

**TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**APPLICATION FOR A WATERSHED PROTECTION DISTRICT VARIANCE**

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 Section 10 (Requirements for Watershed Protection Districts) of the Town of Hillsborough, North Carolina Zoning Ordinance because, under the interpretation given to me/us by the Zoning Officer, 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/plot plan attached to that form. I/We request a variance from the following provision(s) of the Ordinance (cite article, subsection and paragraph numbers):

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

so that the above-mentioned property can be used in a manner indicated by the site plan/ plot plan attached to the Board of Adjustment General Application Form or, if the site plan/plot 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.)

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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 Watershed Protection District Variance. Under Section 10 (Requirements for Watershed Protection Districts) of the Town of Hillsborough, North Carolina Zoning Ordinance, the Board is required to reach 3 conclusions before it may issue a Watershed Protection District 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 purpose 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 these 3 required findings.

**a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.**

*(1) If he/she complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his/her property. (Note: 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/her property.)*

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*(2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.*

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*(3) 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.*

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*(4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violated the Ordinance, or who purchased the property after the effective date of the Ordinance, and then comes to the Board for relief. (Note: Section 10 of the Zoning Ordinance became effective on October 1, 1993.)*

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*(5) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. (Note: 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.)*

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**b. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.**

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**c. In the granting of the Variance, the public safety and welfare will be assured and substantial justice will be 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.)

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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.

\_\_\_\_\_  
Applicant(s)

\_\_\_\_\_  
Date