



# Town of Caswell Beach

1100 Caswell Beach Road • Caswell Beach, NC 28465  
(910) 278-5471 • Fax 866-271-3641 • www.caswellbeach.org

State of North Carolina Case Number \_\_\_\_\_

## Application for Variance

Date \_\_\_\_\_

Variance Requested On Property At: \_\_\_\_\_

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

Property Zoned: \_\_\_\_\_

Date Existing Structure Erected: \_\_\_\_\_

### To the Caswell Beach Zoning Board of Adjustments

I \_\_\_\_\_ hereby petition the Board of Adjustments for a variance from the literal provisions of the Caswell Beach Zoning Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached to this 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 attached; or if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 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 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 the granting of the variance the public safety and welfare have been assured and substantial justice has been done. In the space provided in this application, 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 conclusion.

**(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:

**(A1) If 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 the variance simply makes the property less valuable.)

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

Staff Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(A2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land.** (Note: Hardships common to an entire neighborhood resulting from overly restrictive zoning regulations should be referred to the Town Planning Board. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

Applicants Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Staff Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(A3) The hardship is not the result of the applicant's own actions.**

Applicants Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Staff Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(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.)

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

Staff Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(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.)

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

Staff Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*continue to page 4*

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 of Appellant \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Represented by \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

If title to the above mentioned property is not in the name of the petitioner, attach a letter from the owner signifying his approval.

Appeal must be accompanied by a map drawn to scale not exceeding 8.5 by 14 ", showing the exact location of property with respect to existing streets, number and size lots, type building on such lots, and other important features within and contiguous to the property.

The appeal must be filed at least two weeks before the meeting of the Board at which approval is sought. (Board of Adjustment meets the 4th Thursday of each month at 6:30 PM if the Board has business to review.) Furnish names and addresses of owners of adjoining properties and property directly across the street from the property involved. (Information available from Town Hall records 910-278-5471.

**\$100 filing fee payable to Town of Caswell Beach must accompany variance application to cover publication cost and public notice.**