

**DANVILLE-BOYLE COUNTY BOARD OF ADJUSTMENTS
APPEAL APPLICATION**

Appellant: _____

Address: _____

Owner of Property (if different than appellant): _____

Address of Owner: _____

Address of Property Involved: _____

Zone of Property Involved: _____

Name of Subdivision/Development: _____

Date Appellant Received Notice from Zoning Administrator: _____

(Appeal must be filed within 30 days of receipt of notice from the Planning & Zoning office)

FILING REQUIREMENTS: (See Section 3.11 of Zoning Ordinance)

1. Attach description of how Zoning Administrator is in error and how the appellant is injuriously affected or aggrieved. Refer to pertinent sections of the Zoning Ordinance, as applicable.

2. **FEE: \$281.00** (\$181 hearing + \$100 transcript deposit)

This fee is to pay the cost of the required public notice, postage and other applicable costs of the public hearing. A transcript is required for the requested Board action. The exact fee for the transcript cannot be calculated prior to the public hearing; therefore, the above fee includes a \$100 transcript deposit which is an estimate. After the Board has made a decision and the transcript fee has been calculated either a refund or an invoice will be sent to the applicant for the difference between the deposit and the actual cost of the transcript. The applicant is responsible for all fees associated with the public hearing and the transcript regardless of the outcome of the public hearing.

_____ Date _____ Phone _____

Appellant Signature

Date of BOA hearing _____ Thursday, 10:00 a.m.

Date application received and fee paid _____

Date notice sent to appellant/owner _____

Date notice sent to newspaper _____

(No less than 7 days nor more than 21 days)

INSTRUCTIONS FOR FILING APPEAL TO BOARD OF ADJUSTMENTS

1. Kentucky State Law, KRS 100.257 states “The Board of Adjustments shall have the power to hear and decide cases where it is alleged by an appellant that there is an error in any order, requirement, decision, grant or refusal made by an Administrative Official in the enforcement of the Zoning Ordinance”.
2. Appeals to the Board may be made by any person or entity claiming to be injuriously affected or aggrieved by an official order, requirement, interpretation, grant, refusal or decision of the Zoning Administrative Official.
3. By state law, the appeal must be made WITHIN 30 DAYS of the alleged error by the Administrative Official. “Appeal must be made” shall be interpreted to mean that a completed application and fee must be received by the Planning office before 4:00 p.m. on a regular work day.
4. The appellant shall be notified in writing at least seven days in advance of the date set for the Board of Adjustments hearing.
5. The appellant must clearly state in writing how the Zoning Administrator was in error.
6. At the hearing, the appellant will explain, provide proof, and answer questions. The Zoning Administrative Official will follow the same procedure. All interested parties will be heard.
7. The Board of Adjustments will weigh the evidence. The decision must be made within 60 days. The following options, based on evidence presented, are available to the Board:
 - a. Approve the Zoning Administrator’s decision.
 - b. Find that the decision is improper in its entirety and reverse the decision or in part (certain portions only should be reversed).
 - c. Establish conditions to the Administrator’s decision.
8. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustments shall appeal to the Circuit Court in Boyle County. Such appeal shall be taken within 30 days after the final action of the Board. Final actions which have not been appealed within 30 days shall not be subject to review.