

# APPLICATION FOR SPECIAL USE PERMIT

## THE PROCESS:

1. The applicant for a special use permit must complete this application in full. The application must be signed by the property owner(s) or their authorized representative (See page 8) **This application will not be processed unless all information requested is provided.**
2. Applications must be submitted to the Planning Board **at least thirty (30) working days** prior to the Board of Adjustment meeting.
3. Staff and Planning Board will review the submitted application for sufficiency. Submittal of incomplete or inaccurate information will delay processing. Completed applications are sent forward for review.
4. The Board of Adjustment holds an evidentiary hearing on the third Monday of the Month and will review and vote on whether to approve or deny the application.
5. All petitioners, witnesses and applicants must attend the Board of Adjustment evidentiary hearing and make the case for their request. Special Use Permits are quasi-judicial proceedings and Town Staff does not recommend whether to approve or deny the application.

## SUBMITTAL CHECKLIST:

- Submit one (1) completed Application for Special Use with original signatures.
- \$75 Special Use Permit Fee
- One (1) site plan map of the proposal with the following information:
  - All property lines with setbacks
  - Existing zoning district
  - Location and use of all existing structures, parking, landscaping, buffers, easements, and street access
  - Location of proposed structure and parking
- Copy of deed or lease to the property.

# APPLICATION FOR SPECIAL USE PERMIT

## HEARING PROCEEDING & SPECIAL USE PERMIT INFORMATION

### General Information

The petitioner/applicant has the burden of proof in proceedings before the Board of Adjustment, and shall provide evidence, testimony, and justification to meet the finding of facts for the petition/request.

### Board of Adjustment

The Board of adjustment is an independent body made up of appointed residents of Banner Elk's corporate limits and extraterritorial jurisdiction (ETJ), that renders decisions on Special Use Permit and Variance applications and appeals. The Board of Adjustment conducts its proceedings in a similar manner to a court of law.

### Petitioner Responsibilities

- **Attendance at the hearing is required. The Board of Adjustment will not hear and withholds the rights to deny a petition where the petitioner is unavailable to present evidence during the hearing.**
- A petitioner may represent themselves or may be represented by an agent and may call upon witnesses to give testimony supporting the request. The petitioner holds the responsibility of ensuring that sufficient evidence is provided for the Board.

# APPLICATION FOR SPECIAL USE PERMIT

Date of Application: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

## CONTACT INFORMATION

### Property Owner:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

### Applicant:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

## SPECIAL USE PERMIT INFORMATION

Type of use to be permitted per 152.028: \_\_\_\_\_

Existing Structures or Uses on property: \_\_\_\_\_

Road System (Circle one)	Public	Private		
Water System (Circle one)	Individual	Community	Public (Town Water)	
Sewer System (Circle one)	Individual	Community	Public (Town Sewer)	
Type of work (Circle one)	New Construction	Addition	Remodel	Existing-New Use

*\*\* If new construction or addition, please submit full colored renderings and plans of proposed project along with this application.*

## PARCEL INFORMATION

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

Lot Size (acres): \_\_\_\_\_

Zoning District: \_\_\_\_\_

Floodplain? **Yes No**

ETJ? **Yes No**

**Has the property been rezoned for the proposed use? Yes No**

Location of property:

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# APPLICATION FOR SPECIAL USE PERMIT

**FINDINGS OF FACT**

In order to grant a Special Use Permit, the Board of Adjustment must make the required findings of fact, as required by the North Carolina General Statutes. The petitioner shall present factual evidence and testimony supporting each and all of the required findings of fact as they relate to this application.

**Finding 1: The proposed use (will/will not) materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.**

**Statement By Applicant:**

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**Finding 2: The proposed use (meets/does not meet) all required regulations and specifications set forth in the Banner Elk Ordinance.**

**Statement By Applicant:**

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**Finding 3: The proposed use (will/will not) substantially injure the value of adjoining property.**

**Statement By Applicant:**

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**Finding 4: The location and character of the proposed use (will/will not) be in harmony with the area in which is it to be located and in general conformity with the Town of Banner Elk and its ordinances.**

**Statement By Applicant:**

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**FINDINGS OF FACT PER SECTION 152 OF ARTICLE XV**

**As part of the required statement of justification the applicant shall demonstrate through factual evidence that the contributing factors listed below have been adequately addressed and comply with Section 152 of Article XV of the Town of Banner Elk Zoning Ordinance, as applicable:**

*\*\* Be as detailed as possible, answers simply stating "existing" or "complies with code" are not sufficient and will be deemed incomplete.*

- A. The property and the proposed structures have **proper ingress and egress** with respect to the following: automobile and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe in that:

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- B. There is **proper off street parking and loading areas** with regard to the following: automobile and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe in that:

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- a. Total number of parking spaces for the proposed use: \_\_\_\_\_

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C. There is or will be **proper refuse and service areas** with regard to each of the following: automobile and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe; and the economic noise, glare or odor effect the conditional use on adjoining properties generally in the district in which it is to be located in that:

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D. There is or will be **proper utilities** (Water, sewer, and stormwater drainage systems) with reference to location, availability, and compatibility in that:

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E. There will be **proper screening and buffering** of the following type, dimensions, and character:

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F. The nature, location and size of the **sign** applied for is as follows:

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G. The **sign(s) and the exterior lighting** will comply with the requirements of Section 152.105, specifically with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district in that:

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# APPLICATION FOR SPECIAL USE PERMIT

H. The required or proposed yards and other open spaces are as follows:

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I. Any additional information you would like for the Board to consider:

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

Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_

Printed Name: \_\_\_\_\_

FEE: A fee of seventy-five (\$75.00) dollars shall be paid to the Town of Banner Elk, NC for each application to cover the necessary administrative and advertising costs. The application will not be processed until the fee has been paid.

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### TO BE COMPLETED BY TOWN STAFF

Amount Paid \_\_\_\_\_

Received By \_\_\_\_\_

Date: \_\_\_\_\_

Staff Name: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

# APPLICATION FOR SPECIAL USE PERMIT

## AGENT AUTHORIZATION FORM

Approval of any Special Use Permit by the Board of Adjustment runs with the land; therefore, the property owner is the true petitioner. The property owner may authorize an individual with stake in the property to act as an agent and speak on their behalf. The property owner(s) **MUST** sign the petition and this form.

Agent Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

### DECLARATION & SIGNATURE:

I/we the undersigned do hereby certify that all information given above is true, complete, and accurate to the best of my/our knowledge.

#### Agent:

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Print Name Date

#### Property Owner(s):

##### Agent:

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Print Name Date

State of North Carolina

County of \_\_\_\_\_

I, \_\_\_\_\_, Notary Public, do hereby certify that \_\_\_\_\_ (name of individual(s) whose acknowledgment is being take) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(Official Seal) \_\_\_\_\_ My Commission expires: \_\_\_\_\_

Official Signature of Notary