

RULES AND PROCEDURES

Board of Zoning Appeals

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CHAPTER 50
RULES AND PROCEDURES
FOR THE CITY OF DETROIT
BOARD OF ZONING APPEALS
AS PROVIDED IN SECTION 2-111 OF THE CITY CHARTER
AND SECTION 50-2-67 OF THE CITY CODE

TABLE OF CONTENTS

PART 1. GENERAL PROVISIONS

R 50.1101 Issuing Body and Title
R 50.1102 Effective Date and Publication
R 50.1103 Definitions
R 50.1104 Scope of Rules and Procedures
R 50.1105 Computation of Time
R 50.1106 Amendment of Rules and Procedures

PART 2. ETHICS AND CONFLICTS OF INTEREST

R 50.1201 Ethical Duties
R 50.1202 Conflicts of Interest and Voting

PART 3. MEETINGS

R 50.1301 Parliamentary Procedure; Open Meetings Act
R 50.1302 Regular Meetings
R 50.1303 Special Meetings
R 50.1304 Quorum
R 50.1305 Record
R 50.1306 Agendas; Order of Business
R 50.1307 Disruptive Behavior

PART 4. APPLICATIONS

R 50.1401 Filing of Applications
R 50.1402 Required Information
R 50.1403 Stay of Proceedings

PART 5. HEARINGS AND HEARING NOTICES

R 50.1501 Hearing Dockets
R 50.1502 Notices
R 50.1503 Prehearing Order
R 50.1504 Interpreters

R 50.1505 Authority to Issue Subpoenas
R 50.1506 Hearing Procedure
R 50.1507 Presentation of Case; Burden of Proof
R 50.1508 Witnesses, Documents, and Exhibits
R 50.1509 Advisements
R 50.1510 Adjournments
R 50.1511 Failure to Appear

PART 6. DECISIONS

R 50.1601 Authority
R 50.1602 Motions for Decisions
R 50.1603 Voting
R 50.1604 Effective Date of Decisions
R 50.1605 Reconsiderations
R 50.1606 Decision and Order Form

PART 7. RE-HEARINGS AND APPEALS

R 50.1701 Request for Re-hearing
R 50.1702 Appeals

PART 1. GENERAL PROVISIONS

R 50.1101 Issuing Body and Title

These administrative rules and procedures are promulgated by the Board of Zoning Appeals ("BZA") pursuant to the Michigan Zoning Enabling Act, MCL 125.3101, *et seq*. ("Zoning Enabling Act"); Sections 2-111 and 4-202 of the 2012 City of Detroit Charter ("Charter"); and Chapter 50 of the 2019 Detroit City Code ("City Code"), commonly known as the City of Detroit Zoning Ordinance ("Zoning Ordinance") and shall be referred to as the "Board of Zoning Appeals Rules and Procedures."

R 50.1102 Effective Date and Publication

In accordance with Section 2-111 of the Charter, these rules and procedures, and any subsequent amendments, shall become effective upon publication in a daily newspaper of general circulation. After publication, these rules and procedures shall be printed, made available to the public at the BZA Administrative Office and the Office of the City Clerk, and posted on the BZA website.

R 50.1103 Definitions

For the purposes of these rules and procedures, the following words and phrases shall have the meaning respectively ascribed to them by this section:

(a) *Board of Zoning Appeals* or *the Board* means the governing board composed of at least seven (7) members by district, and two (2) at-large members as provided by the Charter.

(b) *BZA Administrative Office* means the office of the Board located in the Coleman A. Young Municipal Center, 2 Woodward Avenue, Suite 212, Detroit, Michigan, 48226.

(c) *Director* means the administrative head for the Board of Zoning Appeals, or a designated staff member working on behalf of the Director.

(d) *They, them, or their* means singular or plural references where appropriate, and inclusive of all pronouns and genders, including unknown pronouns and genders.

R 50.1104 Scope of Rules and Procedures

These rules and procedures shall apply to the conduct of all meetings and hearings before the Board. In the absence of a specific rule governing the conduct of any aspect of a Board meeting or hearing, the Board shall make a determination on the issue that does not prejudice or affect the substantial rights of the parties.

