



Application No. _____

TOWN OF MAGGIE VALLEY ZONING BOARD OF ADJUSTMENT

APPLICATION FOR A VARIANCE

This petition to the Board of Adjustment is for a **VARIANCE** from the literal provisions of the Zoning Ordinance. Strict application of the ordinance prohibits using the parcel of land as described in the attached General Application Form and site specific development plan. The relief requested is from the following provisions of the Zoning Ordinance:

Section number(s)

Factors Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. In order for a variance to be granted, the applicant must be able to demonstrate that all of the following requirements are met. In the spaces provided, please indicate the facts that you intend to show and the arguments that you intend to make to convince the Board of Adjustment that it can properly reach the required conclusions.

1. Indicate how an unnecessary hardship would 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.



2. Indicate how the hardship results 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. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.

3. Indicate how the hardship did not 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.

4. Indicate how the requested variance is consistent with the spirit, purpose, and intent of the ordinance. Show how the request represents the least possible variation from the ordinance.



5. Indicate how the requested variance will maintain the public safety and welfare and do substantial justice. Demonstrate how the request will not be injurious to the neighborhood. State facts and arguments to show that, on balance, if the variance is approved, the benefit received by the Applicant will substantially outweigh the harm suffered by the public.

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

I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

Signature of applicant

Date

Upon receipt of this application, the Board of Adjustment will schedule a hearing. All witnesses at the hearing shall provide sworn testimony and the Board may only base their conclusion on the testimony heard at the hearing. The Board of Adjustment is authorized to subpoena witnesses and compel the production of evidence. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

Town of Maggie Valley
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