



CASE NO. \_\_\_\_\_  
MEETING DATE \_\_\_\_\_

## **TOWN OF MOORESVILLE – APPLICATION FOR APPEAL**

### **IMPORTANT INSTRUCTIONS FOR FILING APPEAL APPLICATION**

#### **APPLICATION MUST BE FILED IN PERSON**

This application must be filed at least sixty (60) days before the meeting of the Town of Mooresville Board of Adjustment; and, within thirty (30) days of the Notice of Violation, if applicable. The application **must be submitted in person** to the Mooresville Development Services Department, 413 North Main Street, Mooresville, NC, 28115, by **12:00 noon on** \_\_\_\_\_. The meeting will be held on \_\_\_\_\_. You will be notified by mail of the date, time, and location of the meeting. Applications are placed on the agenda according to the acceptance date. **A Zoning Board of Adjustment fee is required to be paid when submitting the appeal application form. Make checks payable to the Town of Mooresville.**

**Residential / Commercial**

**\$ 500.00**

#### **The following information is required:**

1. If title to the property is not in the name of the applicant, include a notarized letter from the owner signifying his/her approval.
2. Application must be completed, dated, and signed by the appropriate parties and notarized.

#### **FOR YOUR INFORMATION**

Upon filing an appeal against the Zoning Administrator or an Interpretation the following rules and procedures shall apply:

- No further construction work shall be done except in accordance with the provisions of the Zoning Ordinance.
- All legal proceedings to enforce compliance will be held in abeyance.

- All written or physical evidence (plans, maps, pictures, letters, etc.) presented before the Board becomes part of the physical record and property of the Town of Mooresville.
- All testimony given before the Board shall be given under oath.
- You have the right to appear and present your case before the Board.
- Applicants may be represented by council at their own expense.
- A Board member cannot discuss any case with any parties thereto prior to the public hearing on that case.

CHECK LIST OF ITEMS TO BE INCLUDED ON / WITH APPLICATION

- Have you been specific by stating the sections of the Ordinance related to your appeal?
- Have you stated facts or evidence to be presented?
- Is your application complete, dated, signed by the appropriate parties, and notarized?
- If you are not the property owner, have you included a notarized letter from the property owner giving you permission to appear before the Board?
- Fee paid.

**Your appeal request may not be placed on the agenda if complete information and requested documentation is not included.**

**BOARD OF ADJUSTMENT HEARING PROCEEDINGS**

All exhibits should be numbered and must remain with the Board. Please turn them into the Zoning Administrator (in the Development Services Department) for tagging. Persons wishing to speak at the Public Hearing must sign up and will be sworn in by the Chairman. Each person is limited to three (3) minutes.

This is a *quasi-judicial* Board that can only accept sworn testimony. Hearsay is **NOT** admissible.

The Board of Adjustment has the authority to uphold, reverse, or modify the decision of the Zoning Administrator.

Appeal from this Board is to Superior Court of North Carolina. You have thirty (30) days from the date of the Board's written decision to file an appeal.



CASE NO. \_\_\_\_\_

**APPLICATION FOR AN APPEAL**

Date Filed: \_\_\_\_\_ This application must be filed within thirty (30) days of the Notice of Violation or written interpretation of the Zoning Administrator. The application must be filed in person, and cannot be accepted by mail or fax.

**TO THE TOWN OF MOORESVILLE BOARD OF ADJUSTMENT:**

I \_\_\_\_\_ hereby appeal to the Board of Adjustment, requesting to reverse the decision of the Zoning Administrator as stated in the Notice of Violation or the written interpretation of Section \_\_\_\_\_ of the Mooresville Zoning Ordinance.

Location of Property: \_\_\_\_\_

PIN Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Violation Number: \_\_\_\_\_ Date of N.O.V.: \_\_\_\_\_

SECTIONS OF CODE IN QUESTION: \_\_\_\_\_

(Attach a copy of the Notice of Violation or written interpretation)

STATE WHAT FACTS OR EVIDENCE YOU ARE PREPARED TO PROVE TO THE BOARD OF ADJUSTMENT THAT SHOULD LEAD THE BOARD TO CONCLUDE THAT THE DECISION OF THE ZONING ADMINISTRATOR IS ERRONEOUS.

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

Case No. \_\_\_\_\_

I certify that all of the information presented by me is accurate to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Signature of Applicant / Owner                      Date

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Complete Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Zip

\_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness by my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY, indicate the owner's name and contact information, along with a notarized letter signifying approval to REQUEST AN APPEAL for the NOTICE OF VIOLATION or the Zoning Administrator's interpretation in regard to his/her property.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Email & phone #