

Pender County Planning and Community Development

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Variance Submission

Applications will be considered for the Board of Adjustment hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. _____ **Pre-submittal Meeting**
Date of Meeting _____
2. _____ **Signed Application**
3. _____ **Payment**
\$250
4. _____ **Narrative**
A narrative shall be submitted to include the specific Ordinance Section for the requested variance.
5. _____ **Digital Submission**
For all documents submitted in paper copy, bring a digital copy with paper submission.
6. _____ **Adjacent Property List**
The applicant shall provide a list of the owners of all properties located within 500-feet of the perimeter of the project bounds.
7. _____ **Adjacent Property Envelopes**
The applicant shall provide a set of business envelopes addressed to each owner of all properties located within 500-feet of the perimeter of the project bounds accompanied with the amount of postage required for first class postage.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____

Date _____

Printed Name _____

Staff Initials: _____

Date: _____

Variance Process



**Submit Completed Application
and Site Plan to Administrator**



Board of Adjustment Meeting



Decision Rendered by Board

		Meeting Date	Deadline
BOA	January	1.18.17	12.2.16
	February	2.15.17	12.30.16
	March	3.15.17	1.27.17
	April	4.19.17	3.3.17
	May	5.17.17	3.31.17
	June	6.21.17	5.5.17
	July	7.19.17	6.2.17
	August	8.16.17	6.30.17
	September	9.20.17	8.4.17
	October	10.18.17	9.1.17
	November	11.15.17	9.29.17
	December	12.20.17	11.3.17

Complete Application Date: All documents must be received by 12PM on the deadline date to be considered a complete application.

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VARIANCE APPLICATION

Applicability

- A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
- B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
- C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table in Section 5.2.3.
- D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.
- E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons. The Board of Adjustment may grant variances in the following special circumstances, as indicated elsewhere in this Ordinance.

Findings

In granting any variance, the Board of Adjustment shall make the following findings:

- A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
 - 1. 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;
 - 2. The hardship results from conditions that are peculiar to the property, such as location, size, and 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;
 - 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship;
 - 4. 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.
- B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE

Application No.	VA	Date	
Application Fee	\$	Receipt No.	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:		Owner's Name:	
Applicant's Address:		Owner's Address:	
City, State, & Zip		City, State, & Zip	
Phone Number:		Phone Number:	
Email Address:		Email Address:	

Legal relationship of applicant to land owner:

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):		Total property acreage:	
Zoning Classification:		Variance Size:	
Variance Location & Address			
Describe Variance and amount or type requested:			

SECTION 3: SIGNATURES

Applicant's Signature		Date:	
Owner's Signature		Date:	

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval.
3. An application for a variance shall be submitted in accordance with application requirements.
4. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.
5. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

OFFICE USE ONLY

<input type="checkbox"/>	VA Fees \$250	Total Fee Calculation \$
Payment Method :	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa
		Check: <input type="checkbox"/> Check # _____
Application received by:		Date:
Application completeness approved by:		Date:
Date scheduled for public hearing:		