



RIVERBEND AT LAKE LURE

110 Bills Creek Road ♦ Lake Lure, North Carolina 28746
Phone 800-699-1289 ♦ Fax 828-625-1967

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;
- 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 feel free to call (828) 625-1289.



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APPLICATION FOR ZONING VARIANCE

Application fee: #75.00

Case No. ZV-

Approved by Board of Directors

Chairman of the Board

Rejected by Board of Directors

Chairman of the Board

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 located at: _____

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: _____

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 of applicant	_____ Signature of owner if not applicant
_____ Street or PO Box	_____ Street or PO Box
_____ City, State and Zip	_____ City, State and Zip
_____ Daytime telephone number	_____ Daytime telephone number

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. Very large parcels and those with more than one road frontage may require additional signs. 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

Case No. ZV-_____

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. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Directors that certain conditions exist. To assist the Board in their deliberations, the applicant is required to submit the following statements 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:

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:

A 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 because:

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 because:

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

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:

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 the district involved. The use proposed is:

A nonconforming use of neighboring land, structures or buildings in the same district, and permitted use of land, structures or buildings in other districts, is not grounds for the issuance of this variance.

Signature of Applicant

Date