



CITY OF HELENA COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION
316 N. PARK * HELENA, MT 59623 * 406-447-8437

BUILDING BOARD OF APPEALS PROCESS

The Helena Building Board of Appeals reviews situations where there is a disagreement between a person using the services of the Building Division and the Chief Building Official or one of the division's staff concerning the suitability of other methods of construction, the use of alternative materials or a claim that the reasonableness of the building official's interpretation rendered on the adopted code applicable to the appeal is incorrect or that the provisions do not, or should not, apply.

If you have such a disagreement as indicated above and would like to have the Building Board of Appeals, pursuant to Section 3-1-4 of Helena City Code, consider the issue, we encourage you to make use of this process. Within 30 days of your receipt of the final written determination on your issue by the Building Official, you must file your appeal request in writing with the Director of the Community Development Department using the attached form. The application form and any supplemental information shall be submitted to:

Sharon Haugen
Director of Community Development
City County Building
316 N. Park Avenue
406-447-8445

The Board of Appeals, within 30 days of receipt of a request for hearing, will schedule a meeting date, hear, and render a decision on the appeal. By mutual agreement of the Department and the appellant, the time period may be extended.

The decision of the Board of Appeals may be further appealed within 30 days to the City Commission. The appellant must file a written notice of appeal upon the Clerk of Commission. The City Commission may review the decision of the Board of Appeals, hear evidence relative thereto, and revise, amend or alter the order of the Board.

The attached information contains the appeal application and regulations for the Building Board of Appeals.



City of Helena

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BUILDING BOARD OF APPEALS APPLICATION
(Complete all required information below)

Person(s) Requesting Appeal: _____
Address: _____
Phone: _____
Email: _____

Building Division Log No: _____
Project: _____
Project Address: _____

Code (ex. 2009 IBC) and Section Being Appealed: _____
(where and as applicable) _____

Description of Issue Being Appealed: _____
(supplement with additional sheets as needed) _____

List and Number Exhibits: _____
(include any supplemental materials) _____

Decision Being Requested: _____

Submitted By: _____ Date: _____

Phone No.: _____ Email: _____

For Board / Staff use only:					
Decision:	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	Date: _____



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BUILDING BOARD OF APPEALS REGULATIONS

HELENA, MONTANA - CITY CODE

3-1-4: DECISION AND APPEAL: (Ord. 3151, 4-23-2012)

- A. Any decision of an inspector may be appealed in writing to the building official for a final decision. The building official may confirm or reverse the inspector. The final decision of the building official shall be in writing.
- B. An appeal from the final written decision of the building official upon any matter affecting any of the codes adopted in this title or any other provision in this title may be taken to the board of appeals, which has powers and duties as provided in subsection 2-6-3D of this code, as well as the powers and duties of an appeals board in any of the codes adopted in this title.
- C. Any appeal to the board of appeals must be in writing and delivered to the director of community development within thirty (30) calendar days of the building official's final decision. The board shall hear and render a decision on the appeal within thirty (30) days of filing, unless by agreement of the department and the appellant the time is extended.
- D. An appeal from the decision of the board of appeals may be taken to the commission, by filing a written notice of appeal upon the clerk, within thirty (30) days after the decision of the board of appeals. The commission has the power to review the decision of the board of appeals, hear evidence relative thereto, and to revise, amend or alter the order of the board of appeals. (Ord. 3151, 4-23-2012)

2-6-3: EXISTING BOARDS:

- D. A board of appeals constituted and possessing the powers and duties provided in the international building code, as amended from time to time. In addition, the board of appeals shall possess the duties of an appeals board for the uniform electrical, mechanical, and plumbing codes.
 - 1. Said board shall determine the suitability of alternate materials and methods of construction and provide for reasonable interpretations of the international building, electrical, mechanical, and plumbing codes.
 - 2. The board of appeals is appointed by the mayor with the concurrence of the city commission. There are five (5) members of said board, along with two (2) alternates. The five (5) members of the board must consist of the following:

- a. The chief building official who is a nonvoting member;
 - b. A member of the fire department;
 - c. A consumer/citizen of the city;
 - d. An architect or engineer practicing in the city; and
 - e. A contractor doing business in the city.
3. In addition to the five (5) regular members of said board, the mayor, with the concurrence of the city commission, shall appoint two (2) alternate members.
 4. Each member of this board shall serve for a term of five (5) years from the date of appointment. The terms of the members of this board are staggered. Two (2) members will be appointed for initial terms of three (3) years, and three (3) members will be appointed for initial terms of two (2) years. Thereafter, each board member shall serve a term of five (5) years.

INTERNATIONAL BUILDING CODE – 2009 ed.

(International Code Council)

SECTION 113

BOARD OF APPEALS

113.1 General.

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

113.2 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Qualifications.

The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.