

TOWN OF FALCON
—◆—
BOARD OF ADJUSTMENT

CASE #: _____

TOWN OF FALCON BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
SPECIFIED CONDITIONAL USES**

The Town of Falcon Board of Adjustment meetings are held in the Town Hall, 7156 S. West Street and scheduled as cases become available. 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 special use permit 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 special use permits are encouraged to read Section 3.4 “Specified Conditional Uses” of the Zoning Ordinance to ensure the technical requirements of this Ordinance are met before submission to the Board of Adjustment (see next page).

The following items are to be submitted with the completed 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 engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, and all other pertinent data to the case;**
- 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*.

The Planning and Inspections 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.

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.

EXCERPT FROM THE TOWN OF FALCON ZONING ORDINANCE

SECTION 3.4. SPECIFIED CONDITIONAL USES

The various specified conditional uses set forth in tables in Article III, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and neighborhoods, shall be permitted only upon approval by the Board of Adjustment in accordance with the standards and conditions as set forth in the following subsections.

SECTION 3.41. GENERAL PROVISIONS

In granting approval for a specified conditional use permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of health, the general welfare and the public interest, including the requirement that detailed plans for each conditional use proposal be submitted as part of the application for a specified conditional use permit. Any change, enlargement or alteration in such use shall be reviewed by the Board of Adjustment and new conditions may be imposed where findings require. In granting a specified conditional use permit, the Board of Adjustment shall give due consideration to:

- (a) The location, size, design and operating characteristics of the proposed development so that it will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- (b) The harmony in scale, bulk, coverage, function and density of the proposed development.
- (c) The availability of public facilities and utilities.
- (d) The generation of traffic and the capacity of surrounding streets.
- (e) The purpose and intent of the general land use plans for the physical development of the district and the protection of the environment.

Developers are encouraged to discuss their specified conditional use plans with the Planning and Inspections Staff before submission. The staff shall assist the developer, upon request, by reviewing specified conditional use plans to insure that the technical requirements of this section are met before submission to the Board of Adjustment.