

## BOARD MEMBERS

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## BOARD OF ZONING APPEALS STAFF:

THOMINA DAVIDSON  
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DEJA SAMMONS

## REGULAR MEETING OF SEPTEMBER 13, 2022

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 13<sup>TH</sup> FLOOR, OF THE COLEMAN A. YOUNG MUNICIPAL CENTER, 2 WOODWARD 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>

**DOCKET**

**I. OPENING:**

- A. CALL TO ORDER.....9:00 A.M.**
- B. ROLL CALL**

**II. PROCEDURAL MATTERS:**

**III. MINUTES:**

- A. APPROVAL OF MINUTES: August 27, 2022**

**IV. COMMUNICATIONS:**

**V. MISCELLANEOUS BUSINESS:**

**VI. PUBLIC HEARING**

**9:15 a.m. CASE NO.: 40-22**

**APPLICANT: Mike Semma, Consultant**

**LOCATION: 3471 Joy Rd between Dexter and Savory in a R2 Zone (Two-Family Residential District). - City Council District #5**

**LEGAL DESCRIPTION OF PROPERTY: E DEXTER BLVD 369 368 367 COONLEYS SUB L31 P30 PLATS, WCR 12/173 101.53 IRREG**

**PROPOSAL: Mike Semma, Consultant is requesting the expansion of a non-conforming carryout restaurant to include drive-thru lane and accessory parking lot in a R2 Two-Family Residential District. This case is appealed because 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 Section 50-15-27 of this Code. (Sections 50-15-7 - Board of Zoning Appeals, 50-15-26. - Expansion or intensification of nonconforming uses and 50-15-27. - Required findings). AP**

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the Civil Rights, Inclusion and Opportunity Department at (313) 224-4950, through the TTY number 711, or email at [crio@detroitmi.gov](mailto:crio@detroitmi.gov) to schedule these services.

**\*This Meeting is open to all members of the public under Michigan’s Open Meetings Act\***

SEPTEMBER 13, 2022  
DOCKET CONTINUED

9:45 a.m. **CASE NO.:** 38-22

**APPLICANT:** Yolanda Drake / Olive Drake

**LOCATION:** 20411 Prairie St. between Eight Mile and Chippewa in an R1 Zone (Single-Family Residential District). - City Council District #3

**LEGAL DESCRIPTION OF PROPERTY:** W PRAIRIE 32 AND VAC ALLEY ADJ GEORGE COX EIGHT MILE RD SUB L43 P84 PLATS, W C R 16/283 35 X 122.67A COMBINED ON 12/08/2021 WITH 16023049. INTO 16023048-9

**PROPOSAL:** Yolanda Drake is requesting dimensional variances for an accessory addition to build a pole barn/garage within an R1 Zone (Single-Family Residential 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. Sec. 50-13-209. - Height of accessory buildings. (a)No detached accessory building or structure in any R1 or R2 District shall exceed the height of the principal building or structure, or 15 feet, whichever is less. (b)The height of buildings accessory to single-family and two-family detached dwellings shall be limited to one story, and shall not exceed 15 feet.; side setbacks not listed on site plan. (Sections 50-4-131 (6)- Permitted dimensional variances and 50-4-121 Approval Criteria). AP

10:15 a.m. **CASE NO.:** BSEED SLU2022-00038

**APPLICANT:** Developing K.I.D.S. (Kingdom in Different Stages) Kimberly Johnson

**LOCATION:** 16890 Telegraph located between W. McNichols and Grove in a R5 Zone (Medium Density Residential District). - City Council District #1

**LEGAL DESCRIPTION OF PROPERTY:** E TELEGRAPH 8 RIVERDALE PARK SUB L33 P77 PLATS, W C R 22/472 140 X 300

**PROPOSAL:** Developing K.I.D.S. (Kingdom in Different Stages) Kimberly Johnson appeals the decision of the Buildings Safety Engineering and Environmental Department (BSEED SLU2022-00038 effective date of decision July 1, 2022) which (Approved with Conditions) the establishment of a Marijuana Retail/Provisioning Facility (MRPF) in a 2,519 sq. ft. portion of an existing 7,242 sq. ft building in a R5 Zone (Medium Density Residential District). This case is Appealed because the Board of Zoning Appeals may be taken by any person, firm, partnership or corporation, or by any City department, commission, board or other City agency which is aggrieved 1) by a decision of an enforcing officer, or 2) by any decision made by the Buildings and Safety Engineering Department involving Conditional Uses; Michigan courts have held that in order to meet the “aggrieved person” standard, the appellant must prove that he or she (or it, if the appellant is an organization) has suffered special damages related to the beneficial use and enjoyment of his/her own property that are not common to other property owners similarly situated. The party filing the appeal must be more than a mere resident of the City; he or she must be able to show harm or damages that are unique to him or her, and to his/her property, specifically. (Sections 50-4-102 Appeals, Michigan Case Law on “Aggrieved Person” Standard and 50-3-281 General Approval Criteria(Community Appeals).AP

- VII. **Public Comment / New Business**  
Next Hearing Date: September 20, 2022
- VIII. **ADVISEMENTS / OLD BUSINESS**
- IX. **MEETING ADJOURNED**