



# TOWN OF YADKINVILLE

## Planning & Zoning Department

 Permit #: VARIANCE - \_\_\_\_\_  
 Date Recd: \_\_\_\_\_ Fee Pd \$ \_\_\_\_\_ Method \_\_\_\_\_  
 Rcpt No. \_\_\_\_\_ Staff Initials: \_\_\_\_\_

**APPLICATION FOR VARIANCE**

Property Owner/Application Information:	
Property Owner	Applicant
Name: _____	
Mailing Address: _____	
Phone Number: _____	
E-mail Address: _____	

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 Yadkinville 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 Yadkinville ordinances, the Board is required to reach four (4) findings of fact before it may issue a variance. 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 in on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.***

1. *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.*

**Required Findings of Fact (cont.):**

2. *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.*

3. *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.*

4. *The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.*

**Applicant Affidavit:**

I/We the applicants/owners do hereby make application to the Board of Adjustment of the Town of Yadkinville to approve the subject Variance request. I do 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 Yadkinville, 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 the 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 Applicant

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

**\*\*OFFICE USE ONLY \*\***

*I, as Planning & Zoning Administrator, believe this application to be complete based on the certification of the owner and/or applicant, and with signature, accept the application and any corresponding documentation.*

Staff Comments:

\_\_\_\_\_  
Signature of Planning & Zoning Administrator

\_\_\_\_\_  
Date