

DATE APPLICATION SECURED _____
RETURN DEADLINE _____
DATE OF CUMBERLAND COUNTY
BOARD OF ADJUSTMENT MEETING _____
DATE APPLICATION SUBMITTED _____
RECEIPT # _____ RECEIVED BY: _____

**APPLICATION
CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FOR VARIANCE REQUEST**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month. The Planning Department 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 12.43 "Variance" of the Zoning 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 completed application:

- 1. A copy of the recorded deed and/or plat, or an accurate written legal description of only the area to be considered;**
- 2. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, parking areas, and all other pertinent data to the case;**
- 3. A check made payable to Cumberland County for the amount of \$200.00. The application fee is nonrefundable.**

Note: Inaccuracies or errors on legal descriptions or site plans may cause a case to be delayed to a later Board of Adjustment meeting.

EXCERPT FROM CUMBERLAND COUNTY ZONING ORDINANCE

SECTION 12.4 ADMINISTRATIVE PROCEDURES

Section 12.43. Variance. The Board of Adjustment may authorize in specific cases such variances from the terms of this ordinance upon request of a property owner or his authorized agent and may require any evidence necessary to make a determination of the case. Before any variance may be granted by the Board, the Board must find that all of the following conditions exist for an individual case:

- (a) 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 district;
- (b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located;
- (c) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the results of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure;
- (g) The variance is not a request to permit a use of land, building, or structure which is not permitted by right or by special exception in the district involved and will not constitute any change in district boundaries; and
- (h) The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts does not constitute a reason for the requested variance. In granting a variance, the Board may attach and the record reflect such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable. The record shall also state in detail any exceptional difficulty or unnecessary hardship upon 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 year from the date of such approval. The Board of Adjustment is not authorized to grant variances to the conditional uses allowed in conditional use overlay districts or to the specific conditions or other performance criteria imposed upon such uses. (Ord. of 9-26-89)

REQUIREMENTS FOR SITE PLAN SUBMISSION FOR VARIANCE APPLICATIONS

1. Drawing done to engineering scale
2. Correct north arrow
3. Drawing will reflect metes and bounds of entire site with adjoining street right-of-way shown and name or state road number of that street or road.
4. Drawing will reflect:
 - A. foot print of all existing and/or proposed buildings or additions with dimensions and square footage indicated;
 - B. setbacks of all existing and/or proposed buildings or additions from all other buildings and from all property lines;
 - C. location and size of all existing and/or proposed curbcuts and indicate such on the plan;
 - D. parking plan to include the location of all proposed spaces (standard 8 ½' by 20'), parking isle width and traffic circulation scheme;
 - E. if wells or septic tanks are to be used, the existing or proposed location and the drain field area;
 - F. if any fencing exists or is proposed on the site, indicate such on the plan;
 - G. locations of any proposed or existing signs.

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: _____

OWNER: _____

ADDRESS: _____ ZIP CODE _____

TELEPHONE: HOME: _____ WORK: _____

AGENT: _____

ADDRESS: _____ ZIP CODE _____

TELEPHONE: HOME: _____ WORK: _____

**APPLICATION FOR A VARIANCE
As Provided by the Zoning Ordinance**

- A. Section and provision of the Zoning Ordinance from which a Variance is requested: _____

- B. Nature and extent of hardship involved in strict application of the Zoning Ordinance: _____

- C. Existing and/or proposed use of property: _____

- D. The property sought for a variance is owned by _____
as evidenced by deed from _____ as recorded in
Deed Book _____, Page _____, Cumberland County Registry.
(Attach copy of deed of subject property as it appears in Registry.)
- E. Tax Property Identification Number (PIN #) of subject property: _____

MAILING LIST

The following are all of the individuals, firms or corporations owning property adjacent to BOTH SIDES and REAR, and the property in FRONT of (across the street from) the property sought for Variance: **(This information should be obtained from the Tax Mapping office on the 5th floor of the New Courthouse.)**

ADJACENT PROPERTY OWNERS

NAME	ADDRESS	ZIP CODE

Signature of Owner or Agent

Address of Owner or Agent

City State Zip Code

Telephone: Home: _____

Work: _____

STATEMENT OF ACKNOWLEDGEMENT

Statement of Acknowledgement regarding appearance before the Cumberland County Board of Adjustment.

The undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the Board is not required, it is strongly encouraged;
- The Board will hear any and all arguments for and against this matter before them and such relative facts will be given under sworn testimony;
- 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 request;
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Superior Court. (Affected parties of the Board's decision have 30 days from proper notification in which to serve notice of appeal.)

Signed acknowledgement that the Secretary to the Cumberland County Board of Adjustment has conferred with the petition on this application of matters pertaining to the request and the understanding of the course of the public hearing stated above at which time the Board will make a decision on this matter.

Signature of Owner(s)

Printed Name of Owner(s)

Date

Case No.

Note: If authorized by the owner(s), their agents may sign this acknowledgement.