



**PIMA COUNTY  
BUILDING CODES BOARD OF APPEALS  
RULES AND REGULATIONS**

*ADOPTED February 8, 2012*

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**RULES AND REGULATIONS OF THE PIMA COUNTY  
BUILDING CODES BOARD OF APPEALS**

**I. ORGANIZATION**

**LEGAL REQUIREMENTS:** These rules and regulations are made pursuant to adopted Pima County Code.

**PURPOSE:** To hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the adopted building codes.

**AUTHORIZATION:** This Board is authorized indirectly by A.R.S. §11-862 and directly by Pima County adopted building-related Codes which holds that an advisory body will render interpretation of adopted building codes. The Board shall review claims that the Building Official has incorrectly interpreted provisions of the building codes or that an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of adopted codes.

**FREQUENCY OF MEETING:** As required.

**STANDING MEETING:** Wednesdays at 3pm

**LOCATION OF MEETINGS:** County/City Public Works Building  
201 N. Stone Avenue, Tucson, Arizona

**II. OFFICERS AND STAFF**

**THE CHAIR:** The Chair shall preside at all meetings and hearings. In the event of absence or disability of the Chair, the Vice-Chair shall preside

**SECRETARY:** The Chief Building Official of the County or the designee thereof shall act as Secretary of the Board of Appeals.

**MEETING MINUTES:** The Secretary shall maintain a current record of events. The record shall contain the number of the case, the name of the applicant, a short description of appeal, street address and/or legal description of the premises in question, and the decision of the Board.

**III. MEETINGS**

**OPEN MEETINGS:** Meetings of the Board shall be open to the public.

**REGULAR MEETING DATE:** The Board of Appeals will hold their meetings at 3:00 p.m. on Wednesdays subject to scheduling of a quorum.

**QUORUM:** A quorum of the Board shall consist of four members.

**AGENDA:** The Secretary shall prepare an agenda for each Board meeting listing the matters of business.

**ROBERTS RULES OF ORDER:** Roberts Rules of Order shall govern action of the Board where they are not covered by these Rules and Regulations.

#### **IV. POWERS AND DUTIES OF THE BOARD**

**BOARD'S JURISDICTION AND POWERS:** Pursuant to adopted codes, the Building Codes Board of Appeals has power to:

A. Hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the technical codes and to determine the suitability of materials and methods or types of construction alternate to those allowed by the provisions of the technical codes enforced the by Development Services No such alternate shall be permitted unless at least equivalent to the requirement or requirements concerned in such codes and ordinances of the county in regard to:

- Suitability
- Strength
- Effectiveness
- Fire resistance
- Durability
- Safety
- Sanitation

B. To provide for reasonable interpretations of the provisions of the codes and ordinances identified above.

C. To conduct such investigations, including but not limited to tests of equivalency, as the Board may deem proper and desirable.

D. To submit such recommendations and reports as the Board may deem necessary.

E. The Board has and shall exercise all power and jurisdiction reasonably implied by, or necessary inferred from, the sources of express power identified in Items A, B, C, and D above.

#### **V. APPLICATION AND APPEALS**

**APPLICATIONS:** Applications and/or appeals to the Board of Appeals may be filed by any property owner or tenant or other designee, or by any government officer, department, board, or bureau. These appeals may be filed when any of the above are denied a variance by the Building Official (Petition of Appeal to the Building Official).

**THIRTY DAY LIMIT:** Applications and appeals must be filed within thirty (30) days from the date the Building Official denies a petition for variance. Any communication purporting to be an application or an appeal shall be deemed a mere notice of intention to file and shall not be deemed a filing to comply with the requirements of timely filing.

**FORMS TO BE USED:** Applications and appeals shall be made on forms provided by the Building Official and shall specify the nature of the matter. Copies of such forms are attached as Exhibits A-C hereto, which by this reference are incorporated as part of these rules and regulations.

**FILING DATE DEADLINE:** Materials and applications for the Board of Appeals must be received five (5) calendar days prior to the scheduled Board meeting.

**DISMISSAL:** Failure to supply the required information within the time indicated may be considered by the Board as a failure to comply with this rule and the case may be dismissed for failure of timely filing.

## **VI. HEARINGS**

**SCHEDULING:** Hearings shall be scheduled within 30 days of receiving application forms.

**WHO MAY APPEAR:** The applicant and any person that may be affected by the case may appear in his own behalf or be represented by counsel.

