

CONSTRUCTION BOARD OF APPEALS APPLICATION

City of Grand Haven, 519 Washington Avenue, Grand Haven, MI 49417

Phone: (616) 847-3490 Website: www.grandhaven.org

Required Fees

Application Fee: \$275

Escrow Deposit: \$1,500*

**A deposit of \$1,500 shall be collected to cover expenses such as additional public hearing notifications, attorney fees, engineering or surveying fees, or other special studies. Should expenses total more than the deposit, the applicant will be billed by the City for the additional costs, or additional escrow payment shall be required to complete the Construction Board of Appeals process. Should expenses total less than the deposit received, excess amounts shall be returned to the applicant.*

Applicant/Appellant Information

Name _____

Phone _____ Fax _____

Address _____

Email Address _____

Is the Property Owner Aware of this Application? () Yes () No

Owner Information (If different from applicant/appellant)

Name _____

Phone _____ Fax _____

Address _____

Email Address _____

Property Information

Address _____

Parcel No. 70 - - - -

Type of Building or Structure in Question _____

APPEAL REQUESTED (If applicable)

1. Attach a Narrative – A Description of the Request and Why it is Needed.
2. Include Building or Structure Plans Indicating Area(s) Where an Appeal is Requested.
3. Appeal Requested from the Requirements of Code Section Number(s) _____

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

Signature of Applicant

Date

Signature of Building Official

Date

For Office Use Only

Date Received _____

Fees Paid? _____

RELEASE FORM

The undersigned has applied to the City of Grand Haven Construction Board of Appeals for an appeal. The undersigned hereby authorizes the members of the Construction Board of Appeals and appropriate City staff members to inspect the property (*address stated below*) at reasonable times, in regards to the consideration of my request for an appeal.

Applicant's Signature

Date

Owner's Signature (if different from applicant)

Date

Property Address

ACTION TAKEN BY CONSTRUCTION BOARD OF APPEALS

() Application approved

() Application Denied

Description of appeal granted or other action taken including conditions imposed, if any:

Signature of CBA Chairperson

Date

2015 Michigan Residential Code

Construction Board of Appeals

Section 112

R112.1 Means of Appeal. An interested person has the right to appeal a decision of the enforcing agency to the board of appeals in accordance with the Act (PA 230 of 1972, as amended). An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the Act and timeframes.

Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1351 to 125.1356

R112.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

R112.3 Qualifications. The board of appeals shall consist of members who are qualified in accordance with the Act (PA 230 of 1972, as amended).

R112.4 Administration. The *building official* shall take immediate action in accordance with the decision of the board.

Excerpts from PA 230 of 1972

Stille-Derossett-Hale Single State Construction Code Act

Section 14. A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals. A person may serve on the board of appeals of more than one governmental subdivision. If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to this Act, or the code, an interested person, or the person's authorized agent, may appeal in writing to the board of appeals. The board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the board of appeals to hear an appeal and file a decision within the time limit is a denial of the

appeal for purposes of authorizing the institution of an appeal to the commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

Section 15.

(1) After a public hearing a board of appeals may grant a specific variance to a substantive requirement of the code if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:

(a) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the code of that particular item or part for the health, safety and welfare of the people of this state.

(b) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the code with respect to the condition reasonably practical or desirable.

(2) A board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of this state. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall more than minimum variance from the code be granted than is necessary to alleviate the exceptional, practical difficulty.

Section 16. (1) An interested person, or the interested person's authorized agent, may appeal a decision of a board of appeals to the commission within 10 business days after filing of the decision with the enforcing agency or, in case of an appeal because of failure of a board of appeals to act within the prescribed time, at any time before filing of the decision. The hearing of an appeal based on the denial of a request for a variance by a board of appeals is within the sole discretion of the commission.

Section 17. An appeal to a board of appeals or the commission pursuant to this Act, or to a court of competent jurisdiction pursuant to Act No. 306 of the Public Acts of 1969, as amended, does not stay a stop construction order issued by an enforcing agency or prevent an enforcing agency from seeking an order in a court of competent jurisdiction enjoining the violation of a stop construction order. In other cases, an appeal to a board of appeals, or to the commission pursuant to this Act, or to a court of competent jurisdiction pursuant to Act No. 306 of the Public Acts of 1969, as amended, shall act as a stay upon an order, determination, decision or action appealed from, unless the enforcing agency establishes that immediate enforcement of the order, determination, decision or action is necessary to avoid substantial peril to life or property.