



# BUILDING CODE APPEAL APPLICATION

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## A. TYPE OF APPEAL REQUESTED (Fill In Applicable Requests)

An order, decision or interpretation based upon any of the codes adopted by Chapter 18 of the Salida Municipal Code may be appealed to the Board of Appeals.

### 1. Reason for Appeal (check all applicable items):

- Unable to obtain permit
- Unable to obtain certificate of occupancy
- Failure of inspection
- Claim that the provisions of the Code does not apply
- True intent and meaning of the Code has been misconstrued or wrongly interpreted
- Other: \_\_\_\_\_

### 2. Code Section that is the subject of the appeal:

Applicable Code: \_\_\_\_\_  
 Section of the Code: \_\_\_\_\_

### 3. Date and Nature of the Order, Decision or Interpretation:

Date: \_\_\_\_\_  
 Nature: \_\_\_\_\_

## B. DEVELOPMENT PROCESS (City Code Section 18-8)

1. Pre-Application Conference. Optional.
2. Submit appeal within forty-five (45) days of the date of the order, decision or interpretation.
3. Staff Review. Schedule hearing within thirty-one (31) days.
4. Forward report to Applicant and Board.
5. Notice of hearing provided to applicant and building official.
6. Hearing conducted by Board and action taken.

## C. APPLICATION CONTENTS (City Code Section 18-8)

**Ten (10) copies are required of all application materials.**

- 1. **General Development Application**
- 2. **Written Letter of Appeal.** A written letter must be submitted setting forth in plain and concise language:
  - a. **Facts and reasons.** The facts and reasons for the appeal, including any relevant citations to any rule, regulation or code section relied upon.
  - b. **Copy.** A copy of the order, decision or interpretation being appealed if the same was issued in writing.
- 3. **Optional Showing.** The applicant may include any drawings, photos, diagrams, sketches, etc. which are relevant to the proposed appeal.

4. **Application Fee.** \$150 cash or check made out to City of Salida.

6. **Special Fee and Cost Reimbursement Agreement completed.**

7. **Outside Review Deposit.** In the event the City must retain professional services to process or evaluate an application, the applicant shall bear the costs for the review, including consultants and attorney review time. A deposit of \$300.00 to cover the reasonable anticipated costs for outside professional services may be required from the applicant at the time of the application.

## D. SALIDA MUNICIPAL CODE SECTION 18, ARTICLE 8

### ARTICLE VIII

#### Appeals Process

##### **Sec. 18-8-10. Appeal.**

An order, decision or interpretation based upon any of the codes adopted by this Chapter may be appealed to the Board of Appeals. (Ord. 2002-10)

##### **Sec. 18-8-20. Appeal contents.**

The appeal shall be in the form of a written letter of appeal submitted to the Community Development Director within forty-five (45) days of the date of the order, decision or interpretation. Such notice shall identify the date and nature of the order, decision or interpretation at issue and set forth in plain and concise language the:

(1) Facts and reasons. The facts and reasons for the appeal, including any relevant citations to any rule, regulation or code section relied upon.

(2) Copy. A copy of the order, decision or interpretation being appealed if the same was issued in writing. (Ord. 2002-10)

##### **Sec. 18-8-30. Actions following receipt of appeal.**

Upon receipt of the appeal, the Community Development Director shall notify the Building Official and schedule the appeal for a regular or special meeting before the Board of Appeals within a maximum time frame of thirty-one (31) days. (Ord. 2002-10)

##### **Sec. 18-8-40. Notice.**

Written notice of the time, date and location of the hearing shall be delivered not less than one (1) day prior to the hearing to the appellant and the Building Official. (Ord. 2002-10)

##### **Sec. 18-8-50. Decision by appeal body.**

All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and be promptly mailed by regular mail to the applicant. The burden of persuasion on appeal shall rest with the appellant; and the unexcused absence of the appellant from the appeal hearing, absent good and just cause at the discretion of the appeal body, shall result in the dismissal of the appeal, and no further action shall be taken thereon. All decisions on appeal shall be final and may be appealed to the District Court as provided for in Colorado Rules of Civil Procedure. (Ord. 2002-10)