



Town of Lake Santeetlah

Town of Lake Santeetlah
16 Marina Drive
Lake Santeetlah, NC 28771

Phone: 828-479-8190 fax 828-479-0248 townoflakesanteetlah.org

Article V, Section 502, Zoning Ordinance of the Town of Lake Santeetlah: No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a certificate of zoning compliance shall have been issued by the Zoning Administrator.

Application for Certificate of Zoning Compliance

The following application should be used by those wishing to obtain a certificate of zoning compliance for any construction project or change in use of any building or land within the corporate limits of the Town of Lake Santeetlah. Once an application has been determined to be complete it will be reviewed by the Zoning Administrator. The Zoning Administrator will prepare a written report that will include any outstanding concerns with the application. The Zoning Administrator shall approve or disapprove the application.

Application Checklist

Pursuant to Article VIII, Section 802 of the Zoning Ordinance of the Town of Lake Santeetlah, the following must be provided to process a zoning compliance application.

Application- An application for certificate of zoning compliance must be completed. Incomplete forms will not be reviewed for compliance. Site Plan that shows direction, scale size, adjacent street(s) and the following features:

- Dimensions of the lot
- Dimensions of the building, including height
- Setback distance of building(s) from lot lines
- Building(s) orientation on the lot

Floor plan drawings with front and side elevation are recommended.

In addition to the above the Zoning Administrator may request additional documentation before reviewing the application.

[Type here]

By signing this application, the Applicant agrees to the following:

1. All construction work shall comply with the applicable State and local laws. Substantial change from the plans submitted herewith must be approved in advance.
2. The construction site must be maintained in a safe and orderly condition at all times.
3. Land Disturbing Activities must be conducted in accordance with the Sedimentation Pollution Control Act (North Carolina General Statute §113-51 through § 113-60.) Any land disturbance greater than 1-acre must have an Erosion and Sedimentation Control Plan approved by the North Carolina Department of Environment and Natural Resources. Please contact the Land Quality Division for more information.
4. Prior to commencement of construction of any building, a building permit must be obtained from Graham County and delivered to the Zoning Administrator.
5. Applicants or Owners must secure a Certificate of Occupancy before occupying the new building or any part thereof.
6. This Zoning Compliance Permit shall expire twelve (12) months after date of issuance if work has not substantially commenced.

[Type here]

Application for Certificate of Zoning Compliance

Contact Information

Applicant	Property Owner (if different)
Name: _____	Name: _____
Address: _____	Address: _____
Email: _____	Email: _____
Legal Relationship to Property Owner (if different) _____	

Property Information

Physical Address: _____

Parcel ID Number: _____

Total Parcel(s) Acreage: _____

Existing Land Use of Property: _____

Request

Proposed Use of Property: _____

Proposed Cost of Project: _____

If Project is a Renovation

Current Value of Existing Structure: _____

Percentage of Improvement Cost to Structure: _____

The undersigned hereby certifies that he/she is the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of his/her knowledge and hereby makes application for a certificate of zoning compliance. Any information given herein that is incorrect will cause this certificate to become null and void.

I hereby authorize the Town of Lake Santeetlah Zoning Administrator to enter my property for purposes of determining zoning compliance.

Applicant

Date:

Staff Use Only

Application # _____ Received by: _____ Date: _____

Zoning District:	Site Plan Submitted: <input type="checkbox"/> Received		
Minimum distance to:	Road right-of-way(s) and front yard:	Side lot line(s):	Rear lot line:
Maximum Building Height: as measured from <i>peak of roof to floor of the story at the highest ground level</i>			
Special Conditions and Notes:			
Reviewed by:	Date:		
Permit Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied.	Date Building Permit received:		

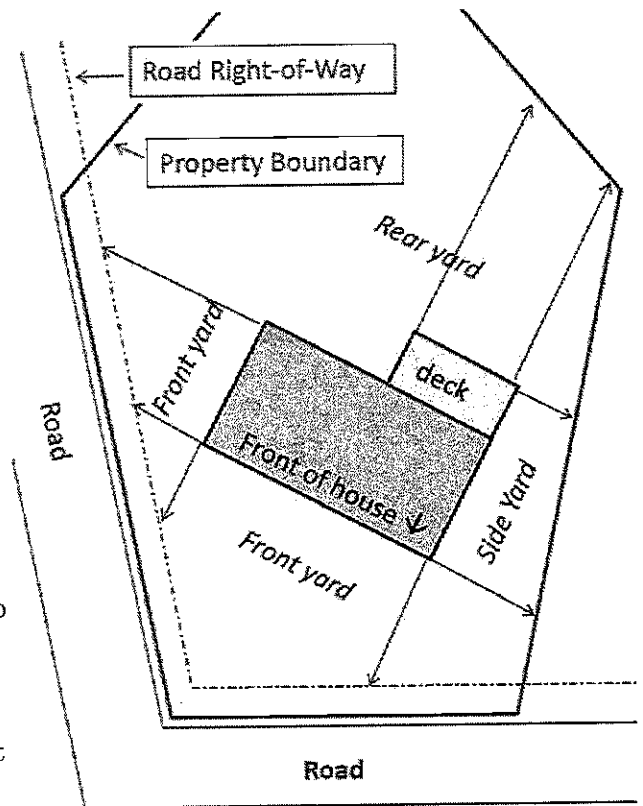
[Type here]

SETBACK REQUIREMENTS:

- All above ground portions of the structure, including but not limited to decks, stairs, and other attached heated or unheated spaces must meet the setback requirements of the Ordinance.
- Setbacks are measured perpendicular from the plane of the building or structure out to the closest property line or street (road) right-of-way.
- Any structure abutting two or more street (roads) shall maintain minimum "front yard" setbacks on all road sides. The location of the primary entrance of the structure shall be considered the front, and shall also maintain minimum front yard setbacks.

