

Village of Forest Hills

Application for a Zoning Variance

The issuance of a zoning variance by North Carolina Law is difficult to obtain. However, the *Village of Forest Hills* is authorized, upon appeal in specific cases to grant such variance from the terms of the *Village of Forest Hills Ordinance*. In granting the variance the Councilmembers must determine that by doing so the actions are not contrary to the public interests where, owing to special conditions, a literal enforcement of this ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of the zoning ordinance is observed, public safety and welfare secured, and substantial justice done.

The application must be completed and the nonrefundable variance filing fee of \$100.00 be paid to the *Village of Forest Hills* before the *Ordinance Administrator* will schedule a public hearing before the *Village of Forest Hills Zoning Board of Adjustments* . **The applicant must obtain a copy of the Village of Forest Hills Ordinance and become familiar with it before finalizing the plans for a variance. It is the applicant’s responsibility to be fully aware of the zoning regulations.**

The following information must be provided:

- (1) Name of Applicant: _____
- (2) Name of Property Owner: _____
- (3) Daytime Telephone Number: _____
- (4) Applicant Mailing Address: _____
- (5) Property Location: _____
- (6) Property Tax Identification Number: _____
- (7) Name of Applicants Legal Counsel: _____
- (8) Variance Requested (Attach additional pages if necessary; provide zoning ordinance reference): _____

(9) Detailed Site Plan Must Be Attached: _____yes _____no

(10) **The Village of Forest Hills Zoning Ordinance - Section 603. Variances.**

Variances.

Before the *Village of Forest Hills Zoning Board of Adjustments* may grant a variance, it shall make the following findings which shall be recorded in the permanent record of the case and shall include the factual reasons on which they are based:

1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that all five of the following conditions exist: In order to determine that there are practical difficulties or unnecessary hardships, the Council must find that all five of the following conditions exist. As the applicant, you must provide the background and justification that will enable the Council to make these findings. Please provide this information in the space provided:
 - a. If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from nor make reasonable use of the property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of the property.

- b. The hardship results from the application of the ordinance to the property rather than from other factors such as deed restrictions or other hardship.

- c. The hardship is due to the physical nature of the applicant's property, such as its size, shape or topography, which is different from that of neighboring property.

- d. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the ordinance, or who purchases the property after the effective date of the ordinance and then comes to the Board for relief.

- e. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others and would not promote equal justice.

- 2. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. That is, the applicant is not seeking to establish, to expand, or to extend in area a non-conforming use. Moreover, the existence of a non-conforming use in the same or in another zoning district shall not constitute a reason for granting the requested variance.

