

Application No. \_\_\_\_\_

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

COUNTY OF ALAMANCE

**APPLICATION FOR A VARIANCE**

TO THE ALAMANCE COUNTY BOARD OF ADJUSTMENT:

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Watershed Protection Ordinance because, under the interpretation given to me by the Watershed Administrator, I am prohibited from using the parcel of land described in the attached application (Application for a Watershed Protection Permit) in a manner shown by the site plan attached to that application. I request a variance from the following provisions of the Ordinance (cite Section Numbers): \_\_\_\_\_

\_\_\_\_\_ so that the above-mentioned property can be used in a manner indicated by the above-referenced site plan. If the site plan does not adequately reveal the nature of the variance, described more fully herein: (If a variance is requested for a limited time only, specify the duration requested.)

\_\_\_\_\_

\_\_\_\_\_

**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 before it may issue 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 purposes and intent of the Ordinance and preserves its spirit; and (c) that in granting 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 the following required findings:

1. FINDING ONE: **There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.**

Facts/Arguments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In order to determine that there are practical difficulties or unnecessary hardships, the Board of Adjustment must find that the five following conditions exist:

2. FINDING TWO: **If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.**

Facts/Arguments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. FINDING THREE: **The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.**

Facts/Arguments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. FINDING FOUR: **The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.**

Facts/Arguments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. FINDING FIVE: **The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.**

Facts/Arguments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. FINDING SIX:     **The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created by the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.**

Facts/Arguments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. FINDING SEVEN: **The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.** (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Ordinance that will allow 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).

Facts/Arguments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. FINDING EIGHT: **In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.** The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety or general welfare. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

Facts/Arguments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date