

- Unnecessary hardship would result from the strict application of the ordinance
- The hardship results from conditions that are particular to the property
- The hardship is not self-created
- The applicant must demonstrate that the granting of a variance is consistent with the spirit or intent of the ordinance, will maintain public safety, and achieve substantial justice.

In addition, the new language clearly prohibits any use variances.

The Town Attorney has prepared a draft ordinance (Attachment B) which, if adopted, would amend the Land Use Ordinance in accordance with state legislation. The table below identifies the various sections of the LUO impacted by the draft ordinance; the current ordinance provisions may be reviewed at the following link <https://nc-carrboro.civicplus.com/298/Land-Use-Ordinance> .

Article	Title	Section	Name
III	Administrative Mechanisms	15-32	Voting
IV	Permits and Final Plat Approval	15-48 15-49 15-56	Who May Submit Permit Applications Applications to be Complete Recommendation on Special Use Permit
V	Appeals, Variances, Special Exceptions, and Interpretations	15-91 15-92 15-93 15-95 15-96	Appeals Variances Interpretations Burden of Proof in Appeals, Variances, and Special Exceptions Board Action on Appeals, Variances, and Special Exceptions
VI	Hearing Procedures for Appeals and Applications	15-102 15-106	Notice of Hearing Written Decisions
VII	Enforcement and Review	15-116	Judicial Review
XVI	Flood Damage Prevention, Stormwater Management, and Watershed Protection	Part I and Part 3	Included as references in the draft ordinances for requests for variances to water quality stream buffers and the like

The Board of Aldermen must receive public comment before adopting amendments to the LUO; Planning Board and Orange County review is also needed. The Board may also wish to provide the materials to the Board of Adjustment as an informational item; the resolution included makes this referral.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution setting a public hearing for October 21, 2014 and referring the proposed amendment to Orange County and the Planning Board for consideration and recommendation and the Board of Adjustment for information/review (Attachment A).