



Application for Board of Adjustment Hearing

APPLICATION FEE

A \$250 filing fee is required for a variance request.

APPLICATION INSTRUCTIONS

It is recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the hearing fee. Contact staff at (336) 626-1201 ext. 292 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

The application must be filed with the planning department by 5:00 p.m. 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*

<i>Filing Date</i>	<i>BOA Meeting*</i>
December 4, 2020	Monday, January 4, 2021
December 31, 2020	Monday, February 1, 2021
January 29, 2021	Monday, March 1, 2021
March 5, 2021	Monday, April 5, 2021
April 1, 2021	Monday, May 3, 2021
May 7, 2021	Monday, June 7, 2021
June 11, 2021	Monday, July 12, 2021
July 2, 2021	Monday, August 2, 2021
August 13, 2021	Monday, September 13, 2021
September 3, 2021	Monday, October 4, 2021
October 1, 2021	Monday, November 1, 2021
November 5, 2021	Monday, December 6, 2021

**Dates are tentative and subject to change. Check with staff to verify meeting dates.*

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant _____ Applicant's Phone # _____

Applicant's Address _____

Applicant's Email Address _____

PROPERTY INFORMATION

Property Owner's Name _____

Location of Property _____

Property Size (ac. or sq.ft.) _____

Randolph County Property Identification Number (PIN#) _____

Current Zoning District _____

Date Property Title Acquired _____ Deed Book _____ Page _____

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

APPLICATION 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.

Applicant Signature(s)

If Applicant is not the Property Owner, has Property Owner been notified?

Yes No

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

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REQUEST FOR A VARIANCE

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

I, _____ hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested):

STATEMENT BY 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 request for a variance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

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 four conclusions as a prerequisite to issuance of a variance. Specifically, the four findings are as follows:

- 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. 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 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.

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 four 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

STAFF USE

Received by: _____ **Date:** _____ **Case Number:** _____