

## What is the Board of Adjustment?

The Board of Adjustment is a "quasi-judicial" administrative body appointed by the Brunswick County Board of Commissioners to maintain and interpret the Zoning Ordinance and related policies for specific cases. The Board of Adjustment performs the following duties:

### ➤ Appeals

The Board of Adjustment has duty to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator.

### ➤ Variances

A variance is a permit which the Board of Adjustment may grant in certain situations that enables a property owner to make use of the property in some way that conflicts with the literal provisions of the ordinance.

### ➤ Special Exceptions

A Special Exception is a permit that allows certain land uses that are not outright permitted because of their unique characteristics. The Zoning Ordinance authorizes the Board of Adjustment to grant special exceptions under certain conditions. Each zoning classification has a list of uses that are allowed and a list of uses that may be permissible by Special Exception. Special Exceptions run with the land, never the person or corporation and may have time limits.

The Board of Adjustment consists of 5 voting members and 2 alternate members. A four-fifths favorable vote by the members in attendance is needed to approve a petition.

**Contact the Planning Department  
by Calling (910) 253-2025  
or (800) 621-0609  
for more Information**

## THE BOARD OF ADJUSTMENT PROCESS

### Schedule a Meeting

Schedule a meeting with the Zoning Administrator to advise you regarding the Board of Adjustment procedures, application and materials needed for submission, fees involved, and answer any questions.

#### Information Needed:

- Address of property
- Owner's name
- Parcel ID number of property  
(Available from the Tax Office or tax statement)
- Detailed site plan

### Submit an Application

When the specific request is determined, a formal application is submitted to the Planning Department which includes the following:

1. **A detailed statement of all proposed uses of the property.**
2. **Site plan:**  
*The site plan must show all existing and proposed buildings, outdoor facilities, parking lots, all signs, lighting, sanitation facilities, and utilities. The site plan must include dimensions of parcel of land, dimensions of existing structures and/or proposed structures including set backs (i.e. distance from adjacent properties).*
3. **Other information and documents, as requested.**
4. **Filing Fee:**      **Special Exception: \$200.00**  
                                 **Variance: \$100.00**

After the Zoning Administrator has reviewed the application for completeness, the public hearing *will be scheduled for the available Board of Adjustment meeting.*

### Staff Review

Before the Board of Adjustment hears the case, the Zoning Administrator will review the application. Public Notices detailing the request including the time, date and place of the Board of Adjustment Meeting, are sent to all adjacent property owners. A sign will also be placed on the property notifying all interested parties that a request is pending. Anyone interested in a particular request may call the Planning Department to address their questions and concerns.

### Board of Adjustment Hearing

The Board of Adjustment's decision making process is similar to that of a court hearing. It will hear evidence presented from opponents, proponents and staff, then issue a decision. The Board of Adjustment also has the authority to subpoena witnesses and compel the production of evidence.

All parties that speak are required by state statute to be sworn in. The property owner or his/her agent, who must be present at the meeting, can explain plans for the property including a description of its proposed use(s). The case hearing is not to solicit broad public opinion about how the board should vote on a matter; rather, it is a time for submittal of relevant factual evidence into the record by applicants, opponents, and staff. Any materials (i.e. pictures) presented to the Board of Adjustment as part of the case *must* remain with the county for a period of at least thirty (30) days. At the conclusion of the hearing, the Zoning Administrator shall place into the record relevant evidence as a series of Findings of Fact.

The Board of Adjustment may approve the request as submitted, approve the request with appropriate conditions and safeguards, or deny the request.

### WHAT IF THE PETITION IS APPROVED?

If the petition is approved, the property owners are allowed to use the property based upon the Board of Adjustment approval. All conditions included must be met.

### WHAT IF THE PETITION IS DENIED?

Petitions that are denied by the Board of Adjustment must abide by the current ordinance. Applicants can accept the decision or *appeal the decision to Superior Court within thirty (30) days of the decision.*



**BRUNSWICK COUNTY**

### PLANNING DEPARTMENT HOURS:

<b>Monday - Friday</b>	<b>8:30am - 5:00pm</b>
------------------------	------------------------

**BRUNSWICK COUNTY**

**PLANNING DEPARTMENT**

**P.O. Box 249**

**BOLIVIA, NC 28422**

**(910) 253-2025**

**(800) 621-0609**

**FAX (910) 253-2437**

Last Revised: August 31, 2006

### FREQUENTLY CALLED PHONE NUMBERS

**Central Permitting:** (910) 253-2055  
(800) 621-0609  
Fax(910) 253-2024

**Planning** (910) 253-2025  
(800) 621-0609  
Fax(910) 253-2437

**Environmental Health:** (910) 253-2250  
(888) 428-4429

**Building Inspections:** (910) 253-2050  
(800) 822-5986

**Utilities-Customer Service:**  
(910) 253-2655  
(888) 428-4426

**Geographic Information Systems:**  
(910) 253-2390  
(800) 822-1526

**Engineering:** (910) 253-2500

**Tax Office:** (910) 253-2829  
(800) 527-9001

**Fire Marshal:** (910) 253-4376  
(800) 522-2565

**Register of Deeds:** (910) 253-2690  
(877) 625-9310

**N.C. Department of Transportation:**  
(910) 754-6527

**N.C. Department of Land Resources:**  
(910) 796-7215

Requesting a . . .

Special Exception  
or Variance



FROM THE

**BOARD OF  
ADJUSTMENT**