

City of



Lumberton

Planning & Neighborhood Services

Variance/Special Use Permit process is as follows: Applications must be submitted at least three (3) weeks prior to the intended Board of Adjustment Meeting.

- 1) Submit a completed application, along with the application fee (\$250.00 non-refundable-fees subject to change) and a detailed business plan.
- 2) Once the Planning Department receives the above information, we will review it and contact you if more information is needed. If the application is complete, the Planning Department will submit the application to the Secretary for the Board of Adjustment requesting it to be placed on the Board of Adjustment's Agenda.
- 3) Once the meeting date has been determined, you will be notified of the time, date, and location of the public hearing. Please have a representative familiar with the request plan to attend this meeting/hearing.
- 4) The Board of Adjustments will hold the scheduled Public Hearing.
 - a) If the application is denied, you will be notified.
 - b) If the application is tabled for more information, you will be notified.
 - c) If the application is approved, the property owner will receive a Variance/Special Use Permit that must be signed and notarized by all property owners. If there is more than one property owner, please request additional signature sheets. The signed permit must be returned to the Planning Department along with a check for \$26.00, recordation fees, **payable to: Robeson County Register of Deeds.**
 - d) Once the permit has been recorded, you must contact the Planning and Inspections Departments to obtain the necessary permits.

**DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
CITY OF LUMBERTON, NORTH CAROLINA
APPLICATION FOR A VARIANCE**

TO: THE BOARD OF ADJUSTMENT OF THE CITY OF LUMBERTON

1. Applicant: Owner (if different from Applicant):

(Name)	(Name)
(Address)	(Address)
City/State/Zip	City/State/Zip
(Telephone)	(Telephone)

2. Description of Property:

(Address)	(Deed Book)	(Page)
(Map Book)	(Page)	(Area)

3. Tax Map Identification:

(Township)	(Map)	(Block)	(Parcel)
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4. Proposed Use of Property: _____

5. Zoning District Designation of Property: _____

6. Variance requested to requirement of Section 35-: _____

7. Purpose of Variance: _____

8. Development Site Plan: See Appendix A of Land Use Ordinance.

9. Notice of Hearing: All property owners within 150' of the perimeter of the property subject of this petition must be notified by first class mail. Please attach list of all such property owners as reflected on the current tax Assessor's Roll with current mailing addresses, Taxing Township, Map Number, Block Number, and parcel Number.

10. Factors Required to Grant a Variance: When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following "factors". In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make so that the Board may conclude that the factors exist. (No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.):

a) Unnecessary hardship would result from the strict application of the ordinance:

b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.):

(Over)

c) The hardship did not result from actions taken by the applicant or the property owner:

d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved:

I certify that all of the information presented by me in this Application is accurate to the best of my knowledge, information and belief.

(Applicant Signature) (Date)

(Owner Signature) (Date)

(Received By) (Date)

The Rules

- Why rules? If you disagree with the decision you must petition the Superior Court (not City Council). The rules are followed to facilitate a fair hearing and court review.
- Speakers must be sworn or affirmed.
- The Applicant must prove by clear and convincing evidence as to each "factor" in the application why he should be treated different from other citizens subject to the ordinance. 4 out of 5 Board members must vote in favor of the Applicant to obtain a variance.
- Rules of evidence apply. [1] Since the Board will only consider the statements and items presented at the Hearing, request your application, documents, pictures, etcetera. be made part of the record. [2] Bring your speakers. A speaker can not say what someone else said. This would be considered hearsay and is not permitted.
- The Chair may limit the number of speakers and/or set time limits.
- Any Board member may ask a question of any speaker at any time.
- Possible Parties: The Applicant, the City Planning Department and opponents, if any. If there are several persons in opposition, they should select a spokesperson for their group.

**City of Lumberton
500 N Cedar Street
Lumberton, NC 28358**

TO:



Board of Adjustment Procedure

The Board of Adjustment is established by the City of Lumberton to hear and determine zoning ordinance variance requests in a fair and impartial manner. The Board is composed of citizens; not city employees.

The Board consist of 5 members with 1 acting as the Chair. The Hearing is a quasi-judicial hearing which means it is similar to a court hearing and the Board members act as judges. There is an order to how the meeting is conducted and rules to be followed. The chair will stop someone if he goes outside the rules. You can, but are not required to, have an attorney speak for you.

- City Attorney: The City Attorney will sit with the Board to provide the Board legal guidance and instruction. He will swear or affirm all parties indicating a desire to be heard (be a speaker).
- Stipulations: The Applicant and the City may, but are not required to, announce any agreements whether as to facts, documents, proposal of facts, etc. When received by the Board the same shall be treated as part of the factual record without further action.
- Proposal of Fact: Any party may submit its proposal of the Findings of Fact. The Board is at liberty to accept or reject; use or ignore the same.

The Order of the Hearing

- The meeting is opened and the agenda matter will be read by the board chairman.
- The Applicant and his speakers, Planning Department representative and anyone else (opponent) will be asked to come forward and be sworn or affirmed.
- The Planning Department representative will make a brief statement as to the reason for the variance request. By agreement (especially if Applicant is represented by an attorney) the Planning Department can allow the Applicant to make the statement.

- Since the Applicant has the burden of proving why he should be allowed relief from the ordinance, at the podium, he will present his speakers and documents first.
- When a speaker concludes his remarks, any Board member, Applicant, Planning Department representative and/or opponent spokesperson may ask him questions, in the order as stated. The applicant may ask any speaker additional follow up questions.
- After the Applicant has presented all his speakers, the Planning Department representative may present statements and documents and be subject to questions as stated above for the Applicant from other parties.
- If there are opponents, he or the spokesperson may present statements and documents and be subject to questions as stated above from other parties.
- The Applicant may present additional statements to answer or respond to statements made by the other parties, subject to questions as stated above to the Applicant.
- The Applicant may make closing remarks summarizing his evidence and the factors. The Chair may, but shall not be required to, hear statements of other parties and if allowed, will precede the Applicant.
- The Chair will close the hearing as to any additional statements.

The Findings and Decision

- The Board in open or closed session, that day or at the next meeting, render its decision.
- A summary of the Facts will be made and approved by the Board. The Board may, but shall not be required to, use proposed facts from another party.
- The Board shall vote on each factor as to whether or not the Applicant has proven his hardship for relief from the ordinance. Factors can be voted individually or consolidated into 1 or more groups. The decision requires 4/5th affirmative vote for the Applicant to receive approval.
- Based on the preceding vote, the Board shall next vote to grant or deny the request. The vote requires 4/5th affirmative vote for final approval.
- A written document, signed by the Chair, will state the Board's action in a format approved by the City Attorney. The Applicant will then be given a copy.
- If the variance is granted, a memorandum of the same shall be recorded in the county register of deeds. The recordation fees are paid by the applicant. Once recorded, the Applicant will be provided a copy.

Effective July 1, 2018

GENERAL INFORMATION

THE FOLLOWING PERMIT FEES ARE CURRENT AS OF JULY 1, 2018 NO BUILDING, ELECTRICAL, PLUMBING, MECHANICAL OR OTHER PERMITS ISSUED BY THE DEPARTMENT SHALL BE VALID UNTIL FEES HAVE BEEN PAID TO THE CITY OF LUMBERTON.

PERMITS WILL BE ISSUED BETWEEN THE HOURS OF 8:00 AND 10:00 A.M. AND 3:30 - 5:00 PM IN THE INSPECTIONS DEPARTMENT AT THE MUNICIPAL BUILDING, 500 N. CEDAR STREET, LUMBERTON.

FOR MORE INFORMATION ON PERMIT FEES, PLEASE CALL THE PLANNING DEPARTMENT AT 671-3838.

I. BUILDING PERMITS

A. NEW CONSTRUCTION, ADDITIONS, AND ALTERATIONS:
\$3.50 PER \$1,000 CONSTRUCTION VALUE
\$50.00 MINIMUM

B. REROOF OR REPAIR TO ROOF:
\$3.50 PER \$1,000 CONSTRUCTION VALUE
\$50.00 MINIMUM

C. BUILDING DEMOLITION:
RESIDENTIAL \$100.00
COMMERCIAL 0.1-10,000 SQFT. \$150.00
10,001+ \$250.00
D. MOVING PERMIT: \$100.00

