

**Variance Applications
(Continued)**

Public Hearing Process:

The case is heard at a public hearing before the Board of Adjustment. Anyone wishing to speak at the hearing may do so when the Chairman indicates it is time to receive public comment. Staff will present information on the property and ordinance requirements that relate to the variance requested. The Board of Adjustment makes the final decision to approve or deny variances. The requests do not go before the City Council.

A quorum of the board is four members. However, the desired number of members present would be five, because to approve a variance a four-fifths vote is required. If less than four members vote in favor of a request, the motion fails and the request is considered denied. The applicant may request deferral if only four members are present.

Appeal Process:

Appeals of the Board of Adjustment decision must be filed with the Superior Court of Carteret County.

**VARIANCE
REQUESTS**



**Town of Morehead City
Planning & Inspections**

Board of Adjustment Expert Testimony Table	
Issue	Experts
Effects on property values	Realtor, appraiser
Noise volume	Sound engineer, audiologist
Site lighting	Lighting engineer, lighting designer
Structural stability	Structural or civil engineer, full scientist, geologist
Traffic volume or type	Traffic engineer
Public health	Public health specialist, specialist physician
Public or private utilities	Utility provider, civil engineer
Public safety, crime	Law enforcement professional, criminologist, fire safety professional
Property boundaries, size	Surveyor, civil engineer

**706 Arendell Street
Morehead City, NC 28557
(252) 726-6848 x125**

Opinion evidence may come from experts only. Expert evidence is not always necessary, but may be helpful.

Variance Applications

General Description:

The Variance review procedure allows the minimum deviation from the dimensional standards in the UDO (lot size or area, setbacks, height) when the strict application of these standards would result in unnecessary hardships which result from the unique circumstances related to the land.

The hardship must stem from special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, location, or size) and may not be created by the actions of the landowner.

A Variance does not allow a change in use. If a landowner wants to accomplish a change to a use not allowed in the district, it is necessary to obtain approval of a map or text amendment.

Variance Criteria:

The Board of Adjustment may vary the provisions of the ordinance upon a showing of all of the following:

- ◆ 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.
- ◆ 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.
- ◆ 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 a self-created hardship.
- ◆ 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.

Submittal/Review Process:

The process begins when a completed application, site plan, and required filing fee are submitted by the appropriate deadline. The application is then checked for completeness by City Zoning staff.

Public Notification Process:

The Unified Development Ordinance requires that the variance request be advertised in the local newspaper. The City advertises the case one day for two successive weeks prior to the public hearing before the Board of Adjustment.

In addition, the City sends out notification to all adjacent property OWNERS and posts a zoning sign on the property to provide notification of the upcoming meeting.

Should you have questions about the application submittal process, please do not hesitate to contact City Zoning Staff.

(252) 726-6848 x119