



ZONING HARDSHIP VARIANCE APPLICATION

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information.

File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

Zoning Ordinance Regulation(s) Proposed to be Varied (cite each section(s) and identify requirement from which the variance(s) is (are) being requested; quantify variance – i.e. if this is a variance to allow an encroachment into a setback, give depth of encroachment and total square feet of area proposed to encroach into setback:

Property

Parcel Identification Number: _____

Address: _____

Location: _____ side of _____, at/between
(north, east, south, west) (street)
_____ and _____
(street) (street)

Total site area in square feet and acres: _____ square feet _____ acres

Zoning District(s) and Overlay Districts (if any) and land area within each: _____

List Conditions of any Conditional Use Zoning Districts: _____

Present land use(s): _____

How is this proposed use a public necessity?

What is impact on surrounding neighborhood and adjacent properties?

Property Owner

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

E-mail Address: _____ Fax: _____

Telephone Number: _____



ZONING HARDSHIP VARIANCE STATEMENT OF JUSTIFICATION

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For each of the required conclusions listed below, attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of Adjustment to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. Listed under each required conclusion are related principles established by case law.

Important: You bear the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions. If you fail to meet that burden, the Board has no choice but to deny the application.

- 1. Practical difficulties or unnecessary hardships would result from carrying out the strict letter of the regulation. "There are special circumstances or conditions applying to the land building or use referred to in the application which exist through no fault of the property owner."**
 - 1a. There are special circumstances or conditions applying to the land, building, or use referred to in the application which exist through no fault of the property owner;**
Ex.: It is not sufficient that the regulation would make use of the property less profitable or marketable.
 - 1b. The hardship results from application of the regulation to the property.**
Ex.: A hardship resulting from a characteristic of the property not affected by the regulation, or from application of a deed restriction, is not a relevant hardship.
 - 1c. The hardship is one that affects the property directly.**
Ex.: The regulation's hindrance to providing a benefit to neighboring properties or to the public is not a relevant hardship.
 - 1d. The hardship is not the result of the property owner's own actions - that is, special circumstances or conditions causing the hardship exist through no fault of the property owner.**
Ex.: The hardship may not be one the property owner inflicted on himself (e.g., been due to the owner's violation of the regulation) or could have avoided.
 - 1e. The hardship is peculiar to the property.**
Ex.: The hardship must be due to conditions specific to the property, and not to conditions that are neighborhood-wide or widespread throughout the jurisdiction.
- 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.**
Ex.: The harm to the property owner from denying the variance, however, must outweigh the harm to neighbors and the public interest from granting the variance.
- 3. The granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare or injurious to property or improvement in such neighborhood.**

Ex.: A variance may not permit development that would be dangerous to neighbors, change the essential character of the neighborhood, or create additional difficulties re traffic, fire, water supply, sewerage, flooding, etc..

4. The denial of the variance would cause practical difficulties or unnecessary hardships to the landowner.

Ex.: The practical difficulties or unnecessary hardships caused to the landowner from denying the variance.

Notes: All documents and maps submitted as required become the property of Wake County.
The Wake County Unified Development Ordinance is on the web at www.wakegov.com.



