

LAND USE SERVICES DEPARTMENT

Building & Safety Division



San Bernardino Office
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BUILDING/PHYSICALLY DISABLED ACCESS APPEAL APPLICATION

INFORMATION SHEET AND APPLICATION

FEES:

Fees must be submitted at the time of submittal of a completed Appeal Application and must be a check or money order made payable to "San Bernardino County." **Fees for appeals to the Building:**

Appeal to the Building/Physically Disabled Access Board	\$1,331.00
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PURPOSE:

This form is used to file an appeal to the San Bernardino County Building and Safety/Physically Disabled Access Appeals Board (Board) of an order, decision or determination made by the Building Official relative to the application and interpretation of the California Building Code and its amendments, the County Code and the building requirements of the County of San Bernardino. It is important to note that the Board is an administrative body, charged with interpreting adopted codes; it cannot set aside standards adopted by legislative action of the San Bernardino County Board of Supervisors.

APPEAL:

Complete all portions of this application. If you believe that an item does not apply to your appeal, mark it "N/A". Do not leave any blank spaces. You may attach additional pages or other documentation to this application as necessary.

Appellant's Name(s): _____

Appellant's Address: _____

City: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Assessor's Parcel No. of Subject Property: _____

Community/Area: _____

1. Describe the specific order, decision or determination you are appealing (NOTE: Only those matters or issues specifically raised shall be considered in the hearing of the appeal): _____

2. Describe the statement of grounds for the appeal: _____

3. Describe the relief sought: _____

I/We certify that I/we have read the statements contained in this Appeal Form and declare under penalty of perjury that the information I/we have provided is true and accurate. I/we understand and agree that this appeal cannot be amended once the 20-day filing deadline has passed. I/we certify that I/we are the:

Legal Owner(s)

[Signature of Appellant(s)]

Authorized Legal Agent(s)

[Signature of Appellant(s)]

Other Interested Person(s)

Date: _____

APPEAL HEARING PROCEDURES FOR APPEALS TO THE BOARD OF SUPERVISORS

Not less than ten (10) days nor more than sixty (60) days after an appeal application is accepted, Staff will fix a date, time, and place for the hearing of the appeal before the County of San Bernardino (County) Building and Safety/Physically Disabled Access Appeals Board (Board). The procedure for the Board's hearing of appeals shall be generally as described below. The Board reserves the right to change the order of proceedings, determine points of law and admissibility of evidence and/or determine appropriate time limits for the presentation of evidence and testimony.

Introduction and Staff Report

- The Chairman will introduce the item (as it appears on the agenda),
- County staff will make a brief (approximately 15 minute) opening statement and presentation of the staff report to the Board. A written report will have been distributed several days in advance of the hearing.
- County staff may then as is necessary call and examine witnesses on any matter relevant to the issues of the hearing. Appellant may cross-examine opposing witnesses.
- The Board may ask any clarifying questions of staff.

Appellant Presentation and Public Comment

- Appellant or appellant's representative(s) may make a presentation of no more than fifteen (15) minutes. Appellant may divide up the fifteen (15) minutes between various speakers or have only one speaker, provided that the time limit is observed. Comments must be relevant to the specific item on appeal, or the speaker will be ruled out of order.
- Appellant may then as is necessary call and examine witnesses on any matter relevant to the issues of the hearing. The County may cross-examine opposing witnesses.
- The Board may ask any clarifying questions of the appellant.
- Any interested member of the public may speak on the item for no more than three (3) minutes. Comments must be relevant to the specific item on appeal, or the speaker will be ruled out of order.
- The Board may ask any clarifying questions of public speakers.

Discussion, Deliberation and Decision

- The Board will close the testimony portion of the appeal hearing and begin deliberations on the appeal. There will be no more appellant or public testimony accepted, unless requested by the Board through the Chairman.
- Generally, the Board will discuss the matter as a group prior to any motion being made, with an opportunity for individual Board members to express initial opinions but retaining the right to be swayed on an issue prior to formal vote.
- If the Board is prepared to make a decision on appeal, it shall do so by motion and majority vote of the Board members who heard the appeal. The Board may affirm, overrule, or modify any Building Official decision as necessary to conform to the technical provisions of the County's Building Codes. The Board's decision shall be in writing and shall be final.

The Appellant must submit the following information no later than **one week** in advance of the hearing date:

1. Presentation Materials: Submit any exhibits or presentation materials you intend to present at the Board hearing.
 - a. PowerPoint presentations are optional, and must be sent by e-mail to the project planner. The maximum file size is 5 MB.
 - b. Submit 8 paper copies of Power Point slides or any other exhibits.
 - c. County staff does not assist with PowerPoint presentations. A wireless mouse is provided for the presenter.

On the day of the Board hearing, plan to arrive 15 minutes before the scheduled hearing time, which is typically 9:00 a.m. County staff will direct you to reserved seating and give you an orientation to the speakers' table and operation of multi-media equipment.