

BOARD OF APPEALS

TIPS FOR PRESENTING YOUR APPEAL

The following is general information to assist you in appeals before the board. This information should not be interpreted as legal advice, nor does it supersede any requirement of an applicable city code or rule and regulation.

Time Allotment

- Show up on time.
- Your case may or may not be the first one called.
- Your case is generally allotted 15 minutes.
- The board will attempt to arrive at a decision the day of your hearing but may need to extend the hearing for another month due to lack of information, complexity, or time constraints on the hearing docket.

Limited Power of Attorney

- Do not consider the use of a Limited Power of Attorney lightly.
- The Limited Power of Attorney is a legal document giving the owner's representative full responsibility to make decisions on behalf of the owner within the scope of the appeal.
- It behooves the owner to be present at the hearing if possible.
- The Limited Power of Attorney may create conflict between the owner and the owner's representative.
- It is not a requirement that you have representation. However, board hearings are quasi-judicial. Decisions have the force of law. Legal consultation may be advisable.
- The Board is required to honor a valid Limited Power of Attorney if presented at the hearing.

Potential Impacts to Your Deed

- Be aware that the Board may require the outcome of the appeal to be recorded as a real estate document affecting the owner's property, which will appear in a title search on the owner's property.
- Your signature is not required for the recordation and you may not be further notified outside of your hearing.
- Recordation is effective immediately.
- The recordation may only apply to you or the current use(s) of the building and not necessarily stay with your property. Future owners may need to apply for a variance themselves. Potential buyers or lenders may interpret the variance as an encumbrance.

The Reasons for an Appeal

Under the Building Code, your appeal must be based on one or more of three reasons. You must present your case to address the applicable reason(s). The three reasons for appeals are:

- Administrative Review
- Variance
- Alternate Methods and Materials

The success of your appeal will largely depend on you. You are responsible to convince the Board of your situation, your circumstances, and your goal. It benefits you to be well prepared with information. You should address any factors or

elements required in the code that are required in order for the Board to grant you relief. The Board wants to see and hear your case, but a lack of information may result in denial of your appeal.

Knowledge and Representation of the Code

- It will help you to know and understand the meaning of the code citation you are appealing.
- All applicable codes can be viewed at Community Planning and Development or a public library.
- You can consult an expert.