

**From:** Schad Mike  
**Sent:** Wednesday, August 11, 2010 10:42 AM  
**To:** Elkins Marcia  
**Subject:** RE: 34 St Patrick Street-Roof

He can appeal any decision of the Building Official to DARB, acting as the International Residential Code Board of Appeals. 15.13.140 C states, " An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or that a request to use an alternate material, design or method of construction under Section R104.11 has been requested and denied. If the appeal is based on a claim that an alternate material, design or method of construction was improperly denied, the appellant must submit what alternate material, design or method of construction they are proposing. The appellant also has the burden to demonstrate to the Board that the alternative method or material that they are proposing is an equally good or better form of construction. The Board shall have no authority to waive the requirements of the International Residential Code as adopted by the City.

I would emphasize the last sentence of the subsection. The Board has no authority to waive the requirements of the residential Code. So, it is my opinion that he can appeal under one or more of the theories in C, and in doing so, he must identify the underlying grounds for the appeal.

Mike