

Article 16

§ 16-2-106. Administrative appeals

(a) (1) Except as set forth in paragraph (3) of this subsection, this section applies only to grading permits that are issued for sites that are two or more acres in size and on which clearing or grading will result in the loss or diminution of substantial and significant natural features or irreparable environmental harm.

(2) Except as set forth in paragraph (3) of this subsection, this section does not apply to a grading permit for a single lot that is part of a larger site with an active or completed grading permit that provides for site improvements and future development of single lots.

(3) This section applies to all grading permits issued within the buffer or expanded buffer.

(b) A person aggrieved by the issuance of a grading permit by the Director may appeal the issuance of the permit to the County Board of Appeals.

(c) (1) An appeal shall be filed within 25 days of the permit's issuance.

(2) The timely filing of an appeal within 25 days after the issuance of the grading permit automatically stays the permit pending the final disposition of the appeal by the Board of Appeals.

(d) The developer may file a response to the request.

(e) Within 30 working days of the filing of the appeal, the Board of Appeals shall hear and decide the appeal. If the board fails to make a decision within 30 working days, the stay shall be terminated and may not be reinstated by the Board.

(Bill No. 98-87, § 1; Bill No. 90-89, § 3; Bill No. 105-91, § 1; Bill No. 8-92, § 1; Bill No. 120-96, § 1; Bill No. 104-97, § 3)