



**TOWN OF FUQUAY-VARINA**  
401 Old Honeycutt Road  
Fuquay-Varina, North Carolina 27526  
(919) 552-1429

<b>TOWN OFFICE USE ONLY:</b>	
Tracking No. -	_____
Receipt No -	_____
Rec. Date -	_____

## PETITION FOR VARIANCE

### Board of Adjustment

- Complete this form and return to the Planning Department. Please refer to the Board of Adjustment Submittal Schedule for deadline dates.
- **A fee of \$400.00 must accompany completed application.** Incomplete forms or inaccurate information will delay processing of the request.

1. Name of Petitioner: \_\_\_\_\_

2. Address of Petitioner: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

3. Phone Number of Petitioner: (day) \_\_\_\_\_ (fax) \_\_\_\_\_

4. County Tax Map and Parcel Number (PIN): \_\_\_\_\_

5. Location of Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Name of Property Owner: \_\_\_\_\_

7. Address of Property Owner: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Phone Number of Property Owner (day) \_\_\_\_\_ (night) \_\_\_\_\_

9. On a separate sheet provide a legal description of the property.

10. Present Zoning Classification of the Property: \_\_\_\_\_

11. Description of Request being made: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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12. Fifteen (15) copies of a scale drawing (1" = 100' or larger) of the site must be included. The scale drawing shall also be on a sheet no larger than 11" x 17". The Drawing must contain the following:

- a. All property lines with dimensions, north arrow and scale.
- b. Adjoining streets with right of way.
- c. All structures parking, landscaping, access (existing and proposed)
- d. The present use of the land and adjacent uses.
- e. Zoning classification of all abutting property and across the streets.
- f. County tax map and parcel number.

13. The burden of proof to grant a variance is the responsibility of the applicant and must be based on a finding of facts that indicates a **hardship** to the land that is caused by the ordinance. If there is any question or doubt of a hardship, the Board may ask the applicant for justification. It would be in the best interest of the applicant to review the following conditions that create a hardship.

- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. [It is not sufficient to grant a variance based on economic hardship, unique personal or family hardship or hardships suffered by the applicant in common with neighbors. Justification must relate to the property in question.]
- b. That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance. [The Board is required to limit itself to the evidence of hardship resulting from the application of the ordinance to the property. Facts and arguments need to show that the variance represents the least possible deviation from the letter of the ordinance.]
- c. That the special conditions and circumstances to be considered do not result from the actions of the applicant. [Previous knowledge or violations of the ordinance prior to an application to the Board are not conditions which the Board would consider justification to grant a variance.]
- d. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district. [State facts and arguments that the variance will be in harmony with the general purpose and intent of the ordinance and that the public safety and welfare is secured and does substantial justice by showing if the variance is granted the benefits to the applicant will not outweigh the benefit to the public.]



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- 14. On the sheet(s) provided the applicant shall furnish a list of all adjoining property owners including Tax Map, Parcel Numbers and Mailing Addresses.
  - 15. The Board may add reasonable and appropriate conditions to a request.
  - 16. Unless otherwise specified, any order or decision of the Board of Adjustment granting a variance shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within twelve (12) months from the date of the decision.
  - 17. Any appeal of a decision by the Board of Adjustment shall be to Wake Superior Court within thirty (30) days of action by the Board of Adjustment.
- Applicants are encouraged to schedule a conference with the Planning Department Staff, to discuss the applicant’s responsibility for providing evidence, prior to a public hearing being held.**

**I certify that all information presented by me in this application is accurate to the best of my knowledge, information and belief. Property owner must sign this application or give power of attorney to applicant to sign on their behalf.**

_____	_____
Property Owner Signature	Date
_____	_____
Property Owner Signature	Date
_____	_____
Property Owner Signature	Date
_____	_____
Property Owner Signature	Date

- Current Planner: (919) 552-1421
- Board of Adjustment Clerk: (919) 552-1429
- To accommodate disabilities and to comply with ADA regulations, please contact the Town office if you need assistance.



## FINDING OF FACTS

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