



CITY OF SALUDA

NORTH CAROLINA

Application for a Zoning Variance

MAYOR

Fred Baisden

CITY MANAGER

Steven Orr

COMMISSIONERS

Mark Oxtoby

Paul C. Marion

Stan Walker

Melanie Talbot

TO THE BOARD OF ADJUSTMENT:

I, _____, 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 Zoning Administrator, I am prohibited from using the parcel of land located at _____

_____ (Parcel # _____) in a manner shown by a Site Plan attached to this form. I request a variance from the following provisions of the ordinance (cite section): _____

So that the above-mentioned property can be used in a manner indicated by the Site Plan attached to this form, or if the Plot Plan does not adequately reveal the nature of the variance, as more fully described herein:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance.

160A-388. Board of Adjustment.

d. Variances: 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 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.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these required conclusions. (Applicant may add additional sheets.)

Signature _____ Date _____

Printed Name _____ Phone _____

Address _____ Email _____

<i>Official Use Only</i> 7 Copies of Site Plan Provided _____ Fee \$ _____ Paid ___ Y ___ N City of Saluda Zoning Zapproval _____ Date _____

Variance Permit Process

- Submit completed application and remit Variance Permit fee to the City of Saluda.
- City of Saluda to schedule Board of Adjustment Meeting upon receipt of completed application in addition to mailing and posting notices for the public hearing.
- Public Quasi-Judicial Hearing by the Board of Adjustment.
- Board of Adjustment Decision. If applicant receives an adverse decision; they may appeal to the Superior Court of Polk County for redress.
- If variance is approved or conditionally approved by the Board of Adjustment, it is filed with the Register of Deeds for Polk County and the variance will run with the property.