

**TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**APPLICATION FOR A SPECIAL EXCEPTION PERMIT FOR STREET SETBACK  
ENCROACHMENTS FOR RESIDENTIAL STRUCTURES**

Application #: \_\_\_\_\_

TO THE TOWN OF HILLSBOROUGH BOARD OF ADJUSTMENT:

I/We, \_\_\_\_\_, hereby petition the Board of Adjustment for a SPECIAL EXCEPTION PERMIT to authorize a new residential structure or an addition to an existing residential structure to encroach upon the required street setback. The granting of this Permit will allow me/us to perform the following work as described in the Board of Adjustment General Application form and on the attached plot plan/site plan.

**Site Information**

Required Street Setback ( Zoning District)	Proposed Street Setback	Data on Residential Structures Facing Same Street and Within 300 Feet of Side Lot Lines of Subject Property	
Feet	Feet	Total # of Residences:	
		Total # of Residences that are Nonconforming as to Street Setback:	
		Total # of Residences that are Conforming as to Street Setback:	

**Factors Relevant to the Issuance of a Special Exception Permit**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Special Exception Permit to authorize a new residential structure or an addition to an existing residential structure to encroach upon the required street setback. Under the Ordinance, the Board is required to find the following 6 conditions exist before it may issue a Special Exception Permit to authorize a new residential structure or an addition to an existing residential structure to encroach upon the required street setback. 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 these 6 required findings:

- A majority of the existing residences facing the same street within 300 feet of the side property lines are already non-conforming with regard to the required setback from the street right-of-way.**

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**2. The proposed residence or addition will not encroach into the street right-of-way nor encroach further into the setback than any residence used to calculate the majority required in #1 above.**

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**3. Any adverse impact on neighboring properties resulting from such encroachment is insignificant or is substantially outweighed by the hardship suffered by the applicant if such Special Exception Permit is denied.**

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**4. The use will not materially endanger the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.**

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**5. The use will not substantially injure the value of contiguous property, or the use is a public necessity.**

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**6. The use is in compliance with the general plans for the physical development of the Town as embodied in the regulations or in the Comprehensive Plan, or portion thereof, adopted by the Town Board of Commissioners. (Note: The Town's adopted Vision 2010 Plan and the adopted Future Land Use Map of the Strategic Growth Plan may be used to provide answers to the latter part of this question.)**

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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.

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Applicant(s)

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Date