

TOWN OF OCEAN ISLE BEACH



oceanisle
B E A C H

**VARIANCE
APPLICATION PACKET**

VARIANCE PROCESS

COMPLETE APPLICATION: The applicant must submit the following items by 4:00 P.M. on the submittal date listed on the Variance Application Schedule (attached).

1. Two copies (one with original, notarized signatures) of the Application for Variance.
2. A plot plan or site plan.
3. The Variance Application Fee (\$250.00).

REVIEW FOR SUFFICIENCY: Planning staff checks application for sufficiency. Incomplete applications will be returned to the applicant (typically within the week the application is submitted). Sufficiently complete applications are forwarded to the Planning Director, or his designee.

PUBLIC HEARING NOTIFICATION: Notice of hearing shall be mailed to the person or entity whose application is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. Two notices will be published in the newspaper once a week for two successive weeks no less than 10 days but no more than 25 days prior to the public hearing.

PUBLIC HEARING/BOARD OF ADJUSTMENTS: The Board of Adjustments will consider the application, relevant support materials, Staff Report and public testimony given at the public hearing. After the public hearing the Board of Adjustments will vote to approve, approve with conditions or disapprove the variance. The Board of Adjustments meets at 9:00 A.M. in the Betty S. Williamson Meeting Hall on the date indicated on the Variance Application Schedule (typically the fourth Tuesday of each month).

VARIANCE APPLICATION

TOWN OF OCEAN ISLE BEACH

STATE OF NORTH CAROLINA

DATE: _____

CASE NO. _____

Completed Application and fee must be submitted by 4:00 p.m. on the submittal date listed on the attached Variance Application Schedule

Applicant: _____ Address: _____ _____ City State Zip Telephone: _____ Fax: _____ E-mail: _____	Owner: _____ Address: _____ _____ City State Zip Telephone: _____ Fax: _____ E-mail: _____
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Legal relationship of applicant to property owner:

Property location:

Street address or intersection

Parcel Identification # _____

Lot size: _____

Square feet: _____

Zoning classification: _____

VARIANCE APPLICATION

Attach a plot plan or site plan to illustrate this request.

If the title to the above mentioned property is not in the name of the petitioner, attach a notarized letter from the owner signifying his approval.

Application must be accompanied by a map drawn to scale not exceeding 11" x 17", showing the exact location of property with respect to existing streets, number and size lots, type building on such lots, and other important features within and contiguous to the property.

VARIANCE APPLICATION

TO THE OCEAN ISLE BEACH BOARD OF ADJUSTMENT:

I, _____, hereby petition the Ocean Isle Beach Board of Adjustment for a VARIANCE from the literal provisions of the Ocean Isle Beach Zoning Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in this application in a manner shown by the plot/site plan attached to this form. I request a variance from the following provisions of the Town's Ordinance (cite the paragraph numbers):

so that the above-mentioned property can be used in a manner indicated by the plot/site plan attached to this form or if the plot/site plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested).

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Ocean Isle Beach 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 four conclusions as a prerequisite to the issuance of a variance:

- 1. ***That unnecessary hardships would result from 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. ***That the hardship results from conditions that are peculiar to the property, such as location, size or topography.***
- 3. ***That the hardship did not result from actions taken by the applicant or the property owner.***
- 4. ***That the requested variance is consistent with the spirit, purpose, and intent of ordinance, such that public safety is secured, and substantial justice is achieved.***

VARIANCE APPLICATION

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 four required conclusions.

- (1) There are unnecessary hardships that 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.

Staff Comment:

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Note: 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.)

Staff Comment:

- (3) The hardship did not result from actions taken by the applicant or the property owner.

VARIANCE APPLICATION

Staff Comment:

(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.
(State 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.)

Staff Comment:

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 Petitioner or Designated Representative

Date

VARIANCE APPLICATION SCHEDULE

Submittal Date	Review for completeness	Staff reviews application and comments if needed	Board of Adjustment Meeting
January 25, 2016	Jan. 25 – 27, 2016	Jan. 25 – 27, 2016	February 23, 2016
February 22, 2016	Feb. 22 – 24, 2016	Feb. 22 – 24, 2016	March 22, 2016
March 28, 2016	March 28 – 30, 2016	March 28 – 30, 2016	April 26, 2016
April 25, 2016	April 25 – 27, 2016	April 25 – 27, 2016	May 24, 2016
May 23, 2016	May 23 – 25, 2016	May 23 – 25, 2016	June 28, 2016
June 27, 2016	June 27 – 29, 2016	June 27 – 29, 2016	July 26, 2016
July 25, 2016	July 25 – 27, 2016	July 25 – 27, 2016	August 23, 2016
August 22, 2016	Aug. 22 – 24, 2016	Aug. 22 – 24, 2016	September 27, 2016
September 26, 2016	Sept. 26 – 28, 2016	Sept. 26 – 28, 2016	October 25, 2016
October 24, 2016	Oct. 24 – 26, 2016	Oct. 24 – 26, 2016	November 22, 2016
November 28, 2016	Nov. 28 – 30, 2016	Nov. 28 – 30, 2016	December 19, 2016**
December 26, 2016	Dec. 26 – 28, 2016	Dec. 26 – 28, 2016	January 24, 2017

****Date Changed Due to Town Holiday**