

UNIFORM CONSTRUCTION CODE BOARD OF APPEALS

INSTRUCTIONS FOR APPLICATION FOR REVIEW

1) Application Form:

- a) Complete sections 1 through 9 of the Application for Review form (the "Application")
- b) Sign and date the Application
- c) Include with your Application a copy of the building permit at issue, or other building permit related materials
- d) An Application for Review must be based upon one or more of the following grounds:
 - i) **Appeals** – An Application shall be limited to consideration of only 1) whether the true intent of the Pennsylvania Construction Code (the "Act") or the Uniform Construction Code (the "UCC") has been correctly interpreted, 2) whether the provision of the Act or Code do not apply, or 3) whether an equally good or better form of construction is proposed. An Appeal shall be filed within 20 days of the determination which forms the basis of the appeal.
 - ii) **Request for Variance or Extension of Time** – When considering a request for variance or extension of time, the UCC Board of Appeals (the "Board") may consider the following factors: 1) the reasonableness of the UCC's application in a particular case, 2) the extent to which granting of a variance or an extension of time will constitute a violation of the UCC or create an unsafe condition, 3) the availability of professional or technical personnel, or materials and equipment, needed to come into compliance, 4) the efforts being made to come into compliance as quickly as possible, and 5) compensatory features that will provide an equivalent degree of protection as that intended by the UCC.

THE BOARD SHALL HAVE NO AUTHORITY TO WAIVE REQUIREMENTS OF THE UCC. THE APPLICANT MUST DEMONSTRATE THROUGH WRITTEN DOCUMENTATION, *OR* THROUGH WRITTEN DOCUMENTATION AND TESTIMONY AT AN IN-PERSON HEARING, THAT THE REQUEST SATISFIES THE RELEVANT CRITERIA FOR GRANTING THE REQUEST.

- e) The Applicant should provide written explanation or arguments that demonstrate how the request is warranted pursuant to the Application and provide appropriate drawings, plans, or illustrations which explain the request. A cover sheet shall be included that lists the summary of material and exhibits provided. The Applicant should provide five (5) copies of any and all documents and materials submitted, excepting that only one (1) print of each photograph exhibit is necessary (the remaining may be photocopies of the photograph). All materials

submitted with this Application or entered as exhibits during the hearing become the property of the Board and will be considered to be part of the Application and shall remain with the Application. The Applicant is responsible to submit all documentation and evidence that is deemed necessary to support their request. The Board will render its decision based upon only that which the Applicant submits.

2) Fees:

- a) The fee is \$1,000.00 for an Application to be reviewed by the UCC Board of Appeals. This fee must be paid at the time the Application is being submitted. The Application will not be accepted if the fee is not included. Payment must be made in the form of cash, certified check, money order, or a check from an Attorney's account. Checks are to be made payable to the municipality of the property. The fee shall be considered an integral part of such appeal or request in which the subject property is located, and failure to submit the fee at the time of filing of the appeal or request shall render the appeal or request for hearing, variance or extension of time incomplete as filed, and it will not be forwarded to the Board until such fee is paid.
- b) The postmark or date of personal service will establish the filing date of the Application. Such appeal shall automatically suspend any action to enforce an order to correct, until the matter is resolved, except that any action relating to an unsafe building, structure, or equipment shall not be stayed by the appeal, request for variance, or request for extension of time.

3) Meetings:

- a) The Board shall schedule meetings and provide for public notice of meetings in accordance with 65 Pa.C.S.A.-Sections 701-716 (the Sunshine Act). The date, place and time of the meeting during which the Application will be considered will be confirmed by mail. Decision may be postponed to the next meeting if the Board determines that it requires additional time to consider the Application.
- b) A quorum of the Board shall consist of a majority of the then-appointed members or their seated alternates. The Board may deny any request in whole or in part, grant any request in whole or in part, or grant the request upon certain conditions being satisfied. Any decision shall require a majority vote of a majority of the members at the meeting. Failure to achieve a majority vote shall result in denial of the appeal or other action requested.
- c) Within sixty (60) days from the filing of the Application, the Board shall decide an appeal, variance request, or request for extension of time by reviewing documents and written brief or argument, unless the Applicant requests a hearing. The Board may extend this time period if it determines that additional time is necessary upon notice to the Applicant. The Board may hold more than one (1) meeting on an Application.

- d) The Board shall hold a hearing if requested by the Applicant within sixty (60) days from the date of the request, unless the Applicant agrees in writing to an extension of time. Upon the filing of a written request for a hearing with the payment of any fees, the Board shall schedule a hearing and notify the Applicant and Building Code Official (the "BCO") of the date, time and place of the hearing. The Board may extend the time period for issuance of its decision if it determines that the additional time is necessary. The hearing may be held over several dates. Failure by the Applicant or by the Applicant's representative to appear at the hearing will result in a decision based on the material submitted. There will be no refund of fees submitted for the hearing.
- e) The Board shall render all decisions in writing with findings of fact and conclusion of law. A certified copy of the decision shall be provided to the Applicant, with a copy to the BCO of the participating municipality. It shall be the responsibility of the BCO to forward a copy of the decision to the municipality.
- f) These instructions and the Application shall be supplemented by the Act, the UCC and any other applicable law and shall be deemed or interpreted to conflict with those laws.

UNIFORM CONSTRUCTION CODE BOARD OF APPEALS

APPLICATION FOR REVIEW

1. Applicant:

Name_____

Address_____

Phone Number(s)_____

2. Property Owner (if different from Applicant):

Name_____

Address_____

Phone Number(s)_____

Relationship of Applicant to Property Owner_____

3. Building Permit:

Building Permit Date of Filing_____

Building Permit Number at Issuance_____

Building Permit Issuance Date_____

4. Building Site at Issue:

Address of Building Site_____

Municipality of Building Site_____

Current Use of Property_____

5. Name of Building Code and Section Numbers at Issue:

6. Relief Requested _____ Appeal _____ Variance _____ Extension of Time _____

7. Briefly explain the purpose of this Application (use additional pages if needed):

8. An Appeal in Writing is Requested _____ A Hearing is Requested _____

My/our signatures below certify that the instructions have been read and understood and that all of the above information and statements, as well as any documents or information submitted with and made part of this Application for Review are true and correct to best of my/our information, knowledge and belief.

Applicant(s):

_____ Date: _____

_____ Date: _____

Property Owner(s) if different from Applicant(s):

_____ Date: _____

_____ Date: _____