

**APPLICATION TO APPEAL
HISTORIC PRESERVATION
COMMISSION DECISION
BOARD OF ADJUSTMENT**

\$268.00



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Instructions for Filing

Any person desiring to appeal a decision of the Historic Preservation Commission may do so by filing an application with the City of New Bern Development Services Department and submitting the associated application fee.

- ◆ When considering such an appeal, the Board of Adjustment functions with very limited and narrowly defined review authority.
- ◆ In an appeal, the Board of Adjustment is limited to reviewing only evidence heard at the Historic Preservation Commission meeting, or its duly authorized representation.
- ◆ Board of Adjustment review of such an appeal involves consideration of the Historic Preservation Commission's decision with respect to the following five questions:
 1. Were there errors in the law?
 2. Were proper procedures in both statute and ordinance followed?
 3. Were due process rights secured (including rights to offer evidence, cross-examine witnesses, and inspect documents)?
 4. Was there competent material and substantial evidence to support the decision?
 5. Was the decision arbitrary and capricious?

The item or items the applicant is contesting shall be specified on the written appeal application in order for the appeal to be considered by the Board of Adjustment.

The Board of Adjustment is authorized to refer the item back to the Historic Preservation Commission only if it makes a finding in regard to one or more of the five questions. Appeal from the Board of Adjustment's decision shall be to the Superior Court of Craven County.

The appeal application fee, payable to the city of New Bern, is due at the time of submission to the Board of Adjustment, Development Services department, 303 First Street, New Bern, NC.

Appellant: _____ Owner : _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

Fax: _____ Fax: _____

Email: _____ Email: _____

Location of Subject Property: _____

Date of Historic Preservation Commission Hearing: _____

Date of Filing: _____

Current Zoning Classification _____ Existing Land Use _____

Appeal

I (we) hereby allege that the Historic Preservation Commission did err by:

[] Granting [] Denying

An application for a Certificate of Appropriateness affecting the above premises.

The Historic Preservation Commission's decision and reason(s) for the decision were: _____

I (we) contend that the Commission erred in that:

- ◆ There were errors in the law: _____
- ◆ Proper Land Use Ordinance and General Statues were not followed: _____
- ◆ Due process rights were not secured: _____
- ◆ There were no competent material and substantial evidence to support the decision: _____
- ◆ The decision was arbitrary and capricious: _____

Scheduled Speakers: _____

Certification

I (we) hereby acknowledge and say that the information contained herein and herewith is true.

Signature of Appellant(s):

Date:

