

Zoning Appeals Information

Definition: Anyone who is “aggrieved” by a decision or action taken by the County Zoning Officer or the County Planning & Zoning Board in carrying out the provisions of the Zoning Ordinance may formally appeal to the Board of County Commissioners for reconsideration. In order to be aggrieved, someone must have a right or interest in the property that is the subject of the appeal, and must show that there is an adverse effect caused by the decision or action being appealed. The purpose of a Zoning appeal is to resolve an alleged error made in an administrative decision by going to a higher level of authority. An appeal may or may not grant relief to the appellant.

Grounds for an Appeal: The reason for an appeal should be based on one or more of the following charges:

1. There was an error or misjudgment by a Zoning Official or Planning & Zoning Board.
2. There was an abuse of discretion by a Zoning Official or Planning & Zoning Board.
3. A decision made by a Zoning Official or Planning & Zoning Board was not supported by factual evidence.

Furthermore, an appeal has to relate to a specific action by a zoning official in carrying out the provisions of the County Zoning Ordinance. In all cases, the appellant must show that an adverse effect or harm has been caused by the decision or action being appealed.

Examples: An appeal must be based on an alleged error or mismanagement by the County Zoning Officer or the County Planning & Zoning Board. Some examples (but not limited to) of actions that might be appealed are:

1. A notice of nonconforming use is sent to a property owner who disagrees that the use is nonconforming.
2. A request for a zoning variance or conditional use permit is denied by the County Planning & Zoning Board.
3. A renewable conditional use permit for a home occupation is not renewed by the County Planning & Zoning Board which determines that a significant change has occurred in the home based business activity and a violation of home occupation regulations exist as a result.

Appeal process: Any appeal following a decision of the County Zoning Officer or the County Planning & Zoning Board has to be taken to the Board of County Commissioners, which is the zoning authority established by State law.

The appeal process is as follows:

Step 1: An appeal must be filed within thirty (30) days following the decision which is the subject of the Appeal. The appeal shall be in writing on a standardized form which can be obtained from the County Zoning Officer. The Appellant shall submit nine (9) copies of the appeal application and any supporting documentation with an administrative filing fee of **\$200.00** which must be paid when the appeal application is returned to the County Zoning Officer. A detailed written description of the decision under appeal and reasons for the appeal must be provided.

Step 2: Within **thirty (30) days** after the appeal is filed, the Board of County Commissioners must hold a public hearing to decide on the appeal. A notification of the public hearing has to be published at least fifteen (15) days prior to the date of the hearing. The Board of County Commissioners can either reverse, change, or agree with an appealed decision made by the County Zoning Officer of the County Planning & Zoning Board. An appeal may be carried further through judicial procedures (either the State or Federal court system), if there is a basis for litigation.