



Buncombe County Planning & Development APPLICATION FOR A VARIANCE FROM THE LAND DEVELOPMENT & SUBDIVISION ORDINANCE

Please complete ALL required items prior to submitting this application and site plans. If the variance is not part of a preliminary approval, 13 copies of the preliminary plat showing the variance is required.

A. Property Information

Date: _____

Subdivision Name: _____

Phase # and/or Name of Phase (If part of a Phased Development Master Plan): _____

PIN(s) of Property to be Subdivided: _____

Address/Street Location of Property: _____

B. Contact Information

Owner's Name _____

Mailing Address _____

Telephone (_____) _____ Email _____

Surveyor/Engineer/or
Landscape Architect's Name _____

Company _____

Mailing Address _____

Telephone (_____) _____ Email _____

Primary Contact's Name for Submission _____

Company _____

Mailing Address _____

Telephone (_____) _____ Email _____

OFFICE USE ONLY:

Date received: _____ Case number: _____ PB Meeting: _____

Staff Comments:

C. SUBMISSION TYPE

Application is hereby made to the Buncombe County Planning Board for a VARIANCE from the literal provisions of the Buncombe County Land Development and Subdivision Ordinance, because, under the interpretation given to me by the Subdivision Administrator, I am prohibited from using the parcel of land indicated above in a manner shown by the submitted preliminary subdivision plans (please attach one copy of the submitted preliminary plans to this application).

1	<p>The preliminary plans I have submitted include the following:</p> <ul style="list-style-type: none"><input type="checkbox"/> a note regarding the type of variance I am seeking<input type="checkbox"/> location of the variance I am seeking shown on the submitted plans (if applicable)<input type="checkbox"/> If this variance is not part of a preliminary approval, submit 13 copies of the preliminary plat showing the variance.
2	<p>Describe the variance that you are requesting:</p> <hr/> <hr/> <hr/>
3	<p>I request a variance from the following provisions of the ordinance:</p> <p>Section number: _____</p> <p>Section title: _____</p> <p>Subsection letter(s) and/or number: _____</p> <p>Subsection title: _____</p>

D. VARIANCE BURDEN OF PROOF

The Planning Board does not have unlimited discretion in deciding whether to grant a variance. In the spaces provided below, indicate **the facts you intend to demonstrate** and **the arguments that you intend to make** to convince the Board that it can properly grant the variance as provided for in §70-10 *Variances of the Land Development & Subdivision Ordinance of Buncombe County*. If necessary please provide the information on a separate sheet of paper. *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.

E. 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.

Signature of Petitioner

Month Day Year