

TOWN OF HILLSBOROUGH, NORTH CAROLINA

**APPLICATION FOR A VARIANCE FROM THE PROVISIONS OF THE FLOOD
DAMAGE PREVENTION ORDINANCE**

Application #: _____

TO THE TOWN OF HILLSBOROUGH BOARD OF ADJUSTMENT:

I/We, _____, hereby petition the Board of Adjustment for a VARIANCE from the literal terms of the Town of Hillsborough, North Carolina Flood Damage Prevention Ordinance because, under the interpretation given to me/us by the Floodplain Administrator, I/we am/are prohibited from using the parcel of land described in the attached Board of Adjustment General Application Form in a manner shown by the site plan attached to that form. I/We request a variance from the following provision(s) of the Ordinance (cite section and paragraph numbers):

so that the above-mentioned property can be used in a manner indicated by the site plan attached to the Board of Adjustment General Application Form or, if the site plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify 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 to the provisions of the Flood Damage Prevention Ordinance. Under the Ordinance, the Board is required to consider the following 11 factors in passing variances. In the spaces provided below or in a separate written report, provide detailed answers and information related to the following 11 factors:

1. Will the granting of the variance generate any danger that materials may be swept onto other lands to the injury of others?

2. Will the requested variance cause any danger to life and property due to flooding or erosion damage?

3. What is the susceptibility of the proposed facility and its contents to flood damage, and what would the effect of such damage be on the individual owner?

4. What is the importance of the services provided by the proposed facility to the community?

5. Is the facility a functionally dependent structure that needs to have a waterfront location?

6. Are there any alternative locations for the proposed use that are available and not subject to flooding or erosion damage?

7. Is the proposed use compatible with existing and anticipated development? In what way?

8. What is the relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area?

9. **How is safety of access to the property in times of flood for ordinary and emergency vehicles to be accomplished?**

10. **What are the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site?**

11. **What are the projected costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges?**

Findings Relevant to the Issuance of 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 Board that it can properly reach the following 6 findings:

a. **The development for which the variance is requested is not located within a designated floodway or non-encroachment area or, if it is, the variance will not result in any increase in flood levels during the base flood discharge.**

b. **The applicant has proven good and sufficient cause for the need for the variance.**

c. The failure to grant the variance will result in exceptional hardship.

d. The variance is the minimum necessary, considering the flood hazard, to afford relief.

e. The granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

f. The granting of the variance will not make the structure in violation of other Federal, State, or local laws, regulations or ordinances.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief.

Applicant(s)

Date