



# APPLICATION FOR A VARIANCE TO THE BOARD OF ADJUSTMENT

<b>For Planning Department Use Only</b>	
Case Number:	_____
Date Received:	_____
Application Fee:	_____
Date Fee Paid:	_____
Meeting Date:	_____

Date: \_\_\_\_\_ Tax PIN Number: \_\_\_\_\_ Lot Size: \_\_\_\_\_

Location: \_\_\_\_\_

**Applicant:** \_\_\_\_\_ Phone Number(s): \_\_\_\_\_

Applicant's legal interest in the property: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

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

**Owner:** \_\_\_\_\_ Phone Number(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

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

Deed reference(s): \_\_\_\_\_

**PURPOSE OF REQUEST:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PLEASE ATTACH A SITE PLAN AND ALL OTHER SUPPORTING DOCUMENTS.**

*The undersigned property owner or agent hereby authorizes the filing of this application and authorizes on-site review (if applicable) by authorized staff.*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Applicant/Authorized Agent/Owner

*Applicant:* \_\_\_\_\_

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a **VARIANCE** from the literal provisions of the Wake Forest Zoning Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached Application for Appeal in a manner shown by the Sketch 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 Sketch Plan attached to the Application for Appeal (and if the sketch plan does not adequately reveal the nature of the variance) as more fully described herein (specify duration of the variance if applicable):

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

**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 and the Zoning Ordinance of the Town of Wake Forest, the Board shall not grant a variance from the terms of the ordinance unless and until it shall make a finding of the following:

- 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 preserve its spirit;**
- c) **That in 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 intend to make to convince the Board it can properly reach each of the three required conclusions.

a) **That 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 ordinances, 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.)

**Statement by Applicant:**

---

---

---

- 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 do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land).*

**Statement by Applicant:**

---

---

---

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

**Statement by Applicant:**

---

---

---

b) The variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit. *(State facts and arguments to show that the variance 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).*

**Statement by Applicant:**

---

---

---

c) The granting of the variance secures the public safety and welfare 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).*

**Statement by Applicant:**

---

---

---