



Iredell County Zoning Board of Adjustment

The Iredell County Zoning Board of Adjustment is a quasi-judicial board appointed by the Iredell County Commissioners. A quasi-judicial hearing is similar to a court hearing in that witnesses are sworn in and decisions are based on evidence and factual testimony rather than opinions. The Board's responsibilities include granting **variances**, granting **special use permits**, granting **changes of use**, and hearing **appeals** from decisions or interpretations made by zoning administrators. The Board meets monthly to hear requests.

Variance: A variance allows a property owner to use property in a way that would not otherwise be allowable under the terms of the Land Development Code. A variance may be granted in such individual cases of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:

- a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance: 1) If the applicant complies with the provisions of the Ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. 2) The hardship results from the application of the Ordinance. 3) The hardship is suffered by the applicant's property. 4) The hardship is not a result of the applicant's own actions. 5) The hardship is peculiar to the applicant's property.
- b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- c) In granting the variance the public safety and welfare have been assured and substantial justice has been done.

When a variance is granted, it remains with the property forever, even if the property changes hands.

Change of Use: A non-conforming use is a use which legally existed on the effective date of the ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any non-conforming use legally recognized under a prior zoning ordinance. The Board may permit a non-conforming use to be changed to another non-conforming use upon a finding that the new use meets the requirements in Section 15.7 of the Land Development Code.

Appeal: An appeal occurs where there is an alleged error in any order, requirement, decision, interpretation, or determination made by the zoning administrator in the enforcement of the Land Development Code. Appeals must be made within 30 days of the zoning administrator's decision.

Iredell County Zoning Board of Adjustment

Special Use Permit: A Special Use Permit allows a certain activities to be established at a particular location within a zoning district if the applicant can demonstrate that certain ordinance requirements are met. A Special Use Permit may be granted in such cases where the Board makes the following affirmative findings:

- a) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- b) That the Special Use meets all required conditions and specifications;
- c) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
- d) That the location and character of the Special Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the County.

Any Special Use Permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended by the Board.

Appeals from the Board of Adjustment: Board of Adjustment decisions may be appealed to superior court. Appeals must be made within 30 days of the filing of the decision.

How to apply: To apply for a variance, special use permit, change of use, or appeal, an application must be completed. To obtain an application, you must meet with a planner at the Building Standards Center. There is a \$500 fee to apply to the Board. The deadlines for applications are listed below.

The Board of Adjustment meets the third Thursday of each month at 6:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC, unless changed otherwise by the Chairman.

For more information contact:

Rebecca Harper
704-878-3118 ext. 2398
rharper@co.iredell.nc.us

Or visit the department at
349 N. Center St., Statesville, NC 28677

