

§ 152.045 APPEALS.

(A) This subchapter does not apply to §§152.400 through 152.462, Flood Damage Prevention.

(B) Appeals from the enforcement and interpretation of this chapter, may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the administrator and the Board of Adjustment a written notice of appeal specifying the grounds therefor. A notice of appeal shall be filed with the Town Clerk or Town Deputy Clerk. The notice of appeal must state the grounds for the appeal and the date and time of filing.

(C) An appeal must be taken within 30 days after the interested party or parties receive written notice of an order, requirement, decision, or determination .

(D) Whenever an appeal is filed, the administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from. A copy of the record shall also be provided to the appellant and to the owner of the property that is subject to the appeal if the appellant is not the owner .

(E) After receipt of notice of appeal, the Chairman of the Board of Adjustment shall fix a reasonable time, not to exceed 60 days, for the hearing of the appeal. All applications must be accompanied by an application fee as set by Town staff to help defray costs in advertising and administration.

(F) An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the administrator certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, proceedings shall not be stayed except by a restraining order which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. All appeals to the Superior Court and all applications to the Superior Court for a stay shall be made within 30 days of a party's receipt of notice of the decision of the Board of Adjustment . The official who made the decision being appealed shall be present at the hearing as a witness. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. passed 6-16-2009; Am. Ord. passed 1-21-2014; Am. Ord. 2021-O3, passed 5-24-2021)