

## INSTRUCTION SHEET FOR APPLICATION OF APPEAL

All Pennsylvania Uniform Construction Code appeals, with the attached forms completed, must be submitted to the Municipal Secretary or Building Code Department with jurisdiction over the property involved. Separate applications/fees must be submitted for each item appealed; each appeal shall be considered separately. Forms that are improperly completed will be deemed incomplete and returned to the appellant. Appeals to the board must be based on a claim that the true intent of the code or the rules governing construction has been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed and the basis for each such claim must be explained in detail in the appeal forms.

Complete the attached forms as follows:

1. Complete the Appellant, Property Owner and Property Location information
2. Choose Appeals Meeting or Appeals Hearing: (Due the Monday prior to Meeting Date)
  - a) **Appeals Meeting:** Meeting format where the Appeals Board reviews the Appeal Application. It is recommended that the Appellant and Property Owner attend the meeting as questions may be asked of the applicants for clarification purposes. The decision rendered by the Appeals Board is based on the information presented in the application. This format does not provide testimony of witnesses regarding the appeal. *Any decision by the Board in this format is advisory only and will not supersede a building officer's decision if already made. These decisions cannot be appealed to a higher level.* Fee: See Fee Schedule
  - b) **Appeals Hearing:** Hearing format where the Appellant and the Property Owner presents the appeals request to the Appeals Board. This format provides for testimony from witnesses and/or counsel as deemed required by the applicant. All people who present information will be testifying under oath during the proceedings. The Appeals Board may have legal counsel present and a stenographer at the Hearing. *Any decision by the Board in this format can sustain or supersede a building officer's decision if already made. These decisions can be appealed to a higher level.* Fee: See Fee Schedule, plus the cost of a Stenographer.
3. Select reason for appeal. The Pennsylvania Uniform Construction Code Act contains justifications for appeal of the Pennsylvania Uniform Construction Code. These provisions for appeal are:
  - a) The true intent of the Act or Uniform Construction Code was incorrectly interpreted.
  - b) The provisions of the Act do not apply.
  - c) An equivalent form of construction is to be used.
4. Select the appropriate ICC Code or the appropriate section of the Pennsylvania Uniform Construction Code for which the appeal is requested. Attach a copy of the code section for which relief is being requested. Check the appropriate ICC Code and provide the code section number on the space provided.



# Upper Makefield Township

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5. Provide supporting documentation and/or the relief requested from the Pennsylvania Uniform Construction Code. Use a separate sheet if necessary.

6. Owner completes Letter of Authorization with Notary signature and seal if unable to attend meeting/hearing.

7. Complete Certification Page with Notary signature and seal.

8. Provide eight (8) copies of all documentation provided.

*Payment for Meeting or Hearing is due at time of application. Checks shall be made payable to the Upper Makefield Township. If payment is not made in full the appeal will be rejected.*



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## APPLICATION OF APPEAL

**Appellant:**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to Property Owner: \_\_\_\_\_

*(for appeals hearings, list witnesses on witness registration page)*

**Property Owner:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Location:**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

**Appeal Method:**

*(check one)*

- Board of Appeals Meeting
- Board of Appeals Hearing

**Type of Request:**

*(check one)*

- Appeal  Variance  Extension of Time

*(Please see excerpts of the Pennsylvania Uniform Construction Code on page 6 for correct request type.)*

-----Office Use Only-----

Date Submitted \_\_\_\_\_ Fee \_\_\_\_\_

Received By \_\_\_\_\_



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## **ICC Code for which appeal is requested:**

*(list applicable code section(s) behind code and attach a copy of the text of the code)*

- International Building Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Residential Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Residential Property Maintenance Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Existing Building Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Fire Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Mechanical Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Plumbing Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Fuel Gas Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Energy Conservation Code \_\_\_\_\_ Edition \_\_\_\_\_
- International Urban-Wildland Interface Code \_\_\_\_\_ Edition \_\_\_\_\_
- ICC Electrical Code \_\_\_\_\_ Edition \_\_\_\_\_

