

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, July 20, 2016

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION PLANNING AND DEVELOPMENT DEPARTMENT

1221 *Larry Castleberry, request an encroachment on property located at 18901 Grand River Avenue.*

10/31/16 - DID NOT REVIEW THE PETITIONER REQUEST UNTIL 10/31/16. (SURVEY BUREAU)

- CALLED MR. CASTLEBERRY ABOUT NEEDING ADDITIONAL MEASUREMENTS FROM HIM SO HIS PETITION REQUEST CAN PROCEED. LEFT V.M.

11/1/16 - LCASTLEBERRY@sbglobal.NET SENDING HIM LOCATIONS OF ADDITIONAL MEASUREMENTS

→ OVER →

200 Coleman A. Young Municipal Center • Detroit, Michigan 48226-3400

(313) 224 1260 • Fax (313) 224-1466

1030

277

Larry Castleberry
18901 Grand River Ave
Detroit, MI 48223
Parcel #22007249-50

The Honorable City Council
Attn: Office of the City Clerk
200 Coleman A. Young Municipal Center
Detroit, MI 48226

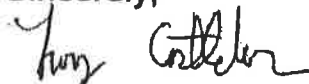
June 2, 2016

Greetings office of the City Clerk.

I, Larry Castleberry, am writing this letter to request a Change of Right of Way in the form of an Encroachment to allow us to have a fence on the area on the property located at 18901 Grand River Ave (Parcel #22007249-50). We are a garden center and would like to be able to have the area fenced in to allow for sale of flowers and gardening items (i.e. lawn chairs, mulch, and potting soil). The fence line is 231" (~19' 3") from the building on the Grand River side and 495" (~41' 3") from the building on the Stahelin side. We ask for your consideration of our request as the fence is required to prevent theft of merchandise. Also, the ability to display what we sell adds beauty to the neighborhood as well as alert those who are traveling on Grand River that a Garden Center is located in their area. We are long time residents of Rosedale Park and are now following through on a life long dream to provide a garden center in the neighborhood to allow local residents to beautify their homes , neighborhood and ultimately our city. We ask that you please consider our request.

For questions I can be reached at 313-549-5259.

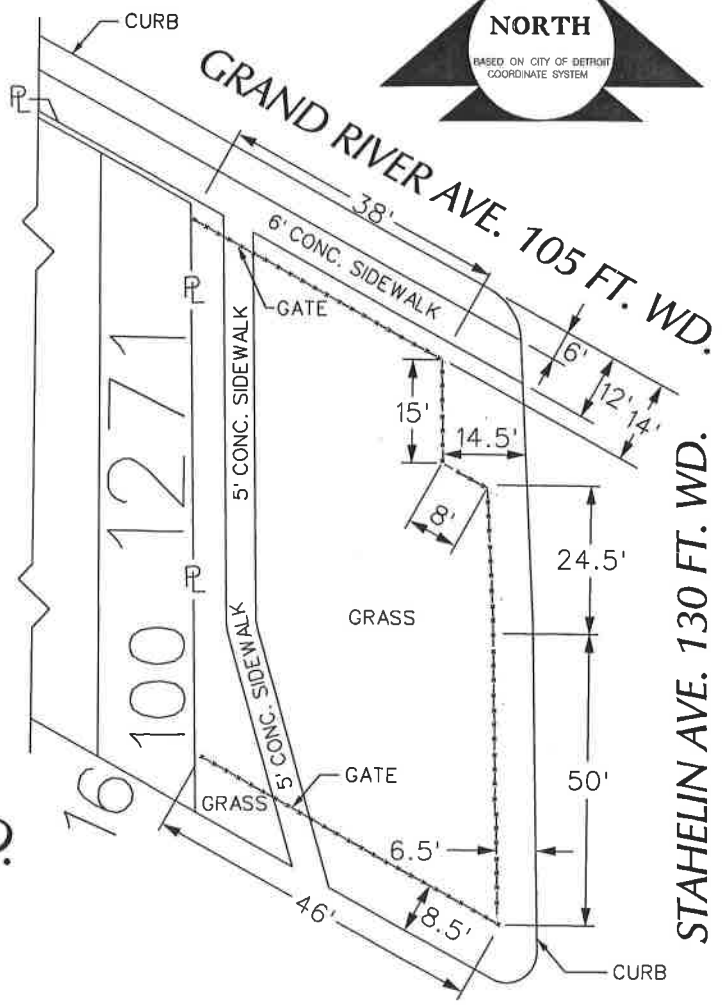
Sincerely,



CITY CLERK 3 JUN 2016 10:44
Larry Castleberry

CITY CLERK 3 JUN 2016 AM 10:44

PETITION NO. 1221
 LARRY CASTLEBERRY
 18901 GRAND RIVER AVE.
 DETROIT, MICHIGAN 48223
 PHONE NO. 313 549-5259



---X---X---X---X--- - REQUEST ENCROACHMENT
 (With Fence)

