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DEC - 4 2018

**LAW OFFICE OF
MATTHEW A. NICHOLS**

**NEW HANOVER COUNTY
PLANNING & ZONING**

3205 Randall Parkway, Suite 104
Wilmington, NC 28403

Ph: (910) 508-7476
Email: matt@mattnicholslaw.com

December 4, 2018

VIA HAND DELIVERY

The Honorable Kym Crowell
Clerk to the New Hanover County Board of Commissioners
230 Government Center Drive, Suite 175
Wilmington, NC 28403

Mr. Ken Vafier CFM, AICP
Planning Manager
New Hanover County Land Use Department
230 Government Center Drive, Suite 110
Wilmington, NC 28403

**Re: NOTICE OF APPEAL TO THE NEW HANOVER COUNTY ZONING BOARD
OF ADJUSTMENT of an Interpretation/Determination dated November 7, 2018
for property located at 7419 Dunbar Rd., New Hanover County (PARID: R04500-
001-009-000)**

Dear Madam Clerk and Mr. Vafier:

I represent Paul and Sandra Seiferth, the owners of the above-referenced property located at 7419 Dunbar Road. Please accept this letter and the enclosed appeal by my client of an Interpretation/Determination by Planning and Zoning Supervisor Ben Andrea dated November 7, 2018 with respect to my client's property.

Please find enclosed the following:

1. Appeal Application with attached Exhibits A, B and C;
2. Authority for Appointment of Agent Form; and,
3. A check made payable to New Hanover County in the amount of \$400.00 for the Appeal Application Fee.

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If it is necessary for me to direct this appeal or provide a copy of this appeal to another County official, please let me know, and I will promptly do so. Also, please let me know if you require any additional information at this time.

We respectfully request that this item be scheduled for hearing at the regularly scheduled January 2019 meeting of the New Hanover County Zoning Board of Adjustment, or as soon thereafter as this matter can be heard by the Board.

Thank you for your time and attention to this matter.

Sincerely yours,



Matthew A. Nichols

MN/nc

Cc: Deputy County Attorney Sharon Huffman (via e-mail: shuffman@nhcgov.com)



NEW HANOVER COUNTY
PLANNING & LAND USE

**AUTHORITY FOR
APPOINTMENT OF AGENT**

230 Government Center Drive
Suite 110
Wilmington, NC 28403
910-798-7165 phone
910-798-7053 fax
www.nhgov.com

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Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

Agent Information	Property Owner(s)	Subject Property
Name Matthew A. Nichols	Owner Name Paul Seiferth	Address 7419 Dunbar Rd.
Company Law Office of Matthew A. Nichols	Owner Name 2 Sandra Seiferth	City, State, Zip Wilmington, NC 28411
Address 3205 Randall Pkwy, Suite 104	Address 3012 Sturbridge Ct.	Parcel ID R04500-001-009-000
City, State, Zip Wilmington, NC 28403	City, State, Zip Allison Park, PA 15101	
Phone (910) 508-7476	Phone	
Email matt@mattnicholslaw.com	Email	
Application Tracking Information (Staff Only)		
Case Number Reference: ZBA-932	Date/Time received: 12/4/18	Received by: DB

This document was willfully executed on the _____ day of _____, 20_____.

Owner 1 Signature
Paul Seiferth

11/28/2018

Owner 2 Signature
Sandra Seiferth

11/28/2018

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE
 230 Government Center Drive, Suite 110
 Wilmington, North Carolina
 Telephone (910) 798-7165
 FAX (910) 798-7053
 planningdevelopment.nhcgov.com

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APPEAL Application

Applicant/Agent Information		Property Owner(s) <i>If different than Applicant/Agent</i>
Name	Owner Name	
Paul Seiferth, and wife Sandra Seiferth	Same as Applicant	
Company	Owner Name 2	
Mailing Address	Mailing Address	
3012 Sturbridge Ct.		
City, State, Zip	City, State, Zip	
Allison Park, PA 15101		
Phone	Phone	
(910) 508-7476 (c/o Applicants' Attorney, Matt Nichols)		
Email	Email	
matt@mattnicholslaw.com c/o Applicants' Attorney, Matt Nichols)		
Subject Property Information		
Address/Location		
7419 Dunbar Rd.		
Parcel Identification Number(s)		
R04500-001-009-000		
Total Parcel(s) Acreage		
Approximately 3.456 acres		
Existing Zoning and Use(s)		
R-20. vacant		
Application Tracking Information (Staff Only)		
Case Number	Date/Time received:	Received by:
Z04-932	12/4/2018	

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APPEAL NARRATIVE

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Action being appealed: Decision or Interpretation Notice of Violation

Date of decision/violation being appealed: November 7, 2018

NEW HANOVER COUNTY
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In the below space, please provide a narrative of the application including any evidence that proves the decision should be reversed or modified by the Zoning Board of Adjustment. (Additional pages may be attached to the application if necessary)

Applicant appeals from the written Interpretation/Determination dated November 7, 2018 by Planning and Zoning Supervisor Ben Andrea ("Interpretation/Determination") that the Subject Property is not exempt from the New Hanover County Conservation Overlay District (COD) Ordinance. The subject Interpretation/Determination is attached hereto as Exhibit "A". The Applicant disagrees with and disputes the the November 7, 2018 Interpretation/Determination. Please see attached Exhibits "B" and "C" for additional narrative and grounds for appeal.

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Staff will not process an application for further review until it is determined to be complete.

Required Information		Applicant Initial	Staff Initial
1	Complete Appeal application	MW	KV
2	Application fee - \$400	MW	KV
3	Any Supporting Documentation	MW	KV
4	1 hard copy of ALL documents. Additional hard copies may be required by staff depending on the size of the document/site plan.	MW	KV
5	1 PDF digital copy of ALL documents AND plans on a Compact Disk (CD).	MW	KV

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ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the appeal application for which I am applying. I understand that I have the burden of proving why the decision which is being appealed should be reversed or modified. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

- 1. Submit an application including all required supplemental information and materials;
- 2. Appear at public hearings to give representation and commitments; and
- 3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

Paul Seiferth/Sandra Seiferth
Signature of Property Owner(s)

Paul Seiferth/Sandra Seiferth 11/28/2018
Print Name(s)

Matthew A. Nichols
Signature of Applicant/Agent

Matthew A. Nichols 12/4/18
Print Name(s)

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

***The land owner or their attorney must be present for the case at the public hearing.**

For Staff Only

Application Comments

