

**TOWN OF SPENCER
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.

Specifically, your application must be received in Spencer Town Hall no later than _____, 2012 by 5:00 PM in order to be placed on the following meeting's agenda:

_____, **2012 @ 7PM in Spencer Town Hall**

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 1/2" 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.