

6015 Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2998

**BEFORE THE BOARD OF APPEALS OF THE CITY OF GARDEN CITY, GARDEN  
CITY PLANNING AND ZONING COMMISSION**

**Garden City Building Code  
Rules of Procedure for Appeals**

Pursuant to Section 113.1 of the 2012 International Building Code, and R112.1 of the 2012 International Residential Code the following shall be utilized as rules of procedure for hearing and deciding appeals of orders, decisions and/or determinations made by the Building Official, or his or her representative, relative to the application and interpretation of the adopted building code.

For appeals of orders, decisions and/or determinations made by the Building Official, or his or her representative, pursuant to the adopted Building Code, Garden City Development Services or its designee shall be responsible for administrative procedures such as scheduling and recording of the Board of Appeals hearing.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the code.

All testimony, deliberations and decisions shall be open to the public and on record, in accordance with the open meeting laws of Idaho Code § 67-2342.

Prior to the commencement of testimony, the Chair of the Board shall identify for the record each of the orders, decisions, and/or determinations being appealed.

Only evidence presented during the appeal on those matters or issues specifically raised by the appellant shall be considered.

The Board of Appeals shall consider irrelevant any testimony or evidence of actions or occurrences that happened subsequent to the orders, decisions and/or determinations that have been appealed, and shall not consider such evidence.

Deliberations and the oral opinion for each item being appealed must be concluded prior to adjournment of hearing.

A decision for each item being appealed must be determined through a separate motion and voted on through a roll call vote so that each member of the Board of Appeals may make his or her vote individually.

Decisions may include, in part or in the entirety, the action to affirm, vacate, remand, reverse, and/or continue the appeal to a date certain. The actions shall mean the following:

Affirm= To agree with and confirm the Building Official's decision.

Vacate= To cancel or render the Building Official's decision null and void.

Remand= To send back to the Building Official with instructions to correct the issues noted in the appellate opinion.

Reverse= To change the Building Official's decision so that the decision of the Building Official is overturned.

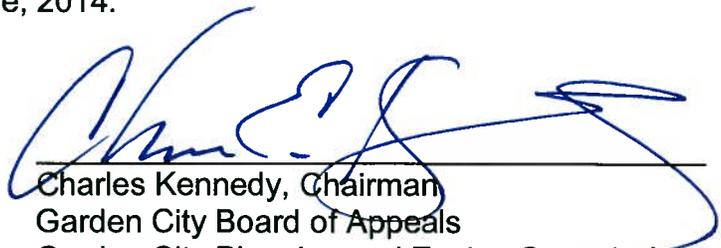
Continue= This action may be utilized when there is insufficient data to make a decision. When continuing a decision the Board of Appeals must identify what information is lacking. The hearing will continue once adequate information has been obtained. The appeal may not be continued for more than one hundred eighty (180) days or it shall be considered expired.

Prior to the hearing on appeal, the appellant and the respondent may draft and submit to the Board of Appeals a proposed opinion drafted in the format established by the adopted building code. This proposed opinion shall be provided to the Development Service staff no later than six (6) working days before the hearing.

The Board may approve some or all of a proposed written opinion prepared by either the appellant or respondent through a roll call vote so that each member of the Board of Appeals may make his or her vote individually.

L. Kent Brown, Stephanie Butler, James Neil, **CONCUR.**

Dated this 29 day of June, 2014.

  
\_\_\_\_\_  
Charles Kennedy, Chairman  
Garden City Board of Appeals  
Garden City Planning and Zoning Commission