

VARIANCE PROCEDURE

Prepared by:

The Department of Planning
City of Thomasville, NC

To facilitate those individuals initiating a request for Variance to the City through the Board of Planning & Adjustment, the following information is presented.

VARIANCE: An authorization to do something contrary to the strict terms of a zoning ordinance, such as building a structure inside a required setback area. Variances are quasi-judicial decisions that require an evidentiary hearing. That may only be issued upon a finding of practical difficulty or unnecessary hardships as a result of strict compliance and that the variance would be consistent with the spirit, purpose and intent of the ordinance. Variance petitions are assigned to the Board of Planning & Adjustment for hearing and decision.

INITIATION

The initiation of an application for variance is made by application to the City Planning Department and added to the Board of Planning and Adjustment Agenda. The application is submitted to the department of Planning no later than the first day of the month in which the petition needs to be heard at the regularly scheduled meeting of the Board of Planning & Adjustment, which meets the last Tuesday of each month at 5:30 p.m. in the Thomasville City Council Chambers, 7003 Ball Park Road (Unless otherwise noted). The specific requirements of a petition are:

1. That the application be filed on forms furnished by the Department of Planning.
2. That the application be accompanied by a filing fee of \$350.00 which covers the cost of advertising and processing the request.
3. That the application states the date submitted and a description of the appeal.
4. That the application includes a site plan of the area for which the variance is being sought. The map must show the classification of the property for which the change is sought as well as the classification of all property within one-hundred (100) feet of any boundary line of the requested property. The name of all owners of property within one-hundred (100) feet and their current mailing address as shown on the current year's tax records for Davidson County must be provided.

PROCEDURE

After submission of an application meeting all of the above requirements, the variance request is placed upon the agenda for the Board of Planning & Adjustment's consideration. Notice is placed in the newspaper once each week for two successive weeks prior to a public hearing. Notice will also be made by posting the property.

BOARD OF PLANNING & ADJUSTMENT ACTION

An application approved by the Board of Planning & Adjustment for variance will become effective immediately. The owner/applicant will receive an order granting or denying the variance. The order will be mailed by certified mail to confirm receipt by owner/applicant.

CITY OF THOMASVILLE
P O Box 368 • Thomasville, NC 27360 • (336) 475-4255
Planning & Zoning Department

BOARD OF ADJUSTMENT VARIANCE APPLICATION

Date Received _____ By _____ Case # _____ Hearing Date _____

SUBJECT PROPERTY ADDRESS _____

APPLICANT / OWNER / REPRESENTATIVE INFORMATION

Applicant Name _____

Address _____ City _____ State _____ Zip _____

Telephone (O) _____ (C) _____ Email _____

Property Owner Name _____

Address _____ City _____ State _____ Zip _____

Telephone (O) _____ (C) _____ Email _____

If another person will represent the applicant and/or property owner, please complete the information below:

Representative Name _____

Address _____ City _____ State _____ Zip _____

Telephone (O) _____ (C) _____ Email _____

PROPERTY INFORMATION

Parcel ID # _____ Zoning District _____

Existing Use of Property _____

Proposed Use of Property (if different) _____

RELIEF REQUESTED

By this application, the Board of Adjustment is hereby requested to grant a variance from the literal provisions of the City of Thomasville Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land indicated on this application in the manner shown by the attached site plan.

I am asking for relief in the amount of _____ feet, _____ inches from the following provision of the Ordinance:

(Indicate Section Number and Title from the Zoning Ordinance)

I need this variance in order to (briefly describe the project or reason why the variance is necessary):

REQUIRED FINDINGS

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. The North Carolina General Assembly has enacted law that requires the Board to reach the following four conclusions, or findings, as a prerequisite to an approval of a variance. Please address each of the four conclusions separately.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in 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 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.

3. The hardship does not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as 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.

SIGNATURES

Please be advised that the issuance of a variance does not excuse the applicant and/or property owner from obtaining all building, trade or other permits as required by law prior to beginning work.

When the applicant is someone other than the current property owner(s), the signatures of both the current property owner(s) and the applicant must be provided unless a power-of-attorney authorization is in effect. If a power-of-attorney is in effect, a properly executed copy is required to be submitted with this application.

Signature of Applicant Print Name Date

Signature of Owner Print Name Date