



CITY OF BELMONT

PLANNING & ZONING

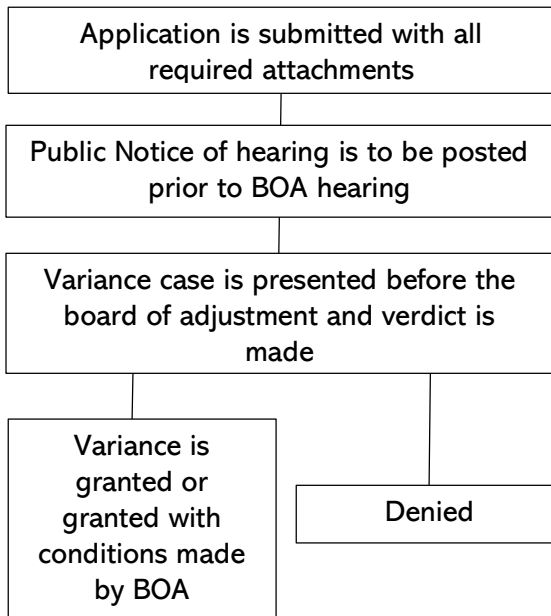


VARIANCE APPLICATION GUIDE

This application should be used for projects seeking quasi-judicial approval of site-specific variance to requirement(s) of the LDC.

THE PROCESS

NOTE: Cases cannot be discussed with any board of adjustment members. No ex parte communication is allowed.



REQUIRED ATTACHMENTS:

- Scaled site plan including lot dimensions, setbacks, existing structures, utilities, and other topographic features.
- Variance finding of fact applicant statements
- List of adjacent property owners

In addition to uploaded files, four (4) hard copy sets of submitted plans (24" x 36" minimum) must be delivered to:

*Planning Department
1401 E. Catawba St, Belmont, NC 28012*

APPLICATION SUBMITTAL AND REVIEW

NOTE: For more information on this process, refer to LDC Chapter 18.4.

1. **Application is submitted with all required attachments.** Applicant submits an application and all required documentation (see reverse side) for consideration and review. Upon submittal of an online application, an invoice will be sent via email noting the associated application fees. Once all fees are paid and project planner deems the application complete, the planning department will begin review of the submitted application and plans.
2. **Public Notice of hearing is to be posted prior to BOA hearing.** Public notices will be mailed to all adjacent property owners and posted on site by the planning department at least 10 days but not more than 25 days prior to the public hearing. The applicant is responsible for these costs.
3. **Variance case is presented before the board of adjustment and verdict is made.** Quasi-judicial hearing will occur at the board of adjustment (BOA) meeting. All parties with standing are able to speak/present evidence to the council.

NOTE: Staff presents the facts of the case at this hearing and does not make a recommendation to the BOA.

NOTE: This is a quasi-judicial/evidentiary hearing and will require the applicant to obtain a lawyer to present evidence and testimony. The burden of proof of producing evidence to support findings shall rest entirely with the applicant.

4. The board of adjustment will make the verdict on whether evidence is sufficient to support each required finding and can grant, grant with conditions, or deny the variance. If granted with conditions, the applicant should be prepared to sign a written document agreeing to the conditions.

NOTE: Board of Adjustment may attach fair and reasonable conditions. The applicant then has one year to obtain any permits or certificates of occupancy from the board's decision date.

NOTE: In the case the variance is granted, please bring a \$26.00 check to the hearing made out to "Gaston County Register of Deeds" for the approved document to be recorded.

5. If the board of adjustment approves the case, the applicant can pull zoning permit from the planning department.

For more information or feedback, please contact the Planning Department at 704-901-2610 or at planning@cityofbelmont.org.