

Doylestown Township
Uniform Construction Code
Board of Appeals
Rules of Procedure

1. An owner or owner's agency may seek a variance or an extension of time or appeal a Building Code Official's decision by filing a petition with said official on a form provided by the Township.
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. The Board of Appeals shall decide an appeal, variance, request or request for extension of time by reviewing documents and written briefs or argument 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 filled.
5. The Board of Appeals shall hold a hearing within sixty (60) days (or thirty (30) days for hearing regarding one or two family homes) from the date of an applicant's request unless the applicant agreed in writing to an extension of time.
6. The Board does not hear appeals relating to accessibility. Those requests are heard by the PA Department of Labor and Industry Accessibility Advisory Board.
7. In rendering its decision, the Board of Appeals shall only consider the following factors:
 - a. Whether the true intent of the act or Pennsylvania Uniform Construction Code was incorrectly interpreted.
 - b. Whether the provisions of the Act do not apply;
 - c. Whether an equivalent form of construction is to be used.
8. The Board of Appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:
 - a. The reasonableness of the Code'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 Uniform Construction Code.

9. If the owner or owner's agent requests a hearing, notice of the date, time and place of the hearing shall be given to the owner or the owner's agent and to the Building Code Official no later than seven (7) days prior thereto.
10. Hearings shall be conducted pursuant to the following procedures:
 - a. The Board of Appeals hearings shall be held at the call of the Chairman and at such times as the Board may determine.
 - b. Hearings shall be conducted by the Board, provided, however, that the Board may appoint any member as a hearing officer. Where a hearing officer is appointed, he shall recommend findings and a decision to the Board. The final findings and decision shall be made by the Board; however the applicant may, prior to a decision, waive findings and a decision by the Board and accept the findings and decision of the hearing officer as final.
 - c. The parties to the hearing shall be the township. Any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided for that purpose.
 - d. The Chairperson or acting Chairperson or hearing officer may administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including witnesses and documents requested by the parties.
 - e. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and argument, and cross-examine adverse witnesses on all relevant issues.
 - f. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 - g. The Board or the hearing officer shall keep a record of the proceedings. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either even the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost.
 - h. The Board of Appeals shall provide a written notice of its findings and decision to the owner and to the Building Code Official, within 5 business days of the last hearing.
11. In rendering its decision, 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.
12. Any person aggrieved by the decision of the Board may within thirty (30) days thereafter appeal to the Court of Common Pleas of Bucks County, Pennsylvania, in accordance with the provisions of the Pennsylvania Judicial Code.

township of

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doylestown

425 Wells Road • Doylestown, PA 18901

DOYLESTOWN TOWNSHIP PA UCC BOARD OF APPEALS APPLICATION

| Applicant(s) Name | Information below for Official Use Only: |
|------------------------|--|
| Street Address | Appeal Number |
| City, State & Zip Code | Advertised Dates |
| Phone Number | Application Fee & Escrow Check #'s |
| Work: Cell: | Date Stamp Received |
| Email Address | |

The following is a list of questions designed to assist you and the Building Code Appeals Board in the efficient and speedy review of your appeal. Please thoroughly answer all questions, which are applicable to your appeal. If you believe the question does not pertain to your appeal, please indicate on this form by answering "Not Applicable". **All questions must be answered to consider this appeal form complete.** PLEASE PRINT.

Five (5) copies of signed and sealed plans, five (5) copies of the application, including any supporting documentation, and two checks made payable to Doylestown Township for a Commercial appeal filing fee of \$1750.00 and an Escrow deposit of \$1000.00, or a Residential appeal filing fee of \$700.00 and an Escrow deposit of \$500.00

Please complete the following questions:

1. What is the applicant's interest in the premises affected - (i.e., property owner, equitable owner, tenant, contractor)?

2. If applicant is represented by an attorney or counsel, please provide their full name, address, phone and fax number.

3. If the property owner is not the applicant, list the full name, address and phone number of the property owner. Also if the applicant is not the property owner, the applicant must provide a signed and notarized letter from the property owner stating his/her permission to allow the applicant to represent the property owner at the Building Code Appeals board with this building appeal.

