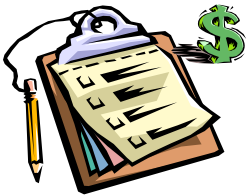


## HOW TO APPLY

To apply for a variance, special use permit, change of use, or appeal, you must fill out an application. Applications can be found on the County's web-site or can be obtained in the Planning Office. It would be a good idea to speak with a Planner about your request prior to filling out an application because there are different applications and requirements for each request. There is a \$500 fee to apply to the Board. There are deadlines for each month's meeting, which can also be found on the County's website or in the Planning office.



## CONTACTS

Matthew Todd\* 704-928-2048  
Rebecca Harper 704-832-2398

*\*Main contact*

Office Hours:  
Monday-Friday  
8 a.m. - 5 p.m.  
except holidays

Tel: 704-832-2398

## 2011 BOARD OF ADJUSTMENT SCHEDULE

<u>Meeting Date</u>	<u>Deadline</u>
January 20	December 27
February 17	January 24
March 17	February 21
April 21	March 28
May 19	April 25
June 16	May 23
July 21	June 27
August 18	July 25
September 15	August 22
October 20	September 26
November 17	October 24
December 15	November 21

This Board meets the third Thursday of each month at 7:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC, unless changed otherwise by the Chairman.

**Iredell County Department of  
Planning & Enforcement**  
PO Box 788 / 349 N. Center St.  
Statesville, NC 28687  
Phone: 704-878-3118  
Fax: 704-928-2025

# BOARD OF ADJUSTMENT



## WHAT IS THE BOARD OF ADJUSTMENT?

The Iredell County Board of Adjustment is a quasi-judicial board appointed by the Iredell County Commissioners. A quasi-judicial hearing is similar to a court hearing in that witnesses are sworn in and decisions are based on evidence and factual testimony rather than opinions. The Board's responsibilities include granting variances, granting special use permits, granting changes of use, and hearing appeals from decisions or interpretations made by zoning administrators. The Board meets monthly to hear requests.

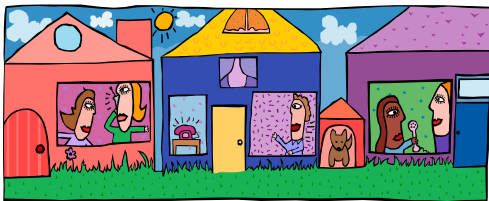


## WHAT IS A VARIANCE?

A variance allows a property owner to use property in a way that would not otherwise be allowable under the terms of the zoning ordinance or watershed ordinance. A variance may be granted in such individual cases of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:

- 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. 2) The hardship results from the application of the Ordinance. 3) The hardship is suffered by the applicant's property. 4) The hardship is not a result of the applicant's own actions. 5) The hardship is peculiar to the applicant's property.
- b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- c) In granting the variance the public safety and welfare have been assured and substantial justice has been done.

When a variance is granted, it remains with the property forever, even if the property changes hands.



## WHAT IS A SPECIAL USE PERMIT?

A Special Use Permit allows a certain activities to be established at a particular location within a zoning district if the applicant can demonstrate that certain ordinance requirements are met. A Special Use Permit may be granted in such cases where the Board makes the following affirmative findings:

- a) The Use requested is among those listed as an eligible Special Use in the District in which the subject property is located.
- b) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- c) That the Special Use meets all required conditions and specifications;
- d) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
- e) That the location and character of the Special Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the County.

When a Special Use Permit is granted, the project must be started within 6 months of the approval or the permit becomes invalid.



## WHAT IS AN APPEAL?

An appeal occurs where there is an alleged error in any order, requirement, decision, interpretation, or determination made by the zoning administrator in the enforcement of the ordinance. Appeals must be made within 45 days of the zoning administrator's decision.



## WHAT IS A CHANGE OF USE?

A non-conforming use is a use which legally existed on the effective date of the ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any non-conforming use legally recognized under a prior zoning ordinance. The Board may permit a non-conforming use to be changed to another non-conforming use upon a finding that the new use is more in character with the uses permitted in the district.



## APPEALS FROM BOARD OF ADJUSTMENT

Board of Adjustment decisions may be appealed to superior court. Such appeals must be made within 30 days of the filing of the decision.