

# Town of Holly Ridge

Post Office Box 145

Holly Ridge, North Carolina 28445

Telephone (910) 329-7081 Fax (910) 329-1593



## VARIANCE APPLICATION

Applicant : \_\_\_\_\_

Mailing Address : \_\_\_\_\_

Telephone : \_\_\_\_\_ Email Address : \_\_\_\_\_

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

Owner : \_\_\_\_\_

Mailing Address : \_\_\_\_\_

Telephone : \_\_\_\_\_ Email Address : \_\_\_\_\_

Purpose of Request : \_\_\_\_\_

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

Parcel Number : \_\_\_\_\_ Lot Size : \_\_\_\_\_

Zoning District : \_\_\_\_\_ # of Buildings Proposed : \_\_\_\_\_

Gross Floor Area of Proposed Buildings : \_\_\_\_\_

Total Acreage of Land to be Disturbed : \_\_\_\_\_

Estimated Cost of Project : \_\_\_\_\_

If needed to illustrate appeal or request for variance, attach plot plan. Also, a survey of the site prepared by a registered surveyor licensed to practice in North Carolina may be required.

### FACTORS RELEVANT TO THE ISSUE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required 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 make to convince the Board that it can properly reach these three required conclusions.

\* Additional sheets may be used if enough space is not provided.

There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. 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 the applicant complies with the provisions of the ordinance, 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 variance simply makes the property less valuable.)

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2. The hardships of which the applicant complains result from unique circumstances related to the applicant’s land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

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3. The hardship is not the result of the applicant’s own actions.

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a. The variance is in harmony with the general purpose and intent of the ordinance and preserves the spirit of the ordinance. (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 substantially detract from the character of the neighborhood.)

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b. 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.)

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

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Signature of Applicant/Owner

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Date

*If the application is not signed by the property owner, a written and signed statement by the property owner giving consent to the request must be submitted with the application.*

**A FEE OF \$300.00 WILL BE REQUIRED AT THE TIME OF SUBMISSION OF THIS APPLICATION.**