



**Town of Franklin**  
 Post Office Box 1479  
 Franklin, North Carolina 28744  
 (828) 524-2516

**APPLICATION FOR VARIANCE**

**Parcel Number:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**To The Town of Franklin Board of Adjustment:**

I, \_\_\_\_\_, hereby petition the Board of Adjustment for variance(s) from the literal provisions of the Town of Franklin Unified Development Ordinance because, under the interpretation given to me by the Land Use Administrator, I am prohibited from using the parcel of land described in this form (Application for Variance) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance: [cite specific section number(s) and describe the specific request for variance(s)].

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so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

**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 of Adjustment is required to reach three conclusions before it may issue a variance: (a) that strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance the public safety and welfare have been secured and substantial justice has been done. (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 three required conclusions.)

A. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation “practical difficulties or unnecessary hardships” exist. (State the facts and arguments in support of each of the following.)

(1) If the applicant complies with the provisions of the ordinance, the applicant can secure no reasonable return from, or make no reasonable use of, his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.) \_\_\_\_\_

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(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the land.) \_\_\_\_\_

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(3) The hardship is not the result of the applicant's or previous owners own actions. \_\_\_\_\_

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B. The variance(s) is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State the *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.) \_\_\_\_\_

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C. The granting of the variance(s) secures the public safety and welfare and does substantial justice. (State the *facts* and *arguments* to show that, on balance, if the variance(s) is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.) \_\_\_\_\_

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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 Applicant

\_\_\_\_\_  
Applicants Address