

TOWN OF HILLSBOROUGH, NORTH CAROLINA

APPLICATION FOR A VARIANCE FROM THE ZONING 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 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 plot plan/site plan submitted with this application. 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 plot plan/site plan attached to the Board of Adjustment General Application Form or, if the plot plan/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. Under the Town of Hillsborough, North Carolina Zoning Ordinance, the Board is required to find that 5 conditions exist before it may issue 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 these 5 required findings.

a. That the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located. (Note: Hardships suffered by the applicant in common with his/her neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the *land*.)

b. That the alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provisions of the Zoning Ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return. The alleged hardships have not resulted from the action or inaction of the applicant.

c. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by the allowance of the variance. (State facts and arguments that show that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

d. That the variance is in harmony with and serves the general intent and purpose of the Zoning Ordinance and the adopted Comprehensive Plan. (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.)

e. That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the Zoning Ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance. (State facts and arguments that show, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

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