



Board of Adjustment Variance Request



Who is the Board of Adjustment?

The Board of Adjustment is a quasi-judicial board with 7 permanent members and 3 alternate members, comprised of citizens residing in Huntersville and its Extraterritorial Jurisdiction (ETJ). The Board of Adjustment is a volunteer board appointed by the Town Board of Commissioners.

What is their function?

The Board of Adjustment considers two primary requests:

Variance-If certain hardships exist, the Board can vary the law to alleviate the hardship based on criteria established by NC Legislation.

Appeals-If you do not agree with Planning Staff's interpretation of the Zoning Ordinance, you may appeal the decision to the Board of Adjustment. The Board does not have power to change the Ordinance and is limited to its interpretation. Decisions are based on what the Board believes to be the actual meaning and intent of the ordinance. (Information regarding the appeal process may be found in a separate brochure).

What factors are considered?

Standards for granting a variance can be found in Article 11.3.2.e of the Zoning Ordinance.

Before granting a variance, the Board of Adjustment shall have made the following findings:

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 personal circumstances, as well as 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 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.

How do I apply?

- Submit [application](#) with all applicable items
- Pay [fees](#)

Variance granted?

If the Board decides to grant the variance, they may place certain restrictions or conditions on the variance to protect the public interest and neighboring property owners.

Variance denied?

If your variance is denied, you may abide by the ordinance requirement, or you may choose to appeal the decision to the Mecklenburg County Superior Court. If you choose to appeal the decision, you will have 30 days to do so from date you receive the Board's decision letter.

Reminder

When applying for a variance, it is important to realize that *you* have the responsibility of proving that you need the variance because of a hardship. **The variance and appeals processes are quasi-judicial. Contact with the Board of Adjustment shall only occur under sworn testimony.**

Questions?

**Town of Huntersville
Planning Department
IN PERSON:**

105 Gilead Road, Third Floor
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Mon-Fri; 8am—5pm
No appointments necessary

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