



**Orange County Planning & Inspections Department**

131 W. Margaret Lane, Suite 200, Hillsborough, NC 27278

919-245-2575 or [planningapps@orangecountync.gov](mailto:planningapps@orangecountync.gov)

**Appeal of Interpretation and Variance Application**

Please check all applicable boxes and complete the required documentation. Additional information and submittal requirements are contained in Sections 2.10 and 2.11 of the Unified Development Ordinance (UDO).

If completing by hand, please use black or blue ink.

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

Request:  Appeal of Interpretation  Variance

**Contact Information**

Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant (if different than property owner): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Law Firm Name: \_\_\_\_\_ Bar Number: \_\_\_\_\_

Note: Only attorneys are recommended to serve as agents during quasi-judicial hearings such as this request.

**Property Information**

Parcel ID Number (PIN): \_\_\_\_\_

Address: \_\_\_\_\_

**Appeal of Interpretation**

Matter Being Appealed (please select one)

Notice of Violation  Final and Binding Determination  Boundary Interpretation

Zoning Compliance Permit  Other Permit: \_\_\_\_\_

**Variance**

Specific Unified Development Ordinance (UDO) Section(s) Requiring Variance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Certification and Signatures**

Appeal of Interpretation Request

I, \_\_\_\_\_, have standing as described in Exhibit A and hereby appeal to the Board of Adjustment from an adverse decision of an Administrative Official of the Planning and Development Department of the County of Orange, North Carolina made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and attached as Exhibit B. I request an outcome as described in Exhibit C.1 and for the reasons stated in Exhibit C.2. If I intend to present any evidence, that evidence is listed in Exhibit D.

Variance Request

I, \_\_\_\_\_, have standing as described in Exhibit A and hereby request a variance from the UDO be granted by the Board of Adjustment from the UDO Sections listed above. I request a variance as described and for the reasons stated in Exhibit B. If I intend to present any evidence, that evidence is listed in Exhibit D.

STATEMENT BY APPLICANT: I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

\_\_\_\_\_  
**Owner Signature(s)**

\_\_\_\_\_  
**Applicant Signature (if different from owner)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

**Exhibit A – Statement of Standing**

I am the sole owner of the property subject to this application.

I have attached notarized letters authorizing this submittal from all entities or individuals with ownership rights to the property.

I would suffer special damages distinct from the rest of the community as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Appeal of Interpretation**

**Exhibit B – Copy of Action Being Appealed**

Please attach and label as “Exhibit B” the official document which you are appealing. The Board of Adjustments **DOES NOT** have jurisdiction over advisory opinions of Orange County Staff. Only a binding determination may be appealed. Such documents generally have the following words in all capital and in bold: **NOTICE OF VIOLATION, FINAL AND BINDING DETERMINATION, BOUNDARY INTERPRETATION, or ZONING COMPLIANCE PERMIT.** If you are unsure if a staff member’s email or letter has binding force, please consider asking for clarification through a standalone document with one of those terms in bold before seeking an appeal.

**Exhibit C.1 – Requested Relief**

- I request that the determination, order, or permit attached as Exhibit B be vacated.
- I request that the determination, order, or permit attached as Exhibit B be modified as follows:

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**Exhibit C.2 – Applicant Argument and Reasoning**

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*(attach additional sheets as necessary)*

**Variance**

**Exhibit B – Explanation of Hardship**

To qualify for a variance, the applicant must make four showings. Please describe below how these will be made.

1. **Unnecessary hardship would result from the strict application of the ordinance.** *(It is not 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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*(attach additional sheets as necessary)*

**Exhibit D – Intended Evidence**

- I intend to make only arguments and no further evidence is expected to be necessary.
- I intend to offer the following evidence:

**I intend to introduce the following document and have attached it follows:**

Exhibit #1 entitled: \_\_\_\_\_

This is relevant to standards from Unified Development Ordinance (UDO) Sections: \_\_\_\_\_

It demonstrates that: \_\_\_\_\_

**Intend to call the following as a lay witness:**

Lay Witness #1 (name): \_\_\_\_\_

Their intended testimony has been included in an affidavit attached as Exhibit: \_\_\_\_\_

This witness has personal knowledge of and will testify about: \_\_\_\_\_

This testimony is relevant to standards from UDO Sections: \_\_\_\_\_

The testimony will demonstrate that: \_\_\_\_\_

**Intend to call the following as an expert witness:**

Expert Witness #1 (name): \_\_\_\_\_

Is being offered as an expert in: \_\_\_\_\_

They possess specialized knowledge in this field through the following training and/or experience: \_\_\_\_\_

They reviewed or examined the following data: \_\_\_\_\_

They used the following method of analysis when reviewing that data: \_\_\_\_\_

This expert opinion is relevant the standard at UDO Section: \_\_\_\_\_

It demonstrates that: \_\_\_\_\_

Their intended testimony has been included in an affidavit attached as Exhibit: \_\_\_\_\_

*(attach additional sheets as necessary)*

**Section Completed by Staff**

**Zoning:** \_\_\_\_\_ **Watershed:** \_\_\_\_\_

**Other overlay districts impacting property:** \_\_\_\_\_