

**VARIANCE
APPLICATION**
Fee: \$250.00

City of New Bern



Bernard George
(252) 639-7584
georgeb@newbern-nc.org
Greg McCoy
(252) 639-7585
mcco yg@newbern-nc.org
Fax: (252) 636-2146

Applicant: _____ Applicant: _____
Address: _____ Address: _____
Telephone _____ Telephone _____
Fax _____ Fax _____
Email _____ Email _____

Legal relationship of applicant to property: _____

Purpose of application: _____

Property location: _____

Tax map _____ Block _____ Lot _____

Lot size _____ Total square feet _____ Zoning District _____

No. of buildings existing _____ Gross floor area existing _____

No. of buildings proposed _____ Gross floor area of proposed buildings _____

Total square footage of land to be disturbed: _____

Estimated cost of project \$ _____

List all required site plans, specifications and documents included as exhibits to this application.

Thirteen (13) copies of the site plan must be submitted with application.

Signature

Date

Application due twenty-one (21) days before the Board of Adjustment meeting, which is held on the last Monday of each month to be placed on the agenda.

APPLICATION FOR A VARIANCE

TO THE CITY OF NEW BERN BOARD OF ADJUSTMENT:

I, _____, hereby petition the Board of Adjustment for a **VARIANCE** from the literal provisions of the Land Use Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described in the General Application form (attached) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite paragraph numbers): _____ so that the above-mentioned property can be used in a manner indicated by the plot plan, or if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested.)

FACTORS RELEVANT TO THE ISSUANCE 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;
- B. That the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit;
- C. That in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

In the spaces provided, 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. An affirmative vote of at least 4/5 of the Board's membership on each of the three required conclusions is mandatory for approval of a variance application.

A. 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 he 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 the variance simply makes the property less valuable.)

_____ 2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (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.)

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

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 substantially detract from the character of the neighborhood.)

C. 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.)

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

Signature

Date