



# 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

**Unified Development 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- be specific):

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### **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: \_\_\_\_\_

**Applicant** (person to whom all correspondence will be sent)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Relationship to Owner: \_\_\_\_\_

**Extent of Proposed Variance** (Describe the extent to which the regulation is proposed to be varied.)  
Attach additional sheet as necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

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

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

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

Land use professionals (architects, engineers, planners, landscape architects, etc.), as well as employees of corporate or municipal applicants, may testify at quasi-judicial proceedings about factual matters in support of an application, petition or appeal. However, they MAY NOT examine or cross-examine witnesses, make legal arguments as to why an application, petition or appeal should be granted, or otherwise advocate for results on behalf of another individual or entity at a quasi-judicial proceeding. These functions can ONLY be performed at a quasi-judicial proceeding by an attorney licensed to practice law in North Carolina. Therefore, it is **strongly recommended** that unless you are an individual representing yourself in a quasi-judicial proceeding, you have an attorney present to present your case.

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

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

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](http://www.wakegov.com).



## ZONING HARDSHIP VARIANCE STATEMENT OF JUSTIFICATION

Submit required documentation to:

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Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh  
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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:** The applicant bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions, in accordance with NC General Statute 160A-388. If the applicant fails to meet that burden, the Board has no choice but to deny the application.

**When unnecessary hardships would result from carrying out the strict letter of a zoning/unified development ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:**

- 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.**

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# ZONING HARDSHIP VARIANCE SUBMITTAL CHECKLIST

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## A meeting with staff is required prior to submittal of an application

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
<b>Verify the required information is included with your information prior to submittal. Incomplete applications are not accepted.</b>			
√, 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 [10 copies] [attached]	
	4	Statement of justification presenting factual evidence supporting each of the required conclusions [10 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 [10 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"
<p>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 <a href="http://www.wakegov.com">www.wakegov.com</a>.  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.</p>	

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

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

Variance recordation: DB \_\_\_\_\_ PG \_\_\_\_\_ Date: \_\_\_\_\_