

BUILDING CODE AND ADVISORY APPEAL BOARD



Building Code and Advisory Appeal Board: The Building Code and Advisory Appeal Board determines the suitability of alternative building materials and methods of building construction, provides for reasonable interpretation of the provisions of the International Codes, advises the city council on all building construction regulations and procedures, and serves as an appeal body for the decisions of the building official. A person who is aggrieved by a decision of the building official regarding enforcement of the International Codes may appeal such decision to the Building Code and Advisory Appeal Board.

Membership: The board is comprised of seven (7) residents of the city, appointed by the city council. Membership includes an architect or engineer registered in the state of Iowa, a commercial contractor, a journeyman carpenter, a residential contractor, a representative of the public at large, and two (2) representatives must have knowledge of Americans With Disabilities Act regulations. All board members serve voluntarily without compensation.

Roles and Responsibilities: The board, after hearing an appeal, has the authority to:

1. Uphold the decision of the building official; or
2. Reverse or modify the decision of the building official, but only if it finds the building official incorrectly interpreted the provision(s) of code(s) as adopted by Title 14 of the City of Dubuque Code of ordinances

The Board of Appeals has no authority regarding interpretation of the administrative provisions of the building code(s) and may not waive requirements of the building code(s). When modifying or reversing the decision of the building official, the Board of Appeals may authorize any alternate to the decision of the building official and the provisions, provided it finds the proposed material or method of construction is satisfactory for the use intended and complies with the provisions of the building code(s), and that the material, method, or work offered is, for the purpose intended, at least equivalent to that prescribed by the code in suitability, strength, effectiveness, durability, fire resistance, and safety.

Appeal Process:

An appeal of the building official's decision must be made by the person aggrieved within twenty (20) days of receipt of the decision. If filed in a timely manner, the Building Code and Advisory Appeal Board will meet within thirty (30), and not more than ninety (90) days after the Building Services Department receives a complete application for an appeal. The board will render a decision within five (5) business days after the appeal hearing. The decision of the board is final unless appealed to the District Court.

- ✓ **Complete the appeal application form:** The completed application and \$150 appeal fee must be received within twenty (20) days of receipt of the building official's decision. Incomplete or late applications will not be accepted. If the Commission finds in favor of the Appellant on all appeals, the fee will be reimbursed.
- ✓ **Review:** Staff will review the appeal application and prepare a report prior to the meeting. The report summarizes the position of the building official and the appellant, as indicated in the appellant's appeal application. The report does not make a recommendation. The appeal application and staff report will be forwarded to the board and the applicant approximately one week prior to the appeal hearing.
- ✓ **Appeal hearing:** Unless otherwise noted, the board meets the third Tuesday of every month at a time and place determined by the board. Appeal hearings will occur at the next regularly scheduled board meeting. An agenda of the meeting, a copy of the appeal application, and a staff report will be forwarded to the appellant approximately one week prior to the meeting date.

Building Services staff will present the staff report. The appellant will be invited to make a presentation(s) or bring a person(s) to speak on his or her behalf. The appellant will not be allotted more than 30 minutes for all speakers/presentations.

- ✓ **Notice of Decision:** The board's decision and required actions will be mailed to the appellant.

APPLICATION FOR APPEAL

Appellant Name: _____ **Phone:** _____

Appellant Address: _____ **Email:** _____

Property Owner Name: _____ **Phone:** _____

Property Owner Address: _____ **Email:** _____

Property Address: _____ **Type:** _____

Cite the specific building code(s) you are appealing the interpretation or application of:

Describe the alternative material or method of construction proposed. Include how the alternative material or method of construction is equivalent to what is prescribed by code in suitability, strength, effectiveness, durability, and safety. You may include manufacturer information and specifications with this application to help support the description. Use additional sheets if necessary:

Appellant Signature: _____ **Date:** _____

***Office Use Only:**
Received by: _____ **Date:** _____ **Docket:** _____ **Fee:** \$150