



APPLICATION FOR A VARIANCE REQUEST

TOWN OF KURE BEACH

Application Fee \$375.00

Applicant must file the application for a hearing, along with the fee, with the Town Clerk thirty (30) working days prior to the regularly scheduled meeting date. All applications shall be made upon the form furnished for that purpose, and all information required thereon shall be complete before an appeal shall be considered as having been filed. A list of all adjoining property owners with their current mailing address shall be submitted with the appeal application. Board meetings are normally scheduled for the fourth Tuesday of each month.

DATE: _____

LOCATION OF PROPERTY IN QUESTION: _____

OWNER OR LESSEE: _____

I, _____ hereby petition the Town of Kure Beach Board of Adjustments for a VARIANCE from the literal provisions of the _____ Zoning Ordinance because, under the interpretation given to me by the Building Inspector, I am prohibited from using the parcel of land in a manner as shown by the plot plan attached to this form. I request a variance from the following provisions of the ordinance. CITE USE AND PARAGRAPH NUMBERS.

This appeal application is being made because of the following special conditions existing in this particular case. [If a variance is requested for a limited time only, specify duration requested.]

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Kure Beach 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.
- C. That in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

In the spaces provided on the following page, 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 the three required conclusions.

1. 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.

A. If I comply with the provision of the ordinance, I can secure no reasonable return from, or make no reasonable use of, my property. [It is NOT sufficient that failure to grant the variance simply makes the property less valuable.

B. 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.

C. The hardship is not the result of the applicant’s own action.

2. 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.)

3. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State fact and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the hard suffered by the applicant.)

SPECIAL NOTE TO APPLICANT: ALL FIVE OF THE ABOVE MENTIONED AREAS MUST BE SATISFIED COMPLETELY BEFORE THE BOARD OF ADJUSTMENT CAN ISSUE A VARIANCE. IF 4 OF THE 5 ARE SATIFIED, A VARIANCE **CAN NOT** BE GRANTED.

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

Applicant’s Signature _____