

# CONSTRUCTION BOARD OF APPEALS APPLICATION

*Request is hereby made for permission to erect, alter, modify or extend a structure or facility or substitute material that may be contrary to the provisions of the Charter Township of Royal Oak Building Code and/or Township Ordinance.*

DATE \_\_\_\_\_

## 1. Owner's Information

Name _____	Address _____
City _____	MI, Zip Code _____ Phone # _____
Email _____	

## 2. Duly Authorized Agent

Name _____	Address _____
City _____	MI, Zip Code _____ Phone # _____
Email _____	

## 3. Location

Job Address _____
Zoning District _____
Tax ID _____

## 4. Previous Appeals

Have there been previous appeals involving this property? \_\_\_\_\_

If yes, provide case number and particulars below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Charter Township of Royal Oak**

21131 Gardenlane, 2nd Floor | Ferndale, MI 48220 | 248.547.9800

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## 5. Appeal Outline

List a brief outline of your appeal, referencing sections of the Building Code from which relief is sought and outline the proposals that are contrary to the Building Code and the Department's decision.

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**All supporting data must be attached to the application, including required plans. Upon submittal, if all required items are not provided, the application will not be accepted.**

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Applicant's Signature

Date

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Agent's Signature (if applicable)

Date

*Do not write below this line, for use by the Construction Board of Appeals:*

Hearing Date \_\_\_\_\_

Disposition or Action by Construction Board of Appeals:

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# CONSTRUCTION BOARD OF APPEALS APPLICATION

## Rules and Procedures

*The Construction Board of Appeals shall be established per the Michigan State Construction Code Act of 1972, as amended, and shall consist of three (3) members.*

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### MEMBERSHIP

- A member of the Construction Board of Appeals shall be qualified by experience or training to perform the duties of the members of the Construction Board of Appeals.
- Appointments to the Construction Board of Appeals shall be made by the Supervisor of Royal Oak Township.
- Vacancies in the Construction Board of Appeals shall be filled in the same manner as original appointments.
- Members of the Construction Board of Appeals may be removed by the Supervisor subject to the approval of Township Board or as otherwise provided by state law, for inefficiency, neglect of duty, or malfeasance in office.

### PURPOSE

The Construction Board of Appeals shall hear appeals for the following reasons:

- a. If an enforcing agency refuses to grant an application for a building permit.
- b. If the enforcing agency makes any other decision pursuant or related to the Michigan State Construction Code Act of 1972, as amended, or the adopted Construction Code.

### MEETINGS

An aggrieved person, or the person's authorized agent, may file for an appeal to the Construction Board of Appeals.

A meeting shall be called not more than 30 days after submission of the appeal unless a later meeting date is agreed to by the applicant.

The Construction 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 sought.

The business that the Construction Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meeting Act, P.A. 267 of 1976, as amended. The meeting shall be posted at the Township Offices at least 18 hours in advance of the meeting, per Section 15.263 of the Open Meeting Act, or as otherwise provided by State Law. The applicant shall be notified seven (7) days in advance of the meeting of the time, place, and date of the meeting by first class mail unless the applicant shall waive such notice in writing.

Two (2) members of the Construction Board of Appeals shall constitute a quorum; however, a concurring vote of the majority member of the Construction Board of Appeals is necessary to decide in favor of the applicant or to grant a variance.



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## Rules and Procedures

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### APPLICATION REQUIREMENTS

1. A completely filled out appeal application shall be submitted with payment of \$300.00 fee.
2. Five (5) copies of the plan drawn to scale showing shape, dimension, construction materials, and method of construction, shall be submitted. Plans shall depict a clear and accurate description of that portion of the proposed structure or facility on which the appeal is based.
3. Additional information, including reports of accredited testing agencies and accredited authoritative agencies, recognized by the International Code Council as well as accepted engineering practices may be provided.
4. Failed of the applicant or authorized agent to appear before the Board as scheduled shall be justifiable cause for dismissal of the case, without prejudice. Failure to appear or lack of positive outcome for the applicant will not constitute grounds for fee refund.

### STATE CONSTRUCTION CODE, 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 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



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