



**TOWN OF NASHVILLE  
PLANNING DEPARTMENT**

499 S. Barnes Street  
Nashville, NC 27856  
252.459.4511 Phone / 252.459.8926 Fax  
[www.townofnashville.com](http://www.townofnashville.com)



**VARIANCE APPLICATION**

**FOR ADMINISTRATIVE USE ONLY**

Case #	Date Submitted	Fee Paid	Board of Adjustment Date	Public Notice Dates

**PROPERTY INFORMATION**

Property Address: \_\_\_\_\_ Acreage of Property: \_\_\_\_\_

ParID: \_\_\_\_\_ PIN: \_\_\_\_\_

Existing Land Use: \_\_\_\_\_

Existing Zoning Description: \_\_\_\_\_

Required Zoning Setbacks: Front \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_

Actual Zoning Setbacks: Front \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_

Proposed Setbacks for Variance Request: Front \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_

List the Zoning Ordinance provision(s) from which the variance is sought: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPLICANT / OWNER INFORMATION**

Applicant:	Property Owner:
Mailing Address:	Mailing Address:
City:	City:
Phone:	Phone:
Email:	Email:

**REQUIRED ATTACHMENTS**

- \_\_\_\_\_ Metes and bounds description attached
- \_\_\_\_\_ Scaled site plan/sketch of property/area attached



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**STATEMENT OF JUSTIFICATION**

Application is hereby made for the following variance. Briefly describe your variance request below.

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To authorize upon appeal in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary hardship. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this article.

Briefly explain how your variance request meets each requirement in the space provided and refer to your site plan where it is useful.

***A variance from the terms of this article shall not be granted by the board of adjustment unless and until it shall make the following findings:***

- A.** That unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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- B.** That 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

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**VARIANCE APPLICATION**

- C. That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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- D. That the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

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**APPLICATION AFFIDAVIT**

*I certify that all information furnished in this application is accurate to the best of my knowledge.*

APPLICANT (Print Name): \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date \_\_\_\_\_

PROPERTY OWNER (Print Name): \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_ Date \_\_\_\_\_



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## VARIANCE APPLICATION

### ○ **STEP 1: APPLICATION & FEE**

- Application is available online and at Town Hall.
- The application fee is \$200.

### ○ **STEP 2: NOTIFICATIONS TO PROPERTY OWNERS**

- Notices are mailed to property owners within 500' feet, two weeks prior to the Board of Adjustment Meeting.
- The notice will provide the date and location for the Board of Adjustment's Meeting for the variance request.
- Legal ads are published in the local newspaper twice, two weeks prior to the Board of Adjustment's Meeting.

### ○ **STEP 3: BOARD OF ADJUSTMENT QUASI-JUDICIAL EVIDENTIARY PUBLIC HEARING**

- The Board of Adjustment hold quasi-judicial public hearings on the last Tuesday prior to the first Town Council meeting of every month (pending submitted applications) in the Town Council Meeting Room located at 114 W. Church Street.
- The Board of Adjustment will act as a quasi-judicial board.
- The purpose of the quasi-judicial hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the applicable ordinance.
- The purpose is not to gather public opinion about the desirability of the project.
- The Board of Adjustment should not discuss or receive information about the merits of the case from the parties, or members of the public, before the hearing.
- All testimony before the Board of Adjustment must be "sworn" testimony.
- All persons wishing to speak on this matter must be sworn in.
- Applicants may elect to be represented by legal counsel.

### ○ **STEP 4: BOARD OF ADJUSTMENT FINAL DECISION**

- Immediately after the Board of Adjustment public hearing is closed, staff will present their recommendation to the Board of Adjustment.
- The Board of Adjustment will render a decision for the variance request based on the following factors relevant to the issuance of a variance:
  - A. That unnecessary hardship would result from the the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*
  - B. That 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.*
  - C. That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*
  - D. That the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.*