



SUBDIVISION APPEAL APPLICATION

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

Three horizontal lines for text entry.

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:

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 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.

Seven horizontal lines for text entry.

Appeals

The Planning Director must interpret the meaning of subdivision regulations that are unclear and/or judge whether or not a particular requirement applies to a particular situation. To ensure that the County's subdivision regulations are applied fairly, the Unified Development Ordinance (UDO) establishes a process whereby any interested person who believes the Planning Director misinterpreted a subdivision 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 Planning Board.

Note: An appeal stays all proceedings in furtherance of the decision being appealed.

In deciding appeals, the Planning Board may interpret the meaning of subdivision regulations and/or determine how they apply in particular situations, but it has no power to vary, rewrite, or overrule subdivision regulations. Variances to regulations may be considered only in accord with the subdivision 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 Subdivision 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 Subdivision 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, Subdivision Administration staff sends the Appeal to the Planning Board along with a request to schedule a hearing for a future Planning Board 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, Subdivision Administration 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 the Subdivision Administration staff.

Subdivision Administration staff cause notice of the appeal hearing to be published in a local newspaper of general circulation in the area of the subdivision site. Staff then submits the appeal, decision record, staff report, and any submitted responses from other interested parties to the Planning Board for consideration at the hearing.

Appeal: Any property owner of aggrieved subdivider or any officer or Agency of Wake County affected by any decision of the Planning Board that relates to the interpretation or application of the standards of Article 8 may file an appeal the Board of County Commissioners. (19-37-1(A))

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 subdivision regulation, contact:

Wake County Zoning and Subdivision Administration

336 Fayetteville Street Mall, PO Box 550

Raleigh, NC 27602-0550.

FAX: (919) 856-5824,

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