



ALBEMARLE

NORTH CAROLINA
Water. Air. Land. Opportunity.

NOTICE OF APPEAL

Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal:

§160A-393.(d) Standing. – A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons¹ shall have standing to file a petition under this section:

- (1) Any person meeting any of the following criteria:
 - a. Has an ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
 - b. Has an option or contract to purchase the property that is the subject of the decision being appealed.
 - c. Was an applicant before the decision-making board whose decision is being appealed.
- (2) Any other person who will suffer special damages as the result of the decision being appealed.
- (3) 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, so long as 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.
- (4) A city whose decision-making board has made a decision that the council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of an ordinance adopted by that council.

Applicant/Agent: _____ Owner: _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

Fax: _____ Fax: _____

Email: _____ Email: _____

Property Address: _____ Tax Record Number: _____

(1) Cite ordinance section numbers you allege were applied in error. Please list each section, the requirement and the requested variance (if applicable).

Item	Code Section	Code Requirement
Example	92.029(B)(5)(e)	No such sign shall exceed 32 square feet.
A		
B		

¹ Person. – Any legal entity authorized to bring suit in the legal entity's name.



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Application for the Appeal of an Administrative Decision or Interpretation

Applicant/Agent: _____ Owner: _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

Fax: _____ Fax: _____

Email: _____ Email: _____

Property Location/Address _____

Tax Record Number: _____

Area of Subject Property (acres or square feet): _____

Lot Width: _____ Lot Depth: _____

Current Zoning Classification: _____

Adjacent Zoning:

North:	East:
South:	West:

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

Date

Property Owner

(1) Cite ordinance section numbers you allege were applied in error. Please list each section, the requirement and the requested variance (if applicable).

Item	Code Section	Code Requirement
Example	92.029(B)(5)(e)	No such sign shall exceed 32 square feet.
A		
B		

(2) Please describe why you believe the code sections listed above were applied in error. Tell the Board what you believe is the appropriate application of each code section.

A. Code Section: _____

B. Code Section: _____

Please submit the following with the original application:

- (1) Application fee of \$250.00
- (2) Nine additional copies shall be submitted

If the above requirements are not presented at the time of submittal, the application will not be accepted.