



Building Board of Adjustments and Appeals

Instructions and Application

1. Complete and submit the attached waiver application to:

**City of Knoxville – Inspections Bureau
400 Main Street - Suite 505
Knoxville, TN 37902**

2. Each code section applied for shall be on a separate application.

3. The appropriate fees shall be paid at the time the application is submitted.

4. A drawing that reflects and further explains each request shall be submitted with each application.

5. You will be notified of the meeting date, time and location. You or your representative shall attend the meeting.

6. You will be advised of the Board’s decision by the day of the meeting. Official written notification will be mailed.

Fees

When a notice of appeal is filed, it shall be accompanied by a non-refundable fee as follows:

One and Two Family Dwellings	\$100.00
Maximum Number if Separate Code Sections	4
All Other Structures	\$200.00
Maximum Number if Separate Code Sections	4

Decision of the Building Official

The owner of a building or structure, or his duly authorized agent, may appeal a decision of the Building Official to the Board whenever any one of the following conditions are claimed to exist:

1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this Code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

Appeal of Building Official's Decision

An application for appeal shall be in writing and filed with the Bureau within thirty (30) calendar days from the date the decision is rendered by the Building Official. Appeals shall be on a form provided by the Building Official. A fee, as specified in Section 104.6.4 of this Code, shall accompany such application for appeal. A separate application for appeal shall be filed for each different address/tenant space. Application for appeal must be filed ten (10) days prior to the monthly meeting date. In the case of a building or structure which, in the opinion of the Building Official, is unsafe, or dangerous, the Building Official may, in his order, limit the time for such appeals to a shorter period.

Variances

The Board, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures, or service systems.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building or structure.
5. That the granting of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.

Conditions of the Variance

In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.

Rules and Regulations

The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code. When possible the Board will meet in the third Friday of each month and emergency meetings may be called by the chairman.

Decisions

The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this Code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.



BUILDING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION FORM

(Please Print or Type)

PROJECT LOCATION: _____

OWNER: _____

ARCHITECT/ENGINEER: _____

CONTRACTOR: _____

CONSTRUCTION CLASSIFICATION: _____

OCCUPANCY CLASSIFICATION: _____

This is to officially request the Building Board of Adjustments, and Appeals as provided by Ordinance No. 0-248-07, Section 108 to hear an appeal of the following section(s) of the **2006 International Building Code**, PLEASE FORWARD TO: City of Knoxville, Inspections Bureau, P.O. Box 1631, Suite 505, ATTN: Board Secretary, Knoxville, TN 37901

CODE SECTION	STATE REQUIREMENT AND ACTION BEING REQUESTED

REQUESTED BY: _____

FIRM NAME: _____

ADDRESS: _____

TELEPHONE NO.: _____

Signature

Date

(For Office Use Only)

Applications No.:	OFFICIAL ACTION					
Date Submitted:	Tape Start	Tape End	Motion 1 st	Motion 2 nd	Vote Yes	Vote No
Date of Meeting:	ACTION:					
Notified of Meeting:						
Conditions:						