R 50.1105 Computation of Time

In computing the period of time under these rules and procedures, the day of the act, event, or dismissal is not included. When the last day of the period falls on a Saturday, Sunday, or a city holiday, or on a day that the BZA Administrative Office is officially closed, the period runs until the end of the next day that is not a Saturday, Sunday, city holiday, or day that the BZA Administrative Office is officially closed.

R 50.1106 Amendment of Rules and Procedures

Amendments to these rules and procedures shall be made in accordance with the procedures for the promulgation of administrative rules under Section 2-111 of the Charter.

PART 2. ETHICS AND CONFLICTS OF INTEREST

R 50.1201 Ethical Duties

(a) Each Board Member is considered a "Public Servant" as defined in Section 2-105(A)(27) of the Charter and must comply with the Ethical Standards of Conduct provided in Section 2-106 of the Charter, the Ethics Ordinance provided in Section 2-5-1 *et seq.* of the City Code, as well as the provisions of these rules and procedures. In the event of a conflict between the Charter, Ethics Ordinance, and these rules and procedures, the Charter shall prevail.

(b) A Board Member shall not communicate, directly or indirectly, regarding any issue of fact or law, with any person, party, or authorized representative of a party with respect to any matter currently pending before the Board.

(c) A Board Member must disclose any communication they have had with an applicant or authorized representative of an applicant regarding that applicant's case after notice of the related matter has been provided to such applicant, in accordance with Rule 50.1502 herein. Such disclosure shall be made after the case has been called, in accordance with Rule 50.1506(a)(i) herein.

(d) Board Members shall conduct themselves in a fair, courteous, and understanding manner at all times.

(e) A Board member may be removed by City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing as provided in Section 2-107(C)(2) of the Charter.

R 50.1202 Conflicts of Interest and Voting

(a) A Board Member shall abstain from discussing or voting on any matter in which that Board Member is involved in a real or apparent conflict of interest. Failure of a member to disqualify themself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(b) A Board Member who recuses themself due to a conflict of interest shall:

(1) Cease to participate in any manner when the matter is discussed, voted on, or otherwise acted on at Board meetings or in any other forum.

(2) During deliberation of the matter, leave the area where Board Members sit until action on the matter is concluded.

(c) If the recusal of a Board Member under this section results in the loss of a quorum, then the matter, including testimony, shall be postponed until the next regularly scheduled meeting at which an eligible quorum is present.

PART 3. MEETINGS

R 50.1301 Parliamentary Procedure; Open Meetings Act

(a) The parliamentary procedure of the Board shall be prescribed by the current edition of Robert's Rules of Order, except as modified by State law, the Charter, the City Code, or these rules and procedures.

(b) All meetings of the Board shall be open to the public and held in accordance with the Michigan Open Meetings Act, MCL 15.261 *et seq*. ("Open Meetings Act").

(c) Public comment shall be allowed at all meetings and for each case hearing.

(d) The Board may establish reasonable time, place, and manner restrictions for public comments and audience participation during Board meetings and hearings, provided that such restrictions shall be stated at the opening of the respective public comment periods, and provided further that in no instance shall comment time be limited to less than one (1) minute per speaker. The Chairperson may, in their sole discretion, extend an individual's speaking time.

R 50.1302 Regular Meetings

(a) Regular Board meetings shall be held at 9:00 a.m. each Monday of the Month, excepting the first Monday of the month, or as otherwise scheduled by resolution of the Board. In accordance with the Open Meetings Act, the schedule of upcoming meetings for the calendar year shall be posted within ten (10) business days after its approval by the Board. A change in the

schedule of regular meetings shall be approved by the Board, in accordance with Rule 50.1302(a) herein, and notice of the change shall be posted within three (3) days after the change is approved.

(b) Each December, the Director shall provide a written report, presented in summary form, to the Board, summarizing the activities and management of cases of the past year, and making any recommendations regarding the same for the upcoming year.

