



City of Southport

APPEAL / INTERPRETATION / VARIANCE

APPLICATION

BOARD OF ADJUSTMENT

Application No. _____

Date: _____

Application Fee: _____

Receipt No. _____

The BOARD OF ADJUSTMENT may hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an Administrative Official in the enforcement of the Zoning Ordinance. The Board also has the authority to interpret the zoning map and decide questions on lot lines and district boundary lines. Authority of the Board is pursuant to the G.S. Section 160A-388.

APPLICATION REQUEST(S): _____ Appeal of Decision or Action of the Administration
_____ Appeal of Action or Determination of the Code Enforcement Officer
_____ Request an Interpretation of Zoning and/or Code of Ordinance
_____ Interpretation of Zoning Map
_____ Submittal of VARIANCE application

PROPERTY (location/identification information for property to which appeal request refers):

Street Address: _____

Tax Parcel ID: _____

Subdivision Name: _____ Section: _____ Lot #: _____

Zoning District Classification: _____

Current Use of Property: _____

APPLICANT/APPELLANT Information:

Name _____ Telephone: () _____

Address: _____

City: _____ STATE _____ STATE ZIP CODE _____

PROPERTY OWNER Information:

Name _____ Telephone: () _____

Address: _____

City: _____ STATE _____ STATE ZIP CODE _____

Owner's Signature of Consent to Application: _____ *Date:* _____

GENERAL CHECKLIST FOR SUBMITTAL:

The following information/documentation items are **required** prior to the submittal being scheduled for review by the Board of Adjustment.

- ☐ Completed appeal / interpretation / variance application form (with owner consent)
- ☐ Current and Accurate information as to applicant, owner, subject property, and item at issue
- ☐ Copy of Decision, Order, or Action being appealed (including date)

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- [] Specific section reference to the Ordinance or Guideline at issue in appeal or interpretation request
- [] Completion of all justification/explanation questions applicable to your submittal
- [] If applicable to your submittal: provide twelve (12) sets of a scaled drawing of the site plan
- [] If applicable to your submittal: provide twelve (12) copies of each exhibit (8½"x11" or 11"x17")
- [] If applicable to your submittal: Pre-application conference with Planning Staff
- [] All FILING FEES must be paid upon submittal of completed application package:

NOTE: Some items may be waived with specific permission of staff, based on level and type of applicant's request.

VARIANCE APPLICATION (COMPLETE THE FOLLOWING)

I, _____, the Applicant, hereby submit a VARIANCE Application for review and consideration of the Board of Adjustments requesting a Variance be granted from the City of Southport Ordinances as described below:

General Statement of Request (include property /project description and relevant Ordinance Code Sections):

VARIANCE JUSTIFICATION STATEMENT(S)

a. What are the practical difficulties or unnecessary hardships that prevent carrying out the strict letter of the Ordinance?

b. What hardships would result from strict application of the Ordinance? Would enforcement of the Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district?

c. Is the hardship peculiar to the subject property? What special conditions or circumstances exist with regard to the land, structure, or building involved which are not applicable to others in the same district?

d. Show that the special conditions and circumstances do not result from the actions of the Applicant.

e. If you comply with the provisions of the Ordinance, will you be able to secure reasonable return on or use of the property?

f. Show that granting the variance requested will not confer on the applicant any special privileges that are denied by this Ordinance to other land, structures, or buildings in the same district?

TO THE CITY OF SOUTHPORT, NORTH CAROLINA BOARD OF ADJUSTMENT

VARIANCE APPLICATION (CONTINUED)

g. Are there alternative locations available for the proposed use?

h. Is the proposed use compatible with existing uses and anticipated development?

CHECKLIST FOR VARIANCE APPLICATION SUBMITTAL:

The following information / documentation is required prior to the Variance application package submittal being scheduled for review by the Board of Adjustment.