ZONING HARDSHIP VARIANCE SUBMITTAL CHECKLIST

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For each listed item, check (√) if provided, write "n/a" if the feature does not exist or is not proposed, and write "w" if a waiver from the requirement is justified because it is unnecessary in the particular case to determine compliance with applicable regulations or to address the required conclusions.		Staff use only
√, n/a, or w	APPLICABLE SUBMITTAL REQUIREMENT	√, X, or w
1	Evidence of the legal creation of the parcel(s) making up the development site (copy of most recently recorded plat or deed describing parcel plus: copy of County-approved plat describing same parcel and recorded after 5/17/1976; or plat or deed describing same parcel and recorded on or before 5/17/1976; or other recorded deeds and documents necessary to show parcel creation was exempt from subdivision regulations) [1 copy] [see Register of Deeds]	
2	Copy of any Special Use Permit applicable to site or part thereof [1 copy] [see Register of Deeds and/or Planning, Development and Inspections staff]	
3	Zoning Hardship Variance Application form [2 copies] [attached]	
4	Statement of justification presenting factual evidence supporting each of the required conclusions [2 copies] [see attached cover sheet]	
5	Existing conditions map showing the following information, for an area including and within 1,000 feet of the site [2 copies on 8.5" x 11" or 11" x 17" paper] [Most of the required information exists in the County's GIS and may be obtained from Planning, Development and Inspections staff, then supplemented with other required information]	
a	Property lines	
b	Zoning districts - boundaries and names	
c	Notation of existing land uses	
d	Names of existing and approved subdivisions and other major developments	
e	Existing and under-construction roadways and associated access rights-of-ways or easements (show name and label as public or private)	
f	Topographic contours (at intervals of not more than 10 feet)	
g	Surface waters, FEMA 100-year floodway and floodway fringe boundaries, flood hazard soils	
h	Inset map showing site's location relative to County's municipalities and major roads	
i	Title block showing name and address of site owner(s), name of plan designer, parcel identification number (PIN), date map prepared (and revised), bar scale, north arrow, and title "Existing Conditions Map"	
6	Site plan showing the following information for an area including and within 50 feet of the site [7 copies on 24" x 36" paper, at a scale of not less 1"=400', plus 2 copies on 8.5" x 11" or 11" x 17" paper]	
a	Property lines, with measured distances	
b	Topographic contours (at intervals of not more than 5 feet)	
c	Surface waters, FEMA 100-year floodway and floodway fringe boundaries, flood hazard soils	
d	Location and relevant dimensions of any proposed structures or structures proposed to be extended to which the regulation proposed to be varied applies (ex.: the outline, dimensions, and floor area of the building, parking area, etc. for which a variance of a minimum yard depth or setback regulation is proposed)	
e	Location and relevant dimensions of any existing structures, easements, etc. that substantially hinder strict compliance with the regulation proposed to be varied, or whose relation to accommodate (ex.: the outline and dimensions of an existing or approved septic field and repair area, and/or utility easements that prevent location of a proposed building within the building envelope defined by minimum yard depth and setback regulations)	
f	Location and relevant dimensions of yards, setbacks, transitional bufferyards, watershed buffers, riparian areas, and other required areas that substantially hinder strict compliance with the regulation proposed to be varied (ex.: the location and width of a watershed buffer, and minimum setback therefrom, that prevent location of a proposed building within the building envelope defined by minimum yard depth regulations)	

	g	Location and relevant dimensions of any other natural or man-made features on the parcel that substantially hinder strict compliance with the regulation proposed to be varied	
	h	Inset map showing site's location relative to County's municipalities and major roads	
	i	Title block showing name and address of site owner(s), name of plan designer, parcel identification number (PIN), date map prepared (and revised), bar scale, north arrow, and title "Zoning Variance Site Plan"	
	7	List of the parcel identification numbers (PINs) and owners (and their mailing addresses) of all parcels adjoining, or across the street from, the parcel(s) making up the proposed development site [2 copies] [May be obtained from Zoning Administration staff]	
	8	Stamped, pre-addressed business envelopes (size 10) for each owner on above list, with return address reading: Wake County Planning, Development and Inspections staff; P.O. Box 550; Raleigh, NC 27602-0550 [1 set]	
	9	Check for \$300.00 application fee, made out to "Wake County"	

Notes: All documents and maps submitted as required become the property of Wake County.
All application fees are non-refundable.
The Wake County Unified Development Ordinance is on the web at www.wakegov.com.
The Zoning Administrator may waive required information he or she certifies in writing as unnecessary to determine compliance with applicable standards and requirements.
The File Number should be used on all correspondence subsequent to application acceptance.

Application accepted as complete by: _____ Date: _____

Board of Adjustment action: () Approved () Approved w/ conditions () Denied Date: _____

Variance recordation: DB _____ PG _____ Date: _____