

COUNTY OF HENRY
APPEALS PROCEDURE

Reasons for Appeal

The Henry County Zoning Ordinance provides that any person who is aggrieved by a decision of the Zoning Administrator or by an order, requirement, decision, or determination made by an administrative officer of the County in the enforcement of the Zoning Ordinance may petition the Board of Zoning Appeals for review of the decision.

In addition, the Zoning Ordinance grants to the Board of Zoning Appeals the authority to interpret any of the District Maps where there is any uncertainty as to the location of a district boundary.

Submission of Appeal

Any person who wishes to appeal a decision by the Zoning Administrator or administrative officer or to apply for interpretation of a Zoning District Map must complete an appeals package consisting of the following:

1. **Notice of Appeal**, which must be typed or printed in ink, with all information completed, and signed by the petitioner. An important part of the form is a listing of the name and complete address of all owners of property adjacent to and across the road from the property affected by the appeal. This information may be obtained by the applicant in the Real Estate Mapping Department of the Office of the Commissioner of Revenue in the County Administration Building.
2. **Payment of Advertising Costs**: \$120.00 to cover required newspaper advertising, notification sign, and the cost of notification of adjoining property owners.

All petitioners for review of decisions by the Zoning Administrator or administrative officer must be submitted to the Department of Planning and Community Development and County Administrator within thirty (30) days of the decision being appealed. The appeal will be heard by the Board of Zoning Appeals at its meeting following the legal requirements for advertising. A schedule showing the Board's meeting dates will be provided to the applicant.

A petition for interpretation of district boundaries may be submitted at any time. The deadline imposed by the legal requirements for advertising will be provided to the applicant.

Effect of Appeal

The filing of an appeal shall stop all proceedings on an action appealed unless the Zoning Administrator certifies that such a stoppage would, in his opinion, cause imminent peril to life or property. In that case, proceedings could not be stopped unless a restraining order is granted by either the Board of Zoning Appeals or a court of record.

Appeals Procedure

-2-

Public Notice

A public hearing will be conducted on the application by the Board of Zoning Appeals. The staff will take the following actions to notify interested persons about the request and the public hearing:

1. Send to the local newspaper a notice of the public hearing which will be published once a week for two consecutive weeks.
2. Notify each of the adjacent property owners by first class mail.
3. Post at least one notification sign on the property (the number of signs needed will be determined by the staff based on size and location of the property.)

Action by Board of Zoning Appeals

The Board of Zoning Appeals will conduct a public hearing on the appeal at the date and time advertised in the public notice. The applicant is required to attend the public hearing and may have an agent present if desired. All interested parties will have an opportunity to comment on the issue. The Board must render a decision on the appeal within ninety (90) days of the filing of the appeal.

The Board of Zoning Appeals may reverse or affirm the decision which was appealed in whole or in part. The Board also may modify the order, requirement, decision or determination which was the subject of the appeal.

In the case of an application for interpretation of a District Map, the Board may interpret the May in such a way as to carry out the intent and purpose of the Zoning Ordinance for the particular section or district in question but may not changed substantially the locations of district boundaries established by the Ordinance.

**FOR FURTHER INFORMATION OR ASSISTANCE,
PLEASE CONTACT THE COUNTY PLANNING
STAFF AT:**

*Department of Planning & Community Development
County Administration Bldg., King's Mountain Road
P. O. Box 7, Collinsville, VA 24078
(276) 634-4620*

COUNTY OF HENRY

NOTICE OF APPEAL TO BOARD OF ZONING APPEALS

Part I – To be completed by Applicant
Please type or print in ink the following information.

Applicant's Name: _____ Telephone: _____

Applicant's Address: _____

Location of Property:

Real Estate Map and Parcel Number: _____ Size of Property: _____ acres/sq.ft.

To be completed by County:

List below the name and complete address (including the zip code) of the owner of all property adjacent to or directly across a road from the property for which the rezoning is requested. This information may be obtained from the Office of the Commissioner of Revenue. If more space is needed, please attach a separate sheet.

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Notice of Appeal to Board of Zoning Appeals

Page 2

Action Requested by Board of Zoning Appeals:

A. Appeal of Administrative decision.

B. Interpretation of District Map.

If block A above is checked, please describe the decision being appealed below, including date decision was rendered and by whom (Zoning Administrator or other administrative officer). Explain what effect the decision has on the property.

I hereby appeal to the Henry County Board of Zoning Appeals for a decision on the issue described above. I authorize appropriate County officials to enter upon the above-described property during normal business hours to conduct required inspections and post signs. I hereby certify, under penalties of perjury, that the above information is true, complete, and correct.

Signature of Applicant

Applicant is owner contract purchaser agent other _____

Part 2 – To be completed by County

Appeal Number: _____ Date Completed Notice of Appeal Received: _____

Date of Public Hearing: _____ Dates of Advertisements: _____

I certify that on _____, each of the property owners adjacent to and across the road from the applicant's property were sent by first class mail a notification of the public hearing.

Signature of Staff

Action by Henry County Board of Zoning Appeals

Decision:

Date: _____

Secretary, Board of Zoning Appeals