



# Notice of Appeal to Board of Adjustment Application

Date: \_\_\_\_\_

Date of Notification of Decision for which there is an Appeal: \_\_\_\_\_

**NOTICE:** This Notice of Appeal must be filed within 30 day of the issuance of the Planning Director, or designated Administrator's Order, decision, determination or interpretation. Failure to file, in a timely manner, a complete Notice of Appeal (application, fee, all attachments, etc.) shall constitute a waiver of any rights to appeal under the Town of Jamestown Land Development Ordinance, Article 4.2-4 (H), et seq. Appellant hereby grants permission to the Town of Jamestown personnel to enter the subject property during reasonable hours for any purpose required in processing this Notice of Appeal.

### Location of Building / Property

Address: \_\_\_\_\_

Tax Parcel ID Number(s): \_\_\_\_\_

Acreage: \_\_\_\_\_ Zoning: \_\_\_\_\_

### Text of Zoning Ordinance to be appealed

Article: \_\_\_\_\_ Section: \_\_\_\_\_

Text to be appealed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Submittal Requirements

The following must be submitted with this completed application (signed and dated by the Appellant):

- One (1) hard copy and one (1) electronic copy of any applicable map(s), site plans, exhibits, and applications showing exact location of property with respect to existing streets, adjoining lots and other important features on or contiguous to the property. Also, include any maps and/or illustrations (to scale), which are necessary to show the location, number and size of buildings, signs, etc., on the property.
- A list of names, addresses and tax parcel identification numbers of properties that abut the site, are across the street from the site or are otherwise within five hundred feet (500') of the site. (Digital format is preferred; ex. Excel Spreadsheet)
- Review Fee (Please check most recent version of Fee Schedule for applicable review fee for Appeal)

### Notifications Required

Planning Staff will be required to notify in writing each adjoining property owner. At least, one (1) sign will be placed on the property(ies) in question located along public streets, or where visible by the public.

### APPEALS WITHIN WATERSHED OVERLAY DISTRICTS

If you are appealing a determination regarding a local Watershed Overlay District, Planning Staff will be required to notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption.

**Appeal Requirements**

**STANDARDS FOR GRANTING AN APPEAL (Article 6 "Variances and Administrative Appeals"):**

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.
2. In modifying the order, decision, determination, or interpretation, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

In the following space (or on additional attached sheets), indicate the FACTS or evidence that demonstrates to the Board of Adjustment that should lead the Board to conclude the decision of the Planning Director or designated Administrator was in error.

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**Applicant**

Printed Name \_\_\_\_\_ Phone \_\_\_\_\_

Corporation  Limited Liability Company  Trust  Partnership  Other: \_\_\_\_\_

By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Adjustment except through sworn testimony at the public hearing.

Signature \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Applicant \_\_\_\_\_

**Property Owner (if different than applicant)**

Printed Name \_\_\_\_\_ Phone \_\_\_\_\_

Corporation  Limited Liability Company  Trust  Partnership  Other: \_\_\_\_\_

By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Adjustment except through sworn testimony at the public hearing.

Signature \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

\* Property owner hereby grants permission to the Town of Jamestown personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.