Town of Frederick
Town Board

Eric Doering, Mayor

Sue Wedel, Mayor Pro Tem
Liberta Hattel, Trustee
Amy Schiers, Trustee

Tony Carey, Trustee
Gerry Pfirsch, Trustee
Jim Wollack, Trustee

IM 2010- 002

Amendments to Board of Appeals Provisions of Town Building Code

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Agenda Date: Town Board Meeting - January 26, 2010

Attachments:

a. Draft Resolution regarding changes to Appeals Board make-up and authorizing advertisement for letters of interest regarding board membership
b. Draft Ordinance adopting revisions to Section 18-1-70(5) (7), (8), (21), (23), (24), (47), (50), (58), (61), (72), (75), (77), and (80) of the Municipal Code
c. Examples of Appeals Board Structures from other local jurisdictions, including Thornton, Westminster, and Grand County.

Issue/Request:

To amend Section 18-1-70(5) (7), (8), (21), (23), (24), (47), (50), (58), (61), (72), (75), (77), and (80) of the Municipal Code. These subsections define the structure of a Board of Appeals and qualification of its members, as referenced in the 2006 International Code Council code sets, as previously adopted as the Town Building Code.

Submitted by: Jason Overholt

"Staff's Title" Chief Building Official

Approved for Presentation: _____
Town Administrator

AV Use Anticipated Projector _____ Laptop _____

Certification of Board Review: _____ _____
Town Clerk Date

Detail of Issue/Request:

Section 18-1-70 of the Municipal Code currently designates the Board of Trustees as the Board of Appeals for building issues. This structure does not guarantee that building appeals are placed before parties specifically knowledgeable in construction matters or who otherwise meet the qualifications recommended in adopted Int'l Codes Council (ICC) code sets for Appeal Board members (e.g., Section 112.3, IBC). Amending subsections (5) (7), (8), (21), (23), (24), (47), (50), (58), (61), (72), (75), (77), and (80) of Sec. 18-1-70 to address these two inconsistencies with the ICC codes would streamline and tailor the Town's building appeal process to better satisfy considerations of the Insurance Services Organization (ISO) as well. The ISO "rating score" of the Town's Building Division impacts the rates residents pay for homeowners insurance, and an improved building appeal process would result in a better ISO rating. The following structure is recommended by the Engineering Department to achieve these results: Section 18-1-70(5), (21), (47), (58), (72) and (77) will be amended to establish at least a three-member board, consisting of at least one sitting Trustee (to maintain Town representation) and two members selected from the community, according to qualifications to be found under Section 18-1-70(7), (23), (47), (58), (72) and (77) and appointed by the Board of Trustees, along with the participation the Building Official in coordinating appeals and maintaining records of the decisions by this Board; and Section 18-1-70(7), (23), (47), (58), (72) and (77) will be amended to establish that a qualified community board member shall be either a licensed architect, registered engineer with building related experience, or someone with construction related experience. Legal format of the proposed amendments will be provided to the Board of Trustees at the meeting.

Legal/Political Considerations:

None can be seen at this time.

Alternatives/Options:

1. Leave section 18-1-70 and all subsections as is with no changes, but inform the ISO organization that the Town does have a building appeal process;
2. Amend the Board of Appeals process to rely on a larger board (e.g., 5 members) or to retain greater Town involvement (e.g., at least 2 sitting Trustees to be appeal board members)

Financial Considerations:

No impacts to the Town's adopted budget can be seen at this time. There could be reductions to the rates property owners pay for homeowners or building insurance if the proposed revisions are made.

Staff Recommendation:

Staff recommends adopting the proposed amendments to Section 18-1-70(5) (7), (8), (21), (23), (24), (47), (50), (58), (61), (72), (75), (77), and (80).