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**TO: Honorable City Council**

**FROM: David Whitaker, Director**   
**Legislative Policy Division**

**DATE: June 21, 2024**

**RE: Appointment of Board of Zoning Appeals Director**

In response to the Council's request to post the position of Director of the Board of Zoning Appeals (BZA), the Legislative Policy Division (LPD) provides the following information with respect to the process for appointment of the Director of the BZA.

On July 31, 2024, the appointment of the Board of Zoning Appeals Director will expire. The Director of the BZA, Mr. Ribbron was appointed by City Council in 2018. The Board of Zoning Appeals Director position is eligible for reappointment. Section 50-2-62 of the Detroit City Code sets forth the following relative to the position of Director.

**Sec. 50-2-62. - Director; compensation; removal; no authority to vote; authorization to employ assistant and other staff.**

(a) The City Council shall appoint a Director of the Board of Zoning Appeals who shall serve for a term of six years. Compensation of the Director shall be fixed by City Council. The Director may be removed for cause by the City Council in accordance with Section 2-107(C) of the Charter.

(b) The Director is not a member of the Board and, therefore, is without authority to vote on matters before the Board.

(c) The Director shall employ an assistant and other staff.

The City ordinance governing the BZA describes the board as follows:

**Sec. 61-2-42. Membership; terms of office.**

The Board shall consist of not fewer than five (5) members and not more than nine (9) members appointed by the City Council for overlapping terms of three (3) years each. **The City Council shall appoint a Director of the Board who shall serve for a term of six (6) years; the Director is not a member of the Board and does not vote on matters before the Board.** Any vacancies on the Board shall be filled by the City Council for the remainder of the unexpired term. The members or Director may be removed for cause by the City Council; as provided in MCL 3601(8) [sic], a member may be removed for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. The members shall be residents of the City of Detroit, and not more than one (J) member may also be a member of the City Planning Commission, as specified in Sec. 601(3) of the Michigan Zoning Enabling Act, MCL 125.3601(3). Compensation of members may be paid at a reasonable *per diem* rate and members may be reimbursed for expenses actually incurred in the discharge of their duties, as provided in Sec. 60 I (7) of the Michigan Zoning Enabling Act, MCL 125.360 I(7). Compensation of members and of the Director shall be fixed by City Council. The Director shall employ an assistant and other staff. (Emphasis added.)<sup>1</sup>

Finally, attached for your review is an updated job description and a resolution relative to the procedure to appoint a Board of Zoning Appeals Director. Should the Council have specific questions, LPD will respond. LPD stands ready to assist with this task.

Attachment

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<sup>1</sup> Note that the City ordinance (like the State statute) does not require that the BZA director be a City resident- although the BZA's City webpage erroneously states "[t]he members and Director shall be residents of the City of Detroit." Residency requirements for City employees, other than elected officials, was outlawed in 2000. See, MCL 15.602.

<sup>2</sup> The ordinance does not prohibit reappointment of the director to subsequent terms. This is in contrast to the appointed positions of the Inspector General, Ombudsperson, and Auditor General - all established by the Charter, as opposed to ordinance, for specific terms and without eligibility for reappointment.

## City of Detroit

### **TITLE: DIRECTOR, BOARD OF ZONING APPEALS**

#### **SUMMARY:**

The Detroit City Council is seeking qualified applicants for the appointive position of Director of the Board of Zoning Appeals to serve as the administrative head of the Board staff. The Board of Zoning Appeals (BZA) is established pursuant to the Michigan Zoning Enabling Act and is housed in the legislative branch of City government. The BZA hears appeals from zoning decisions of the Buildings, Safety Engineering and Environmental Department or the Planning and Development Department and holds hearings on non-conforming uses and structures and requests for zoning variances. The appointment term is six (6) years. Salary range is \$79,389 - \$176,245.

