



# City of Shelby Board of Adjustment Variance Application Form

<b>For Staff Use Only</b> Application No: _____ Date: _____
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Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

Legal Relationship of Applicant to Property Owner: \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_

Property Location: \_\_\_\_\_

Tax Map Number: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Lot Size: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Ordinance section number to which a variance is being sought. \_\_\_\_\_

Proposed variance description: \_\_\_\_\_

\_\_\_\_\_

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under NC State law, the Board must reach three conclusions (listed below) before it can issue a variance.

***PLEASE STATE BELOW HOW THE REQUEST FOR A VARIANCE MEETS EACH OF THESE THREE CONCLUSIONS. Please be as specific as possible in your statements. Should you need more room to complete the information, please attach an additional page.***

1. **There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.** State any facts and arguments in support of the three rules developed by the Court. **a) That by complying with the provisions of the ordinance, he can make no reasonable use of the property.** [It is not sufficient that failure to grant the variance will simply make the property less valuable.] **b) The hardship of which you complain is one suffered by the applicant rather than by neighbors or the general public.** [Hardship suffered by the applicant in common with his neighbors does not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the property and not with the person or family.] **c) The hardship relates to the applicant's land, rather than personal circumstances.** **d) The hardship is unique, or nearly so, rather than one shared by many surrounding properties.** **e) The hardship is not the result of the applicant's own actions: and f) the variance will neither result in the extension of a nonconforming situation in violation of Article VI nor authorize the initiation of a nonconforming use of the land.**

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2. **The variance requested is in harmony with the general purpose and intent of the ordinance and preserves its spirit.** (State any 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, and if the variance is granted, will not substantially detract from the character of the neighborhood).

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3. **The granting of the variance will secure the public safety and welfare and will do substantial justice.** (State any 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).

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Request for variances shall be accompanied by a sketch plan. Said plan shall show, in a scaled form, the location and size of:

1. Variance requests must be accompanied by a recent survey by a Registered Land Surveyor. The survey must show some or all of the following depending on the particular request:
2. The boundaries of the lot(s) in question,
3. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
4. The size, shape and location of all proposed buildings, parking facilities and accessory uses
5. The location of all setbacks and front lot widths as measured at the front setback.
6. The location and type of screening and buffering proposed and,
7. Other information deemed by the Zoning Officer necessary to consider the application,
8. Names and address of all adjoining property owners including owners across any street, creek or easement (use attached form).
9. Filing fee of \$200.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Zoning Officer

\_\_\_\_\_  
Date

*FOR STAFF USE ONLY*  
(PLEASE DO NOT WRITE BELOW THIS LINE)

Scaled plan attached: Yes \_\_\_\_\_ No \_\_\_\_\_

Fee Attached: Yes \_\_\_\_\_ No \_\_\_\_\_

Adjoining property owners information attached: Yes \_\_\_\_\_

No \_\_\_\_\_

Public hearing date: \_\_\_\_\_

Notice to applicant and adjoining property owners mailed on: \_\_\_\_\_ INT. \_\_\_\_\_

Action taken by the Board of Adjustment: \_\_\_\_\_  
\_\_\_\_\_

Notification of Action Mailed to applicant on: \_\_\_\_\_

Revised 8/17/2006