



TOWN OF DUCK, NORTH CAROLINA

APPLICATION FOR A VARIANCE

Month Day Year

TO THE TOWN OF DUCK BOARD OF ADJUSTMENT:

I, _____ (*Agent/Owner—circle one*), hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Town of Duck Zoning Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described as (*detail subdivision, lot number, street address and PIN number*)

_____ in a manner shown by the Plot Plan attached hereto. I request a variance from the following provisions of the ordinance (cite paragraph numbers): _____

so that the above mentioned property can be used in an manner indicated by the Plot Plan attached to the “Application for a Hearing” form, or if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (if variance is requested for 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 (3) 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 spaces provided below, indicate the facts that you intend to show and the arguments that you intent to make to convince the Board that it can properly reach these three required conclusions.

(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/she 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).

Staff Comment: _____

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

Staff Comment: _____

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

Staff Comment: _____

- (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.)

Staff Comment: _____

- (c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUSTANTIAL 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.)

Staff Comment: _____

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

Applicant Signature (If other than the Property Owner) Applicant Name (Please Print)

Address Telephone Number(s)

Property Owner Acknowledgement

_____(Seal) _____
Owner 1 Print Owner 1 Name

_____(Seal) _____
Owner 2 Print Owner 2 Name

Address of Owner 1 Telephone Number(s)

I, _____, a Notary Public of _____ County and State of _____, certify that the Owner(s) personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____, 20__.

My Commission Expires: _____ Notary Public

STATE OF _____
COUNTY OF _____

FOR OFFICE USE ONLY	
Proposal received _____	Received by _____
Fee Paid _____	Receipt No. _____