

Title: Administrative Policy Board of Review	Policy No. Part 2, Board Administration Chapter 2, Establishment of Appointed Boards Section 8
	Effective Date March 27, 2007
Policy Custodian Development & Transportation Department	Adoption/Revision Date March 27, 2007

Adopting Resolution(s): CC07-155

References (Statutes /Resos/Policies): §30-28-206, C.R.S. 1973; CC83-131

Purpose: To establish the Board of Review, specify its membership and terms, define its responsibilities, and provide procedures.

Policy: Board of Review

- A. Establishment
Section 30-28-206, C.R.S. 1973 provides that the Board of County Commissioners may provide for a Board of Review.
- B. Responsibilities
 - 1. Duties: The Board of Review may:
 - a. In appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the building code, make special exceptions to the terms of the Building Code in harmony with their general purpose and intent.
 - b. Suggest amendments to the Building Code for the consideration of the Board of County Commissioners.
 - c. Adopt substantive rules and regulations based on the provisions of the Building Code adopted by the Board of County Commissioners.
 - 2. The Board shall not have the authority to waive requirements of the Building Code.
 - 3. Staff
The Division of Building Safety shall provide staff to record all meetings.
 - 4. Meetings
 - a. Regular Meetings:
 - (1) Regular meetings shall be held, if convenient, on the third Thursday of each month. Additional regular meetings, may be called by the Chairman to transact current business.
 - (2) The Board of Review shall consider only evidence and data presented to it in the application and at the hearing for purposes of rendering a decision. The Board members are not required to investigate and seek out additional and pertinent information, however, they may do so if they desire, on a "no pay" basis. (CC83-131)

- b. Special meetings may be called by the Chairman of the Board of Review.
- c. Meeting Agenda
 - (1) Notices, including agendas of regular and special meetings, shall be posted at:
Glass Cabinet on the Outside Wall of Hearing Room 1
Jefferson County Courts and Administration Building
100 Jefferson County Parkway
Golden, CO 80419
 - (2) The secretary of the Board shall prepare the agenda for the Board meetings and shall mail copies thereof to each Board member at least 7 days before any meeting.
- d. All Regular and Special Meetings shall be conducted at the Courts and Administration Building at 100 Jefferson County Parkway.
- e. Quorum
 - (1) Regular Meetings: Two (2) regular members or one (1) regular member and one (1) alternate shall constitute a quorum.
 - (2) Special Meetings: Two (2) regular members, or one (1) regular member and one (1) alternate shall constitute a quorum.
- f. In the event the Board fails to meet within two (2) weeks of either the time scheduled for a regular meeting or the time called for a special meeting, the Chief Building Official shall notify the Board of County Commissioners of the circumstances and basis for delay and the pending cases to be heard by the Board of Review.
- g. If any regular member will be absent or if he wishes to abstain from voting on a case, the regular member must appoint an alternate to sit on the Board prior to the start of said case.
- h. When less than three (3) regular members and alternates are present, and upon request by any party prior to the hearing, the Chairman may, at his discretion, order the matter continued until such time as a full Board will be present to hear the matter.

5. Remuneration

- a. Members of the Board of Review shall be compensated for attendance of regular or special meetings and inspections when required for Board action and as authorized by the Board of County Commissioners.
- b. Alternate members shall receive remuneration for regular or special meetings and inspections when required for Board action of the Board of Review when a regular member is absent and the alternate is qualified and authorized to act in place of the absent member at said meeting. Alternates will receive the same remuneration as a regular member when sitting for a regular member.

C. Membership

1. Composition

The Board of Review shall be composed of representatives to be appointed by the Board of County Commissioners as follows: there shall be three (3) regular members. Alternate members may be appointed at the discretion of the Board of County Commissioners.

