



TOWN OF CLAYTON

Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

VARIANCE APPLICATION

Pursuant to Article 7, Section 155.716 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment to allow a Variance. Variances must not be contrary to the public interest and must meet four findings of fact as outlined in Section 155.716 and addressed by the applicant in this application.

Application Fee: \$250.00 (please note if a variance is sought “after the fact” the fee is \$500.00)

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

SITE INFORMATION

Name of Project: _____ **Acreeage of Property:** _____

County Tag #: _____ **NC PIN:** _____

Address/Location: _____

Existing Use: _____ **Proposed Use:** _____

Zoning District: _____

Is project within a Planned Development? No
 Yes (list): _____

Is project within an Overlay District? No
 Yes (list): _____

Variance(s) Requested: *List each requested variance. Attach additional pages if necessary.*

Code Section: _____

Code Requirement: _____

Variance Sought (describe specific request): _____

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Permit Number: _____

PROPERTY OWNER INFORMATION

Name: _____
 Mailing Address: _____
 Phone Number: _____ Fax: _____
 Email Address: _____

APPLICANT INFORMATION

Applicant: _____
 Mailing Address: _____
 Phone Number: _____ Fax: _____
 Contact Person: _____
 Email Address: _____

REQUIRED INFORMATION *(to be submitted with the application)*

Please fill out the following checklist. The following items must accompany a Variance application.

Applicant: Fill out the checklist below.	To be completed by staff:				
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	<input type="checkbox"/>				
2. Site Plan Review Fee (\$250) and Advertisement Fee (\$100)	<input type="checkbox"/>				
3. Completed application	<input type="checkbox"/>				
4. Owner's Consent Form <i>Required if the applicant is not the property owner.</i>	<input type="checkbox"/>	<input type="checkbox"/>			
5. Survey of the property <i>(not more than a year old unless approved by the Planning Department)</i>	<input type="checkbox"/>	<input type="checkbox"/>			
6. Site Plan, architectural elevations, or drawing as applicable showing requested variance. <i>This document should reference requirements – for example, if the request is for a setback variance, show the required setback and the requested setback.</i>	<input type="checkbox"/>	<input type="checkbox"/>			
7. Adjacent property owners list <i>See sheet included as part of this packet with instructions. For questions on how to determine property owners, please speak with Planning staff.</i>	<input type="checkbox"/>				
8. Stamped, addressed, empty envelopes with no return address for each Adjacent Property Owner (One set) <i>To be used for Town's public noticing of the Board of Adjustment hearing.</i>	<input type="checkbox"/>				

Staff may request additional documentation to support the request.

BURDEN OF PROOF / EXPLANATION OF REQUEST

Use this section to describe the request. An applicant seeking a variance has the burden of presenting evidence sufficient to allow the Board of Adjustment to reach conclusions for the Required Findings of Fact. Attach additional sheets/pertinent information as necessary.

REQUIRED FINDINGS OF FACT

Section 155.716(F)(2) of the Unified Land Development Code requires applications requesting a Variance to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. 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. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person 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. 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. 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.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Clayton to approve the subject Variance request. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Print Name

Signature of Applicant

Date

