



COUNTY of CUMBERLAND
◆
BOARD OF ADJUSTMENT

CASE #: _____

CUMBERLAND COUNTY BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
SPECIAL USE PERMIT**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month, at 130 Gillespie Street. The Planning and Inspections 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 special use permit 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 special use permits are encouraged to read Section 1606 “Special Use Permits” of the Zoning Ordinance to ensure the technical requirements of this Ordinance are met before submission to the Board of Adjustment (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, fencing, lighting parking areas, landscaping, and all other pertinent data to the case;**
- 3. A check made payable to “Cumberland County” for the amount of \$200.00.**

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. Also, the application fee is *nonrefundable*.

The Planning and Inspections staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the 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 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. (Affected parties of the Board's decision have 30 days from proper notification which to serve notice of appeal).

Signed acknowledgement that the Planning and Inspections 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 acknowledgement in lieu of the tax record owners' signatures.

MAILING LIST

The following are the tax record owners, with complete mailing address, of all properties immediately adjacent to the subject property. This includes those properties separated from the subject properties by any right-of-way. **(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(s)

Address of Owner(s)

City State Zip Code

Telephone: Home _____

Work _____

Please note: All information included in this application, upon submission of the application, becomes “public record.”

EXCERPT FROM THE CUMBERLAND COUNTY ZONING ORDINANCE

SECTION 1606 SPECIAL USE PERMIT

B. Procedure. Special Use Permits shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, Pope Air Force Base, and Simmons army Airfield of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with N.C. Gen. Stat § 153A-323.

Developers are encouraged to discuss their Special Use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special Use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this Article and may grant or deny the Special Use Permit requested. On granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

Any special use permit 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.