



# TOWN OF MARSHALL

180 South Main Street • PO Box 548 • Marshall, NC 28753 • Phone (828) 649-3031 • Fax (828) 649- 3413

**Variance Application-Please fill out completely or application will not be processed.**

(Updated 06/16/14)

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|-----------------------|---------------------|-------------------|----------------|
| <b>Date Received:</b> | <b>Received By:</b> | <b>Receipt #:</b> | <b>Case #:</b> |
|-----------------------|---------------------|-------------------|----------------|

## 1. Property Information

Date of Application \_\_\_\_\_ Name of Project \_\_\_\_\_

Location \_\_\_\_\_ Property Size (acres) \_\_\_\_\_

Current Land Use \_\_\_\_\_ Proposed Land Use \_\_\_\_\_

Tax Parcel Number(s) \_\_\_\_\_

## 2. Contact Information

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_ City, State Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

## 3. Practical Difficulty and Unnecessary Hardship

Ordinance Name: \_\_\_\_\_

Applicable Section(s) of the Ordinance: \_\_\_\_\_

Variance requested: \_\_\_\_\_

Please describe the following for the Board of Adjustment to find in the affirmative:

A. 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.

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B. 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.

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C. 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.

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D. The requested Variance is consistent with the spirit, purpose and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.

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If property is located in the flood plain the following items must also be addressed:

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding or erosion damage;
- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity to the facility of a waterfront location as defined under Appendix A as a functionally dependent facility, where applicable;
- (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) the compatibility of the proposed use with existing and anticipated development;
- (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

A written report addressing each of the above factors shall be submitted with this application.

#### **4. Site Plan**

Submit 10 copies of a site plan depicting the variance requested. A survey and copy of the deed are preferred in order to verify the accuracy of dimensional information. Include the following on the site plan: Property lines, lot dimensions, total acreage, distance of proposed buildings from property lines, locations of rights-of-way and easements, location and type of natural water features, location and dimensions of driveway, and any other information pertinent to demonstrating the hardship

NOTE:

NO CHANGE IN PERMITTED USES MAY BE UNAUTHORIZED BY A VARIANCE.

APPROPRIATE CONDITIONS MAY BE IMPOSED ON ANY VARIANCE, PROVIDED THAT THE CONDITIONS ARE REASONABLY RELATED TO THE VARIANCE.