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**TO: MAYOR AND TOWN COUNCIL**  
**FROM: KATIE KENT, COMMUNITY DEVELOPMENT DIRECTOR**  
**RE: NEW BUSINESS: APPOINTMENT FOR BOARD OF APPEALS VACANCY**  
**DATE: MAY 13, 2025**

**Summary & Background:** At the May 13<sup>th</sup> Town Council meeting, the Council is requested to fill a vacancy that exists on the Board of Appeals. The appointment is to fill a space that was recently vacated by Colette Smith who notified the Town that she does not work or live in Frisco anymore and therefore cannot serve on the Board.

The Town of Frisco Municipal Code, Chapter 4, “*Appeals, Board of*”, states that the Board of Appeals shall consist of three (3) members appointed by the Town Council for three-year terms. Members of the Board of Appeals (hereafter “BOA”) must be residents or business owners in the Town of Frisco and shall be qualified by experience and training to pass upon matters pertaining to building construction.

**Board of Appeals Roles and Responsibilities:** Chapter 4 of the Town Code states that the BOA shall hear and decide appeals from and shall review any order, requirement, decision, or determination made by any administrative official charged with the administration or enforcement of the building construction standards in Chapter 65 of the Town Code (also known as the Town Building Codes).

The BOA does not have any interpretive authority relative to the Building Codes, nor does it have any authority to waive Building Code requirements. However, the BOA may review and offer recommendations on proposed Building Code amendments and may also propose Building Code amendments for consideration by the Town Council.

The BOA last met to consider an appeal over 15 years ago. While the infrequency of meetings may suggest a reduced importance of this particular appointed Board, the Town Code and adopted Building Codes do require that a qualified Board of Appeals is appointed and available for timely review and consideration of appeals. As the Town implements updates to Building Codes, including the upcoming Energy Code, the Board of Appeals will be providing feedback and guidance for the Town Staff on suggested modifications.

**Board of Appeals Appointments:** Chapter 4 of the Town Code states that the BOA shall consist of three members appointed by the Town Council. BOA members serve 3-year terms. Unlike Planning Commissioner appointments which are set to coincide with Town Council terms, Chapter 4 includes no such stipulations for the BOA.

The Board of Appeals members were most recently appointed at the meeting of September 26, 2023, with terms expiring at the end of September 2026. At that time, the Town Council interviewed, and appointed: Pete Campbell, Dan McCreery, and Colette Smith.

In response to the vacancy from Ms. Smith, the Town:

- Created a blog post on March 20, 2025
- Posted a vacancy ad in the Summit Daily on March 21, 2025
- Created a user friendly online application form
- Spread the word via email and verbally to contractors and architects who Staff thought may be interested in the role

One application was received in response to the vacancy notice. Eli Brown applied for the vacancy on April 20, 2025. Mr. Brown does not live within the Town of Frisco but does hold a business license to conduct his business within the Town of Frisco. The Town's contracted Building Official, John Schumacher with Comprehensive Building Code Services LLC (CBCS) has given his full support for Mr. Brown to be on the Board of Appeals.

**Staff Recommendation:** Staff and CBCS recommends that the Council appoint Eli Brown to the Frisco Board of Appeals to finish Colette Smith's term ending on September 31, 2026.

**Reviews and Approvals:**

- Diane McBride, Assistant Town Manager
- Tom Fisher, Town Manager

**Attachments:**

Attachment A\_Eli Brown's Application Form  
Attachment B\_Town Code, Chapter 4, "Appeals, Board of"