



# Board of Appeals

## Applying for an Administrative Appeal.

### ***What is an administrative appeal?***

An administrative appeal is a process in which the applicant challenges a decision, code interpretation, permit issued, or other inappropriate use of a regulation or ordinance by a town board or municipal official. The applicant for an administrative appeal can be the property owner or a party aggrieved by the decision of the town.

### ***Who can file an administrative appeal?***

The property owner injured by a decision of a municipal official and any other party aggrieved by the decision that can show particularized harm. If you live nearby and can show no direct harm then you would probably not have standing to file an administrative appeal.

### ***What kind of administrative appeals can the board of appeals hear?***

The Town Charter for York authorizes an appeal from an aggrieved party of any decisions by any municipal official or board. The Board of Appeals also reviews inaction or failure of the town to act.

### ***How do I apply for an administrative appeal?***

Applications for an administrative appeal are found on the town website ([www.yorkmaine.org](http://www.yorkmaine.org)) and at the Town Hall - see an Administrative Assistant in the Code Enforcement Department. All appeals must be taken within 30 days of the action or inaction by a municipal official. Deadlines are critical. Missing a deadline usually means automatic loss of an appeal- the Board of Appeals will deny your appeal as untimely.

### ***How should you prepare?***

The better prepared you are the more likely you are to get what you would like. You should familiarize yourself with the ordinance, the various criteria, and the decision prepared by the town official.

### ***Do I need a lawyer?***

The burden of proof is on the party that appeals to the board of appeals. The applicant must prove his or her case with facts and evidence. Appearing in front of the Board of Appeals can be unnerving. If you do not feel you can present your case effectively then you should consider getting help. Help may be a neighbor or friend, or professional help such as an attorney or surveyor.

### ***Can the Board of Appeals issue my permit?***

The authority of the Board of Appeals is generally limited to reversing or approving a decision made by a municipal official or board. The appeal is taken from the official or the board that can actually issue the permit or approval.

***Can I file an appeal for a second time on the same decision?***

The Maine State Supreme Court Has held that an applicant whose appeal or request was denied has no legal right to request another hearing on the same issue unless he or she can show a substantial change in circumstances which provided the basis for the first appeal. The Town of York does allow a reconsideration of the decision by the Board of Appeals under its rules. A request for reconsideration must be filed within 10 days of the original decision. The Board of Appeals will only hear a reconsideration based on new evidence or an error in law. Reconsiderations must be heard and decided within 45 days of the original decision of the Board.