II. INSULATION
\$0.020 PER SQUARE FOOT HEATED FLOOR
(\$40.00 MINIMUM)

III. ELECTRICAL
\$40.00 APPLICATION FEE PLUS
\$5.00 PER 220 VOLT OUTLET
\$0.50 PER 110 VOLT OUTLET
\$5.00 PER MOTOR

SERVICE CHANGE & REPAIR
UP TO 200 AMP \$40.00
201 AMP+ \$60.00

IV. PLUMBING

A. \$40.00 APPLICATION FEE PLUS:
\$5.00 PER FIXTURE
B. SPRINKLER SYSTEM
\$0.03 PER SQUARE FOOT FLOOR AREA

V. MECHANICAL

\$40.00 APPLICATION FEE PLUS:

A. AIR CONDITIONING & HEAT PUMPS
0.1 - 5 TONS \$20.00
5.1 - 50 TONS \$25.00
50+ TONS \$60.00
SPLIT SYSTEMS ADD \$ 5.00

*B. FOSSIL FUEL BURNING EQUIPMENT
0.1 - 50,000 BTU \$15.00
50,000 - 100,000 BTU \$20.00
100,000 - 200,000 BTU \$25.00
200,001+ BTU \$30.00

C. REFRIGERATION
(COMPRESSOR RATING)
0.1 - 5 TONS \$15.00
5.1 - 15 TONS \$20.00
15 + TONS \$30.00

D. COOKING EQUIPMENT HOODS
(COMMERCIAL ONLY)
0.1 - 10 SQ.FT. \$20.00
10.1 - 50 SQ.FT. \$25.00
50.1 - 100 SQ.FT. \$30.00
100+ SQ.FT. \$40.00

EXHAUST FANS \$5.00

VENTILATION EQUIPMENT
(OTHER THAN RESIDENCES) \$20.00

MODIFICATION, REPAIR OR REPLACEMENT OF DUCT
WORK \$30.00

*E. GAS PIPING \$30.00

* NO APPLICATION FEE

VI MISCELLANEOUS FEES

*A. ABC COMPLIANCE \$40.00
*B. DAYCARE COMPLIANCE \$40.00
*C. FUEL TANK PRESSURE TEST \$40.00
*D. POWER OUTS (VACANT) \$40.00
*E. COMMERCIAL FIRE ALARM \$40.00

VII. MOBILE HOMES

\$30.00 SET UP FEE
\$30.00 ELECTRICAL FEE
\$30.00 PLUMBING FEE
\$30.00 REINSPECTION FEE

VIII. SIGNS

A. NEW SIGN
1. OUTDOOR ADVERTISING
OFF PREMISES \$100.00 PER SIDE
2. PRINCIPLE USE
0 - 50 SQ.FT. \$50.00
51+ SQ.FT. \$100.00

3. COMMERCIAL ACCESSORY - \$10.00 PER SIDE
4. TEMPORARY - \$10.00 PER SIDE

B. MODIFICATION
ALL SIGNS \$25.00 PER SIDE

VIII. OTHER FEES

A. CONDITIONAL USE PERMIT
1. APPLICATION FEE \$250.00
2. SUBDIVISION - PAYABLE AT FINAL PLAT STAGE
A. PER LOT W/IMPROVEMENTS \$50.00
B. PER LOT W/O IMPROVEMENTS \$20.00

B. VARIANCE OR APPEAL TO ADMINISTRATIVE DECISION:
APPLICATION \$250.00

C. REZONING PETITION
APPLICATION \$250.00

D. ANNEXATION PETITION
APPLICATION \$100.00

E. LAND USE PERMIT (ZONING) \$ 25.00

F. ZONING CERTIFICATION LETTER \$ 5.00

G. SITE PLAN REVIEW
(LESS THAN 1 ACRE) \$ 50.00
(FROM 1 TO 4.9 ACRES) \$150.00
(5 ACRES & LARGER) \$250.00
3RD & EACH ADDITIONAL REVIEW \$ 50.00

H. LAND USE ORDINANCE \$ 30.00

COPIES
8.5" X 11" (14") \$.25
11" X 17" \$.50
18" X 24" \$ 2.00
24" X 36" \$ 3.00
30" X 42" \$ 4.00

DEPARTMENT OF PLANNING & INSPECTIONS

DEVELOPMENT REVIEW PROCEDURES

PLAN REVIEW

CHAPTER 35 OF THE LUMBERTON CITY CODE REQUIRES THE PREPARATION AND SUBMITTAL OF DEVELOPMENT PLANS FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE DEPARTMENT COORDINATES THIS FUNCTION FOR THE CITY AND ADVISES APPLICANTS OF THEIR RESPONSIBILITIES RELATIVE TO PLAN SUBMISSION, PERMIT ISSUANCE, AND FEE PAYMENT.