R 50.1303 Special Meetings

The Chairperson of the Board may call a special meeting upon the written requests of at least three (3) Board Members, provided that not less than twenty-four (24) hours' notice is given to each Board Member before the time set for the meeting, and provided further that notice of any such special meeting is posted not less than eighteen (18) hours before the time set for the meeting, in accordance with the Open Meetings Act, MCL 15.261 *et seq*. Any special meeting called for the purpose of hearing or deciding on any case before the Board shall also comply with the notice requirements under these rules and procedures, the City Code, and the Zoning Enabling Act.

R 50.1304 Quorum

A majority of Board Members serving shall constitute a quorum for the conduct of business.

R 50.1305 Record

(a) The Board shall cause to be prepared and keep minutes of all its proceedings and resolutions as a record of the Board's actions and decisions for each meeting. The minutes shall include, at a minimum, a list of those Board Members present and not present at each meeting, each resolution, motion, or other matter acted upon by the Board, together with the grounds for each decision and the vote of each Board Member upon each question, or, if failing to vote, a record of such failure to vote.

(b) In addition, the Director, shall keep a record of proceedings of each hearing, which shall include: names, where given, of each person appearing before the Board; the summarized testimony offered by witnesses in the case; statements made by Board Members considered by the Board in reaching its decision; and all documents and exhibits considered in the hearing; the Decision and Order; and the minutes. All records of the Board's proceedings shall be public records filed in the City Clerk's Office and the BZA Administrative Office.

R 50.1306 Agendas; Order of Business

(a) The Director shall prepare an agenda for each meeting. Agendas and supporting documentation for each scheduled hearing shall be made available to Board Members at least one week before the scheduled start time of the meeting.

(b) The order of business at each regular meeting of the Board shall be as follows:

(1) Call to Order.

(2) Roll Call.

(3) Approval of Agenda.

(4) Approval of Minutes of Previous Meeting.

(5) Communications and Reports.

(6) Old Business.

(7) Case Hearings.

(8) New Business.

(9) Public Comment on Non-Agenda Items.

(10) Adjournment.

(c) Notwithstanding the foregoing, the order of business outlined in an agenda for a regular meeting of the board may be suspended or modified during a meeting by a majority vote of those Board Members present.

R 50.1307 Disruptive Behavior

Security personnel may remove, or the Chairperson may order the removal of, any person who is causing, has caused, or contributed to a disruption at a Board meeting, including during any hearing. Disruptive behavior includes, but is not limited to, harassment, threats, repeated interruptions, or any noise from cell phones or other electronic devices by the person using or having the electronic device. Removal for disruptive behavior shall be documented in the minutes.

PART 4. APPLICATIONS

R 50.1401 Filing of Applications

(a) Applications for: (1) variances, modifications, or adjustments of the Zoning Ordinance; or (2) appeals from any order, requirement, decision or determination that is made by

an administrative official in the administration of the City Code, and which the Board is authorized to review and decide an appeal, may be made in accordance with the Zoning Ordinance.

(b) Each application for appeal must be filed by the applicant within fourteen (14) days of the date of the decision of the body or officer from whom the appeal is taken. Where an appeal is timely filed, the body or officer from whom the appeal is taken shall immediately transmit to the Board all the documents constituting the record upon which the action appealed was taken. The Director shall provide each Board Member with a physical or electronic copy of such record at least one week prior to the time scheduled for the respective hearing.

R 50.1402 Required Information

(a) The Director may require an applicant to provide such information and data as may be necessary to fully advise the Board and may place a deadline for an applicant to provide such information and data prior to the scheduled hearing. Failure to comply with these requirements shall be grounds for the Board to dismiss the application. Applications shall be made available ~~in~~ a manner prescribed by the Board, and on forms approved by the Board. In addition to the information requested in such forms and by the Director, any application, other than an application for hardship relief under subsection (b) below, shall be considered complete only if it contains, at a minimum, the following information:

(1) Proof of a legal interest in the subject property; if the applicant is a lessee, proof of lease and written permission from the property owner to use the property for the purpose proposed by the applicant. If the subject property is owned or leased by a corporate entity and the applicant is an individual, proof of interest in the property must include a written explanation of the relationship between the applicant and the corporate entity.

