



Development Services Department

320 E Jefferson Blvd, Dallas TX 75203
(214) 948-4480

APPEALS BOARD PROCESS OVERVIEW (1 of 5)

Mission

The Board of Appeals is a quasi-judicial body that provides the public with a final administrative review process for appeals relating to a wide range of Building Inspection determinations. The Board strives to provide an efficient, fair, and expeditious public hearing and decision-making process before an impartial panel as a last step in the City's construction codes permit issuance process.

The Board hears and decides appeals involving the granting, denial, suspension, or revocation of permits, licenses, and other entitlements by the Building Inspection Division of the Development Services Department. The granting or denial of variances and other determinations by the Zoning Administrator, and decisions and authorizations of the Planning Commission are not included.

When an appeal is filed, Board members will conduct a public hearing on the appeal, listening to arguments and testimony from the appellant(s), permit holder(s), Department representative(s), and from interested neighbors and other members of the public. The Board then votes to either uphold the underlying departmental determination, impose conditions on the determination, or overrule the determination.

Board Structure

Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, allows for sixteen Board members. Currently, nine of the sixteen positions are filled, each of whom are appointed for two-year terms by a City Council person. Any resident of the City of Dallas who fits the minimum qualifications may apply for membership. Inquiries to serve on the board may contact the Board Secretary at 214-948-4347.

Limitations on the Board's Jurisdiction

The Board has no authority to make amendments to the Development Code or zoning issues. The Board of Adjustment handles these procedures.

Be on Time

The time limits for filing appeals are strictly enforced. As established in Section 208.1, of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, appeals must be filed within 15 calendar days from the date of issuance of the underlying departmental decision.

When counting "calendar days" the appeal period begins the day after the departmental action became effective. For example, if a building permit is issued on the 3rd day of the month, the last day to appeal would be the 18th day of the month. If the last calendar day falls on a weekend or City holiday, the last day to file the appeal is the next business day.



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Gather the Needed Paperwork

To file an appeal, a copy of the departmental action being appealed must be submitted to the Board office. For example, a copy of the building permit (front and back) is required when the issuance of a building permit is being appealed.

For certain types of appeals, the documents needed are as follows:

Certificate of Occupancy and Building Permit Denials. Project sponsors seeking to appeal the denial of a permit application by the Development Services Department may not file an appeal until the Building Inspection Division (BID) issues the Letter or Notice of Disapproval for the project. The appeal must be filed within 15 calendar days from the date of this Notice of Disapproval. A copy of the following documents must be submitted to Board staff: (a) the building permit application that was denied, with notation by Planning Staff on the back; and (b) the Notice of Disapproval that was issued by BID.

Alternate Means and Method Denials. Project sponsors seeking to appeal the denial of the use of an alternate means and method by the Building Inspection Division may not file an appeal until the Building Inspection issues the Letter or Notice of Disapproval for the project. The appeal must be filed within 15 calendar days from the date of this Notice of Disapproval. A copy of the following documents must be submitted to Board staff: (a) the building permit application that was denied, with notation by Planning Staff on the back; and (b) the Notice of Disapproval that was issued by BID.

Make an Appointment

Appeals must be filed in person by either the appellant or the appellant's agent. This agent does not have to be a lawyer or other professional, and can simply be a friend, relative or another person chosen by the appellant. The Board asks that an appointment be made to file an appeal. Please call 214-948-4347 to set up an appointment, which are available Mondays through Fridays from 8:00 a.m. to 4:30 p.m.

Meet with Board Staff to Complete the Preliminary Statement of Appeal

For all appeals, appellants or their agents will be asked to provide a brief statement explaining the reasons for the appeal. This statement is to be provided in writing. Any written statement may be no more than one double-spaced page in length. The reasons stated are not binding and additional opportunities are given to state the appellant's arguments both in writing and at the public hearing. No exhibits or other submissions are allowed at this time. Staff will also set out the briefing schedule, hearing date and provide the appellant with other information about the appeal process.

