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# City of Detroit

## CITY COUNCIL

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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director  
Legislative Policy Division Staff

DATE: January 31, 2025

RE: **QUESTIONS REGARDING BOARD OF ZONING APPEALS**

City Council Member Coleman A. Young II has requested the Legislative Policy Division (LPD) to answer questions regarding the fees charged by the Board of Zoning Appeals (BZA).

**1. What legal authority does the Board of Zoning Appeals have to charge for transcription records and when does the requirement occur?**

Pursuant to 9-507 of the 2012 Detroit City Charter, “[a]ny agency of the City may, with the approval of the City Council, charge an admission or service fee to any facility operated, or for any service provided, by an agency.”

City Council approved the most recent BZA Fee Schedule in February of 2024, which provides that a fee will be charged for transcripts at the “Court Reporter Rate Per Page.”<sup>1</sup> The fee schedule does not specify the price per page. This price can vary as it is negotiated between the Office of Contracting and Procurement (OCP) and the contractors that the City hires to provide transcription services.

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<sup>1</sup> BZA Fee Schedule Attached.

## **2. Is there a court reporter present to transcribe all appeals? Why?**

The Detroit City Code requires a transcribed record of all proceedings before the Board of Zoning Appeals:

### **Sec. 50-2-66. – Records**

For each case or matter heard, the Board of Zoning Appeals shall cause a record of its proceedings to be prepared. The record of proceedings shall include all documents considered in the case together with a transcribed stenographic record of all public proceedings. The transcribed stenographic record shall include, but need not be limited to, the verbatim testimony offered by all witnesses in the case and all personal knowledge of members of the Board that is considered by the Board in reaching its decision. The record of proceedings shall show the grounds for each decision and the vote of each member upon each question.

The presence of a court reporter is required in order to preserve an accurate record of the proceedings. Individuals have a right to appeal final decisions of the BZA to the circuit court in which the property is located, pursuant to the Michigan Zoning Enabling Act.<sup>2</sup> The circuit court is required to review the record and decision and determine, among other things, that the decision “is supported by competent, material, and substantial evidence on the record.”<sup>3</sup> Therefore, the presence of a court reporter at BZA hearings is essential to preserve the right for individuals to appeal any final decision of the BZA.

## **3. What amount, if any, is charged to the appealing party and how is the amount determined?**

As stated above, the fee per page varies based on the amount negotiated between OCP and the contractor hired to provide transcription services.<sup>4</sup> The City has been operating under month-to-month contracts with Remote Legal. An individual recently received a \$4,749.80 invoice from the BZA for the transcripts of two BZA hearings. The transcript was 1,102 pages in total at \$4.55 per page for the first hearing and \$3.96 per page for the second hearing. Remote Legal has indicated that, starting in 2025, its rate is now \$6.75 per page. OCP is currently soliciting bids for a long-term contract to provide these services.

Please let us know if we can be of further assistance.

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<sup>2</sup> MCL 125.3606.

<sup>3</sup> *Id.*

<sup>4</sup> A possible suggestion to improve the transparency of the BZA appeal process would be to advise potential appellants of the cost per page associated with ordering a transcript when they receive a final decision from the BZA and are notified of their right to appeal.



**Approved by Detroit City Council February 8, 2024**

**APPEAL FEE SCHEDULE**

**BOARD OF ZONING APPEALS**

<b>NEW BUILDINGS, ADDITIONS &amp; ALTERATIONS (PER STRUCTURE) .....</b>	<b>\$1,200.00</b>
<b>CHANGE OF USE OF ANY BUILDING OR STRUCTURE... (NON-CONFORMING USE).....</b>	<b>\$1,200.00</b>
<b>DIMENSIONAL VARIANCE.....(OVER TEN (10) PERCENT) .....</b>	<b>\$1,200.00</b>
<b>REHEARING.....</b>	<b>\$1,200.00</b>
<b>REGULATED USES (PAWNSHOPS, BARS, ETC) .....</b>	<b>\$1,200.00</b>
<b>CONTROLLED USES (SDM, SDD, ETC) .....</b>	<b>\$1,200.00</b>
<b>SIGNS.....</b>	<b>\$1,200.00</b>
<b>PARKING LOTS.....</b>	<b>\$1,200.00</b>
<b>PLANNING &amp; DEVELOPMENT DEPARTMENT</b>	
<b>(Site Plan Denial) .....</b>	<b>\$1,200.00</b>
<b>APPEALS FROM BUILDINGS AND SAFETY DEPARTMENTS HEARING OFFICER</b>	
<b>DECISION BY (BSEED Denial)</b>	
<b>Hearing.....</b>	<b>\$1,500.00</b>
<b>HARDSHIP.....</b>	<b>\$1,500.00</b>
<b>TIME EXTENSION REQUEST TO PICK UP REQUIRED BUILDING PERMIT</b>	
<b>Over-due up to Six (6) Months.....</b>	<b>\$600.00</b>
<b>Overdue on one (1) year or more. A new case MUST be filed.....</b>	<b>\$1,200.00</b>
<b>DISMISSAL OF PETITION REQUEST BY PETITIONER WITH RETURN OF FEE.....</b>	
	<b>\$120.00</b>
<b>ADJOURNMENT BY PETITIONER AFTER PUBLIC NOTIFICATION.....</b>	<b>\$300.00</b>
<b>REQUESTED CORRECTIONS AND/OR CHANGES ON THE DECISION AND ORDER FROM PETITIONER.....</b>	<b>\$450.00</b>
<b>MODIFICATIONS OF EXISTING BZA GRANTS.....</b>	<b>\$1,200.00</b>
<b>(i.e. Appeals of conditions, etc)</b>	
<b>COMMUNITY APPEALS - APPEALS FROM BUILDINGS AND SAFETY ENGINEERING DEPARTMENT'S HEARING OFFICER, DECISION BY RESIDENT AREA COMMUNITY ORGANIZATIONS AND RESIDENTS ONLY WITHIN 300 FEET.....</b>	
	<b>\$0.00</b>
<b>TRANSCRIPT (Per Page).....</b>	<b>Court Reporter Rate Per Page</b>