

# City of Boiling Spring Lakes

9 East Boiling Spring Road  
Boiling Spring Lakes, NC 28461  
Telephone (910) 363-0025  
Fax (910) 363-0029  
[www.cityofbsl.org](http://www.cityofbsl.org)



## **VARIANCE** Application **GUIDELINES FOR APPLICANT**

- I. The Board of Adjustment shall consider appeals from individuals after the Building Inspector and/or Zoning Enforcement Officer has imposed a decision, order and/or requirement in the application of the City's Zoning Ordinance; and the interested party or parties have received notice of the Building Inspector's and/or Zoning Enforcement Officer's determination and desire to appeal subject determination.
- II. No appeals shall be heard by the Board unless an application of appeal is filed with the City Clerk (copy to Building Inspector/Zoning Enforcement Officer) within thirty (30) days after the interested party or parties received notice of the Building Inspector's and/or Zoning Enforcement Officer's determination.
  - a. All appeals shall be made on the application form furnished by the City for that purpose and shall include, as attachments, the following:
    - i. Copy of Application for Building and/or Zoning Permit
    - ii. Copy of Building Inspector's and/or Zoning Enforcement Officer's reason for denial
    - iii. Copy of legal survey
- III. Application, together with all attachments, must be submitted at one time. The application must be signed, dated and appropriately filed before an appeal will be considered.
- IV. The City Clerk will record the time and date of the completed filing. Copies of all correspondence relating to the appeal, including any with the City Attorney, shall be attached.

### **Application Tracking Information (Staff Only)**

<b>Case Number:</b>	<b>Date Received/Paid:</b>	<b>Received by:</b>	<b>BOA Reviewed by:</b>	<b>Hearing Date:</b>

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## **VARIANCE** Application

<b>Applicant/Agent Information</b>	<b>Property Owner(s) If different than Applicant/Agent</b>
Name	Owner Name
Company	Owner Name 2
Address	Address
City, State, Zip	City, State, Zip
Phone	Phone
Email	Email
<b>Subject Property Information</b>	
Address/Location:	
Parcel Identification Number(s):	
Total Parcel(s) Acreage:	
Existing Zoning and Use(s)	

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## PROPOSED VARIANCE NARRATIVE

I, \_\_\_\_\_, property owner, whose mailing address is \_\_\_\_\_ and telephone number is \_\_\_\_\_, hereby petition the Board of Adjustment for a variance from the literal provisions of the Zoning Ordinance because, under the interpretation given to me by the Building Inspector and/or Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached legal survey. I request a variance from the following provision(s) of the Ordinance:

**Subject Zoning Regulation, Chapter & Section:**


**For Property Located at:**

Lot:

Section:

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## FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(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; (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.

In the spaces provided below, indicate the facts that you intend to make to convince the Board that it can properly reach these four (4) required conclusions. \*Additional sheets may be used, if necessary:

1. Unnecessary hardship would result from the strict application of the ordinance.

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2. The hardships of which the applicant complains result from unique circumstances related to the applicant's land. (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.):


3. The hardship is not the result of the applicant's own actions:


4. 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:


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I, \_\_\_\_\_, certify that all of the information presented by me in this application is accurate and to the best of my knowledge, information and belief.

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Petitioner Printed Name

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Petitioner Printed Name

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## **Variance Application Checklist \$500.00 Fee**

Case Number: \_\_\_\_\_

- Attachment 1: Copy of Application for Building/Zoning Permit
- Attachment 2: Copy of Building Inspector's and/or Zoning Enforcement Officer's reason for denial
- Attachment 3: Copy of legal survey
- Attachment 4: Copy of correspondence with the city, helpful in making a determination
- Attachment 5: If applicant is being represented by an agent at this hearing, legal proof of such designation shall be provided