



# TOWN OF WAYNESVILLE

## Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

## Variance Request

Property Address / Location: \_\_\_\_\_

Property PIN: \_\_\_\_\_ Property Zoning District: \_\_\_\_\_

Flood Zone: \_\_\_\_\_ Historic Property or District: \_\_\_\_\_

Signature of property owner of record: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Applicant's Phone #: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

*Application must be filed by the property owner or by an agent specifically authorized by the owner.*

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: \_\_\_\_\_

Ordinance requirement from which relief is sought: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Variance requested and why (attach additional sheets, maps, or other information as necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Standards of Review for Variances**

### **1. General Variance Requests:** The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- a) That there are unnecessary hardships in the way of carrying out the strict letter of this chapter.
- b) Reserved.
- c) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district.
- d) That the special conditions and circumstances do not result from the actions of the applicant. 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.
- e) That variance is in harmony with general purpose and intent of chapter and preserves its spirit.
- f) That variance is the minimum necessary to afford relief.
- g) That the public safety and welfare have been assured and substantial justice has been done.

### **2. Floodplain Development Regulation Variance Requests:**

- a) Variances from the standards set forth in this ordinance for flood damage prevention may be granted. The town must notify the North Carolina Secretary of Crime Control and Public Safety at least thirty (30) days prior to granting the variance.
- b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and, a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
  - i. The danger that material may be swept onto other lands to the injury of others.
  - ii. The danger to life and property due to flooding or erosion damage.
  - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - iv. The importance of the services provided by the proposed facility to the community.
  - v. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - vi. The compatibility of the proposed use with existing and anticipated development.
  - vii. The relationship of the proposed use to the land development plan and flood damage prevention program for that area.
  - viii. Safety of access to the property in times of flood for ordinary and emergency vehicles.
  - ix. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

### **3. Additional Conditions:**

In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this chapter.