

Appeal of Administrative Decision Application

Planning and Development Customer Service Center | One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500



This application and all required documents shall be submitted to the Raleigh City Clerk's Office within the statutory timeframe for appeals. Because this is a statutory requirement, extensions cannot be given. Please contact [Board of Adjustment](#) staff if you have any questions.

This is an application to appeal final, binding determinations made by City of Raleigh ("City") staff including, but not limited to, a formal notice of violation, the approval or denial of a permit or site plan, a formal ordinance interpretation, and other final, written decisions. Advisory opinions are generally not considered appealable.

Date		
Date Filed:	Date Received (for staff only):	
NOTICE: Per N.C. Gen Stat § 160D-405.d, the recipient of the administrative decision has 30 days from receipt of the written notice of the determination within which to file an appeal application. Any other person or entity with standing to appeal has 30 days from receipt of any source of actual or constructive notice of the determination to file an appeal application. In the absence of evidence to the contrary, notice given pursuant to N.C. Gen Stat § 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. <u>Appeal applications that are not (1) notarized, (2) signed by the Appellant, (3) do not provide a copy of or a sufficient description of the administrative decision being appealed, or (4) provide proof of payment of the application fee, and are not cured within the statutory appeal period run the risk of being determined to be incomplete by City Staff and consequently being dismissed administratively for incompleteness and/or untimeliness.</u> All appeals are heard by the Raleigh Board of Adjustment in a quasi-judicial hearing (N.C. Gen Stat § 160D-406). This application is a form of written testimony and will be part of the record at your hearing, and therefore, applicants should carefully and thoroughly fill out this application. It is improper to contact any member of the Board of Adjustment prior to the disposition of your appeal (N.C. Gen Stat § 160D-109). Attendance at the Board of Adjustment hearing is required. Some appellants may represent themselves but, per an N.C. State Bar opinion, businesses, LLCs and other corporate entities should be represented by attorneys. All appellants are encouraged to engage attorney representation.		
Appeal of Administrative Decision Checklist		
☐ Yes		A signed, notarized, and complete application form including, in particular, the name of the appellant, the appellant's notarized signature, the basis for standing, a description of the administrative decision or notice of violation being appealed, and the grounds for the appeal.
☐ Yes	☐ N/A	Payment of the submittal fee (paid by check or other method).
☐ Yes	☐ N/A	(If applicable) A copy of the notice of violation or other administrative decision being appealed, or a notice of the administrative decision, or a reasonably complete description of the administrative decision being appealed.
☐ Yes	☐ N/A	(If applicable) Documentation to support the Appellant's claim to have standing such as, but not limited to, a deed, lease agreement, or deed of easement.
☐ Yes	☐ N/A	If the appeal involves a specific property, the applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices.
☐ Yes	☐ N/A	If the appeal involves a specific property, a list of adjacent property owners shall be provided.
NOTE: If the appeal involves a specific property, City staff will place a public hearing sign on the subject property. Signage shall be posted by the City on the property at a point visible from the nearest public street or streets if the property fronts on multiple streets, for at least 10 days before the hearing. Signage shall be posted in accordance with all other requirements listed in UDO Sec. 10.2.1.C.4.		

Nature of Appeal	
Description of the administrative decision(s) being appealed (be specific and, if possible, provide a copy of the administrative decision being appealed with this application):	
Associated Case # for the Administrative Decision being appealed (if applicable):	
How were you given notice of the Administrative Decision being appealed?:	
When did you receive the Administrative Decision being challenged or obtain notice of it? Date:	
Property Subject to the Challenged Administrative Decision (if applicable)	
Property Address:	Acreage:
Property REID:	Jurisdiction:
Zoning:	Overlay District (if applicable):
Grounds for the Appeal	
Why should the administrative decision or notice of violation be overturned? (While an appellant need not state their entire case in this section, specific reasons why a decision should be overturned should be provided here. This is analogous to the standards of notice pleading. Please use additional pages if necessary):	
Appellant Information*	
Appellant Name:	Phone #:
Mailing Address:	Email:
Signature:	
Notary	
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: _____ <i>Name(s) of principals(s)</i> Date: _____ _____ <i>Official Signature of Notary</i> _____, Notary Public <i>Notary's printed or typed name</i> My commission expires: _____	<i>Official Seal</i>

*The appellant's name should be the name of the person or entity that has standing pursuant to N.C. Gen Stat § 160D-1402(c) If an entity, please provide the official entity name as listed on legal filings. If the appellant is claiming standing due to property ownership or some other legal status, this name should match what is listed on the relevant deed or other legal document. The signature should be provided a person with capacity to sign for the Appellant. In most cases, the signature should not be provided by the Appellant's attorney.

Grounds for Appellant's Standing			
1	☐ Yes	☐ N/A	I am a person or entity possessing an ownership interest in the property that is the subject of the decision being appealed.
2	☐ Yes	☐ N/A	I am a person or entity possessing a leasehold interest in the property that is the subject of the decision being appealed.
3	☐ Yes	☐ N/A	I am a person or entity possessing an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
4	☐ Yes	☐ N/A	I am a person or entity possessing an option or contract to purchase the property that is the subject of the decision being appealed.
5	☐ Yes	☐ N/A	I am a person or entity that will suffer special damages as a result of the decision being appealed.
6	☐ Yes	☐ N/A	I am an incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, and at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
7	☐ Yes	☐ N/A	Other
You may elaborate here on your claim for standing. If you checked "Other" for row seven, you must elaborate here on why you have standing to appeal. You may also attach additional pages of explanation or legal documents, affidavits, and exhibits. <u>Please review N.C. Gen Stat §160D-405(b) and §160D-1402(c):</u>			
Appellant's Property Information**			
Property Address:		Acreage:	
Property REID:		Jurisdiction:	
Zoning:		Overlay District (if applicable):	

** If the Appellant checked the "Yes" box in row five in the Grounds for Appellant's Standing table (special damages), this section should be filled out with the information for the property that is relevant to the Appellant's claim for standing.

Attorney or Agent Information

(Per a N.C. State Bar opinion, it may be considered unauthorized practice of law for corporate entities to be be-represented by a non-attorney).

☐ Yes	☐ N/A	Appellant will be self-represented.
☐ Yes	☐ N/A	Attorney will be engaged before a hearing is scheduled.
☐ Yes	☐ N/A	I am not sure if I will hire an attorney or other agent yet.
☐ Yes	☐ N/A	Agent information is provided below.
Agent Name:		Phone #:
Agent Firm:		Email:
State Bar # (for Attorneys only):		