(FOR OFFICE USE ONLY)

CARTO 103 D

B					
A					
DESCRIPTION		DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
11-16-16					

**REQUEST ENCROACHMENT
 INTO STAHELIN
 AT 18901 GRAND RIVER
 (With Fence)**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X 1221

FOR: MICHAEL TWYMAN
15082 FAUST —

June 5, 2000

City of Detroit
Buildings and Safety Engineering Department
401 City County Building
Detroit, Michigan 48226

Attention: Ms. Geni Giannotti
Director

Regarding: B&SE Case No.: 96-99 - 18731 Grand River
Decision Date: February 18, 2000
Effective Date: March 4, 2000

Dear Ms. Giannotti:

The Rosedale Park Improvement Association (RPIA), hereby requests that the City Building and Safety Engineering Department take action to enforce zoning ordinance violations at the aforementioned property. It is our understanding that the owner has not appealed this decision, and the decision effective date has passed.

Attached herewith, please find correspondence from your department dated February 18, 2000. Therein, you will see that the proprietor has violated the minimum pump setback requirements by nearly fifteen (15) feet. In fact, the letter states, "the Applicant shows 1 pump island to be at the Stahelin Ave. right-of-way line".

We thank you for your detailed review of the applicant's previous submittal, and now we ask that you enforce the appropriate City ordinance. Furthermore, we ask that this Board be formally copied, on subsequent City correspondence regarding this matter. In addition, this Board requests to be notified if there are further formal hearings.

We would like to thank you for your time and attention to this matter. If we can be of any further assistance, please contact Mr. Jesse B. VanDeCreek, P.E., RPIA Restriction Committee Chairman, at (313) 272-3252. Or, please feel free to contact Mr. Gary Torgerson, RPIA President, at (313) 273-6798.

**Rosedale Park Improvement Association
BOARD OF DIRECTORS**

cc: City of Detroit; City Council; City Clerk; NW Ombudsman
Stephanie Green, Interim D.P.W. Director
Senator Burton Leland
GRDC; Tom Goddeeris
NRPCA; Chris McEvoy
RPIA; Membership

MIKE - HERE IS THE INFO. THAT
WE HAVE RECEIVED & LETTER THAT
WE HAVE WRITTEN IN REGARD TO
THE CITGO GAS STATION
ON GRAND RIVER @ STAHELIN.
PLEASE CC: ME ON ANY
COOR'S. OR COMPLAINT THAT
YOU INTEND TO FILE W/
REGARD THE STAHELIN
SIDEWALK BEING PAVED OVER
WITH BITUMINOUS ASPHALT.

J. VANDE CREEK

Waste Fined?

\$500.00 Fine

CITY OF DETROIT
BUILDINGS AND SAFETY ENGINEERING DEPARTMENT

4TH FLOOR, CITY-COUNTY BUILDING
DETROIT, MICHIGAN 48226
WWW.CI.DETROIT.MI.US

February 18, 2000

B&SE Case No.: 96-99 - 18731 Grand River
Decision Date: February 18, 2000
Effective Date: March 4, 2000

Ibrahim Sahnout
6200 Oakman Blvd.
Dearborn, Michigan 48126

Your Request To: Construct a 19 x 32 foot one story masonry addition at the rear of an existing Gas Station/Retail Convenience Store and expand the Retail Convenience Store into the new addition, notwithstanding deficient setbacks of building and pump island from public right-of-way of Stahelin Ave, and deficient lot area.

AT: 18731 Grand River between Glastonbury & Stahelin

Which Property is Zoned B-4 And Legally Described As:

Lots 1230-1235 of the Rosedale Park
Subdivision(Liber 37, Page 73 of Wayne County
Records)

IS HEREBY DENIED

In accordance with the provisions of Sections 42.0600, 65.0000, 94.0180 and 94.0356 of the Zoning Ordinance of the City of Detroit.

