

STATE BUILDING CODE INTERPRETATION NO. I-24-00

March 31, 2000

The following is offered in response to your letter in which you request an interpretation of the apparent conflict between the six month time frame mentioned in section 107.9 and the 30 day time frame mentioned in section 108.1.1. Both code references are to sections in the BOCA National Building Code/1996 portion of the 1999 State Building Code.

Although these two sections appear to be in conflict, they are not because they are dealing with the actions of two different individuals. Section 107.9 is speaking to the amount of time that a permit applicant has to complete action on an application submitted to the building department. An applicant may, for instance, submit a building permit application at the same time he submits a zoning permit application for the same project. If it is determined that a zoning variance is required, that additional action could take several months to pursue. The building department is required, by Section 107.9, to retain the application material while the applicant diligently prosecutes the application. The building official may, with reasonable cause, extend the six month time limit for two additional periods not exceeding 90 days each. If the applicant is not prepared to act on the application and is not diligently pursuing such application after the six month time limit and any granted time extensions, the building official may deem the application abandoned and return the application. If it is determined that the applicant is diligently pursuing the application, the application materials must be retained indefinitely.

Section 108.1.1 deals with the amount of time that the building official has to act on an application. This section, based on Section 29-263 of the Connecticut General Statutes (C.G.S.), requires that each building permit be issued or refused, in whole or in part, within 30 days of the date of application. The method to be followed by the building official to reconcile the two code sections in the case cited above is to deny the permit application within 30 days of application, in writing, citing the lack of a zoning permit as required by Section 8-3, C.G.S., but to include a note that the application will be held for a period of six months from date of application unless an extension is requested or the building official receives notice that the application is being diligently prosecuted.