



Application No. \_\_\_\_\_

Date \_\_\_\_\_

**TOWN OF HARRISBURG  
APPLICATION FOR A VARIANCE**

**The Variance Process:**

A variance is considered a relaxation of the terms of the Ordinance where such variance will not be contrary to the public interest. Generally, a variance should be considered when the literal enforcement of the Ordinance would result in unnecessary and undue hardship to the property owner.

In order to apply for a for a variance a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the variance, the applicant must provide proof of five specific standards spelled out in the Ordinance and in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any variance to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Unified Development Ordinance.

If there are additional questions concerning this process, please call the Planning and Zoning Department at 704-455-5614.

**Application Information**

Applicant's Name

\_\_\_\_\_

Property Owner's Name

\_\_\_\_\_

Applicant's Address

\_\_\_\_\_

Property Owner's Address

\_\_\_\_\_

\_\_\_\_\_

Applicant's Telephone Number

\_\_\_\_\_

Property Owner's Telephone Number

\_\_\_\_\_

Legal Relationship of Applicant to Property Owner

\_\_\_\_\_

Existing Use of Property

\_\_\_\_\_

Existing Zoning

\_\_\_\_\_

Property Location

\_\_\_\_\_

Tax Map and Parcel Number (PIN)

\_\_\_\_\_

**TO THE BOARD OF ADJUSTMENT**

I, \_\_\_\_\_, HEREBY PETITION THE BOARD OF ADJUSTMENT FOR A VARIANCE FROM THE LITERAL PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE. UNDER THE INTERPRETATION GIVEN TO ME BY THE ZONING ADMINISTRATOR, I AM PROHIBITED FROM USING THE AFOREMENTIONED PARCEL OF LAND. I REQUEST A VARIANCE FROM THE FOLLOWING PROVISION(S) OF THE ORDINANCE.

**The following information shall be completed by applicant(s) seeking a variance:**

1. Variance Sought Including Related Zoning Ordinance Section(s)

Section: \_\_\_\_\_

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2. Reason(s) for Seeking a Variance

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Requests for variance shall be accompanied by a list of adjoining property owners and their addresses and a sketch plan. Said plan shall show, the location and size of:

- 1- The boundaries of the lot(s) in question.
- 2- The size, shape and location of all existing buildings.
- 3- The size, shape and location of all proposed buildings, parking facilities and accessory uses.
- 4- The location and type of screening and buffering proposed.
- 5- Other information deemed by the Zoning Officer to be necessary to consider this application.

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Direction is received by both state legislation and local ordinance. Under the state enabling act, the Board is required to reach three (3) conclusions as a prerequisite to the issuance of a variance:

1. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.
2. That the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit.
3. That in the granting of the variance the public safety and welfare have been assured and substantial justice has been done.

In order to make its determination the Board will review the evidence submitted in this application as well as receive public comment during the scheduled public hearing. This application will be entered into the official record of the public hearing. It is the responsibility of the applicant to present evidence to support a variance not the Planning, Zoning and Building Inspection departments nor the Board of Adjustment. The departmental staff will review and the Board will render a decision.

## FINDING OF FACT CHECKLIST

Please provide an explanation to each point in the space provided.

1. **The alleged hardships or practical difficulties are unique and singular to the property of the person requesting the variance and are not those suffered in common with other property similarly located.**

*(The problem must be unique to the property and not a public hardship and must apply to the property, not the property owner).*

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2. **The alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provisions of the ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.**

*(This often will be the most difficult area in which to make a determination. The issue, as established by court decisions, deals with the nebulous term of "reasonableness." Generally, if the variance is sought to make a greater profit on this property at the expense of others in the area, this point cannot be met. This item is best reviewed with the concept of, "is the property barred from a reasonable use if the strict terms of the ordinance are adhered to"?)*

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3. **The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.**

*(This is a second way to address reasonableness. This is also where the issue of "where did the hardship originate from?" should be addressed. Self-inflicted hardships should be carefully reviewed for reasonableness.)*

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4. **The variance is in harmony with and serves the general intent and purpose of the ordinance.**

*(If a variance is granted, is the overall "spirit" of the zoning ordinance still intact? While difficult to explain, some types of variance are usually not in accord with the general intent and purpose of the ordinance and therefore must be cautiously reviewed. These often include extending a non-conforming use in scope, a use variance (clearly not allowed), and modifying a dimensional standard so as to the detriment of a neighborhood or area. The second part relates to the question, if granted will the spirit of the adopted plan for proper development of the neighborhood or area be compromised?)*

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5. **The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.**

*(This is the final way to address reasonableness via common sense. Simply put, does the variance make sense? Will its approval or denial endanger any one? Will the essential character of the area be altered if approved or denied?)*

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**Possible Conditions, suggested by the applicant**

If the Board of Adjustment finds that a variance may be in order but the Board still has concerns in granting the variance, reasonable conditions can be imposed to assure that any of the five points will continue to be met and not violated. In your review of the five points, are there any conditions that you believe would clarify the justification of a variance? If so, suggest these conditions in the space below.

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**I CERTIFY THAT ALL OF THE INFORMATION PRESENTED BY ME IN THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**STAFF USE ONLY:**

Application Fee Collected Yes \_\_\_\_\_ No \_\_\_\_\_

Posted Database Yes \_\_\_\_\_ No \_\_\_\_\_

Site Plan Attached Yes \_\_\_\_\_ No \_\_\_\_\_

Public Hearing Date \_\_\_\_\_ Notice of Public Hearing Published On \_\_\_\_\_

Notices to Applicant(s) and Adjoining Property Owners Mailed On \_\_\_\_\_

Signs Posted On \_\_\_\_\_

**Process Record**

Record of Decision:

Motion to: Approve \_\_\_\_\_ Deny \_\_\_\_\_

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Board of Adjustment Recommendation: Approve \_\_\_\_\_ Deny \_\_\_\_\_

Action Taken by Board of Adjustment:

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Date Notification of Action Mailed to Applicant(s): \_\_\_\_\_

Signature of Zoning Official

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\_\_\_\_\_  
Chairman-Board of Adjustment

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary-Board of Adjustment

\_\_\_\_\_  
Date