

City of



Lumberton

Planning & Neighborhood Services

Appeals/Interpretations 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).
- 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, the property owner will receive a findings of fact letter.
 - 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 findings of fact letter outlining the process on how to proceed.

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
CITY OF LUMBERTON, NORTH CAROLINA
APPEAL FROM AN ACTION OF THE ZONING OFFICER and/or PETITION FOR AN INTERPRETATION OF THE ZONING ORDINANCE

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)

4. Proposed Use of Property: _____

5. Zoning District Designation of Property: _____

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

7. 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.

8. REASON FOR APPEAL (check and complete one, then continue to section 9.):

☐ I (name of appellant) _____ hereby appeal to the Board Adjustment from the following adverse decision of a Planning Officer of and from the Planning and Neighborhood Services Department:

☐ I (name of appellant) _____ hereby request an interpretation of:

() the Zoning Map
() the following section(s) of the text of the Ordinance:

Section 35-_____

This image shows a full page of blank, lined paper. It features approximately 30 evenly spaced horizontal black lines across its entire width, typical of notebook or legal stationery. The paper is otherwise completely empty, with no margins, text, or other markings.

File # _____ 2 of 3

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES

11. Notarized Signatures:

Applicant: _____
Full Legal Name (type or print) Home Physical Address

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: _____
Signature

WITNESS my hand and official seal, this the _____ day of _____, 20__.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My Commission Expires: _____

Owner: _____
Full Legal Name (type or print) Home Physical Address

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: _____
Signature

WITNESS my hand and official seal, this the _____ day of _____, 20__.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My Commission Expires: _____

3 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____

APPEALS

- (a) The board of adjustment shall hear and decide:
 - (1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in section 35-91.

ARTICLE V. APPEALS, VARIANCES, INTERPRETATIONS

Sec. 35-91. Appeals.

- (a) An appeal from any final order or decision of the administrator may be taken to the board of adjustment by any person aggrieved. An appeal is taken by filing with the administrator and the board of adjustment a written notice of appeal specifying the grounds therefor. A notice of appeal shall be considered filed with the administrator and the board of adjustment when delivered to the planning and inspections department, and the date and time of filing shall be entered on the notice by the planning staff.
- (b) An appeal must be taken within thirty (30) days after the date of the decision or order appealed from.
- (c) Whenever an appeal is filed, the administrator shall forthwith transmit to the board of adjustment all the papers constituting the record relating to the action appealed from.
- (d) An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the administrator certifies to the board of adjustment that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the board of adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator.
- (e) The board of adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-95. Burden of proof in appeals and variances.

- (a) When an appeal is taken to the board of adjustment in accordance with section 35-91, the administrator shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting

evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

- (b) The burden of presenting evidence sufficient to allow the board of adjustment to reach the conclusions set forth in subsection 35-92(b), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-96. Board action on appeals and variances.

- (a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption (see section 35-32), then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one-fifth of the board's membership (excluding vacant seats).

ARTICLE VI. HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Sec. 35-101. Hearing required on appeals and applications.

- (a) Before making a decision on an appeal or an application for a variance, special use permit, or conditional use permit, or a petition from the planning staff to revoke a special use permit or conditional use permit, the board of adjustment or the city council as the case may be, shall hold a hearing on the appeal or application.
- (b) Subject to subsection (c), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- (c) The board of adjustment or council may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- (d) The hearing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) weeks or more elapses between hearing dates.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-102. Notice of hearing.

The administrator shall give notice of any hearing required by section 35-101 in the same manner as required by section 35-323.

(Ord. No. 813, § 1, 6-3-85; Ord. No. 1636, 10-13-97)

Sec. 35-103. Evidence.

- (a) The provisions of this section apply to all hearings for which a notice is required by section 35-101.
- (b) All persons who intend to present evidence to the permit-issuing board, rather than arguments only, shall be sworn.
- (c) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-104. Modification of application at hearing.

- (a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the city council or board of adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- (b) Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-105. Record.

- (a) A tape recording shall be made of all hearings required by section 35-101, and such recordings shall be kept for at least one (1) year. Accurate minutes shall be kept of all such proceedings, but a transcript need not be made.

- (b) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the city for at least two (2) years.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-106. Written decision.

- (a) Any decision made by the board of adjustment or city council regarding an appeal or variance or issuance or revocation of a conditional use permit or special use permit shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- (b) In addition to a statement of the board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the board's findings and conclusions, as well as supporting reasons or facts, whenever this chapter requires the same as a prerequisite to taking action.

(Ord. No. 813, § 1, 6-3-85)

Secs. 35-107--35-110. Reserved.

Sec. 35-380. Appeals from the board of adjustment.

Appeals from the board of adjustment must be filed with the superior court within thirty (30) days from the date of the decision. The decisions by the superior court will be in the nature of certiorari.

(Ord. No. 1397, 6-28-93)

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. <u>INSULATION</u>		
\$0.020 PER SQUARE FOOT HEATED FLOOR (\$40.00 MINIMUM)		

III. <u>ELECTRICAL</u>		
\$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. <u>MOBILE HOMES</u>		
	\$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. <u>SITE PLAN REVIEW</u>	
(LESS THAN 1 ACRE)	\$ 50.00
(FROM 1 TO 4.9 ACRES)	\$150.00
(5 ACRES & LARGER)	\$250.00
3 RD & EACH ADDITIONAL REVIEW	\$ 50.00
H. LAND USE ORDINANCE	
	\$ 30.00
<u>COPIES</u>	
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 MAY 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 MAY 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

PLANNING DIRECTOR

ARTRIEL KIRCHNER 671-3976

ASSISTANT PLANNING DIRECTOR

VACANT 671-3977

INSPECTIONS DIRECTOR

BEN ANDREWS 671-3837

BUILDING INSPECTORS

JEREMY WOODELL 671-3839
BOBBY RAY MEARES 671-3840

CODE ENFORCEMENT OFFICER

STEPHANIE CANADY 671-3842

FIRE INSPECTOR

SETH HUTCHINSON 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