



CITY OF HENDERSON
240 Water Street
P.O. Box 95050
Henderson, NV 89009

BUILDING & FIRE SAFETY
702-267-3610
Fax 702-267-3605

BOARD OF APPEALS APPLICATION

Pursuant to the City of Henderson Municipal Code, the undersigned hereby submits attached information and requests a hearing before the Board of Appeals for the following purpose(s):

Name of Applicant: _____ **Phone #:** _____

Applicant Address: _____

Address of Property Involved: _____

Appeal Filed as Result of (Check One):

- Written Order (Attach Copy of Order)**
- Plan Correction Notice (Attach Copy of Notice)**
- Inspection Correction Notice (Attach Copy of Notice)**
- Alternate Material/Method of Construction (Attach Supporting Documentation)**
- Notice or Order of Code Enforcement (Attach Copy of Notice or Order)**

Please clearly state your basis for appeal. A copy of correction notice(s), order(s), letter(s) etc. MUST be attached to this application.

BRIEFLY STATE REASON FOR APPEAL

Signature: _____

Print Name: _____

Check One

Applicant

Agent



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PREFERRED APPEAL DAY AND TIME

Preferred Appeal Date: M T W TH F
(please circle one)

Preferred Time: _____ a.m. _____ p.m.

Note: Day and time preferences will be taken into consideration, but is based on the day and time availability of the Board of Appeals.

FILING AN APPEAL

1. Appeals to the Board of Appeals may be made from any written order, plan review correction, inspection correction, written action, application and interpretation of the technical codes, or determination of the Building & Fire Safety Department.
2. An appeal to the Property Maintenance Code (HMC 15.12.06.160) code enforcement appeal must be filed within 10 days of the date of the notice of violation. A fee of \$50 shall be paid at the time of filing the application (please make check payable to the City of Henderson and reference the property address being cited) as in accordance with the Property Maintenance Code (HMC 15.12.06.150). NOTE: Upon request, the Building and Fire Safety Director may waive the filing fee for applicants who are seniors, those with disabilities or households below 80% of median income.
3. An appeal to the construction code must be filed within 30 days of the date of the notice of decision, order, or correction notice or citation.
4. The appeal form must be completed, and **must contain sufficient information for the Board to understand the order or decision being appealed**, the basis for the appeal, and the reasons why the appeal should be granted. Only those grounds stated in the written appeal may be considered by the Board of Appeals.
5. Submit your appeal to the Building and Fire Safety Director, City of Henderson, 240 Water Street, MSC 113, Henderson, NV 89009.

POWERS OF THE BOARD AND VOTING PROCEDURE

1. The Board of Appeals has authority to grant relief under the following circumstances:
 - a. Where any person is aggrieved or alleged to be aggrieved by any final determination or decision of the Director of Building & Fire Safety or any determination or interpretation by the Director of the technical codes adopted by the City Council;
 - b. Where there is a material error in any order, requirement, or decision of the Building & Fire Safety Department;



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- c. Where new materials or methods are now available that were not available when the most recent edition of the technical codes was adopted by the City Council.

The Board of Appeals is not empowered to waive requirements of the Henderson Municipal Code nor the technical or administrative codes and standards adopted by the City Council.

2. A quorum of the Board is a minimum of four (4) members. Routine motions and resolutions require a majority vote of a quorum of the members, including the Chairman, which is at least four (4) affirmative votes. A second to a motion is necessary.
3. The Board will consider requested appeals on a case-by-case basis for each address or real estate property involved.
4. The Board may:
 - a. Grant an appeal;
 - b. Grant an appeal with conditions;
 - c. Deny an appeal;
 - d. Grant additional time to comply with a notice or order;
 - e. Require its decision be filed and recorded in the County Recorder's Office;
 - f. Stipulate that the appeal will expire upon certain occurrences such as the sale, leasing or releasing of the property.
5. Appellants will be notified of the Board's decision either at the time of the vote or by mail.
6. You have the right to appeal decisions of the Board of Appeals to the appropriate Court as provided by Nevada law.

NOTICE OF HEARING

1. Appellants will be notified by mail of the exact time and place of the hearing on an appeal.
2. All meetings are required to be properly noticed and posted in accordance with the Nevada Open Meeting Law, Nevada Revised Statutes Chapter 241, applicable to such meetings.

HEARING PROCEDURE

1. Prior to the hearing, either the appellant or the City may request any member of the Board of Appeals to issue a subpoena for the attendance of a witness or to produce a document or other item for the hearing. At the hearing, the Building & Fire Safety Department will first describe the code violation, notice, or order and present the position of the Department. The appellant will then have the opportunity to explain why the appeal should be granted. The appellant may testify, present witnesses, and present any documents the appellant believes are relevant. Building plans, photos, and information on the specific work being done, method of construction, or alternate material in question are helpful to the Board. The appellant may question Building & Fire Safety Department employees. The City's representatives and members of the Board may



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ask the appellant and any witnesses questions regarding the appeal. Both the appellant and the City will be given the opportunity to present evidence rebutting the other's position.

2. Ten (10) copies of all documents to be presented to the Board must be provided and all documents will be kept in the official file and not returned.
3. An attorney may represent an appellant. An attorney is not required and most appellants represent themselves. The Building & Fire Safety Department is normally represented by the City Attorney's Office and by employees of the Building & Fire Safety Department familiar with the issues being appealed.
4. The Board may continue a hearing from time to time as the Board may deem appropriate and necessary to reach a just decision on an appeal.
5. The Board may require an appellant to present the reports of experts on the subject matter of the appeal. The responsibility for, and the expense of obtaining and presenting expert reports, is that of the appellant. The hearing on appeal may be continued from time to time pending the receipt of the reports of experts required to be presented to the Board.