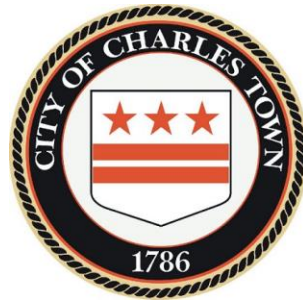


Waiver Application No. \_\_\_\_\_



## WAIVER APPLICATION

### SUBDIVISION AND LAND DEVELOPMENT ORDINANCE SECTION 1331.12, (V) REQUIREMENTS

To assist staff in the review of a waiver application to the Planning Commission (PC), 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 waiver by the Planning Commission does not relieve the applicant from other requirements including, but not limited to, signs(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 Completed Application.
3. As applicable, supporting documents included, but not limited to site plan or depiction of the requested Waiver.

It is the applicant's responsibility to make a good-faith effort to provide the Subdivision 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 1331.12.B of the Subdivision Ordinance

## **Legal Notices**

The following shall occur at least 15 days prior to the Public Hearing: notice of the hearing shall be advertised by the Planning Commission 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 Waiver**

Adjustments that may be made to the requirements of this Ordinance to unusual site conditions in order to achieve a better design. Waivers may not be used to circumvent the process requirements of this Ordinance.

### **The Charles Town Subdivision Ordinance**

To grant a Waiver as permitted in the Subdivision Ordinance, the Planning Commission makes findings as specified in Section 1331.12(B)(2).

In order to issue a Waiver, the Commission must make the following written findings regarding the Waiver sought and all of the following can be met:

**A waiver request may be granted by the Planning Commission only when it shall be determined that:**

1. That the design of the project will provide public benefit such as a reduction in City maintenance cost, greater open space, parkland consistent with the City parks plan, or benefits of a similar nature;
2. The waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
3. That the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance; and
4. That the waiver, if granted, will result in a project of better quality and/or character.

*Note:*

*Additional exhibits may be required by the Subdivision Administrator or Planning Commission such as a lot location survey or site plan showing existing and proposed Structures, easements, watercourses, curb cuts and description of the uses of adjacent property that are necessary to describe existing or proposed conditions.*

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: \_\_\_\_\_

Deed Book and Page #: \_\_\_\_\_

Property Area in Square Feet or Acres: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. DESCRIPTION OF PROJECT AND PROPOSED USE(S) OF THE PROPERTY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

7. DESCRIPTION OF ANY PROPOSED WORK TO BE DONE TO THE PROPERTY:

---

---

---

8. DESCRIPTION OF THE WAIVER REQUEST:

---

---

---

9. LIST THE APPLICABLE SECTION(S) OF THE SUBDIVISION ORDINANCE FROM WHICH THE WAIVER IS REQUESTED:

---

---

---

10. JUSTIFICATION FOR THE REQUEST:

- A) Explain how the design of the project will provide public benefit such as a reduction in City maintenance costs, greater open space, parkland consistent with the City Parks Plan or benefits of a similar nature;

---

---

---

- B) Explain how the waiver, if granted, will not adversely affect the public health, safety, welfare or the rights of adjacent property owners or residents;

---

---

---

C) Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance; and;

---

---

---

D) Explain how the waiver, if granted, will result in a project of better quality and/or character.

---

---

---

11. 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

12. 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

13. 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

**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 Section 1331.12 of the Charles Town S/LD Ordinance and relevant provisions of the Charles Town City Code.

Signature of Applicant

\_\_\_\_\_ Date \_\_\_\_\_

Signature of Property Owner (If different than Applicant)

\_\_\_\_\_ Date \_\_\_\_\_

Please submit an original completed Application and specified number of Site Plan copies to the following:

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

---

**FOR CITY USE ONLY**

Application Number: \_\_\_\_\_ Date Application Received: \_\_\_\_\_

Fee: \$ \_\_\_\_\_ Paid: \$ \_\_\_\_\_ Check No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Subdivision Administrator Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Planning Commission Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Comments/Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_