(2) A clear and accurate description of the proposed work or use.

(3) A plan, or lot plots, drawn to scale and showing the actual shape and dimensions of the lot, the existing buildings and structures, lines within which any proposed building or structure is to be erected or altered, the existing and intended use of each building or part of a building, and such other information with regard to the property as may be deemed necessary to properly provide for the hearing of appeal.

(4) Specific reference to the section or sections of the Zoning Ordinance under which the applicant claims the request or appeal may be granted.

(5) With respect to appeals, the principal points upon which the appeal is being made, based on the application for which BSEED or other administrative official issued a refusal, order, or decision.

(b) In addition to any information requested in applicable forms prescribed by the Board, an application for a Hardship Relief Petition shall include the information required by Article IV, Division 7 of the Zoning Ordinance (Hardship Relief Petitions). It shall also include a written statement explaining the nature of the hardship, the impact on the subject property, and how the hardship has resulted in the denial of all reasonable economic use of the property. In the event that any such required information is not reasonably available or cannot be provided to the Board, the applicant filing the application for a Hardship Relief Petition must also file with its application an additional statement explaining the reasons why such information cannot be obtained and provided to the Board.

(c) To the extent possible, within thirty (30) days of the filing of a completed application for a Hardship Relief Petition, the Director shall prepare or cause to be prepared a staff report to accompany each application. The report shall include (1) a summary of the request and pertinent facts related to the property; (2) the application and the history of the application; (3) a photograph or other proof, obtained by staff during an inspection of the property, of posting of the notice of hearing; (4) a statement, prepared by the Law Department, confirming the applicant's standing to bring the case before the Board; and (5) the site plan review. This staff report shall also include, in addition to the information above, a statement of the staff's findings regarding the claim that the property at issue has been subject to a denial of all reasonable economic use.

R 50.1403 Stay of Proceedings

Any appeal to the Board shall stay all proceedings in furtherance of the action appealed, unless the Director of BSEED or the Director of the Planning and Development Department (PDD), from whose department the appeal is taken, certifies to the Board that—by reason of facts that are stated in the certificate—a stay would cause, in his or her opinion, imminent peril to life or property. In such an instance, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record, on application, on notice to the respective director from whose department the appeal is taken.

PART 5. HEARINGS AND HEARING NOTICES

R 50.1501 Hearing Dockets

(a) Each application properly filed with the required information and data, as provided in Part 4 of these rules and procedures, shall be docketed and scheduled for a hearing by the Director for a hearing within thirty (30) days of receipt or as reasonably soon as the essential information and data can be properly assembled, as determined by the Director.

(b) The Director shall maintain the docket, assign each case docket number which shall include the year (e.g., BZA Case No. 01-2026), and include (1) the applicant's name and address; (2) the nature and type of request or appeal; (3) the location of the subject property or premises at issue; (4) the scheduled hearing date, including any postponements or re-hearings; (5) the date(s) on which notices are delivered, if by hand, or mailed; and (6) any additional steps taken and the final disposition of the case.

(c) Upon an application being docketed and scheduled, the Director shall cause all inspection reports, maps, exhibits, and other necessary information and data to be properly assembled and prepared for the respective hearing.

R 50.1502 Notices

(a) Notice of any hearing shall be given in accordance with the Zoning Ordinance, the Zoning Enabling Act, and the Open Meetings Act, as applicable. The Board, through the Director, shall cause notice to an applicant to be delivered personally or postmarked by U.S. mail not less than thirty (30) days prior to the date set for that applicant's hearing, to allow the applicant to comply with the requirements of the Zoning Ordinance to post notice of the hearing on the property that is the subject of the hearing. The Board may, but is not required to, provide notice to an applicant's representative if notified of the representative's name, address, and relationship to the applicant. The Board may, as a courtesy, honor a request to provide an applicant's representative with such notice; however, notice provided solely to an applicant under this subsection shall be sufficient notice in accordance with applicable State law, the Zoning Ordinance, and these rules and procedures.

