

**TOWN OF WEDDINGTON
ZONING VARIANCE APPLICATION**

APPLICATION NUMBER _____ DATE _____

APPLICANT'S NAME _____

APPLICANT'S MAILING ADDRESS _____

APPLICANT'S PHONE NUMBER _____

PROPERTY OWNER'S NAME _____ (if Different from Applicant)

PROPERTY OWNER'S MAILING ADDRESS _____

PROPERTY OWNER'S PHONE NUMBER _____

RELATIONSHIP OF PROPERTY OWNER TO APPLICANT _____

EXISTING USE OF PROPERTY _____ EXISTING ZONING _____

PROPERTY LOCATION _____

TAX MAP AND PARCEL NUMBER _____

The Following Information Shall Be Completed or Provided By Applicants Seeking A Variance.
(Use additional space on a separate piece of paper, if necessary.)

1. VARIANCE SOUGHT _____

2. REASON FOR SEEKING VARIANCE _____

3. A scaled dimensional survey drawn by, and certified as correct, a surveyor or engineer registered in the State of North Carolina, which shows property dimensions, boundaries, and existing and proposed building/additions; and illustrates the variance requested.

4. A map clearly showing the subject property and all contiguous property on either side and all property across the street or public right-of-way from the subject property.

5. The applicant's interest (ownership, buyer, etc.) is as follows: _____

6. If the variance is granted, it is proposed that the property will be put to the following use:

7. The following type of improvements have been (will be) constructed thereon: _____

8. Establishment of hardship and factors relevant to the issuance of a variance:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Zoning Enabling Act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you will show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State the facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. [It is not sufficient that failure to grant the variance simply makes the property less valuable.] _____

and;

(2) That the hardship results from the application of the ordinance: _____

and;

(3) The hardship of which the applicant complains results from unique circumstances related to the applicant's land and that the hardship is suffered by the property. [Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance is, granted, runs with the land.]

and;

(4) The hardship is not the result of the applicant's own action. _____

(b) The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.) _____

(c) The granting of the variance secures the public safety and welfare and does substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.) _____

NOTES

1. A public hearing on the completed application shall be conducted by the Board of Adjustment within forty (40) days after the complete application has been filed.
2. Once a public hearing has been held, if one is dissatisfied with the decision of the Board of Adjustment, an appeal may be taken to the Superior Court of Union County. See Article VIII, Section 58-236(e) of the Weddington Code of Ordinances.
3. Per Section 58-233(a) of the Weddington Code of Ordinances, under no circumstances shall the Board of Adjustment grant a variance to allow a use of land or structure not permitted under the terms of this ordinance in the district involved or for a use expressly, or by inference,

