



MESSAGE BUSINESS LICENSE APPEAL

NAME: _____

ADDRESS: _____

PHONE: _____

REASON FOR REQUESTING APPEAL:

850.14 FILING OF ORIGINAL APPEAL.

(a) Within ten days of issuance of notification of suspension, revocation, or denial of a license according to this chapter, an applicant may request, in the form of a written application to the Township Clerk, a reconsideration hearing before the Zoning Board of Appeals. Such application may request either reconsideration of the suspension, revocation, or denial, or a variance of any of the provisions or requirements of any law, ordinance, code, or regulation the violations of which constituted grounds for the suspension, revocation, or denial, or both.

(b) The appeal must state specifically the applicant's reasons for believing the actions of the applicable Township official were erroneous, and a copy of the decision or notice complained of should be attached to the appeal.

(c) The appeal hearing shall be conducted in accordance with the provisions in the Code of Ordinances. At the hearing, the appellant and the appellant's attorney may present a statement and evidence showing:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the proposed massage establishment or massage therapist/myomassologist applicant referred to in the appeal application submitted to the Township Clerk, which circumstances or conditions do not apply generally to any proposed massage establishment or massage therapist/ myomassologist; and/or

(2) That the granting of such massage business license or massage therapist/myomassologist's license will not, under the circumstances of the particular case, have a material adverse effect upon the health, safety, or welfare of the persons residing or working in the neighborhood or attending any massage establishment, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to the immediate neighborhood or the Township at large.

(d) In all cases where the Zoning Board of Appeals grants a variance of any provision or requirements of this chapter, or otherwise relaxes or overturns an administrative decision to suspend, revoke, or deny, the Zoning Board of Appeals shall condition its order in any manner it deems necessary or desirable and which will be in harmony with the general purpose and intent of this chapter, and which will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(e) In no event shall the Zoning Board of Appeals grant a variance or relax or overturn an administrative decision where the suspension, revocation, or denial is based upon the occurrence of criminal acts, fraud, dishonesty, or other acts of moral turpitude, if established at the hearing by a simple preponderance of the evidence.