

Date submitted:

BOA meeting date:



## **Town of Hope Mills Board of Adjustment**

### APPLICATION FOR STORMWATER MANAGEMENT VARIANCE REQUEST

The Hope Mills Board of Adjustment meetings are held at the Hope Mills Town Hall located at 5770 Rockfish Road unless otherwise specified. The Town of Hope Mills will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed variance request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for variances are encouraged to read Section 67-91 of the Stormwater Management Ordinance to establish whether or not their case merits further consideration by the board (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat;
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of the detailed site plan drawn to an engineering scale including locations of all perennial and intermittent surface waters.

**NOTE:** Any revisions, inaccuracies, or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the Board's meeting schedule.

## Excerpt from the Hope Mills Stormwater Management Ordinance

### Sec. 67-91. Variances.

- (a) Any person may petition the Board of Adjustment for a variance granting permission to use the person's land in a manner otherwise prohibited by this article. To qualify for a variance, the petitioner must show all of the following:
  - (1) Unnecessary hardships would result from strict application of this article.
  - (2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
  - (3) The hardships did not result from actions taken by the petitioner.
  - (4) The requested variance is consistent with the spirit, purpose, and intent of this ordinance; will secure public safety and welfare; and will preserve substantial justice.
- (b) The Board may impose reasonable and appropriate conditions and safeguards upon any variance it grants.
- (c) *Statutory exceptions.* Notwithstanding subdivision (a) of this section, exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenant requirements shall be granted by the Stormwater Administrator in any of the following instances:
  - (1) When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.
  - (2) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

**In granting a variance by the Board, the record shall state in detail any exceptional difficulty or unnecessary hardship on which the appeal was based and which the board finds to exist.**

**Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval.**

**If the Board denies the variance request, it shall enter the reason for its action in the minutes of the meeting. In the event of a denial, the Board shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.**

## Town of Hope Mills Board of Adjustment

Location of property: \_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

### **APPLICATION FOR A VARIANCE** **As required by the Stormwater Management Ordinance**

I. Parcel Identification Number (PIN#) of subject property: \_\_\_\_\_

II. Total site area of project \_\_\_\_\_ acres    Total disturbed area of project: \_\_\_\_\_  
Percent built upon area \_\_\_\_\_ acres

III. Complete the following table for each drainage area. If there are more than two drainage areas, attach an additional sheet with the information for each area.

Basin Information	Drainage Area 1	Drainage Area 2
Receiving Stream Name		
Drainage Area (ac)		
Existing Impervious Area (ac)		
Proposed Impervious Area (ac)		
% Impervious Area		

IV. Deed book: \_\_\_\_\_ Page(s): \_\_\_\_\_, Cumberland County Registry.

V. Existing and/or proposed use of property: \_\_\_\_\_

VI. Section and provision of the Stormwater Management Ordinance from which a variance is requested: \_\_\_\_\_



The undersigned hereby acknowledge that the Town of Hope Mills Stormwater Administrator has conferred with the petitioner or assigns, and that the application is accurate and correct.

Property owner name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Alternative telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Agent, attorney, or applicant (other than property owner): \_\_\_\_\_

\_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Alternative telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Owner's signature:

\_\_\_\_\_

Agent, attorney, or applicant (other than property owner) signature:

\_\_\_\_\_

**Upon submission, the contents of this application become public record and are available for review and/or copies upon request.**

## Statement of Acknowledgment

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agent(s), or their assign(s), by virtue of their signature(s) to this application hereby acknowledge the following:

- Appearance before the Board is not required, but is strongly encouraged;
- The Board will hear any and all arguments for and against the matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing, the Board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case and defer, approve, or deny the case;
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court.

Signed acknowledgment that the Town of Hope Mills Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

Signature of owner(s): \_\_\_\_\_

\_\_\_\_\_

Printed name of owner(s): \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Only expressly authorized agents or assigns may sign this acknowledgment in lieu of the tax record owner's signatures.