4. Please provide the requested information about the property involved in this building code hearing appeal as described below:

Location: _____
Street Address

Parcel Identification Number: _____

Lot Size: _____

Present Use: _____ Zoning District: _____

Date when present use began: _____ Date of acquisition of this property by the
owner: _____

Please list each structure and its use currently located on this property:

Is this existing or new construction? _____

ICC Building Construction Type: IA IB IIA IIB IIIA IIIB IV VA VB

ICC Use Groups(s): (Check all that apply) A-1, A-2, A-3, A-4, A-5, B, E, F-1
 F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, R-1, R-2, R-3,
 R-4, S-1, S-2, U, Motion Picture, Special Amusement, Covered Mall,
 High Rise, Atrium, Underground Building, Motor Vehicle Related, Aircraft Related
 Combustible Storage

Number of Stories Above Grade: _____

Number of Stories Below Grade: _____

Total Number of Stories: _____

If an existing building, is this a change of use or occupancy? (Y/N)_____

If Yes, has an application for the new occupancy been approved by Zoning? (Y/N)_____

If No, is there a valid Certificate of Occupancy? (Y/N)_____

Required/Existing Life Safety Systems:

| REQUIRED | CODE SECTION | EXISTING | SYSTEM |
|----------|--------------|----------|---|
| | | | Single and Multiple Station Smoke Detectors |
| | | | Automatic Fire Suppression System |
| | | | Standpipe System |
| | | | Fire Alarm System |
| | | | Automatic Fire Detection System |
| | | | Smoke Control System |
| | | | Smoke Proof Enclosure |
| | | | Elevator Recall and Emergency Operation |
| | | | Voice/Alarm Signaling System |
| | | | Fire Command Station |
| | | | Fire Department Communication System |
| | | | Fire Walls/Areas |
| | | | Other: |

Required Number of Exits: _____

Required Exit Enclosure Fire-Resistance Rating: _____ hour(s)

5. Is your home or principal structure connected to: (please circle all that apply)

- A. Public Water
- B. Public Sewer
- C. Private Well
- D. Private On-Lot Septic
- E. Not Presently Connected

If you are not connected at this time, what type of sewage and water facilities is available to the property?

6. Are there any outstanding state or federal violations cited on this property at the time of this application?

If Yes, please explain these violations below: _____

7. Has any previous building code appeal been filed in connection with this property? _____

If Yes, _____

(List applicant's name, date & nature of appeal)

8. The appeals below pertain to the following use: RESIDENTIAL COMMERCIAL

ITEMS OF APPEAL: (If more space is needed, photocopy or attach additional sheets).

A. (1) Building Permit Number to which the appeal is applicable:

(2) Brief description of appeal item. (Include copy of letter from building code official that you are appealing).

(3) Applicable code section(s) *(List applicable code and section numbers):*

(4) Describe the specific work you wish to perform, or have performed, that has been disallowed by the code official because it does not meet the requirements of the code section(s) in item (3).

(5) Proposed alternative or equivalent construction ***REQUIRED INFORMATION**

(6) Your reason for appeal is based upon:

- A claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted.
- The provisions of this code do not fully apply.
- An equally good or better form of construction is proposed.
- Extension of time.

9. (I) (We) believe that the Board should approve this request because (include the grounds for the building code appeal or reasons both with respect to case law and fact for granting this appeal. Please refer to your attachment if additional space is needed.)

I hereby certify that all of the above statements contained in this building code appeal application and any papers or plans submitted with this building code appeal to the Doylestown Township PA UCC Board of Appeals herewith are true and correct to the best of my knowledge and belief.

Date _____
(PRINT Name of Applicant)

Date _____
(Signature of Applicant)

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF BUCKS**

As subscribed and sworn to before me this _____ day of _____, 201_

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year aforesaid.

(SEAL)

NOTARY PUBLIC