

**PROCEDURES FOR VARIANCES UNDER SECTION 17
OF THE CITY OF EDEN ZONING ORDINANCE (“CZO”)**

1. Written application (“Application”) for the variance, amendment, change, or modification of the regulations established in the CZO must be submitted to the Building Official using a form provided by the Building Official, and all prescribed fees must be paid in full unless waived by Building Official.
2. A fee of \$50 will be assessed for each request, and must be paid at the time of application.
3. The Board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general or specific rules herein contained.
4. The board of adjustment shall have the following powers:
 - (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building official in the enforcement of this ordinance.
 - (b) To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass.
 - (c) To authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
5. Time Limitation on Order Permitting Erection of Building No order of the board of adjustment permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
6. Time Limitation on Order Permitting Use of Building No order of the board of adjustment permitting a use of a building or premises shall be valid for a period longer than six (6) month, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
7. Building Official will send notice of the Board of Adjustment public hearing to all owners of real property (“Noticed Property”) lying within 200 feet of the property on which the zoning variation is being requested. This notice will be given not less than 10 days before the hearing to all such owners who have rendered their property for city taxes. If the Noticed Property was annexed to the City after the final date for making renditions, such owners will be given notice by newspaper publication at least 15 days prior to the hearing.
8. The Board of Adjustment will hold a public hearing on the proposed changes requested in the CZO.
9. Following the Board of Adjustment public hearing, the Building Official will notify the applicant of the Board of Adjustment decision.