



REVIEW AND PERMITTING PROCESSES

Variances

*This review and process overview is intended to provide general guidance for the **variance** application process. Variances are only appropriate when a particular property is unfairly burdened by the application of land use regulations, creating an unnecessary hardship for the property owner. Variances may only be granted to applicants in accordance North Carolina General Statute §160D-705.*

Variance applicants must demonstrate the following approval criteria to the Board of Adjustment:

- *An unnecessary hardship would result from strict application of the Unified Development Ordinance (UDO). It shall not be necessary to demonstrate that, in absence of the variance, no reasonable use can be made of the property.*
- *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 that are common to the neighborhood or the general public, may not be the basis for granting a variance.*
- *The hardship did not result from actions taken by the applicant or the 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.*
- *The requested variance is consisted with the spirit, purpose, and intent of the UDO, such that public safety is secured and substantial justice is achieved.*

To initiate the variance application process, please contact Zoning Administrator, Thomas Mierisch, at 919-718-4656, ext. 5396, or thomas.mierisch@sanfordnc.net.

Step 1 – Pre-Application Conference

- Meet with Zoning & Design Review staff to discuss the variance request.
- This is an opportunity for developers and applicants to meet with Zoning & Design Review staff to discuss review processes, annexation and rezoning requirements, and other details of the proposal.
- Contact Community Development staff to discuss your proposed variance request.
 - 919-718-4656 or zoning@sanfordnc.net

Step 2 – Conceptual TRC (Technical Review Committee) Review

- A conceptual TRC review of the proposed project that requires a variance request is required so that the project can be fully vetted by NCDOT, Emergency Services/Fire Marshal, Planning, et. al. to ensure that all applicable standards and codes are met before placing the variance request in front of the Board of Adjustment.



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- The conceptual site plan should require basic submittal criteria as detailed in the [Concept Review Checklist](#).
- There is no fee for a conceptual TRC review.
- TRC applications are typically due on the 1st business day of each month.
- The TRC typically meets on the last Thursday of each month.
- [TRC conceptual review applications](#) and site plans can be submitted via email to trc@sanfordnc.net.
- Comments from the TRC review are provided to the applicant within two weeks of the meeting.

Step 3 – Variance Application Submittal

- Submit a [Variance Application](#) along with the associated application fee of \$500 to Zoning & Design Review staff.
- Variance applications are due on the 1st of the month (or, if the month begins on a weekend/holiday, the business day prior to the 1st of the month) at 12:00PM
 - Please note that all submittals must be delivered to the Planning Department by mail or in-person
 - **Late or incomplete submittals will not be accepted**
- Applications received on the first of any given month will be placed on the following month's Board of Adjustment agenda
 - For example, applications received by the first of June will be placed on the July agenda.

Step 4 – City of Sanford Board of Adjustment Meeting

- The Board of Adjustment conducts quasi-judicial hearings that involve the application of the Unified Development Ordinance (UDO) to individual situations on strict procedural requirements in accordance with North Carolina General Statutes GS §160D-46
- The Board of Adjustment shall review the site plan that was approved by the TRC.
- The Board of Adjustment shall approve, approve with conditions, or deny the variance request.
- The City of Sanford Board of Adjustment meets on the 2nd Tuesday of each month, as needed.



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- If the variance request is approved, the applicant may proceed to site plan review by Zoning & Design Review staff in order to develop the site in the manner proposed.
 - Any deviation from the approved site plan shall require a re-review by the Technical Review Committee (TRC) and the Board of Adjustment.

Step 5 – TRC (Technical Review Committee) Review (if required)

- The site plan submitted for TRC review should include the basic submittal criteria detailed in the [Technical Review Checklist](#).
- TRC applications are typically due on the 1st business day of each month.
- The TRC typically meets on the last Thursday of each month.
- [TRC applications](#) and site plans can be submitted via email to trc@sanfordnc.net.
 - Once the TRC application is received, you will be invoiced for the appropriate TRC fee, which can then be paid online our [CSS Self-Service Portal](#) (you will need to make an account using your name, phone number, and email address).
- Comments from the TRC review are provided to the applicant within two weeks of the meeting.
- Applicants shall incorporate review comments into their site plan revisions and resubmit the updated site plan back to Zoning & Design Review staff with a **comment-by-comment** response letter.
 - There is no deadline for resubmittals. Revised site plans can be resubmitted at any time. However, they will be distributed to TRC members on the **15th** and **30th** of each month (or closest business day).
 - Resubmittal review typically takes two to three weeks.
 - If approved, written notice of approval will be provided to the applicant, with further guidance for the project's next steps.

Please note that a “full” TRC review (Step 5) is typically required only for ground-up new construction of non-residential projects (commercial, industrial, and multi-family development).

If a variance is needed for the construction of a single- or two-family dwelling, an accessory building, and a minor/low-impact addition to an existing non-residential site, Step 5 may be waived at the discretion of Community Development staff.