

**DETROIT CHARTER REVISION COMMISSION**

**PROPOSAL/ISSUE REVIEW SUMMARY**

**ISSUE NUMBER:** GOS 215

**ISSUE CATEGORY:** Government Operations & Structure

**SOURCE:** Mayor Bing Administration

**RELATED CHARTER SECTIONS:** §7-403 (Board of Zoning Appeals)

Letter, Rec'd December 21, 2010

**RELEVANT ORDINANCE SECTION:**

**RELEVANT LAW(S):** Michigan Zoning Enabling Act, MCL 125.3601

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**ISSUE/PROPOSAL STATEMENT:** Move jurisdiction of Board of Zoning Appeals and entire section to Legislative branch of government, clarifying the role and function of the Board.

**ARTICLE 4. THE LEGISLATIVE BRANCH**

**CHAPTER 4. BOARD OF ZONING APPEALS.**

In accordance with Section 601(1) of the Michigan Zoning Enabling Act, MCL 125.3601, the City of Detroit shall enact an ordinance that establishes one (1) appeal board with the powers and duties: 1) to hear appeals from administrative decisions either of the Buildings, Safety Engineering, and Environmental Department or of the Planning and Development Department; and 2) hold hearings for requests that non-conforming uses be changed or expanded, that a prohibited use be established, or that a variance be granted. In accordance with MCL 125.3601(1), the ordinance shall provide that the City Council appoints members to the Board of Zoning Appeals.

In addition, the ordinance shall provide:

1. For rules governing the appeal, including the parties entitled to be heard in proceedings before the Board;
2. In any review proceeding, that the Buildings, Safety Engineering, and Environmental Department or the Planning and Development Department file a written statement and may appear before the Board in support of its decision;
3. The effect of a decision of the Board; and
4. For compensation of Board members.

**RATIONALE:** *"Section 601(1) of the Michigan Zoning Enabling Act, MCL 125.3601, provides that "A zoning ordinance shall create a zoning board of appeals." Pursuant to MCL 125.3601(1), the City Council is required to appoint members to the Board of Zoning Appeals. Based upon state law, the Board of Zoning Appeals has been moved from Article 7, The Executive Branch: Programs, Services and Activities Chapter 4, of the 1997 Detroit City Charter Building, to Article 4, the Legislative Branch." - Mayor Bing Administration, Letter, Rec'd December 21, 2010.*

**ANALYSIS:**

**DISPOSITION/COMMISSION ACTION:**

**NOTES:**