

TOWN OF \_\_\_\_\_  
BOARD OF ADJUSTMENT

APPLICATION FOR A VARIANCE

Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Location of property for which variance is requested: \_\_\_\_\_

Address of property: \_\_\_\_\_

Parcel No. \_\_\_\_\_ Zone \_\_\_\_\_

TO THE BOARD OF ADJUSTMENT:

I, \_\_\_\_\_,

(Name of applicant)

hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Town of \_\_\_\_\_ Zoning Ordinance because it prohibits the use of the parcel of land described above in a manner shown by the attached plot plan. I request a variance from the following provisions of the ordinance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

so that the property can be used in a manner indicated by the attached plot plan or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 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 intend to 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 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. (Note: It is not sufficient that failure to grant the variance simply makes the property less valuable.)

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (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, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e. a ditch which runs through the property.)

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) The hardship is not the result of the applicant's own actions.

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.)

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.)

Statement by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

❖ NOTE: APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH BOARD OF ADJUSTMENT MEMBERS OR PLANNING BOARD MEMBERS PRIOR TO THE PUBLIC HEARING.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

**PROPERTY OWNERS WITHIN 600 FEET**

LIST THE ADJOINING PROPERTY OWNERS WITHIN 600 FEET OF THE SUBJECT PROPERTY. (NOTE: WHERE THE PROPERTY IS BOUND BY A STREET, ALLEY, STREAM, OR SIMILAR BOUNDARY, THE LAND OWNER ACROSS SUCH BOUNDARY SHALL ALSO BE CONSIDERED AS AN ADJOINING LAND OWNER).

TO FIND LISTINGS OF ADJOINING PROPERTY OWNERS, FOLLOW THESE STEPS:

- STEP 1. Please be prepared to assist the County Land Records Office/Tax Department staff with the owner(s) name and address of property in consideration.
- STEP 2. Go to the Halifax County Land Records Office/Tax Department at 10 North King Street in Halifax [street address and town/city], show the attendant the owner(s) name and the address of the property under consideration, and ask the attendant to run off a map of the property that shows the adjacent property for at least 600 feet on all sides. The attendant can look up the owner(s) names, parcel numbers, and addresses for the lots within 600 feet of the subject property, or show you how to find the information on the land records computer.
- STEP 3. Write down the name(s) of the owner of each of the adjacent lots within 600 feet on all sides, the parcel number of the lot, and the owner's entire address. If no address is listed, make a note to that effect.

**❖ PLEASE NOTE: ACCURACY IS VERY IMPORTANT BECAUSE IF SOMEONE WITHIN 600 feet OF THE PROPERTY IN QUESTION FAILS TO GET NOTIFIED, THE REQUEST MAY BE VOIDED EVEN IF THE BOARD VOTES IN YOUR FAVOR.**

NAME	PARCEL NUMBER	ADDRESS
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

(Use additional sheet if necessary)

❖ Note: If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property or does not have a binding option to purchase the property, then the actual owner of the land must complete this form.

Dear Board of Adjustment:

I am/we are the owner(s) of the property located at \_\_\_\_\_  
\_\_\_\_\_

I hereby authorize \_\_\_\_\_  
to appear with my consent before the Town of \_\_\_\_\_ Board of Adjustment in order to ask  
for a variance from the following provisions of the ordinance: \_\_\_\_\_  
\_\_\_\_\_

I understand that the variance, if granted, is permanent and runs with the land. I authorize you  
to advertise and present this matter in my name as the owner of the property.

If there are any questions, you may contact me at my address: \_\_\_\_\_  
\_\_\_\_\_

or by telephone at \_\_\_\_\_

Respectfully yours,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Owner  
\_\_\_\_\_ Owner  
\_\_\_\_\_ Owner  
\_\_\_\_\_ Owner

Sworn to and subscribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(Notary Public)

My commission Expires: