

## **BOARD MEMBERS**

### **Robert E. Thomas**

Chairperson  
Council District 5

### **Debra T. Walker**

Vice Chairperson  
Council District 6

### **Robert G. Weed**

Council District 1

### **Vivian Teague**

Council District 2

### **Elois Moore**

Council District 3

### **Michelle L. West**

Council District 4

### **Anthony Sherman**

Council District 7



**City of Detroit**  
**Board of Zoning Appeals**  
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**REGULAR MEETING OF**  
**FEBRUARY 15, 2022**

## **JAMES W. RIBBRON**

Director

## **BOARD OF ZONING APPEALS STAFF:**

THOMINA DAVIDSON  
APRIL PUROFOY  
DEJA SAMMONS

Pursuant to the City of Detroit Health Department Emergency Epidemic Order in Response to the COVID-19 Pandemic Per MCL 333.2453, Declaration of Continued Emergency Due to COVID-19, to Extend Remote Public Access to Open Meetings and Prohibit Gatherings at Meetings that Risk the Personal Health and Safety of Members of the Public and Public Bodies, effective from January 1, 2022 to March 31, 2022, the City of Detroit, Board of Zoning Appeals (BZA) will be:

**IN-PERSON AT DETROIT PUBLIC SAFETY HEADQUARTERS, 1301 3<sup>RD</sup> AVE., DETROIT, MI 48226**

**VIRTUAL ATTENDANCE IS STRONGLY ENCOURAGED.**

As pursuant to public health guidelines, the meeting room will be subject to space limitations, and there are NO additional opportunities for public viewing within the building. For the safety of attendees and participants, it is recommended that the public participate by means of one of the methods listed below:

1. In person. Please be advised due to COVID restrictions the space is limited to 15 people. Petitioners will be given first preference. Once the limit is reached you will not be allowed to enter the building.
2. The Board of Zoning Appeals Hearings may be viewed in the following manner.

Join Zoom Meeting

<https://cityofdetroit.zoom.us/j/84422726457>

Meeting ID: 844 2272 6457

Dial by your location

+1 267 831 0333 US (Philadelphia)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 213 338 8477 US (Los Angeles)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

#### **PUBLIC COMMENT ZOOM / IN-PERSON MEETINGS:**

##### **Public Comment Zoom:**

1. Telephone participants: Raise your hand by pressing \*9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
  - a. Windows computer = [ALT] + [Y]
  - b. Apple computers = [OPTION] + [Y]

##### **Public Comment In-Person:**

- You will be called on in the order in which your hand is raised, a public comment sign-in card will be issued.
- All time limits set by the meeting Chair will still be enforced
- Any hands raised after the Chair ends submission of public comments, will not be able to speak at the meeting

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the BZA Office **IN ADVANCE OF THE HEARING:**

<https://app.smartsheet.com/b/form/f8a9187464f4464689094092a1952bc8>

(You can also email the department at the link below for the smartsheet link)

via smartsheet, or email to [BOARDOFZONING@DETROITMI.GOV](mailto:BOARDOFZONING@DETROITMI.GOV) for the record.

**PLEASE SEE THE LINK BELOW TO REVIEW THE BOARD OF ZONING APPEALS CALENDARS:**

<https://detroitmi.gov/government/boards/board-zoning-appeals/board-zoning-appeals-meetings>

**MINUTES:**

Board Member West made a motion to approve the minutes for December 21, 2021 with any corrections.

Affirmative: Mr. Thomas, Weed, Sherman  
Ms. Moore, Walker, Teague, West  
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**.

**ELECTIONS OF OFFICERS:**

Ms. West nominated Debra Walker as Vice-Chairperson. Ms. Walker accepted the nomination.

**Votes for Ms. Walker were as follows:**

Yea- Mr. Sherman, Mrs. Moore, Mr. Weed, Mr. Thomas, Ms Walker, Ms. Teague and Ms. West.

**Ms. Walker was elected to be the Vice-Chairperson for 2022**

Ms. Walker nominated Mr. Thomas as Chairperson. Mr. Thomas accepted the nomination.

**Votes for Mr. Thomas were as follows:**

Yea- Ms. Teague, Mr. Sherman, Ms. Walker, Ms. West, Mrs. Moore, Mr. Weed and Mr. Thomas.

