



SUBDIVISION HARDSHIP VARIANCE APPLICATION

Subdivision 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:

Four horizontal lines for providing details on ordinance regulations and variance requirements.

Property

Parcel Identification Number (PIN):

Address:

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

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

Horizontal line for zoning district information.

List Conditions of any Conditional Use Zoning Districts:

Two horizontal lines for listing conditions of conditional use zoning districts.

Current land use(s):

Property Owner (list all property owners - use back or additional sheet if needed)

Name:

Address:

City: State: Zip Code:

E-mail Address: Fax:

Property Owner's Telephone Number:

Consultant (surveyor, engineer, etc. person to whom all correspondence will be sent)

Name:

Address:

City: State: Zip Code:

E-mail Address: Fax:

Applicant's Telephone Number: Relationship to Owner:





SUBDIVISION HARDSHIP VARIANCE STATEMENT OF JUSTIFICATION

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 Planning Board (the Board) 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: The applicant bears the burden of presenting sufficient evidence in support of the application to allow the Planning Board to make findings of fact that reasonably support each of the required conclusions.

- 1. Practical difficulties or unnecessary hardships would result from carrying out the strict letter of the regulation.
1a. Strict compliance with the regulation provides the property owner no reasonable use of the property.
1b. The hardship results from application of the regulation to the property.
1c. The hardship is one that affects the property directly.
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.
1e. The hardship is peculiar to the property.
2. The variance would be in harmony with the general purpose and intent of the Wake County Unified Development Ordinance and preserve its spirit.
3. In the granting of the variance, the public safety and welfare would be assured and substantial justice done, both for the landowner and the public at large.
3a. 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.
3b. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

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.



## SUBDIVISION HARDSHIP VARIANCE SUBMITTAL CHECKLIST

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	Subdivision Hardship Variance Application form [2 copies] [attached]	
	3	Statement of justification presenting factual evidence supporting each of the required conclusions [2 copies] [see attached cover sheet]	
	4	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 Subdivision Administration 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, & title "Existing Conditions Map"	
	5	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)	

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
	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 "Subdivision Variance Site Plan"	
6	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 Subdivision Administration staff]	
7	Stamped, pre-addressed business envelopes (size 10) for each owner on above list, with return address reading: Wake County Zoning & Subdivision Administration; P.O. Box 550; Raleigh, NC 27602-0550 [1 set]	
8	Copy of application for preliminary plan approval (unless variance application is being reviewed in conjunction with an application for preliminary plan approval) or application for minor subdivision approval (including plans showing proposed subdivision)	
9	Check for \$300.00 application fee, made out to "Wake County"	
<p>Notes: All documents and maps submitted as required become the property of Wake County.  All application fees are non-refundable.  The Subdivision 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.  The Wake County Unified Development Ordinance is on the web at <a href="http://www.wakegov.com">www.wakegov.com</a>.</p>		

Application accepted as complete by: \_\_\_\_\_

Date: \_\_\_\_\_

Planning Board action: ( ) Approved ( ) Approved w/ conditions ( ) Denied

Date: \_\_\_\_\_