



Board of Adjustment
Asheville, North Carolina

Zoning Variance
Application Packet

Office Use Only

Received By:

Date:

Record #:

The following information is **required** to be submitted prior to review by City Staff for placement on the Board of Adjustment agenda:

1. Completed application form.
2. Completed Owner's Affidavit (if applicant/petitioner is different than owner).
3. Application and plans for Level I project review (if applicable).
4. One (1) set of the completed site plans, including buildings, landscaping, parking, building elevations, signage, and other pertinent information as requested by staff.
5. **Filing Fee (Check only): \$520 plus \$104 for each additional request at the same site.**

By placing a check mark by each of the following items, you are certifying that you have performed that task. A check mark must be placed by each numbered item before placement on the Board agenda.

6. Pre-application meeting with the Planning & Development staff.
With whom:
7. Petitioner has checked for Homeowner Association rules, property covenants, deed restrictions, Building Safety Department, and other requirements that might have a bearing on the application.
8. Any available information to be presented as an exhibit at the variance hearing should be submitted to the Secretary at the time of application and *numbered numerically* (if applicable).
9. If a Court Reporter is needed, then the petitioner is responsible for making those arrangements and notifying the Board of Adjustment Secretary.

Board of Adjustment applications may be submitted online through the City's Development Portal at www.develop.ashevillenc.gov. You will receive an email invoice and instructions for paying fees online once you have submitted your application. Please upload all documents, including this form, to the [General Permit Application](#).

Paper versions of Board of Adjustment applications and filing fees paid by check may be submitted to the Permit Application Center. Physical media storage devices such as USB drives will not be accepted. The Permit Application Center is located at:

**161 S. Charlotte St.
Asheville, NC 28801**

The Authorized Practice Committee of the North Carolina State Bar has issued an opinion (Advisory Opinion 2006-1) stating in essence that appearance in a representative capacity before quasi-judicial bodies of local government, such as boards of adjustment, is the practice of law within the meaning of NCGS 84-2.1 and 84-4, which prohibit the unauthorized practice of law.

City Planning staff may not provide legal advice to applicants. Applicants are advised to consult the appropriate sections of the North Carolina General Statutes, Asheville City Code, and the Rules of Procedure for the Board of Adjustment, or to consult with an attorney, if more information is needed.

**North Carolina
Buncombe County
City of Asheville**

Case Before the Asheville Board of Adjustment

Please fill out form completely.

Property Address/Location:

PIN Map # :

Zoning:

Use of Property:

Title to this property is in the name of: (Furnish current address/please print legibly)

Property Owner:

Owner's Address:

(Property Owner's Signature)

(Business Name or Petitioner if other than Property Owner)

(Applicant/Petitioner's Address)

(Agent's Name)

(Agent's Address)

(Applicant/Petitioner's Phone Number)

(Agent's Phone Number)

(Applicant/Petitioner's Email Address)

(Agent's Email Address)

I, _____, hereby petition the Board of Adjustment for a variance(s) from the provisions of the Unified Development Ordinance (UDO) for my real property located at:

Applicable UDO Section:

UDO Requirement:

Variance Requested:

Standards for Granting a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board shall grant a variance only upon a showing of **all** of the following. In the spaces provided, please indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these required conclusions.

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.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the UDO. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the granting of the variance, shall be deemed a violation of the UDO.

I, _____, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

DATE

APPLICANT/PETITIONER'S SIGNATURE

APPLICANT/PETITIONER'S NAME (PLEASE PRINT)

OWNER'S AFFIDAVIT

The persons listed below do hereby appear before a Notary Public and swear or affirm that they are the legal owners of the property located at:

PIN

The persons listed below do hereby give authorization and permission to:

of

(Name of Representative/Agent)

(Name of Organization)

to submit to the City of Asheville the following request for the above referenced property:

☐ ZONING VARIANCE(S)

☐ OTHER

☐ SIGN VARIANCE(S)

☐ FLOOD VARIANCE(S)

The persons listed below also consent to all conditions and/or stipulations that may be imposed or adopted by the City of Asheville, as part of the petition/application approval.

Owner's Name (Print)

Owner's Signature

Date

STATE OF NORTH CAROLINA

COUNTY

On the day of , 20 , the person(s) listed above personally appeared before me, who executed the foregoing document, and each acknowledged that he/she executed the same and being sworn by me, made oath that the statements in the foregoing document are true.

Notary Public:

(Seal)

Printed Name:

My Commission Expires: