

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.