



June 9, 2026 City Council Meeting

## **Title**

Consider a request to amend the City Code Title 11 Building Code Regulations Section 11-1-10 Appeals of the decisions of the building official, et al. — Adam Fletcher, Community Development

## **Summary**

Consider amending Section 11-1-10 Appeals of the decisions of the building official, et al. by requiring completion of an application, accompanied by a \$300 application fee, when appealing the decision of the building official to the local board of building code appeals (LBBCA).

## **Recommendation**

Option 1. Approve the amendments to the City Code.

## **Context & Analysis**

Section 11-1-10 is the section of the City Code that specifies the process to appeal the decision of the building official. Appeals of decisions of the building official are rare. Per staff records, there have been only five cases in the last 27 years with one occurring in each of the following years: 1999, 2003, 2005, 2007, and 2018.

For some time, staff have believed it would be appropriate to make minor modifications to Section 11-1-10 so that it is clear for those interested in appealing a decision of the building official to the LBBCA that they must submit an application to make the request and to submit a suitable application fee. Recently, Building Inspections staff, current Appeals Board members, and the Deputy City Attorney received training from the Department of Housing and Community Development regarding, among other topics, local boards of building codes appeals. This training reinforced staff's desire to make these minor modifications.

Staff would like to modify Section 11-1-10 as shown below to establish the criteria for submitting an appeal:

- a. [Appeal process.](#) Appeals of decisions of the building official, building maintenance official, fire official, or technical assistants (building or fire code inspectors) shall be as outlined in Section 119 of the USBC, or Section 112-~~0~~ of the SFPC.
- b. [Application.](#) [The appeal must be submitted on the form provided by the Department of Community Development, filled out in its entirety.](#)
- c. [Fee for appeal.](#) [Requests to appeal a decision of the building official shall be accompanied with a payment of three hundred dollars \(\\$300.00\).](#)

Unlike other processes for which individuals might appeal staff interpretations or request deviations from the City Code and land use regulations (i.e., an appeal of the Zoning Administrator or requesting variances to the Zoning or Subdivision Ordinance), there is currently no fee for requesting an appeal of a decision of the building official. As noted above, staff believes it is appropriate to charge an application fee. The table below provides a listing of several localities and how much they charge for an appeal to their LBBCA.

<b>Locality/Jurisdiction</b>	<b>Fee Charged</b>
Albemarle County	\$350.00
City of Charlottesville	\$250.00
City of Fredericksburg	\$325.00
Prince William County	\$0.00
Rockingham County	\$250.00
City of Staunton	\$0.00
City of Williamsburg	\$35.00
City of Winchester	\$115.00

The proposed \$300.00 application fee is the same amount that the City charges to appeal a decision of the Zoning Administrator.

As part of this process, staff will finalize standard forms that will be made available to the public.

**Options**

1. Approve amendments to the City Code.
2. Deny amendments to the City Code.

**Attachments**

- Current Ordinance Reflecting Recommended Amendments.