



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

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) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b) 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- c) 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 is not a self-created hardship.
- d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

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.