



Board of Zoning Appeals

Application for Special Exception

To assist staff in the review of a special exception application to the Board of Zoning Appeals (BZA), the applicant must supply all of the information contained in this application form. This application must be signed by **all owners** of the real estate which is the subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

Incomplete applications will be subject to scheduling delay. Applicants are encouraged to meet with staff prior to filing. A public hearing will be scheduled within 45 days of the receipt of a completed application.

Approval of a special exception by the BZA does not relieve the applicant from other requirements including, but not limited to, sign(s), building, zoning and use permits or site plans.

As part of this application, the following must be provided:

1. \$150.00 Application Fee.
2. A plat or building location survey of the subject property drawn to scale (see requirements below on Page 3 or Page 4).
3. As applicable, Building Permit, Zoning Permit, and Sign Permit Applications. Site plans (where applicable) may be submitted after the BZA application has been approved at the public hearing.

It is the **applicant's responsibility** to make a good-faith effort to provide the Zoning Administrator, as applicable, with a current list containing the accurate names and mailing addresses of all interested parties. For purposes of this provision, "interested parties" shall mean Landowners of Adjacent Property. The applicant shall provide the addresses in order to comply with Section 1321.10.G of the Zoning Ordinance.

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Legal Notices

The following shall occur at least 15 days prior to the Public Hearing: notice of the hearing shall be advertised by the Board of Zoning Appeals as a Class I legal advertisement in the local newspaper, posting of a sign upon the property, and letters to adjacent and confronting land owners within 100 feet of the subject property.

Definition of a Special Exception Use

A Use conditionally permitted in a particular Zoning District under this Ordinance that may be undertaken only following the issuance of a Special Use Permit by the Board of Zoning Appeals pursuant to standards and criteria established in this Ordinance.

The Charles Town Zoning Ordinance

To grant a Special Exception Use as permitted in the Zoning Ordinance, the Board of Zoning Appeals makes findings as specified in Section 1321.11(D)(3).

In order to issue a Special Use Permit, the Board must make the following written findings regarding the Special Exception Use sought and **all** of the following can be met:

1. The Use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved;
2. The Use will not substantially diminish the value of Adjacent Property unless the Use is a public necessity; **and**
3. The location and character of the Use, if developed according to the plans and information approved, will be in harmony with proximate land Uses, and consistent with the purposes of the Zoning District.

Site/Plat Requirements

As Detailed in 1332.04(D) of the Subdivision Ordinance

A plat or building location survey must contain the following information in order for the property to be thoroughly evaluated for a Special Exception:

1. Plat must be drawn to scale (Can be hand drawn).
 - a. Existing conditions/structures on the site
 - b. Location/arrangement of proposed uses, *as applicable*.
2. Name of Engineer, Surveyor, or Architect who prepared plat, *if applicable*.
3. Signature and Seal of Engineer, Surveyor, or Architect, *if applicable*.
4. Date of plat and dates of any revisions.
5. Legend/Table on plat listing the following:
 - a. Name of Proposed Project.
 - b. Zoning of Subject Parcel.
 - c. Tax Map and Parcel Number.
 - d. Parcel Address.
 - e. Owner/Applicant's name and address.
 - f. Scale.
6. North arrow.
7. Size of parcel.
8. Names of adjacent streets.
9. Site/Development layout, *as applicable*:
 - a. Maximum and proposed density.
 - b. Location of proposed Street layout, including connections to adjoining streets or vacant lots.
 - c. The location of sidewalks, trails and crosswalks.
 - d. General layout of any proposed number of Lots, average Lot sizes and any proposed commercial uses, including any associated parking. Include proposed height of structures.
 - e. Proposed open space and/or recreation areas, including notes on the plan describing the proposed use, activity area and/or improvement.
 - f. Parking spaces/parking lots with calculations showing what is required and proposed.
 - g. Landscaping as required in the Zoning Ordinance.
10. Site/Development utilities, *as applicable*:
 - a. Available utilities.
 - b. All existing sanitary sewer facilities and combined sewer facilities.
 - c. Depict location or statement of proposed water and sewer supply and other utility improvements.
11. Existing covenants, *if applicable*.
12. List with any documentation of any previously approved variances, special exceptions, appeals, court decisions, conditions, proffers, or waivers granted for the subject property.
13. Any other information requested by the Subdivision Administrator in order for the Subdivision Administrator to make an accurate determination.

