



CASE NAME: \_\_\_\_\_  
DATE SUBMITTED: \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_  
RECIPT # (FEE): \_\_\_\_\_

## TOWN OF HAW RIVER PLANNING

### APPLICATION FOR VARIANCE

### HAW RIVER ZONING ORDINANCE

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For questions about this application form or the variance procedure, please contact the Planning Department at 336-578-0784 to schedule a pre-application meeting. Variance applications are heard by the Board of Adjustment (BOA). A week prior to the BOA meeting, your request will be advertised in a local newspaper and courtesy notices will be mailed to the owners of property that connect with your property

### **The following items are to be submitted with this completed application:**

1. A completed application with variance justification form.
2. Site Plan\* that must include:
  - Property Lines
  - Existing Development
  - Proposed Development

\* Typically, this can be simply accomplished with a hand drawing on a copy of a survey or aerial photograph. Make sure the hand drawing is "to-scale" and identify the setbacks. Provide 1 copy, maximum of 11" x 14".

3. A check made payable to "Town of Haw River" in the amount of \$ 50.00.

### **Variance Procedure:**

1. Complete application submitted by the Applicant.
2. Chairman of BOA will set meeting/hearing date.
3. Posting of Property
4. Notification of interested parties and adjacent property owners; public hearing advertisement in the newspaper.
5. Haw River Board of Adjustment will hold a meeting /public hearing.
6. Haw River Board of Adjustment will consider request and if approved by the Board of Adjustment variance becomes effective after 30 day appeal period.

NOTE: Any revisions, inaccuracies or errors to/on the application may cause the case to be delayed and re-scheduled. The application fee is nonrefundable once processing of the application has begun.

I (We), the undersigned, hereby submit this application, and petition the HAW RIVER BOARD OF ADJUSTMENT requesting a variance from the Haw River Zoning Ordinance. In support of this petition, the following facts are submitted:

1. VARIANCE REQUESTED: (Cite Sections, state what is required and what is proposed)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Address/location of property: \_\_\_\_\_
3. Current zoning of property which variance is being requested: \_\_\_\_\_
4. Parcel Identification Number (PIN #) of property: \_\_\_\_\_  
(Also known as Tax ID Number or Property Tax ID)
5. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
6. Water Provider: City: \_\_\_\_\_ Well: \_\_\_\_\_
7. Sewer Provider: City: \_\_\_\_\_ Septic Tank \_\_\_\_\_
8. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_ Alamance County Register of Deeds.  
(Attach copy of deed of subject property as it appears in Registry).
9. Existing use(s) of property: \_\_\_\_\_
10. Proposed use(s) of the property: \_\_\_\_\_
11. Has a violation been issued on this property? Yes \_\_\_\_\_ No \_\_\_\_\_

The Town Planning Staff may advise the application and variance process. For questions, call (336)578-0784. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

The Board of Adjustment (BOA) does not have unlimited discretion in deciding whether to grant a variance. NC General Statutes (NCGS 160A-388) require the applicant to show all of the following justifications before the BOA grants a variance. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the BOA that the variance is justified. Provide additional sheets as necessary. A super-majority (5/6) of the BOA must answer **YES to ALL** of the below statements for the variance to be granted.

**Variance Justification**

To authorize upon appeal in specific cases those variances from the terms of the zoning regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations will, in an individual case, result in unnecessary hardship so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. No variance shall be granted in any individual case unless the Board of Adjustment finds unnecessary hardship based upon a showing that all of the following conditions exist:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

RESPONSE:

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- (2) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located;

RESPONSE:

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(3) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;

RESPONSE:

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(4) The requested variance will be in harmony with purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

RESPONSE:

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(5) The special circumstances are not the result of actions by the applicant, excluding the act of purchasing property or properties with knowledge that circumstances exist that may justify the grant of a variance.

RESPONSE:

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(6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

RESPONSE:

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(b) No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

**The undersigned hereby acknowledge that the Town Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.**

\_\_\_\_\_  
Property owner(s)' name (print or type)

\_\_\_\_\_  
Complete mailing address of property owner(s)

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Alternative telephone number

\_\_\_\_\_  
E-mail address

\_\_\_\_\_  
Fax number

\_\_\_\_\_  
Agent, attorney, or applicant (other than property owner) (print or type)

\_\_\_\_\_  
Complete mailing address of agent, attorney, or applicant

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Alternative telephone number

\_\_\_\_\_  
E-mail address

\_\_\_\_\_  
Fax number

\_\_\_\_\_  
Owner's signature

\_\_\_\_\_  
Agent, attorney, or applicant's signature (other than property owner)

\_\_\_\_\_  
Owner's signature

**Upon submission, the content of this application becomes "public record" and is available for review and/or copies upon request.**

Official Use Only:

Case Name \_\_\_\_\_ Received: \_\_\_\_\_ Advertised on: \_\_\_\_\_

BOA Meeting: \_\_\_\_\_ Final Judgment (approval/denial): \_\_\_\_\_

Final Judgement Mailed to Applicant: \_\_\_\_\_