



TOWN OF BENSON
Planning and Zoning Department
303 E. Church St.
Benson, NC 27504
919-894-3553

INSTRUCTIONS FOR FILING A VARIANCE APPLICATION

Board of Adjustment in North Carolina function as a quasi-judicial body. Therefore, ex parte contact between applicants, other interested persons, or their respective representatives and members of the Board is inappropriate and not permitted.

1. The applicant must complete this application in full. **This application will not be processed unless all information requested is provided.**

The Board of Adjustment monthly meeting is held on the fourth Tuesday of the month and is convened when necessary.

Meetings are held in the Benson Conference Center, 303 E. Church St., Benson, NC 27504.

Name of Project: _____ **Date:** _____

Applicant Name: _____

The following checklist to be completed by applicant:

- Pre-Application Meeting on: _____
- Completed Application
- Owner's Consent Form
- Application Fee
- Adjacent Property Owner's List
- Neighborhood Meeting Notice letter
- Copy of plan sets in PDF or USB
- Preliminary plan sheet depicting the variance request
- Signed and sealed Boundary Survey

Reviewed by: _____

Date: _____



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THE FILING FEE SHALL BE IN ACCORDANCE WITH THE SCHEDULE OF FEES

SITE INFORMATION

Name of Project: _____

Acreage of Property: _____ Zoning District: _____

Parcel Number: _____

Address/Location of Property: _____

Existing Use: _____ Proposed Use: _____ + _____

Is project within a Planned Development: ___ Yes ___ No If Yes, which _____

APPLICANT INFORMATION

Applicant: _____

Mailing Address: _____

Phone Number: _____

Contact Person: _____

Email Address: _____

PROPERTY OWNER INFORMATION

Owner Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

OFFICE USE ONLY

Date Received:

Amount Paid:

Received By:

File Number:

BURDEN OF PROOF/EXPLANATION OF REQUEST

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

Variance Sought (*describe specific request*):

Use this section to describe the request. An Applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

**REQUIRED FINDINGS OF FACT
STATEMENT OF JUSTIFICATION FOR A VARIANCE**

Each of the following "findings of fact" must be adequately addressed concerning the proposed Variance (attach additional sheets if necessary):

1. Explain how there are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this chapter unrealistic:

2. Explain how granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located:

3. Explain how the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located:

4. Explain how the requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare:

5. Explain how the special circumstances are not the result of the actions of the applicant.

6. Explain how the variance requested is the minimum variance that will make possible the legal use of the land, building, or structure:

7. Explain how the variance is not a request to permit a use which is not a permitted or conditional use in the district involved:

8. Explain that the variance is not being granted simply because the property could be utilized more profitably or that the developer/owner would save money:

CERTIFICATE OF APPLICANT AND/OR PROPERTY OWNER

I certify on this date _____ that all of these "FINDINGS OF FACT" are accurate to the best of my knowledge, information and belief. I authorize the Town of Benson to place a sign on the property in question, for alerting the public of my request. I hereby grant the Town of Benson and any interested government agencies access to my property during reasonable hours.

OWNER(S) SIGNATURE

DATE

APPLIANT(S) SIGNATURE

DATE



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OWNER CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. All fields must be completed.

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

(Name – type, print clearly) (Address)

(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (*list applicable requests*).

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

(Name – type, print clearly) (Address)

(Owner’s Signature) (City, State, Zip)

STATE OF _____

COUNTY OF _____

Sworn and subscribed before me _____, a Notary Public for the above State and County, this the _____ day of _____, 20_____.

SEAL

Notary Public
My Commission Expires: _____