

**Capital Region Council of Governments
BUILDING CODE APPEALS**

**INSTRUCTIONS FOR COMPLETING
APPLICATION FOR REVIEW**

1. The fee for submitting an Application for Review to the Building Codes Appeals Board is currently \$750.00 (effective 1-1-19). This fee must be paid at the time the Application for Review is submitted. The application will not be accepted if the fee is not included. Payment must be made in the form of cash, certified check, money order or check from an attorney's account. Checks are to be made payable to Capital Region Council of Governments.
2. Sections 1, 2, and 6 must be completed. Complete at least one of Section 3, 4, or 5 for the desired application.
3. Section 1 – Complete information for the permit application. Attach to your application a copy of the building permit at issue, or other building permit-related materials.
4. Section 2 – This section should be completed by the person to whom the relevant correspondence will be sent. It can be the owner or a consultant. The owner will need to sign in Section 6 if he/she is not the applicant.
5. Section 3 – If you wish to appeal a Building Code Official's decision, this section is to be used. An Application for Review must be based upon one or more of the following grounds:
 - (1) the true intent of the Pennsylvania Construction Code Act ("Act") and/or the Pennsylvania Uniform Construction Code ("Code") have been incorrectly interpreted;
 - (2) the provisions of the Act or the Code do not fully apply; or
 - (3) an equivalent form of construction should be permitted.

YOU MUST DEMONSTRATE, EITHER THROUGH WRITTEN DOCUMENTATION, OR THROUGH WRITTEN DOCUMENTATION AND/OR ORAL TESTIMONY AT AN IN-PERSON HEARING, THAT YOUR REQUEST SATISFIES THE RELEVANT CRITERIA FOR GRANTING THE REQUEST. Attach appropriate written

explanation/arguments that demonstrate how your request meets one of the three reasons for the application. Attach appropriate drawings, plans, and/or illustrations, which help explain your request. An electronic submission or seven (7) copies of all documents are required. Only one (1) print of each photograph exhibit is necessary. All materials submitted with this application or entered as exhibits during the hearing become the property of Capital Region Council of Governments (“CapCOG”) and are kept with this application.

6. Section 4 – Use this section if you desire a time extension.
7. Section 5 – Use this section to request a variance. The Appeals Board will consider the following when deciding upon a variance request:
 - (a) The reasonableness of the Uniform Construction Code's application in a particular case.
 - (b) The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code 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.
8. Section 6 – The applicant, and owner if not the applicant, must sign and date the application. If a hearing is desired, the box should be checked requesting such. If no hearing is requested, the Board of Appeals will meet and decide the issue on the information submitted.

9. The Appeals Board hearings are held on the fourth (4th) Tuesday of each month, beginning at 5:00 pm at the Hampden Township building, 230 S Sporting Hill Road, Mechanicsburg. PA, room 202, unless otherwise noted. Applications for Review in any given month must be submitted on or before the first Monday of the month in order to be eligible for a decision to be issued during that month's meeting. A decision may be postponed to the next month's meeting if the Board determines that it requires additional time to consider the Application for Review. The date, place and time of the meeting during which the Application for Review will be considered will be confirmed.
10. The Board may modify or reverse the decision of the code official only by a concurring vote of at least three (3) Board members, or by a majority of a quorum present if fewer than five (5) Board members are present.
11. The Building Codes Appeals Board may hold more than one meeting on an application. If a hearing is requested, the hearing may be held over several dates.
12. Where the Appeals Board decision will be based upon its review and consideration of relevant written materials and exhibits, the Board's decision will be made and presented at a public Appeals Board meeting within 60 days of the date the Application for Review was submitted. The board may extend this time period if it determines that additional time is necessary. A written decision will be issued to the parties involved.
13. Where the Appeals Board decision will be based upon its review and consideration of relevant written materials, exhibits and testimony offered during a hearing, the hearing will be held within 60 days of the date that a completed Application for Review is submitted. The Board's decision will be made and presented at a public Appeals Board meeting within 60 days of the date of the hearing. The Board may extend the time period for issuance of its decision if it determines that additional time is necessary. A written decision will be issued to the parties involved.
14. The signed Application for Review, Instructions for Completing the Review, all pertinent documents and plans must be delivered to said municipality along

with the payment to the CapCOG before any consideration for review can be started.

15. 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.

I/We have read and understand the foregoing instructions:

Applicant(s):

_____ Date _____
(Signature)

_____ Date _____
(Signature)

Property Owner (if different from Applicant):

_____ Date _____
(Signature)

_____ Date _____
(Signature)

Building Code Official Signature:

_____ Date _____
Building Code Official for Municipality