

**City of Marquette
Rental Board of Appeals
Appeal Request**



CITY STAFF USE		
Parcel # _____	Received by and date: _____	Check#: _____
Hearing Scheduled: YES- Date: _____ NO- Reason for denial: _____		

Incomplete forms or submissions received past the required timeframe will not be accepted.

Property Address: _____

(Sections listed are from the Marquette City Code- Chapter 26 , Article III, Section 26-53, -Appeal)

(a) Procedure. Any owner or operator affected by any notice of violation which has been issued under this article may request and shall be granted a hearing on the matter before the city board of zoning appeals acting as a city rental code appeal board. **The affected person shall file a written appeal to the office of the fire department requesting the hearing. The appeal shall include the name, address and phone number of the appellant and a brief statement of the grounds for the hearing. An application for appeal shall be accompanied by a fee as set forth in the city fee schedule to cover the city's cost of handling said appeal. The appeal shall be filed within 21 days after the day the notice of violation is served. Failure to file the written notice of appeal within the 21-day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of the violation.** Upon timely receipt of an appeal, the fire department shall set a time for a hearing before the city board of zoning appeals acting as the city rental code appeals board and shall give the appellant written notice of the date, time and location for the hearing.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER
NAME: _____
ADDRESS: _____
CITY, STATE, ZIP: _____
PHONE#: _____
EMAIL: _____
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING

LOCAL OPERATOR/OWNER'S REPRESENTATIVE
NAME: _____
ADDRESS: _____
CITY, STATE, ZIP: _____
PHONE#: _____
EMAIL: _____
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING

<p>APPEAL FEE \$ 325 Payable to : City of Marquette</p> <p>Submit Request and fee to: Marquette City Fire Department, 418 S. Third St., Marquette, MI 49855</p>
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(b) Hearings. Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings, the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn. A fire inspector shall be given opportunity to provide information relative to and supportive of charging the violation.

PLEASE PROVIDE A BRIEF DESCRIPTION OF WHAT YOU ARE APPEALING AND THE GROUNDS FOR THE HEARING: (Additional pages may be attached if necessary)

(c) *Decisions and powers of city board of zoning appeals acting as rental code appeal board.*

- (1) After a hearing, the city board of zoning appeals, acting as a rental code appeal board, may sustain, modify, or withdraw the notice of violation depending upon its findings. In rendering these determinations, the powers of the board of zoning appeals, acting as a rental code appeal board, shall be strictly limited to making interpretation of the provisions of this article, to the applicability of its specific provisions to the specific case being heard, and to granting exemptions to the provisions of this article. In granting exemptions, the board shall be allowed to grant an exemption if it clearly appears, (by reason of special condition) undue hardship would result from strict application of any section of this article. However, no exemption shall be granted if the same would result in either the purpose or intent of this article, or of any sections at issue, being nullified. In reviewing a request for an exemption, the board should consider the following to determine whether an exemption would be appropriate.

PLEASE EXPLAIN HOW YOU MEET THE EXEMPTION REQUIREMENTS FOR EACH ITEM. (a-e).

- a. Whether there are exceptional or extraordinary conditions applying to the property that do not apply to other similar properties;

Petitioner's Response : _____

- b. Whether the exceptional or extraordinary conditions resulted from the action of the property owner;

Petitioner's Response: _____

c. Whether there exist alternative or equivalent methods or materials that would allow the purpose and intent of the section at issue to be satisfied;

Petitioner's Response: _____

d. Whether the granting of an exemption would result in a substantial detriment to the property;

Petitioner's Response: _____

e. Whether the exemption requested is the minimum exemption possible that would still allow the purpose and intent of the section at issue to be met.

Petitioner's Response: _____

(2) The board may permit an exemption from mandatory provisions in such a manner that the public safety shall be secured, substantial justice done and the spirit and intent of the provisions of this article are upheld. In no case, shall the board grant an exemption which would lessen the safety, health, and welfare requirements of this article. Any exemption granted shall be for this article and shall not and cannot waive the requirements and provisions of any other ordinance or law. All decisions rendered under this article shall be in writing and shall be final. A copy of the decision shall be mailed to the appellant at the address shown on the appeal.

(3) The failure of the appellant or his representative to appear and state his case at the hearing shall have the same effect as if no appeal was filed and the board shall proceed to deny the appeal and affirm the notice of violation.

(d) *Meetings.* The city board of zoning appeals, acting as a rental code appeal board, shall meet in a fixed place and all meetings shall be open to the public. The board shall keep a record of its proceedings, showing the actions of the board and the vote of each member upon each question considered. These records shall be considered public records.

(e) *Appeal of board decision.* The decision of the city board of zoning appeals, acting as a rental code appeal board, shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rule.

