

**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. The board of adjustment shall follow quasi-judicial procedures when deciding requests for variances. The board of adjustment, before granting a variance, shall make the following findings based on substantial, competent and material evidence in the record before them. **The applicant should respond to the following findings of fact as a separate attachment:**

(1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This shall be construed to mean:

- a. The hardship results from the application of this chapter;
- b. The hardship results from the conditions that are peculiar to the property, such as location size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance); and
- c. The hardship is not the result of actions taken by the applicant or the property owner. (The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.)

(2) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

(3) That in granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

(4) That the reasons set forth in the application and the hearing justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

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 Section 58-236(e) of the Weddington Zoning Ordinance.

3. Per Section 58-233(a) of the Weddington Zoning Ordinance, 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, prohibited in said district. No variance shall be granted by the Board of Adjustment for the following:

- (a) Setbacks and areas of signs.
- (b) Setbacks for Essential Services – Class III
- (c) No variance for setbacks shall be granted which allows the applicant to reduce the applicable setback more than 50%.

