

Board of Adjustment Application

- Variance Appeal Special Use Permit



SECTION 1: General Information

(a) Property Information

Property Address: _____

PIN #: _____ Zoning: _____ Acreage: _____

(b) Contact Information

Property Owner Name: _____

Property Mailing Address: _____

Property Owner Contact: _____

Email

Phone Number

Applicant/Agent name: _____

Applicant/Agent mailing address: _____

Applicant/Agent Contact: _____

Email

Phone Number

SECTION 2: Application Materials to be included with submittal

- (a) Signed and completed application form;
- (b) Site plan that meets requirements as outlined in Chapter 2 of the *Land Development Manual Requirements Applicable to all Board Approvals with a Site Plan*¹;
 - a. Additional information or documentation may be deemed necessary by Staff, Planning Board, or Board of Adjustment for plan review. A submittal to be heard before the Board of Adjustment will not be deemed complete until all portions of the application have been submitted to Staff and verified for completion.
- (c) Check (*payable to the Town of Kernersville*) or cash for the amount of \$ _____ in accordance to the Fee Schedule for the Town of Kernersville.

SECTION 3: Standards for Cases

Attach additional documentation that responds to the following questions for your applicable application type. Use compelling evidence.

¹ Site plans are not required for appeals to a zoning decision but may be submitted as evidence. Site plans may be required on a case-by-case basis for variance requests, pursuant to UDO 6.4.3.D.

SECTION 3A: Standards for Granting Special Use Permit (NCGS §160D-705)

- (a) Will the granting of this special use permit materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved?
- (b) Does the use for this permit meet all required conditions and specifications?
- (c) Will this use substantially injure the value of adjoining or abutting property?
- (d) Will the location and character of this use be in harmony with the area in which it is to be located and in general conformity with the Kernersville Development Plan?

SECTION 3B: Standards for Granting a Variance (NCGS §160D-705)

- (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 from the property.
- (b) The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstance, as well as hardships resulting from conditions that are common to the neighborhood or 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 the granting of 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.

SECTION 3C: Standards for Granting an Appeal (NCGS §160D-405, 406, 704)

- (a) Provide a copy of the written decision that you are appealing. Include who rendered the decision and the date of the decision. (Note: appeals must be received within 30 days of written notice).
- (b) Briefly describe what the decision prevents you from doing. Include why the Town’s interpretation may be incorrect and how it should be altered using factual evidence.
- (c) What sections of the ordinance or guidelines support your interpretation?
- (d) Please describe how you have standing to appeal this decision.
- (e) Other evidence that you would like to have considered.

SECTION 4: Legal Certification

By signing this form, I acknowledge all the above requirements and certify that all the information presented in this application and supporting documents are correct to the best of my knowledge.

Owner(s) Signature:

Applicant/agent(s) Signature:

Signature/date

Signature/date

Signature/date

Signature/date