



**City of Des Moines  
Permit and Development Center**

602 Robert D Ray Drive  
Des Moines, IA 50309  
Phone: 515-283-4200  
Fax: 515-283-4270



**BOARD OF APPEALS APPLICATION FORM & INSTRUCTIONS**

<b>Site Information</b>	Address:	
	Current Use:	
	Business Name:	
<b>Appellant</b>	Appellant's Name:	
	Company Name:	
	Address:	
	Phone Number:	
	Email:	
<b>Property Owner</b>	Owner's Name:	
	Company Name:	
	Address:	
	Phone Number:	
	Email:	
<b>Appeal Description and Justification</b>		
Please check which of the following form the basis for your appeal:		
<input type="checkbox"/> The true intent of the code was incorrectly interpreted. <input type="checkbox"/> The provisions of the code do not apply to the project. <input type="checkbox"/> An equivalent form of construction is proposed for use.		
<b>Code Sections</b>	<p>In the space below list the code section(s) being appealed and provide a description of the code requirement(s). The exact code language will be provided by Permit &amp; Development Center Staff. This is not the place where equivalency or rationale for use of the proposed design should occur. Space has been provided in the section below labeled "Appeal Request and Justification" for such information. If additional space is needed, provide an attached document labeled "Code Sections".</p>	

<b>Proposed Design</b>	<p>Describe the alternate method and/or materials of construction that are proposed for use. Be specific and thorough in describing the actual conditions you are asking to have approved. It is recommended to provide drawings and pictures to assist the Board in understanding the proposed design. If additional space is needed, provide additional drawings and information on sheets labeled "Proposed Design". Justification will be made for the design in the next section.</p>
<b>Appeal Request and Justification</b>	<p>In the space below give a detailed description of what relief you are asking for and why. Be specific. Requests that do not specifically identify what is being appealed will not be accepted until an accurate and complete description is provided.</p> <p>It is important to describe the following items that pertain to your request:</p> <ol style="list-style-type: none"><li>1. How the code requirement was incorrectly interpreted.</li><li>2. Why the code requirement does not apply.</li><li>3. How the alternate design provides an equivalent level of fire and life safety, sanitation, and structural integrity.</li></ol> <p>If additional space is needed, provide additional drawings and information on sheets labeled "Appeal Request and Justification".</p>

**Attachments (20 Copies Required)**

All supporting material must be submitted at the time of application. When the application is accepted it is assumed to be complete. After acceptance of the application no additional material will be accepted for the appeal process. Documents may be submitted electronically on electronic media; include two (2) copies at the time of application. **Electronic files submitted via email are encouraged.** Give a brief description of each attached document and electronic file in the space below that includes the title and number of pages.

*For Office Use Only  
Check if*

Check if Received

*Notes*

Title	Description	Pages	Check if Received	Notes
1)			<input type="checkbox"/>	
2)			<input type="checkbox"/>	
3)			<input type="checkbox"/>	
4)			<input type="checkbox"/>	
5)			<input type="checkbox"/>	
6)			<input type="checkbox"/>	
7)			<input type="checkbox"/>	
8)			<input type="checkbox"/>	
9)			<input type="checkbox"/>	
10)			<input type="checkbox"/>	

Meeting Date Requested: \_\_\_\_\_

**Signatures**

I hereby certify that all of the statements made on this application and attachments hereto are true to the best of my knowledge and belief.

**APPELLANT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**OWNER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

*For Office Use Only*

Date Submitted: \_\_\_\_\_

Received By: \_\_\_\_\_

## INFORMATION FOR APPELLANTS

---

### FILING AN APPEAL:

- I. The provisions regarding the establishment and operation of the Building and Fire Code Board of Appeals are set forth in Sections 26-120 through 26-125 of the City of Des Moines Municipal Code which can be found online at:  
<http://www.municode.com/resources/gateway.asp?pid=13242&sid=15>
- II. Requests to the Board may be made at any time during the permitting process from any written order, plan review decision, written action, or code interpretation by the Permit & Development Center.
- III. Board meetings are held the 2<sup>nd</sup> Thursday of every month. Application forms and all supporting materials must be filed no less than two (2) weeks prior to the requested Board meeting date at the Permit & Development Center.  
**Supporting materials submitted less than two (2) weeks prior will not be accepted.** Submitting the application form and supporting material earlier will allow staff to review the application and supporting material for accuracy and completeness. If errors or insufficient information is found, the application will need to be corrected and resubmitted. Notice will be sent 1 week after the application submittal date in the event of missing or insufficient information. Corrections must be submitted by the two (2) week deadline. Incomplete applications will not be accepted. Requirements for supporting materials are described below.
- IV. The application form must be completed, and must contain sufficient information for the Board to understand the order or decision being appealed, the basis for the request, and reasons why it should be granted. Supporting materials such as plans and pictures that will help the Board to understand the request are recommended to be included with the application form.
- V. The request should include twenty (20) copies of all forms and supporting materials or provide electronic copies