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1. DATE _____, 20____

2. APPLICANT'S NAME* _____

Address: _____

Telephone Number (____) _____ Fax Number (____) _____

Email Address _____

3. PROPERTY OWNER'S NAME _____

Address: _____

Telephone Number (____) _____ Fax Number (____) _____

Email Address _____

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (List all parcels that apply)

Property Address: _____

Tax Map # and Parcel(s): _____

Deed Book and Page #: _____

Property Area in Square Feet or Acres: _____

What is this request for?

Home Occupation, Major

Liquor Store

Bed and Breakfast

Casino/Video Lottery

Child Care Center

Other; _____

Apartments/Condominiums/Townhouses

Adult Day Care Center/Assisted Living/Attached Senior Housing/Congregate Care Facility/
Continuing Care Retirement Community/Group Home

5. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

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6. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY: (Include the hours of operation and the activities to be conducted on the site. Be as specific about your proposed use as possible.)

7. LIST THE APPLICABLE SECTION(S) OF THE CITY OF CHARLES TOWN ZONING ORDINANCE FOR WHICH THE SPECIAL EXCEPTION USE IS BEING REQUESTED:

8. IS THIS REQUEST CONSISTENT WITH THE PURPOSES AND INTENT OF THE CITY OF CHARLES TOWN ZONING ORDINANCE? Why or why not?

9. PLEASE DESCRIBE HOW THE PROPOSED USE WOULD AFFECT TRAFFIC CONDITIONS SURROUNDING THE SUBJECT PROPERTY:

10. PLEASE DESCRIBE HOW THIS PROPOSED USE WOULD CHANGE THE EXISTING LAND USE CHARACTERISTICS: (i.e. – from residential to incidental home occupation.)

11. JUSTIFICATION FOR THE REQUEST:

A) The Use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved;

B) The Use will not substantially diminish the value of Adjacent Property unless the Use is a public necessity; and

C) The location and character of the Use, if developed according to the plans and information approved, will be in harmony with proximate land Uses, and consistent with the purposes of the Zoning District.

12. PLEASE DESCRIBE ANY PROPOSED WORK TO BE DONE TO THE PROPERTY: (i.e. – new structures, building additions, ADA compliance, etc.)

13. HOW WOULD GRANTING THE SPECIAL EXCEPTION AFFECT THE FOLLOWING?

a. The number of people residing or working in the immediate area and the orderly growth of the community?

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b. The most appropriate use of land and structure?

c. The peaceful enjoyment of people in their homes and the conservation of property values?

d. The use of surrounding property and property values caused by the existence of odors, dust, gas, smoke, fumes, vibrations, glare, and noise?

14. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?

Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

No

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15. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date

16. INTERESTED PARTY ADDRESSES, FOR PUBLIC NOTICE (including across street) (Interested parties are defined as adjacent properties within 100 feet).

Owner	# and Street	City, State, Zip

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APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1321 and relevant provisions of the Charles Town Zoning Ordinance outlining the City's Board of Zoning Appeals application and approval procedures.

Signature of Applicant

_____ Date _____

Signature of Owner(s) (If different than Applicant)

_____ Date _____

Please submit an original completed petition to the following:

Zoning Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

FOR CITY USE ONLY

Application Number: _____ Date Application Received: _____

Zoning District: _____

Fee: \$ _____ Check No. _____ Receipt No. _____

BZA Hearing Date: _____ Decision: _____

Comments: _____
