



LAND MANAGEMENT DEPARTMENT

INSTRUCTIONS FOR FILING A CONDITIONAL USE PERMIT APPLICATION

The listed items on the application must be completed, application submitted and fee paid no later than twenty-one (21) days prior to the next meeting of the Board of Adjustment in order for your CUP to be considered. Conditional Use Permit fee is \$50.00 (in addition to zoning permit). These fees are non-refundable. Any incomplete CUPs or CUPs returned less than 21 days prior will be returned or scheduled for the next month's meeting, respectively. Also, a Project Review Committee Fee of \$100.00 is required.

You or a representative familiar with the project will need to be present at the meeting to answer any questions regarding the project by the Board. If you have any questions in completing the CUP, feel free to contact Land Management at Spencer Town Hall.

General Requirements:

1. If title to the property is not in the name of the petitioner, include a notarized letter from the owner signifying his / her approval.
2. Submit a written summary of the proposal.
3. Submit three (3) copies of a boundary survey of the property (not to exceed 8 ½" x 14"). This survey **must** include the following to be considered complete:
 - a. Total acreage
 - b. Date (of survey)
 - c. North arrow
 - d. Existing easements
 - e. Rights of way (from roads, etc)
 - f. All required front, side and rear yard setbacks of the zoning district in which the property is located
4. Submit three (3) copies of the proposed layout of the land as it is being proposed. If this information can legibly be added to the required survey, the two may be combined onto that survey.
 - a. Show all existing and proposed structures
 - b. For residential uses, include the number of units (if more than one) and where the structures will specifically be located
 - c. For nonresidential uses, include the approximate square footage of all structures and where the structures will specifically be located
 - d. Traffic, parking and circulation plans will show the location of parking areas, the actual placement and arrangement of the individual spaces, and the access points to streets
 - e. Any existing and / or proposed screening and buffering; plans for any existing natural features
 - f. Proposed location and size for any free-standing signs
 - g. Delineation of floodplain areas as designated by the official Flood Hazard Boundary Maps



5. Submit information and description of any phasing of the project that may be applicable
6. Application must be completed, dated, and accompanied by the required fee, for acceptance.

FOR YOUR INFORMATION

The Project Review Committee meets on an ‘as needed’ basis. The Committee has thirty (30) days upon receipt of the application in which to review the project and make a recommendation for approval or denial, or to recommend conditions that would prevent any adverse effects of the proposal.

The Board of Adjustment is a quasi-judicial Board and can accept only sworn evidence. No hearsay evidence is admissible. The following rules and procedures apply at this Board meeting for all cases:

- a. All testimony before the Board will be given under oath.
- b. All written or physical evidence (plans, maps, pictures, letters, etc.) presented before the Board becomes a part of the record and must be turned over to the Board.
- c. You have the right to appear and present your case before the Board.
- d. Applicants may be represented by counsel at their own expense, if they choose to do so.
- e. “No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that members may receive and / or seek information pertaining to the case from any other member of the Board or the Zoning Enforcement Officer prior to the hearing.”

The order of each case will be as follows:

- a. All parties who plan to give testimony, pro or con, are to be sworn in.
- b. The Zoning Enforcement Officer will explain why the case is before the Board by providing a preliminary statement of the case.
- c. The Board may question the staff member.
- d. The applicant may question the staff member at this time, or wait until their time to be heard.
- e. The applicant will have the opportunity to present their arguments in support of the application.
- f. The Board may question the applicant.
- g. The staff member may question the applicant at this time, or wait until the rebuttal time.
- h. Persons opposed to granting the application shall present the argument against the application.
- i. The applicant may present witnesses in favor of granting the application. They will be subject to questioning.
- j. The staff, and then the applicant, will be given an opportunity for rebuttal.
- k. The Chairman will summarize the evidence which has been presented, giving the parties opportunity to make objections and corrections. The Board may view the premises before arriving at a decision and may request additional information from the applicant before rendering a decision.

After the hearing of all cases, the Board will review each case and render a decision. This is usually done in closed session immediately following the hearing(s). However, the Board may elect to take up to forty-five (45) days to render a decision.



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LAND MANAGEMENT DEPARTMENT

GENERAL APPLICATION FORM

Applicant: _____ Owner: _____
Address: _____ Address: _____
Telephone: _____ Telephone: _____

Legal relationship of applicant to property owner _____

Purpose of permit _____

Property location (street address) _____

Tax Map _____ Parcel Number _____ Zoning District _____

Lot Size _____ Square Feet _____

Number of buildings to remain _____ Gross floor area to remain _____

Number of buildings proposed _____ Gross floor area of proposed buildings _____

Total square footage of land to be disturbed _____

Signature of applicant

Application Number _____

Date _____

Application fee \$ _____ Receipt



We're on the Right Track

CONDITIONAL USE PERMIT APPLICATION

Application Number: _____ Date of Application: _____

Type of Permit Requested: Conditional Use Permit

Applicant's Name: _____

Applicant's Mailing Address: _____

Property Location: _____

Tax Map: _____ Parcel Number: _____ Existing Zoning: _____

Proposed Conditional Use: _____

This application shall not be complete unless accompanied by the following information:

- The tax maps and parcel numbers of the property in question.
- A boundary survey of the property in question showing total acreage, date, north arrow, existing easements and rights-of-way and all required front, side and rear yard setbacks.
- Proposed layout of the land including all proposed structures. For residential uses this shall include the number of units and an outline of the area where the structures are to be located. For nonresidential uses, this shall include the approximate square footage of all structures and an outline of the area where the structures will be located.
- Traffic, parking and circulation plans showing the proposed location and arrangement of parking spaces and access points to adjacent streets.
- Proposed screening as well as treatment of any existing natural features.
- Proposed location and size of any free-standing signs.
- Delineation of floodplain areas as shown on the official Flood Hazard Boundary Maps.
- Proposed phasing, if any, of the project.
- A fee, in accordance with a fee schedule adopted by the Town Board.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

Applicant

Date

Land Management Director

Date



In order to grant a Conditional Use Permit, each of the following conditions must be found in the affirmative by a 4/5 vote of the Board of Adjustment. Please present in the space provided (add additional sheets if necessary) how you feel your proposal satisfies each condition.

A. *The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and welfare.*

B. *The use or development complies with all regulations and standards of this ordinance.*

C. *The use or development will not adversely impact surrounding property.*

D. *The granting of such permit would not violate the spirit or intent of this ordinance.*

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Signature of Applicant

INFORMATION BELOW THIS LINE TO BE COMPLETED BY TOWN OFFICIAL

Sketch Plan Attached: Y N

Public Hearing Date: _____.

Notice of Public Hearing Published On: _____ and _____.

Property Posted On: _____.

Conditional Use "Findings of Fact" Checklist Attached: Y N

Board of Adjustment Decision:
