



Kill Devil Hills

North Carolina

VARIANCE APPLICATION

Planning and Inspections Department

(252) 449 – 5318

102 Town Hall Drive

Kill Devil Hills, NC 27948

FEE: \$500.00

The purpose of this application is to *request* a variance, or an exception to the Town Zoning Code, and it aims to help citizens seek relief from unnecessary hardship resulting from the strict enforcement of such code. However, ***a variance is not a right***. It may be granted to an application only if the applicant establishes compliance with the hardship criteria established in NCGS §160D-705.

Required attachments/submittals for an application for a variance:

- 1.) A completed application
- 2.) Typed metes and bounds description of the property (or portion of property). *A recorded deed is sufficient, if the deed describes only the subject property.*
- 3.) A print out of the Dare County Tax Records showing the names and addresses of all immediately adjacent property owners, including any that are directly across the street/road/highway
- 4.) Application Fee, ***which is nonrefundable***

*****Important: If any of the above requirements are not present at the time of submittal of the Application for a Variance, the application will be deemed incomplete and will not be accepted.*****

*Please note, calls, conversations or other communications with any member of the Board of Adjustment prior to the meeting cannot be considered in the final decision and may result in the Board Members' recusal due to a conflict of interest. If adjacent property owners are to testify on behalf of the applicant, they must be present at the hearing. Petitions and written consent may be accepted by the Board of Adjustment, but they cannot be used as a basis for the decision.

Certification:

I (we) hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Town of Kill Devil Hills Planning and Inspections Department.

Applicant Name (Please Print): _____

Applicant Signature: _____ Date: _____

For Staff Use Only:

Fee Received by: _____ Date: _____



Town of Kill Devil Hills
North Carolina

Application for a Variance

(Please Type or Print)

Applicant

Name:

Address:

Telephone Number:

Email:

Property Address:

Parcel Number: _____

Area of Property (acres or square feet):

Owner

Name:

Address:

Telephone Number:

Email:

PIN Number: _____

Lot Width: _____

Lot Depth: _____



Town of Kill Devil Hills
North Carolina

Application for a Variance

Current Zoning Classification: _____

Existing Land Use: _____

Surrounding Land Use:

North: _____ South: _____

East: _____ West: _____

Description of Variance Request:

I (we) _____, hereby petition the Kill Devil Hills Board of Adjustment for a variance from the literal provisions of the Kill Devil Hills Zoning Ordinance because under the interpretation given to me by the Zoning Administrator, I (we) am/are prohibited from using the parcel of land described in this application in the manner that I have proposed. I (we) request a variance from the following provisions of the ordinance:

To the end that the above-mentioned property can be used in the manner described herein:



Town of Kill Devil Hills
North Carolina

Application for a Variance

Facts 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 of Adjustment is required to reach the determination that:

1. there are unnecessary hardship(s) to the applicant if the strict letter of the ordinance is carried out;
2. the hardship results from conditions that are peculiar to the property, such as location, size, or topography;
3. the hardship did not result from actions taken by the applicant or the property owner.

In the in the pages that follow, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board of Adjustment that it can properly reach these conclusions:

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.



Town of Kill Devil Hills
North Carolina

Application for a Variance

1. That there are any unnecessary hardships in the manner of carrying out the strict letter of the ordinance:

Applicant comment, as Statement(s) of Fact:

Staff Comment, as Statement(s) of Fact:



Town of Kill Devil Hills
North Carolina

Application for a Variance

2. That the hardship results from conditions that are peculiar to the property, such as location, size, or topography:

Applicant comment, as Statement(s) of Fact:

Staff Comment, as Statement(s) of Fact:



Town of Kill Devil Hills
North Carolina

Application for a Variance

3. That the hardship did not result from actions taken by the applicant or the property owner:

Applicant comment, as Statement(s) of Fact:

Staff Comment, as Statement(s) of Fact:



Town of Kill Devil Hills
North Carolina

Application for a Variance

- 4. That the variance request is consistent with the spirit, purpose, and intent of the ordinance, such that public safety and welfare is secured and substantial justice has been achieved:

Applicant comment, as Statement(s) of Fact:

Staff Comment, as Statement(s) of Fact:
