

Board of Appeals Application

App # _____

Date Received _____

Application is hereby made to the:

 Housing Board of Appeals Zoning Board of Appeals Construction Board of Appeals Accommodations for Persons with Disabilities Variance Special Exception Conditional Use

Name of Applicant _____

Address of Applicant _____

Phone # of Applicant _____ Email Address _____

Address of property in question _____

Applicant's interest in property _____

Name and address of property owner (if different than applicant) _____

Present use of property/structure _____

Describe the nature of your request/appeal _____

Signature of Applicant or Agent _____ Date _____

The Board of Appeals (BOA) meets on the fourth Thursday of each month at 6:00 p.m. in the Council Chambers at City Hall, 270 S. River Avenue. You should verify the date, time, and place of the meeting by contacting Community & Neighborhood Services at (616) 355-1330 or cns@cityofholland.com.

The deadline for filing applications for the Board of Appeals is 21 days prior to the meeting and 30 days for a Conditional Use. Strict compliance with these deadlines is necessary for CNS Staff to give the required notices and obtain any necessary input from other departments.

Fully complete the application, attachments, and include the filing fee of \$75.00 for residential properties (1-4 units), \$200.00 for non-residential & commercial properties, or \$1,100.00 for personal wireless service towers.

Incomplete or illegible applications may be rejected by staff, tabled by the Board, or denied.

Construction Board of Appeals

___ Variance

___ Procedure

___ Policy

List all section numbers and codes that apply to your request _____

Has there been a previous request or appeal involving the existing structure or property? _____

Date of prior request/appeal: _____

Nature of prior request/appeal: _____

- I reviewed this application with a zoning administrator on _____.
- I declined to review this application with a zoning administrator.
- I give permission for the Board members and City Staff to enter onto my property for this request.

Requirements:1. You are **required** to include a site/plot plan with your application. The plans must be drawn to scale.

The plans must show:

- a. Lot boundaries, dimensions and any adjoining streets;
- b. The location of all existing and proposed structures;
- c. The distance between structures, lot lines & other structures; and
- d. The directional marker for North.
- e. You may use a mortgage survey for your site/plot plan if all existing and proposed structures are drawn on it, and it contains any additional information that the applicant feels may be important.

2. If you propose to construct or enlarge a building or structure, you must attach a survey showing all lot lines, the foundation footprint of the existing and proposed buildings or structures, and any other existing or proposed improvements on the property. If your roof or other projections extend more than 3 feet beyond the foundation footprint, the survey must show the roof print or projections. If the BOA grants your request, you will be required to supply an updated survey showing the buildings or structure and other improvements "as built".

3. Provide:

- a) Two (2) legible copies of the fully completed application and attachments.
- b) Two (2) copies of a site/plot plan.

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EXCERPTS**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.

Parts of Section 125.1515

The Board 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:

1. 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.
2. 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.

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 building code? Are there peculiarities with the structure or property that create a barrier to complying with the requirements?

2. The intent of the State Construction Code is to protect the health, safety, and welfare of the occupants and the public. Will the area of the building, where the variance is requested, safely function as intended if the variance is granted? Is there an alternative to the requirement(s) of the building code that you might implement to fulfill the intent of the code?

3. Describe how your situation is unique and why approving your variance would not set a precedent for other property owners to apply for the same variance.

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.

Attached additional sheets addressing the above information.

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