



# Vance COUNTY

NORTH CAROLINA

## Variance Application

Vance County Planning & Development Department

156 Church Street, Suite 3

Henderson, NC 27536

Ph: (252) 738-2080

Fax: (252) 738-2089

### Purpose:

A variance is a permit that enables the property owner to make use of their property in a way that conflicts with the literal interpretation of the ordinance. More specifically, a variance grants relief from the Zoning Ordinance. A typical variance involves setback requirements. Use variances are not permitted pursuant to state law.

The following outline is the procedure for applying for a variance. The applicant is advised to discuss the variance request with Planning Staff before applying.

### Procedure:

1. Obtain variance packet and discuss with Planning Staff. The packet will include application submission requirements.
2. Applicant is to fill out the application.
  - Note: Be sure to provide as much information as possible.
  - Note: Applications require site plans. Site plans should show the following:
    - Structure(s): Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
    - Lot Layout: Lot lines with dimensions; location of adjacent right-of-way(s); distance from structures to lot lines and between structures; location of existing and proposed well(s); location of existing or proposed septic tank, drainage field and replacement drainage field (Note: structures may not be located over any of these);
    - Parking areas and other built upon areas;
    - Surface water drainage (if applicable);
    - Indicate name and address of preparer; indicate date of plan and date of any revisions; indicate north direction;
  - Note: Site plans prepared by a surveyor may be required.
3. The applicant will need to bring the application back to the Planning and Development Department with a \$250.00 fee.
  - Note: The fee must be paid with the submittal of the application.
4. Planning Staff will prepare a staff report to be sent to the Board of Adjustment members.
  - Note: The report will contain a copy of the signed application, a map prepared by the planning department, pictures of the property, site map prepared by the applicant, and other information that the applicant provides to support their request.



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5. Planning Staff will send a letter to all adjacent property owners informing them of the Public Hearing.
6. Planning Staff will post the applicant's property with a Public Hearing Sign at least 10 working days prior to the meeting date.
7. The meeting/public hearing will be held on the assigned date.
  - Note: The property owner is required to be in attendance to answer any questions and provide all information necessary as requested by the Board.
  - Note: In order for a Variance to be granted, a four-fifths (4/5) vote in favor of the Variance request must be received by the Board of Adjustment members.



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**For Administrative Use Only:**

Case #	_____
Fee Paid	_____
BOA Date	_____

### Property Owner Information

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: ( ) - Fax #: ( ) -

E-mail Address: \_\_\_\_\_

### Applicant Information

Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: ( ) - Fax #: ( ) -

E-mail Address: \_\_\_\_\_

### Property Information *For multiple properties please attach an additional sheet.*

Property Address: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_ PIN (parcel identification #): \_\_\_\_\_

Type of Petition: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_

Acreage: \_\_\_\_\_ Road Frontage: \_\_\_\_\_

Existing Use: \_\_\_\_\_

### Deed Reference

- Metes and bounds description attached
- Site plan/sketch of proposal attached



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### STATEMENT OF JUSTIFICATION

Application submitted for a variance from the Zoning Ordinance as follows: *Please explain below:*

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### FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. No change in permitted uses may be authorized by variance. Also, the Board may impose appropriate conditions on any variance, provided that the conditions are reasonably related to the variance.

Under the state enabling act, the Board shall vary ordinance provisions when unnecessary hardships would result from carrying out the strict letter of the ordinance. In order to determine whether a hardship is present the applicant shall provide an argument for the following items. In the following spaces, indicate the facts and the argument you plan to render, in order to convince the Board to properly determine that an unnecessary hardship exists from carrying out the strict letter of the ordinance.

(1) **THERE ARE UNNECESSARY HARDSHIPS THAT WOULD RESULT FROM THE STRICT ENFORCEMENT OF THIS ORDINANCE.** The courts have developed four rules to determine whether, in a particular situation, “unnecessary hardships” exist. State facts and argument in support of each of the following:

a. **The unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.** (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

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b. **The hardship results from conditions that are peculiar to the property such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

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- c. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

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- d. **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

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### Property Owners Signature

\_\_\_\_\_ Date \_\_\_\_\_  
*Please sign in blue or black ink*

### Applicants' Signature

\_\_\_\_\_ Date \_\_\_\_\_  
*Please sign in blue or black ink*