

MORTON TOWNSHIP

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CONSTRUCTION BOARD OF APPEALS HEARING APPLICATION

DATE: _____

FEE: \$300.00

APPEAL #: _____

APPLICANT: _____

ADDRESS: _____

PHONE: _____

FAX: _____

PARCEL #(s): _____

PROPERTY LOCATION: _____

PROPERTY OWNER: _____

REASON FOR APPEAL APPLICATION

Please write in detail the reasons for the appeal, the location/address of the property involved, giving the nature and **section code of violation**, and why the fixing of said violation would be a hardship.

Applicant's Affidavit

I, the signed applicant of this Construction Board of Appeals Hearing Application, do with this signature, grant permission to the Construction Board of Appeals Members, if needed, to enter and inspect the property so named above.

Signature of Applicant

CONSTRUCTION BOARD OF APPEALS

Michigan Building Code Section 112: Board of Appeals

Section 112.1 GENERAL: In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals.

The Construction Board of Appeals is empowered by State law to hear appeals from the State Construction Code. The Board may also rule in situations where a building permit has been denied. The Board is bound by state laws in carrying out its duties, and cannot change the State Construction Code.

Before deciding on an issue or application, the Board must conduct a public hearing. Notice of this public hearing will be posted at the Morton Township Hall in compliance with Act 267, Michigan Public Acts of 1976, as might be amended.

The applicant or his representative will have full responsibility to present his issue, and provide evidence that his request is within the guidelines established by the State Construction Code. The applicant may be called upon to answer questions by the Board members. Any interested person, who is present, is given an opportunity to speak.

It is important to note that the authority of the Board is limited to the analysis of a submitted proposal; the Board cannot make suggestions or propose alternatives. This responsibility lies with the applicant.

REQUEST FOR VARIANCE

In order to assist the board in making their decision, please respond to the following questions regarding the specifics of your request as it relates to the State Construction Code Act. The Board is bound by State law requiring evidence that all of the following exist before a variance can be considered.

1. What are the practical difficulties or hardships which would prevent carrying out the strict letter of the code? Are there peculiarities of the structure or premises that would dictate over the literal application of the Code?
2. As you know, the intent of the State Construction Code is to protect the health, safety, and welfare of the occupants and of the public. Is there an alternative to the requirement of the Code that you might implement to fulfill the intent of the Code?
3. Is there evidence that this request for variance is neither so general nor recurrent in nature as to make an amendment of the code reasonably practical or desirable?

REQUEST FOR INTERPRETATION

In the event that you are requesting an "interpretation" of Code language, it is essential that you identify the Code Section in question, and be prepared to support your conclusions.

MICHIGAN STATE CONSTRUCTION CODE ACT OF 1972 AS AMENDED

Part of Section 125.1514

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.

Section 125.1515 Specific variance from code; requirements; breach of condition; permissible variance.

1. After the 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 judgement 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 necessary to alleviate the exceptional, practical difficulty.