



Town of Falcon
◆
BOARD OF ADJUSTMENT

CASE #: _____

TOWN OF FALCON BOA

MEETING DATE: _____

DATE APPLICATION

SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
VARIANCE REQUEST**

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 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 12.43 "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 engineer 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.

EXCERPT FROM THE TOWN OF FALCON ZONING ORDINANCE

Section 12.43. 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 any variance may be granted by the board, 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. A 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 of Adjustment may attach and the record shall reflect such conditions granting 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 the conditional uses allowed in the conditional use overlay districts or to the specific conditions or other performance criteria imposed upon such uses.

BOARD OF ADJUSTMENT

Location of Property: _____

Owner: _____

Address: _____ Zip Code: _____

Telephone: Home _____ Work _____

Agent: _____

Address: _____

Telephone: Home _____ Work _____

E-mail: _____

**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: _____

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

NAME OF OWNER(S) (PRINT OR TYPE)

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, becomes “public record.”

STATEMENT OF ACKNOWLEDGMENT

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 argument 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 acknowledgment 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 _____