



Application for a:
VARIANCE
 from the Zoning, Subdivision,
 Flood, or Stormwater Ordinances

Attendance at the BOA meeting is mandatory.

Application Fee: \$350 plus \$25 per additional lot.

A. Property Information

Application is hereby made to the Buncombe County Board of Adjustment for a VARIANCE located at:

PIN(s): _____

Address(es): _____

Project Name/Case Numbers: _____

B. Application for a Variance

I request a variance/variances from the following provisions of the Ordinance:

Zoning **Subdivision** **Stormwater** **Flood**

Section number(s): _____ **Section title(s):** _____

Subsection letter(s) and/or number(s): _____ **Subsection title(s):** _____

Variance Description: So that the above-mentioned property can be used in a manner indicated by the proposed development plan submitted with this form, or if the plan does not adequately reveal the nature of the variance, as more fully described herein (*if applying for a variance in dimensional requirements, state the revised setbacks or height limitations desired below*):

C. Applicant Contact Information

D. Owner Contact Information (If different)

Company/Corporate Name (if applicable)

Applicant's Name

Mailing Address

City, State, and Zip Code

() _____
Telephone

Email

Owner's Name

Mailing Address

City, State, and Zip Code

() _____
Telephone

Email

Owner Signature

Date

OFFICE USE: Date Received: _____ Case Number: ZPH _____ - _____ Hearing Date: _____

E. Design Professional Contact Information (If applicable)

_____ Company/Corporate Name	_____ Surveyor/Design Professional Name
_____ Mailing Address	(_____)_____ Telephone
_____ City, State, and Zip Code	_____ Email

F. SITE-SPECIFIC DEVELOPMENT PLAN SUBMITTAL

The variance application must include a site-specific development plan, drawn to a known scale, which clearly demonstrates the variance(s) being applied for, and including the following:

- A digital version of the development plan in PDF format
- A note printed on the site plan describing the type of variance I am seeking
- All proposed and existing structures, driveways, easements/rights-of-way, and other features on the site
- Approximate location of jurisdictional streams, and flood hazard areas
- Acreage of tract
- Any necessary exhibits and calculations to adequately describe the variance request

G. VARIANCE BURDEN OF PROOF

In the spaces provided below, indicate **the facts you intend to demonstrate** and **the arguments that you intend to make** to demonstrate to the Board that it can properly grant the variance(s) as provided for in *Section 78-621(4) Zoning Variances, or Section 26-362(b)(9)(a) Stormwater Variances*. The Board does not have unlimited discretion in deciding whether to grant a variance. Indicate how the proposed project meets the below requirements. If additional space is required, please provide the information on a separate sheet of paper.

1. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. Indicate how the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. Indicate how the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

H. CERTIFICATION

- I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.
- I acknowledge that attendance at the Board of Adjustment meeting is mandatory for the review of this application.

Signature of Petitioner

Month Day Year

I. FLOOD VARIANCES

Flood Variance – Board Considerations

In reviewing a flood variance, the Board shall consider all technical evaluations, relevant factors, standards specific to this article, and the following:

- a. The danger that materials may be swept onto other lands to the injury of others
- b. The danger to life and property due to flooding or erosion damage
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner
- d. The importance of the services provided by the proposed facility to the community
- e. The necessity to the facility of a waterfront location as defined under section 34-30 as a functionally department facility, where applicable
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use
- g. The compatibility of the proposed use with existing and anticipated development
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles
- j. 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; and
- k. The 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.

Conditions for Flood Variance:

- l. Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- m. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- n. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- o. Variances shall only be issued prior to development permit approval.
- p. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship; and
 - iii. A determination that the granting of a 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.

The variance application for flood must include the following additional documentation:

- A written report addressing each of the above factors from the Board Considerations list.