

BOARD OF BUILDING APPEALS ^[32]

Sec. 60.17. - Established.

Pursuant to Section 29-66 of Connecticut General Statutes, as amended, the city hereby creates and establishes a board of building appeals.

Sec. 60.18. - Membership of board.

The board of building appeals shall consist of five members appointed by the mayor and confirmed by the board of aldermen. A member of the board of appeals may also be a member of the board of appeals of another municipality.

Sec. 60.19. - Terms of membership.

Members shall be appointed initially as follows: One member for one year; one member for two years; one member for three years; one member for four years; one member for five years. Thereafter, members shall be appointed to a term of five years, commencing on January 1.

Sec. 60.20. - Qualifications of board members; compensation.

Each member shall be qualified by training to pass upon matters pertaining to building construction and shall have at least ten years experience in building construction in responsible charge of work as an architect, construction engineer, general construction contractor or construction supervisor.

(a) *Absence of members.* During absence of a member, the appointing officer shall designate a qualified substitute. The officer shall appoint alternate members who may sit on the board of appeals in the absence of any regular members. Such alternates shall meet the same qualifications as required for regular members of the board and, while sitting on the board, shall have the full power and authority of the regular member.

(b) *Chairman of board.* The board shall select one of its members to serve as chairman, and shall designate a secretary to the board, who shall keep a detailed record of all proceedings on file in the department of building inspection.

(c) *Exemption of members.* A member of the board shall not pass on any question in which he is engaged as contractor or material dealer, or in the preparation of plans or specifications, or in which he has any personal interest.

(d) *Compensation of board of appeals.* Compensation of appointed members of the board shall be determined by the board of aldermen.

Sec. 60.21. - Application for appeal.

(a) When the building official rejects or refuses to approve the mode or manner of construction proposed to be followed or the materials to be used in the erection or alterations of the building or structure, or when it is claimed that the provisions of the code do not apply or that any equally good or more desirable form of construction can be employed in a specific case, or when it is claimed that the true intent and meaning of the code and regulations have been misconstrued or wrongly interpreted, the permit in whole or in part, having been refused by the building official, the owner of such building or structure, whether already erected or to be erected, or his authorized agent, may appeal in writing the decision of the building official to the board of appeals in accordance with the General Statutes of Connecticut, Section 29-266.

(b) A fee shall be paid when the application is filed, said fee to be determined by the board and approved by the board of aldermen.

Sec. 60.22. - Hearing on appeal.

In accordance with the General Statutes of Connecticut, Section 29-266, upon receipt of an appeal from an owner or his representative, the chairman of the board of appeals shall appoint a panel of not less than three members of such appeal. Such appeal shall be heard in the municipality for which the building official serves within five days, exclusive of Saturdays, Sundays and legal holidays, after the date of receipt of such appeal.

Sec. 60.23. - Conduct of hearing.

All hearings shall be public, and the appellant, his representative, the officials of the municipality, and any other persons whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

Sec. 60.24. - Decision of panel.

The panel shall affirm, modify or reverse the decision of the building official by a concurring majority vote; the decision of the panel shall be in the form of a written resolution, and shall be filed with the building official from whom such appeal has been taken. The decision shall be filed not later than five days, exclusive of Saturdays, Sundays and holidays, following the day of the hearing thereon. Prior to such filing, a copy of the decision shall be mailed to the party taking the appeal.

Sec. 60.25. - Enforcement of decision.

The building official shall take immediate action in accordance with the decision of the panel unless further appeal is taken.

Sec. 60.26.- Review of action.

Any person aggrieved by the decision of the panel may appeal to the state building code standards committee within seven days after the filing of the decision with the building official. Any determination made by the local panel shall be subject to review de novo by said committee.

Upon any such appeal to the committee pursuant to the General Statutes of Connecticut, Section 26-266, the following rules shall apply:

(a) *Commencement of appeal.* The appeal shall be commenced upon the postmarking of the envelope containing the appeal and addressed to the Committee, State Office Building, Hartford, Connecticut 06115 or, if the appeal is hand delivered, upon its receipt by the committee.

(b) *Pleadings.* The appeal shall include a copy of the decision of the local board of appeals, a statement that the appellant is aggrieved thereby, and at the option of the appellant, a statement of his factual and legal claims. A copy of the appeal shall be mailed to the building official who may respond to it by admitting or denying in part or in whole, and in the absence of such a response, it shall be considered that the building official denies it in whole.

(c) *Hearing by panel.* The committee shall fix a time and place for the hearing to be held within 30 days from the commencement of the appeal. The appeal shall be considered by a panel of not less than three members of the committee appointed by the chairman.

(d) *Procedure of hearing.* The hearing shall be presided over by the chairman of the committee, or a member designated by him. The panel may be assisted by counsel. The appellant shall be entitled to be represented by counsel and a transcript of the hearing shall be made. The local building official shall attend if requested by the panel. The rules of procedure and evidence shall be used as a guide but may be waived by the panel, by consent of the appellant, or by its own decision if the interests of its convenience so require and the interests of justice are not abridged thereby.

(e) *Recommendation of panel.* The panel, having heard the evidence may recommend in whole or in part the nature of the decision to be made by the committee.

(f) *Decision of the committee.* The committee, with the assistance of its panel members and after due deliberation, shall render its decision in writing within 30 days from the date of the hearing, unless it shall for cause extend this limit. The decision shall set forth the findings and conclusions upon which it rests.

Sec. 60.27.- Enforcement of committee decision.

The building official shall take immediate action in accordance with the decision of the committee unless an appeal is taken to a court of law.

Sec. 60.28. - Court review.

Any person aggrieved by any ruling of the state building code standards committee may appeal to the superior court in the judicial district where such building or structure has been or is being erected, by complaint returnable within 60 days of the committee's decision.