

**SPECIAL USE PERMIT FROM
BOARD OF ADJUSTMENT FOR
CHANGE IN NONCONFORMING
USE**

**APPLICATION FOR
SPECIAL USE
PERMIT**

City of Wilmington, NC
Planning Division

P. O. Box 1810, 305 Chestnut St, Wilmington, NC 28402
Telephone: (910) 254-0900 FAX: (910)341-3264

(Please read application thoroughly before completing)

Section A. APPLICANT INFORMATION

Application is hereby made for a Special Use Permit to change the nonconforming use of the property at the address below to another nonconforming use.

NAME OF APPLICANT: _____
MAILING ADDRESS OF APPLICANT: _____
PHONE NUMBER/E-MAIL OF APPLICANT: _____

PROPERTY OWNER INFORMATION (If different from the applicant):

Name(s)

Address:

Telephone:

FAX:

ZIP

E-Mail Address:

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the Special Use Permit request:

ADDRESS OF REQUESTED SITE:

NEW HANOVER CO. PROPERTY IDENTIFICATION # (PIN):

CURRENT NONCONFORMING USE:

PROPOSED NEW NONCONFORMING USE:

CURRENT ZONING DISTRICT(S):

TOTAL SITE ACRES/SQUARE FEET:

Special Use Permits add flexibility to the zoning ordinance. Subject to high standards of planning and design, certain property uses may be allowed in several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

Authority for the Board of Adjustment to grant Special Use Permits for changes in nonconforming use is found in Section 18-143 of the Land Development Code pursuant to North Carolina General Statute §160A-381. When granting a Special Use Permit the Board of Adjustment must find that the factors found in Section 18-85(b)(6) and Section 18-143(b) exist. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board of Adjustment that it can properly reach the required conclusions:

- a. **The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit.**

 - b. **The use meets all required conditions and specifications (See Article 6, Division III for any Special Use prerequisites that must be met before a Special Use Permit can be granted).**

 - c. **The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.**

 - d. **The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the City's Future Land Use Plan and adopted special area plans (i.e. corridor plans, neighborhood plans, *Wilmington Vision 2020: A Waterfront Downtown Plan*, the CAMA plan).**

 - e. **The proposed new nonconforming use will be no less compatible with the surrounding neighborhood than the nonconforming use at the time of the application for a Special Use Permit.**
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Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) *The request for a Special Use Permit must be reviewed by the Technical Review Committee of the City of Wilmington before the application can be considered by the Board of Adjustment. Please consider that review time when submitting the application.*
 - (2) Supplementary Information is **REQUIRED** as part of the application. See Section C below for required information.
 - (3) *The application **MUST** be reviewed by the Planning Division for completeness **PRIOR** to the acceptance of any application. Please do not simply leave your application materials without speaking to a Planner or Project Manager. If you do, your application may not be processed and your request might not be considered at the next Board of Adjustment meeting.*
 - (4) *A fee in accordance with the approved fee schedule, payable to the City of Wilmington must accompany the application.*
 - (5) *The Board of Adjustment will consider the application, if properly completed, at their next regular meeting. The applicant or his/her agent should appear at the meeting. Meetings are held at 1:00 P. M. in the Lord Spencer Compton Room, City Hall, 3rd and Princess Streets, Wilmington, North Carolina on the third Thursday of each month. Applicants will be informed of any change in date, time or location of meetings. Applications and the required supplementary information must be received in the Planning Division, 305 Chestnut Street, Wilmington, NC 28401, thirty (30) working days before the Board of Adjustment meeting to allow time for processing and advertisement as required the North Carolina General Statutes.*
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Section C. s