MOST BUILDING PERMITS CAN BE ISSUED WITHIN 2 TO 4 WORKING DAYS WHILE MOST TRADE PERMITS CAN BE ISSUED UPON APPLICATION. THE INFORMATION REQUIRED TO BE DISCLOSED FOR THE ISSUANCE OF A PERMIT IS REFLECTED ON THE APPLICATIONS OR ON THE SITE PLAN CHECK LIST, ALL OF WHICH ARE AVAILABLE AT THE DEPARTMENT.

BUILDING PERMITS FOR CHANGE OF USE, NEW CONSTRUCTION, ADDITIONS, ETC. REQUIRE THE SUBMISSION OF DETAILED DEVELOPMENT SITE PLANS AS WELL AS CONSTRUCTION DRAWINGS AND SPECIFICATIONS.

REVIEW BY OTHER AGENCIES

THE TYPE OR LOCATION OF A DEVELOPMENT PROPOSAL MAY REQUIRE THE REVIEW OF PLANS AND SPECIFICATIONS BY STATE OR FEDERAL AGENCIES. WHILE THE APPLICANT IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE REGULATIONS OF OTHER AGENCIES, THE DEPARTMENT WILL ROUTE PLANS TO THE RELEVANT CITY AGENCIES FOR REVIEW AND COMMENT. PERMITS MAY NEED TO BE OBTAINED FROM THESE AGENCIES AND FEES PAID.

IN ADDITION, AUTHORIZATION TO USE A TRACT OF LAND MY REQUIRE THE APPROVAL OF THE LUMBERTON CITY COUNCIL OR BOARD OF ADJUSTMENT; THESE APPROVALS ARE SUBJECT TO A PUBLIC HEARING PROCESS AND CAN REQUIRE SEVERAL MONTHS TO CONCLUDE.

OTHER FEES

FEES MY BE ASSESSED BY STATE AND FEDERAL AGENCIES AS WELL AS THE OTHER CITY AGENCIES. EXAMPLES INCLUDE THE PUBLIC WORKS DEPARTMENT FEES FOR DRIVEWAY CUTS, WATER CONNECTION, SEWER CONNECTION, AND STORM DRAINAGE, ALSO THE ELECTRIC UTILITIES DEPARTMENT FEES FOR SERVICE CONNECTIONS.

THESE FEES AS, APPROPRIATE, MUST BE PAID PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

MUNICIPAL PLANNING AUTHORITY

THE CITY OF LUMBERTON ENFORCES COMPREHENSIVE LAND USE CODES WITHIN ITS CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION. QUESTIONS ABOUT THE LOCATION OF ITS PLANNING BOUNDARY SHOULD BE DIRECTED TO THE PLANNING DEPARTMENT AT (910) 671-3838.

MUNICIPAL UTILITIES

THE CITY OF LUMBERTON IS A FULL SERVICE UTILITY PROVIDER OFFERING WATER, SANITARY SEWER, AND ELECTRIC UTILITY SERVICES.

CONTACT PERSONS

DEPUTY CITY MANAGER

BRANDON LOVE 272-1346

INTERIM PLANNING DIRECTOR

ARTRIEL KIRCHNER 671-3977

INSPECTIONS DIRECTOR

BEN ANDREWS 671-3837

BUILDING INSPECTORS

BOBBY RAY MEARES 671-3839
671-3840

CODE ENFORCEMENT OFFICER

STEPHANIE CANADY 671-3842

FIRE INSPECTOR

JOE OLIVER 671-3841

COMMUNITY DEVELOPMENT ADMINISTRATOR

BRIAN NOLLEY 671-3844

PUBLIC WORKS DIRECTOR

ROB ARMSTRONG 671-3851

ELECTRIC UTILITIES DIRECTOR

LAMAR BRAYBOY 671-3865

Planning & Inspections Fee

CITY OF LUMBERTON



PERMIT FEE SCHEDULE EFFECTIVE JULY 1, 2018