



GUILFORD COUNTY PLANNING AND DEVELOPMENT

Board of Adjustment

A Guide to Guilford County Board of Adjustment

OVERVIEW

The Guilford County Board of Adjustment is a quasi-judicial board appointed by the Board of County Commissioners. The Board of Adjustment is established by the General Statutes to hear the following:

- Appealed decisions and Determination / Interpretations of the Enforcement Officer;
- To hear and decide on variances from provisions of the zoning Ordinance;
- To review appeals from the Historic Preservation Commission and Flood Hazard appeals; and
- To interpret zoning map district boundaries and nonconforming use intensity.

The Board operates under North Carolina General Statute 153A-345.

MEMBERSHIP AND PROCEDURES

The Board members are appointed for three (3) year terms and may be re-appointed. The membership comprises five (5) regular and five (5) alternate members. A Chairman and Vice-Chairman are elected each year. A Secretary is appointed by the Chairman and serves at the direction of the Chairman and Board.

A quorum of four members must be present to vote in any decision. On appeals to overturn or grant variances a vote of four-fifths majority is required.

The Board is also governed by their own Rules of Procedure as revised on August 1, 2000. These Procedures spell out Membership requirements, Meetings, Quorum, Conducting the meeting, and Appeals.

The Board meets the first Tuesday of each month at 6:00 p.m. in the Commissioners' Blue Room, First Floor, Old County Courthouse, 301 West Market Street, Greensboro, North Carolina.

The meeting schedule is shown at http://www.co.guilford.nc.us/planning_cms/meeting.html.

APPLICATION

Before a case can be heard by the Board of Adjustment, an Application Form and Cover Sheet must be completed and the required fee paid.

The applicant must address the issues and complete the form, have the property owner sign and submit a Site/Plot Plan if applicable

The cut-off dates for receiving the application are generally three weeks prior to the meeting date. Once the application is received and verified, a Notice of Public Hearing is prepared and at least ten (10) days prior to the Hearing, the property in question is posted, the adjoining owners and media are notified, the bulletin board is posted and the case is advertised in the newspaper.

AT THE HEARING

The cases are heard in the order they are received. The applicant and anyone giving testimony will be sworn-in. The applicant is given an opportunity to present his case and submit any evidence in support of the case.

All parties present, wishing to speak, will be given an opportunity to be heard, either for or against the case. After the initial presentation, rebuttals may be presented. The Board will close the public comment portion of the hearing and generally make a decision at that time, based on the findings of fact.

The applicant shall be given written notice of the results of the hearing.



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APPEALS

Appeals must be filed to Superior Court in nature of certiorari within 30 days after the decision of the Board is filed.

WHAT ARE THE BOARD'S POWERS AND DUTIES?

- Decide on appeals of an Enforcement Officer's decision;
- Review appeals from the Historic Preservation Commission concerning issuance of Certificate of Appropriateness;
- Decide on exceptions delegated by the County Development Ordinance;
- Hear and decide on variances from the zoning provision of the ordinance;
- Interpret zoning map boundaries;
- Make determinations on nonconforming uses in accordance with Section 3-14.2 (Nonconforming Use of Land) of the Ordinance; and
- Decide on appeals of the flood control provision of the Ordinance.

GROUND FOR GRANTING A VARIANCE

A variance may be heard and decided upon by the Board on the following grounds:

1. Findings of fact have been met by the applicant pursuant to Section 9-5.8 (D) of the Ordinance;
2. The variance requested is the minimum variance to make reasonable use of land, building or structure; or
3. Unintentional error of an Enforcement Officer.

The Board shall not grant a variance to permit a use or density not otherwise permitted or a nonconforming use of land, building or structure legally permitted in another district.

FACTORS RELEVANT TO GRANTING A VARIANCE

- 1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a. The applicant complies with the provisions of this Ordinance; they can make no reasonable use of their property;
 - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c. The hardship relates to the applicant's property, rather than personal circumstances; and
 - d. The hardship is not the result of the applicant's own actions.
- 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- 3) The granting of the variance assures the public safety and welfare and does substantial justice.

APPLICATION PROCEDURES

Once it has been determined that a hearing with the Board of Adjustment is needed, a formal application along with a \$100 filing fee will be required. Applications and meeting dates can be obtained by visiting the Guilford County Planning and Development Office, 400 W. Market Street, Greensboro, NC, or by calling (336) 641-3334.