Zoning Board of Adjustment Application

**REASONABLE ACCOMMODATION**

*(Land Development Ordinance Section 3.25)*

For office use only:

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<th>P&amp;Z HTE#</th>
<th>Case Number (assigned by Department)</th>
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Pre-application Conference Date

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REASONABLE ACCOMMODATION REQUESTED  (Provide brief explanation below of the requested accommodation with reference to specific ordinance sections you seek an accommodation from)

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PROPERTY INFORMATION

Property Street Address: __________________________________________________________

County Property Identification Number (PIN): _______________________________________

County Real Estate ID (REID): _________________________________________________

* Applicant and property owner name, mailing address and contact information to be completed on following pages.*

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APPLICANT JUSTIFICATION

Explain how this request meets the “Approval Criteria” (shown below in italics) for a Reasonable Accommodation by indicating how approval of the request would be a reasonable and necessary accommodation under the Federal Fair Housing Act. (Attach additional pages if necessary and check box below.)
A. Reasonable

**Approval Criteria**

LDO Section 3.25.4(A): “An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the Town and/or constitute a substantial or fundamental alteration of the Town’s ordinance provisions”.

Explain: __________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

B. Necessary

**Approval Criteria**

LDO Section 3.25.4(B): “An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the affects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts in the Town”.

Explain: __________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

Are any additional pages attached?  □ Yes  □ No  If yes, how many?: _____

* If the reasonable accommodation request involves ordinance standards related to building/structure setbacks, parking or similar site-related features, please include a plot plan or property survey showing the boundaries of the property and the existing (and proposed if applicable) site features related to the specific request. Plans or surveys should be no larger than 11”x 17” in size.
APPLICANT INFORMATION

CONTACT INFORMATION

Applicant Name: ___________________________________________________

Mailing Address: ___________________________________________________

_________________________________________________________________

Phone Number: __________________________

Email Address: ___________________________________________________

APPLICANTS' CERTIFICATION

I, ____________________________________________, the undersigned certify that I am the
_____owner, _____attorney, _____attorney-in-fact, _____agent, _____lessee, or
_____representative of the owner(s)

of the property described and which is the subject matter of this application; that all answers to the
questions in this application, and all sketches, data and other supplementary information attached to
this application are honest and true to the best of my knowledge and belief. If I am not the owner of
the property, I have attached a statement of authorization from the owner(s) to submit with this
application.

_________________________ __________________________
Date Signature
PROPERTY OWNER INFORMATION

CONTACT INFORMATION

Owner Name (If different from Applicant) as shown in county real estate records:

__________________________________________________________________________

Mailing Address:

__________________________________________________________________________

__________________________________________________________________________

Phone Number: __________________________

E-Mail Address: ________________________________________________________________

OWNER STATEMENT OF AUTHORIZATION

I/We certify that I/we am/are all of the Owner(s) of the property which is the subject of this application, that I/we have authorized the applicant to make this application and that I/we agree to be bound by the application, the representations made and the decision in the same manner as if I/we were the applicant.

[If the owner is: - a corporation, this must be signed by an, authorized corporate officer; - a partnership, this must be signed by a general partner; - a limited liability company, this must be signed by the Manager for a manager managed LLC, or all the members for a member managed LLC.]

__________________________________________

Date of Owner(s) Signature ____________________

Printed Name of Signatory

__________________________________________

Date of Owner(s) Signature ____________________

Printed Name of Signatory
General Information About Requests for Reasonable Accommodation and the Zoning Board of Adjustment

These instructions are intended to provide general information about applications to the Zoning Board of Adjustment for a reasonable accommodation. Staff has made every effort to ensure that this information is and remains accurate. However, if there is a conflict between this information and state law, the Town Code, the Town Land Development Ordinance (LDO), or Town policies (collectively ‘law’), the law controls.

The Zoning Board of Adjustment is authorized to grant reasonable accommodations under the Federal Fair Housing Act for the circumstances set forth in Section 3.25 of the Land Development Ordinance (LDO).

Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the Planning and Development Services Department (see LDO Section 3.1.5).

Filing Procedure
An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.

When an authorized agent files an application under this chapter on behalf of a property owner, the agent shall provide written documentation that the owner of the property has authorized the filing of the application.

An application for a reasonable accommodation shall be filed with the Planning Department using the required application form. Additionally, the applicant may submit any other relevant information, documentation, or exhibits that they would like the ZBOA to consider when making its decision. All applications must be signed. No filing fee is required for such application.

Once the application is complete, the Planning Department shall schedule the application for consideration at a quasi-judicial hearing before the Zoning Board of Adjustment, and shall transmit to the Zoning Board of Adjustment all applications and other records pertaining to such reasonable accommodation prior to the hearing on the application.

Quasi-Judicial Hearing
ZBOA typically meets the first Monday of each month in the Town Council Chambers. Notice of the hearing shall be provided and the hearing shall be conducted in accordance with applicable requirements. During the quasi-judicial hearing, the ZBOA must hold an evidentiary hearing and make its decision based solely on the written and oral evidence presented; its decision cannot be based on opinions. Members of the ZBOA must refrain from ex parte communications (communications outside of the hearing itself) about upcoming or ongoing cases with any parties or other members of the ZBOA. All testimony before the ZBOA must be “sworn” testimony; therefore, all persons wishing to speak on the matter must be sworn in.

The ZBOA shall grant a reasonable accommodation to any provision of the Ordinance if the Board finds that the proposed reasonable accommodation is both reasonable and necessary, in accordance with the criteria in LDO Section 3.25.4. Appeals from a decision of the ZBOA shall be to Superior Court.

Both individual applicants and individuals opposed to the application who are aggrieved may represent themselves at the quasi-judicial hearing before the ZBOA or be represented by an attorney, and they may have expert witnesses testify for them. All applicants are strongly advised to have an attorney represent them. Applicants that are corporations (‘corporate applicant’) must be represented by an attorney. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as expert witnesses; they may not represent an applicant or those opposed to an application. If a non-corporate applicant desires to have a non-attorney act as his or her representative (and not solely as an expert witness), the applicant should notify the attorney advising the ZBOA who will then advise the ZBOA that it must vote on whether to allow the representation. The request may be denied; therefore, applicants or their attorney should always be present at the hearing.


(Updated January 2020)