



117 Rainbow Circle Lake Lure NC 28746

## **DIRECTIONS FOR FILING A VARIANCE APPLICATION**

**All applications for a Variance from Riverbend Board of Directors shall contain the following information, or the application will be returned to the applicant without being processed.**

- 1) List of all contiguous property owners.
- 2) Check in the amount required for application fee \$100
- 3) Check for the amount required to send certified mail to all adjacent property owners.
- 4) Variance application completed and signed, with all blanks completed.
- 5) Site plan- drawn to scale on either a survey or plat (Plats may be obtained from the Rutherford County Register of Deeds or from the Mapping Department of the Tax Assessor's Office for minimal charge.)
- 6) **SITE MUST BE POSTED WITH SIGN REQUESTING VARIANCE**

### **The site plan must clearly show:**

- 1) Location of property lines.
- 2) Existing structures.
- 3) Proposed Development.
- 4) All setbacks in relation to property lines and proposed development.
- 5) Area the variance will be affecting.
- 6) Any and all Areas of Environmental Concern as defined by DENR, (wetlands, trout water, etc.)

As indicated above the lack of submission of any of the listed items will result in the application being returned to the applicant; failure to properly identify the property will also result in the application being returned.

**Should you have any questions regarding this procedure please contact**  
**[Riverbendpoaboard@gmail.com](mailto:Riverbendpoaboard@gmail.com)**

**APPLICATION FOR ZONING VARIANCE**

Approved by Board of Directors \_\_\_\_\_

Rejected by Board of Directors \_\_\_\_\_

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

**Please complete page 1 and 2 of this form.**

**APPLICANT:**

(Check one) Owner: \_\_\_\_\_ Agent: \_\_\_\_\_ (If applicant is not the owner, attach authorization to act as agent)

Name: \_\_\_\_\_ Date of Application: \_\_\_\_\_

**PROPERTY:**

Property location: \_\_\_\_\_

Map Page \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Current zoning \_\_\_\_\_

**VARIANCE REQUESTED (check all that apply):**

Max building height  Min front setback  Min Lake setback  Min side setback  Min rear setback  Min size requirement

Other

Section \_\_\_\_\_ of the covenants and restrictions and /or the ACC rules and Regulations requires:

Request: \_\_\_\_\_

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JUSTIFICATION FOR VARIANCE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AS PART OF THIS APPLICATION PLEASE COMPLETE ATTACHED STATEMENT. I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature \_\_\_\_\_ Applicant  
\_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
City, State \_\_\_\_\_  
\_\_\_\_\_  
phone # \_\_\_\_\_

Applicants for variances and conditional use permits are required to post at least one sign on their property not less than seven days in advance of the hearing before the Board of Directors. The purpose of the sign is to identify the location of the request for the benefit of neighbors and members of the board.

The sign must be mounted on a flat surface such as a board or piece of plywood and fastened to a post or stake (not a tree) about 36” above the ground. It shall be located adjacent to the road at the approximate midpoint of the property in questions. This will be determined by the ACC at time of application.

Signs must be removed within 24 hours after the Board of Directors has made a decision on the application.

**STATEMENT OF APPLICANT**

According to the Covenants and Restrictions and ACC rules and regulations the Board of Directors may, upon application authorize in specific cases such variance from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship. The variance may be permitted as long as the spirit of the regulations are observed, public safety and welfare are secured, and substantial justice done. The Board/ACC may request engineering reports if deemed necessary at the applicants cost. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the ACC Committee and Board of Directors that certain conditions exist.

To assist the Board in their deliberations, the applicant is required to submit the following statement: of fact, to the best of the applicant's ability and knowledge.

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same section. These conditions are:

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Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the community in which the property is located because:

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The requested variance will be in harmony with the purpose and intent of this community and will not be injurious to the neighborhood or to the general welfare of community because:

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The special circumstances are not the result of the actions of the applicant. The special circumstances are due to:

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The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. A lesser variance is not feasible because:

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This variance is not a request to permit a use of land, building or structure which is not permitted by right or by conditional use in this community. The use proposed is:

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*Signature of Applicant/ Date*