



**VARIANCE – APPLICATION**

**Fee: \$350**

(Addendum to Initial Zoning/Development Compliance – Application)

Applicant Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Property Address: \_\_\_\_\_

Parcel Identifier Number (PIN #): \_\_\_\_\_

Current Zoning/Use: \_\_\_\_\_ Requested Use: \_\_\_\_\_

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Montreat Zoning Ordinance. I request a variance from the following Montreat Zoning Ordinance language. **[Please cite Section number(s)]**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Standards for Granting 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 shall grant a variance only upon a showing of **all** of the following. In the spaces provided, please 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 required conclusions. (See Montreat Zoning Ord. Sec. 310.42 for Variances). **Additional sheets may be attached to this application where necessary.**

**REQUIRED FINDINGS: Please provide a complete response to each.**

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be 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.

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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 shall not be regarded as a self-created hardship.

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4. The Variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

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5. The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.

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6. The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

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In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Montreat Zoning Ordinance. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the granting of the variance, shall be deemed a violation of the Montreat Zoning Ordinance.

I, \_\_\_\_\_, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Applicant's Name (PLEASE PRINT): \_\_\_\_\_

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**FOR OFFICE USE ONLY**

Date: \_\_\_\_\_ Zoning Administrator's Signature: \_\_\_\_\_

Zoning Administrator's Name (PLEASE PRINT): \_\_\_\_\_

Permit Fee: \$ \_\_\_\_\_ Cash: \$ \_\_\_\_\_ Check #: \_\_\_\_\_ Date Paid: \_\_\_\_\_

**NOTE: Certificate of Zoning Compliance (later on) must be APPROVED before Building Permit can be issued.**

### Variance Submittal Checklist

**The applicant for a variance request shall submit the following materials to satisfy the minimum requirements of a complete application package:**

- Completed variance request application form provided by the Town;
- Neatly-drawn scale map of the property showing the location of any building(s) or improvement(s) that are the subject of the requested variance or appeal, with all adjoining street/road frontage illustrated;
- If the appeal or variance request concerns the elevation of a building, a drawing providing elevation views of the building(s) and other improvements located on the property that are the subject of the requested variance or appeal;
- A copy of the deed indicating current ownership of the subject property;
- A copy of the plat or recent survey, if available, showing such property;
- Any contract to purchase or other relevant documentation;
- A fee set by the Town as listed in the current fee schedule as adopted by Town Council;
- Any other materials reasonably required by the Chair of the Board of Adjustment.