



## APPLICATION FOR VARIANCE

Parcel Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Date: \_\_\_\_\_

### **To The Town of Murphy Board of Adjustment:**

I, \_\_\_\_\_, hereby petition the Board of Adjustment for variance(s) from the literal provisions of the Town of Murphy Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described in this form (Application for Variance) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance: [cite specific section number(s) and describe the specific request for variance(s)].

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When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, 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.

(1) If the applicant complies with the provisions of the ordinance, the applicant can secure no reasonable return from, or make no reasonable use of, his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.) \_\_\_\_\_

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(2) The hardship of which the applicant complains results 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.) \_\_\_\_\_

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(3) The hardship is not the result of the applicant's or previous owners own actions. \_\_\_\_\_

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B. The variance(s) is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State the *facts* and *arguments* to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.) \_\_\_\_\_

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C. The granting of the variance(s) secures the public safety and welfare and does substantial justice. (State the *facts* and *arguments* to show that, on balance, if the variance(s) is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.) \_\_\_\_\_

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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 of Applicant

\_\_\_\_\_  
Applicants Address