



## TOWN OF CORNELIUS VARIANCE APPLICATION

Date Filed:     /     /	Case #: <b>VAR</b>
Fee Paid: \$	Public Hearing:     /     /

Applicant:	Tax Parcel:
Location of Variance:	Zoning:

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a ***VARIANCE*** from the literal provisions of the Town of Cornelius Land Development Code because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request a variance from the following provisions of the Zoning Ordinance (cite Section and numbers) \_\_\_\_\_

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Describe the variance being requested on the above referenced property: \_\_\_\_\_

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### 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 (3) conclusions as a prerequisite to the issuance of 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 the granting of the variance the public safety and welfare have been assured and substantial justice had 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 (3) 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 (3) 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/she complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his/her property. (It is not sufficient that failure to grant the variance simply makes the property less valuable \_\_\_\_\_

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2) The hardship results from the application of the Ordinance. (State what hardship results from application of the regulations of the Zoning Ordinance.) \_\_\_\_\_

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3) The hardship is suffered by the applicant’s property. (Note: Hardships common to an entire neighborhood resulting from overly restrictive zoning regulations unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.) \_\_\_\_\_

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4) The hardship is not the result of the applicant’s own actions. \_\_\_\_\_

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5) The hardship is peculiar to the applicant’s property. \_\_\_\_\_

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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 argument 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.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) **Give reasons set forth in this application to justify the granting of a variance, and the variance is a minimum one that will make possible the reasonable use of the land and structures.** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Name of Appellant (if any)

\_\_\_\_\_  
Name of Owner

\_\_\_\_\_  
Appellant's Address

\_\_\_\_\_  
Owner's Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature



*Variance Application  
continued*

**Submit or draw a Site Plan below describing property and variance request. Give all appropriate dimensions, buildings/structures and their distance to property lines, right-of-ways, etc.**

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