

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina

Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com



VARIANCE Application

REVIEW PROCESS

Step 1: Pre-Application Conference

In order to assist applicants through the variance process, applicants are highly encouraged to attend a pre-application conference prior to application submittal. Applicants are requested to review Section 122-1(2) of the Zoning Ordinance and sections relating to the application, and advised to contact Planning Staff with any questions. The purpose of the pre-application conference is to provide the applicant an opportunity to become familiar with the submittal requirements and procedures of the application, and also to receive preliminary comments from staff regarding the proposal's compliance with any applicable development regulations.

Step 2: Application Submittal

Applications must be received by the Planning and Inspections Department by 5:00 PM on the application deadline date. A complete application consists of the items detailed in the submittal checklist provided in this application.

Step 3: Staff Review

Upon receiving a completed application, staff may distribute it to certain departments and agencies for review. County Planning staff shall review the application, and prepare a staff report for the Zoning Board of Adjustment.

Step 4: Zoning Board of Adjustment Review and Action

The New Hanover County Zoning Board of Adjustment shall consider the application at a public hearing. Public hearings for variance applications are conducted in a quasi-judicial manner and include additional standards for the testimony and evidence presented during the hearing. The property owner, or their attorney, must be present for the meeting.

A variance shall be approved if the applicant provides substantial evidence that the proposed use will meet the following findings:

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 or topography.** *Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or 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 the 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.

No change in permitted uses may be authorized by a variance. The Zoning Board of Adjustment may impose appropriate conditions on a variance, provided that the conditions are reasonably related to the variance. A concurring vote of a majority of members of the Board is necessary to grant a variance.

The Planning and Inspections Department shall notify the public of the hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

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Applicant/Agent Information		Property Owner(s) <i>If different than Applicant/Agent</i>	
Name		Owner Name	
Company		Owner Name 2	
Address		Address	
City, State, Zip		City, State, Zip	
Phone		Phone	
Email		Email	
Subject Property Information			
Address/Location			
Parcel Identification Number(s)			
Total Parcel(s) Acreage			
Existing Zoning and Use(s)			
Application Tracking Information (Staff Only)			
Case Number	Date/Time received:	Received by:	

2. **The hardship results from conditions that are peculiar to the property, such as location, size or topography.** *Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or 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 the 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.**

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Staff will not process an application for further review until it is determined to be complete.

Required Information		Applicant Initial	Staff Initial
1	Complete Variance application		
2	Application fee – \$400		
3	Site plan or sketch illustrating requested variance		
4	1 hard copy of ALL documents		

ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the variance application for which I am applying. I understand that I have the burden of proving why this application meets the require findings necessary for granting a variance. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

Signature of Property Owner(s)

Print Name(s)

Signature of Applicant/Agent

Print Name(s)

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

***The land owner or their attorney must be present for the case at the public hearing.**

For Staff Only

Application Comments
