



# TOWN OF AYDEN VARIANCE APPLICATION

Planning Department  
4061 East Ave., Ayden, NC 28513  
Phone: (252) 481-5828 Fax: (252) 558-0747

## PROCESS INFORMATION

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**Review Process:** The variance process which requires a public hearing and is administered by the Board of Adjustment and is intended to provide limited relief from the requirements of the Unified Development Ordinance (UDO) in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed by the UDO.

It is not intended that variances be granted solely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development, although such factors can be taken into consideration.

**Public Notification:** This is a quasi-judicial process that requires a public hearing and public notification. General notice in newspaper and mailed notice to adjacent property owners shall be required.

**Action by Board of Adjustment:** After conducting a public hearing, the Board of Adjustment may deny the request, conduct an additional public hearing, approve the request or approved the request with conditions. A concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to grant a variance. The UDO requires the compliance of specific findings of fact in order for the Board of Adjustment to grant a variance.

## FILING INSTRUCTIONS

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- Pre-application Conference:** The applicant is encouraged to complete a pre-application conference with the Administrator. The conference includes discussion of the review process and assistance in the preparation of the application.
- Fees:** The applicant must remit fees upon application submittal. See the Town's current fee schedule for information.
- Materials:** Each application shall include the following documents:
  - One complete application form signed by the property owner or his/her authorized agent
  - A Sketch Plan accurately illustrating the nature of the variance request.



The Board of Adjustment shall not grant a variance unless and until it makes all the following findings:

1. Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that in the absence of the variance, no reasonable use can be made of the property.

**APPLICANT STATEMENT:**

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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.

**APPLICANT STATEMENT:**

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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.

**APPLICANT STATEMENT:**

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

**APPLICANT STATEMENT:**

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**SIGNATURE**

I certify that I, the applicant, have the consent of the owner and act in his/her behalf in applying for this variance. I agree that this variance, if granted, is authorized on the presentation made herein and may be revoked in the event of any breach of representation or conditions, which may be attached.

Applicant Printed Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

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

**FOR TOWN OF AYDEN OFFICIAL USE ONLY**

Fee Paid \$ \_\_\_\_\_ Date: \_\_\_\_\_

**BOARD OF ADJUSTMENT**

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Date of Public Hearing: \_\_\_\_\_

Decision of the Board of Adjustment

Variance Approved: \_\_\_\_\_ Variance Denied: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Chairperson, Town of Ayden Board of Adjustment: \_\_\_\_\_