Village of Sugar Mountain Board of Adjustment

Application for a Variance

APPLICATION NO._____

NAME _____ DATE_____

ADDRESS_____

LOCATION OF PROPERTY_____

ZONING DISTRICT_____ PARCEL NO_____

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Please attach to this application the following documents:

(1) A site plan, drawn to a scale of at least on (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; the identity of neighboring properties; any adjacent streets, designated as public or private; any existing or proposed structures, showing setbacks to rights-of-way and property lines; parking areas showing the number and arrangement of parking spaces and driveway entrances; utilities and surface water drainage; and significant natural features, such as wooded areas, streams, ponds, or marshes. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(2) Elevations and a floor plan, indicating dimensions of the building, gross floor space, number of seats, or any other applicable information.

(3) A complete and detailed description of the use proposed, together with any other pertinent information which the applicant feels would be helpful to the Board of Adjustment in considering the application.

Some of these requirements may be waived as may be applicable, such as for changes of use in existing buildings involving no expansions in building or parking areas, etc.

The Board of Adjustment does not have unlimited discretion in decided whether to grant a variance. The Board's authority is defined by the State enabling act, which requires it to reach three general conclusions before granting a variance.

I UNDERSTAND THAT THE BURDEN IS UPON ME, THE APPLICANT, TO PRODUCE COMPETENT MATERIAL AND SUBSTANTIAL EVIDENCE WHICH TENDS TO ESTABLISH THE EXISTENCE OF FACTS, STANDARDS AND CONDITIONS. IN THAT REGARD, I OFFER THE FOLLOWING FOR CONSIDERATION BY THE BOARD:

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Initials

Village of Sugar Mountain Board of Adjustment

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In the spaces provided below, or on a separate sheet of paper, indicate the facts that you intend to show and the arguments you intend to make to convince the Board that it can properly grant the variance. Each item must be addressed. The Board will not consider an incomplete application.

(1) "There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance." In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the following three conditions exist:

(a) If he/she complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his/her property. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(b) The hardship is due to conditions that are peculiar to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property. 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 is not the result of the actions of an applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Initials

(2) "The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit." That is, the applicant is not seeking to establish, to expand, or to extend in an area of a non-conforming use. Moreover, the existence of a non-conforming use in the same or in any other zoning district shall not constitute a reason for granting the requested variance.

(3) "In the granting of the variance, the public safety and welfare is consistent with the intent of the ordinance, such that public safety is secured, and substantial justice is achieved." No change in permitted uses may be authorized by the granting of a variance. Appropriate conditions may be imposed on any variance provided that the conditions are reasonably related to the variance.

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

Signature of Applicant

Date

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FEE: A fee of two hundred fifty dollars ($350.00) shall be paid to the Village of Sugar Mountain, NC for each application for a variance to cover the necessary administrative and advertising costs. This fee is non-refundable.

DATE PAID: _____

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