



Variance or Appeal Request

REQUIRED APPLICATION MATERIALS:

- _____ **Application fee** in the amount of **\$85.00**.
- _____ **Completed Application** requesting a **variance** or an **appeal of an order or determination made by an administrative official** signed by the applicant. Please do not leave anything blank and make sure all of the information provided is correct.
- _____ **Appointment of Agent**, if applicable, signed by the property owner and the agent.
- _____ **Deed** copy, if applicable, to provide proof of ownership and property boundaries.
- _____ **Purpose of request**: Please provide additional text and/or maps to demonstrate consistency with the criteria listed in **UDO §2.22.6** for variance or in **§2.23.7** for an appeal. The list of criteria for each type of request is attached.
- _____ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Public hearing**: The Board of Adjustment shall conduct a public hearing and approve, conditionally approve or deny the application based on all applicable criteria. (Please refer to the **Application Processing Timeline** to determine the hearing date.) The applicant or a representative of the applicant is expected to attend all meetings and be prepared to answer questions concerning the request. The absence of the applicant or representative is sufficient grounds to warrant a deferral of action by the Board of Adjustment.
3. **Decision of the Board**: The applicant will be notified of the Board's decision in writing within thirty (30) days of the public hearing.

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Variance or Appeal Application

Date Received: _____ Fee Paid: _____ Case No.: A-____-_____

TO THE TOWN OF SOUTHERN PINES BOARD OF ADJUSTMENT:

I, the undersigned, do hereby make application for your consideration of the following request:

_____ **Variance** (complete Section A below)

_____ **Appeal of order or determination made by an administrative official** (complete Section B below)

Subject Property:

Street Address: _____

PIN: _____ Parcel ID: _____

Site Size: _____ Lot Frontage: _____ Lot Depth: _____ Zoning District: _____

The property is located on the _____ side of _____ (Street/Avenue) between _____ (Street/Avenue) and _____ (Street/Avenue).

Project Information:

Street Address: _____

PIN: _____ Parcel ID: _____

Site Size: _____ Zoning: _____

Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Legal Property Owner(s), if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

ADJACENT PROPERTY OWNERS:

Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.

- 1. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 2. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 3. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 4. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 5. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 6. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 7. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 8. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 9. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
- 10. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

SECTION A – VARIANCE

1. The requirement of the Town’s Unified Development Ordinance from which a variance is being sought is the provision of Section _____ of the Unified Development Ordinance that states as follows:

_____.
2. The property that is the subject of this application fails to meet the requirements in following way:

_____.
3. A written narrative addressing **UDO §2.22.6 Criteria (A) through (D)** is attached to this application.

SECTION B – APPEAL OF ORDER OR DETERMINATION

1. The name and title of the administrative official who made the order or determination:
Name: _____ Title: _____
2. The order or determination that is the subject of this appeal: _____
_____.
3. Describe the manner in which you contend the order or determination was erroneous:

_____.
4. If you are not the owner of the property that was subject to the order or determination, describe the basis for concluding that you are financially harmed in a manner different from the harm suffered by the general public. _____
_____.

Date: _____

Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), _____, hereby appoint(s) _____ as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a **variance** or an **appeal of an order or determination made by an administrative official** as described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Board of Adjustment for the issuance of a **variance** on the subject property or the **appeal of an order or determination made by an administrative official**; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of an application for a **variance** or an **appeal of an order or determination made by an administrative official** under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this _____ day of _____, _____.

Property Owner

Property Owner

Agent

UDO §2.22. Variance

§2.22.1. Purpose and Applicability

The Board of Adjustment shall have the power to vary the certain UDO regulations when the Applicant demonstrates that the criteria in this section justify relief from the strict application of the regulations in this UDO. No change in permitted uses may be authorized by variance.

§2.22.6. Criteria

A variance may be granted by the Board of Adjustment if it finds that:

- (A) 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.
- (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.
- (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 granting a variance shall not be regarded as a self-created hardship.
- (D) 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.

UDO §2.23. Appeals

§2.23.1 Purpose and Applicability

Any person, including any officer or agency of the Town, aggrieved by a final Development Approval relating to an application for Development approval by the Planning Director or other member of the Town's administration, may appeal such Development Approval to the Board of Adjustment in the manner provided in this section. Should any person be aggrieved by any decision of the Board of Adjustment, they shall have the right to appeal same to the Circuit Court of Moore County, North Carolina, in the manner prescribed by law.

§2.23.7. Criteria

In evaluating an Appeal, the Board of Adjustment shall determine whether the action being appealed:

- (A) Was made based on correct interpretation of the UDO and other applicable regulations; and
- (B) Reflected the correct response to the application that was approved, denied or conditionally approved.

Please reference UDO §2.22 and §2.23 (www.southernpinesudo.org) for additional information.