



TOWN OF SPRING LAKE

BOARD OF ADJUSTMENT

CASE #: _____

TOWN OF SPRING LAKE BOA

MEETING DATE: _____

DATE APPLICATION

SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

APPLICATION FOR SPECIAL USE PERMIT

The Spring Lake Board of Adjustment meeting is held on the 2nd Monday of the month in the Town Hall, located at 300 Ruth Street. The meetings are schedule on as needed basis. The board meetings are advertised and a notice will be mailed or delivered to property owners, surrounding residents, and parties of interest that may be affected by the proposed Special Use Permit request.

Most often 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 42-361. "Development Standards for Individual Special Uses" of the Zoning Code to ensure the technical requirements of the Code are met before submission to the Spring Lake 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. Three copies 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 County Planning 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.

EXCERPT FROM THE TOWN OF SPRING LAKE ZONING CODE

Section 42-361. Special Use Permits (portion of).

- (B) **Procedure.** Special Use Permits shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 42-63, District Use Regulations, as Special Uses. Uses specified as a Special Use in the Table 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 42-167 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 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 ensure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment. All applications and site plans shall provide information indication compliance with the development standards for the individual uses as listed in Section 42-91 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 Ordinance and may grant or deny the Special Use Permit requested. In 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 Town of Spring Lake's most recent Detailed 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.

SPRING LAKE BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: _____

OWNER: _____

ADDRESS: _____ ZIP CODE: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: _____

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: _____

APPLICATION FOR A SPECIAL USE PERMIT

As required by the Zoning Code

A. Parcel Identification Number (PIN #) of subject property: _____
(also known as Tax ID Number or Property Tax ID)

B. Acreage: _____ Frontage: _____ Depth: _____

C. Water Provider: _____

D. Septage Provider: _____

E. Deed Book _____, Page(s) _____, Cumberland County

F. Registry. (Attach copy of deed of subject property as it appears in Registry).

G. Existing use of property: _____

H. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.) _____

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

NAME OF OWNERS (PRINT OR TYPE)

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

Upon submission, the content of this application becomes "public record."

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.
- For any party aggrieved by the board's decision, the course of appeal to the decision is to the 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 County Planning Staff has explained the application process and procedures regarding this request and the hearing procedure stated above.

SIGNATURE OF OWNER(S) _____

PRINTED NAME OF OWNER(S) _____

DATE _____

Section 42-362. FEES. (a) Each applicant for a Special Use Permit shall pay a nonrefundable fee in accordance with the fee schedule set out below, recommended by the Planning Board and adopted by the Board of Aldermen. (b) This fee shall be waived for cases initiated and requested by the Board of Aldermen. Filing fees for text amendments to this chapter shall be \$130.00. (c) If the general rezoning request is for more than one zoning classification, the fee will be the same as separate rezoning requests.

Fee Schedule

ZONING DISTRICT	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100 + ACRES
RR, R-15, R-10, R-6A, R-6, R-5A, R-5, PND	130	260	300	400
O&I, C-1, HS(P), CB, C(P), C-3, M-1, M-2, M(P),	260	260	300	400

(Fees are in accordance with the schedule adopted by the Board of Aldermen.)