

Guidelines for the New Hanover County Zoning Board of Adjustment

The Board of Adjustment is appointed by the Board of County Commissioners and empowered by statute to hear appeals and grant variances under the Zoning Ordinance.

The Board *may* consider the following cases:

- **Variations** to reduce dimensional requirements, such as building setbacks, may be granted in cases where undue hardship is caused by a literal interpretation of the Zoning Ordinance.
- **Appeals** from determinations by county zoning officials are heard. *Important Note: Appeals to the Board must be filed within 14 days of notification of the staff decision to be appealed. By the Board's rules, appeals of building permits must be filed within 15 days of permit issuance.*
- **Variations** may be granted, in limited cases, from the elevation requirements of the Floodplain Regulations.
- **Applications** to change a non-conforming use may be considered under certain circumstances.

The Board *may not* consider the following cases:

- **Rezoning of land** can only be done by the Board of County Commissioners.
- **Use variations** cannot be granted by the Board of Adjustment for activities that are not allowed by the Zoning Ordinance.

Appeals of Board of Adjustment decisions are made to the Superior Court.

Note: Board members are not allowed to discuss cases with any person prior to the public hearing.

Application Instructions

Applications are filed with the Zoning Division of the New Hanover County Inspections Department, telephone (910) 798-7118, fax (910) 798-7003. Applicants are encouraged to file well before the cutoff date, as incomplete applications will not be accepted.

Application packages must contain the following:

- A completed Notice of Appeal form, clearly stating the relief sought and the grounds for the appeal. Extra pages and documentation may be attached as desired. Except for third-party appeals, the landowner must sign, or provide written authorization for the person appealing. Corporations must furnish corporate resolution authorizing the person making the appeal.

- Names and mailing addresses of all adjacent property owners. Include all properties that touch the subject property or would touch it if intervening rights-of-way were removed. Applicants may find it helpful to contact the adjacent owners personally, to answer any questions or concerns that may arise.
- Vicinity map(s) and site plans in sufficient detail to show how to reach the property and illustrating the zoning issues involved, including surrounding land uses and showing all existing and proposed structures on the property.
- One copy of items submitted is sufficient, as long as the paper size does not exceed 11" x 17", in black and white only (no color highlighting). For photographs, larger plans, or color-coded documents, please submit 10 copies.
- Filing fee of \$350.00, payable to New Hanover County.
- Applicants for variances are encouraged to submit Proposed Findings of Fact, on the form provided. Facts included in proposed findings must be entered into evidence at the public hearing.