

Application No. _____

**Town of Chocowinity
State of North Carolina**

Application for a Variance – Section 10.04B

Date: _____

To The Town of Chocowinity Board of Adjustments:

I, _____, hereby petition the Board of Adjustments for a Variance from the literal provisions of the Town of Chocowinity Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described below:

I request a variance from the following provisions of the ordinance (cite Paragraph numbers):

If variance is requested for a limited time only, specify duration requested: _____

Factors relevant to the Issuance of a Variance:

The Board of Adjustments do not have unlimited discretion in deciding whether to grant a variance. Under the state 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 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 of the variance will be in general conformity to the town development plan and will not be injurious to the neighborhood or detrimental to the public.

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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 ordinance.** The courts have developed four 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) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

Staff Comment:

2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

Staff Comment:

3) That the special conditions and circumstances do not result from the actions of the applicant;

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4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district;

Staff Comment:

- b) 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 letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not detract from the character of the neighborhood.

Staff Comment:

- c) The granting of the variance will be in general conformity with the town's plan of development and will not be injurious to the neighborhood, or otherwise detrimental to the public.** State facts and arguments to show that the variance requested will not be harmful to the neighborhood or detrimental to the public.

Staff Comment:

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

Signature