



COUNTY OF RANDOLPH DEPARTMENT OF PLANNING & ZONING

VARIANCE INFORMATION

Overview

The *Randolph County Unified Development Ordinance* contains provisions where citizens can request a Variance, Appeal the Decision of the Zoning Administrator or Appeal a Citation on their property. It also contains information about the rezoning process.

Variations

A Variance is a modification of the requirements of the *Unified Development Ordinance* where the strict enforcement of the Ordinance would cause undue hardship to the property owner. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. Under the State enabling act, the Zoning Board of Adjustment is required to reach that **all of the following four conclusions** are met before it may issue a Variance.

- Unnecessary hardship would result from the strict application of the regulation.
- The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
- The hardship did not result from actions taken by the applicant or the property owner.
- The requested variance is consistent with the spirit, purpose, and intent of the regulation such that public safety is secured and substantial justice is achieved.

Public Hearing

The decision to approve or deny a Variance or Appeal request rests with the Randolph County Zoning Board of Adjustment. Decisions of the Zoning Board of Adjustment are final. The only avenue for appeal is through the Superior Court of North Carolina and such request must be made within 30 days.

The administration, amendment, and enforcement of the *Unified Development Ordinance* and the Official Zoning Maps are assisted with the use of the *Randolph County Growth Management Plan* and maps. These documents contain vital information in the Variance or Appeal process to ensure the consistency and reasonableness of each request.

Procedures

It is always advisable, but not required, for a citizen seeking a Variance or Appeal to contact the Randolph County Planning and Zoning Office before making an application. The office is located at 204 E Academy St, Asheboro. The phone number is (336) 318-6555. Speaking with a member of the County Planning Staff allows the citizen to learn more about the Variance process as well as the requirements for a site plan, fees, and the public hearing process.

Filing

Filing for a Variance requires the following:

- A completed and signed Variance application form;
- The applicable fee for Variance; and
- Site plan.

These items **must be submitted** by noon on the application deadline. Failure to submit any of the required information may delay your request and public hearing. The application deadline can be found by visiting the County Planning Department website page.

Notifications

After the application has been received, County Planning Staff further reviews the request, prepares reports, and fulfills the legal notification process as established by State law. The notification process includes mailing first-class notifications to all adjoining property owners, a legal advertisement in the local newspaper, and posting a public hearing sign on the property. The County will also place the Zoning Board of Adjustment Agenda on the County website, <http://www.randolphcountync.gov>, and will try to post more details regarding the case on the County Public Hearing page. Often these notifications will cause public inquiries. The Staff tries to pass the information along to the Zoning Board of Adjustment.

Discussion with Interested Parties

The County Planning Staff also encourages applicants for Variances or Appeals to discuss the request with any other interested parties such as adjoining property owners and residences. Many times this will aid in the Variance process by allowing the interested parties to hear from the applicant before the public hearing and better understand the request.

Withdrawals

A request to withdraw a Variance or Appeal application must be made in writing, signed by the applicant, and submitted to the County Planning Staff as soon as possible. If the request to withdraw is submitted before any public notifications, a refund may be possible. If public notifications have already been sent, a refund will not be possible. The decision to withdraw the request from the agenda after the notifications have been sent is made by the Planning Director.

Public Hearing

The applicant for the Variance request or their representative must be present for the Zoning Board of Adjustment Public Hearing. The Zoning Board of Adjustment meetings are usually held on the Tuesday following the first Monday of each month in the Commissioner's Meeting Room in the 1909 Historic Courthouse located at 145-C Worth St, Asheboro. The meeting begins at 6:30 p.m. The meeting date may change due to other events (ex. elections, weather, etc.) or a meeting may be canceled if there are no requests for the Planning Board to consider. Always consult the County website for details of upcoming meetings.

Meeting Process

After the meeting is called to order, the Zoning Board of Adjustment will do a roll call to ensure that a quorum is present and the Zoning Board of Adjustment can conduct business. The Zoning Board of Adjustment will then approve the minutes from their previous meeting. After that, the Planning Director will call the first case for consideration.

The Chair of the Zoning Board of Adjustment will open the public hearing. During the public hearing, the applicant or their representative will be allowed to present their request. Board members may ask questions about the application for clarification. Anyone else present in support of the request will be allowed time to address the Board. Those present in opposition to the request will also be allowed time to address the Board. After all, citizens have had an opportunity to address the Board, the Chair of the Zoning Board of Adjustment will close the public hearing.

The Zoning Board of Adjustment will then hold discussions and entertain motions to approve or deny the request based upon the three tests as outlined on page one of this document. **A four-fifths majority is required to approve or deny a request.**

*The information contained in this document is for informational purposes only.
It is a summary of the Variance process and does not include all steps in the Variance process.
It is not a legal interpretation of the Randolph County Unified Development Ordinance.*