

Town of Tiburon
Notice of Appeal Form
(Building Code Appeals Board)

Purpose: This form is used to file an appeal to the Tiburon Building Code Appeals Board (BCAB) of a decision or interpretation made by the Tiburon Building Official regarding non-administrative provisions of the Town's Building Regulations as adopted in Chapter 13 of the Tiburon Municipal Code.

The Tiburon Building Code Appeals Board has the authority to interpret non-administrative code sections and to approve alternate methods of construction. The Board does not have the authority to waive or enact ordinances or provisions therein. It is important to note that the Board is an administrative body, charged with interpreting adopted codes; it cannot set aside standards adopted by legislative action of the Town Council or rule on administrative provisions of the code.

Name

Site Address (if applicable)

Mailing Address

Project Description (if applicable)

City

State and ZIP Code

Telephone Number

FAX Number

APPEAL PROCEDURE:

1. An appeal to the BCAB will only be accepted after the Building Official has rendered a decision or made an interpretation. Such appeal must be submitted within twenty (20) days of that decision. The appeal must be of a non-administrative decision or interpretation of the Town's Building Regulations by the Building Official.
2. All appeals must be submitted on this form and be specific in their requested action and include specific reasons and supporting material for the requested action.
3. Appellants shall be given reasonable opportunity to be heard and present evidence. The appeal hearing procedures are set forth on the attached sheet.
4. Decisions of the BCAB are final.
5. Filing fee: \$250.00.

Building Code Appeals Board (BCAB) Appeal Hearing Procedures

The Board's appellate function is to correct or overturn any decision by the Building Official that it finds to be inconsistent with the technical (i.e., non-administrative) provisions of the Town's Building code. The procedure for the Board's hearing of appeals shall be generally as described below. The Chairman may exercise reasonable flexibility to adapt the procedures as needs demand.

Introduction and Staff Report

- (a) The Chairman will introduce the item (as it appears on the agenda).
- (b) Town Staff will make a brief (approximately 10 minute) presentation of the staff report to the Board. [A written report will have been distributed several days in advance of the hearing].
- (c) The Board may ask any clarifying questions of staff.

Appellant Presentation and Public Comment

- (d) Appellant or appellant's representative(s) may make a presentation of no more than fifteen (15) minutes. Appellant may divide up the fifteen (15) minutes between various speakers or have only one speaker, provided that the time limit is observed. Time devoted to responding to Board questions shall not be included as part of the fifteen (15) minute time limit. Comments must be relevant to the specific item on appeal, or the speaker will be ruled out of order.
- (e) The Board may ask any clarifying questions of the appellant.
- (f) Any interested member of the public may speak on the item for no more than three (3) minutes. Comments must be relevant to the specific item on appeal, or the speaker will be ruled out of order.
- (g) The Board may ask any clarifying questions of public speakers.

Discussion, Deliberation and Decision

- (h) The Board will close the testimony portion of the appeal hearing and begin deliberations on the appeal. There will be no more appellant or public testimony accepted, unless requested by the Board through the Chairman.
- (i) Generally, the Board will discuss the matter as a group prior to any motion being made, with an opportunity for individual Board members to express initial opinions but retaining the right to be swayed on an issue prior to a formal vote.
- (j) If the Board is prepared to make a decision on the appeal, it shall do so by motion and majority vote. The Board may affirm, overrule, or modify any Building Official decision as necessary to conform to the technical provisions of the Town's Building Code. The Board's shall be in writing and shall be final.
- (k) Town Staff will provide the appellant with notice of the Board's decision within three (3) business days.