



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 **April 8, 2014** on the 13th Floor Erma L. Henderson, 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 9:12 a.m.

BOARD MEMBERS PRESENT:

- (1) Beverly B. Smith, Board Member
- (2) Keith Williams, Board Member
- (3) Paul Huxley, Board Member
- (4) Robert E. Thomas, Board Member
- (5) Robert G. Weed, Board Member
- (6) Evelyn Smith, Board Member
- (7) Antonette McIlwain, Board Member

BOARD MEMBERS ABSENT: none

NOT PRESENT FOR THE ENTIRE MEETING: none

MINUTES: No minutes were approved

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 **LAFLORE COURT REPORTING**, be made part of the **MINUTES**.

**PRESENTATION BY MIDTOWN BEFORE
THE BOARD OF ZONING APPEALS**

10:00a.m. CASE NO.: 27-13

The Board's staff is certifying and reporting its findings to the Board and verifies the petitioner's claim that the property has been subject to a denial of all reasonable economic use.

- APPLICANT:** Terry's Auto Repair & Sales / Metro Detroit Housing Service
- LOCATION:** 13902 Birwood **Between:** Schoolcraft and Davison in a R1 Zone (Single Family Residential District).
- LEGAL DESCRIPTION OF PROPERTY:** E BIRWOOD 116 BIRWOOD PARK L34 P25 PLATS, W C R 16/343 40 X 165
- PROPOSAL:** Terry's Auto Repair & Sales/Metro Detroit Housing Service request permission to add a prohibited use (Used, Auto Sales and Sale Lot) to an existing Minor Motor Vehicle Repair Facility (Nonconforming Use) in a R1 Zone (Single Family Residential District). This case is appealed because any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property. Once the information for the filing of a Hardship Relief Petition and submission of all information that is specified in Sec. 61-4-104 of this Code is submitted, the Board's staff shall report its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use. In the event a public hearing for a hardship relief petition is scheduled by the Board of Zoning Appeals, the proposed use shall be subject to site plan review by the Planning and Development Department. The Board of Zoning Appeals shall hold a public hearing to determine whether there is an affected property interest and whether all reasonable economic use of the property has been prevented as a result of a final action on the application.

(Sections Division 7. Hardship Relief Petitions, Subdivision A. General, Subdivision B. Preliminary Determination of Substantial Economic Hardship, Subdivision C. Review and Action by the Board of Zoning Appeals, 61-4-124 Application of the, "All Reasonable Economic Use" standard and 61-4-126 Findings of the Board of Zoning Appeals.

ACTION OF THE BOARD: Mr. Huxley made a motion to **Schedule Hardship case for May 20, 2014 as petitioner has presented the required information to proceed with this request.** Seconded by Mr. Thomas.

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

Negative:

**HARDSHIP RELIEF PETITION SCHEDULED FOR
MAY 20, 2014.**

11:00 a.m. **CASE NO.:** 44-13 – Adjourned from October 22, 2013 & November 19, 2013

APPLICANT: BASIM YOUKHANA

LOCATION: 14918 Greenfield Between: Chalfonte and Eaton in a R3 Zone (Low Density Residential District).

LEGAL DESCRIPTION OF PROPERTY: E GREENFIELD N 37 FT OF E 109.78 FT 16 E 109.78 FT 15 AVON PARK SUB L30 P98 PLATS, W C R 22/77 112 X 109.78.

PROPOSAL: Basim Youkhana request permission to MODIFY a previous Board Grant (BZA 880-79) which Granted continuance of a carry-out restaurant use (Pizza) in an existing retail store with a SDD use BY raising the height of the nonconforming structure and increasing the gross floor area thereby requesting to legalize the expansion and intensification of an existing legal nonconforming use and structure in a R3 zone (Low Density Residential 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, and a public hearing at the Board of Zoning Appeals shall be required in any instance that involves the expansion or intensification of a nonconforming use, subject to the provisions of Sec. 61-15-17 of this Code. Also, deficient Loading and deficient right-of-way screening.(Sections 61-15-34 Expansion or Nonconforming Structures, 61-15-16 Expansion or Intensification of Nonconforming Uses, 61-15-7 Board of Zoning Appeals, 61-15-17 Required Findings and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant request to MODIFY a previous Board Grant (BZA 880-79) which Granted continuance of a carry-out restaurant use (Pizza) in an existing retail store with a SDD use BY raising the height of the nonconforming structure and increasing the gross floor area thereby requesting to legalize the expansion and intensification of an existing legal nonconforming use and structure. Seconded by Ms. B. Smith.

