



## COUNTY of CUMBERLAND

### BOARD OF ADJUSTMENT

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

CUMBERLAND COUNTY BOA  
MEETING DATE: \_\_\_\_\_

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

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

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

### APPLICATION FOR VARIANCE REQUEST

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 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 variance 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 variances are encouraged to read Section 1605 "Variance" of the Zoning 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, or an accurate written legal description of only the area to be considered;
2. A copy 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 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*.

## BOARD OF ADJUSTMENT

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

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

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

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

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

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

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

### APPLICATION FOR A VARIANCE As required by the Zoning Ordinance or 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  
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 Ordinance or Code from which a Variance is  
requested: \_\_\_\_\_

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or  
Code: \_\_\_\_\_

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## REQUIREMENTS FOR SITE PLAN REVIEW

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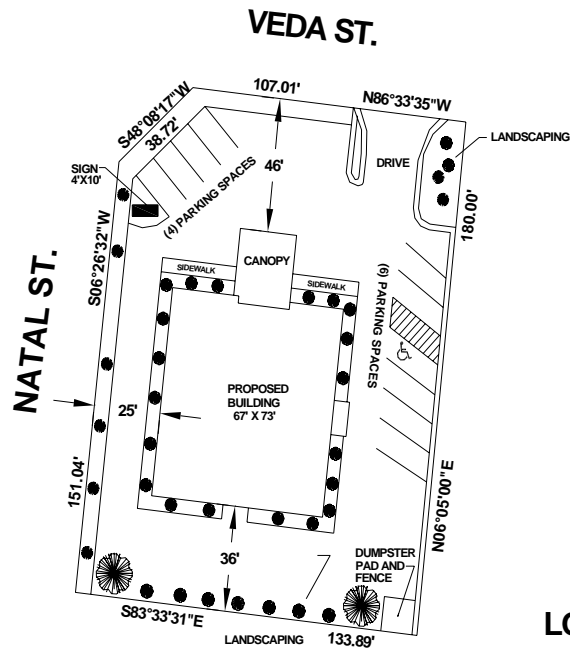
1. Drawing done to engineering scale
2. Drawing will reflect:
  - metes and bounds of entire site with adjoining street right-of-way shown and name or state road number of that street or road;
  - foot print of all existing and/or proposed buildings or additions with dimensions and square footage indicated;
  - location and size of all existing and/or proposed curbcuts and indicate such on the plan;
  - parking plan to include the location of all proposed spaces (standard size is 9' by 20'), parking isle width and traffic circulation scheme;
  - existing or proposed location and drain field area of wells and/or septic tanks;
  - existing or proposed fencing;
  - setbacks of all existing and/or proposed buildings or additions from all other building and from all property lines- *Note:* If setbacks shown are not in accordance with the minimum setbacks of the zoning district of the property, then attach a letter requesting any such variance with a reasonable explanation or justification as to why the variance is necessary in order to develop the site.
  - Any easements which may exist on the subject property are accounted for and shown on the plan, not encumbered and that no part of the development is violating the rights of the easement holder.
3. Vicinity map to show location of property or site within the City or County
4. Correct north arrow
5. Data block to reflect the following:
  - name of development
  - owner
  - zoning of property
  - acreage of site
  - scale of drawing
  - proposed building or addition square footage
  - number of off-street parking spaces (to include handicapped spaces)

6. If split zoning, zoning lines must be shown on the preliminary

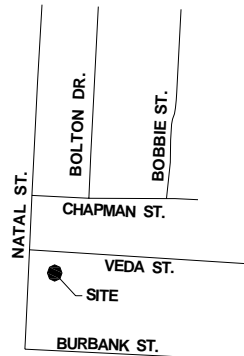
REVISED: May 2006

# SAMPLE MAP

## SITE PLAN REVIEW



### LOCATION MAP



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

ZONED: \_\_\_\_\_ SCALE: 1" = 50'

PIN#: \_\_\_\_\_

\_\_\_\_\_ COUNTY, NC

## 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 or Agent

\_\_\_\_\_  
Address of Owner or Agent

\_\_\_\_\_  
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**

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### **Section 1605 VARIANCE**

The Board of Adjustment may authorize in specific cases such variances from the terms of this Ordinance upon request of a property owner or his authorized agent and may require any evidence necessary to make a determination of the case. Before the Board may grant any variance, the Board must find that all of the following conditions exist for an individual case:

- A. 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.
- B. 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.
- C. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- E. The special circumstances are not the result of the actions of the applicant.
- F. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- G. 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.
- H. 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 approval of the requested variance. In granting a variance, the Board may attach and the record shall 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 finds to exist.

**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. The Board of Adjustment is not authorized to grant variances to a Special Use Permit or to a Conditional Use Permit allowed in Conditional Use Districts or to the specific conditions or other performance criteria imposed upon such uses.**