HENDERSON COUNTY
VARIANCE APPLICATION FORM

GENERAL INFORMATION
Date of Application: _____________________________________
Previously Submitted (Circle One): Yes  No
Date of Pre-Application Conference: _____________________
Site Plan Attached (Circle One): Yes  No

PARCEL INFORMATION
Property Address ________________________________________________________________________
PIN: ______________________________ Deed Book/Page: ________ Acreage: ______________
Zoning District: __________ Fire District: _____________ Watershed: ________ Floodplain: ____________
Driving Directions: ________________________________________________________________________

REASON FOR VARIANCE _____________________________________________________
FRONT SETBACK (feet/foot)____________
SIDE SETBACK (feet/foot)______________
REAR SETBACK  (feet/foot)_____________

PROPERTY OWNER CONTACT INFORMATION:
Name: ____________________________ Phone: _________________________________________
Address: __________________________ City, State, and Zip: __________________________________
Applicant:
Name: ____________________________ Phone: _________________________________________
Address: __________________________ City, State, and Zip: __________________________________
Agent:
Name: ____________________________ Phone: _________________________________________
Address: __________________________ City, State, and Zip: __________________________________
Agent Form (Circle One): Yes  No
Plan Preparer:
Name: ____________________________ Phone: _________________________________________
Address: __________________________ City, State, and Zip: __________________________________

SITE PLAN REQUIREMENTS
Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the edge of right-of-way (centerline for variance request in the R-40, WR, or SW districts) and to the side and rear lot lines, as applicable. **It is required that the site be staked or flagged. The Zoning Administrator will take photos of the site and the staked or flagged area. Show placement of well & septic system and drain field if applicable and distances from structures.**

NOTE: Site plan not to exceed 11 X 17 size. Anything submitted larger than 11 X 17, the applicant must provide 12 copies with the application form.

STANDARDS FOR REVIEW
The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance. State facts and argument in support of each of the following:
A. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:

1. The fact that, if the applicant complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property. (It is not sufficient that failure to grant the variance simply make the property less valuable.)

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____________________________________________________________________________

2. The hardship of which the applicant complains results from unique circumstances related to the applicant’s land. (Note: Hardships suffered by the applicant common with his neighbors do not justify a variance. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

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3. The hardship is not the result of the applicants own action.

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B. The variance is in harmony with the general purpose and intent of the Land Development Code and will preserve its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

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C. The variance will secure the public safety and welfare and will do substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

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SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT

D. The variance shall not be based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts, and shall in no way constitute a reason for the requested variance.

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Print Applicant (Owner or Agent) ____________________________

Signature Applicant (Owner or Agent) ____________________________ Date ____________

County Use Only

Fee: $__________ Paid: ______________ Method: __________ Received by: ________ Permit#: ______

HENDERSON COUNTY
CODE ENFORCEMENT SERVICES APPOINTMENT OF AGENT FORM (OPTIONAL)

I ____________________owner of property located on ________________________________,
(Name)                       (Street Address)
recorded in _______________ and having a parcel identification number of ____________________,
(Deed Book/Page)                  (PIN)
located in Henderson County, North Carolina, do hereby appoint ____________________,
(Agent’s Name)
_____________________ (Agent’s phone number), to represent me in an application to the Code Enforcement Services
Department and authorize him/her to act as my agent in all matters, formal and informal except as stated
herein, and authorize him/her to receive all official correspondence.

I however understand that as the listed property owner, I must sign all affidavits and statements required by
any applicable ordinance.

(Property Owner) ____________________________ (Date) ____________________________