

17.16.060: PROCEDURE FOR REQUESTING A VARIANCE OR APPEAL:

- A. Procedure, Time Limit: A request for a variance, or a notice of appeal must be commenced within ten (10) calendar days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Santa Clara building official at the Santa Clara city building department office. The notice must indicate the decision appealed from, and identify the parties making the appeal. Any notice of appeal or request for variance must include a list containing the names and addresses of adjoining property owners. Adjoining property owners include all owners of property within a five hundred foot (500') radius of the property affected by the appeal or request for variance as shown on the tax rolls of Washington County. The Santa Clara building official shall notify the appropriate appeal authority of the request for a variance or a notice of appeal within seven (7) working days.
- B. Fee: A request for a variance, or a notice of appeal shall be accompanied by a fee established by the Santa Clara city council, which amount shall be used to defray the cost of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.
- C. Hearing To Be Scheduled; Notice: When a request for a variance or a notice of appeal is filed, the appeal authority of the adverse order, requirement, decision or determination shall schedule a meeting for a hearing within fifteen (15) working days, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place and subject matter of the meeting shall be given to the person making the appeal, the land use authority or official who issued the adverse order, requirement, decision or determination, and all parties in interest, including adjoining property owners within a five hundred foot (500') radius of the property affected by the request for variance or appeal. The appeal authority may require such written briefs or memorandum of the parties, as the appeal authority deems advisable. At the hearing, the appellant shall appear in person or by agent or attorney.
- D. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken, after receiving notice of appeal, certifies in writing with specificity to the appeal authority the reasons why a stay would cause imminent peril to life or property. In such cases, the appeal authority may lift the stay, upon notice to the parties, with an opportunity to respond.
- E. Burden Of Proof: The appellant has the burden of proving that the land use authority erred.
- F. Standard Of Review: The appeal authority shall review the matter de novo. The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance. Only those decisions in which a land use authority has