



Application for Administrative Appeal & Interpretation

INSTRUCTIONS FOR FILING AN APPLICATION FOR AN APPEAL OF ZONING ADMINISTRATOR DECISION OR INTERPRETATION

APPLICATION MUST BE FILED IN PERSON, CANNOT BE ACCEPTED BY MAIL

This Appeal Application must be filed within thirty (30) days of the date on the Zoning Administrator Decision or Interpretation, appealable to the Board of Adjustment as applicable.

The application **must be submitted in person** to the Town of Troutman at 400 N. Eastway Drive, Troutman, NC, 28166.

Within five (5) working days after having received an application for an appeal of a Zoning Administrator's decision or interpretation, the Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is incomplete, the Zoning Administrator shall serve a written notice on the appellant or petitioner specifying the application's deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. If the Zoning Administrator fails to notify the appellant or petitioner, the application shall be deemed complete.

Meetings of the Board of Adjustment are scheduled on an as-needed basis at the earliest convenience of the Board, Town Attorney and required staff, and the appellant.

You will be notified by e-mail and regular of the date, time, and location of the meeting.

Applications are placed on the agenda according to acceptance date.

A Zoning Board of Adjustment Fee of \$250 is required to be paid when submitting the appeal application form. Make checks payable to the Town of Troutman.

The following information is required:

1. If title to the property is not in the name of the applicant, include a notarized letter from the owner signifying approval of submittal of an Appeal.
2. Application must be completed, dated, and signed by appropriate parties for acceptance; and the fee must be paid at the time of filing.

FOR YOUR INFORMATION

Upon filing an appeal to the Board of Adjustment, the following rules and procedures shall apply:

1. No further construction work shall be done except in accordance with the provisions of the Unified Development Ordinance.
2. All legal proceedings to enforce compliance will be stayed until such time as a Board decision is rendered and appeals are closed; unless the Zoning Administrator certifies that a stay in said opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with the enforcement of the UDO. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Town Council, or by a court of record.
3. All written or physical evidence (plans, maps, pictures, letters, etc.) presented before the Board becomes a part of the record and must be turned over to the Board.
4. All testimony before the Board will be given under oath.
5. You have a right to appear and present your case before the Board.
6. Applicants may be represented by counsel at their own expense, if they choose to do so.
7. A Board member cannot discuss any case with any parties thereto prior to the public hearing on that case.

ITEMS TO BE INCLUDED ON/WITH APPLICATION

- [] Is your application complete, dated, and signed by the appropriate parties?
- [] If you are not the owner of the property, have you included a notarized letter from the property owner giving permission to you to appear before the Board?
- [] Have you paid the required fee?
- [] Have you been specific by stating the sections of the Unified Development Ordinance related to your appeal?

[] Have you stated facts or evidence to be presented?

Your appeal request may not be placed on the agenda if complete information and documentation are not included.

INFORMATION REGARDING BOARD HEARING PROCEEDINGS:

The Board of Adjustment is a quasi-judicial Board, which means it functions similar to a court or judge. The Board has limited discretion, and must determine a case based on findings of fact presented as sworn evidence or testimony provided at the hearing. No hearsay evidence is admissible. Calls or conversation with Board members outside of the hearing are not permitted and may not be considered in the decision.

All exhibits should be numbered and must remain with the Board. Please hand them first to the Town Clerk for listing into the record.

Other materials may be shown; but should not be provided to the Board unless they are to become a permanent part of the case record.

Other than the appellant/petitioner, persons wishing to speak are limited to five minutes. Those wishing to speak more than five minutes must submit a request in writing to the Town Clerk prior to the meeting.

Any aggrieved party may file an appeal from this Board of Adjustment to the Superior Court of Iredell County. An appeal must be filed within thirty (30) days from the date of the Board's decision.

(This section left intentionally blank)

**TOWN OF TROUTMAN APPEAL FROM A DECISION OR AN
INTERPRETATION OF THE ZONING ADMINISTRATOR**

Date Filed: _____.

This application must be filed within thirty (30) days of the written interpretation of a Zoning Administrator Decision or other item appealable to the Board of Adjustment. The application must be filed in person, and cannot be accepted by mail.

TO THE TROUTMAN ZONING BOARD OF ADJUSTMENT:

I _____, hereby appeal to the Zoning Board of Adjustment, requesting to reverse the decision or interpretation of the Zoning Administrator as stated in the Unified Development Code decision or interpretation dated: _____.

for the property located at _____.

Iredell County Tax Parcel Identification Number: _____.

Violation Number (if applicable): _____.

Zoning District _____.

(Attach a copy of the Zoning Administrator's Decision or Interpretation)

SECTIONS OF CODE IN QUESTION:

State what factors or evidence you are prepared to provide to the Zoning Board of Adjustment that should lead the Board to conclude that the decision of the Zoning Administrator is erroneous:
