

BOARD ORDER 2021-1

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, PURSUANT TO THE PROVISIONS OF K.S.A. 19-101 et seq., CREATING A BOARD OF BUILDING CODES APPEALS FOR THE PURPOSE OF HEARING THE APPEAL OF PERSONS AGGRIEVED BY THE STAFF INTERPRETATION AND APPLICATION OF THE BUILDING CODES ADOPTED BY THE COUNTY.

WHEREAS Leavenworth county has adopted building codes and wishes to create a timely means whereby persons aggrieved by the staff interpretation and application of those codes to an application for a building permit;

IT IS HEREBY ORDERED BY THIS BOARD:

1. That pursuant to the authority granted to the board by K.S.A. 19-101 et seq. there is hereby created a board of building codes appeals.
2. That the mission of said board is to timely hear and determine appeals by any building permit applicant who appeals the staff interpretation and application of the building codes adopted by the county to that permit application.
3. The board of building codes appeals shall consist of not less than five (5), nor more than seven (7) persons, residing in the county of Leavenworth, who have a background in the building trades or fire protection services deemed sufficient by the board of county commissioners. A quorum for the board of zoning appeals shall be not less than three (3) members.
4. That persons appointed to serve on the board of building codes appeals shall serve at the pleasure of the board and until they either resign or are removed with or without cause.
5. That persons appointed to serve on the board of building codes appeals shall serve without compensation, provided that the county shall reimburse them for the reasonable expenses necessary for their service.
6. That the board of building codes appeals shall convene and meet at the request of either the Director of Planning and Zoning for the county, or their designee, or an applicant for a building permit, or their agent, aggrieved by the staff interpretation and application of the building codes adopted by the county. The Director of Planning and Zoning for the county shall prepare and keep available a form for the purpose of filing an appeal and shall keep and maintain the records of the board of building codes appeals. Members of the board of building codes appeals may attend any meeting of that board telephonically and the board may conduct any meeting of the board by telephone.
7. That it shall be the duty of the members of the board of building codes appeals to convene and meet within five (5) business days of the request of either party identified in section six (6) of this Order. The place and time of the meeting of the board of building codes appeals shall be set by the director of Planning and Zoning in conformity with the time constraints set

forth in this Order and at a place convenient for the parties and members of the board of building codes appeals.

8. That upon convening the board of building codes appeals shall hear testimony and receive such evidence as presented by the aggrieved applicant as they determine to be relevant and shall render its decision, in writing, on the interpretation and application of the building codes adopted by the county within five (5) business days of the adjournment of the hearing convened by them.

9. That should the board of zoning appeals fail to render its decision on any appeal within the time set forth in this Order the appeal of the applicant shall be deemed to have been granted.

10. That a filing fee of fifteen (15) dollars shall be paid by any applicant wishing to bring an appeal to the board of building codes appeals prior to the initiation of the appeals process. Such fees as are collected shall be used solely to compensate members of the board of building codes appeals for the reasonable expenses necessary for their service.

11. That decisions of the board of building codes appeals shall be final, provided that any decision by said board may be appealed pursuant to the provisions of K.S.A. 19-223.

WHEREFORE IT IS SO ORDERED THIS 27th DAY OF January, 2021.



MIKE SMITH, CHAIR



JEFF CULBERTSON, MEMBER



VICKY KAAZ, MEMBER



DOUG SMITH, MEMBER



MIKE STIEBEN, MEMBER

ATTEST: 

JANET KLASINSKI, COUNTY CLERK

