

TOWN OF SPRING LAKE
—◆—
BOARD OF ADJUSTMENT

CASE #: _____
TOWN OF SPRING LAKE BOA
MEETING DATE: _____
DATE APPLICATION
SUBMITTED: _____
RECEIPT #: _____
RECEIVED BY: _____

**APPLICATION FOR
CONDITIONAL USE PERMIT**

The Spring Lake Board of Adjustment meeting is held in the Town Hall, 300 Ruth 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 156.050 et. seq., “Specific Conditional Uses” of the Zoning Code to ensure the technical requirements of this Code 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. Cash or check payable to “Cumberland County” in the amount of \$_____ (see attached Fee Schedule).**

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 TOWN OF SPRING LAKE ZONING CODE

Section 156.051 Procedure for Obtaining a Conditional Use Permit

(A) In granting approval for a conditional use permit the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of health, general welfare, and the public interest, including the requirement that detailed plans for each conditional use proposal be submitted as part of the application for a conditional use permit. Any change, enlargement or alteration in such use shall be reviewed by the Board of Adjustment and new conditions may be imposed where findings require.

(B) In granting a conditional use permit, the Board of Adjustment shall give due consideration to:

(1) The location, site, design and operating characteristics of the proposed development so that it will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;

(2) The harmony in scale, bulk, coverage, function, and density of the proposed development.

(3) The availability of public facilities and utilities;

(4) The generation of traffic and the capacity of surrounding streets; and

(5) The purpose and intent of the General Land Use Plans for the physical development of the district and the protection of the environment. Applicants are encouraged to discuss their conditional use plans with the Planning Board staff before submission. The staff shall assist the applicant upon request by reviewing conditional use plans to insure that the technical requirements of this section are met before submission to the Board of Adjustment.

Section 156.148 Conditional Use Permits.

The Board of Adjustment, upon request of the property owner or his authorized agent after public hearing may authorize and subject to appropriate conditions and safeguards which the Board deems necessary, conditional use permits, when in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured.

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 calendar year from the date of such approval.