**Mr. Thomas was elected to be the Chairperson for 2021 with unanimous votes.**



10:15 a.m.      **CASE NO.:**                    80-21 aka BSEED SLU2021-00158

**APPLICANT:**                    ASI JBE Holdings, LLC (dba Detroit Asphalt Company)

**LOCATION:**                            12155 Southfield Fwy. Freeway between Plainview and Evergreen in a M4 Zone (Intensive Industrial District) – Council District #7

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

**PROPOSAL:**                    ASI JBE Holdings, LLC (d/b/a Detroit Asphalt Company)/Frank Simon Salama appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2021-00158 Decision Date: November 30, 2021, Effective Date: December 14, 2021) which DENIED the establishment of an Asphalt Mixing Facility (Very high-impact manufacturing or processing) on a 25-acre portion, on an approximately 43-acre site 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; A) At the time of the inspection, the property owner was storing heavy trucks and machinery on the premises without benefit of a building permit. Additionally, the applicant proposed minimal coniferous screening in conjunction with an existing masonry wall along the southern boundary directly adjacent to a residential neighborhood, thus could pose an adverse public health, noise, and safety hazard for residents. B) Per the Planning and Development Department, due to the very high-impact nature of the proposed asphalt production plant, heavy vehicle traffic associated with the use (over 100 trucks daily) and its proximity to the southern residential community, it does not comply with the current Master Plan of Policies Future Land Use designation of Light Industrial or (IL), thereby could aggravate any pre-existing physical, social or economic deterioration of the adjacent residential neighborhood. (Sections 50-4-101 Jurisdiction Over Appeals of Administrative Decisions and 50-3-171 thru 50-3-281- General Approval Criteria). AP

**ACTION OF THE BOARD:** Ms. Teague made a motion to Adjourn without date and with fee. Seconded by Ms. West

Affirmative:            Mr. Weed, Thomas, Sherman  
                                 Ms. Teague, Walker, West, Moore

Negative:

**ADJOURNED WITHOUT DATE AND WITH FEE**

**CASE NO.:** 40-21  
**APPLICANT:** Jonnah Inc.  
**LOCATION:** 422 E. Grand Blvd. between Kercheval and St. Paul in a R5 - (Medium Density Residential District)- City Council District #5

**LEGAL DESCRIPTION OF PROPERTY:** E WEST GRAND BLVD 26 BLK 3 HUBBARDS SUB L5 P49 PLATS, W C R 12/288 40 X 135

**PROPOSAL:** Jonnah Inc. is requesting dimensional variances to construct an 8-space parking lot located in an R5 (Medium Density Residential) zoning district in a R5 - (Medium Density Residential District). 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 for a variance of the minimum setback. Per the Zoning Ordinance, an opaque wall shall be placed at the edge of the parking area to screen the parking area. The nearest parking space, drive aisle, or other paved surface within the parking area shall be located at least ten feet from the abutting residential lot. Said setback area shall be landscaped, per the site plan, a 4'6" opaque masonry wall is proposed along the eastern property line, but no setback has been provided. The constraints of the 35' wide lot width prevent the petitioner from providing an adequate drive aisle for the proposed parking and a landscaped setback. In order to come into compliance, the petitioner will need to obtain a dimensional variance from the Board, per the Zoning Ordinance. When parking is proposed immediately adjacent to a building, a pedestrian walkway, that is not less than five feet in width, shall be provided to separate the parking area from the building served. This provision shall not apply to single- and two-family dwellings. Sections 50-4-131(6) - Permitted dimensional variances and 50-4-121 Approval Criteria.)AP

**ACTION OF THE BOARD:** Ms. Walker made a motion to Grant permission to construct an 8-space parking lot and dimensional variances for premises located in an R5 (Medium Density Residential) zoning district in a R5 - (Medium Density Residential District). **Seconded by Mr. West**

Affirmative: Mr. Weed, Thomas, Sherman  
Ms. Teague, Walker, West, Moore

Negative:

**PARKING LOT USE GRANTED AND DIMENSIONAL VARIANCES APPROVED**

**ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE**

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There being no further business to be transacted, Board Member Moore motioned that the meeting be adjourned. Board Member Walker seconded this motion which was unanimously carried and the meeting adjourned at 11:28 A.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON  
DIRECTOR

JWR/atp