



City of Covington

APPEALS APPLICATION SUBMITTAL PROCEDURES

Purpose

This document explains the process where it is alleged by any aggrieved person, firm or corporation that there is an error in any order, requirement, decision or determination made by the planning and zoning director, or other authorized city official in the performance of duties under the zoning ordinance, such person firm or corporation may seek a review of such order, requirement, decision or determination by the board of appeals and adjustments.

Process

- Said appeals shall be filed with the planning and zoning director in writing on forms provided by such director within fifteen (15) days following the date of such order, requirement, decision or determination.
- An appeal stays all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the board of appeals and adjustments, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Newton County on notice to the officer from whom the appeal is taken and on due cause shown.
- The board of appeals and adjustments shall fix a reasonable time for the hearing of the appeal and provide fifteen (15) days notice thereof as well as written notice to the parties in interest. Any party may appear at the hearing in person, by an agent or by an attorney. The chair of the board of appeals and adjustments shall request that the appeal be identified and read. Following such identification and reading, the chair shall cause the action being appealed to be identified and read. The aggrieved party shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning the appeal. If all ten (10) minutes are not used, the aggrieved party's remaining time may be reserved for rebuttal. The acting party and those in opposition to the appeal shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning the order, requirement, decision or determination. The presentation times may not be reduced but may be extended by majority vote of the board of appeals and adjustments, provided they are expanded equally for the aggrieved party and the acting party.
- Following the consideration of all testimony, documentary evidence, and matters of record, the board of appeals and adjustments shall make a determination on each appeal. The board of appeals and adjustments shall decide the appeal within a reasonable time but in no event more than forty-five (45) days from the date of the filing of the appeal unless an extension of time is agreed to by the aggrieved party. The board of appeals and adjustments shall reverse, defer, affirm, or modify any order, requirement, decision or determination made by the planning and zoning director or other authorized city official and to that end shall have all the powers of the administrative official from whom the appeal was taken. An appeal shall be sustained or the decision below modified only upon an expressed finding by the board of appeals and adjustments that the authorized city official's action was based on an erroneous finding of a material fact, or that said official's action was arbitrary. The action of the board of appeals and adjustments on an administrative appeal shall be final.
- Appealing a final decision of the board of appeals and adjustments. Any person aggrieved by a final decision of the board of appeals and adjustments, or any officer or department of the city, affected by such decision, may appeal from such decision pursuant to Georgia state law.