

**HARDSHIP VARIANCE APPLICABLE SUBMITTAL REQUIREMENT**

1	Submit Evidence of the legal creation of the parcel(s) making up the development site (copy of most recently recorded plat or deed describing parcel plus: copy of County-approved plat describing same parcel and recorded after 5/17/1976; or plat or deed describing same parcel and recorded on or before 5/17/1976; or other recorded deeds and documents necessary to show parcel creation was exempt from subdivision regulations) <b>[1 copy]</b> [see Register of Deeds]
2	Submit a Copy of any Special Use Permit applicable to site or part thereof [1 copy] [see Register of Deeds and/or Planning, Development and Inspections staff]
3	Submit Statement of justification presenting factual evidence supporting each of the required conclusions [see below attached sheet]
4	Submit Existing conditions map showing the following information <b>(a-k)</b> , for an area including and within 1,000 feet of the site [Most of the required information exists in the County's GIS]
a	Property lines (GIS)
b	Zoning districts - boundaries and names (GIS)
c	Notation of existing land uses (a site visit must be done & land uses identified on map)
d	Names of existing and approved subdivisions and other developments (site visit)
e	Existing and under-construction roadways and associated access rights-of-ways or easements (show name and label as public or private)
f	Existing and under-construction major water lines and fire hydrants [see adjacent municipality]
g	Existing and under-construction major sewer lines and pump stations/treatment facilities [see adjacent municipality]
h	Topographic contours (at intervals of not more than 10 feet) (GIS)
i	Surface waters, FEMA 100-year floodway and floodway fringe boundaries, flood hazard soils (GIS)
j	Inset map showing site's location relative to County's municipalities and major roads (GIS)
k	Title block showing name and address of site owner(s), name of plan designer, parcel identification number (PIN), date map prepared (and revised), bar scale, north arrow, and title "Existing Conditions Map" (handwritten or typed)
5	Submit a Site plan showing the following information for an area including and within 50 feet of the site at a scale of not less 1"=400',
a	Property lines, with measured distances
b	Topographic contours (at intervals of not more than 5 feet)
c	Surface waters, FEMA 100-year floodway and floodway fringe boundaries, flood hazard soils
d	Location and relevant dimensions of any proposed structures or structures proposed to be extended to which the regulation proposed to be varied applies (ex.: the outline, dimensions, and floor area of the building, parking area, etc. for which a variance of a minimum yard depth or setback regulation is proposed)
e	Location and relevant dimensions of any existing structures, easements, etc. that substantially hinder strict compliance with the regulation proposed to be varied, or whose relation to accommodate (ex.: the outline and dimensions of an existing or approved septic field and repair area, and/or utility easements that prevent location of a proposed building within the building envelope defined by minimum yard depth and setback regulations)
f	Location and relevant dimensions of yards, setbacks, transitional bufferyards, watershed buffers, riparian areas, and other required areas that substantially hinder strict compliance with the regulation proposed to be varied (ex.: the location and width of a watershed buffer, and minimum setback therefrom, that prevent location of a proposed building within the building envelope defined by minimum yard depth regulations)
g	Location and relevant dimensions of any other natural or man-made features on the parcel that substantially hinder strict compliance with the regulation proposed to be varied
h	Inset map showing site's location relative to County's municipalities and major roads
i	Title block showing name and address of site owner(s), name of plan designer, parcel identification number (PIN), date map prepared (and revised), bar scale, north arrow, and title " Variance Site Plan"



# Planning and Development Services

919-856-6310

Planning  
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wake.gov

6	List of the parcel identification numbers (PINs) and owners (and their mailing addresses) of all parcels adjoining, including across the street from, the parcel(s) making up the proposed development site (list may be obtained from GIS staff)
7	<b>Mail the following envelopes to :</b> Wake County Planning Department/Zoning Administration; Case #; P.O. Box 550; Raleigh, NC 27602-0550 <b>Stamped</b> , pre-addressed business envelopes (size 10) for each owner on above list, with return address reading: Wake County Planning Department/Zoning Administration; P.O. Box 550; Raleigh, NC 27602-0550 <b>[1 set]</b>
8.	Variance review fee \$300

Land use professionals (architects, engineers, planners, landscape architects, etc.), as well as employees of corporate or municipal applicants, may testify at quasi-judicial proceedings about factual matters in support of an application, petition or appeal. However, they MAY NOT examine or cross-examine witnesses, make legal arguments as to why an application, petition or appeal should be granted, or otherwise advocate for results on behalf of another individual or entity at a quasi-judicial proceeding. These functions can ONLY be performed at a quasi-judicial proceeding by an attorney licensed to practice law in North Carolina. Therefore, it is **strongly recommended** that unless you are an individual representing yourself in a quasi-judicial proceeding, you have an attorney present to present your case.

**Notes:**

- All documents and maps submitted as required become the property of Wake County.
- The Wake County Unified Development Ordinance are on the web at [www.wakegov.com](http://www.wakegov.com)
- All application fees are non-refundable.
- CSS portal [www.wakegov.com/permitportal](http://www.wakegov.com/permitportal)

The File Number should be used on all correspondence subsequent to application acceptance



VARIANCE SUPPLEMENTAL INFORMATION

Variance Request (be as specific as possible and cite code section in which variance is requested from)

Blank lines for variance request details

Modification of previously issued Special Use Permit? Yes No

If Yes, provide relevant Special Use Permit Number:

Property

Parcel Identification Number:

Address:

Land Owner

Land Owner Name:

Business Operator Name (if different from Land Owner):

Address:

City: State: Zip Code:

E-mail Address: Fax:

Telephone Number:

Applicant (person to whom all correspondence will be sent)

Name:

Address:

City: State: Zip Code:

E-mail Address: Fax:

Telephone Number:

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: Date:

Signature: Date:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: Date:

## **VARIANCE STATEMENT OF JUSTIFICATION**

For each of the required conclusions listed below, attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of Adjustment to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. Listed under each required conclusion are related principles established by case law.

**Important:** The applicant bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions, in accordance with NC General Statute 160D-705(d). If the applicant fails to meet that burden, the Board has no choice but to deny the application.

**When unnecessary hardships would result from carrying out the strict letter of a zoning/unified development ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:**

- 1. Unnecessary hardship would result from the strict application of the ordinance.** It shall not be 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.**

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