



# Board of Adjustment Appeals Request

## What can I appeal?

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.

## Who is the Board of Adjustment?

The Board of Adjustment is a quasi-judicial board comprised of citizens residing in Jamestown and its Extraterritorial Jurisdiction (ETJ). The Board of Adjustment is a volunteer board appointed by the Town Council.

## What factors are considered?

Standards for granting an appeal can be found in Article 6 of the Land Development Ordinance.

Before granting an appeal, the Board of Adjustment shall have made the following findings:

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.
2. A notice of appeal may be filed at the Planning Department contesting any order, decision, determination, or interpretation within 30 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.

## Standards for granting appeals

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.

## How do I apply?

- Submit application with all applicable items
- Pay fees

## Appeal granted?

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

## Appeal 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 Guilford 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.

## Reminder!

Please note that Board members are not allowed to discuss the case outside the public hearing.

## Questions?

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