

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 Concord Planning 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 overturn a decision of the Historic Preservation Commission, or 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 Cabarrus County.
- The appeal application fee, payable to the City of Concord, is due at the time of submission to the Planning Services Manager in the Development Services Department, 66 Union Street, South, Concord.

Staff Use Only:

Date Received: _____, 20____ Received by: _____

Check # _____ Cash amount \$ _____ Assigned Case#: _____

The application fee of \$300.00 is nonrefundable.



1. Appellant Name: _____
2. Appellant Address: _____
City: _____ State: _____ Zip Code: _____
4. Appellant Telephone: Home: _____ Work: _____
5. Location of Subject Property:
 - (a) Street Address: _____
 - (b) Cabarrus County P.I.N.: _____
6. Name and address of owner (if different from appellant): _____
7. Current Zoning Classification: _____ Existing Land Use: _____
8. Date of Historic Preservation Hearing: _____
9. Date of Filing: _____

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.

9. The Historic Preservation Commission’s decision and reason(s) for the decision were:

10. I (we) contend that the Commission erred in that:
 - (a) there were errors in the law:

 - (b) proper Development Ordinance and General Statutes procedures were not followed:

 - (c) due process rights were not secured:

 - (d) there was no competent material and substantial evidence to support the decision:

 - (e) the decision was arbitrary and capricious:

11. Scheduled Speakers:

Certification

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

Signature of Appellant(s):

Date:

Staff Use Only

1. Scheduled for Board of Adjustment consideration:

Date: _____ Time: _____ Location: _____

2. Date advertised, written notice(s) sent, and property posted: _____

3. Record of Decision: Motion to: Approve Deny

	Yea	Nay
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

3. Planning and Zoning Commission decision is to: Reverse Refer back Affirm

4. The Historic Preservation Commission is directed to re-examine the case.

5. Planning and Zoning Commissions findings are:

6. Appellant Notified of Board of Adjustment action: _____

Date: _____