



## COUNTY of CUMBERLAND

*Planning & Inspections Department*

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

PLANNING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

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

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

### APPLICATION FOR WAIVER (VARIANCE) FROM CUMBERLAND COUNTY SUBDIVISION ORDINANCE PROVISION(S)

The Cumberland County Joint Planning Board meetings are held in the second floor hearing room of the Historic Courthouse at 130 Gillespie Street, Fayetteville, unless otherwise specified. The Joint Planning Board 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 waiver [variance] request, giving notice of date and time of the meeting.

The Joint Planning Board will conduct a quasi-judicial hearing on this request and all persons wishing to appear before the board should be prepared to give sworn testimony on relevant facts. Applicants for waivers [variances] are encouraged to read Section 2601, currently entitled *Waivers* of the County's Subdivision 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 complete application:**

- 1. A copy of the recorded deed and/or plat,**
- 2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;**
- 3. A copy of a detailed site plan drawn to an engineering scale – see attached for site plan specifications; and**
- 4. Cash or check payable to “Cumberland County” in the amount of \$200 .**

**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 Joint Planning Board meeting according to the board's meeting/deadline schedule. Also, the application fee is nonrefundable.**

**EXCERPT FROM  
CUMBERLAND COUNTY SUBDIVISION ORDINANCE**

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**SECTION 2601. WAIVERS [VARIANCES].**

The Planning Board may waive the requirements of this ordinance where it finds by resolution that:

A. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and

B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and

C. The property owner would not be afforded a special privilege denied to others.

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

**Related State Statute: N. C. GEN. STAT. § 153A-336**

**Any waiver [variance] granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within two calendar years from the date of such approval. If the board denies the waiver [variance] request, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Joint Planning Board shall not consider re-submission of the application for the same waiver [variance] request on the same property without a substantial material change concerning the property and the application.**

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,  
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

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

OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

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

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

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

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

**APPLICATION FOR A WAIVER [VARIANCE]  
As required by the Subdivision Ordinance**

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 Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



