

## CHAPTER 23

# BUILDING INSPECTION BOARD OF APPEALS

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**23.01 ESTABLISHMENT.** The Board of Appeals consists of five members appointed by the Council. Members are appointed for staggered terms of three years. The Building Inspector serves as an ex officio member and serves as Secretary to the Board, but does not vote on any matters before the Board.

**23.02 JURISDICTION.** Any person aggrieved by a decision of the Building Official or the Fire Chief with regard to the Building Code, Plumbing Code, Electrical Code, Mechanical Code, or Fire Code may file an appeal to the Board of Appeals within 30 days of the decision. “Decision” means any decision, determination, direction, notice, finding, or order of the Building Official or the Fire Chief.

**23.03 APPLICATION.** In order to file an appeal, the aggrieved party must complete a form provided by the City and pay a filing fee. In the application, the aggrieved party filing the appeal must set forth all code provisions applicable to the appeal, attach relevant supporting documentation, and explain the basis for the appeal.

**23.04 AUTHORITY.** The Board of Appeals, may, when a quorum of at least three Board members is present, by majority vote, reverse a decision by the Building Official or the Fire Chief based on the Building Code, Plumbing Code, Electrical Code, Mechanical Code, or Fire Code if it finds that:

1. There are practical difficulties involved in carrying out the provisions of this code. “Practical difficulties” means that: (i) the strict letter of the code is impractical; (ii) the modification is in conformance with the intent and purpose of this code; and (iii) the modification does not lessen any fire protection requirements or any degree of structural integrity; or
2. Any material, alternate design, or method of construction, not specifically prescribed by this code, is appropriate. Any material, alternate design, or method of construction is appropriate if: (i) the proposed design is satisfactory and complies with the provisions of this code; and (ii) the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation or;
3. The Building Official has incorrectly interpreted a provision of the code; or
4. The provisions of the code do not fully apply.

**23.05 HEARING.** The applicant must be advised in writing of the time and place at least three calendar days before the hearing. At the hearing, the party filing the appeal will have an opportunity to present evidence and make arguments to the Board.

**23.06 FEES.** Fees for filing an appeal will be set by resolution of the Council. The fees collected for each appeal must be paid to the City prior to hearing of the appeal.