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

Negative:

MODIFICATION GRANTED

12:00 p.m. **CASE NO.:** 67-13 – Adjourned from March 11, 2014

APPLICANT: BAHAA MUKHLIF / AUTOMOTIVE, INC.

LOCATION: 8830-50 Hubbell Between: Joy Rd. and Ellis in a M4 Zone (Intensive Industrial District).

LEGAL DESCRIPTION OF PROPERTY: E. HUBBELL LOTS 1 THRU 4 AND LOTS 5 THRU 7 W 10 FEET OF VACATED ALLEY ADJACENT IN THE KARNATZ BONAPARTE SUBDIVISION.

PROPOSAL: Bahaa Mukhlif / Automotive, Inc. requests a variance of Spacing / Locational Regulation required to establish a Motor Vehicle, Used, Salesroom or Sales Lot be a minimum distance of 1,000 radial feet from the same use type (existing or approved) and a variance from the use regulation requiring a Motor Vehicle Salesroom or Sales Lot be located on major thoroughfares as identified in the Master Plan in a M4 zone (Intensive Industrial District). This case is appealed because there are seven (7) existing Motor Vehicle, Used, Sales and Sales Lots within 1,000 radial feet of the subject property. The establishment of the proposed use is not located on a major thoroughfare. The Board of Zoning Appeals may vary the requirements and limitations that are imposed by this zoning ordinance that pertain to dimensional requirements, use regulations, locational/spacing requirements, or general development standards of various land use where strict application of such requirements or standards would result in practical difficulty and where all applicable standards and approval criteria of this division are met, including those of Sec. 61-4-81 of this Code. Also, only the Board of Zoning Appeals may adjust the spacing requirements between land uses, as a "locational variance" in accordance with the criteria specified in Sec. 61-4-81 of this Code. (Sections 61-12-213(12) Motor Vehicles, Used, Salesroom or Sales Lot, 61-4-92(3) Variance of Spacing / Locational Regulation, 61-4-89 Variances, In General, 61-12-91 Minimum Distance From Same Use Type, 61-12-95 Waiver of Spacing Requirements and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant Spacing / Locational Regulation required to establish a Motor Vehicle, Used, Salesroom or Sales Lot. Seconded by Ms. B. Smith.

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

Negative:

SPACING/LOCATIONAL VARIANCE GRANTED

1:00 p.m. **CASE NO.:** 60-13 – Adjourned from February 11, 2014

APPLICANT: DETROIT BULK SERVICES C/O NOEL FRYE,
PRESIDENT & CROWN ENTERPRISES C/O
NATIONAL CORPORATE RESEARCH, LTD. ATTN:
FRANK D. MCALPINE

LOCATION: 115 Rosa Parks Blvd. Between: Detroit River and W.
Jefferson Ave. in a M4 Zone (Intensive Industrial
District).

LEGAL DESCRIPTION OF PROPERTY: Attached in File

PROPOSAL: Detroit Bulk Services c/o Noel Frye, President & Crown Enterprises c/o National Corporate Research, Ltd. Attn: Frank D. McAlpine Appeals the Decision of the Buildings Safety Engineering and Environmental Department (BSEED 78-13) which DENIED a request to add a Petroleum coal or coke type material in an existing Intermodal Freight Terminal (Railroad Terminal and Office) and waive the height requirement for storage of materials 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 and the Board of Zoning Appeals may vary the requirements and limitations that are imposed by this zoning ordinance that pertain to dimensional requirements, use regulations, locational/spacing requirements, or general development standards of various land use where strict application of such requirements or standards would result in practical difficulty and where all applicable standards and approval criteria of this division are met, including those of Sec. 61-4-81 of this Code. (Sections 61-16-12 Intermodal Freight Terminal, 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Ms. B. Smith made a motion to Dismiss this case with prejudice due to lack of standing by the petitioner to bring this request before the Board of Zoning Appeals. Seconded by Mr. Weed.

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

Negative:

REQUEST DISMISSED WITH PREJUDICE

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

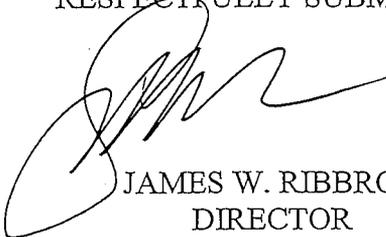
Affirmative: Mr. Williams, Weed, Thomas,
Huxley
Ms. B. Smith, E. Smith, McIlwain

Negative: None

**ADVISEMENTS CONTINUED INDEFINITELY
UNTIL FURTHER NOTICE.**

There being no further business to be transacted, Board Member Huxley motioned that the meeting be adjourned. Board Member Thomas seconded this motion which was unanimously carried and the meeting adjourned at 2:08 p.m.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

TUM/atp