

Transylvania County Subdivision Control Ordinance Variance Application



Application No. _____

Please complete all sections of the application.

Attendance at the Planning Board meeting to review this application is mandatory.

A. GENERAL INFORMATION

Date of Application: _____

Previously Submitted (Select One): Yes No

Date of Pre-Application Conference: _____

Site Plan Attached (Select One): Yes No

B. PROPERTY INFORMATION

Subdivision Name: _____

Parcel ID Number (PIN): _____

Property Address: _____

Deed Book/Page: _____ Plat File/Slide: _____ Acreage: _____

Zoning District: _____ Fire District: _____

Property Located Inside the Watershed: Yes No

Property Located Inside the Floodplain: Yes No

C. APPLICATION FOR VARIANCE

I request a variance/variances from the following provisions of the Subdivision Control Ordinance:

Section number(s): _____ Section title(s): _____

Subsection Letter(s) and/or number(s): _____ Subsection title(s): _____

So the above-mentioned property can be used in a manner indicated by the plan attached to this form, or if the plan does not adequately reveal the nature of the variance, as more fully described herein (*if applying for a variance in dimensional requirements, state the revised requirements desired below*):

D. PROPERTY OWNER/APPLICANT CONTACT INFORMATION

PROPERTY OWNER:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

APPLICANT:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____



AGENT:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

PLAN PREPARER:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

E. SITE PLAN REQUIREMENTS

In order for the variance application to be considered complete, a site-specific development plan drawn to a known scale, and which clearly demonstrates the variance(s) being applied for, is required. The site plan for the property should identify existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition(s), rights-of-way, road beds, and other proposed infrastructure (i.e. water and sewer line, buried cable, sidewalk, etc.). **It is required that the site be staked or flagged. The Subdivision Administrator will take photos of the site and the staked or flagged area. Show placement of well & septic system and drain field if applicable and distance from structures.**

NOTE: Site plan not to exceed 11x17 size.

F. STANDARDS FOR REVIEW

The Planning Board does not have unlimited discretion in deciding whether to grant a variance. Under North Carolina General Statute, the Board is required to reach the following conclusions as prerequisite to the issuance of a variance. State facts and arguments in support of each of the following:

1. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance as demonstrated by:

a. The fact that, if the application complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property. (It is not sufficient that failure to grant the variance simply make the property less valuable.)

b. The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant common with his/hers neighbors do not justify a variance. Unique personal and family hardship are irrelevant since a variance, if granted, runs with the land.)

- c. The hardship is not the result of the applicant's own action.

- 2. The variance is in harmony with the general purpose and intent of the Subdivision Control Ordinance and will preserve 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 that variance is granted, will not substantially detract from the character of the community.)

- 3. The variance will secure the public safety and welfare and will do substantial justice. (State facts and arguments to show that, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

- 4. The variance shall not be based on the existence of a nonconforming subdivision or standard of a subdivision in the same jurisdiction or permitted nonconforming subdivision or subdivision standard in another jurisdiction, and shall in no way constitute a reason for the requested variance.

G. CERTIFICATION

- I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.
- I acknowledge that attendance at the Planning Board's meeting is mandatory for the review of this application.

Signature of Applicant/Agent

Month Day Year

COUNTY USE ONLY

Fee: \$ _____ Paid: ____ / ____ / 20 Received by: _____
Scheduled Planning Board Hearing: ____ / ____ / 20 at 6:00 PM

**TRANSYLVANIA COUNTY
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
APPOINTMENT OF AGENT FORM (OPTIONAL)**

I _____ owner of the property located on _____,
(Name) (Street Address)

recorded in _____ and having a parcel identification number of _____,
(Deed Bk/Pg) (Parcel ID)

located in Transylvania County, North Carolina, do hereby appoint _____,
(Agent Name)

_____ To represent me in an application to the **Planning and Community
(Agent's Phone Number)**

Development Department and authorize him/her to act as my agent in **all matters**, formal and informal except as stated herein, and authorize him/her to receive all official correspondence.

I however understand that as the listed property owner, I must sign all affidavits and statements required by any applicable ordinance.

(Property Owner)

(Date)