



## CITY OF ASHEBORO

### *Application for Board of Adjustment Hearing*

#### **APPLICATION FEE** *(paid with application)*

***A two hundred and fifty dollar (\$250) filing fee is required for a variance request.***

#### **APPLICATION INSTRUCTIONS**

**IT IS RECOMMENDED THAT THE APPLICANT SPEAK WITH PLANNING DEPARTMENT STAFF PRIOR TO SUBMITTING THE APPLICATION AND PAYING THE HEARING FEE. CONTACT STAFF AT (336) 626-1201 EXT. 249 TO ENSURE APPLICATION REQUIREMENTS ARE SATISFIED.**

#### **REQUIRED APPLICATION CONTENTS**

1. A COPY OF THE ***PROPERTY DEED(S)***.
2. ***FIVE COPIES OF A SURVEYED PLAT AND/OR SITE PLAN.***
3. LIST OF ***ALL ADJOINING PROPERTY OWNERS AND THEIR ADDRESSES.***

**THE APPLICATION MUST BE FILED WITH THE PLANNING DEPARTMENT BY 12:00 PM ON THE DAY WHICH IS AT LEAST 30 DAYS PRIOR TO THE BOARD OF ADJUSTMENT MEETING AT WHICH THE REQUEST WILL BE CONSIDERED (SEE BELOW). NO APPLICATION FOR A VARIANCE REQUEST WILL BE ADVERTISED FOR PUBLIC HEARING UNTIL THE PLANNING DEPARTMENT HAS RECEIVED ALL REQUIRED MATERIALS.**

#### **MEETING INFORMATION\***

<b><i>Application Deadline</i></b>	<b><i>BOA Meeting</i></b>
December 4, 2009	January 4, 2010
December 31, 2010	February 1, 2010
January 29, 2010	March 1, 2010
March 5, 2010	April 5, 2010
April 1, 2009	May 3, 2010
May 7, 2010	June 7, 2010
May 28, 2010	June 28, 2010
July 2, 2010	August 2, 2010
July 30, 2010	August 30, 2010
September 3, 2010	October 4, 2010
October 1, 2010	November 1, 2010
November 5, 2010	December 6, 2010

***\*DATES ARE TENTATIVE AND SUBJECT TO CHANGE***

***CHECK WITH STAFF TO VERIFY MEETING DATES.*** Page 1

Rev. 2009



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**APPLICANT AND AGENT SIGNATURES**

IT IS UNDERSTOOD BY THE UNDERSIGNED THAT WHILE THIS APPLICATION WILL BE CAREFULLY REVIEWED AND CONSIDERED, THE BURDEN OF PROVING THE NEED FOR THE PROPOSED VARIANCE RESTS WITH THE APPLICANT.

*Name of Agent (if any)*

*Name of Applicant or Owner*

\_\_\_\_\_

\_\_\_\_\_

*Agent's Address*

*Applicant or Owner's Address*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Telephone Number*

*Telephone Number*

\_\_\_\_\_

\_\_\_\_\_

*Agent Signature*

*Applicant or Owner Signature*

\_\_\_\_\_

\_\_\_\_\_

*STAFF USE*

*Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Case Number: \_\_\_\_\_*

**BOA APPLICATION**

**APPEAL FROM AN ACTION OF THE ZONING ADMINISTRATOR, REQUEST FOR A VARIANCE, OR REQUEST FOR AN INTERPRETATION OF THE ZONING ORDINANCE**

DATE: \_\_\_\_\_

**TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:**

CHECK ONE:

1. I, \_\_\_\_\_ hereby appeal to the Board of Adjustment from the following order, requirement, decision, or determination made by the Zoning Administrator *(please specify the property affected by the Zoning Administrator's action(s): Note: The "property affected" is the property that is actually owned by an appellant and alleged to be impacted in some manner by the actions of the Zoning Administrator.*

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2. I, \_\_\_\_\_ hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance *(please specify the variance that is requested and complete the enclosed form):*

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3. I, \_\_\_\_\_ hereby request an interpretation of the meaning and intent of the following provision(s) of the Asheboro Zoning Ordinance *(please specify the property or use of property necessitating this request for an interpretation):*

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STATEMENT BY APPELLANT/APPLICANT: In the space provided below and/or on the back of this form, please state the facts and line of argument that you believe support your appeal, request for a variance, or request for an interpretation of the Zoning Ordinance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

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I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of Applicant

**VARIANCE REQUEST - BASIC INFORMATION**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, **the Board is required to reach five conclusions as a prerequisite to issuance of a variance.** Specifically, the five findings are as follows:

- a. That the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located;
- b. That the alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provision of this Ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.
- c. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.
- d. That the variance is in harmony with and serves the general intent and purpose of this Ordinance and the adopted Land Development Plan.
- e. That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

**All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all five categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.**

The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

**I received a copy of the above requirements outlining the conclusions required to be found for the granting of a Variance by a Board of Adjustment and have been informed that the burden of providing evidence to support such conclusions to obtain such variance rest with the applicant. I have also been advised of the application process by staff and received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.**

\_\_\_\_\_  
*Applicant*

\_\_\_\_\_  
*Date*

Received by \_\_\_\_\_  
*Staff*