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Pay the Fee

A fee must be paid at the time the appeal is filed. The fee is established by Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, (Section 303.5.18) and is \$714. These fees are non-refundable, whether or not the appeal is successful or is withdrawn prior to the hearing. Fees may be paid by cash or check. Checks should be made payable to: Building Inspection, City of Dallas.

Submit Briefs & Evidence

The parties to an appeal as well as members of the public may submit written arguments (briefs) and exhibits to the Board to help Board members understand the case and make a determination. The Rules of the Board set out the briefing schedule and other requirements, and the parties are encouraged to read the Rules and Special Instructions for Parties for additional information.

- Appellant's Brief is due no later than three (3) Thursdays prior to the hearing date.
- Respondent's or Other Parties' Brief is due no later than one (1) Thursday prior to the hearing date.
- Briefs shall not exceed twelve (12) pages in length and may include an unlimited number of exhibits.
- Briefs, whether typewritten or handwritten, shall be double-spaced. Typewritten briefs shall be in a font size no smaller than 12 point.
- Late or overlong submittals will be rejected. Please contact the Board if you wish to request permission to file late or a longer brief.
- An original and eighteen (18) copies of the brief with exhibits must be delivered to the Board office by 4:30 p.m. on or before the date it is due. Additional copies must be delivered to the other parties on the same day.

If the hearing date is changed, the briefing schedule is automatically changed to require briefs on the same schedule: three Thursdays / one Thursday prior to the new hearing date.

- Exhibits may include photographs, maps, plans, drawings, letters of support or opposition, or any other information or material relevant to the appeal.
- The Board strongly encourages the submittal of plans or drawings when needed to allow the Board to understand the design or layout of a building that is the subject of an appeal.
- Where exhibits exceed ten pages in length, the Board encourages the submitting party to separate exhibits with tabs and provide a table of contents.
- Additional briefing may not be submitted at the hearing without Board approval; only photographs or drawings may be submitted at that time.



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Members of the Public. Members of the public who are not parties to an appeal or affiliated with a party may submit written materials to the Board. In order for these submittals to be considered by the Board prior to the hearing, they should be delivered to the Board no later than one (1) Thursday prior to the hearing date. An original and eighteen (18) copies should be delivered to the Board office by 4:30 p.m. on or before the date it is due.

Please note: Any correspondence submitted to the Board is available for public review. If a member of the public does not want personal contact information publicly disclosed, they may (1) list their business address, business phone, and/or business e-mail address in lieu of home address or other personal contact information; (2) omit some or all personal contact information from their correspondence; or (3) prominently state in their correspondence that they do not want personal contact information disclosed and Board staff will redact this information.

What to Expect at the Hearing

Subject to scheduled submissions, the Board of Appeals meets on the third Tuesday of each month at 11:30 a.m., in the Oak Cliff Municipal Center, 320 E Jefferson Blvd, Dallas TX 75203 Meetings are open to the public.

At the hearing, each party will be given time to argue their case, and present relevant testimony and evidence. Members of the public will be given time to speak as well.

The appellant will speak first, then the person whose permit or other determination is being appealed, and then a representative of the department that issued the determination. After all the testimony is submitted, the Board will consider the evidence, deliberate, and either make a decision or continue the matter in order for additional information to be presented.

To prepare for the hearing and to become familiar with the method of presentation used, the Board recommends that the parties observe a meeting of the Board in advance of their hearing. This can be done in person or by watching a hearing on television or via computer. Meetings may be viewed via streaming video or on demand on the internet at:

<https://dallascityhall.webex.com/recording-service/sites/dallascityhall/recording/59e285a46542103caff500505681eb87/playback>

Standard of Review

To win an appeal, an appellant must obtain the votes of a majority of the board members present to overturn or modify a departmental decision.

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Accessibility Information

Telephone the Board Secretary at 214-948-4347 for information concerning accessibility of the office, hearing room and meetings. The hearing room is wheelchair accessible. The Board has bilingual staff members who are available to assist Spanish speaking members of the public.

More Information

More information about the Board of Appeals, including copies of the Rules of the Board, related Charter and Code provisions, and other resource materials are available at the Board office and on the web at [Boards and Commissions Home \(dallascityhall.com\)](http://dallascityhall.com)

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