## **The Pennsylvania Construction Code Act for which appeal is requested:**

*(list the applicable sections and attach a copy of the text of the Act)*

Section(s): \_\_\_\_\_

## **The Uniform Construction Code for which appeal is requested:**

*(list the applicable sections and attach a copy of the text of the Regulations)*

Section(s): \_\_\_\_\_

## **Supporting Documentation and/or Relief Requested:**

*(use separate sheet if necessary)*

Please use one sheet per code appeal



## LETTER OF AUTHORIZATION

I, \_\_\_\_\_, have reviewed the proposed appeal, variance or  
(Property Owner's Name)

extension of time, regarding my property located at \_\_\_\_\_ in  
(Property Address)

Upper Makefield Township, Bucks County, PA, and authorize \_\_\_\_\_  
(Representative's Name)

to represent me at the Building Code Board of Appeals meeting/hearing regarding this appeal,  
variance or extension of time.

If you have any questions, please contact me at \_\_\_\_\_  
(Phone)

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

SWORN AND SUBSCRIBED before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



## CERTIFICATION PAGE

I, \_\_\_\_\_ hereby attest the attached information is true  
and accurate for the property located at \_\_\_\_\_  
in Upper Makefield Township.

\_\_\_\_\_ Signature of Appellant

\_\_\_\_\_ Print Name and Title

SWORN AND SUBSCRIBED before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

I hereby authorize the Upper Makefield Township Board of Appeals and other Officials to view  
and inspect the property, which is the subject of this Application at any time during the pendency  
of said Application, and the construction related thereto.

\_\_\_\_\_ Signature of Appellant

\_\_\_\_\_ Signature of Property Owner



## WITNESS REGISTRATION PAGE

Witness Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to Petitioner (check one):

Architect  Engineer  Contractor  Attorney  Other \_\_\_\_\_

Witness Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to Petitioner (check one):

Architect  Engineer  Contractor  Attorney  Other \_\_\_\_\_

Witness Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_

Relationship to Petitioner (check one):

Architect  Engineer  Contractor  Attorney  Other \_\_\_\_\_

Witness Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to Petitioner (check one):

Architect  Engineer  Contractor  Attorney  Other \_\_\_\_\_

Witness Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to Petitioner (check one):

Architect  Engineer  Contractor  Attorney  Other \_\_\_\_\_



*Use multiple sheets if required*

## **Excerpts from the PA Uniform Construction Code**

§403.63(g)- A permit becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The building official may grant extensions of time to commence construction in writing. A permit may be valid for no more than 5 years from its issue date.

§403.63(i)-A permit applicant may request extensions of time or variances or appeal a building code official's action on the permit application to a Board of Appeals under §403.122 (relating to appeals, variances and extensions of time) in a municipality which has adopted an ordinance for the administration and enforcement of the Act or municipalities which are parties to an agreement for the joint administration and enforcement of the Act.

§403.121(b)- The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application for appeal shall be based on a claim that the true intent of the Act or Uniform Construction Code has been incorrectly interpreted, the provisions of the Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.

§403.122(a)- An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the Building code official or other person designated by the Board of Appeals on a form provided by the municipality.

§403.122(c)- An appeal or request for a variance or extension of time to the Board of Appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under §403.84 (relating to unsafe building, structure or equipment) may not be stayed.

§403.122(d)- A Board of Appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.

§403.122(g)- A Board of Appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:

- 1) The reasonableness of the Uniform Construction Code's application in a particular case.
- 2) 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.
- 3) The availability of professional or technical personnel needed to come into compliance.
- 4) The availability of materials and equipment needed to come into compliance.
- 5) The efforts being made to come into compliance as quickly as possible.
- 6) Compensatory features that will provide an equivalent degree of protection to the





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## Uniform Construction Code.

§501(c)(2)- An application for an appeal shall be based on a claim that the true intent of this act or regulations legally adopted under this act have been incorrectly interpreted, the provisions of this act do not fully apply or an equivalent form of construction is to be used.

*While every attempt has been made to be as accurate as possible, the material found on this page represents an unofficial copy of the language contained in the actual Act and Regulations!*

