



APPEAL SUPPLEMENTAL FORM

Decision Being Appealed (cite subdivision requirement(s) involved)

Date of Decision Being Appealed:

Property (if decision was made with respect to a particular parcel)

Parcel Identification Number (PIN): Current Zoning:

Address:

Total site area: square feet acres

Current land use(s):

Property Owner (Developer)

Name:

Address:

City: State: Zip Code:

E-mail Address: Fax:

Telephone Number:

Applicant/Consultant (person to whom all correspondence will be sent)

Name:

Address:

City: State: Zip Code:

E-mail Address: Fax:

Telephone Number: Relationship to Owner:

Reason(s) for Appeal – Please explain why you believe the Planning Director’s or other county’s staff decision is erred and/or should not be applicable to your property. Explain what you believe the decision should have been, and why. Cite section(s) of Unified Development Code applicable to your analysis. Provide evidence to support your appeal. Attach additional sheets if necessary.

(Reason for Appeal continued)

Land use professionals (architects, engineers, planners, landscape architects, etc.), as well as employees of corporate or municipal applicants, may testify at quasi-judicial proceedings about factual matters in support of an application, petition or appeal. However, they MAY NOT examine or cross-examine witnesses, make legal arguments as to why an application, petition or appeal should be granted, or otherwise advocate for results on behalf of another individual or entity at a quasi-judicial proceeding. These functions can ONLY be performed at a quasi-judicial proceeding by an attorney licensed to practice law in North Carolina. Therefore, it is **strongly recommended** that unless you are an individual representing yourself in a quasi-judicial proceeding, you have an attorney present to present your case.

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: _____ Date: _____

Title: _____

Notes: All documents and maps submitted as required become the property of Wake County.
The Wake County Unified Development Ordinance is on the web at www.wakegov.com.

Appeals

The Planning Director must interpret the meaning of Wake County Unified Development Ordinance (UDO) regulations that are unclear and/or judge whether or not a particular requirement applies to a particular situation. To ensure that the County's regulations are applied fairly, the Unified Development Ordinance (UDO) establishes a process whereby any interested person who believes the Planning Director misinterpreted a UDO regulation, misjudged its applicability or inapplicability to a particular situation, or otherwise erred in applying it, may appeal the Planning Director's decision to the Wake County Board of Adjustment.

In deciding appeals, the Wake County Board of Adjustment may interpret the meaning of UDO regulations and/or determine how they apply in particular situations, but it has no power to vary, rewrite, or overrule UDO regulations. Variances to regulations may be considered only in accord with the hardship variance review process, and changes to regulations require amending the UDO - which the Board of Commissioners may do through the ordinance text amendment review process.

Appeals are heard and decided only in accord with the special hearing and review process set forth in Section 19-37 of the Unified Development Ordinance.

Review Process

Initiation: After preparing an appeal, the person appealing the decision (appellant) must submit a completed an Appeal application (Appeal) to the Planning Director, with a copy to the Land Development Administrator, **within 30 days** of the decision being appealed. The appeal must state the alleged error the Planning Director or Zoning Administration staff made in reaching the decision being appealed, and specify why the decision was in error.

Record and Responses: After an Appeal has been received, Zoning Administration staff sends the Appeal to the Board of Adjustment along with a request to schedule a hearing for a Board of Adjustment meeting (usually 45 to 60 days later, to allow adequate time for public notice and preparation of responses by interested parties). As soon as the hearing date has been set, staff sends notice of the Appeal and hearing to the appellant and any other interested parties to the decision being appealed, then compile a record of the decision being appealed.

During this time, other interested parties may review the Appeal and submit responses to staff.

Staff submits the appeal, decision record, staff report, and any submitted responses from other interested parties to the Board of Adjustment for consideration at the hearing.

Note: The Appellant bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to decide in favor of the appeal.

Note: Because the Board may only consider evidence presented at the hearing, it is improper for the Appellant or other interested parties to communicate with Board members outside the hearing.

For more information about subdivision appeals and the appeal review process, For more information about UDO regulation, contact:

Planning, Development and Inspections
336 Fayetteville Street Mall, PO Box 550
Raleigh, NC 27602-0550.
FAX: (919) 856-5824,

Planning staff are located at the Permits/Plans Review Center, Mall level, Wake County Office Building, 336 Fayetteville Street Mall, Downtown Raleigh.