

Town of North Wilkesboro Variance Request

Planning Department

832 Main Street - PO Box 218 North Wilkesboro, NC 28659

Phone: (336) 667-7129 ext. 3011

Email: planning@northwilkesboronc.gov

Variance Information

Property Address:

Parcel ID:

Zoning District:

Current use of subject Property:

Requested Variance (Cite Section):

Proposed Variance:

Contact Information

Name of Applicant:

Phone #:

Applicant Email:

Applicant Street Address:

Name of Property Owner:

Phone #:

Property Owner Street Address:

Signatures

Signature of Applicant:

Date:

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

Signature of Property Owner:

Date:

By signing, I authorize _____ (Applicant) as my representative to request the variance on the real property listed in this application, and give full and complete permission for the Applicant to act on my behalf.

THIS AREA IS FOR OFFICE USE ONLY

Date Received:

Received by:

Advertised on:

BOA Meeting Date:

Final Judgement (approval/denial):

Final Judgement Mailed to applicant:

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The Board of Adjustment (BOA) does not have unlimited discretion in deciding whether to grant a variance. NC General Statutes (NSGS 160D-705) require the applicant to show all of the following justifications before the BOA grants a variance. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the BOA that the variance is justified. Provide additional sheets as necessary.

Variance Justification

An unnecessary hardship is created from the strict application of the ordinance. Whenever there is a regulation, there is some level of necessary hardship and inconvenience shared by all of the community. An applicant must show *unnecessary* hardship, that is greater than a mere inconvenience or a preference for a more lenient standard. Cost of compliance may be a factor, but cost is not a determinative. The hardship must come from the application of the ordinance.

The unnecessary hardship is peculiar to the property. The hardship must be peculiar to the property, not general to the neighborhood or community. Such peculiar characteristics might arise, for example, from the location of the property, size or shape of the lot, or topography or water features on the site. Hardships that result from personal circumstances may not be the basis of granting a variance. The board is looking at the nature of the property and the land use ordinances, not the nature of the applicant and their circumstances.

The hardship is not self-created. The hardship must not result from actions taken by the applicant or property owner. Ignorance of the law is a self-created hardship—variances requested due to the owner’s failure to obtain appropriate building and zoning permits prior to construction will not be approved. However, purchasing a property with the knowledge that circumstances exist that may justify the granting of a variance is not considered a self-created hardship.

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. Where an ordinance expresses a clear intent, the variance cannot subvert that intent. The variance cannot harm public safety, even if the request meets the “unnecessary hardship” test. And the Board must ensure that substantial justice is achieved in the issuance of each variance—the board will consider issues of fairness for the community, neighbors, and prior applicants in their decisions.