

CASE # _____

PERMIT FEE \$ _____

TOWN OF CAPE CARTERET
CARTERET COUNTY, STATE OF NORTH CAROLINA
BOARD OF ADJUSTMENT
GENERAL APPLICATION

1. Relief requested:
 a. Appeal from a determination of the Building/Zoning Inspector
 b. A variance from the Zoning Ordinance
 c. Other (Specify) _____

2. Is this a request for a rehearing of a case previously heard by the board? _____
If yes, please attach to this application a statement reflecting the substantial change in facts, evidence, or conditions that will permit the board to rehear the case.

3. Applicant _____
Address _____
Telephone # _____

4. Owner's Name (if different) _____
Address _____
Telephone # _____

5. Legal relationship of applicant to property owner _____
(If a property owner is to be represented by an agent at a Board hearing, the agent must be designated in writing and notarized. Such designation must be available to the Board.)

6. Property location _____
(Street address)

Parcel # _____

Tax Map _____ Block _____ Lot _____

Lot size _____ Square feet _____ Cost of project \$ _____

Total square footage of land to be disturbed in sq. ft. _____

Circle the District: R10 R20 R30 B10 B20 B30 R10M

7. Number of buildings proposed _____ Gross floor area of buildings _____
8. Please complete appropriate application and attach plot plan or an approximate scale sketch illustration what is desired. (Include map or survey of property if necessary)
9. I certify that I have received a copy of and read the Town Zoning Ordinance entitled "Zoning Board of Adjustment", Chapter 156.097-156.101

_____ Date _____

*******For official use only*******

1. Date application received in clerks' office _____
2. Date of hearing _____
3. Notice to appear in paper on _____ and _____
4. Cost of: Notice \$ _____ Attorney \$ _____ Zoning Official \$ _____
5. Copy of application given to BOA members on _____
6. I certify that notice of the public hearing for this case was mailed by first class mail on _____ to the neighbors listed in section eight (8) of the Variance form.

_____ Date: _____

Signature

7. Copy of **Order** mailed, certified on _____
8. Minutes completed on _____
9. Copy of legal notice, cut from paper and placed in file on _____

**APPLICATION FOR A VARIANCE FROM
THE ZONING ORDINANCE OF
THE TOWN OF CAPE CARTERET, NORTH
CAROLINA**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. The Board of Adjustment with a four-fifths vote may grant a variance for a specific provision of the Zoning Ordinance. Under the State enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (1) that there are 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 purpose and intent of the ordinance and preserves its spirit; and (3) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

SECTION 156.097 (B) The existence of nonconforming uses in the same or other districts shall not constitute a reason for granting the requested variance. The variance may be granted in individual cases of unnecessary hardship upon a finding by the board that the following conditions exists, or if the variance is in accordance with provisions specifically authorized by this chapter.

Each condition must be met. Below, indicate the **facts** that you intend to present and the **arguments** that you intend to make to convince the Board that it can properly reach required conclusions.

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district?

2. Explain how granting the variance requested will not confer upon you any special privileges that are denied to other residents of the district in which the property is located.

3. Explain how the literal interpretation of the provisions of this chapter would deprive you of rights commonly enjoyed by other residents of the district in which the property is located.

4. Explain how the request will be in harmony with the purpose and intent of this chapter and how it will not be injurious to the neighborhood or to the general welfare.

5. Explain how the special circumstances are not the result of the applicant's own actions?

6. What is the minimum variance that will make possible the legal use of land, building or structure?

7. What is the use of land, building or structure requested that is allowed in the district?

In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use, as it may deem advisable in furtherance of the purposes of this chapter.

8. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Carteret County Tax Supervisor.

1.

2.

3.

4.

5.

6.

7.

8.

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

Signature of applicant _____

Date _____

STATE OF NORTH CAROLINA, COUNTY OF _____

On this the _____ day of _____, 20_____

_____ personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public _____

My Commission expires on _____

SEAL