



Development Services

Brad Thompson, Director

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APPLICATION FOR A VARIANCE REQUEST
BY THE BOARD OF ADJUSTMENT
WILSON COUNTY, NORTH CAROLINA

Applicant Name: \_\_\_\_\_ Date \_\_\_\_\_

I (We), \_\_\_\_\_, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Wilson County Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described in the attached form in a manner shown by the plan attached. I request a variance from the following provisions of the ordinance:

[Empty rectangular box for listing ordinance provisions]

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State laws, the Board is required to reach three (3) conclusions before it may issue a variance. In the spaces provided below, indicate the facts and arguments that you intend to make to convince the Board that it can properly reach these three (3) required conclusions. (See the attached information sheet to assist you with answering these questions.)

A. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.

1. If the applicant complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property.

[Empty rectangular box for providing facts and arguments]

2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

3. The hardship is not the result of the applicant's own actions.

B. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

C. The granting of the variance secures the public safety and welfare and does substantial justice.

**CERTIFICATION**

I (We) hereby certify that the information furnished in this application is accurate to the best of my (our) knowledge. **Applications must be signed by the property owner(s) or their duly authorized agent or attorney.** Please attach additional sheet(s) if necessary.

Property Owner: \_\_\_\_\_ Phone#: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone#: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Agent/Attorney: \_\_\_\_\_ Phone#: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

**NOTE: This application must be accompanied by a GENERAL APPLICATION FOR HEARING BEFORE THE WILSON COUNTY BOARD OF ADJUSTMENT**

\_\_\_\_\_  
OFFICE USE ONLY  
\_\_\_\_\_

Received on: \_\_\_\_\_ by \_\_\_\_\_

Case Number Assigned: \_\_\_\_\_

Total Fees Collected: \$ \_\_\_\_\_ Paid by \_\_\_\_\_



**INSTRUCTIONS FOR  
REQUESTING A HEARING BEFORE THE  
WILSON COUNTY BOARD OF ADJUSTMENT  
VARIANCE REQUEST**

PURPOSE

- The Board of Adjustment has the authority to grant variances from the Unified Development Ordinance in cases of hardship. Whether or not a hardship exists is determined by the Board of Adjustment through the analysis of various factors. These factors are discussed below.

APPLICATION

- **An Application for a Variance Request must be submitted along with a General Application for Hearing Before the Board of Adjustment.**
- Planning staff will assist the applicant in identifying the specific sections of the ordinance that must be addressed as part of the variance request. However, the applicant is responsible for proving to the Board of Adjustment that a hardship exists.
- The application for a variance request includes five (5) factors that the Board of Adjustment will consider in granting a variance request. The applicant is responsible for responding to each of these factors as a part of the application submission. At the end of this document, the three (3) factors are outlined. With this, questions/comments have been posed to the applicant in an attempt to help the applicant develop responses to the statements.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

- A. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.
  - 1) If the applicant complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property.
    - It is not sufficient that failure to grant the variance simply makes the property less valuable.
    - Are you prevented from making ANY reasonable use of your property without the granting of the variance?
    - Are you prevented from making ANY reasonable return from your property without the grant of this variance?
  - 2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land.
    - Hardships suffered by the applicant in common with his neighbors do not justify a variance.
    - Unique personal or family hardships are irrelevant, since a variance, if granted, run with the land.
  - 3) The hardship is not the result of the applicant's own actions.

- B. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.
- State facts and arguments to show that the variance requested represents the least possible deviation from the strict letter of the ordinance that will allow a reasonable use of the land.
  - Also state that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.
- C. The granting of the variance secures the public safety and welfare and does substantial justice.
- State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.