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**PLANNING DIRECTOR'S MODIFICATION APPLICATION**

**To Request Minor Building Encroachments into Required Setbacks**  
*Land Development Ordinance Section 3.19.3*

**SUBJECT PROPERTY ADDRESS:**

\_\_\_\_\_

**SUBDIVISION:** \_\_\_\_\_ **LOT NO.:** \_\_\_\_\_ **ZONING:** \_\_\_\_\_

**BOOK OF MAPS & PAGE NUMBER:** \_\_\_\_\_ **COUNTY PIN #:** \_\_\_\_\_

**REQUEST:** \_\_\_\_\_

\_\_\_\_\_

**Property Owner(s):** *(print)* \_\_\_\_\_

**Signature(s):** \_\_\_\_\_

**Applicant:** *(if different from owner) (print)* \_\_\_\_\_

**Applicant's Signature(s):** \_\_\_\_\_

*(Notarization Required on Page Three)*

**Applicant's Contact Information:**

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

**Phone Number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

Copy of professional Survey or Recorded Plat attached

Title of Recorded Plat or Survey: \_\_\_\_\_

Surveyor: \_\_\_\_\_

## STATEMENT OF JUSTIFICATION

*Explain how the request meets each of the following requirements. Attach a separate page if necessary.*

Section 3.19.3 of the Town of Cary Land Development Ordinance (LDO) allows the Planning Director to administratively approve encroachments of a principal building or accessory structure into any required setback up to fifteen percent (15%) of the applicable required setback provided that:

**A. The request involves encroachment into two or fewer required setbacks per lot.**

Explain: \_\_\_\_\_

\_\_\_\_\_

**B: The encroachment is a result of a construction error by the property owner or a person acting on his or her behalf whether discovered during the construction process or afterwards; or special circumstances or conditions exist (e.g., narrowness, exceptional topographic conditions, or the shape of the property) that are not common to other areas or buildings that are similarly situated.**

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C: The encroachment, if approved, will not pose substantial danger to public health and safety.**

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In addition, the Director may grant additional encroachments for structures that were constructed prior to May 13, 1999 (Implementation date of required foundation surveys) which do not meet the setback and other requirements of this ordinance provided that item (B) above is met and building permits were obtained and approved for the structure.

Explain: \_\_\_\_\_

\_\_\_\_\_

**APPLICANTS' CERTIFICATION**

I/We certify that I/we \_\_\_\_\_ (applicant's name) , the undersigned, being first duly sworn, depose and say that I am/we are the \_\_\_\_\_ owner(s) , \_\_\_\_\_ attorney, \_\_\_\_\_ attorney-in-fact, \_\_\_\_\_ agent, \_\_\_\_\_ lessee, or \_\_\_\_\_ representative of the owner(s) of the property described and which is the subject matter of this application; that all answers to the questions in this application, and all sketches, data and other supplementary information attached to this application are honest and true to the best of my knowledge and belief. If I am not the owner of the property, I have included a notarized authorization from the owner(s) to submit with this application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_ **COUNTY, STATE OF NORTH CAROLINA**

Signed and sworn to or affirmed before me this day by \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_

**NOTARIZED AUTHORIZATION OF ALL OWNERS**

I/We certify that I/we am/are all of the Owner(s) of the property which is the subject of this application, that I/we have authorized the applicant to make this application and that I/we agree to be bound by the application, the representations made and the decision in the same manner as if I/we were the applicant.

- [If the owner is:
- a corporation, this must be signed by an, authorized corporate officer;
  - a partnership, this must be signed by a general partner;
  - a limited liability company, this must be signed by the Manager for a manager managed LLC, or all the members for a member managed LLC.]

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_ **COUNTY, STATE OF NORTH CAROLINA**

Signed and sworn to or affirmed before me this day by \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_