After considering the land use and zoning of the subject property and the surrounding area and after careful consideration of all the facts involved, including those obtained during field inspections of the above premises, it is the opinion of this Department that granting your request would be inappropriate because:

Section 65.0400 of the Detroit Zoning Ordinance requires

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B&SE Case No.: 96-99 - 18731 Grand River
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In addition, Section 94.0356 of the Zoning Ordinance (in reference to Section 93.0356 of the Ordinance) provides specific requirements for Gas Stations, among which are:

- a minimum lot area of 12,000 sq. ft.
(the site plan presented by the Applicant shows the lot area to be approx. 11,000 sq. ft.)
- a minimum building setback of 40 ft. from any street right-of-way line
(the site plan presented by the Applicant shows the building to be 12 ft. from the Stahelin Ave. right-of-way line)
- a maximum of 2 pump islands for a 12,000 sq. ft. site
(the site plan presented by the Applicant shows 3 pump islands)
- a minimum pump island setback of 15 ft. from any street right-of-way line
(the site plan presented by the Applicant shows 1 pump island to be at the Stahelin Ave. right-of-way line)

In view of the above, it is the determination of this Department that the specified findings of Section 65.0400 of the Ordinance cannot be made in this instance.

For these reasons, it is the opinion of this Department that your proposal could not be accomplished without adversely affecting the surrounding land use and development and would not be in conformance with the specified provisions and required findings of the Zoning Ordinance.

The use of the subject property as described is therefore unlawful, is contrary to the provision of the Zoning Ordinance and is subject to penalties as provided for in Section 69.0000 of the Ordinance.

This denial will become effective March 4, 2000.

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B&SE Case No.: 96-99 - 18731 Grand River
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However, Section 62.0300 of the Zoning Ordinance provides the right to file a written appeal to this decision with the Buildings and Safety Engineering Department prior to the effective date of this decision, whereupon the entire file will be referred to the Board of Zoning Appeals for public hearing and final decision. A fee may be required for an appeal to the Board of Zoning Appeals. All appeals must be made in person at the Zoning Counter, 4th Floor, City-County Building.

It shall be the responsibility of the person or organization who files an appeal, or his or her duly authorized representative to attend the public hearing held by the Board of Zoning Appeals and to give proper testimony, under oath, as to why the original decision of this Department should not take effect.

If no written appeal is filed prior to the effective date of this decision, the denial shall be deemed final. No application which has been denied wholly or in part shall be re-submitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.

Sincerely,



GENI GIANNOTTI
Director

GG/aat

April 4, 2001

City of Detroit
City Council
1340 City County Building
Detroit, Michigan 48226

Attention: Mr. Gill Hill
Council President

Regarding: B&SE Case No.: 96-99 - 18731 Grand River
Decision Date: February 18, 2000
Effective Date: March 4, 2000

Dear Ms. Hill:

The Rosedale Park Improvement Association (RPIA), has formally requested that the City Building and Safety Engineering Department take action to enforce zoning ordinance violations at the aforementioned property. It is our understanding that the owner has appealed this decision, and the decision effective date has passed.

Attached herewith, please find correspondence from the City Building and Safety Engineering Department dated February 18, 2000. Therein, you will see that the proprietor has violated the minimum pump setback requirements by nearly fifteen (15) feet. In fact, the letter states, "the Applicant shows 1 pump island to be at the Stahelin Ave. right-of-way line".

We understand that there has been a hearing regarding this case and the judge has granted a continuance. We have previously asked that the City Building and Safety Engineering Department enforce the appropriate City ordinance. However, it is our understanding that the continuance was granted in this case to allow the owner time to attempt to purchase the City owned right-of-way (property) and seek a variance from the minimum setback requirements as established by City ordinance. On behalf of the residents of Rosedale Park, we ask that the Detroit City Council support our request to prevent the owner from purchasing City property and applying for a variance in an attempt to circumvent the City Building Code. Careless development such as this must be avoided, and should not be allowed to haphazardly occur within the City of Detroit.

Finally, this Board has requested to be formally copied, on subsequent City correspondence regarding this matter. In addition, this Board requests to be notified if there are further formal hearings.

We would like to thank you for your time and attention to this matter. If we can be of any further assistance, please contact Mr. Jesse. B. VanDeCreek, P.E., RPIA Restriction Committee Chairman, at (313) 272-3252.

**Rosedale Park Improvement Association
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