(b) In addition to the notice requirement provided in subsection (a) above, the Director shall provide written notice to all persons assessed for taxes on real property located within 300 feet of the subject property and all occupants of said properties. Such notice shall be delivered personally or by U.S. mail, addressed to the respective owners as of the address given on the most

recent assessment roll, not less than fifteen (15) days prior to the date scheduled for the hearing, unless a greater notice period is required by applicable law. Community organizations registered with BSEED and located within a minimum of 300 feet of the subject property shall be notified. Notice shall be given to PDD and, with respect to property located within or adjacent to an officially designated historic district, the Historic District Commission.

(c) Any notice of hearing shall indicate the time and place of the hearing, the property that is the subject of the hearing, the nature of the petition, and the relief requested. A copy of each notice and a list of persons to whom the notice was mailed shall become a part of the record of the Board.

R 50.1503 Pre-Hearing Order

The Director may issue a pre-hearing administrative order that may include, but is not limited to, notice of hearing, timelines, rules governing the submission of written comments or statements, witnesses, exhibits, and any other pre-hearing and hearing matters deemed appropriate. Pre-hearing matters shall be limited to those matters required in the administrative order.

R 50.1504 Interpreters

The BZA shall provide interpreter services upon request by an applicant. The request for interpreter services shall be made to the BZA Administrative Office no later than seven (7) days before the scheduled hearing. Interpreters shall be sworn-in and shall swear that they will provide an accurate translation of the proceedings.

R 50.1505 Authority to Issue Subpoenas

The Board is authorized to issue subpoenas to require the attendance of witnesses, administer oaths, and compel testimony or the production of documents or other evidence that is pertinent to a matter before the Board. Upon failure of any witness to appear or party to produce documents or other evidence, the Board may apply to the Circuit Court of Wayne County for an order compelling the attendance of said witnesses, the giving of testimony before the Board and the production of any said documents or other evidence, making refusal subject to such sanctions as the Court may deem appropriate to impose.

R 50.1506 Hearing Procedure

(a) The procedural order of each hearing shall be as follows:

(1) Calling of the case by the Chairperson.

(2) Determination of Applicant's standing.

(3) Reports of the Director and staff.

(4) Applicant's presentation.

(5) *For community appeals only* (i.e., appeals by applicant other than subject property owner or tenant: Presentation by property owner or representative, if present.

(6) Reports, if applicable, of City department or agency, and/or attorney representing City department or agency.

(7) Board Member questions.

(8) Public comment (statements in support of petition followed by those opposed).

(9) *For community appeals only*: rebuttal and final remarks of property owner or representative, if present.

(10) *For community appeals only*: rebuttal and final remarks of City department or agency, and/or attorney representing City department or agency.

(11) Rebuttal and final remarks of Applicant.

(12) Closing of hearing, followed by Board application of applicable criteria, motion, and decision, in accordance with Part 6 of these rules and procedures.

(b) Any applicant may, with the consent of the Board, withdraw his or her application at any time prior to the final action thereon, except that if a motion on such application has been made and is pending, such motion shall have precedence.

R 50.1507 Presentation of Case; Burden of Proof

The applicant bears the burden of proof, and the applicant's case may be presented by the applicant or the applicant's representative through live sworn testimony of witnesses and any documentary evidence. The City department or agency issuing the administrative decision, or representative of the City department or agency, shall be afforded an opportunity to contest the appeal and present defenses.

R 50.1508 Witnesses, Documents, and Exhibits

In the absence of a pre-hearing order, both parties are expected to have their witnesses, documents, and exhibits available and with them at the hearing. An extra copy of any document

intended to be offered into evidence is required. The admission of any evidence is at the discretion of the Chairperson in accordance with these rules and procedures.

R 50.1509 Advisements

(a) The Board may, for good cause, take a case under advisement for a reasonable period of time. During the period before the matter is recalled to the Board, any Board member may review the record, including any electronic recordings of the proceedings.

