

DATE: May 23, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item
Revisions to Chapter 60
Increase in Board of Zoning Appeals Application Fee

With the recent adoption of the revisions to the Michigan Zoning Enabling Act that go into effect on July 1, 2006, there are some revisions required to our procedure that we use to process appeal applications to the Board of Zoning Appeals. The most significant impact is the requirement that notice of an appeal be published in a local newspaper in addition to our current practice of mailing notices to surrounding property owners. Previously, this was not a requirement for cities and villages.

This causes two changes in our current procedure. First, since the Act requires that the notice be in the paper no less than 15 days before the hearing, our current submittal deadline of 14 days before the meeting will have to be extended to a minimum of 27 days before the meeting in order for us to meet the publication deadline. Second, we will have the additional cost of publishing the notices. We have estimated that it will add about \$25 to the cost of processing each appeal.

City Staff is recommending that the application fee for a variance request before the Board of Zoning Appeals be increased to \$250. In reviewing the current costs associated with the processing of Board of Zoning Appeals request, we have found that it costs an average of \$200 per request. With the new publication requirement this cost will increase to an average \$225. The current application fee, last revised in 1989, is \$75 for a request involving a one or two family residential property and \$200 for all others. While the City has employed a two-tiered fee structure in the past, there is little to support the justification from a financial perspective. The intent of the fees is to offset expenses related to processing the request. The costs to process a variance request related to a single-family residence are the same or greater than the costs for a non-residential request.

City Staff is also recommending an increase in the fee for a request for a special meeting, from \$300 to \$500. Although very infrequently requested, this fee is more in

line with what the anticipated expenses would be for Board member compensation, staff time and building usage costs.

Lastly staff is recommending a change to the current fee for a renewal of a variance from \$25 to \$35. These are typically for renewals of variances for screen walls on a three year basis and do not involve the advertisement of a public hearing.

These fees have historically been simply adopted by Council resolution. In order to consolidate all fees into a single location the suggested resolution places them within Chapter 60 of the City Code. The change would actually be to add the following to Section 60.03 of the Troy City Code:

ITEM/SERVICE:	FEE:
Board of Zoning Appeals Application (Chapter 39)	
Variance	\$250.00
Variance Renewals	\$35.00
Special Meeting	\$500.00

Prepared by: Mark Stimac, Director of Building and Zoning