



OVERVIEW

The Guilford County Board of Adjustment (BOA) 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 Determinations- Interpretations of the Enforcement Officer
- To hear and decide on variances from provisions of the Unified Development Ordinance (UDO)
- To review appeals from the Historic Preservation Commission and Flood Hazard appeals
- To interpret zoning map district boundaries and nonconforming use intensity

The Board operates under NC General Statute 160D.

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.

The Board also is governed by their own Rules of Procedure. These Procedures spell out membership requirements, meeting information and appeals of decisions of the BOA.

The Board generally meets the first Tuesday of each month in the Carolyn Q. Coleman Conference Room, First Floor, Old County Courthouse, 301 West Market Street, Greensboro, North Carolina. Please refer to Guilford County Meeting Schedule for specific dates and times.

APPLICATION PROCEDURES

Once it has been determined that a hearing with the Board of Adjustment is needed, a complete Application with all applicable required information must be submitted to the Planning and Development Department.

Please contact a Planner at 336-641-3334.

When the application is received and verified, a Notice of Evidentiary Hearing is prepared at least ten (10) days prior

to the Evidentiary Hearing, the property in question is posted, the adjoining owners and media are notified, the bulletin board is posted at the courthouse and the case is advertised on the Guilford County legal notice web page.

AT THE HEARING

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

All parties present, who wish 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 will be given written notice of the results of the hearing.

APPEALS

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

POWERS AND DUTIES OF THE BOARD

- 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 the UDO Article 11, Section 11.06 Nonconforming Uses.
- Decide on appeals of the flood control provision of the Ordinance.



GROUND FOR A VARIANCE

Grounds for a variance can be found in Section 3.5.W in the Guilford County Unified Development Ordinance and includes the following:

- The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. The fact that property may be utilized for greater profit, however, will not be considered adequate to justify the granting of a variance.
- Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance. Furthermore, mere financial hardship does not constitute grounds for the granting of a variance.
- A variance may be granted where a building permit has been issued and, due to unintentional error of the Planning and Development Director in determining the location of the structure on the property, there is a minimal violation of the dimensional requirements, provided that such relief may be granted without substantially impairing the purpose and intent of this Ordinance.

The Board may 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

A variance may be granted by the Board of Adjustment if evidence presented by the applicant persuades it to reach the following findings of fact:

- 1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 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. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for persons with disability.
- 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.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the Guilford County Unified Development Ordinance in any legal proceeding.