



Alamance County

PLANNING DEPARTMENT
201 W. Elm Street, Graham, NC 27253
Tel. (336) 570-4053

Watershed Waiver Application

Case Number: _____

Submittal Date: _____

Watershed Protection Ordinance Waiver Application

Applicant Name:
Property Owner Name (if different):
Project Name:
Parcel Address:
Parcel ID:
Proposed Use:
Section(s) of the Ordinance being varied:
Applicant Contact (phone & email):

Instructions:

Please provide the following items:

- ☐ The application form has been fully completed, signed, and notarized.
- ☐ Applicant has had a pre-application conference with Planning Department representatives in the past three (3) months.
- ☐ Inclusion of exhibits and/or sketches of the proposed development in sufficient detail to identify all waived requirements from the Watershed Protection Ordinance.
- ☐ Include an explanation of the purpose and intent of this waiver, including what is to be accomplished by granting this waiver and why your property is unable to comply with the ordinance requirements.

Applicants are encouraged to provide documents providing written justification and graphic exhibits as needed to illustrate current conditions, the effects of the Ordinance as currently written, and the justifications required below. Any application materials should be clearly labeled for content and relate to all of the findings.



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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: _____



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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 unknowing 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 in 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 it's 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 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).

Facts/Arguments: _____



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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: _____

Statement of Acceptance:

I swear/affirm that the information provided in this application is true and accurate to the best of my knowledge. I certify that any copies of documents I did not create myself are true, accurate, and complete copies of the original documents.

Property Owner

Date

Applicant

Date

Sworn to and subscribed before me this
_____ day of _____, 20__.

Notary Public

Printed Name of Notary Public

My Commission Expires: _____

For Internal Use

Received by:

Date

Date of Planning Board hearing:

Date of Board of Commissioners hearing: