

Application to appeal a decision of the Zoning Administrator

Community Development | Planning & Zoning Division
57 S. Center Drive, Daleville, VA 24083
P: 540.928.2080
E: planning@botetourtva.gov



Appeal of Zoning Administrator Decision

Applications. Applications to the board of zoning appeals may be made by any person aggrieved, or any officer, department or agency of the county affected, by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provision of this chapter.

Appeals from administrative ruling. The board of zoning appeals shall hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter. In case of an appeal from decisions by the zoning administrator to the board of zoning appeals, procedures to be followed shall be in strict accordance with section 15.2-2310 et seq. Of the Code of Virginia.

When appeals may be taken. Appeals to the BZA may be taken by any person aggrieved by an officer, department, board or agency of the county or affected by a decision of the zoning administrator. Appeals shall be taken within thirty (30) days after the decision has been rendered.

Appeal Information

The appellant is required to submit the following:

- \$500.00 filing fee
- Statement of Appeal
- Cost of adjacent property owner notification by certified mail
- One (1) digital copy of the completed Application to Appeal Zoning Administrator's Decision
- Twelve (12) collated copies of the completed Appeal Zoning Administrator's Decision

I/We, the undersigned do hereby petition and appeal to the Botetourt County Board of Zoning Appeals for the following zoning determination:

Appellant Information:

Date: _____

Name: _____

Physical Address of Property: _____

Mailing Address, if different: _____

Phone Number: _____ Email: _____

Identification of Property to which appeal pertains:

Property address: _____ Tax Map number(s): _____

Zoning: _____ Magisterial District: _____

Current Land Use: _____

Instrument number or Deed Book/Page Number: _____

This property is regulated by conditions from the Board of Supervisors: Yes No

This property is regulated by an approved variance from the Board of Zoning Appeals Yes No

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Statement of Appeal

I/We request an appeal to Section 25- _____ of the Botetourt County Zoning Ordinance. Please enter the date of the requirement, decision, determination or notice of violation: _____

The Statement of Appeal should clearly state the issue(s) you wish the Board of Zoning Appeals to consider. Please provide a statement of appeal that addresses all of the following questions.

1. Summarize how the appellant is aggrieved. Please describe the order, requirement, notice of violation, decision or determination of the Zoning Administrator that you wish to appeal.
2. How was the appellant aggrieved or injured by that order, requirement, decision, or determination?
3. What is the basis of the appeal?

Please attach the Zoning Administrator's determination letter, as well as any documents, drawings, photographs or other information cited as evidence in this Statement of Appeal. Please individually mark these attached items as exhibits to the statement (e.g., "Exhibit A to Statement of Appeal, Exhibit to Statement of Appeal", etc.) in the top right-hand corner of each exhibit document.

Certification of Appellant

Sec. 25-553. - Ex parte communications and proceedings.

- (a) The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner, or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For the purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent are all invited.

All applications must be signed by the appellant. If the appellant is the owner of the property in question, by signing below, I/we certify this application is complete and accurate to the best of my/our knowledge, and authorize county officials to conduct site reviews on this property.

Is appellant the owner of the property in question? Yes No

Signature, Appellant

Date

Signature, Appellant

Date

Board of Zoning Appeals

Application for Appeal

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