- ☐ Completed variance application form (including answers to all of above questions a-h).
- ☐ Current and Accurate information as to applicant, owner, and property at issue
- ☐ Consent of Owner with regard to variance being requested on subject property
- ☐ Copy of specific section and reference in the Ordinance from which variance is requested
- ☐ Variance submittals require provision of twelve (12) sets of copies of a scaled plat of project or site plan (8½"x11" or 11"x17" size) showing all sides, rear, and front of property line setbacks; building, lot and parking areas, drive entrances, utilities, access roads, proposed drainage, and accessory structures. This plat shall also include: property tax I.D. number, address, owner deed reference, and any other pertinent information specific to this variance request.
- ☐ If applicable: Pre-application conference with Planning Staff
- ☐ Applicant **MUST** sign the Certification Statement confirming all information provided herein is true and correct.
- ☐ All **FILING FEES** must be paid upon submittal of completed application package:
Fees Are: \$ 500.00* (Variance)

**Note: Fees are subject to the addition of costs for advertisement and/or postage costs to notify adjoining property owners.*

CERTIFICATION OF APPLICANT / APPELLANT:

I, _____, Applicant/Appellant, hereby certify that all the information presented by me in this application is true and accurate to the best of my knowledge, information, and belief.

Signature of applicant

Date: _____

COUNTY OF _____

STATE OF _____

The above applicant, _____, signed before me, on this, the _____ day of _____, 20____.

NOTARY PUBLIC

COMMISSION EXPIRATION

APPLICANT'S CERTIFICATION OF OWNER CONSENT

I, _____, hereby consent to this application as the [____ property owner and/or as the ____ official representative(s)] of the property owner, specific to the property located at _____(address), and identified with a Tax Parcel I.D.

Number of _____.

Signature of Applicant / Appellant

Date: _____

COUNTY OF _____

STATE OF _____

Application NO. _____

The above property owner and/or his official representative, _____, signed before me,
on this, the _____ day of _____, 20____.

NOTARY PUBLIC

COMMISSION EXPIRATION

FILING PROCESS INFORMATION SHEET FOR APPLICANTS

FILING OF APPLICATIONS

Appeal, Interpretation, and Variance applications are filed with the Southport Department of Planning at 1029 N Howe St, Southport, NC 28461. Applications may be filed in person, Monday through Friday during normal business hours, or may be mailed directly to the attention of the Administrator of the Planning Dept. (address above). Appeal applications must be filed within 30 DAYS of the date of the decision, order or action being appealed. If, for any reason, an Appeal Application is not in the physical possession of the Administrator within the prescribed 30 day deadline, the application will be deemed late. Applications for variance or zoning map interpretation may be filed at any time. In order for any application to be considered complete, all questions and information requested in the application must be answered and provided, unless specifically waived by Planning Administrator. Applications must have original notarized signatures of the applicant and owner or his representative consenting to the application action. Applications must be accompanied by the required application fees. Applications found to be incomplete will not be accepted and will be returned to the applicant.

FILING FEES:

\$ 100.00 APPEAL

\$ 100.00 INTERPRETATION

\$ 500.00 VARIANCE

SCHEDULING OF APPLICATION

Applications submitted to the Administrator, and which have been deemed to be complete, will constitute notice of appeal, interpretation request, or variance application. The Administrator shall transmit the application and notice to the Board Chairman and a hearing will be scheduled be at a regular or special meeting.

An Appeal application stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the administrator certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed with except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator.

HEARING OF APPLICATION

The Board of Adjustment is a quasi-judicial body consisting of seven (7) members. The Board's regular meeting date is the 4th Tuesday of each month at 4:30 p.m. Their meeting is held in the Chamber Room located on the 2nd Floor of City Hall (201 E. Moore Street, Southport). At the meeting, the Board will hear testimony and receive evidence from the applicant, City staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

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BOARD DECISION

An affirmative four-fifths (4/5) majority vote from the Board members is required to grant application requests. Shortly after the meeting an Order will be prepared and signed by the Board Chairman stating the Board's decision and findings. This Order will be filed with the City Clerk and delivered to the applicant. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the filing of the Board's Order.

ADDITIONAL INFORMATION

Persons seeking additional information or assistance concerning variances, appeals, or requests for interpretations should contact the Planning Director at (910) 457-7961, or the Administrative Assistant for Planning, at (910) 457-7925.