

An appeal must be initiated by any person aggrieved or by any officer, department, board, or bureau of the City of Charlotte.



An appeal stays (stops) all proceedings unless deemed an imminent peril to life or to property or is transitory in nature that would seriously interfere with enforcement as determined by the Zoning Board of Adjustment.

A meeting with Zoning Administration staff must occur prior to submitting application and fee in person to:

### Charlotte-Mecklenburg Planning Department

Charlotte-Mecklenburg Government Center  
600 East Fourth Street, 8th Floor

The following nonrefundable fees apply:

**Residential**                      **\$150.00**  
(Individual Homeowner)

**Commercial**                      **\$350.00**

Make checks or money orders payable to **City of Charlotte**. No other form of payment will be accepted.



# ZBA

Zoning Board of Adjustment

The ZBA meets on the last Tuesday of the month. The agenda is limited to ten (10) cases. Applicants who have submitted the completed Appeal Application in due time and paid the required fees will be heard at the first available ZBA meeting time slot. They will be notified by mail at least ten (10) days prior to the meeting of the date, time, and location.

Application and instructions are available at

**[www.charlotteplanning.org](http://www.charlotteplanning.org)**

If you do not have access to the Web and need an appeal form mailed to you, or have any questions, please contact the Zoning Administration staff.

**Sonda Kennedy**      **704-336-3818**  
skennedy@ci.charlotte.nc.us

**Katrina Young**      **704-336-3571**  
kyoung@ci.charlotte.nc.us

**Charlotte-Mecklenburg Planning Department**  
Government Center  
600 East Fourth Street, 8th Floor  
Charlotte, NC 28202-2853  
704-336-2205



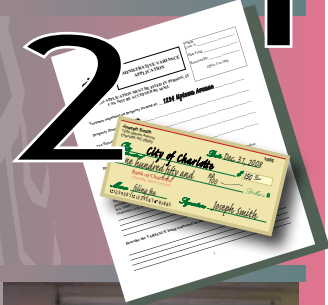
# ZONING

## Appeal of a Decision

Meet with Zoning Staff before submitting Appeal application.



Submit Appeal application and filing fee to Zoning staff.



You or your representative must attend the ZBA meeting.



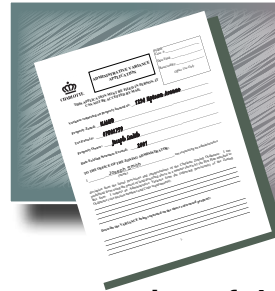
Appeals of the Board's decision is to North Carolina Superior Court.





An incomplete Appeal application form will eliminate your case from the ZBA agenda.

- a. Have you included your address verification form and a copy of the Notice of Violation or written interpretation from the Zoning Administrator or his/her staff?
- b. Have you been specific by stating the sections of the Zoning Ordinance related to your appeal?
- c. Have you clearly stated the facts? Are you are prepared to present evidence to prove that the Zoning Board of Adjustment should conclude in your favor and that the Zoning Officer or Administrator is erroneous? You **must** be able to prove that the Administrator/staff has misinterpreted the Zoning Ordinance, misapplied the Ordinance, or has incorrectly stated the facts of your case in the Notice of Violation or written interpretation.
- d. Have you included tax maps showing adjacent and abutting properties with the property in question highlighted?
- e. Have you given complete names, addresses, zip codes and tax parcel numbers of adjoining property owners? (Include persons on both sides of, behind and directly across the street from the property in question.)
- f. If you are not the owner of the property, have you included a notarized letter from the property owner giving permission for you to appear before the Board?
- g. Is your application complete, dated, and signed by appropriate parties?



# Filing an Appeal

**An appeal must be filed at least thirty-one (31) days before the meeting of the Charlotte Zoning Board of Adjustment (ZBA); and within thirty (30) days of the date of the Notice of Violation (NOV) or written interpretation. See *Zoning Variance Application* brochure or web site for more information about Notice of Violation.**

## Section 5.109 Standards for granting an appeal:

- 1** The Board of Adjustment shall reverse or modify the specific order, requirement, decision, or determination under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, requirement, decision, or determination.
- 2** In affirming, reversing, or modifying the order, requirement, decision, or determination, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
- 3** Upon filing an appeal with the Charlotte Zoning Board of Adjustment, the following rules and procedures shall apply until the Board has ruled on the appeal:
  - a. No further construction work shall be done except in accordance with the provisions of the Zoning Ordinance.
  - b. All legal proceedings to enforce compliance will be held in abeyance.
  - c. All written or physical evidence (plans, maps, pictures, letters, etc.) presented before the Board becomes a part of the record and must be turned over to the Board.
  - d. All testimony before the Board will be given under oath.
  - e. Appellants may be represented by counsel at their own expense, if they choose to do so.
  - f. "No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that members may receive information pertaining to the case from the Board's Clerk or Legal Advisor, prior to the hearing".
  - g. You have a right to appear and present your case before the Board.