



Board of Adjustment

Application for Variance from the Davidson Planning Ordinance

Appeals and Variances shall follow the rules and procedures set out in NCGS Section 160D-705. Additionally, see Section 14.21 of the Davidson Planning Ordinance (DPO).

I/We _____, hereby petition the Board of Adjustment for a variance from the requirements of the Town of Davidson Planning Ordinance, because pursuant to the Planning Director's interpretation, I am prohibited from using the parcel of land described in this application in a manner I have proposed.

Project Information

Please attach additional documentation if necessary

Name of Project: _____

When completing this application, please keep in mind the following are not cause for a variance: 1) Other nonconformities or conforming uses of land or structures in the same or other planning areas; 2) A request for a particular use expressly, or by inference, prohibited in the planning area; 3) The fact the property may be used more profitably with a variance; or 4) The need for the variance is self-created.

Tax Parcel(s): _____

Acreage: _____

Existing Planning Area (and Overlay District, if applicable):

Master Plan or Conditional Plan (if applicable): _____

VARIANCE: I/We, request a variance from the following provisions of the Planning Ordinance:

FINDINGS OF FACT: The Board of Adjustment ("The Board") is a quasi-judicial board, which means it functions similarly to a court or judge. The Board has limited discretion in deciding whether to grant a variance, and must determine a case based on four findings of fact presented as sworn evidence or testimony at the hearing. Calls or conversations with board members outside the hearing are not permitted and must be disclosed if they occur, and may be grounds for overturning any decision made by the board.* Below are findings of fact the Board must determine in the affirmative before it can issue a variance from the ordinance. The applicant bears the burden of providing competent, substantial and relevant evidence to convince the board that the property meets the statutory standards for a variance. When completing the findings of fact questions keep in mind the following are not cause for a variance: 1) Other nonconformities or conforming uses of land or structures in the same or other districts; 2) A request for a particular use expressly, or by inference, prohibited in the planning area; 3) The fact the property may be used more profitably with a variance; or 4) The need for the variance is self-created.

- 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

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.

*Meeting packets may be distributed to the applicant and board prior to the hearing.

TRANSCRIPT NOTICE

If a verbatim transcript of the Board of Adjustment hearing on this matter is requested, the production of said transcript shall be at the expense of the applicant.

APPEAL OF THE DECISION OF THE BOARD OF ADJUSTMENT

Any decision made by the Board of Adjustment may be appealed to Superior Court within thirty (30) days of the date of receipt of the Order of the Board by the applicant.

I/We hereby dispose and say that the information contained herein and herewith is true and accurate to the best of my/our knowledge and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Planning Department.

Signature of Applicant

Date

Signature of Property Owner (if different from applicant)

Application Requirements

Name of Project: _____

Date Received	Item
	Application fee per Town of Davidson Fee Schedule (Due upon submittal of application).
	Contact Information (Included in Form).
	Application Request (Included in Form).
	Description of the Request (Included in Form).
	Findings of Fact (Provided by the Board of Adjustment to the applicant, following the public hearing).
	Scaled Site Plan on 11"x17" media, including notations of all variance requests (Due upon submittal of application).
	Names, mailing addresses and tax parcel identification of all adjacent property owners, including properties either abutting or directly across a street, alley, or other vehicular right-of-way.
	Notice to neighboring property owners (Unsealed, stamped, addressed letter containing notices to all property owners due upon submittal of application, with the town as the return address).
	Additional requirements as listed below:

As the applicant, I hereby confirm that all the required materials for this application are authentic and have been submitted to the Town of Davidson Planning Department.

Applicant's Signature

Date

Contact Information

Name of Project: _____

Applicant's Information

Name: _____

Email: _____

Mailing Address: _____

Business Phone: _____ Mobile Phone: _____

Property Owner's Information

(If different from applicant)

Name: _____

Email: _____

Mailing Address: _____

Business Phone: _____ Mobile Phone: _____

Attorney's Information

(If parties have legal representation)

Name: _____

Email: _____

Mailing Address: _____

Business Phone: _____ Mobile Phone: _____

Hearing Process

Name of Project: _____

This process is drawn from GS 160D-705, the State Statute governing appeals and variances.

