

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 68

ISSUE CATEGORY: Government Operations & Structure

SOURCE: City Council,

RELATED CHARTER SECTIONS: §4-501 (Board of Zoning Appeals) (New Section))

Letter dated December 2, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Make specific reference to the Michigan Zoning Enabling Act as the legal basis for establishment of the Zoning Board of Appeals. Have Council appoint the Zoning Board members. Remove Building department requirement to file written statements in review proceedings and right to appear before Board in defense of its decision.

Sec. 4-501. Board of Zoning Appeals.

(New Section with language relocated from Sec. 7-403)

Pursuant to the provisions of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), a board of zoning appeals shall be appointed by City Council with powers and duties that are provided by ordinance.

The ordinance shall provide for rules governing appeals and other matters properly before the appeals board, including the parties entitled to be heard in proceedings before the appeals board and the effect of a decision of the board, and may provide compensation for board members.

Deleted: Except as otherwise provided by ordinance, one (1) appeals board with the powers and duties that may be provided by ordinance shall be established by the city council in accordance with state law to review any decision made by the department under section 7-402 where any law, ordinance or regulation requires review by an appeals board.

Deleted: the

Deleted: In any review proceeding, the building department shall file a written statement and may appear before the appeals board in support of its decision.

RATIONALE:

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: In their December 2, 2010 set of proposed revisions Council proposes deleting §7-403 (Board of Zoning Appeals), which this new provision will replace.