



Application No.: _____

Fee paid: _____
(Plus expenses)*

APPLICATION FOR A VARIANCE
*(Pursuant to Village of Flat Rock, NC
Zoning Ordinance #58, Article XIV)*

Property Owner: _____ Telephone: _____

Owner's Address: _____

E-mail Address: _____

Subject Property Address: _____

I. PRELIMINARY

1. I have carefully read Article XIV of the Zoning Ordinance and understand the conditions under which my request will be reviewed.

Signature of Owner

Date

2. Attach an "As-Proposed" survey showing the nature and magnitude of the requested deviation from the requirements of the above-described ordinance.
3. List each variance request with the applicable ordinance article and section number.
4. Give reason(s) for each request.

II. TO THE BOARD OF ADJUSTMENT

I, _____, and (property owner), hereby petition as follows:

Request Number 1:

Article No: _____ Section No: _____

Variance requested: _____

Reason: _____

Request Number 2:

Article No: _____ Section No.: _____

Variance requested: _____

Reason: _____

III. FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

See Zoning Ordinance, Section 1402 (B). “Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that ALL of the following conditions exist”:

Property Owner should respond to all the following questions.

Attach supplemental pages if necessary.

- A. Are there extraordinary and exceptional conditions pertaining to the property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district? If yes, explain.

Section 1402 (B) (1)

- B. Will granting this variance confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located? If yes, explain.

Section 1402 (B) (2)

- C. Does a literal interpretation of the ordinance deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located? If yes, explain.

Section 1402 (B) (3)

D. Will the requested variance be in harmony with the purpose and intent of the ordinance, and not be injurious to the neighborhood or the general welfare? If yes, explain.

Section 1402 (B) (4)

Owner - Please initial the following ordinance conditions:

E. The special circumstances of the variance are not the result of the actions of the applicant.

Owner initial(s): _____

F. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

Owner initial(s): _____

G. The variance is not a request to permit a use of land, building or structure that is not permitted in the district involved.

Owner initial(s): _____

IV. CERTIFICATION:

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

Property Owner's Signature

Date

Property Owner's Signature

Date

Zoning Administrator

Date

In the event that any discrepancies exist between the criteria outlined on this form and the Zoning Ordinance of the Village of Flat Rock, NC, the ordinance will prevail.

V. ATTACHED DOCUMENTS:

1. Certificate of Zoning Compliance – Rejected;
2. An “As-Proposed” survey depicting feature(s) that are not in compliance;
- *3. Checks for variance application fee (If Certificate of Compliance fee is already paid, Add difference);
4. Any other document(s) that provide information relevant to the case.

VI: PROCEDURE

Applicant will receive a copy of the PROCEDURE FOR SUBMISSION OF VARIANCE REQUEST from the zoning office at the time of the submission of the application for a Variance. The property owner is encouraged to attend the Board of Adjustment hearing and may send a representative. The property owner will be notified of the hearing date, time and location.

**Note:* Applicant will be liable for extraordinary expenses incurred with regard to the variance request and will be notified before the expenses are incurred.

PROCEDURE FOR SUBMISSION OF VARIANCE APPLICATION

1. The applicant must submit a completed and signed Certificate of Zoning Compliance with an “as proposed survey” to the Zoning Administration Office for review to determine if an application for a variance is required.
2. Zoning Administration reviews the application and determines if a variance is necessary. If it is, the Certificate of Zoning Compliance is rejected and the applicant must proceed as outlined below.
3. The applicant will complete and sign the Application for Variance.
4. The applicant should submit the variance application along with the following documents:
 - (a) Rejected Certificate of Zoning Compliance;
 - (b) The “as proposed” survey showing feature(s) in non-compliance;
 - (c) A list identifying all adjacent property owners names and mailing addresses;
 - (d) Payment for the appropriate variance application fee;
 - (e) Any other documents or information the applicant deems relevant to the case; and
 - (f) Any other documentation requested by Zoning Administration.
5. When a variance application is determined to be complete, the chairman of the Board of Adjustment will be contacted and will determine a date for the Board of Adjustment to hear the application. If a complete application is in the zoning office by the 7th of the month, the hearing normally takes place the following month. The applicant will be notified as soon as a hearing date is established.
6. All adjacent property owners will be notified by mail informing them of the variance application, the hearing date, time and location.
7. A notice of the variance application hearing will be published in the Times-News community newspaper.
8. Zoning Administration prepares packets of the application information and documentation and provides the information packets to Board of Adjustment members prior to the hearing date.
9. Zoning Administration presents the case to the Board of Adjustment at the hearing. All documents are made part of the official record of the hearing.
10. The applicant (or their representative) will then present their case to the Board of Adjustment stating the reasons for the variance request and any information the applicant deems appropriate to support the application.
11. The Board of Adjustment will then hear testimony in support and in opposition from any witness/neighbors who may be present.

12. After all testimony is made, the Board of Adjustment will close the meeting to public hearing and will make a decision to allow, allow with conditions, or deny the variance application.
13. If the Board of Adjustment approves the variance application, the Zoning Administrator will grant the Certificate of Zoning Compliance. If the Board of Adjustment denies the variance application, the zoning file will be closed.
14. At a later date, the attorney for the Village of Flat Rock will notify the applicant by mail of the decision.
15. If the Board of Adjustment denies a variance application, the applicant can appeal the decision as set forth in Section 1404 of the Village of Flat Rock Zoning Ordinance.