

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 & Development Office, 400 West Market Street, Greensboro, NC, or by calling (336) 641-3334.

Board of Adjustment Hearing

The Board of Adjustment hearing is not to solicit public opinion. It is to hear relevant factual evidence by applicants, opponents and staff sworn in at the onset of the hearing. A four-fifths vote of the Board is required for any decision. A case can only be reheard if the Board finds that there has been substantial change in conditions or circumstances bearing on the

appeal or application. In making a decision, the Board may apply conditions for approval to protect public interest and neighboring properties. All Board decisions are final.

Appeal to Superior Court

Decisions by the Board are subject to Superior Court Review by proceedings in the nature of certiorari. Should a citizen wish to appeal the Board's decision, the appeal must be filed with the Clerk to Superior Court within 30 days after the decision of the Board was made. Decisions of the Board cannot be appealed to the Guilford County Board of Commissioners.

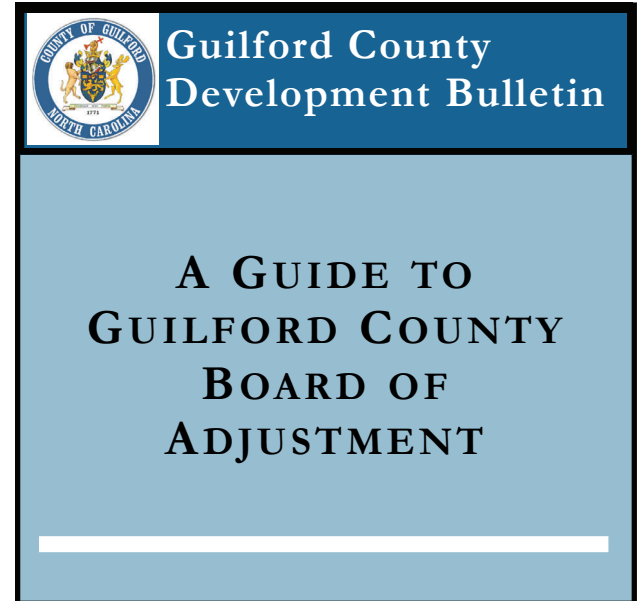


Guilford County Development Bulletin

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Board of Adjustment (BOA)

The Guilford County Board of Adjustment is a five-member quasi-judicial body comprised of county citizens appointed by the Guilford County Commissioners.

Applying zoning standards to every parcel of land in Guilford County occasionally leads to hardships due to the size, shape, topography or other unforeseen peculiarities. The Guilford County Board of Adjustment serves as a review board whereby relief to the law may be granted to mitigate hardships. Typical variances heard by the Board often involve building setbacks. This may occur when the placement of a structure is limited due to steep topography, thus restricting the location of a new structure to be within 10 feet of the property line rather than 15 feet as required by the County Development Ordinance.

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 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.

Grounds 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.