

REMINDER

When applying for a variance, it is important to realize that **YOU** have the responsibility of proving that you need the appeal because of an **ERROR** of the determining party. Also, please note that Board members are **not** allowed to discuss the case or gather evidence outside the public hearing.

How many Board members have to vote in favor of an appeal in order for it to pass?

According to Article 11.3.2.g), four-fifths of the Board's members, or 6 of the 7 members, must vote in favor of an appeal for it to be granted. For example, an appeal would be denied if two (2) or more of the Board members voted against your application. The Board will notify you of their decision in writing regardless of whether the appeal passed or failed within 5 days of the meeting in which it was heard.

What happens if the appeal is granted?

If the Board decides to grant the appeal, they may place certain restrictions or conditions on the appeal to protect the public interest and neighboring property owners.



What options do you have if your appeal is denied?

If your appeal is denied, enforcement of the contested action will once again be pursued by the Town, or you may choose to appeal the decision to the Mecklenburg County Superior Court. If you choose to appeal the decision, you will have 30 days to do so from date you receive the Board's decision letter.

If you would like additional information, please contact the Huntersville Planning Department at 704-875-7000.



Town of Huntersville
PO Box 664
101 Huntersville-Concord Rd.
Huntersville NC 28070
Phone: 704-875-7000
Fax: 704-875-6546
www.huntersville.org

The Town of Huntersville Zoning Ordinance is available online at www.huntersville.org (click on *Departments*, then *Planning*, then *Zoning and Subdivision Ordinance*).

Board of Adjustment Appeal Requests



Planning Department

Phone: 704-875-7000
Web site: www.huntersville.org



What is the Board of Adjustment?

The Board of Adjustment is a quasi-judicial board with 7 permanent members and 3 alternate members comprised of Citizens residing in Huntersville and its Extraterritorial Jurisdiction. The Board of Adjustment is a volunteer board appointed by the Town Board of Commissioners.

What is their function?

The Zoning Board of Adjustment has two main functions:

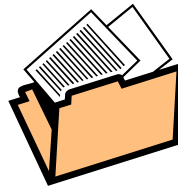
1. **Consider variance requests**-if certain hardships exist, the Board can vary the law to alleviate the hardship. (Information regarding this process may be found in a separate brochure).
2. **Consider appeal requests**-If you do not agree with Planning Staff's interpretation of the Zoning Ordinance, you may appeal the decision to the Board of Adjustment. The Board does not have power to change the Ordinance and is limited to its interpretation. Decisions are based on what the Board believes to be the actual meaning and intent of the ordinance.



How do I file for an appeal?

Standards for filing an appeal can be found in Article 11.3.2.b of the Zoning Ordinance.

2. A notice of appeal may be filed at the Planning Department contesting any order, decision, determination, or interpretation within 30 working days of the day the order, decision, determination or interpretation is made by an administrative officer. The Board of Adjustment may extend the 30 day deadline only upon determining that the person filing the notice of appeal received no actual or constructive form of notice of the order, decision, determination or interpretation being appealed. The person must submit an appeal application, a non-refundable filing fee, and a list of adjoining properties including the tax parcel numbers and the name and address of each owner.



3. Upon receipt of a notice of appeal the Planning Director or administrative officer shall transmit to the Town Manager copies of all administrative papers, records, and other information regarding the subject matter of the appeal.

1. The filing of an appeal shall stay, or delay, any proceedings (ex: enforcement) of the contested action, except the Zoning Administrator may certify in writing to the Board of Adjustment that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of these regulations. The Board of Adjustment shall then review such certificate and may override the stay of further proceedings.

What happens next?

Planning Staff will put your appeal request on a Board of Adjustment meeting agenda for public hearing and will send written notices to the person(s) filing the appeal, the owners of the subject property, and adjacent property owners.

What are the Standards for Granting an Appeal?

1. The Board of Adjustment shall reverse or modify the order, decision, determination or interpretation under appeal only upon finding an ERROR in the application of these regulations on the part of the officer rendering the order, decision determination, or interpretation.