

Local Board of Building Code Appeals

The Local Board of Building Code Appeals (LBBCA) is assigned the responsibility to hear appeals regarding the building code enforcement actions under the Virginia Uniform Statewide Building Code. Applicants for appeals are generally those persons or entities regulated under the building code and who disagree with an enforcement action of the Fauquier County building official.

The Uniform Statewide Building Code is available for viewing at

<http://www.dhcd.virginia.gov/images/SBC/CodeBooks/2012%20Virginia%20Construction%20Code.pdf>

Frequently asked questions about the Appeals Board are listed below. Please direct any questions to the Building Official at 540-422-8230

What is the Building Code Appeals Board?

The Code of Virginia section 36-105 requires that each jurisdiction establish a Local Board of Building Code Appeals (LBBCA). The LBBCA is created to allow decisions of the building official to be challenged at the local level.

Who appoints members?

The LBBCA shall have five members and shall be appointed by the local governing body for a specific term. The LBBCA in Fauquier County is appointed by the County Board of Supervisors and consists of five members each appointed to four-year terms.

What can be appealed?

Written decisions, orders, or determinations of the building department's application of the Uniform Statewide Building Code (USBC) or by the building department's refusal to grant a modification to the provisions of the USBC may be appealed.

The appeal must be based on the applicant's belief that the code was incorrectly interpreted, the provisions of the code are incorrectly applied or an equivalent construction method has been denied by the Building Official.

Who may appeal?

Any person aggrieved by the local building department's application of the USBC or the refusal by to grant a modification to the provisions of the USBC may appeal to the LBBCA.

When can one appeal?

The applicant must submit a written application within 30 days of the receipt of the decision being appealed. The application must contain the name and address of the owner, the name and address of the person appealing and a copy of the Building Officials decision.

Failure to submit an appeal within the time limitation will constitute acceptance of a building official's decision.

When is the appeal hearing?

The LBBCA will meet within 30 calendar days from receipt of the application for appeal unless a longer time frame is agreed upon by the parties involved.

Who may attend appeals?

All hearings before the Appeals Board are open meetings. The appellant (or their representative), the Building Official, and any party affected by the Building Official's decision may speak.

What can the Appeals Board decide?

The Appeals Board may uphold, reverse, or modify the Building Officials decision by a vote of the majority present. Decisions of the LBBCA are final if no further appeals are made. The decision of the Appeals Board may be appealed to the State Review Board within 21 days of receipt of the local Appeals Board decision. Failure to submit an appeal to the state Review Board within 21 days constitutes acceptance of the LBBCA decision.

Appeal Fee

Per Fauquier County Fee Schedule the appeal application must be accompanied by a \$500.00 processing fee. This fee is payable by check or exact cash only as credit or debit cards are not accepted. Please make check payable to Fauquier County.

Forms

(Appeal form below)

Appeal No. _____

County Permit #: _____

APPLICATION FOR APPEAL Fauquier County

I (we) _____ of _____
(Name) (Mailing Address)

respectfully request that the Local Board of Building Code Appeals review the decision made on _____, 20__ by the Building Official.

Description of Decision being appealed: (Be Specific): _____

Code referenced by Building Department: _____

Location of Property Involved: _____

What is the applicant's interest in the property?

Owner

Contractor

Owner's Agent

Other (explain) _____

Relief Sought (Be specific, include applicable code section(s)): _____

Attach the Decision of the Building Official and Any Other Pertinent Documents.

(Signature of Applicant)

Received and filed with Fauquier County Building Department, 29 Ashby Street, Suite 310, Warrenton VA 20186, the _____ day of _____, 20__, by

_____.

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