

Department of Building Inspections



Franklin County Local Board of Building Code Appeals Agenda October 26, 2023

- I. Call to Order
- II. Roll Call
- III. Presentation
 - A. Presentation by Megan Fenner, Clerk
 - a) Purpose of the Local Board of Building Code Appeals
 - b) Hearing Procedures
 - c) Goals
- IV. Adjourn



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LOCAL BOARD OF BUILDING
CODE APPEALS

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Agenda

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Establishment

- In accordance with § 36-105 of the Code of Virginia, there shall be established within each local building department a local board of building code appeals (LBBCA)
- The locality is responsible for maintaining a duly constituted LBBCA prepared to hear appeals within the time limits established in this section
- The LBBCA shall meet as necessary to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality
 - January 3, 2023- Possible training by Travis Luter

Membership & Conduct

- The LBBCA shall consist of at least five members appointed by the locality for a specific term of office established by written policy
 - Quorum constitutes half
- No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq. of the Code of Virginia)
- Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings

Rights of Appeal

- Any person aggrieved by the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the LBBCA
- The applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed
- Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision

Meetings and Postponements

- The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal; A longer time period shall be permitted if agreed to by all the parties involved in the appeal
- Notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application if requested or by electronic means at least 14 calendar days prior to the date of the hearing unless a lesser time period is agreed to by all the parties involved in the appeal
- When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing
- The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal

Hearings & Decisions

- All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the building official's decision in question shall be given an opportunity to be heard
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- The LBBCA shall have the power to **UPHOLD, REVERSE OR MODIFY** the decision of the official by a concurring vote of a majority of those present
- The decision of the LBBCA shall be explained in writing, signed by the chairman and retained as part of the record of the appeal

Order of Hearings

- Call to Order by Chairman
- Chairman asks for Roll Call
- Consent Agenda
 - Period for approving minutes, by-laws, etc
- Public Hearings
- Other Business
 - Member discussion, staff announcements, etc
- Adjourn

Process of Public Hearing

- Introduction of the Case
- Building Official Presentation
- Appellant Presentation
- Public Comment
- Discussion/Deliberation
- Motion
- Roll Call Vote

Long Term Goals

- Policy
- By-Laws

Questions?