

LEELANAU COUNTY DEPARTMENT OF BUILDING SAFETY

8527 Government Center Dr. Suite 109

Suttons Bay, MI 49682

Phone (231) 256-9806 FAX (231) 256-8333

E-mail: buildingsafety@leelanau.gov

LEELANAU COUNTY CONSTRUCTION BOARD OF APPEALS PROCEDURAL RULES

- 1.) The first meeting of the board each year will be an organizational meeting, a quorum being present. The building official will preside over the meeting until a chairman is elected by majority vote. The chairman will preside in electing a vice-chairman. Procedural rules shall be subject to renewal at the organizational meeting.
- 2.) Study session meeting, at the discretion of the chairman or vice-chairman, may be called prior to the appeals hearing.
- 3.) Chairman or vice-chairman, in lieu of Robert's Rules of Order, will outline rules and orders to govern conduct of meeting and business, subject to requirement of State and County.
- 4.) All Construction Board of Appeals meetings shall be open to the public in accordance with Michigan State Public Act 267, 1976 as amended.
- 5.) In the absence of a member, for reasons of disability, disqualification or prolong absence, the chairman or vice-chairman may appoint a qualified substitute in their absence the chairman or vice-chairman shall have the authority to administer oath(s).
- 6.) The building official shall designate a clerk from the department to serve as secretary to the board, who shall keep a detailed record of all proceedings.
- 7.) Responsibility of Board:

Section 15, Paragraph (1) and (2), Act 230, Public Act of 1972, as amended (125.1515 M.C.L.)

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.

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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Section 16, Paragraph (1) Act 230, Public Act of 1972, as amended (125.1516 M.C.L)

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.

8.) Appeals Application:

- 1.) Appeals shall be in writing, signed by the person(s) aggrieved, agent, or attorney, and accompanied by a \$200.00 fee.
- 2.) All requests to the Construction Board of Appeals shall be sent to the Secretary of the Board.

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- 3.) Within 30 days of receipt of an appeal a notice will be published in the **Leelanau Enterprise** stating the date, time, and place of the Public Hearing and meeting to consider the appeal. The notice will also contain the name of the person appealing, the nature of the appeal and the general location of the property involved.