SIGNATURE

I hereby certify the following:

1. I am the legal owner/operator of the property for which this application is being submitted.
2. I certify that the information contained herein is true and accurate to the best of my knowledge.
3. I have read City Code 26, Article III Rental Fire Safety Code, Sec. 26-53 Appeal and understand the necessary conditions that must be met and the consideration that will be given in making a decision on this petition.
4. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing the appeal request, and that does not guarantee that the appeal for exemption will be granted.
5. I acknowledge that this appeal request must be filed within 21 days from when the notice of violation was served. Failure to submit the request within the required timeframe will result in the request for an appeal hearing being denied.
6. I authorize City Staff and the Board of Zoning Appeals members, acting as the Rental Appeals Board to inspect the site.

Property Owner Signature: _____ Date: _____

Applicant Signature: _____ Date: _____

Marquette City Code: Chapter 26 - FIRE PREVENTION AND PROTECTION

Footnotes:

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State Law reference— State fire prevention code, MCL 29.1 et seq.; explosives act, MCL 29.41 et seq.; arson and burning, MCL 750.71 et seq.; crimes related to fires, MCL 750.240 et seq.; crimes related to explosives and bombs, MCL 750.200 et seq.

ARTICLE III. - RENTAL FIRE SAFETY CODE**Sec. 26-53. - Appeal.**

- (a) **Procedure.** Any owner or operator affected by any notice of violation which has been issued under this article may request and shall be granted a hearing on the matter before the city board of zoning appeals acting as a city rental code appeal board. The affected person shall file a written appeal to the office of the fire department requesting the hearing. The appeal shall include the name, address and phone number of the appellant and a brief statement of the grounds for the hearing. An application for appeal shall be accompanied by a fee as set forth in the city fee schedule to cover the city's cost of handling said appeal. The appeal shall be filed within 21 days after the day the notice of violation is served. Failure to file the written notice of appeal within the 21-day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of the violation. Upon timely receipt of an appeal, the fire department shall set a time for a hearing before the city board of zoning appeals acting as the city rental code appeals board and shall give the appellant written notice of the date, time and location for the hearing.
- (b) **Hearings.** Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings, the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn. A fire inspector shall be given opportunity to provide information relative to and supportive of charging the violation.
- (c) **Decisions and powers of city board of zoning appeals acting as rental code appeal board.**
- (1) After a hearing, the city board of zoning appeals, acting as a rental code appeal board, may sustain, modify, or withdraw the notice of violation depending upon its findings. In rendering these determinations, the powers of the board of zoning appeals, acting as a rental code appeal board, shall be strictly limited to making interpretation of the provisions of this article, to the applicability of its specific provisions to the specific case being heard, and to granting exemptions to the provisions of this article. In granting exemptions, the board shall be allowed to grant an exemption if it clearly appears, (by reason of special condition) undue hardship would result from strict application of any section of this article. However, no exemption shall be granted if the same would result in either the purpose or intent of this article, or of any sections at issue, being nullified. In reviewing a request for an exemption, the board should consider the following to determine whether an exemption would be appropriate:
 - a. Whether there are exceptional or extraordinary conditions applying to the property that do not apply to other similar properties;
 - b. Whether the exceptional or extraordinary conditions resulted from the action of the property owner;
 - c. Whether there exist alternative or equivalent methods or materials that would allow the purpose and intent of the section at issue to be satisfied;
 - d. Whether the granting of an exemption would result in a substantial detriment to the property; and
 - e. Whether the exemption requested is the minimum exemption possible that would still allow the purpose and intent of the section at issue to be met.
 - (2) The board may permit an exemption from mandatory provisions in such a manner that the public safety shall be secured, substantial justice done and the spirit and intent of the provisions of this article are upheld. In no case, shall the board grant an exemption which would lessen the safety, health, and welfare requirements of this article. Any exemption granted shall be for this article and shall not and cannot waive the requirements and provisions of any other ordinance or law. All decisions rendered under this article shall be in writing and shall be final. A copy of the decision shall be mailed to the appellant at the address shown on the appeal.
 - (3) The failure of the appellant or his representative to appear and state his case at the hearing shall have the same effect as if no appeal was filed and the board shall proceed to deny the appeal and affirm the notice of violation.
- (d) **Meetings.** The city board of zoning appeals, acting as a rental code appeal board, shall meet in a fixed place and all meetings shall be open to the public. The board shall keep a record of its proceedings, showing the actions of the board and the vote of each member upon each question considered. These records shall be considered public records.
- (e) **Appeal of board decision.** The decision of the city board of zoning appeals, acting as a rental code appeal board, shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rule.