2. **Terms**
Terms shall be for three (3) years beginning on January 31, and shall be so arranged so that the term of at least one (1) member will expire each year. Appointment of alternate members shall be for a period of one (1) year beginning on January 31.
3. **Vacancies**
Vacancies on the Board of Review shall be created by the resignation, expiration of term, or removal from office by the Board of County Commissioners of an appointed member. New appointments shall be made in accordance with the Board Appointments Policy.
4. **Conflict of Interest**
Any member having affiliations with applicants shall refrain from comment on those applications, and will absent themselves from the room while those proposals are under discussion and consideration. Such members shall not vote or participate in any other decision-making activity directly related to those applications.
5. **Officers**
The officers shall consist of a Chairman, Vice-Chairman, and Secretary elected yearly with no member serving as Chairman for more than two (2) consecutive years.

D. **Appeals and Approvals**

1. Appeals to the Board of Review may be taken by any person aggrieved by his inability to obtain a building permit or by any officer, department, board or bureau of the County affected by the grant or refusal of the building permit.
2. All applications for a hearing shall be in writing and filed with the Chief Building Official and shall contain the following information:
 - a. The name and address of the person appealing from the denial of the building permit and who is to receive notification of the decision.
 - b. A complete statement of the case including any pertinent evidence or exhibits which are to be reviewed by the Board of Review in connection with an application and hearing.
 - c. A notation of all Colorado statutes or building code provisions, interpretations, or decisions of the Building Official which are involved in the appeal.
 - d. Additional information as required by the Building Official.
3. The Board, in its sole discretion, may reject any application because of insufficient or inaccurate information or the submission of an appeal over which it has no jurisdiction.
4. The Board or any voting member thereof may inspect any building or property which is the subject of any hearing. Such inspection may be made at any time after the application is filed and before a decision is reached on the application. No inspection shall be undertaken except upon notice to the applicant and the Chief Building Official of the time and place of the inspection.
5. **Hearing Procedures**
 - a. The appellant or his representative shall be present at the hearing.

- b. The Building Official or his designee shall present his evidence and recommendations of the case being called by the Chairman.
 - c. The applicant shall then present his evidence and recommendations and reasons for the request of variance. Any interested parties or citizens may then present evidence towards the case being heard.
 - d. Cross examination shall be by questions and may be done by any Board member at any point in time from any applicant or interested parties during the course of the hearing.
 - e. The Chairman shall determine whether the Board shall deliberate immediately following the presentation of the case or whether deliberation shall be deferred until after presentation of all cases on the agenda for the meeting.
 - f. After hearing and deliberation, the Chairman may call for a motion approving or disapproving the application which was the subject of the hearing. The motion shall be made for the adoption of specific findings of fact, conclusions of law, and reasons for the decision.
 - g. The Chairman may recess any meeting to allow time for preparation of a proper motion.
 - h. The Chairman may request that a proposed motion and findings be prepared by a member of the Board, the applicant, the Building Official or the County Attorney for approval or disapproval at a later meeting of the Board.
 - i. Decisions
 - (1) Decisions of the Board shall be based on substantial evidence contained in the record and only the evidence admissible to the request of the variance.
 - (2) Any matter may be tabled for discussion and decision at the next regular meeting of the Board if, in the opinion of the majority of the members of the Board, there is need for additional evidence, inspection or advice of counsel or for any other substantial reason.
6. Any appellant that requests a special meeting of the Board of Review or a rehearing of a previous case shall submit a fee of One Hundred Dollars (\$100.00) which shall accompany the application for a special meeting.

E. Review of the Code

Suggested amendments to the Building Code may be submitted by the Board of Review to the Board of County Commissioners for consideration from time to time as the Board of Review deems appropriate. The Board of Review may consider any proposed amendments recommended by the Chief Building Official.

F. Amendments

The supplemental rules of procedure of the Board of Review may be adopted or amended at any scheduled meeting of the Board of Review. In no case, however, shall these supplemental rules become effective until a public hearing thereon has been conducted by the Board of Review. Notice of the hearing, stating its time and place and where the text of the proposed substantive rules and regulations may be inspected shall be given in the same manner as provided in the Colorado Revised Statutes for the adoption of the Building Code.