas

Affirmative: Mr. Williams, Weed, Huxley, Thomas
Ms. E. Smith, McIlwain, B. Smith

Negative: none

Go into Closed session approved

ACTION OF THE BOARD: Mr. Thomas made a motion to come out of closed session. Seconded by Mr. Huxley

Affirmative: Mr. Williams, Weed, Huxley, Thomas
Ms. E. Smith, McIlwain, B. Smith

Negative: none

Come out of Closed session approved

ACTION OF THE BOARD: Ms. B. Smith made a motion to not allow the settlement agreement proposed by legal counsel for petitioner on Case No. 23-13 and allow Atty. Nader to continue to proceed with case. Seconded by Mr. Huxley

Affirmative: Mr. Williams, Weed, Huxley, Thomas
Ms. E. Smith, McIlwain, B. Smith

Negative: none

Mr. Huxley abstained from vote because he was not present for the original hearing.

ATTY Nader to continue to proceed with case approved.

Director Ribbron brought two cases to the Board with a recommendation and with the approval of Atty. Kim James to refer them back to the Building Department for review before the Board takes them into consideration.

Case No. 30-14 property located at 21413 W. Eight Mile Rd. and Case No. 19-14 property located at 1600 E. Outer Drive Rd.

ACTION OF THE BOARD: Ms. B. Smith made a motion to refer Case No. 30-14 and 19-14 back to the Building Department. Seconded by Ms. McIlwain.

Affirmative: Mr. Williams, Weed, Huxley, Thomas
Ms. E. Smith, McIlwain, B. Smith

Negative: none

Cases to be referred back approved

ACTION OF THE BOARD: Ms. McIlwain made a motion to change the start time for the start of Case Hearings to begin at 9:15 a.m. instead of 9:30 a.m.. Seconded by Ms. B. Smith.

Affirmative: Mr. Williams, Huxley, Thomas
Ms. E. Smith, McIlwain, B. Smith

Negative: none

Start of first hearing to begin at 9:15 a.m. on date of next hearing not already noticed.

ACTION OF THE BOARD: Mr. Huxley made a motion to have Director Ribbron request the presence of the Director of Planning and Development to appear before the Board to discuss issues with Site Plan Review. Seconded by Ms. B. Smith.

Affirmative: Mr. Williams, Huxley, Weed
Ms. McIlwain, B. Smith

Negative: none

E. Smith and Mr. Thomas not present for the vote

Request for appearance Granted.

Mr. Weed made a motion to **CONTINUE ADVISEMENTS.**

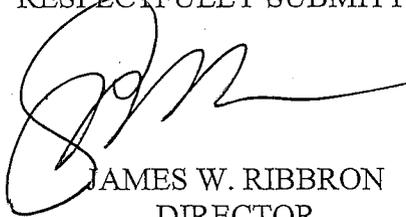
Affirmative: Mr. Williams, Weed, Huxley
Ms. B. Smith, McIlwain

Negative: None

**ADVISEMENTS CONTINUED INDEFINITELY
UNTIL FURTHER NOTICE.**

There being no further business to be transacted, Board Member B. Smith motioned that the meeting be adjourned. Board Member Weed seconded this motion which was unanimously carried and the meeting adjourned at 1:34 p.m.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp