

APPLICATION FOR APPEAL UNDER THE UNIFORM CONSTRUCTION CODE

1. Applicant:

Property Owner Name: _____ Email: _____

Property Address: _____

If applicant is not the owner, please identify and state applicant's authority to file this appeal:

2. Building Permit Data:

a. _____ Permit not obtained or issued.

b. Permit Number: _____ Issue Date: _____

Issued by: _____

Contractor Name: _____ Email: _____

Address: _____

3. Type of Appeal

Check all that apply:

_____ Incorrect Interpretations

_____ Provisions of the Code do not fully apply

_____ Equivalent form of construction proposed

_____ Request for time extension

_____ Other: _____

4. Provision of Code Appealed

Attach a copy of the Code section(s) from which relief is being requested

ICC Code Name: _____

Chapter: _____ Section: _____ Subsection: _____

Chapter: _____ Section: _____ Subsection: _____

5. Appeal Method: Check one: _____ Appeals Meeting _____ Appeals Hearing

6. Attachments Required:

The applicant must attach pertinent documentation explaining in detail the relief requested, including how such relief would meet the intent and spirit of the Code.

Signature of Applicant

Date

Newtown Borough Building Code Board of Appeals
Rules and Procedures

1. An owner or owner's agent may appeal a Building Code Official's decision, or seek a variance or extension of time by filing an application on a form provided by the Borough.
2. The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.
3. An appeal or request for variance or extension of time to the Board of Appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action relating to unsafe buildings, structures or equipment may not be stayed.
4. Methods of Appeal: The Board of Appeals shall decide an appeal, variance request, or request for extension of time at an Appeals Meeting, unless the owner or owner's agent requests a Hearing. Any request for a hearing shall be made at the time the appeal or request for variance or extension of time is filed.
 - a. Appeals Meeting: The Board of Appeals decides an appeal, variance request, or request for extension of time by reviewing documents and written brief or argument at a meeting. It is recommended that the applicant and property owner attend the meeting as questions may be asked of them for clarification. The decision rendered by the Board is based on the information presented in the application. This format does not provide for testimony of witnesses regarding the appeal.
 - b. Appeals Hearing: The Applicant and Owner present their application to the Board of Appeals at a formal hearing. This format provides for testimony from witnesses and/or counsel as deemed required by the Applicant. All witnesses presenting information testify under oath during the proceedings. The Board of Appeals may have legal counsel present at the Hearing.
5. The Board of Appeals shall hold a meeting or hearing within sixty (60) days from the date of an applicant's request unless the applicant agrees in writing to an extension of time. The Board of Appeals shall hold a meeting or hearing within thirty (30) days from the date of an applicant's request for a variance or extension of time involving construction of a one- or two-family residential building. The Board will provide the owner or owner's agent and the Building Code Official with ten (10) day's advance notice of the date, time, and place of the meeting or hearing.
6. The Board of Appeals shall only consider the following factors when deciding an appeal:
 - a. The true intent of the act or Pennsylvania Uniform Construction Code (UCC) was incorrectly interpreted.
 - b. The provisions of the act do not apply.
 - c. An equivalent form of construction is to be used.
7. The Board of Appeals may consider the following factors when ruling upon a request for a variance or extension of time:
 - a. The reasonableness of the UCC's application in the particular case.
 - b. The extent to which the granting of a variance or an extension of time will pose a violation of the UCC or an unsafe condition.
 - c. The availability of professional or technical personnel needed to come into compliance.
 - d. The availability of materials and equipment needed to come into compliance.
 - e. The efforts being made to come into compliance as quickly as possible.
 - f. Compensatory features that will provide an equivalent degree of protection to the UCC.
8. The Board of Appeals may:
 - a. Deny the request in whole or in part.
 - b. Grant the request in whole or in part.
 - c. Grant the request upon certain conditions being satisfied.
9. The Board of Appeals shall provide written notice of its decision to the owner and to the Building Code Official. The Board shall render a written decision regarding an appeal or request for variance or extension of time involving the construction of a one- or two-family residential building within 5 business days of the latest hearing. The appeal shall be deemed granted if the Board fails to act within this time period.
10. The Board does not hear appeals, requests for variances, or requests for extension of time relating to accessibility. Those requests are heard by the PA Department of Labor and Industry Accessibility Advisory Board.