### NOTICE OF HEARING:

- I. If the application or supporting information submitted is found to be incomplete, you will be notified by mail and will have until two (2) weeks prior to the requested meeting date to resubmit your application or additional copies of supporting materials. Staff may take up to 5 business days to review applications and respond. Submit all application materials as early as possible to avoid delays.
- II. If the application and supporting materials are complete and accurately labeled, you will be notified by mail of the exact time and place of the hearing on your request. Meetings are held on the second (2<sup>nd</sup>) Thursday afternoon of each month, starting at 4:00 p.m. (there may be an exception, called at the discretion of the Board).

- III. Please appear promptly at the time and place given in your notice. Failure to appear on time may result in denial of your request without a hearing.
- IV. Hearings of the Board are open to the public.

### **HEARING RULES:**

The City has promulgated Robert's Rules of Order for the conduct of hearings before the Board. A copy of these rules can be found at the Des Moines Public Library. These rules govern certain aspects of your request to the Board, including but not limited to the presentation of written documents or pictures, referred to as exhibits, and the notice and other documentation required when a condominium is involved. Please read and follow these rules in the preparation of your request. A brief outline of the hearing procedure is described in the following section.

### **HEARING PROCEDURE:**

An attorney may represent you, if you wish. An attorney is not required, and most appellants represent themselves. The Permit & Development Center or other affected City Department is normally represented by the City Attorney's Office, and by employees of the Permit & Development Center or other departments who are familiar with your case.

- I. After the hearing is called to order, you will have the opportunity to make your request. You may testify on your own behalf, present witnesses, and present any documents that were submitted with the application. Building plans, photos, and information on the specific work being done, or product in question, are helpful to the Board. These items must be submitted at the time of application and be listed on the application form. Members of the Board may ask questions of you and any witnesses.
- II. When the Board has completed questioning, City staff will describe the code requirements and present the position of the Department. The Board may ask questions of City staff.
- III. When the Board has completed questioning, you will have the opportunity to rebut. This is the opportunity to support your request with any information that was not previously presented or to make clarifications. Successful requests keep on track and do not divert to unrelated topics. The Board may ask additional questions at this time.
- IV. When the Board has completed questioning, City staff will have the opportunity to rebut. Staff will use this time to clarify the Department's position. The Board may ask additional questions at this time.
- V. After rebuttals, the hearing will be closed to public comment and the Board will discuss the request. After discussion, a motion will be made and the Board will vote on the motion.

- VI. The Board may:
- a. Grant your request.
  - b. Grant your request with conditions.
  - c. Deny your request. This usually results in the appellant's responsibility to comply with the original order unless a mutual agreement and solution has been achieved during the hearing between the Appellant and the City.
  - d. Grant you additional time to comply. This is usually to allow time to present additional information if the Board requests it, or to correct procedural or administrative deficiencies such as lack of Limited Power of Attorney, City representative not present, appellant special circumstances, etc.
  - e. Require that its decision be filed and recorded in the real estate records of the Clerk & Recorder's Office thus alerting all future buyers of the property of the issue on which the request is based and the resolution.
- VII. You will be notified of the Board's decision at the time of the vote and by mail with a copy of the meeting minutes following the hearing.
- VIII. The board shall affirm, modify, or withdraw the decision of the Building Official or Fire Chief.

### **POWERS OF THE BOARD:**

The Board has the authority to:

- I. Review the building, electrical, mechanical, plumbing, and fire codes and make recommendations thereto to the City Council.
- II. Hear grievances arising from a decision of the building official or fire chief and to provide for reasonable interpretations consistent with the provisions of the building, electrical, mechanical, plumbing, and fire codes.
- III. Determine the suitability of alternate materials and types of construction to those otherwise allowed by the building codes and to provide reasonable interpretations of the provisions of such article.