(b) The Board may take a case under advisement by majority vote of the Board Members then present until a date certain, as determined by the Board and coordinated by the Director, and any Board Member shall be permitted prior to the new hearing date to review the record, including an audio tape or other recording, of the hearing at which the case was taken under advisement. A motion to take a case under advisement for the purpose of obtaining additional information shall include a statement of the reasons and the additional information needed for the Board to make a decision.

(c) When a case that has been placed under advisement comes before the Board for a vote, the case is not opened anew; rather, the Board shall first hear any additional information requested, if any was requested; shall allow public comment, whether by the applicant or other members of the public; and shall then proceed to discussion, motion and full Board vote on the matter. In the event that a motion was made on the case prior to deciding to take the case under advisement, a new motion shall be made and a new vote taken.

R 50.1510 Adjournments

(a) Requests for adjournment shall be made, in writing, no later than the Friday before the scheduled hearing. The applicant shall sign the request and provide a statement of the reason for the adjournment. The Board may grant one adjournment for good cause, which includes illness, emergencies, or unavoidable conflicts; documentation may be required. Lack of preparation shall not be good cause for an adjournment.

(b) In addition to, but not in place of, the written request required under subsection (a) above, the applicant or the applicant's authorized agent may be present at the time set for the hearing and request the adjournment in person or further explain the basis for the request; provided that, whether or not the applicant or an authorized agent is not present upon the calling of the case, the Board may deny the request for adjournment, hold the hearing and make a decision on the case at such time.

(c) If the Board approves the request, the Board shall determine the date and time of the hearing, or the Board may direct the Director to establish the date and time of the adjourned hearing. The record shall reflect (1) the basis for the request for adjournment, (2) the Board's decision with respect to the request for adjournment, and (2) if approved or approved with conditions, the date until which the case will be adjourned or a statement that the Director shall determine such date following the hearing.

R 50.1511 Failure to Appear

The Board shall dismiss the petition for failure of the applicant or applicant's representative to appear. If, within 7 days following the scheduled hearing, the applicant submits evidence to the Board showing good cause for the failure to attend the hearing, the Board may, in its discretion, schedule the dismissed petition for the next regularly scheduled meeting of the Board for which notice can be properly given.

PART 6. DECISIONS

R 50.1601 Authority

(a) The Board is authorized by Article II, Division 5, of the Zoning Ordinance to hear and decide use and dimensional variances, nonconforming uses, flood hazard area modifications, and appeals from decisions made by administrative officials, agencies, or departments under the Zoning Ordinance.

(b) The Board may approve, modify, or deny an applicant's request or appeal in accordance with the City Code and state law, and an approval may be granted with or without conditions.

R 50.1602 Motions for Decisions

(a) Any motion by a Board member to approve, modify or deny an application shall include a statement of the applicable criteria to which an approval may be made under the Zoning Ordinance (the "Approval Criteria"), and the findings of fact, including, for hardship relief petitions, the findings under Article IV, Division 7 of the Zoning Ordinance.

(b) Any condition placed on an approval shall be reasonably related to one or more of the Approval Criteria on which the Board's decision is made, and such relationship shall be stated on the record.

(c) The Board's final decision on any application shall be in accordance with the voting procedures under Rule 50.1603 herein and shall be either approved with conditions or without conditions, a modification, or a denial of the application.

R 50.1603 Voting

(a) Except as otherwise provided in these rules and procedures, actions taken by the Board to reverse an order, requirement, decision or determination of an administrative official, department, or agency, or to decide in favor of the applicant on a matter on which they are required to pass under an ordinance, or to grant non-use or dimensional variances, shall require a majority vote of the members serving.

