



Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052
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Application for Variance to the Watershed Ordinance

APPLICATION NO.: _____

The Undersigned does hereby respectfully request that a variance from the Watershed Ordinance of Gaston County, North Carolina, be granted and in support of this application, the following facts are shown:

Name of Applicant

Name of Owner

Address

Address

City State Zip

City State Zip

Business Telephone / Home Telephone

Business Telephone / Home Telephone

Watershed District: _____

Critical Area: Y / N

Type: Major Variance _____

Minor Variance _____

BMP#: _____ - _____ - _____

PID#: _____

Property location: _____

Ordinance Section: _____

Purpose: _____

A site plan, drawn to a scale of one (1) inch to fifty (50) feet or larger. The site plan shall be neatly drawn and indicate:

- A. The property lines of the parcel and size of parcel
- B. Any existing or proposed structures
- C. Parking areas and other built-upon areas
- D. Surface water drainage
- E. North arrow and vicinity map
- F. Name and address of person who prepared the plan
- G. Date of the original drawing, and accurate record of later revisions

A complete and detailed description of the proposed variance, with any other pertinent information to support the applicant's position during consideration by the Watershed Review Board.

The Watershed Review Board may only grant a variance, if it has evaluated the application for a variance and determined the following (please attach facts and arguments for each of the following):

- A. There are practical difficulties or unnecessary hardships in the application of the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board shall find that the five following conditions exist:
 - 1. If the applicant complies with the provisions of the Ordinance, he/she can secure no reasonable return from, nor make reasonable use of his/her property. Merely proving that the variance would permit a greater profit to be made from the property shall not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider a variance that is the minimum possible deviation from the terms of the Ordinance which will make possible the reasonable use of his/her property.
 - 2. The hardship results from the application of the Ordinance to the property, rather than from other factors such as deed restrictions or other hardship.
 - 3. 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.
 - 4. 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.
 - 5. 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.
- B. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- C. 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 in any respect impair the public health, safety or general welfare. These findings of the Board shall be recorded in the permanent record of the case.

If the Watershed Review Board approves the preliminary request/record, then it will be sent to the State Environmental Management Commission for review.

If the Environmental Management Commission grants, attaches conditions or denies the variance, then the Watershed Review Board will make a final decision that reflects the Commission's decision.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief. I also understand that if granted and I do not obtain a valid building permit or watershed occupancy permit for this use within six (6) months from the date of issue, the watershed permit will expire.

Signature(s) of applicant(s)

Date

OFFICIAL USE ONLY

Date of receipt: _____

Date of preliminary hearing: _____

Date sent to State Commission: _____

Date received from State Commission: _____ Decision: granted / granted with conditions / denied

Date of final hearing: _____ Decision: granted / granted with conditions / denied

Watershed Review Board Chairman

Date