

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



APPEAL Application

REVIEW PROCESS

Step 1: Pre-Application Conference

In order to assist applicants through the variance process, applicants are highly encouraged to attend a pre-application conference prior to application submittal. The purpose of the pre-application conference is to provide the applicant an opportunity to become familiar with the submittal requirements and procedures of the application.

Step 2: Application Submittal

Applications must be received by the Planning and Inspections Department within 30 days of the date of the decision or interpretation being appealed. A complete application consists of the items detailed in the submittal checklist provided in this application.

Step 3: Staff Review

Upon receiving a completed application, staff may distribute it to certain departments and agencies for review. County Planning staff shall review the application, and prepare a staff report for the Zoning Board of Adjustment.

Step 4: Zoning Board of Adjustment Review and Action

The New Hanover County Zoning Board of Adjustment shall consider the application at a public hearing. Public hearings for appeal applications are conducted in a quasi-judicial manner and include additional standards for the testimony and evidence presented during the hearing. The property owner, or their attorney, must be present for the meeting.

A majority of the Board shall be necessary to reverse or modify the decision or interpretation that was appealed. The Board's decision on the application may be appealed to Superior Court within 30 days of the decision.

An appeal of a notice of violation or other enforcement order stays enforcement action unless it is determined that a stay would cause imminent peril to life or property, or because the violation is transitory in nature and a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order granted by a court of record in New Hanover County. If enforcement proceedings are not stayed, the appellant may file a request for an expedited hearing of the appeal, and the Board shall meet within 15 days after such request is filed.

The Planning and Inspections Department shall notify the public of the hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

This page left blank for formatting purposes.

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



APPEAL Application

Applicant/Agent Information		Property Owner(s) <i>If different than Applicant/Agent</i>	
Name		Owner Name	
Company		Owner Name 2	
Mailing Address		Mailing Address	
City, State, Zip		City, State, Zip	
Phone		Phone	
Email		Email	
Subject Property Information			
Address/Location			
Parcel Identification Number(s)			
Total Parcel(s) Acreage			
Existing Zoning and Use(s)			
Application Tracking Information (Staff Only)			
Case Number	Date/Time received:	Received by:	

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.

Signature of Property Owner(s)

Print Name(s)

Signature of Applicant/Agent

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

