

Variance Application

Boards of Adjustment in North Carolina function as a quasi-judicial body. Therefore, ex parte contact between applicants, other interested persons, or their respective representatives and members of the Board is inappropriate and not permitted. This guideline is reflected in the Rules of Conduct of the Greenville Board of Adjustment. Rule 4-5 states:

No Board member shall discuss any case with any parties in interest prior to the public hearing on that case, provided however, that members may receive and/or seek information pertaining to the case from any other members of the Board. (VIOLATION OF THIS RULE SHALL BE CAUSE FOR DISMISSAL.) Rules of Procedures, Zoning Board of Adjustment, Greenville, North Carolina.

INSTRUCTIONS FOR FILING AN APPLICATION FOR A VARIANCE

1. The applicant for a variance must complete this application in full. The application must be signed by the property owner(s) or their authorized representative (See page 6). **This application will not be processed unless all information requested is provided.**
2. In order to be considered by the Board of Adjustment, applications must be submitted to the Community Development Department **at least twenty (20) working days** prior to the meeting.

The Board's monthly meeting is held on the fourth Thursday of each month from January - October. For the months of November and December the meeting is held on the third Thursday.

The Board meets in the Council Chambers of City Hall, located at the corner of Washington Street and W. Fifth Street at 7:00 PM.

For additional information or assistance, call the City of Greenville Community Development Department at **(252)329-4498**.

3. The filing fee for each application is set out in the Manual of Fees (**Currently \$500.00**).
4. A digital copy (PDF) and thirty (30) paper copies of an accurate plot plan of the property in question must accompany the application. The plot plan shall be on paper having a size of between 8 1/2" x 11" minimum up to 30" x 42" maximum (**folded**) and a scale of 1" = 200' or larger. The plot plan shall include:
 - location and dimension of;
 - the entire lot including recorded easements;
 - all existing and proposed structures (principal and accessory) including number of stories and gross floor area;
 - all existing driveway(s), drive isles, and pedestrian improvements on site and on adjoining properties within ten (10) feet of the subject lot;
 - all existing and proposed parking areas including the total number of spaces (where the subject use is to share a common parking area with other existing or future uses indicate the allocation of spaces devoted or reserved to each separate use);
 - topographical features (streams, ditches, etc.);
 - required bufferyards;

- minimum building lines (MBL) and existing and future right-of-way lines (R/W);
- location or vicinity map may be drawn to a scale of not less than 1" = 1000';

NOTES:

These are minimum submission requirements. The Board of Adjustment reserves the right to require additional information where such submission is necessary to insure compliance with applicable criteria in the individual case. The applicant is encouraged to submit additional information if desired.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

If the requested variance is granted, the applicant also may be required to apply for and receive a separate special use permit. It is recommended that the application for a special use permit be on the calendar for the same night as the request for a variance.

BOA _____ - _____

Date Received _____

CITY OF GREENVILLE VARIANCE APPLICATION

Applicant Name(s) _____

Contact Name and Mailing Address _____

Contact Phone Number (_____) _____

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Location /Street address where variance is requested _____

Tax Parcel # _____

Variance requested from section(s) (what variance is requested) _____

_____ of the Greenville City Code.

Reason for Variance _____

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following: (State facts and arguments in support of each)

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. **(What hardships would be created by a strict following of the ordinance.)**

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. **(What are the unique features of this property as compared to other properties in the area that create the hardship identified.)**

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. **(What and/or who caused the 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. **(How is the proposed requested variance consistent with the spirit, intent and purpose of the ordinance.)**

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the City of Greenville to place a sign on the property in question for the purpose of alerting the general public of my request.

Print Name	Signature of Applicant	Date
Print Name	Signature of Applicant	Date

NOTE: If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property and does not have a binding option to purchase the property, then the actual owner(s) of the land must complete this form. If the person who is requesting the Board of Adjustment to take action on a particular piece of property is the owner of the property or has a binding option to purchase the property, please disregard this form. **Attach a copy of the option to purchase if the applicant has a binding option to purchase the property.**

I /We _____ am /are the owner(s) of the property located at _____.

I /We hereby authorize _____
to appear by consent before the Greenville Board of Adjustment in order to ask for a variance to _____

at this location. I /We understand that the variance if granted, is permanent and runs with the land. I /We authorize the City of Greenville to advertise and present this matter in my /our name as the owner of the property.

If there are any questions, you may contact _____ at my address, _____

or by telephone at (_____) _____ or (_____) _____.

Respectfully yours,

Owner Date

Owner Date

Sworn to and subscribed before me, this the _____ day of _____, _____.

Notary Public

My Commission Expires: