

# VARIANCE APPLICATION CHECKLIST

## Checklist Of Items To Be Included On/With Application

- \_\_\_\_\_ Have you written your lot number and street number on your application?
- \_\_\_\_\_ Have you included on your plot plan items a, b and c listed on variance application form?
- \_\_\_\_\_ Have you described your variance request and included a copy of the survey, if applicable showing the dimensions or computations of the variance you are requesting from the Covenant provisions?
- \_\_\_\_\_ Have you answered all questions listed under the heading “FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE”?
- \_\_\_\_\_ If you are not the owner of the property, have you included a notarized letter from the property owner giving you permission to appear before the Board of Adjustments?
- \_\_\_\_\_ Do you have permissions from other agencies attached (Local, County, State, Federal...)?
- \_\_\_\_\_ Is your application complete, dated, and signed by appropriate parties and notarized?

**NOTE: Your variance request will not be placed on the agenda if complete information and Requested documents are not included.**

After hearing all cases, the Board of Adjustments will review the testimony from each case and render a decision in a timely manner. This is usually done following the hearing in a closed session.

Return variance application to:

Lake Royale POA  
9022 Lake Royale  
Louisburg, NC 27549

Phone number: 252-478-4121

Fax number: 252-478-3599



**FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE**

The Lake Royale Board of Adjustments (BOA) does not have unlimited discretion in deciding whether to grant a variance. The Board of Adjustments is **required** to reach three conclusions as a prerequisite to the issuance of a variance. In the following spaces, indicate the facts and the arguments you plan to present to the BOA, in order to convince the BOA to properly determine that each of these **three (3) conclusions** are applicable to your land, buildings and structures(s).

**CONCLUSIONS:**

**1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Restrictive Covenants.**

**There are 3 rules for determining whether, in a particular situation, PRACTICAL DIFFICULTIES or UNECESSARY HARDSHIPS exist. State the facts and arguments below for a, b, and c:**

**a) If the applicant complies with the provisions of the Lake Royale Restrictive Covenants, the property owner can no longer secure reasonable return form or make any reasonable us of their property. Note: It is not sufficient that failure to grant the variance simply makes the property less valuable.**

---

---

---

---

---

**b) The hardship of which the applicant complains results from unique circumstances related to the applicant's land, buildings and structure. Note: Unique personal or family hardships are irrelevant since a variance runs with the life of the land.**

---

---

---

---

---

**c) That hardship is not the result of the applicants own action: \_\_\_\_\_**

---

---

---

---

---

**2. That granting the variance request will not give the property owner/applicant any other special privilege that is denied by the Restrictive Covenants provisions to other land, structures or buildings in the Lake Royale complex. (State facts and arguments that the stated requested variance, if granted, will not provide any special privilege).**

---

---

---

---

---

---

---

---

**3. That the granting of the variance request will be in harmony with the general intent and purpose of the Restrictive Covenant provisions and will not be injurious to Lake Royale complex or otherwise be detrimental to the other property owners of Lake Royale.** (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Restrictive Covenants to allow reasonable use of the land, and that the use of the property, if the variance is granted, will not be harmful or damaging to the other Property Owners of the Lake Royale complex.

---

---

---

---

---

---

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

The undersigned grants permission to the Lake Royale POA and its agents to come onto the lot described in this application for purposes of inspecting the premises in connection with this application or for inspecting compliance with any approvals or conditions issued in connection with this application.

State of North Carolina

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

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

\_\_\_\_\_  
Agent or Representative (if applicable)

Street Address: \_\_\_\_\_

City/State: \_\_\_\_\_

Home Phone #: (        ) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

My NC notary number is: \_\_\_\_\_

My Commission expires on: \_\_\_\_\_  
Month/Day/Year

~~~~~ *Board of Adjustment Use Only* ~~~~~  
**Lake Royale Board of Adjustments Variance Hearing Checklist**

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

**VARIANCE REQUESTED:** \_\_\_\_\_

---

In order for property owners to secure a variance from the current revision of the Consolidation and Amendments for Restrictive Covenants of Lake Royale Subdivision AND/OR the Lake Royale POA Board of Directors approved rules and regulations, the BOA must establish that “practicable difficulties or unnecessary hardships would result from the carrying out of the strict letter of the restrictions of the covenants” AND/OR the approved rules and regulations. The BOA is representative of the community as a whole, whose interests it must protect by preserving the”principles, conditions, safeguards, and procedures” of said covenants AND/OR approved rules and regulations insofar as possible.

**To this end the following four conditions must be met:**

A “practicable difficulty or unnecessary hardship” exists only upon an affirmative finding for each of the following:

1. Unless a variance is granted, the property owner will be denied “reasonable” return from or “reasonable” use of the property? Yes No

Why or why not \_\_\_\_\_

2. The hardship is peculiar to the applicant’s property or use thereof? Yes No

---

3. The hardship results from unique circumstances related to the applicant’s land, building or structures (personal or family hardships are irrelevant)? Yes No

---

4. That the granting of the variance request will be in harmony with the general intent and purpose of the restrictive covenants provisions and will not be injurious to the complex or otherwise detrimental to the property owners of Lake Royale? Yes No

---

5. As an additional consideration for granting or not granting a variance, the following question is asked of the applicant. The question may influence on the board’s decision, bus is **not** one of primary determining questions.

The hardship is not a result of the applicant’s own actions? True False

**Note: Failure to answer “Yes” to questions 1-4 should result in the request for variance being DENIED.**

DECISION: Circle Category

- a. Approved the variance
- b. Approve the variance with requirements/conditions
- c. Deny the variance request
- d. Tabled the variance for cause

Special Conditions

---

Rationale for Decision:

---