

EnerGov Case #: \_\_\_\_\_

**\$500 FEE**

# SANFORD / LEE COUNTY / BROADWAY VARIANCE APPLICATION



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115 Chatham Street, Sanford, NC 27330

919.718.4656

[zoning@sanfordnc.net](mailto:zoning@sanfordnc.net)

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A variance is necessary when the strict application of the Unified Development Ordinance (UDO) could unfairly burden a property owner. North Carolina General Statute §160D-705d sets forth the standards by which local governments may grant variances from local land use regulations. These are mandatory standards for which the burden of proof falls upon the property owner and/or applicant to demonstrate to the Board of Adjustment.

To apply for a variance, a completed application and the full application fee, as well as all supporting documentation is required to be submitted to the Department of Community Development. The submittal deadline is typically the first day of each month at 12:00PM (noon). Incomplete submittals will not be accepted or processed. The variance request will be heard the following month at the scheduled public hearing. In order for the Board of Adjustment to grant approval of the variance, the applicant must provide the requested information listed below on this application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any variance to insure public health, safety, and general welfare. If the application is approved, the applicant may then proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set forth in the approval process would result in a violation of the Sanford/Lee County/Broadway Unified Development Ordinance.

For questions concerning this process, you may contact the Department of Community Development, located on the 1<sup>st</sup> floor of the historic Buggy Building at 115 Chatham Street in downtown Sanford, NC. Business hours are Monday through Friday from 8AM until 5PM. **Staff does require a pre-application conference (phone, virtual, or in-person) between the applicant and property owner prior to accepting a variance application so that we can fully explain the process and legalities associated with this request.** For any additional questions you may contact Thomas Mierisch, Zoning Administrator, at 919-718-4656, ext. 5396 or [thomas.mierisch@sanfordnc.net](mailto:thomas.mierisch@sanfordnc.net).

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## **Applicant Information**

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

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## **Property Owner Information (if different from applicant)**

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

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Parcel Information**

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

Proposed Use of Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Current Zoning: \_\_\_\_\_ Total Site Acreage: \_\_\_\_\_

Lee County Deed Book \_\_\_\_\_, Page \_\_\_\_\_ Lee County Parcel No.: \_\_\_\_\_

**TO THE BOARD OF ADJUSTMENT:**

I, \_\_\_\_\_ (name of applicant), hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Unified Development Ordinance because under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described below in a manner shown by the plot plan attached to this form. I request a variance from the following provisions of the Ordinance (cite section & paragraph numbers): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

**FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance (see # 1-4 below). Additionally, please note that each of the four criteria will be voted upon individually and 4/5<sup>th</sup> of the Board members must find in favor of each criterion in order to pass. If any of the four criteria fails to pass, the variance cannot be granted. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions.

1. *If he/she complies with the provisions of the Ordinance, an 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. However, it is not sufficient that failure to grant the variance makes the property less valuable.*

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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.*

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3. *The hardship did not result from actions taken by the applicant or property owner. The act of purchasing the 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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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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**REQUIRED ATTACHMENTS / SUBMITTALS**

- Please submit 14 paper copies of a to-scale site plan and/or civil set (whichever is appropriate for the project) and 14 paper copies of all supporting documentation for inclusion within the Board of Adjustment’s agenda packet.
- Please also submit an electronic version of the site plan and/or civil set and all supporting documentation for inclusion to the project file.
- A Lee County tax map of the property.
- The most recent recorded deed for the property.
- Any additional supporting documentation referenced in the case to be made before the Board of Adjustment.

**CERTIFICATION for Applicant (if different than property owner)**

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents in property form, and a \$500 fee payable to the City of Sanford, are submitted to the Sanford/Lee County/Broadway Department of Community Development.

\_\_\_\_\_  
Signature of Applicant (Print & Sign)

\_\_\_\_\_  
Date

**This signature to be notarized below.**

STATE OF NORTH CAROLINA  
LEE COUNTY

I, \_\_\_\_\_, a Notary Public for Lee County and State of North Carolina do hereby certify that \_\_\_\_\_ personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public Signature  
My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
LEE COUNTY

I, \_\_\_\_\_, a Notary Public for Lee County and State of North Carolina do hereby certify that \_\_\_\_\_ personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public Signature  
My Commission Expires: \_\_\_\_\_

**CERTIFICATION for property owner**

**The property owner MUST sign the application.**

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents in property form, and a \$500 fee payable to the City of Sanford, are submitted to the Sanford/Lee County/Broadway Department of Community Development.

\_\_\_\_\_  
Signature of Property Owner (Print & Sign)

\_\_\_\_\_  
Date

**This signature to be notarized below.**

STATE OF NORTH CAROLINA  
LEE COUNTY

I, \_\_\_\_\_, a Notary Public for Lee County and State of North Carolina do hereby certify that \_\_\_\_\_ personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public Signature

My Commission Expires: \_\_\_\_\_