

CHAPTER 71

APPEALS PROCEDURES

SECTION 1 – PURPOSE

The purpose of this ordinance is to provide for full hearing and review of Town decisions for which other review provisions are not provided or detailed.

SECTION 2 – APPEALS

- A. Any party aggrieved by any decision of the Town Board, any municipal official, or the Comprehensive Plan Commission (where applicable), shall seek review under the provisions hereof before initiating any action in any state or federal court.
- B. All appeals shall be in a writing, delivered to the Town Clerk within sixty (60) days of the date the adverse decision was made, and shall state with specificity the decision appealed from and the reasons why said decisions should be altered.
- C. Appeals shall be heard by sworn testimony by the Town Board within sixty (60) days of receipt by the Town Clerk, and a written decision thereof shall be issued within thirty (30) days after the hearing is completed or the appeal shall be deemed to be denied.
- D. No variance to the provisions of the Town's ordinances shall be granted unless the Town Board finds by the preponderance of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
 1. Preservations of Intent: No variance shall be granted that is not consistent with the purpose and intent of the applicable ordinance.
 2. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, parcel, structure, or situation that do not apply generally to other properties or parties in the Town and the granting of the variance would not be of so general or recurrent nature as to suggest that the ordinance would be changed.
 3. Economic Hardship and Self-Imposed Hardship Not Ground for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

4. **Preservations of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties or other parties in the Town.
5. **Absence of Detriment:** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of the applicable ordinance or of the public interest.
6. **Error:** An error in a finding of fact or of application of law was made such that the decision made was incorrect.

SECTION 3 – FEES

Payment of a fee of fifty (\$50.00) dollars shall be required for the appeal process to be implemented.