

ORDINANCE NO. 259-D

(File in container and make notation after Chapter 169 on page 342).

AN ORDINANCE to amend Section 20.7 and District Maps 37, 63, 65 and 66 of Ordinance No. 171-D entitled: "An Ordinance to establish districts in the City of Detroit; to regulate the use of land and structures therein; to regulate and limit the height, the area, the bulk and location of buildings; to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and determine the area of yards, courts and other open spaces; to regulate the density of population; to provide for the administration and enforcement of this Ordinance; to provide for a Board of Appeals, and its powers and duties; and to provide a penalty for the violation of the terms thereof," as amended.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Section 20.7 and District Maps 37, 63, 65 and 66 of Ordinance No. 171-D entitled: "An Ordinance to establish districts in the City of Detroit; to regulate the use of land and structures therein; to regulate and limit the height, the area, the bulk and location of buildings; to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and determine the area of yards, courts and other open spaces; to regulate the density of population; to provide for the administration and enforcement of this Ordinance; to provide for a Board of Appeals, and its powers and duties; and to provide a penalty for the violation of the terms thereof," as amended, be and the same are hereby amended as follows:

Sec. 20.7 Hearings and Powers.

The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, subject to the conditions and limitations of this Section and to that end shall have all the powers of the officer from whom the appeal is taken. The decision of the Board in these and all other matters heard by

it shall be final insofar as it involves discretion or the finding of facts.

The Board shall have power to interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the District Maps accompanying and made a part of this Ordinance where the street or alley layout actually on the ground varies from the layout as shown on said maps after notice and hearing to parties owning property involved in such interpretation.

The Board shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any refusal of a building permit or certificate of occupancy, or other order, requirement or decision made by the Commissioner of Buildings and Safety Engineering or other administrative official in the administration of this Ordinance. Nothing contained in this paragraph shall be deemed to authorize the Board to reverse or modify a refusal or other order or decision which conforms to the provisions of this Ordinance.

Where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship or involve practical difficulties, the Board shall have power upon appeal in specific cases to authorize such variation or modification of the terms of this Ordinance as will not be contrary to the public interest and so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

The Board shall have power in addition to other proper variations and modifications, to grant the following special exceptions after public notice and hearing, provided that after investigation the Board ascertains the conditions involved in the proposed exception conform to the limitations and restrictions specified for each such exception as listed in the following paragraphs:

(a) Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes in any permitted district, to a greater height or with lesser yards on the lot occupied by such building than the district requirements herein established, and permit the location in any district of a public utility building, structure or use, if, upon investigation by the Board it is ascertained from the facts that such use, height, area, building or structure are reasonably necessary for the public convenience and service, and

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