



Appeal of Administrative Decision Procedures

Applicability. The appeal of administrative decisions is a process to determine if there was an error in any final decision in the interpretation, administration or enforcement of this code by an administrative official of the City. Appeals of administrative decisions may be filed by any person aggrieved or by any officer, department, board of the City affected by any decision of the officer administering the zoning ordinance. Appeals of administrative decisions shall be filed with the Director and the Secretary of the Board within 60 days of the date of the decision being appealed.

Effect of Filing. An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record. The Director shall transmit all files constituting the record on the action appealed to the Board.

Notice. Notice of the appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken within 30 days of receipt of such filing of the appeal.

Action and Review Criteria. The Board of Zoning Adjustment shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. An appeal shall be sustained only upon written findings that the official was in error. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm, wholly or partly, or may modify the decision being appealed.

Effect of Decision. The decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official. The concurring vote of at least four members of the Board of Adjustment is necessary to approve an appeal and override an administrative official's decision or interpretation. Any person, including any city official or review body, aggrieved by a decision of the Board may bring an action in the district court within 30 days of the final decision of the Board.



Appeal of Administrative Decision Application

Return Form to:

Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only

Case No.: _____
Filing Fee: \$550.00 _____
Received: _____
Date Advertised: _____
Proj. No.: _____
Public Hearing Date: _____

Applicant: _____ Phone No.: _____

Address: _____ Email: _____

Owner: _____ Phone No.: _____

Address: _____ Email: _____

Location of Property: _____

Section of Zoning Regulation Being Appealed: _____

Explanation of Decision Being Appealed: _____

Present Use of Property: _____

Proposed Use of Property: _____

Submission of Documents: The following documents are **required** at time of submission.

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Completed and signed application. |
| <input type="checkbox"/> | <input type="checkbox"/> | One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible. |
| <input type="checkbox"/> | <input type="checkbox"/> | Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned. |

Applications that are incomplete or missing required documents will not be processed or scheduled on an agenda to the Board of Zoning Adjustment until corrected and resubmitted.

Signature: _____ **Date:** _____