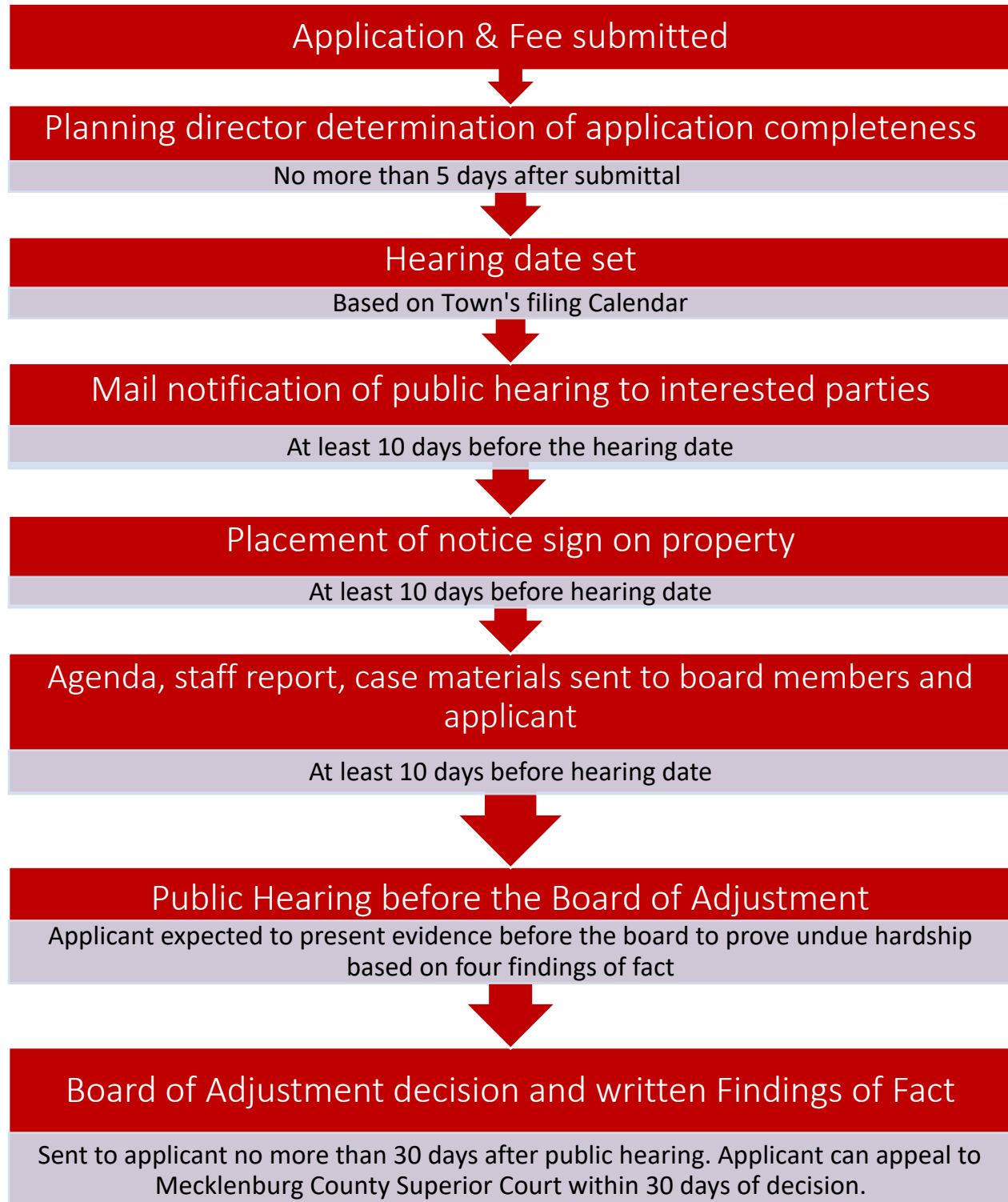
Date Completed	Action
	Application and Fee submitted
	Planning director determination of application completeness (no more than 5 days after initial submittal).
	Hearing Date Set (based on filing calendar, see Board of Adjustment webpage).
	Mail notification of Public Hearing to Interested Parties (Between 25-10 days before the hearing date)
	Placement of notice sign on property (Between 25-10 days before the hearing date)
	Agenda, Staff Report, Case Materials sent to board members and applicants (At least 10 days before the hearing date)
	Board of Adjustment Public Hearing: Applicant is expected to present evidence to the board to prove undue hardship, based on the four findings of fact laid out in GS160D-705. Anyone presenting evidence at the public hearing shall be sworn in by the chair.
	Board of Adjustment Decision and Written Findings of Fact (Sent to applicant no more than 30 days after the public hearing).

APPEAL OF THE DECISION OF THE BOARD OF ADJUSTMENT

Any decision made by the Board of Adjustment may be appealed to Superior Court within thirty (30) days of the date of receipt of the Order of the Board by the applicant.

Board of Adjustment Hearing Process - Flowchart

Name of Project: _____



In the table below (or in an attached document), please list the names, mailing addresses and tax parcel identification of all contiguous property owners, including properties either abutting or directly across a street, alley, or other vehicular right-of-way.

[illegible]

Notice Letter Template



(Month, Year)

From: Mr. Jason Burdette, Planning Director
Town of Davidson
251 South Street
P.O. Box 579
Davidson, NC 28036

Re: (Address)
Name of Project

(Acreage) acres located at (Address), Davidson, NC; Tax Parcel Number (Tax Parcel Number).
Project Location

The Board of Adjustment of the Town of Davidson will hold a public hearing pursuant to NC General Statute 160D-705 on **(Date)** immediately following the Planning Board meeting (scheduled start **(time)** p.m.) at Davidson Town Hall and Community Center, 251 South Street, Davidson, North Carolina, to hear public comments on a request for a variance.

The variance requests relief from **(Briefly list and describe ordinance sections)**. You are being notified as an adjacent property owner.

Information about the proposal can be found on the Board of Adjustment webpage on the Town of Davidson Planning Department's website.

Jason Burdette, AICP
Planning Director
Town of Davidson