(b) Except as otherwise provided in these rules and procedures, or as required by an applicable law, voting shall be by voice and a show of hands. If a vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

(c) Notwithstanding subsection (a) above, and in accordance with Section 604(10) of the Zoning Enabling Act, the concurring vote of a two-thirds (2/3) majority of the Board Members serving shall be necessary to approve a variance from a use of land through a Hardship Relief Petition as set forth in Article IV, Division 7 of the Zoning Ordinance. In the event that a quorum for the conduct of business is present for a hearing on a Hardship Relief Petition, but less than two-thirds (2/3) of the Board Members serving are present, then the Board shall adjourn the case until such date as at least two-thirds (2/3) of the Board Members serving are present to act on such petition validly.

(c) If a motion fails to obtain the required votes, the action shall be deemed a denial and shall be formally entered on the record as a denial.

R 50.1604 Effective Date of Decisions

(a) Decisions shall become effective after 4:00 pm on the third business day after the Board's vote, unless the Board finds the immediate effect of such decision necessary for the preservation of property or personal rights and so certifies on the record.

(b) Within ten (10) business days of the hearing at which the decision becomes final, the Board shall issue a written decision and order signed by the Chair. The written decision and order shall identify the property, the relief sought, the motion voted upon, the vote, and whether the motion passed or failed.

(c) Decisions and orders of the Board shall be public records. Copies shall also be sent to all parties to the appeal, the assessor's office, and to other interested agencies and departments of the city.

R 50.1605 Reconsiderations

(a) With respect to any case not given immediate effect as provided herein, a Board Member on the prevailing side of the decision may, not later than 4:00 p.m. on the third business day after the Board's vote, notify the Director in writing that he or she wishes to move for a reconsideration of the decision.

(b) Upon receipt of such notice, the Director shall enter a copy of the notice, including the date and time of delivery, together with the name of the Board Member, in the record of the case and advise the Board that such motion will be made and considered at the Board's next meeting.

(c) At such meeting, the Board Member who requested reconsideration shall make the motion to reconsider the decision, and the Board shall vote on the reconsideration. Following an approved motion for reconsideration, a new motion and full vote of the Board shall be required, either (1) for a final decision on the underlying case, or (2) to take the case under advisement, in accordance with Rule 50.1509 herein. Prior to any such new motion, the Board may proceed immediately or request to hear new information related to the underlying case.

R 50.1606 Decision and Order Form

(a) All decisions under this section shall be documented in accordance with the "Decision and Order" form, provided to the Board and revised from time to time by the Director.

(b) All motions made in reaching such decisions shall, at a minimum, be in accordance with Rule 50.1602 herein.

(c) In addition, each "Decision and Order" form shall include language in accordance with Section 50-2-77 of the Zoning Ordinance, provided that:

(1) where any conditions prescribed by the Board are not complied with within six (6) months from the issuance of a land use permit and maintained at all times thereafter, BSEED shall hold a show-cause hearing in accordance with Section 50-5-73 of the Zoning Ordinance; and

(2) immediately upon revocation of the land use permit, any zoning grant issued by the Board shall become null and void, in accordance with the Zoning Ordinance.

(d) Decisions and Orders of the Board shall be public records. A copy of each Decision and Order shall be: (i) included in the record of proceedings of the case; (ii) mailed to the applicant; and (iii) provided to the interested department(s) and agencies of the City.

PART 7. RE-HEARINGS AND APPEALS

R 50.1701 Request for Re-hearing

Any person whose application has been denied, wholly or in part, may submit a written application for rehearing, stating the reasons for the request. No application for rehearing shall be resubmitted for a period of one (1) year from the effective date of said order of denial, except on the grounds of new evidence or proof of a change of conditions found to be valid by the Board or upon remand from a court. The Director shall prepare a staff report and/or request that a departmental staff report be prepared to accompany each rehearing application.

R 50.1702 Appeals

(a) Any person(s), jointly or severally, aggrieved by a Board decision, or any officer, department, Board, or bureau of the city, may appeal the decision of the Board to the Wayne County Circuit Court within 30 days after the decision is issued by the Board in writing signed by the Chair or with 21 days after the Board approves the minutes of its decision, whichever occurs first.

(b) The appellant shall bear the costs of securing copies of the transcribed stenographic record for appellate purposes.