



TOWN OF WAYNESVILLE

Development Services Department

9 South Main Street, Suite 110

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

Variance Application

Property Address / Location: _____

Property PIN: _____ Parcel Size (ac): _____

Property Zoning District: _____ Historic Property or District: _____

Flood Zone: _____ Elevation of the property is at 2,900 ft or more (circle): Yes / No

Applicant

Application must be completed by the property owner or by an agent specifically authorized by the owner. If the applicant is an agent, the Agent Authorization Form (attached) must also be completed.

Printed Name of Applicant: _____

Applicant's Phone #: _____ Applicant's Email: _____

Applicant's Address: _____

I, _____, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: _____

Ordinance requirement from which relief is sought: _____

Variance requested and why (attach additional sheets, maps, or other information as necessary):

By signature below, I hereby acknowledge my understanding that this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Zoning Board of Adjustment, except through sworn testimony at the public hearing.

Applicant's Signature: _____ Date: _____

Property Owner (if different than applicant)

Printed Name of Property Owner: _____

Owner's Phone #: _____ Owner's Email: _____

Owner's Address: _____

I, _____, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: _____

Ordinance requirement from which relief is sought: _____

Variance requested and why (attach additional sheets, maps, or other information as necessary):

By signature below, I hereby acknowledge my understanding that this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Zoning Board of Adjustment, except through sworn testimony at the public hearing.

Owner's Signature: _____ Date: _____

In the following spaces, indicate **FACTS** that demonstrate to the Board of Adjustment you meet all the standards for granting a variance (use additional sheets, if necessary):

1. Unnecessary hardship would result from the strict application of the regulation. It is not 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 is not a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Standards of Review for Variances

1. General Variance Requests: The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- a) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b) 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.
- c) 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 is not a self-created hardship.
- d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

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.

2. Floodplain Development Regulation Variance Requests:

- a) Variances from the standards set forth in this ordinance for flood damage prevention may be granted. The town must notify the North Carolina Secretary of Crime Control and Public Safety at least thirty (30) days prior to granting the variance.
- b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and, a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
 - The danger that material may be swept onto other lands to the injury of others.
 - The danger to life and property due to flooding or erosion damage.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the community.
 - The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - The compatibility of the proposed use with existing and anticipated development.
 - The relationship of the proposed use to the land development plan and flood damage prevention program for that area.
 - Safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

- The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. Additional Conditions:

In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this chapter.

4. Notification Requirements:

Planning Staff will provide written notice of the hearing to all property owners within one hundred (100) feet of the subject property. Staff will also:

- Publish a notice in a newspaper of general circulation in the Town once a week for two (2) consecutive weeks;
- Prominently post a notice on the subject property or on an adjacent public street or highway right-of-way; and
- Distribute a notice to local media contacts.

Additional notification requirements may apply.

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at _____ in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: _____

Title and Company: _____

Address: _____

Phone and email: _____

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the _____ day of _____, 20__.

Owner or Party with Contractual Interest in Property:

Address and phone number:
