



APPLICATION FOR A VARIANCE REQUEST

TOWN OF KURE BEACH

Application Fee \$500.00

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 property owners within a 200-250 ft. radius with their current mailing address shall be submitted with the appeal application. Board meetings are normally scheduled for the fourth Tuesday of each month.

Applicants are encouraged to attach additional sheets as needed so responses are legible

DATE: _____

LOCATION OF SUBJECT PROPERTY: _____

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 variance application is being made because of the following special conditions existing in this particular case.

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 FOUR conclusions before it may issue a variance.

- A. Unnecessary hardships result from the strict application of the ordinance.
- B. The hardship results from conditions that are peculiar to the property such as location, size, or topography.
- C. The hardship did not result from actions taken by the applicant or the property.
- D. The requested variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved.

In the spaces provided on the following pages, 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.

A. UNNECESSARY HARDSHIPS RESULT FROM THE STRICT APPLICATION OF THE ORDINANCE.

(NOTE: Unique personal or family hardships are irrelevant, since a variance if, granted, runs with the land).

B. THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY SUCH AS LOCATION, SIZE, OR TOPOGRAPHY.

(NOTE: 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).

C. THE HARDSHIP DID NOT RESULT FROM ACTIONS TAKEN BY THE APPLICANT OR THE PROPERTY

(NOTE: The courts have ruled that the act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship).

D. THE REQUESTED VARIANCE IS CONSISTENT WITH THE SPIRIT, PURPOSE AND INTENT OF THE ORDINANCE SUCH THAT PUBIC SAFETY IS SECURED AND SUBSTANTIAL JUSTICE IS ACHIEVED.

(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.)

SPECIAL NOTE TO APPLICANT: ALL FOUR OF THE ABOVE MENTIONED AREAS MUST BE SATISFIED COMPLETELY BEFORE THE BOARD OF ADJUSTMENT CAN ISSUE A VARIANCE.

I certify 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 _____

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Received in Town Clerk's office _____ (date) _____ (signature)