



Town of Fletcher

Planning and Zoning
4005 Hendersonville Rd Fletcher NC 28732
(828) 687-3985 Fax (828) 687-7133

Variance Request Application

Application Number _____

Notice is hereby given to the Board of Adjustment of a request for a variance from the ruling of the Zoning Administrator on the _____ day of _____, 20_____, made in respect to the property located at _____, Fletcher, North Carolina. Under the ruling given to me by the Zoning Administrator, I am prohibited from using this parcel of land for _____

(site plan attached).

I request a variance from the following provisions of the Land Development Code for the Town of Fletcher, NC (cite paragraph numbers): _____

so that the above-mentioned property can be used in a manner indicated by the site plan, and as more specifically described herein (if a variance is requested for a limited time only, specify duration):

- | | |
|-------------------------------------|--------------------------|
| ☐ Front Yard | Amount of Variance _____ |
| ☐ Rear Yard | Amount of Variance _____ |
| ☐ Side Yard | Amount of Variance _____ |
| ☐ Height | Amount of Variance _____ |

Owner of this property _____.

Address _____ City _____ State _____ Zip _____.

****NOTE: If the Petitioner is not the property owner, then a notarized letter is required from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance.****

Please fill out completely:

Property Address _____

PIN # _____ PID# _____

Zoning: R1 R1-A R2 R3 NBD CBD C-1 C-2 M-1 ETJ

Property Use _____

(Petitioner's Name)

(Agent's Name)

(Petitioner's Address)

(Agent's Address)

(Phone Number)

(Phone Number)

(Signature)

(Signature)

FACTORS RELATIVE TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Land Development Code; (b) that the variance is in harmony with the general purposes and intent of the Land Development Code and preserves its spirit, and (c) that in granting of 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 Board that it can properly reach these three required conclusions.

(a) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE LAND DEVELOPMENT CODE. The courts have developed three rules to determine whether, in a particular situation, “practical difficulties or unnecessary hardships” exist. State facts and arguments in support of each of the following:

1. If he complies with the provisions of the Land Development Code, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is NOT sufficient that failure to grant the variance simply makes the land less valuable.)

STAFF COMMENT(S): _____

2. The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (NOTE: Hardships suffered by the Applicant in comment with his neighbors do not justify a variance. The existence of non-conforming use(s) of neighboring land, buildings, or structures shall not constitute a reason for a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

STAFF COMMENT(S): _____

3. The hardship is not the result of the Applicant's own actions.

STAFF COMMENT(S): _____

(b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE LAND DEVELOPMENT CODE AND PRESERVES ITS SPIRIT. State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Land Development Code that will allow a reasonable use of the land and the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

STAFF COMMENT(S): _____

(c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. 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.

STAFF COMMENT(S): _____

Date _____

(Signature of Applicant)

Address City State Zip

Phone

CHECKLIST FOR VARIANCE APPLICATIONS

Town of Fletcher Planning and Zoning

Variance Application

- ☐ Completed application and Owner's Affidavit, if applicable.
- ☐ Legal description and PINS for subject property; i.e., copy of deed.
- ☐ Filing fee of \$250.00.
- ☐ Area map illustrating subject property and surrounding zoning (staff will assist applicants in preparing this map if necessary).
- ☐ I acknowledge that all property owners abutting the proposed variance will be notified of the request and provided information of the hearing dates.
- ☐ I acknowledge the variance shall not be granted except after the decision by the Zoning Board of Adjustment following the public hearings.
- ☐ I acknowledge and grant consent to Town of Fletcher officials to visit the proposed site for the purpose of investigating this application.

Print Name: _____

Signature: _____

Date: _____