#### **MAJOR JOB DUTIES:**

- Plan, organize, assign, direct, review and coordinate the activities of the BZA staff engaged in the compilation, analysis, and interpretation of data, and preparing reports and recommendations to the BZA;
- Inspect property in contiguous areas involved in appeals and report to the BZA on factors relating to zoning regulations;
- Supervise staff in the investigation and preparation of zoning appeal cases;
- Attend BZA hearings, assist in directing proceedings during public hearings of the Board, and ensure that a complete transcript record is made of each case;
- Conduct procedural orientation for new BZA members;
- Determine office procedures and policies;
- Be responsible for the selection, placement, training, development, discipline, and appraisal/evaluation of BZA staff;
- Act as technical advisor to the BZA and coordinate development activities for Board members;
- Coordinate activities of the BZA with those of other City departments and governmental agencies;
- Interpret and implement applicable provisions of the City's zoning ordinance and City code;
- Supervise the preparation of reports to the BZA and other City agencies;
- Direct the preparation of the agenda and packet of materials for regular BZA meetings;
- Examine plans and specifications for compliance with code requirements;
- Address inquiries and/or complaints from contractors, property owners, engineers, architects, and others relative to code requirements; and
- Make recommendations and assist in the preparation and revision of zoning codes, ordinances, and regulations.

#### **QUALIFICATIONS:**

- Graduation from an accredited college or university with specialization in business administration, engineering, or other related curriculum; or an equivalent combination of education, professional training, experience, and responsibility sufficient to warrant consideration;
- Significant experience in municipal inspection activities;
- Knowledge of codes, city ordinances, and department policies and regulations;

- At least ten (10) years of prior managerial experience evidenced by increasing supervisory and oversight responsibilities;
- Demonstrated ability to plan and organize work, conduct investigations, and resolve zoning inspection problems;
- Excellent communication and verbal skills and ability to prepare reports and cases for presentation to the BZA; and
- Ability to exercise tact and diplomacy in dealing with the public, members of the BZA, and staff.

Dated June 21, 2024

## RESOLUTION BY THE DETROIT CITY COUNCIL

### RESOLUTION ADOPTING A PROCESS TO APPOINT THE DIRECTOR OF THE BOARD OF ZONING APPEALS

**WHEREAS,** The Director of the Board of Zoning Appeals is appointed by City council to a six-year term (City Code Section 61-2-42). The term of the current Director will expire on July 31, 2024; and

**WHEREAS,** City Council intends to post the position to consider qualified applicants for the appointment to a new six-year term, through adoption of a process of appointment in a fair, expeditious, open, and transparent manner; and

**WHEREAS,** City Council has developed a process that will allow all interested and qualified member of the community to apply for the opening. NOW THEREFORE BE IT

**RESOLVED,** That the Detroit City Council shall utilize the following process to fill the position of the Director of the Board of Zoning Appeals for a term of six years beginning with the appointment of the successful applicant:

1. The position will be posted electronically on government employment websites, general employment websites, and through the City's internal communication network. The Legislative Policy Division (LPD) will accept applications responsive to the postings, submitted to a dedicated email address, through Friday, July 12, 2024 at 5 p.m.
2. All persons seeking appointment shall submit a cover letter and resume by the due date. An applicant may submit supporting documents; however, none are required. All information **must be submitted electronically** during the stated application period. Applications made through LPD will be the only ones considered. **APPLICATIONS, RESUMES OR OTHER MATERIALS RECEIVED THROUGH OTHER CHANNELS OR AFTER THE APPLICATION PERIOD WILL NOT BE CONSIDERED**; and
3. LPD shall canvas all applicants to determine that each has met the minimum qualification for the position. LPD shall forward all qualified candidates' resumes and cover letters to City Council along with a list of candidates who failed to meet the qualifications with the corresponding reasons; and
4. Each Council Member may submit up to two (2) names from the qualified applicants' pool for further consideration in the interview phase of the process. The interview choices should be submitted to LPD by July 19, 2024, at 5 p.m. LPD shall provide a report indicating results of the submissions and a list of those who will be interviewed; and
5. All interviews shall be conducted in open session within the Committee of the Whole to be scheduled on or before July 30, 2024; and
6. Once the interviews have concluded, City Council shall, during a meeting, implement a run-off voting system to select a candidate; and **BE IT FURTHER**

**RESOLVED,** The Detroit City Council directs this application process be posted on the city's website and the appropriate electronic employment sites.

June 21, 2024