

**NOTICE OF APPEAL
TO THE
ZONING BOARD OF ADJUSTMENTS AND APPEALS**

1. Date of Application: _____
2. Applicant:
 - A. Name: _____
 - B. Address: _____
 - C. City/State/Zip Code: _____ D. Telephone: _____
3. Description of Affected Property:
 - A. Legal Description:
Lot _____ Block _____ Subdivision _____. (If the above information is not available, attach metes and bounds description.)
 - B. Locally known as:

 - C. **A copy of the recorded deed for the above property must accompany this notice of appeal.**
4. Appeal: I/We hereby request that the interpretation of the Building Official be reversed or modified, that a special exception be allowed or, in the alternative, for a variance from the application of the Zoning Ordinance.
5. Grounds for Appeal:
I/We hereby claim that (**check all that apply**):
 - _____A. There is an error of law, requirement, decision or determination made by the Building Official.
 - _____B. The special exception checked below should be granted.
 - _____1. Railroad use
 - _____2. Public utility or service use
 - _____3. Transitional use
 - _____ a. R-1 Two Family Dwelling
 - _____ b. R-2 Four Family Dwelling. NOTE: In no case may any transitional use have a width of more than one hundred (100) feet.
 - _____4. Extension of use, when a lot is divided by a district boundary.
 - _____5. Reconstruction of a non-conforming building damaged more than fifty percent (50%).
 - _____6. Waive or reduce parking and paving requirements.
 - _____7. Parking use - within three hundred (300) feet of R-3.
 - _____8. Determine M-1 or M-2 use.
 - _____9. Determine proper use classification.

5. Grounds for Appeal (continued):

— C. A variance from the terms of this ordinance should be granted. If this item is checked, complete all of the following:

1. Describe the variance requested.

2. Is the request for the variance a result of a special condition inherent in the property itself?

3. Is the condition on unique to the property requesting the variance?

4. Is the condition self-imposed or self-created?

5. Will a literal enforcement of the zoning ordinance result in an unnecessary hardship?

6. Will the hardship prevent any reasonable use whatsoever?

7. Would the grant of the variance be contrary to public interest?

8. Is the request within the spirit of the ordinance and does it further substantial justice?

6. Ordinance:

Chapter _____, Article _____, Section _____

7. Fees:

A fee of Two Hundred and Seventy Five (\$275.00) Dollars shall accompany this Notice of Appeal.

NOTE: THE BOARD MAY AUTHORIZE UPON APPEAL "WHENEVER A PROPERTY OWNER CAN SHOW THAT A STRICT APPLICATION OF THE TERMS OF THIS ORDINANCE RELATING TO THE USE, CONSTRUCTION OR ALTERATIONS OF BUILDINGS OR STRUCTURES; OR THE USE OF LAND WILL IMPOSE UPON HIM UNUSUAL AND PRACTICAL DIFFICULTIES, OR PARTICULAR HARDSHIP, SUCH VARIANCES FROM THE STRICT APPLICATION OF THE TERMS OF THIS ORDINANCE AS ARE IN HARMONY WITH ITS GENERAL PURPOSE AND INTENT, BUT ONLY WHEN THE BOARD IS SATISFIED THAT A GRANTING OF SUCH VARIATION WILL NOT MERELY SERVE AS A CONVENIENCE TO THE APPLICANT, BUT WILL ALLEVIATE SOME DEMONSTRABLE AND UNUSUAL HARDSHIP OR DIFFICULTY SO GREAT AS TO WARRANT A VARIANCE FROM THE COMPREHENSIVE PLAN AS ESTABLISHED BY THIS ORDINANCE, AND AT THE SAME TIME, THE SURROUNDING PROPERTY WILL BE PROPERLY PROTECTED."

8. Acknowledgement:

I have checked the above information and certify that it is complete and correct. I accept responsibility for any errors or omissions on this form even if such errors or omissions result in postponement or invalidation of the appeals procedure.

Signature of Applicant

Date

DISPOSITION

The Zoning Board of Adjustments and Appeals having met has considered the following decision of the Building Official:

We find that:

_____ The decision of the Building Official shall stand as presented.

_____ The decision of the Building Official shall be reversed or modified in the following respect:

_____ The following Special Exception shall be granted:

_____ A variance of the application of the provisions of this Code shall be allowed under the following conditions:

The reason(s) for our decision are:

MEMBER

VOTE

FOR DEPARTMENT USE ONLY:

SIGNATURE:

Chairman

Date

Hearing Date:
Agenda Prepared/Posted:
Applicant Notified of Meeting:
Board Members Notified:
Packets Prepared:
Applicant Notified of Decision:
Minutes Prepared: