

Applicant _____ Date _____

Address _____ Phone _____

Location of Property _____

Parcel # _____ Zoning District _____ Size of Property _____

Watershed Overlay District _____

Please attach to this application the following documents:

- (1) An official survey, no larger than 18" X 24", drawn to a scale, indicating the property lines of the parcel upon which the use is proposed; the identity of neighboring properties; any adjacent streets, designated as public or private; any existing or proposed structures, showing setbacks to rights-of-way and property lines; parking areas showing the number and arrangement of parking spaces and driveway entrances; utilities and surface water drainage; and significant natural features, such as wooded areas, streams, ponds, or marshes. The survey shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
- (2) Submit 18 copies of the packet to the planning department for submittal to the Planning Board and the Town Board of Commissioners.

Section 4.18.2 of the Town of Highlands Unified Development Ordinance:
Zoning Board of Adjustment Variances.

- A. All applications for variances, other than Administrative, shall be addressed and submitted to the Zoning Board of Adjustment and shall be delivered to the office of the Planning and Development Director. Upon receipt of an application for a variance, the Zoning Board of Adjustment shall call a public hearing and shall give notice, as outlined in Sec. 4.2.4, Notice and Public Hearings. Applications for a variance shall be made on the proper form obtainable from the Planning and Development Director and shall include the following information (some of these requirements may be waived as may be applicable, such as for changes of use in existing buildings involving no expansions in building or parking areas, etc.):
 1. A Site Plan, including 12 copies and an electronic copy, drawn to an appropriate scale and supporting information and text that specify the actual use or uses intended for the property. The site plan shall be neatly drawn, with north arrow, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions. The following information must be provided on the site plan, if applicable:

- a. Indicating the property lines of the parcel upon which the use is proposed;
 - b. The identity of neighboring properties;
 - c. All adjacent streets, designated as public or private;
 - d. All existing or proposed structures, showing setbacks to rights-of-way and property lines;
 - e. Parking areas showing the number and arrangement of parking spaces and driveway entrances; and
 - f. Utilities and surface water drainage; and significant natural features, such as wooded areas, streams, ponds, or marshes;
2. Elevations and a floor plan, indicating dimensions of the building, gross floor space, number of seats, or any other applicable information.
 3. A complete and detailed description of the use proposed, together with any other pertinent information which the applicant feels would be helpful to the Zoning Board in considering the application.

In the spaces provided below, or on a separate sheet of paper, indicate the facts that you intend to show and the arguments you intend to make to convince the Board that it can properly grant the variance.

(1) "There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance." In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the following five conditions exist:

(a) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. 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 property.

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

(c) 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.

(d) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

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

(2) "The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit."

That is, the applicant is not seeking to establish, to expand, or to extend in area a non-conforming use. Moreover, the existence of a non-conforming use in the same or in any other zoning district shall not constitute a reason for granting the requested variance.

(3) "In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done." The Board shall not grant a variance if it finds that doing so would alter the essential character of the neighborhood, materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or general welfare.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief; and I hereby request that a duly advertised public hearing be held at the Town Hall, Highlands, NC, by the Planning Board and the Town Board of Commissioners, on the following date and time, for the purpose of presenting evidence and arguments in support of this application.

DATE OF HEARING _____ TIME _____

SIGNATURE OF APPLICANT

PLEASE ATTACH APPLICATION FEE OF \$250.00

SV 7.19.12