



YADKIN COUNTY BOARD OF ADJUSTMENT

VARIANCE APPLICATION FORM

In accordance with the Yadkin County Zoning Ordinance, and NCGS 160D-406 (i), the Yadkin County Board of Adjustment with a four-fifths vote, shall vary any specific provision of the Zoning Ordinance when unnecessary hardships would result from carrying out the strict letter of the ordinance. Under the State-enabling act, no change in permitted uses may be authorized by variance and appropriate conditions may be imposed. Please check all applicable boxes and complete the required documentation.

SUBJECT PARCEL:

Address: _____

Parcel Identification Number (PIN): _____

SPECIFIC ORDINANCE SECTION(S) REQUIRING VARIANCE: _____

I, _____, have standing as described in **Exhibit A** and hereby request a variance from the Ordinance be granted by the Board of Adjustment from the Sections as listed in above. I request a variance as described in **Exhibit B** for the reasons stated in **Exhibit C**. If I intend to present any evidence, that evidence is listed in **Exhibit D**.

STATEMENT BY APPELLANT:

I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Signature of applicant: _____

Date: _____

Official Use Only:

Date Application Filed: _____ Fee Collected: _____

Accepted by: _____ Permit Case Number: _____

Staff Assigned to Review: _____

Date Scheduled for Public Hearing: _____

EXHIBIT A - STATEMENT OF STANDING:

☐ I am the sole owner of the property subject to this application.

☐ I have attached notarized letters authorizing this submittal from all entities or individuals with ownership rights to the property.

Owner Information:

Name: _____ Home Phone: _____

Address: _____ Cell Phone: _____

_____ E-mail: _____

Applicant Information: (☐ same as owner)

Name: _____ Home Phone: _____

Address: _____ Cell Phone: _____

_____ E-mail: _____

Agent Information:

Name: _____ Home Phone: _____

Address: _____ Cell Phone: _____

_____ E-mail: _____

Law Firm Name: _____ Bar Number: _____

** Only attorneys may serve as agents within quasi-judicial hearings such as this appeal. Realtors, surveyors and other professionals may not apply or make arguments on behalf of owners. **

EXHIBIT B – REQUESTED VARIANCE:

☐ I request that the standard be entirely vacated.

☐ I request that the standard be modified as follows:

☐ I propose that the following conditions be imposed: _____

EXHIBIT C - EXPLANATION OF HARDSHIP

To qualify for a variance, the applicant must make four showings. Please describe below how these will be made.

(1) Unnecessary hardship would result from the strict application of the ordinance.
(It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)

(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.)*

(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.)*

(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.

(attach additional sheets as necessary)

EXHIBIT D - INTENDED EVIDENCE

☐ I intend to only make arguments and no further evidence is expected to be necessary.

☐ I intend to offer the following evidence:

I intend to introduce the following document and have attached it follows:

Exhibit #1 entitled: “_____”

This is relevant to standards from UDO Sections _____.

It demonstrates that:

_____.

I intend to call the following as a lay witness:

Lay Witness #1, _____. Their intended testimony has been included in an affidavit attached as Exhibit _____. This witness has personal knowledge of and will testify about:

_____.

This testimony is relevant to standards from UDO Sections _____. The testimony will demonstrate that _____

_____.

I intend to call the following as an expert witness:

Expert Witness #1, _____, is being offered as an expert in

_____.

They possess specialized knowledge in this field through the following training and/or experience: _____

They reviewed or examined the following data: _____

They used the following method of analysis when reviewing that data: _____

This expert opinion is relevant the standard at UDO Section _____. It demonstrates that _____

Their intended testimony has been included in an affidavit attached as Exhibit _____.

(attach additional sheets as necessary)

NOTES: There are additional review criteria and/or submittal requirements for variance requests from the following:

- a. Special Flood Hazard Area (SFHA) regulations;
- b. Watershed Protection Overlay Districts; and
- c. Stream Buffers (stream buffer regulations enforced by the State of North Carolina).

Please see staff for more information.