

**Town of Biltmore Forest  
APPLICATION FOR A VARIANCE**

**TO THE BILTMORE FOREST BOARD OF ADJUSTMENT:**

I, ....., hereby petition the Board of Adjustment for a **VARIANCE** from the literal provisions of the ..... Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land located ..... in a manner shown by a Plot Plan attached to this form. I request a variance from the following provisions of the ordinance (cite paragraph numbers):.....

.....  
so that the above mentioned property can be used in a manner indicated by the Plot Plan attached to this 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 is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, (b) that the variance is in harmony with the general purpose and intent of the ordinance and preserves it's spirit and (c) that in granting of the variance the public safety and welfare have been assured 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 facts and arguments in support of each of the following:

**(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return form, or make no reasonable use of, his property.**

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