

## **CONSTRUCTION BOARD OF APPEALS PROCEDURES**

The Appeal form shall be submitted in seven (7) copies, filled out completely, and shall be accompanied by a check in the amount of \$300.00, made payable to the City of South Lyon.

In addition to the Appeal form, seven (7) copies of plans drawn to scale and showing shape, dimension, construction materials, and method of construction, shall be furnished. Plans will depict a clear and accurate description of that portion of the proposed structure or facility on which the appeal is based.

Any additional information, including reports of accredited testing agencies and accredited authoritative agencies recognized by the International Code Council as well as accepted engineering practices, should accompany your appeal.

Failure of the appellant or his authorized agent to appear before the Board as scheduled shall be justifiable cause for dismissal of the case, without prejudice, due to lack of prosecution and with no refund of appeal fee.

The appellant shall be given notice of time and date of hearing not less than five (5) days before such hearing by first class mail unless the appellant shall waive such notice in writing.

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.

### **STATE CONSTRUCTION CODE, Section 125.1515, Specific variance from code; requirements; breach of condition; permissible variance.**

Sec. 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.



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 City of South Lyon Building Code and / or City Ordinance.

Name of Appellant: \_\_\_\_\_  
Owner or duly authorized representative

Address: \_\_\_\_\_  
\_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Location or address of structure or facility: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Section: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Present Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Has there been any previous appeals involving this property?: \_\_\_\_\_

If yes, state Case Number and particulars: \_\_\_\_\_

\_\_\_\_\_

List below 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 or the Building Officials decision.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY

All supporting data attached to application, including plans, drawn to scale, showing shape, dimension, construction materials and method of construction are submitted in seven (7) copies and depict a clear and accurate description of that portion of the proposed structure or facility on which appeal is based.

\_\_\_\_\_  
Signature of the Appellant

State of Michigan  
County of Oakland

On this \_\_\_\_\_ Day of \_\_\_\_\_ A.D. 20\_\_ Before me personally appeared the above named person who disposeth and sayeth that he signed this application with full knowledge of its contents and that all matter stated therein is true.

\_\_\_\_\_  
Notary Public, Oakland County, Michigan

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
FOR USE BY CONSTRUCTION BOARD OF APPEALS

Date Case Heard: \_\_\_\_\_

Disposition or Action by the Board: \_\_\_\_\_

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