

# APPEAL APPLICATION

Town of Apex, NC

Last Updated April 2015



Submittal Date: \_\_\_\_\_ Application# \_\_\_\_\_

**APPEAL APPLICATION:** Completed application must be submitted before 5:00 p.m. no later than 30 calendar days after the written decision or interpretation of the Planning Director or other official.

**APPEAL APPLICATION FEE:** Lesser of \$300.00 or half (1/2) the original fee

## Hard Copy Submittal Requirements

- One (1) copy of Appeal Application
- Appeal Application fee is the lesser of \$300.00 or half (1/2) the original fee
- One (1) site plan or plot plan (if applicable)
- One (1) Agent Authorization Form One
- One (1) set of envelopes addressed to each property owner
- One (1) Certified list of property owners

## Project Information

Location: \_\_\_\_\_

Property PIN: \_\_\_\_\_

Acreage: \_\_\_\_\_ Zoning \_\_\_\_\_

Jurisdiction:  Inside corporate limits  In ETJ  Outside corporate limits and ETJ

## Applicant Information

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Legal relationship of applicant to property owner: \_\_\_\_\_

Owner \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

The Board of Adjustment conducts a quasi-judicial public hearing process. Only sworn testimony provided at the public hearing may be considered in their decision-making. The Board of Adjustment members cannot be legally contacted by the applicant or applicant's representative prior to the public hearing (e.g. no ex parte communication). If you have any questions, please contact Senior Planner June Cowles at 919-249-3331.

**PURPOSE:** Any person aggrieved by any decision or interpretation made by the Planning Director (except construction plans, final plats and minor subdivisions for subdivision) or other officials administering this Ordinance may appeal such decision to the Board of Adjustment, which shall review the decision or interpretation pursuant to the requirements of Section 2.3.13 of the Unified Development Ordinance (UDO).

**NOTIFICATION REQUIREMENTS SUBMITTED BY APPLICANT:** The applicant must submit two (2) copies of the Appeal Application and a plot plan or site plan (if applicable). One copy of the application must have notarized signatures. The applicant must also submit a signed affidavit with a certified list of owners of land subject to the application and owners of land within 300 feet of the land subject to the application. The addresses for property owners may be obtained from the current Wake County Tax Office, 300 S. Salisbury Street, Raleigh, North Carolina. The applicant must also submit one (1) set of envelopes addressed to each of the property owners of the land subject to the application, and all property owners within 300 feet of the land subject to the application. Each envelope must be affixed with a first class stamp (metered postage will not be accepted) and contain the following return address:

The Town of Apex – Planning Department  
P.O. Box 250  
Apex, North Carolina 27502

**REVIEW FOR SUFFICIENCY:** Planning staff checks application for sufficiency. Incomplete applications will be returned to the applicant. Sufficiently complete applications are forwarded to the planning staff for review.

**PUBLIC HEARING NOTIFICATION:** Notification of the public hearing will take place by three different methods. The Planning Department will prepare written notifications for all property owners of the land subject to the application and all property owners within 300 feet of the land subject to the application. These notices will be postmarked not more than 25 days nor less than 14 days prior to the Board of Adjustment Meeting. A notice of the public hearing will be published on the Town's website no less than 10 days and no more than 25 days prior to the public hearing. A notice will be posted on the land subject to the application at least 14 days prior to the public hearing.

**PUBLIC HEARING/BOARD OF ADJUSTMENT MEETING:** The Planning Board will consider the application, relevant support materials, the Staff Report, and public testimony given at the public hearing. After the public hearing the Board of Adjustment will vote to affirm, affirm with modifications, or reverse the contested decision or interpretation, based on the standards in UDO Section 2.3.13(E), *Standards*. The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination on appeal. The Board of Adjustment meets at 6:00 P.M. in the Town Hall Council Chambers on the date indicated on the Town of Apex Calendar of Meetings (typically the second Tuesday of each month).

**APPEAL APPLICATION**

TO THE APEX BOARD OF ADJUSTMENT:

I, \_\_\_\_\_ hereby request the Apex Board of Adjustment consider my APPEAL from the following decision/interpretation of the Planning Director or other official:

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This decision/interpretation relates to the following provisions of the Unified Development Ordinance (cite the paragraph numbers):

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I believe the decision/interpretation of the Planning Director or other official is erroneous based on the following facts, materials, and evidence provided in support of my appeal (attach documents as necessary):

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The decision/interpretation is adverse to my interests because:

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**STANDARDS BY WHICH THE BOARD OF ADJUSTMENT MAKES ITS DECISION:**

Per Section 2.3.13(E) of the Unified Development Ordinance, a decision/interpretation of the Planning Director or other official under the Unified Development Ordinance shall not be reversed or modified unless there is demonstrated evidence that the interpretation/decision is inconsistent with the intent and standards of the Unified Development Ordinance.

**Petitioner or Designated Representative Certification:**

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**All of the property owners of the subject property must provide their signatures.**

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**AGENT AUTHORIZATION FORM**

\_\_\_\_\_ is the owner of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning
- Site Plan
- Subdivision
- Variance
- Other: \_\_\_\_\_

The property is located at: \_\_\_\_\_

The agent for this project is: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature(s) of Owner(s)

\_\_\_\_\_

Type or print name

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**\*Owner of record as shown on the latest equalized assessment rolls of Wake County. (An option to purchase does not constitute ownership). If ownership has been recently transferred, a copy of the deed must accompany this authorization.**