

**APPLICATION TO APPEAR BEFORE
THE BOARD OF ADJUSTMENT
IN THE COUNTY OF BURKE
CITY OF MORGANTON**

Take notice that the undersigned petitioner hereby requests to appear before the Morganton Board of Adjustment at their next regularly scheduled meeting to request a:

- A. VARIANCE (\$300.00)
- B. SPECIAL EXCEPTION PERMIT (No Fee)
- C. APPEAL OF INTERPRETATION (No Fee)
- D. VESTED RIGHT (\$60.00)

of section(s) _____ of the Morganton Zoning Ordinance to permit the following:

on the premises located at _____

Burke County Tax Parcel Number _____

Zoning District Classification _____

Burke County Deed Book _____ Page _____

Purchase date of the property _____ or lease date _____

Owner's Name _____
Address _____
Phone # _____

Applicant's Name _____
Address _____
Phone # _____

Applicant's Signature Date

Meeting Date: _____
Time: _____
Place: _____

***** NOTE: PLEASE COMPLETE THE ATTACHED QUESTIONNAIRE**

APPLICATION DEADLINE: _____

Applicant's Statement of Findings of Fact.

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state-enabling act, the Board is required to reach all three of the following conclusions before it may issue a variance:

- (a) Your request must prove that unique "**practical difficulties**" or "**unnecessary hardships**" exist in your situation that prevents you from meeting the ordinance requirements. Please note that these difficulties and hardships must be **unique** to you and your property and not simply your will or desire.
*You must prove that you have exhausted all other means of complying with the ordinance and that the hardship is more than simply an inconvenience.
- (b) Your request cannot disrupt the surrounding area or create a situation that is not in **harmony** with the general purpose and **intent** of the ordinance. Variances can not be granted to allow a land use or situation specifically prohibited within that particular area. Only an ordinance change can accommodate these types of request.
- (c) Your request cannot create **public safety** problems or injure the **public welfare**. Substantial justice must be proven.

The spaces provided below will help you establish the facts necessary to obtain a variance. These items must convince the Board it can properly reach the three conclusions discussed above.

Practical Difficulties/Unnecessary Hardships

Please list all other alternatives you have explored before seeking this variance:

What is unreasonable about the City's Zoning Rules regarding your particular request?
(check all that apply)

- | | Yes | No | N/A | |
|----|--------------------------|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | My request is unique compared to others. (you will be asked to explain.) |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | It would be an extreme financial hardship for me to comply with the regulations. (Documentation is required such as written quotes or sworn expert testimony showing the extreme amount of additional costs to you in complying with the rules.) |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | This rule makes my lot unusable if a variance is not granted. |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Signage can be seen from the public right-of-way. (Sign Ordinance requests only) |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | My problem relates to the shape, size, width or topography of my lot. |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other. Explain: _____
_____ |

Harmony and Intent

My request will not disrupt the surrounding area because:

- | | Yes | No | N/A | |
|----|--------------------------|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | There are similar situations in the adjoining area. |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | My request will improve the surrounding area. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | My adjoining property owners have been contacted and have no problem with my request. |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | My request can be seen from adjoining properties. |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Property values in the area will be negatively affected by my request. |

The intent of the ordinance in my particular situation is:
(ask City Zoning Official to state the ordinance's intent so that you may explain how your request will be consistent with that intent)

My request will be consistent with the overall intent of the ordinance because _____

Public Safety and Welfare

My request will not create a public safety or welfare problem because:

- | | Yes | No | N/A | |
|----|--------------------------|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will danger, fear, or anxiety be created in the neighborhood? |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will traffic be increased or driving hazards created? |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will noise be generated? |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will noxious fumes be created? |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will public improvements such as water, sewer, or streets be impacted? |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will future problems be created in regard to providing public services such as emergency services, trash collection, utility extension, etc? |

It is imperative that you at least answer these three questions before returning your application:

1) What is your hardship and why is your situation any different from that of anyone else?

2) How does what you are asking for still meet the intent of the ordinance?

3) Does what you are asking for secure the public safety and public welfare?

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

Applicant: _____

Date: _____

The foregoing information will be made available to the Board of Adjustment Members for review. You may submit additional information to aid the Board in determining a decision in your case.