

CITY OF REXBURG UNIFORM BUILDING CODE BOARD OF APPEALS

February 20, 1996

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Joe Laird, PE  
City of Rexburg Building Official  
PO Box 280  
Rexburg, ID 83440

RE: Stephen Clark, et al. - Response to Appeal of Building Inspection

Dear Joe:

The Uniform Building Code Board of Appeals, duly established by action of the Rexburg City Council, has met to consider an appeal made by Stephen Clark over the Building Inspection Report of the Applewood Apartment located at 151 S 1st E in Rexburg.

We have considered the Building Inspector's reports of February 9, 1996 for buildings 1A, 1B, 1C, 2, 3, and 4 in accordance with our authority as we understand it from the Code and have made the following determinations:

- 1) The Building Official's reports appear to be in compliance with applicable provisions of the Uniform Building Code and the inspections were not completed in an arbitrary nor capricious manner.
- 2) Previous actions by the Building Inspector(s), the inspection process, the issuance of permits, and the issuance of a certificate of occupancy do not absolve the building owner(s) of the responsibilities to meet all applicable provisions of the Code. Specifically, Section 307(f) gives specific authority to suspend or revoke a certificate of occupancy issued under the provision of the Code whenever "*...it is determined that the building or structure, or portion thereof, is in violation of any ordinance or regulation or any provisions of this (UBC) code*".

If further action or information is required, please advise.

Sincerely,

CITY OF REXBURG UNIFORM BUILDING CODE BOARD OF APPEALS

Charles Cartmill  
Winston Dyer  
Ted Hill  
Bart Stevens  
John Watson

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Joe Laird, PE  
City of Rexburg Building Official  
PO Box 280  
Rexburg, ID 83440

RE: Stephen Clark Development - Board of Appeals Recommendations

Dear Joe:

Under separate cover we gave formal response to Mr. Clark's appeal of your building inspections on the subject property. As a related action to that appeal, we members of the Board of Appeals desire to convey to the City some additional concerns and recommendations we have concerning the subject property and our function as a review board:

- 1) We were able to tour the facilities at the express invitation of Mr. Clark. Based on our observations, it is strongly felt by Board members that the manner and workmanship of construction is not at all representative of what we feel should be the community standard for building practices.
- 2) As a result of the inspection, we are concerned that there may be further issues with regard to the building codes, particularly in the area of structural aspects.
- 3) We concur with the building official's determination that the newest structure (Building 1A) is indeed a three-story structure. However, Mr. Clark claims that at the time the building was proposed the City Council made the determination that it was a two-story structure with a basement which, as coming from the highest building authority in Rexburg, may constitute a waiver of code requirements by definition. We request clarification from the City with regard to this matter.
- 4) We strongly recommend the Owner(s) hire their own professionals (structural engineers, mechanical engineers, electrical engineers, architects, etc.) to review all buildings and all construction with respect to the Code and that reports of their inspections or recommendations be filed with the City. We recommend that any further consideration of the Certificate of Occupancy be wholly conditional on this recommendation as a minimum.
- 5) We are struggling with the definition of our responsibilities with respect to duties of the Appeals Board and the Code, and also with respect to providing recommendations and suggestions to the City and Building Official. In short, how far can or should be go in response to appeals made? We would appreciate the opportunity to meet with you, the Mayor, and the City Attorney to help clarify these concerns.

Joe Laird, PE  
February 20, 1996  
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We are appreciative of the opportunity to provide community service and trust that our efforts are in accordance with the City's vision of our function and that our input is helpful. We would appreciate your consideration of the foregoing and look forward to receiving clarification of our duties and responsibilities in order for us to more effectively serve you.

Sincerely,

CITY OF REXBURG UNIFORM BUILDING CODE BOARD OF APPEALS

Charles Cartmill  
Winston Dyer  
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