

# TOWN OF ROLESVILLE

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## VARIANCE APPLICATION

FOR PUBLIC HEARING AND APPROVAL BY THE BOARD OF ADJUSTMENT

### *Section A.* **SUBMITTAL CHECKLIST**

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*Prior to submittal, contact Planning and Development staff to review this completed application for completeness and to verify the parcel(s) information. Do not leave this completed application on the front desk without review. Incomplete application submittal packages will not be processed. Please schedule an appointment for application review to ensure prompt service upon arrival.*

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#### **SUBMITTAL PACKAGE MUST INCLUDE ALL OF THE FOLLOWING: (CHECK OFF)**

- APPLICATION FEE.** Upon request, planning staff will prepare an estimate for you based on the type of application. Payments may be made by cash or by check, but not by credit card. Checks made payable: Town of Rolesville.
  - THREE ORIGINALS OF THIS APPLICATION FORM** completed (Section B), signed by the property owner and notarized.
  - THREE FULL SIZE COPIES OF PROPOSED PLANS** (*if applicable*). Maximum sheet size shall be 30" x 42". Plans must be to engineering scale (1" = 20', 1" = 100', etc.). Preliminary plans do not need an engineer's, surveyor's or landscape architect's seal. Information shown on the plan should relate to the findings that must be made by the Board of Adjustment. See Section 2.3.2.2 of the Rolesville UDO for specific findings the Board is to make for this variance.
  - TEN 11" X 17" COPIES OF PROPOSED PLANS.**
  - A DIGITAL COPY OF ONLY THE PLAN LAYOUT AND ELEVATIONS** (*if applicable*). The purpose of this image is to illustrate the basic character of the preliminary plan. It should contain only such basic information as: building outline, landscaping, parking and drives, stormwater facilities, and lot boundaries. The digital image should be provided in pdf format on a CD. If the plan was not digitally created, provide an 8 ½" x 11" reduction of the plan.
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#### **PROCEDURE FOR HEARING AND APPROVAL OF A VARIANCE BY BOARD OF ADJUSTMENT:**

It is very important that this application is complete, accurate, and the signature of the property owner is notarized! A variance hearing is a quasi-judicial proceeding, and the variance may be invalidated if any information is inaccurate or incomplete.

If the initial application is complete, it will be reviewed by staff and then forwarded to the BOA. If the application contains a site plan, it will be reviewed by the Town's Technical Review Committee (TRC) in the interim. After receiving comment from the TRC, the variance will most likely be heard by the Board of Adjustment approximately four (4) weeks later at a public hearing.

Applicant must be present at the hearing to present the case for issuance of the variance. Town staff will provide a written draft set of findings for the Board to consider. Staff will contact the applicant with the time and place of the proceeding and will also provide a draft of the findings prior to the hearing.

**Section B.**  
**SUMMARY INFORMATION – (SHOW ON PLANS)**

DEVELOPMENT NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

Show Wake County Property Identification (PIN) Number(s) on plan. Submit PIN Map. See Submittal Checklist on front page.

ZONING DISTRICT: \_\_\_\_\_ TOTAL SITE ACREAGE: \_\_\_\_\_

VARIANCE REQUESTED:  
\_\_\_\_\_  
\_\_\_\_\_

OWNER/DEVELOPER:  
NAMES(S): \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

STAFF CONTACT FOR COMMENTS OR QUESTIONS:  
NAMES(S): \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

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**OWNER'S SIGNATURE:**

*I hereby certify that the information contained herein is true and completed. I understand that if any item is found to be otherwise after evidentiary hearing before the Town Board of Adjustment, that the action of the Board may be invalidated.*

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

STATE OF NC \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

*I, a Notary Public, do hereby certify that  
\_\_\_\_\_ personally appeared  
before me this day and acknowledged the due execution of the  
foregoing instrument. This the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. My commission expires \_\_\_\_\_*

Signed: \_\_\_\_\_

SEAL

**Section C.**  
**APPLICANT STATEMENT**

Pursuant to Section 2.3.2.2, when unnecessary hardships would result from carrying out the strict letter of this Unified Development Ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following (*see below*). Please address each of them in the area below as they relate to this request. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board of Adjustment, the proposed use will comply with each of the following. (*Attach additional sheets if necessary*):

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;  

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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;  

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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 a self-created hardship;  

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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;  

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**Note: No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.**

