



Town of Pilot Mountain
Planning & Zoning Department
 124 West Main Street, Box 1
 Pilot Mountain, North Carolina 27041

Permit # : <u>VARIANCE</u> _____ - _____
Date Recd: _____ Fee Pd \$ _____ Method _____
Rcpt No. _____ Staff Initials: _____

APPLICATION FOR VARIANCE

Property Owner/Applicant Information:

Property Owner	Applicant
Name: _____	
Mailing Address: _____	
Phone Number: _____	
E-mail address: _____	

Business Name/License: _____

Property Information

Project Name: _____	Full Submittal Date: _____
Property Address/Location: _____	Location: <input type="checkbox"/> Town Limits <input type="checkbox"/> ETJ
Parcel ID Number(s): _____	Total Acreage: _____
Deed Book: _____ Page(s): _____	Flood Hazard Area: <input type="checkbox"/> Yes <input type="checkbox"/> No
Current Zoning of Property <i>(can be obtained from Planning Dept)</i> _____	Located in Watershed: <input type="checkbox"/> Yes <input type="checkbox"/> No
Current Use of Property _____	Proposed Use of Property: _____

Applicant Statement/Request to the Board of Adjustment

I/We the applicants/owners hereby petition the Board of Adjustment for a variance from the provisions of the Town of Pilot Mountain Land Use/Zoning Ordinance because it prohibits the use of the parcel of land described above in a manner shown by the attached plot plan. I request a variance from the following provisions of the ordinance (Identify section, subsection and paragraph numbers):

Statement of Justification: *Please provide detailed information concerning all requests. Attach additional sheets if necessary.*

Required Findings of Fact:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling legislation and Town of Pilot Mountain ordinances, the Board is required to reach four finds of fact before it may issue a variance. § 153.118 (B) of the Town of Pilot Mountain Land Use/Zoning Ordinances requires all applications for a variance to address the following findings. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the district involved. ***The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.***

1. *There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations. This shall be construed to mean if the property owner complies with the provisions of the ordinance, he can secure no reasonable return from, nor make reasonable use of his property and the hardship results from the application of the requirements of the ordinance (It is not sufficient that failure to grant the variance simply makes the property less valuable.)*

Required Findings of Fact (cont.):		
2.	<i>The hardship is suffered by the applicant's property (the hardship relates to the applicant's land, rather than personal circumstances 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, i.e. a ditch which runs through the property.);</i>	
3.	<i>The hardship is not the result of the applicant's own actions;</i>	
4.	<i>The hardship is peculiar to the applicant's property (the hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public & the hardship is unique, or nearly so, rather than one shared by many surrounding properties);</i>	
5.	<i>That the variance would be in harmony with the general purpose and intent of this ordinance and preserves its spirit & that the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum one that will make possible the reasonable use of the land or structure. (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);</i>	
6.	<i>That in granting the variance, the public safety and welfare have been assured and substantial justice has been done (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>	
Applicant Affidavit		
<i>I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Pilot Mountain to approve the subject Variance request. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Pilot Mountain, and will not be returned. I further understand that applicants, and/or their agents or parties of interest are prohibited from any contact in relation to this matter with Board Of Adjustment members or Planning Board members prior to the public hearing, that such communication may result in additional processes and delays and that disclosure of any such communication will be required at the scheduled public hearing.</i>		
_____	_____	_____
<i>Print Name</i>	<i>Signature of Applicant</i>	<i>Date</i>
_____	_____	_____
<i>Print Name</i>	<i>Signature of Applicant</i>	<i>Date</i>
** Office Use Only **		
<i>I, as Planning & Zoning Administrator, believe this application to be complete based on the certification of the owner and/or applicant, and with my signature, accept the application and any corresponding documentation.</i>		
_____	Staff Comments:	
<i>Signature of Planning & Zoning Administrator</i>	<i>Date</i>	



Town of Pilot Mountain

Planning & Zoning Department

OWNER'S CONSENT FORM

Project Name: _____

Full Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Pilot Mountain to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application. I further understand that applicants, and/or their agents or parties of interest are prohibited from any contact in relation to this matter with Board Of Adjustment members or Planning Board members prior to the public hearing, that such communication may result in additional processes and delays and that disclosure of any such communication will be required at the scheduled public hearing.

Print Name

Signature of Owner

Date

Print Name

Signature of Owner

Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I acknowledge that additional information may be required to process this application. I further consent to the Town of Pilot Mountain to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party and understand this application, related material and all attachments become official records of the Planning Department of the Town of Pilot Mountain, and will not be returned. I further agree to all terms and conditions, which may be imposed as part of the approval of this application. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I further understand that applicants, and/or their agents or parties of interest are prohibited from any contact in relation to this matter with Board Of Adjustment members or Planning Board members prior to the public hearing, that such communication may result in additional processes and delays and that disclosure of any such communication will be required at the scheduled public hearing.

Print Name

Signature of Owner

Date

Print Name

Signature of Owner

Date

TOWN OF PILOT MOUNTAIN APPLICATION FOR VARIANCE

NOTE: applicants, and/or their agents or parties of interest are prohibited from any contact in relation to this matter with board of adjustment members or planning board members prior to the public hearing.

This application will not be processed unless all information requested is provided. Please allow up to 3-5 business days for review and approval. The Town of Pilot Mountain's Land Use Ordinances can be found online at www.townofpilotmountain.com. Attach any additional information requested to complete this application.

Applications may be submitted during normal business hours at the Town Hall. Before doing so, please review the following checklist of required information so that your permit approval will not be unnecessarily delayed. The application must be signed by the property owner(s) or their authorized representative.

Pursuant to § 153.118 (B) of the Town of Pilot Mountain Land Use/Zoning Ordinances, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment for relief from a requirement of the ordinances and to permit construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship. In granting variances, the Board of Adjustment may impose such reasonable conditions as will insure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

Variance applications must be accompanied by nine (9) sets of the complete application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. All fees are due when the application is submitted.

The following items are required to process an application for variance:

- The application fee as adopted in the annual fee schedule. This fee is non-refundable. (Cash, check, or money order payable to "Town of Pilot Mountain.")
- Nine (9) sets of the complete application and all required plans (please see the plan requirements checklist). Digital versions of all submittal attachments, plats, and plans. Digital submittals must in .jpeg or .pdf format.
- Completed Variance Application including ordinance references for variance, statement of justification, and findings of fact.
- Owner Consent Form
- Any other applicable documentation
- Copy of deed(s) proving ownership of property.