



## TOWN OF SPRING LAKE

### BOARD OF ADJUSTMENT

CASE #: \_\_\_\_\_

TOWN OF SPRING LAKE BOA

MEETING DATE: \_\_\_\_\_

DATE APPLICATION

SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

### APPLICATION FOR VARIANCE REQUEST

The Spring Lake Board of Adjustment meeting is held on the 2<sup>nd</sup> Monday of each month in the Town Hall, 300 Ruth Street. The Town of Spring Lake will advertise the public hearing and a notice will be mailed or delivered to property owners, surrounding residents, and parties of interest that may be affected by the proposed variance request.

The Spring Lake Board of Adjustment is a quasi-judicial review board, and all persons desiring to appear before this Board should be prepared to give sworn, affirmed testimony on relevant facts. Applicants for variances are encouraged to read Section 42-364. "Variance" in the Zoning Code 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 applications:**

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 an engineering scale; and
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 site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according 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

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### Section 42-364. Variance.

- (A) The Board of Adjustment may authorize in specific cases such variances from the terms of this chapter 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 of Adjustment, the Board must find that all of the following conditions exist for an individual case:
- (1) 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.
  - (2) 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.
  - (3) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
  - (4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.
  - (5) The special circumstances are not the result of the actions of the applicant.
  - (6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
  - (7) 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.
  - (8) 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.
- (B) In granting a variance the Board of Adjustment 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 of Adjustment finds to exist.
- (C) 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.

## BOARD OF ADJUSTMENT

ADDRESS OF PROPERTY: \_\_\_\_\_

LOCATION OF PROPERTY: \_\_\_\_\_

OWNER(S) NAME: \_\_\_\_\_

OWNER(S) ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

E-MAIL: \_\_\_\_\_

AGENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

E-MAIL: \_\_\_\_\_

## APPLICATION FOR A VARIANCE

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

F. Existing and/or proposed use of property: \_\_\_\_\_

G. Section and provision of the Zoning Code from which a Variance is requested:

H. Nature and extent of hardship involved in strict application of the Zoning Code:



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 of their 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 Variance 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.)