



SECTION 7.01

Administrative Appeal

An Administrative Appeal may be requested to review any order, requirement, decision, or determination made by the Director of Planning & Zoning, Staff or other administrative official in relation to the enforcement of the UDO.

Administrative Appeal Petition:

Expected Review Time: Approximately 46 days [Amended Resolution 19-02]*

Primary Processing Department: Planning & Zoning

Departments involved in Administrative Appeal review process: Planning & Zoning

Administrative Appeal Petition Review Procedures:

Prior to Filing Petition:

1. Schedule an Administrative Appeal Review Meeting through the Department of Planning & Zoning. This meeting must be held a minimum of five (5) business days prior to the submittal of the Administrative Appeal Petition. All appeals must be submitted within thirty (30) days of the order, requirement, decision, or determination made by the Director of Planning & Zoning, Staff or other administrative official in relation to the enforcement of the UDO.

Petition Filing:

1. Submit Administrative Appeal as well as any supporting documentation by the posted deadline date and time to the Department of Planning & Zoning as shown on the Board of Adjustment Schedule. The Administrative Appeal Packet provides a detailed list of all petition submittal requirements. [Amended Ordinance #09-16]*
2. The Department of Planning & Zoning will notify the Petitioner of an incomplete Petition or any missing information within two (2) business days after the submittal deadline date. This information must be completed and submitted within one (1) business day, or the Petition will be placed in the next available review cycle after the information is submitted and the Petition is deemed complete.
3. The Department of Planning & Zoning will notify Petitioner after determination of complete submittal, of anticipated review schedule and Public Hearing information. Staff will advertise the public hearing notice, notify the adjacent property owners, and post the property in accordance with the Town's Public Hearing procedures as specified in this Development Procedures Manual.

Administrative Appeal Review Process:

1. The Department of Planning & Zoning will forward a copy of the completed Petition to all Staff in the specific review process.
2. Staff will review the submitted Petition and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition if additional information or clarification is needed.
3. Revised plans and any requested information must be submitted for staff review in accordance with the deadline included with the staff comments to remain in the review cycle. If the

information is submitted after the deadline date, the Petition will be processed in the next available review cycle.

Determination of Official Action:

1. Staff shall then prepare a report to the Board of Adjustment including discussion of all plans and policies relevant to the proposed Petition.
2. Staff and the Petitioner shall attend the Public Hearing before the Board of Adjustment. The Public Hearing shall be conducted in conformance with the Quasi-Judicial Public Hearing Procedures in Section 1.03 of this Manual. After the Public Hearing, the Board of Adjustment may make a final determination to either: approve, deny, or table the Petition.
3. The Department of Planning & Zoning will notify all persons named on the Petition regarding the Board of Adjustment's decision within ten (10) days of action. If the petition request is denied by the Board of Adjustment notices will be sent via personal service, register mail, or certified mail in accordance with NCGS 160A-388. [Amended Ordinance #09-16] [Amended Ordinance #11-19]