



# Town of Boiling Springs

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[www.BoilingSpringsNC.net](http://www.BoilingSpringsNC.net)

## VARIANCE APPLICATION

### GENERAL INFORMATION

Generally, development regulations apply equally to all properties. But sometimes a particular property is unfairly burdened by the general rules, creating an unnecessary hardship for the owner. State law authorizes the Board of Adjustment to grant a variance from the rules in limited circumstances. Please note:

- \$260 fee required to process Variance Request
- Public Notice and neighbor notification will be required
- Variance requests will go to the Town’s Board of Adjustment for a quasi-judicial hearing
- An official Order will be issued by the Board of Adjustment to approve, approve with conditions, or deny the variance
- Four-fifths of the Board of Adjustment must vote for approval to approve a variance

### SUBJECT PROPERTY

Physical Address:

Land Area:

Parcel No:

PIN:

Zoning:

City or ETJ:

### PROPERTY OWNER

Property Owner(s):

Owner Mailing Address:

Owner Telephone:

Owner Email:

### PETITIONER

Applicant Name:

Applicant Mailing Address:

Applicant Telephone:

Applicant Email:

Applicant Relation to Property:  Owner  Developer/Contractor  Tenant/Lessee  Legal Representative of Owner

### FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether or not to grant a variance. In order to approve and application for a variance, the Board of Adjustment shall find the following:

- Unnecessary Hardship: unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to that, in the absence of a variance, no reasonable use can be made of the property.
- Hardship Results from Peculiar Conditions: 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 from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.
- Not the Result of Action by Applicant: the hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify a variance shall not be regarded as a self-created hardship.
- Consistency with Zoning Code: the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that the public safety is secured and substantial justice is achieved.



(1) There are unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three (3) rules to determine whether in a particular situation unnecessary hardships exist. State facts and arguments in support of each of the following:

- a. If the applicant complies with the provisions of the ordinance, an unnecessary hardship will result. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

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- b. The hardship of which the applicant complains results from unique circumstances specific to the applicant's land.

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- c. The hardship is not the result of the applicant's or property owner's own actions.

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(2) The variance is consistent with the spirit, purpose and intent of the ordinance

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(3) 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 hardship suffered by the applicant.)

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Petitioner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_