



## Town of Waxhaw

### Variance and Appeal Application

#### **Application Process:**

The Board of Adjustment is designed to hear appeals or authorize variances. An appeal to the Board of Adjustment may be made where one believes there is an error in any order, requirements, decisions, or determinations made by an administrative official enforcing the regulations of the Unified Development Ordinance.

A variance, which is a request for relaxation from the Ordinance requirements, may be granted only for zoning related matters in such individual case of undue and unnecessary hardship upon several findings of fact of the Board of Adjustment.

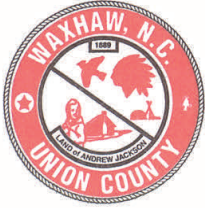
Cases that come before the Board of Adjustment are “quasi-judicial,” meaning that all persons or witnesses who speak are sworn in and all comments are only supposed to be based on facts and not opinion.

Once a public hearing has been held, if you are dissatisfied with the decision of the Board of Adjustment, an appeal may be taken to the Superior Court of Union County.

#### **Application Instructions:**

1. A variance application must be accompanied by the items required in Section 15 of the Unified Development Ordinance. Please make sure all items are included before submitting to the Planning & Zoning Administrator.
2. All applications must be signed and dated and submitted with the application fee according to the Town of Waxhaw Fee Schedule. Applications submitted without the fee are considered incomplete and will not be scheduled for the Board of Adjustment. Checks are made payable to the Town of Waxhaw. The fee **is non-refundable**.
3. Applications must be received by the deadline for the Board of Adjustment meeting (no exceptions). Please contact the Planning & Zoning Administrator at 704/843-2195 to find out the exact dates.
4. If any site plans are submitted for the Board of Adjustment's review of the application, ten copies should be submitted (in addition to one copy for Town filing).





Town of Waxhaw  
 Planning & Community Development  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

Date Received
Received By
Fee

**VARIANCE AND APPEAL APPLICATION**

Date of Application: \_\_\_\_\_ Case Number: \_\_\_\_\_  
*(to be filled out by staff)*

**Applicant Information**

Applicant Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Property Owner Mailing Address: \_\_\_\_\_

Applicant is requesting (check one):  Appeal  Variance

**The following shall be completed by applicants seeking an appeal of a decision made by the Zoning Administrator:**

Date of Zoning Administrator's Decision: \_\_\_\_\_

Summary of Decision: \_\_\_\_\_

Reason for Appeal of Decision (attach additional paper if necessary): \_\_\_\_\_

**The following shall be completed by applicants seeking a variance:**

**Property Information**

Address/Location of Property: \_\_\_\_\_

Tax Parcel Number(s): \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_ Zoning: \_\_\_\_\_

Variance Sought: \_\_\_\_\_

Related Section(s) of Zoning Ordinance: \_\_\_\_\_

Reason(s) for Seeking Variance (attached additional paper if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FINDING OF FACTS CHECKLIST (Must be Filled Out by Applicant for a Variance Request)**

Please provide an explanation for each finding of fact on which the Board of Adjustment will make its decision.

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.

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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.

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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.

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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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**Requests for variances shall be accompanied by a list of adjoining property owners and a sketch plan.** The sketch plan must show in scaled form the location and size of:

- The boundaries of the lot(s) in question.
- The size, shape and location of all existing and proposed buildings, parking facilities and accessory

