



## SECTION 7.02

# Variance of Development Standards

A Variance of Development Standards may be requested to propose a change of the specific Zoning District Development Standards due to specific conditions of the property or other practical difficulties or hardships.

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### **Variance of Development Standards:**

***Expected Review Time:*** Approximately 36 days

***Primary Processing Department:*** Planning & Zoning

***Departments involved in Variance of Development Standards review process:*** Planning & Zoning, Engineering, Parks and Recreation, Fire & Rescue, Public Works and Water Quality  
[Amended Resolution #07-31]\*

### **Variance of Development Standards Procedures:**

[Amended Resolution #03-25]

### **Prior to Filing Petition:**

1. Schedule a Concept Plan Review Meeting through the Department of Planning & Zoning. This meeting must be held a minimum of five (5) business days prior to the submittal of the Petition for Variance of Development Standards, it is recommended that you have this meeting at least thirty (30) days prior to filing to ensure that the responses to the required findings will be accurate and acceptable for consideration. This meeting must not be held more than eight (8) weeks prior to filing the Petition.

### **Petition Filing:**

1. Submit Petition for Variance of Development Standards as well as any supporting documentation by the posted deadline date and time to the Department of Planning & Zoning as shown on the Board of Adjustment Schedule. The Variance of Development Standards Packet provides a detailed list of all application submittal requirements. [Amended Ordinance #09-16]\*
2. The Department of Planning & Zoning will notify the Petitioner of an incomplete Petition or any missing information within two (2) business days after the submittal deadline date. This information must be completed and submitted within one (1) business day, or the Petition will be placed in the next available review cycle after the information is submitted and the Petition is deemed complete.
3. The Department of Planning & Zoning will notify Petitioner after determination of complete submittal of the anticipated review schedule and Public Hearing information. Staff will advertise the public hearing notice, notify the adjacent property owners, and post the property in accordance with the Town's Public Hearing procedures as specified in this Development Procedures Manual.

### **Petition Review Process:**

1. The Department of Planning & Zoning will forward a copy of the completed Petition to all Staff in the specific review process.
2. Staff will review the submitted Petition and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition if additional information or clarification of a Petition is needed.
3. Revised plans and any requested information must be submitted for staff review in accordance with the schedule provided by Staff to remain in the review cycle. If the requested information is submitted after the date provided, the Petition will be processed in the next available review cycle.

**Determination of Official Action:**

1. Staff shall then prepare a report to the Board of Adjustment including discussion of all plans and policies relevant to the proposed Petition.
2. Staff and the Petitioner(s) shall attend the Public Hearing before the Board of Adjustment. The Public Hearing shall be conducted in conformance with the Quasi-Judicial Public Hearing Procedures in Section 1.03 of this Manual. After the Public Hearing, the Board of Adjustment may make a final determination to either: approve, approve with conditions, deny, or table the Appeal.
3. The Department of Planning & Zoning will notify all persons named on the petition regarding the Board of Adjustment's decision within ten (10) days of their action. If the petition request is denied by the Board of Adjustment notices will be sent via personal service, register mail, or certified mail in accordance with NCGS 160A-388. [Amended Ordinance #09-16] [Amended Ordinance #11-19]\*