

17.04.300 – Appeals

A. Purpose

The Appeal process provides an opportunity for persons affected by administrative decisions by the Director of Community Development and the Building and Code Enforcement Division Manager to appeal those decisions.

B. Application

An Appeal may be taken to the appropriate review body by any person aggrieved by a written decision, order or determination under this Title by the Director of Community Development or the Building and Code Enforcement Division Manager, if initiated within forty-five (45) days of the action complained of. The applicant shall file a written application with the Director of Community Development or the Building and Code Enforcement Division Manager. The Director of Community Development and the Building and Code Enforcement Division Manager shall transmit to the review body copies of all documents in their possession relating to the administrative decision being appealed. The Appeal shall be referred to one of the following review bodies, based on the type of decision being appealed:

- Appeal of administrative Design Review Decisions (All Districts except CBD1 and CBD2): Plan Commission
- Appeal of Design Review Decisions (CBD1 and CBD2 Districts only): Historic Preservation Commission
- All other decisions under this Title: Board of Zoning Appeals

C. Procedure

1. The review body shall establish a time and place for hearing the Appeal and give written notice thereof to all necessary parties not less than 15 days prior to the hearing. The hearing shall be scheduled at a reasonable time, but not later than the review body's second regular meeting following receipt of the Appeal, unless otherwise agreed by the applicant. Any party may appear in person, or by agent or attorney, at the hearing. The review body shall thereafter reach its decision not later than its next regularly scheduled meeting, or within 45 days after the hearing, whichever is greater.
2. Filing of an Appeal shall stay all proceedings in furtherance of the decision appealed unless, in the reasonable opinion of the Director of Community Development or the Building and Code Enforcement Division Manager, a stay would significantly impair protection of the public health, safety and welfare. In such case the proceedings shall not be stayed other than by a court order.
3. The review body may affirm or reverse, in whole or in part, or may modify, the order, requirement, decision or determination and to that end, has all the powers of the officer from whom the Appeal is taken. Its decision shall be based on the documents pertaining to the administrative decision transmitted by the Director of Community Development and Building and Code Enforcement Division Manager, as well as any additional testimony presented at the hearing.

(2008-Z-32 : § 6; 1981-Z-6 : § 1 (part))