



GATES COUNTY PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT Special Use Permit Bulletin

OVERVIEW

The Gates County Development Ordinance contains public hearing procedures whereby anyone may request a Special Use Permit.

SPECIAL USE PERMITS

Some uses allowed in the Development Ordinance may be permitted subject to the approval of a Special Use Permit by the Board of Adjustment. A TRC-approved or conditionally approved site plan may be needed to accompany a Special Use Permit request. The hearing is a quasi-judicial procedure requiring specific findings of facts for approval or denial. The Board of Adjustment must make the following findings to approve a Special Use Permit:

- ┆ The use will not materially endanger the public health or safety if located as proposed and developed according to the plan submitted
- ┆ The use meets all required conditions and standards
- ┆ The use will not substantially injure the value of adjoining or abutting property
- ┆ The use is a public necessity
- ┆ The location and character of the use, if developed according to the plan submitted, will be in harmony with the area and in general conformity with the plan for the Community and its environs

CONSIDERATION OF REQUESTS

The decision to approve or deny a request rests with the Gates County Board of Adjustment. Actions of the Board of Adjustment are final, unless appealed. Appeals are heard by the North Carolina Superior Court. These documents and the policies they represent are essential in the evaluation of the impact and appropriateness of each request.

PROCEDURES

Pre-Filing Conference

A pre-filing conference is recommended for anyone planning to file an application. This should be scheduled in the weeks prior to the submission deadline.

Filing

Filing for a special use permit requires:

- ┆ A completed and signed Application Form
- ┆ Application fee
- ┆ A Zoning Sketch Plan, Special Use Permit Site Plan or legal description of the property, if required
- ┆ Public water and sewer approval letter, if required

These items must be submitted by noon on the submittal

deadline date listed below. Failure to submit the required items on time may delay the processing of the application and scheduling of the public hearing. It is recommended that applications be hand-delivered to the Planning and Development Department.

Notice

Notification of a public hearing is required under state law. This consists of:

- ┆ Notice by posting of a sign on the subject property approximately twelve (12) days prior to the public hearing.
- ┆ Notice by newspaper advertisement in the Legal Section of a local newspaper. The ad is published twice - approximately twelve (12) days and seven (7) days prior to the meeting.
- ┆ Notice by first class mail, to all adjoining and contiguous property owners approximately twelve (12) days before the meeting.

Public inquiries often result from the notification process. The applicant may contact staff to inquire about citizen comments prior to the public hearing.

2016 Board of Adjustment Meeting Schedule

Application Submittal Deadline 12:00 pm	Board of Adjustment Meeting 3:00 pm
December 1, 2015	January 19, 2016
January 2, 2016	February 16
February 9	March 15
March 16	April 19
April 12	May 17
May 17	June 21
June 14	July 19
July 12	August 16
August 16	September 20
September 13	October 18
October 11	November 15
November 15	December 20



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BEFORE THE MEETING

Discussion with interested parties

It is recommended that the applicant discuss his/her plans with adjoining property owners, neighborhood associations and other interested parties prior to the public hearing.

Staff Report

Staff prepares a report for each case, which includes the staff recommendation. The report is available three or four days prior to the public hearing and anyone may request a copy. No recommendation is made on Special Use Permits, because the Board of Adjustment will use specific findings of fact in their decision.

Withdrawals

A request to withdraw must be made in writing, signed by the applicant and submitted to planning staff. If the withdrawal request is submitted prior to any public notification (usually four days after the submission deadline), a refund can be made and attendance at the meeting is not required. If public notification has already been made, a withdrawal may only be granted by the Board of Adjustment. Attendance at the meeting is required, and the applicant is not eligible for a refund.

Continuances

A continuance of a request may only be granted by the Board of Adjustment. Attendance at the meeting is required. If granted, the Board of Adjustment will set a new date for the public hearing. The Board of Adjustment may only continue a request for a total of sixty (60) days.

THE MEETING

The applicant or his /her representative **must** be present for the public hearing. The Board of Adjustment typically consists of five (5) seated members and two (2) alternates.

Meeting Format

At the beginning of each meeting, the Chair of the Board will review the meeting and voting procedures. Following an approval of minutes, the Chair calls a case, the staff report is presented, and the public hearing is opened.

During the public hearing, the applicant, his/her representative, or anyone in favor of the request will have a total of twenty (20) minutes to address the Board. Next, anyone in opposition to the request will be given twenty (20) minutes to speak.

Maps, photographs, diagrams and other presentation materials may be incorporated into public hearing presentations. Any materials presented to the Board remain

with the case file, so duplicates should be provided. This includes written petitions, which should list the address for each signatory.

Outcomes

A simple majority vote on a request constitutes final approval, unless appealed. Requests receiving less than a majority favorable vote, an unfavorable vote to deny, or a tie constitute a denial unless appealed.

Appeals

A decision of the Board of Adjustment may be appealed to the North Carolina Superior Court by any interested party, including the applicant within two months of the Board's decision.

This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the Gates County Development Ordinance in any legal proceeding.