

(LDO) Zoning Variance Application

Town of Rolesville Planning Department | PO Box 250 | Rolesville, NC 27571 | 919-554-6517 | planning@rolesvillenc.gov

Planning Department Home Page: [Official Town Webpage](#)

APPLICATION INFORMATION:	
Site Address(es):	Site Area (Acres/SF):
Legal Description (BM or Bk/Pg):	Location: <input type="checkbox"/> Town Limits <input type="checkbox"/> ETJ
Existing Zoning District(s):	Zoning Overlay(s):
Property PIN #(s):	Current Use(s):
Previous Town Application Number(s):	
Brief Variance Description:	

APPLICATION MINIMUM REQUIREMENTS / GUIDANCE:	
<input type="checkbox"/> Completed application and checklist below.	<input type="checkbox"/> Completed Property Owner's Consent Form. If multiple owners, each owner must complete their own form.
<input type="checkbox"/> Statement of Justification – see LDO Appendix A, part 3.3.B.2 and 3, and below. Provide on separate sheets, each standard or section of the LDO sought to be modified/varied should be clearly stated as a separate request; multiple standards/sections may be in one Variance application, but clearly separate from one another, as the BOA may approve or deny all, some, or none of the multiple requests.	
<input type="checkbox"/> A Graphic Drawing that depicts the situation causing the Variance Request, and the resultant requested Variance. Ex: If the request is to reduce a Building Setback dimension, the graphic should show the required setback dimension, the hardship that makes compliance unachievable, the building in question, and the resultant reduced setback dimension.	
<input type="checkbox"/> NOTE: Upon receipt and verification of the application, an invoice for the application fee will be generated and emailed to the Applicant.	
<input type="checkbox"/> NOTE: The Board of Adjustment will conduct an Evidentiary Quasi-judicial hearing per State Statute 160D-705(d). Representation by an Attorney is strongly suggested.	
<input type="checkbox"/> Any additional supporting documents that the Staff may have requested may have been provided.	

Financially Responsible Party (who receives and will pay invoices for the actual cost of consultant review fees?)	
Name:	Mailing Address:
City:	State/Zip:
Email:	Phone:

Contact Information

Property Owner(s) _____

Address _____ City/State/Zip _____

Phone _____ Email _____

Applicant / Agent (Business & Contact Name) _____

Address _____ City/State/Zip _____

Phone _____ Email _____

Engineer/Architect (Business & Contact Name) _____

Phone _____ Email _____

Attorney/Agent (Business & Contact Name) _____

Phone _____ Email _____

Preferred Point of Contact: ☐ Owner ☐ Applicant ☐ Engineer/Architect ☐ Registered Attorney/Agent

Last Revised: February 21, 2024

Statement of Justification

Provide below a “Statement of Justification” (including Date) that addresses each and all of the following:

- **Unnecessary hardship** would result from the strict application of Land Development Ordinance Section(s) <list all separately> .
- 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 those arising from conditions common to the neighborhood or the public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- 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 is not a self-created hardship.
- The requested Variance is consistent with the spirit, purpose, and intent of the Land Development Ordinance, such that public safety is secured and substantial justice is achieved.

Property Owner Notification List / Notification Letter Requirement

Per State Statute 160D-406(b) - *Notice of Hearing*. – *Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to **the person or entity whose appeal, application, or request is the subject of the hearing**; to the **owner of the property that is the subject of the hearing** if the owner did not initiate the hearing; to the owners of **all parcels of land abutting the parcel of land that is the subject of the hearing**; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.*

Provide on a separate sheet a list of all property owners as described above in 160D-406(b) (per Wake County tax records at the time of filing this Application).

When the Board of Adjustment (BOA) meeting is scheduled by Town Staff, the Applicant/Property Owner shall create and mail a Notification Letter (to that list) regarding the application and the date/time/location of that Quasi-Judicial Hearing before the Board of Adjustment. A Letter shall also be mailed to the Town Planning Department to demonstrate compliance with this State requirement.

[illegible]

Consent is required from the property owner(s) or legal representative. Unless otherwise specified, consent is valid for one year from the date of application.

Please provide a separate form for each parcel number. For properties with multiple owners, an individual form must be completed for each owner. (A husband and wife may both sign and submit one form.)

Project/ Subdivision Name: _____
Site Address: _____
Parcel ID: _____ **Deed Reference:** _____

Financially Responsible Party *This field is required.

Name: _____ Signature: _____
(type or print clearly)
Company Name: _____ Title: _____
Mailing Address: _____ City/State/Zip: _____
Phone: _____ Email: _____

☐ **Applicant** ☐ **Owner** ☐ **P.O.A.** ☐ **Agent** ☐ **Legal Representative**
Check all that apply.

1). Name: _____ Signature: _____
(type or print clearly)
Mailing Address: _____ City/State/Zip: _____
Phone: _____ Email: _____
2). Name: _____ Signature: _____
(type or print clearly) (spouse if applicable)
Mailing Address: _____ City/State/Zip: _____
Phone: _____ Email: _____

By signing the above, I swear and affirm that I am the owner(s) or authorized representative as shown in the records of Wake County, North Carolina, which is the subject of this application. I further affirm that I am fully aware of the Town's application, fees, and procedural requirements, and I consent to this Application. I authorize the person(s) listed below to submit this Application and serve as the representative and point of contact for this Application.