

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING - NORTH CAROLINA

Cherry v. Wiesner

Court of Appeals of North Carolina - February 16, 2016 - S.E.2d - 2016 WL 611074

Owners of lot in designated historic district appealed city Board of Adjustment ruling which rejected modernist design for home, which had been approved by city Historic Development Commission. The Superior Court reversed the Board's decision, and neighbor appealed.

The Court of Appeals held that:

- Neighbor failed to allege special damages and thus was not an "aggrieved party" with standing to challenge the decision;
- Neighbor had numerous opportunities to allege standing before Board of Adjustment; and
- Neighbor was not entitled to supplement the record before the trial court to include two affidavits addressing the issue of standing.