

BOARD MEMBERS

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City of Detroit
Board of Zoning Appeals
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Detroit, Michigan 48226
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REGULAR MEETING OF
MAY 17, 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 IN THE ERMA L. HENDERSON AUDITORIUM ON THE 13TH FLOOR, OF THE COLEMAN A. YOUNG MUNICIPAL CENTER, 2 WOODWARD AVE., DETROIT, MI 48226

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)

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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 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 Moore made a motion to approve the minutes for May 10, 2022 with any corrections.

Affirmative: Mr. Weed, Sherman, Thomas
Ms. Moore, Walker
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.: 13-22

APPLICANT: Timothy Flintoff

LOCATION: 18017 E. Warren Ave. between Farmbrook and Radnor in a B4 Zone (General Business District) - City Council District #4

LEGAL DESCRIPTION OF PROPERTY: Property exempt from Ad Valorem taxes and assessed on the Special Act Roll pursuant to PA 261 of 2003 expiring 12/30/2023. N WARREN-E 137 THRU 133 MARY L HARRIS SUB NO 1 L51 P80 PLATS, W C R 21/851 198 THRU 194 LEONARD-HILLGER LAND COS SUB L41 P77 PLATS, W C R 21/825 215.99 IRREG

PROPOSAL: Timothy Flintoff request variances to establish an Employee Recruitment Center in an existing 13,600 square foot building along with a 19-space Accessory Parking Lot on existing vacant land, APPROVED w/Conditions in BSEED Case SLU2021-00109: Decision Date: February 22, 2022; Effective Date: March 8, 2022, 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 BSEED’s 10% administrative adjustments for a variance of the minimum setbacks. Prior to issuance of building permits, the applicant shall obtain the following waivers from the Board of Zoning Appeals for the accessory parking lot: Section 50-13-182 Deficient Front setback: 20’ front setback required, 0’ proposed, 20’ deficient; and Section 50-14-342(1)(b) Deficient Side setback: 10’ side setback required, 0’ feet proposed, 10’ feet deficient. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria). AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional variances to establish an Employee Recruitment Center in an existing 13,600 square foot building along with a 19-space Accessory Parking Lot on existing vacant land, APPROVED w/Conditions in BSEED Case SLU2021-00109Seconded by Board Member Moore.

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

Negative:

DIMENSIONAL VARIANCEs GRANTED

Ms. Teague was not present for the vote

10:15 a.m. **CASE NO.:** 11-22

APPLICANT: Flexible Construction, Inc.

LOCATION: 7741 Lyndon between Livernois and Cloverdale in a M4 Zone (Intensive Industrial District) - **City Council District #5**

LEGAL DESCRIPTION OF PROPERTY: S LYNDON 238 ASSESSORS DETROIT PLAT NO 17 L74 P25 PLATS, W C R 16/466 17,947 SQ FT

PROPOSAL: Flexible Construction, Inc. request variances to establish a 2,005 square foot Marijuana Retail/Provisioning Facility (MRPF) (Suite B), an 11,029 square foot Marijuana Grower Facility (MGF) (Suite A), and a 546 square foot Marijuana Processor Facility (MPF) (Suite C) in an existing 13,580 square foot building APPROVED w/Conditions in BSEED Case SLU2020-00018: Decision Date: December 6, 2021; Effective Date: December 20, 2021, in a M4 Zone (Intensive Industrial District). This case is appealed because The Board shall be authorized to hear dimensional variance requests for matters that are beyond the scope of BSEED’s 10% administrative adjustments for a variance of the minimum setbacks. The total number of off-street parking required is eight (8) spaces. The approved site plan shows three (3) off-street spaces which is deficient for the proposed uses. A shared parking agreement for the remaining required parking spaces is required, or a variance from the Board of Zoning Appeals will be required to waive the deficient parking. (Sections 50-4-131 (1) - Permitted dimensional variances and 50-4-121 Approval Criteria). AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional variance (parking) to establish a 2,005 square foot Marijuana Retail/Provisioning Facility (MRPF) (Suite B), an 11,029 square foot Marijuana Grower Facility (MGF) (Suite A), and a 546 square foot Marijuana Processor Facility (MPF) (Suite C) in an existing 13,580 square foot building APPROVED w/Conditions in BSEED Case SLU2020-00018. Seconded by Ms. Moore

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

Negative:

DIMENSIONAL VARIANCE (Parking) GRANTED

11:15 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 (Intensive Industrial District) – **City 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 (Intensive Industrial District). 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 Uphold BSEED’s Decision 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 (Intensive Industrial District). **Seconded by Ms. Moore**

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

Negative:

BSEED DECISION UPHELD, USE DENIED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE

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 1:34 P.M.

RESPECTFULLY SUBMITTED



JAMES W. RIBBRON
DIRECTOR

JWR/atp