



Variance Application

Date of Application: _____

Property/Building Address: _____ Parcel Size (ac): _____

Tax Parcel ID (PIN) Number: _____

Ordinance to be Varied:

Ordinance: (Zoning, Floodplain, etc.) _____ Article: _____ Section: _____

Description of Request: (In this section describe what you are seeking to be allowed at this property. For example – *According to Article 4: Detached House of the Huntersville Zoning Ordinance, mechanical equipment shall not encroach into any required setback. I am requesting a variance to allow mechanical equipment in the side yard at 000 Gilead Road, Huntersville, NC*):

Submittal Procedure and Requirements:

See the current Planning Board schedule for filing deadlines and meeting dates. **The variance process is quasi-judicial. Contact with the Planning Board shall only occur under sworn testimony.**

The property owner(s) or legal representative of the property owner must sign this application. If the applicant is different from the property owner, the applicant shall also sign.

The following shall be submitted with a completed application:

- Applicable map(s), site plans, and exhibits showing exact location of property with respect to existing streets, adjoining lots, and other important features on or contiguous to the property. Include any maps and/or illustrations (to scale), which are necessary to show the location, number and size of buildings, signs, etc., on the property.
- A list of names, addresses and tax parcel identification numbers of properties that abut the site, are across the street from the site or are otherwise within one hundred feet (100') of the site.
- Review Fee - Please check most recent version of Fee Schedule for applicable Variance Review Fee. Reviews shall be submitted by mail as directed below or through the Town website: www.huntersville.org/ (Select How Do I > Pay Planning and Zoning Fees). Checks should be made payable to Town of Huntersville and include Tax Parcel ID in memo.
- The application, all supplemental documents, and the fee must be postmarked or received in person by staff on the filing deadline.
- If signed on behalf of a business entity or homeowners association, the application must include documentation of signatory authority.

Attention: Planning Department
In Person, FedEx, UPS or Courier Address: 105 Gilead Road | Third Floor
USPS Mailing Address: P.O. Box 664 | Huntersville, North Carolina 28070

Notification Requirements:

Planning Staff will be required to notify in writing each owner of property abutting the property that is the subject of the hearing. Staff shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

If you are seeking a variance from the requirements of the Mountain Island Lake or Lake Norman Watershed Overlay Districts, Planning Staff is required to notify, in writing, each local government having jurisdiction in the watershed and the entity using the water supply for consumption as follows:

- * Mountain Island Lake Watershed Overlay. Local governments having jurisdiction in the watershed: Charlotte Mecklenburg, Cornelius and Huntersville. Entities using the water supply for consumption: Mecklenburg County, Gastonia, and Mount Holly.
- * Lake Norman Watershed Overlay. Local governments having jurisdiction in the watershed: Davidson, Cornelius, and Huntersville. Entities using the water supply for consumption: Mooresville, Mecklenburg County and Lincoln County.

Variance Requirements:

STANDARDS FOR GRANTING A VARIANCE (Article 11.3.2.e.):

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Planning Board shall vary any of the provisions of the ordinance upon a showing of all the following:

- 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- 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.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed by the Board (Article 11.3.1.e.).

No change in permitted uses may be authorized by variance.

In the following spaces, indicate **FACTS** that demonstrate to the Planning Board you meet all the standards for granting a variance:

- 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. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- 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.

- 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Applicant

Printed Name of Applicant: _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Phone of Applicant: _____

Applicant Email: _____

Address of Applicant: _____

Printed Name of Applicant's Legal Representative, if applicable: _____

Phone of Legal Representative: _____

Legal Representative Email: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked). **Appellant hereby grants permission to the Town of Huntersville personnel to enter the appellant's property for any purpose required in processing this Notice of Appeal upon mutual coordination of such site visits at times agreed to by all parties.**

Signature of Applicant: _____ Date: _____

Signature of Legal Representative: _____ Date: _____

Title: _____

Property Owner (if different than applicant)

Printed Name of Property Owner: _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Phone of Property Owner: _____

Email of Property Owner: _____

Address of Property Owner: _____

Printed Name of Property Owner's Legal Representative, if applicable:

Phone of Legal Representative: _____

Legal Representative Email: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked) **Appellant hereby grants permission to the Town of Huntersville personnel to enter the appellant's property for any purpose required in processing this Notice of Appeal upon mutual coordination of such site visits at times agreed to by all parties.**

Signature: _____ Date: _____

Title: _____