

APPLICATION ACCEPTANCE POLICY

BOARD OF ADJUSTMENT REQUEST FOR VARIANCE

City of Wilmington
Planning, Development and Transportation
Zoning Division

PO Box 1810 | 929 N Front St.
Wilmington, NC 28402
Telephone 910.254.0900 | Fax 910.341.3264

The City of Wilmington understands that clear expectations make the application and review processes easier for both applicants and staff. The policies outlined below will enable staff to move the process along in a way that ensures that each application receives the attention it deserves. Staff desires to complete review of projects in an accurate and timely manner. Due to the volume of applications and quasi-judicial hearing schedules, working with incomplete materials detracts from the timely review of applications.

1. Applications are to be reviewed for completeness by staff prior to being officially accepted by the City for review. Applications that are dropped off or mailed in cannot be accepted without prior approval from the Zoning Administrator.
2. Checklists for each type of request are provided with each application package. If the application does not contain all required items on the checklist, it will be considered incomplete and shall not be accepted.
3. Upon determination by staff that an application for a variance is complete, it will be officially accepted by the Zoning Division. Staff will complete an acceptance form and both staff and the applicant must sign the form. The application is not considered officially accepted until this form is signed by both the planner and the applicant. A copy of the signed form will be given to the applicant and a copy will be placed in the project file at the time of acceptance. Staff will not hold materials for incomplete applications.
4. Application fees must be paid at the time an application is submitted for acceptance.
5. In order to allow time to process fees, applications will not be accepted after 4:00 PM each day. On the deadline day for submittals for Board of Adjustment quasi-judicial hearings, applications will not be accepted after 1:00 PM.
6. For your convenience, applicants may schedule an appointment with staff or may “walk-in” without an appointment. Please allow sufficient time to review the application package with staff.
7. If you plan to have legal representation at the quasi-judicial hearing, please notify city staff within one week prior to the hearing to ensure that the city can arrange representation as well. Failure to do so may result in the city requesting a continuance to another hearing.

The Planning Division staff looks forward to working with you during the application process. If you have questions or need further assistance, please call 254-0900.

**CITY OF WILMINGTON
STATE OF NORTH CAROLINA**

APPLICATION FOR A VARIANCE

PURPOSE OF VARIANCE – A Variance is the official allowance of a variation from the dimensional requirements of the City Land Development Code or other development regulations. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature but must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if City development regulations are followed literally, such as a lot which is substandard in area or width.

BOARD OF ADJUSTMENT - The Board of Adjustment, or BOA, is the official City Board that considers requests for variances. The BOA receives sworn testimony at its quasi-judicial hearings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a Variance to attend the BOA meeting and present sworn testimony in support of the request.

REASON FOR VARIANCE REQUEST – Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the City development regulations. (Attach additional sheets if needed.)

The BOARD OF ADJUSTMENT is required to make the following four (4) findings before granting a Variance. Write a thorough response to each of these items.

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 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.

ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST

PROPERTY LOCATION INFORMATION

Street address of subject property 7333 ORCHARD TRACE

Tax Parcel Number of subject property P06715-002-004-000

PLEASE ATTACH TAX PARCEL & APPLICANT/OWNERSHIP INFORMATION

APPLICANT INFORMATION

Name/Address/Telephone/Email

Name: SAMUEL CATALANO

Address: 7333 ORCHARD TRACE

Phone #: 585-233-7476

Email: ZAP1973@AOL.COM

OWNER INFORMATION

Name/Address/Telephone/Email

SAME

ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

DATE 8/13/24

APPLICANT'S SIGNATURE

[Signature]