

BZA Appeal of ZA No. \_\_\_\_\_



## Board of Zoning Appeals

### Application for Appeal

To assist staff in the review of an appeal to the Board of Zoning Appeals (BZA), the applicant must supply all of the information contained in this application form. This application must be signed by **all owners** of the real estate which is the subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

Incomplete applications will be subject to scheduling delay. Applicants are encouraged to meet with staff prior to filing. A public hearing will be scheduled within 45 days of the receipt of a completed application

Approval of an appeal by the BZA does not relieve the applicant from other requirements including, but not limited to, sign(s), building, zoning and use permits or site plans.

***As part of this application, the following must be provided:***

1. \$150.00 Application Fee.
2. Completed Application
3. Supporting documents including, but not limited to: building or zoning permits and decisions made by the Zoning Administrator.

It is the **applicant's responsibility** to make a good-faith effort to provide the Zoning Administrator or Subdivision Administrator, as applicable, with a current list containing the accurate names and mailing addresses of all interested parties. For purposes of this provision, "interested parties" shall mean Landowners of Adjacent Property. The applicant shall provide the addresses in order to comply with Section 1321.10.G of the Zoning Ordinance.

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### **Legal Notices**

The following shall occur at least 15 days prior to the Public Hearing: notice of the hearing shall be advertised by the Board of Zoning Appeals as a Class I legal advertisement in the local newspaper, posting of a sign upon the property, and letters to adjacent and confronting land owners within 100 feet of the subject property.

### **Definition of an Appeal**

For the purpose of this Zoning Ordinance, an Appeal shall refer to a timely submitted and complete application form prescribed by the Board of Zoning Appeals for appeal of an order, requirement, decision or determination made by the Zoning Administrator or Planning Commission under the Charles Town Zoning Ordinance or Subdivision and Land Development Ordinance or rule or regulation adopted pursuant thereto.

### **The Charles Town Zoning Ordinance**

Appeals to the Board of Zoning Appeals shall be in accordance with Section 1321.10, *Board of Zoning Appeals and Hearing Procedure* of the City of Charles Town Zoning Ordinance and §8A-8-10, *Appeal to Board of Zoning Appeals* of the West Virginia State Code.

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1. DATE \_\_\_\_\_, 20\_\_\_\_

2. APPLICANT'S NAME\* \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

Email Address \_\_\_\_\_

3. PROPERTY OWNER'S NAME \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

Email Address \_\_\_\_\_

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (List all parcels that apply)

Property Address: \_\_\_\_\_

Tax Map # and Parcel(s): \_\_\_\_\_

Deed Book and Page #: \_\_\_\_\_

Property Area in Square Feet or Acres: \_\_\_\_\_

5. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

\_\_\_\_\_  
\_\_\_\_\_

6. LIST THE APPLICABLE SECTION(S) OF THE ZONING OR SUBDIVISION/LAND DEVELOPMENT ORDINANCE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

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7. The Applicant requests that the Board of Zoning Appeals consider an appeal of an order, requirement, decision or determination made by the Zoning Administrator or Planning Commission under the Charles Town Zoning Ordinance or Subdivision and Land Development Ordinance or rule or regulation adopted pursuant thereto. The Applicant believes that (check one):

- An error was made in the denial of the permit
- The Zoning Administrator action or decision was based on a misinterpretation of the ordinance
- There has been a failure to approve or deny the permit within a reasonable period of time
- Other (please list below)

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8. THE APPLICANT IS AGGRIEVED BY THE ACTION OR DECISION IN THAT:

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9. THE APPLICANT CONTENDS THAT THE CORRECT INTERPRETATION OF THE ZONING ORDINANCE AS APPLIED TO THE PROPERTY IS:

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**10. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?**

Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

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No

**11. PARCEL HISTORY** (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

<b>Application No.</b>	<b>Project Name and Phase</b>	<b>Status</b>	<b>Approval Date</b>

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12. INTERESTED PARTY ADDRESSES, FOR PUBLIC NOTICE (including across street) (Interested parties are defined as adjacent properties within 100 feet).

Owner	# and Street	City, State, Zip

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**APPLICANT CERTIFICATION**

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1321 and relevant provisions of the Charles Town Zoning Ordinance outlining the City's Board of Zoning Appeals application and approval procedures.

Signature of Applicant

\_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner(s) (If different than Applicant)

\_\_\_\_\_ Date \_\_\_\_\_

Please submit an original completed petition to the following:

Zoning Administrator  
City of Charles Town  
101 E. Washington Street  
Charles Town, WV 25414

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***FOR CITY USE ONLY***

Application Number: \_\_\_\_\_ Date Application Received: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Fee: \$ \_\_\_\_\_ Check No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

BZA Hearing Date: \_\_\_\_\_ Decision: \_\_\_\_\_

Comments: \_\_\_\_\_

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