**FAILURE TO APPEAR:** If the applicant makes no appearance at the hearing, the Board may continue the hearing or dispose of the matter on the record before it and hear those who have appeared in response to the notice of hearing.

**ORDER FOR HEARINGS:** Hearings on cases shall normally follow this order:

- Building Official report,
- Advice from/questions to County Attorney,
- Jurisdiction determination,
- Hearing of the applicant,
- Hear others in support of the applicant,
- Hear protests,
- Rebuttals as permitted by the Board,
- Close hearing.

**BURDEN OF PROOF:** The burden of proof shall rest with the appealing party.

**DEFERRING ACTION:** Notwithstanding the provisions of Section VII below, the Board may take a case under advisement for later consideration and determination, or may defer action whenever it concludes that additional evidence is needed or further study is required.

**POSTPONING CASES:** Cases may be postponed by prior arrangement with the Secretary.

**VII. FINDINGS AND DECISIONS OF THE BOARD**

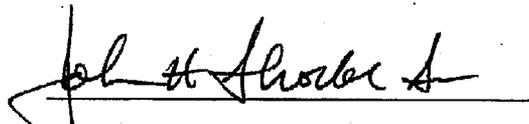
**VOTE REQUIRED WHEN DISPOSING OF CASE:** The Board shall decide any application or appeal immediately after the hearing or within a reasonable time thereafter at a special meeting called for that purpose, but in no event shall the Board keep an appeal under consideration more than five (5) days after the meeting in which the hearing was conducted. The decision of the Board shall be final.

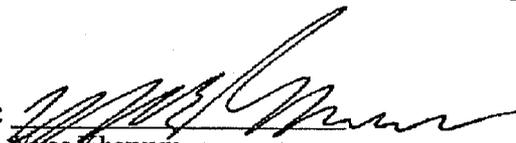
**SIMPLE MAJORITY:** A simple majority of legal votes cast by those members present and voting, a quorum being present, shall be required in order to carry all motions.

**DISQUALIFICATION:** A member may disqualify himself or herself from voting whenever he/she has a personal or monetary interest in the property concerned in the case, or will be directly affected by the decision of the Board, or believes any conflict of interest exists. Such disqualification shall not operate to defeat the existence of a quorum.

**VIII. AMENDMENTS TO RULES**

**VOTE REQUIRED:** These rules may be amended by an affirmative vote of not less than four members of the Board.

  
Chair, Board of Appeals

ATTEST:   
Ves Khawam  
Chief Building Official

2/8/2012



**PIMA COUNTY BUILDING CODES  
BOARD OF APPEALS  
DECISION**

CASE NO: \_\_\_\_\_

DATE: \_\_\_\_\_

TO:

Notification is hereby given that your Appeal on the Decision, Act, or Ruling of the Pima County Building Official, at the premises designated as

\_\_\_\_\_

is hereby (approved or rejected) on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ . For the reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chair, Board Of Appeals

ATTEST:

\_\_\_\_\_  
Yves Khawam  
Chief Building Official

cc: Board of Appeals Members  
Development Services Department

**EXHIBIT A**



## APPLICATION TO BOARD OF APPEALS

DEVELOPMENT SERVICES Department

\_\_\_\_\_, 20\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

PROJECT: \_\_\_\_\_

LOT NUMBER: \_\_\_\_\_ BLOCK NUMBER: \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

OCCUPANY: \_\_\_\_\_ OWNER: \_\_\_\_\_

In accordance with the International Building Code, an appeal is hereby made to the Building Code Board of Appeals.

Give a brief statement of the work involved or County action taken which prompted you to appeal. Include the Technical Code and Section involved if known. You may attach additional information if needed.

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Applicant \_\_\_\_\_

Phone Number \_\_\_\_\_

Address \_\_\_\_\_

**NOTICE TO APPLICANT:** You are hereby notified of your right and opportunity to submit additional information to clarify and define the issues from your perspective. This additional information, if submitted, must be available to the staff secretary for delivery to the board members at least 5 calendar days before the hearing date. The County staff will be providing a staff report to the board members to clarify the staff's position on the issues. A copy of this report will be provided to you at the same time.

**EXHIBIT B**



**RECORD  
PIMA COUNTY  
BUILDING CODE BOARD OF APPEALS**

Applicant's Name & Address	Case Number	Date Received	Hearing Date	Notices Sent Out	Minutes & Decision	Decision Delivered to Client & Members	Decisions
Description of Case							

**EXHIBIT C**