

INFORMATION FOR APPLICANTS REQUESTING AN APPEAL (INTERPRETATION OF THE ZONING ORDINANCE) OR A VARIANCE (EXCEPTION FROM THE ZONING ORDINANCE)

§155.4.4 Appeals, Variances and Interpretations

Relief from the decision of any public official or employee charged with enforcement of the Zoning Ordinance may be sought from the Board of Aldermen sitting in a quasi-judicial role as the Board of Adjustment. Through the **APPEAL** process, the Board of Adjustment upholds (or not) the enforcement decision of the public official to deny a permit request. In a **VARIANCE**, the Board of Adjustment issues (or not) an exceptional permit based on unique circumstances of the property.

An **APPEAL** is a request for an interpretation of the Zoning Ordinance by the Board of Adjustment. It is used when a permittee disagrees with the interpretation or decision of the public official or Town employee charged with the enforcement of the terms and provisions of the Zoning Ordinance. Upon hearing the **APPEAL**, the Board of Adjustment shall:

- A) Interpret the meaning of any parts of the ordinance that is unclear;
- B) Apply the ordinance to particular facts in the situation; and
- C) Vote to uphold the decision of the official or correct any mistakes or abuses of discretion that the official may have made in administering the Zoning Ordinance.

A **VARIANCE** is a permit the Board of Adjustment may grant in cases of unique circumstances and unnecessary hardships. The decision to grant the Variance is based on six findings of fact. The **VARIANCE** enables a property owner to make reasonable use of his property in some way that conflicts with the literal provisions of the Zoning Ordinance; provided that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice is done.

- WHEN TO FILE: All requests for APPEALS or VARAINCES must be filed within **30 consecutive calendar days** after the issuance of the public official or employee’s order.
- HOW TO FILE: APPEAL and VARIANCE application forms are available in the Planning and Inspections office at Town Hall. The petitioner must **file the completed form, an attached plot plan and a non-refundable filing fee of \$500 to the Planning and Inspections Department. Planning and Inspections will forward this information to the Board of Aldermen.**
- THE HEARING: The Board of Aldermen will set a Board of Adjustment hearing within a reasonable time (usually 30 days) of official receipt of a completed form, an attached plot plan and the fee from the petitioner.
- NOTICE: Notice shall be given to affected property owners by mailing a written notice not later than 10 days prior to the hearing to those persons who have listed taxation real property any portion of which is located within 150 feet of the lot that is the subject of the variance or appeal.

Note: The Wrightsville Beach Board of Aldermen serves as the Wrightsville Beach Zoning Board of Adjustment. All persons desiring to give evidence during the public hearing must first be place under oath. A vote of four-fifths of the Board of Adjustment is required for approval.

APPLICATION FOR AN APPEAL

To Be Submitted with Application Fee to the Planning and Inspections Department

PROPERTY INFORMATION

STREET ADDRESS: _____

Tax Map _____ Block Number _____ Lot Number _____

STRUCTURE USE: () COMMERCIAL () RESIDENTIAL () OTHER _____

ZONING: _____ THE USE/LOT IS: ___ Conforming ___ Non-Conforming

PROPERTY OWNER: Name: _____

OWNER'S ADDRESS: (if different) _____ ZIP _____

OWNER PHONE: () _____ FAX: _____

APPLICANT IF DIFFERENT FROM OWNER: _____

(attach Authority for Appointment of Agent signed by Owner)

ADDRESS: _____ ZIP _____

PHONE: () _____ FAX: _____

ADJOINING PROPERTY OWNERS (TO BE ATTACHED)

The names and address of all adjoining property owners as listed in the New Hanover County Tax Records is to be attached to this application. This list includes across the street and adjacent parties. *It should also include parties in interest, such as applicants, owners and co-owners.* For each name listed, provide an **envelope** printed with the name and address of the adjoining property owner, return address specified as Town Hall, PO Box 626; Wrightsville Beach NC 28480 and stamped with first class, non-metered postage. The envelopes are used for required notice.

THE ISSUE (attach additional information if needed)

Cite Violation:	() Building Code Violation	Code Reference: _____
	() Zoning Code Violation	Code Reference: _____
	() Fire Code Violation	Code Reference: _____
	() Other	Code Reference: _____

Notice Issued on (date) _____ Inspector _____

ISSUE DESCRIPTION (TO BE ATTACHED)

Please attach a description of the issue and the case for the appeal.
Please also attach any supporting materials.

Appeal application fee \$500.00 **(Non-Refundable)** Paid Date: _____

I understand that the fee for this application is non-refundable. _____ (Initial)

I furthermore certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands in connection with evaluating information related to this permit application. _____ (Initial)

APPLICANT SIGNATURE _____ DATE _____

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner, _____, does hereby appoint _____ as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for approval of a/an _____, as applicable to the property having the address of _____ and described in the attached petition.

The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials; and
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: _____

Agent's Name, Address & Telephone:

* Owner: _____

* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.