



# GATES COUNTY PLANNING AND ZONING

## Board of Adjustment Variance Application

Date Submitted: \_\_\_\_\_ Fee/Receipt # **\$750.00/** \_\_\_\_\_ Case Number \_\_\_\_\_

### PROPERTY INFORMATION

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Tax Parcel # \_\_\_\_\_ Zoning: \_\_\_\_\_

Plat Book & Page \_\_\_\_\_ Deed Book & Page \_\_\_\_\_ Township \_\_\_\_\_

### OWNER INFORMATION

Name \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Email \_\_\_\_\_

Owner Signature \_\_\_\_\_

*I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.*

### APPLICANT INFORMATION – *If not property owner, a notarized statement of permission is required from the property owner.*

Name \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Email \_\_\_\_\_

Applicant Signature \_\_\_\_\_

*I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.*

TO THE GATES COUNTY BOARD OF ADJUSTMENT:

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a variance from the following provisions of the ordinance (cite section numbers):

\_\_\_\_\_

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

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# GATES COUNTY PLANNING AND DEVELOPMENT

## Board of Adjustment Variance Application

### FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The 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 before it may issue a variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) that 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.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four conclusions.

- 1) Unnecessary hardship would result from the strict application of the ordinance.

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- 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.)

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- 3) The hardship did not result from actions taken by the applicant or the property owner. (The act of purchasing property knowing that circumstances exist that may justify the granting of a variance is not regarded as a self-created hardship.)

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- 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.

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# GATES COUNTY PLANNING AND DEVELOPMENT

## Board of Adjustment Variance Application

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### **BOARD OF ADJUSTMENT CHECKLIST**

The following is a list of materials and information which you must submit in order to have your case presented at the Board of Adjustment meeting. Failure to comply with all of the following may result in the case being delayed. Refer to the Meeting Schedule below for submittal deadlines and meeting dates.

1. Completed application.
2. Required fee paid.
3. Site/Plot Plan drawn to scale showing the property as it exists and with any proposed additions, structures, buildings, driveways, well, septic system, and abutting streets.
4. Written statement outlining the request and any information you wish to present to the Board for their consideration, optional.
5. Provide a minimum of 4, maximum of 6 photographs showing the area affected by your appeal. Graphics or architectural sketches may be used to fill this requirement. Additional information may be provided at the hearing.