



**ALEXANDER COUNTY**  
**North Carolina**

Case #: \_\_\_\_\_  
Tax Map #: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_

**Variance Application**

**A) OWNER/APPLICANT OR AGENT INFORMATION:**

1) APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

2) PROPERTY OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Check here if there are additional property owners, and attach their names, addresses and telephone numbers.

3) Will an attorney, surveyor, realtor or other agent represent the applicant/property owner in this matter?

REPRESENTATIVE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**B) PROPERTY INFORMATION:**

1) PROPERTY LOCATION (Address or Description): \_\_\_\_\_

\_\_\_\_\_

2) DATE PROPERTY ACQUIRED: \_\_\_\_\_ DEED BOOK/PAGE: \_\_\_\_\_

3) PIN #: \_\_\_\_\_ PARCEL ID #: \_\_\_\_\_ SIZE (sqft./acres): \_\_\_\_\_

4) UTILITIES PROVIDED (please circle):    Public Water    Well    Public Sewer    Septic System

5) AMOUNT OF ROAD FRONTAGE: \_\_\_\_\_ CURRENT LAND USE: \_\_\_\_\_

6) METES AND BOUNDS DESCRIPTION ATTACHED:            YES            NO

**C) ZONING INFORMATION:**

1) EXISTING ZONING DISTRICT: \_\_\_\_\_

2) PROPOSED USE: \_\_\_\_\_

3) SITE PLAN OF PROPOSED DEVELOPMENT ATTACHED:            YES            NO

**Note:** A scaled site plan and/or survey indicating the proposed variance, property lines, dimensions and structures **must** be submitted with the application.

**D) VARIANCE REQUEST:**

TO THE ALEXANDER COUNTY BOARD OF ADJUSTMENT:

I/We hereby petition the Board of Adjustment for a variance from the literal provisions of the Alexander County Zoning Ordinance. I/We are requesting a variance from the provisions of Chapter 154.079, so that the property can be used in a manner indicated by the attached site plan and more specifically described below:

1) TYPE OF VARIANCE REQUESTED: *(please check all that apply)*

- LOT SIZE:      Required Size: \_\_\_\_\_      Requested Size: \_\_\_\_\_
- SETBACK:      Front, Rear, Side Or Street Side: \_\_\_\_\_  
                                  Required Setback: \_\_\_\_\_      Requested Setback: \_\_\_\_\_
- BUILDING HEIGHT:      Required Height: \_\_\_\_\_      Requested Height: \_\_\_\_\_

2) IN ORDER TO ALLOW: \_\_\_\_\_

**E) REQUIRED FINDINGS OF FACT:**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under state law, the Board is required to reach 4 conclusions as a prerequisite to the issuance of a variance:

- 1) *Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.;*
- 2) *The hardship results from 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.;*
- 3) *The hardship did not result from 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 is not a self-created hardship.*
- 4) *The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.*

Answer the following questions in the space provided below or on a separate sheet of paper:

- A) *There are practical difficulties or unnecessary hardships in the way of carrying out the letter of the Ordinance.* The courts have developed 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) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Hardships suffered by the applicant in common with neighbors do not justify a variance. The existence of a non-conforming use of neighboring land, buildings or structures shall not constitute a reason for a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land and not with the ownership thereof.)

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- 2) The hardship is not the result of the applicant's own actions.

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- 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.)

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- 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.)

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**F) REQUIRED SIGNATURES:**

I/We certify that I have completely read the application and understand the guidelines as listed above. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge.

- 1) \_\_\_\_\_ (Owner's Name-*please print*)      \_\_\_\_\_ (Owner's Signature)      \_\_\_\_\_ (Date)
- 2) \_\_\_\_\_ (Owner's Name-*please print*)      \_\_\_\_\_ (Owner's Signature)      \_\_\_\_\_ (Date)
- 3) \_\_\_\_\_ (Applicant's Name-*please print*)      \_\_\_\_\_ (Applicant's Signature)      \_\_\_\_\_ (Date)
- 4) \_\_\_\_\_ (Representative's Name-*please print*)      \_\_\_\_\_ (Representative's Signature)      \_\_\_\_\_ (Date)

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application.

Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

**STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE**

Staff Initials: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt #: \_\_\_\_\_

BOA Meeting Date: \_\_\_\_\_

Published on: \_\_\_\_\_

Letters Mailed: \_\_\_\_\_

Sign posted: \_\_\_\_\_

BOA Action:    Approved                  Denied                  Applicant Notified: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **GUIDELINES FOR SUBMITTING A VARIANCE APPLICATION**

1. The petition must be filed with the Director of Planning and Development at least twenty (20) days prior to the meeting at which it is to be considered by the Board of Adjustment. The following items are required at the time of submission:
  - A) A completed application.
  - B) A filing fee of \$500.00.
  - C) A site plan depicting the property lines in relation to the proposed buildings and associated improvements (parking, landscaping, etc.).
2. An application may only be withdrawn by written request from the applicant. If such request is received prior to submitting public notices to the newspaper, filing fees may be refunded. However, if the application is withdrawn after public notices are published, application fees cannot be refunded.
3. All evidence and exhibits, including maps, pictures, drawings, mounted materials, models, etc., presented at the public hearing become part of the application and the permanent record, and shall be considered the property of the County. Such items shall not be returned to the petitioner. Where an identical copy not yet mounted can be provided for the County's record, then the petitioner may request in writing the retrieval of mounted documents.
4. The Alexander County/Taylorsville Board of Adjustment meets on the 2nd Thursday of every month and call for a public hearing on all variance applications. A notice of public hearing is published in the *Taylorsville Times* and letters are sent to all property owners within 100 feet of the proposed variance. A sign is also posted at the property announcing the requested action. The Board of Adjustment action is final unless appealed in a court of law (Superior Court of Alexander County).