



VAN BUREN
CHARTER TOWNSHIP

CONSTRUCTION BOARD OF APPEALS

**RULES OF PROCEDURE
FOR APPEAL**

1. ORGANIZATION

- A. The Construction Board of Appeals shall, annually on the last regular meeting of the calendar year or its first available meeting, elect its chairman who shall assume office at the first meeting of the succeeding year. The chairman shall preside at all meetings and shall decide all points of order and procedure.
- B. The Building Official shall be the Clerk of the Board, provided that he may from time to time appoint other persons from the division to act as clerk.
- C. The Clerk or his appointee shall keep the minutes of the Board's proceedings, shall have custody of all records of the board, shall supervise all clerical work of the board and perform such other duties as may be requested by the Board.
- D. All official copies of the minutes, after having been corrected and accepted by the Board, shall be signed by the appointee who presides over the meeting at which the minutes are accepted.
- E. The Board will meet at the call of the chairman and all appeals will be heard within thirty (30) days of the preceding hearing date.

2. DETERMINING VOTE

- A. Failure of the applicant to secure three (3) concurring votes shall be deemed a confirmation of the decision of the Building Official.

3. ORDER OF BUSINESS

- A. Call to order by Chairperson.
- B. Roll call.
- C. Approval of minutes.
- D. Communications-official correspondence not related to appeals scheduled at date of meeting.

- E. Appeal cases called or presentation by the applicant.
- F. Presentation by Building Official.
- G. Construction Appeals Board discussion.
- H. Construction Appeals Board action.
- I. General Discussion.
- J. Adjournment.

4. APPLICATIONS

- A. All applications to the Construction Board of Appeals shall be made in seven (7) copies in writing on forms provided for the purpose and adopted by the Board, a copy of which is attached hereto and made a part hereof.
- B. In addition to the information required in said forms, all applications to the Building Board of Appeals shall contain the following information and data that is applicable thereto:
 - 1. The principal points on which the appeals is made, based on the decision, order or section for the Building Code Appealed.
 - 2. All supporting data attached to application, including plans drawn to scale showing shape, dimension, construction materials and method of construction shall be submitted in seven (7) copies and shall depict a clear and accurate description of the that portion of the proposed structure or facility on which appeal is based.
 - 3. Any additional information, including reports of accredited testing agencies, including accredited authoritative agencies and accepted engineering practice standards recognized by the Michigan State Construction Code.
 - 4. Failure of the applicant or his authorized agent to appear before the Board as scheduled shall be justifiable cause

for the dismissal of the case, without prejudice, due to lack of participation with no refund of appeal fee.

5. ORDER OF PRECEDURE FOR APPEAL

The order of procedure for the hearing before the Construction Board of Appeals shall be as follows:

- A. Presentation of the official records to the chairman by the Clerk of the Board.
- B. Applicant's presentation of his case, including testimony of experts.
- C. Questions from Board members to both the applicant and his representatives or to the representative from the enforcing agency.
- D. Caucus or discussion of the case by Board members.
- E. Disposition of the case by the Board.

6. GENERAL PROVISIONS

- A. The applicant shall be given notice of date of hearing not less than (5) days before such hearing by first class mail unless applicant shall wave such notice in writing. Certified Return Receipt requested.
- B. One (1) copy of the application and one (1) copy of supporting documents attached thereto shall be dispatched to the members of the Board.
- C. The Building Official may suggest that the applicant provide such additional information and data as may be deemed essential to fully advise the Board with reference to the appeal.
- D. No case shall be reheard on the merits of the original appeal, although those cases dismissed without prejudice may be rescheduled upon payment of the prescribed fee.

- E. The decision on an appeal stays all further proceedings on the case from an administrative tribunal.
- F. The Board may reverse, modify, vary or affirm an order, requirement, decision or determination as in its opinion should be made and to that end shall have all the powers of the officer from whom the appeal is taken.
- G. The applicant may withdraw this appeal at any time prior to final action thereon. However, appeal fees will not be refunded after notice of the hearing date has been mailed.
- H. Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto is found to be correct and in accordance with the plans of the structure or facility upon which the Board acted.
- I. These rules of procedure may be amended at any official meeting of the Board upon an affirmative vote of three (3) members.

Date: August 2016