



Application No.: \_\_\_\_\_

Fee paid: \_\_\_\_\_  
(Plus expenses)\*

**APPLICATION FOR A VARIANCE**  
*(Pursuant to Village of Flat Rock, NC  
Land Development Ordinance #96, Article XV)*

Property Owner: \_\_\_\_\_ Telephone: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Subject Property Address: \_\_\_\_\_

**I. PRELIMINARY**

1. I have carefully read Article XV of the Land Development 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: \_\_\_\_\_

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**III. FINDINGS RELEVANT TO THE GRANTING OF A VARIANCE:**

See Land Development Ordinance, Section 1501, which addresses required findings necessary to grant a variance.

**Property Owner should respond to all the following questions.  
Attach supplemental pages if necessary.**

- A. *Unnecessary hardship.* Would unnecessary hardship 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. Section 1501 (A)

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- B. *Peculiar conditions.* Does the hardship result 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. Section 1501 (B)

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- C. *Fault of the applicant.* Does the hardship 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. Section 1501 (C)

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D. *Harmony with ordinance.* Will the requested variance be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved? Section 1501 (D)

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**Owner - Please initial the following ordinance conditions if true:**

E. The variance is not a request to permit a use of land, building or structure that is not permitted in the district involved. Section 1501 (E)

Owner initial(s): \_\_\_\_\_

F. The variance is not a request to retroactively extend a time limit of an expired certificate of zoning compliance or any other time limit specified in the Land Development Ordinance that has expired. Section 1501 (F)

Owner initial(s): \_\_\_\_\_

**The applicant is responsible for satisfying all other applicable county, state and federal laws and regulations.**

**IN THE EVENT THAT ANY DISCREPANCIES EXIST BETWEEN THE CRITERIA OUTLINED ON THIS FORM AND THE LAND DEVELOPMENT ORDINANCE, THE ORDINANCE SHALL PREVAIL**

**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

**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 zoning 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 7<sup>th</sup> 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 public hearing will be posted on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
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 continue the hearing or to grant the variance, grant the variance 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 Article XV, Section 1507 of the Village of Flat Rock Land Development Ordinance.