



VARIANCE REQUEST APPLICATION

CITY OF LENOIR PLANNING DEPARTMENT

CITY HALL • 801 WEST AVENUE NW • PO BOX 958 • LENOIR, NC 28645

For questions about this application form or the variance procedure, please contact the Planning Department at 828.757.2200 to schedule a pre-application meeting. **Variance applications are heard by the Board of Adjustment (BOA).** A week prior to the BOA meeting, your request will be advertised in the News-Topic and courtesy notices will be mailed to the owners of property within 100 ft. of your property.

Submittal Checklist:

Application Form with Variance Justification Statements

Application Fee (\$250 — cash or check payable to City of Lenoir)

Site Plan* Must include:

- Property Lines
- Existing Development
- Proposed Development

*Typically, this can be simply accomplished with a hand drawing on a copy of a survey or aerial photograph. Make sure the hand drawing is "to-scale" and identify the setbacks. Provide 1 copy, maximum of 11" x 17".

Other Requested Information: _____

Variance Information:

Property Address: _____ NC PIN: _____

Zoning District: _____ Current use of subject property: _____

Requested Variance (cite sections): _____

Required: _____ Proposed: _____

Contact Information:

Name of Applicant

Name of Property Owner

Street Address

Street Address

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Phone Number: _____

Email: _____

Applicant Status:

Owner Tenant Agent Other

Applicant's Signature:

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

OFFICIAL USE ONLY:

Case Number: _____ Received: _____ Advertised on: _____ BOA meeting: _____

Final Judgment (approval or denial): _____ Final judgment mailed to applicant: _____

The Board of Adjustment (BOA) does not have unlimited discretion in deciding whether to grant a variance. NC General Statutes (NCGS 160A-388) require the BOA to reach three conclusions before it may issue 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 granting the variance, the public safety and welfare have been assured and substantial justice has 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 BOA that it can properly reach these three required conclusions. Provide additional sheets as necessary. A super-majority (5/6) of the BOA must answer **YES** to **ALL** of the below statements for the variance to be granted.

Variance Justification

There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.

Because this standard is vague, court cases have developed the following “tests” to determine whether or not a hardship exists. State facts and arguments for each of the following:

There would be no reasonable return or use of the property without the variance. _____

The hardship results from application of the ordinance. _____

The hardship is suffered by the property. _____

The hardship is peculiar to the property. _____

The hardship is not self-created. _____

The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. State facts and arguments to show that the variance requested represents the least possible deviation from the ordinance that will allow a reasonable use of the property and that the property, if a variance is granted, will not substantially detract from the character of the neighborhood.

In granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

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.