DEFINITIONS:

- Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or chattels. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.
- Structure: Anything constructed or erected, including but not limited to building, which require location on the land or attachment to something having permanent location on the land.





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DENIAL OF APPLICATION FOR Certificate of Zoning Compliance at property located at:

Physical Address: _____

Date of this Notice: _____

Date of Application for Certificate of Zoning Compliance: _____

Date of Zoning Administrator Decision: _____

The Zoning Administrator has carefully reviewed your request for a Certificate of Zoning Compliance and finds that it cannot be approved for the following reason(s):

If you are dissatisfied with the Zoning Administrator's decision, you may file TOLS form, Application to Appeal Decision of Zoning Administrator within ten business days of this Notice. The Zoning Board of Adjustment will conduct a review of the Zoning Administrator's decision within thirty (30) business days of receipt of the Application for Appeal.

Signature of Zoning Administrator: _____



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TOWN OF LAKE SANTEEHLAH **ZONING BOARD OF ADJUSTMENT NOTICE OF HEARING**

Dear Property Owner:

The Town of Lake Santeetlah Board of Adjustment will hold a hearing on _____
at _____ (time) at Town Hall, on the following request:

Case _____: A variance _____.

The subject site is located at _____ and
is zoned _____. Parcel ID: _____.

This is a quasi-judicial hearing, very similar to a court hearing. All testimony must be sworn and in person before the Board. Comments called in and letters or written statements (such as petitions) cannot be entered into the record. Having first-hand testimony allows for cross-examination of all witnesses by the Board and others in attendance. Testimony offered on the case should be from direct personal or professional knowledge, and focused on the Ordinance-specified considerations of the Board. If several people have testimony to offer, it is suggested they coordinate their efforts to avoid repetition. Note: This is not a zone change request. Changes to the proposed action may be made by the Board following the hearing.

The applications and maps may be reviewed at Town Hall between 8:00 a.m. and 4:30 p.m.

An appeal to the Board of Adjustment action can be filed pursuant to procedures noted in the North Carolina General Statutes, Chapter 160D-1405 (d) and Chapter 160D-406-406(j) and (k). All decisions of the Zoning Board of Adjustment are subject to appeal to Superior Court within thirty (30) days after the aggrieved party receives the Board's written decision.

Sincerely,

TOLS 105



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ZONING CODE VIOLATION COMPLAINT

Date of Complaint: _____ Date complaint was last observed: _____

Address of Alleged Violation: _____

Property Owner's Name: _____

Property Owner's Address: _____

City: _____ State: _____ Zip: _____

Tenant/Violator's Name(s): _____

- You may attach up to two photographs to this document.

CONTACT INFORMATION

Name of Complainant: _____

Address of Complainant: _____

Phone: _____ Email: _____

Signature: _____ Date: _____

Comments:

NON-OPERATIONAL JUNKED VEHICLE/WATERCRAFT

In accordance with Article IV, Section 401.28 of the Ordinance, a non-operational junked motor vehicle is defined as a vehicle that is visible from the street or road and that does not lawfully display a current license plate upon that vehicle and is partially dismantled and wrecked or cannot be self-propelled or moved in the manner in which it originally was intended to move. If a junked vehicle or watercraft meets the definition of non-operational it must be removed within thirty (30) business days of notice and may not be relocated to another property owned by the owner or related parties within Town limits.

Make: _____ Model: _____ Color: _____

Is the vehicle/watercraft visible from the street? Y/N

Does the vehicle/watercraft display a current license plate or registration tag? Y/N

Is the vehicle/watercraft partially dismantled? Y/N

Is the vehicle/watercraft wrecked? Y/N

Is the vehicle/watercraft capable of being self-propelled? Y/N

OVERGROWN VEGETATION AND WEEDS

In accordance with Article VII, Section 809 of the Ordinance, overgrown vegetation and weeds is defined as uncontrolled growth of weeds or grass to a height in excess of twelve (12) inches, are visible from the street and/or road and exist on properties containing a structure.

Is there a structure on the property? Y/N

Is the overgrown vegetation and weeds visible from the street or road? Y/N

Do the overgrown vegetation and weeds exceed twelve (12) inches in height? Y/N



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Certificate of Zoning Compliance

Applicant

Property Owner (if different)

NAME: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Email: _____

Email: _____

Legal Relationship to Property Owner (if different) _____

Property Information

Physical Address: _____

Parcel ID Number _____ Total Parcel (s) Acreage _____

Existing Land Use of Property _____

Request

Proposed Use of Property: _____

If Project is a Renovation

Current Value of Existing Structure: _____

Percentage of Improvement Cost to Structure: _____

Application # _____ Received by: _____ Date: _____

Zoning Administrator Approval of Certificate of Zoning Compliance Date: _____

Zoning Administrator Signature: _____



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TOWN OF LAKE SANTEETLAH

APPLICATION TO APPEAL DECISION OF ZONING ADMINISTRATOR

16 Marina Drive, Lake Santeetlah, NC 28771

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Application Fee: \$50

It is the appellant's responsibility to obtain a copy of the Town of Lake Santeetlah Zoning Ordinance (Ordinance) and to be fully aware of the regulations detailed therein. This Application must be filed with the Town Clerk within ten business days of the date of the Zoning Administrator's written decision. A hearing by the Zoning Board of Adjustment will be conducted within thirty (30) business days of receipt of this request for Appeal.

At the hearing, it is the responsibility of the applicant to provide evidence and argument to support his/her case; properly allege standing in accordance with the Ordinance; and provide evidence or certification supporting the authenticity of any documentary evidence, including photographs and documents.

Date of Zoning Administrator Decision: _____

Date Appeal Application Submitted: _____

Appellant

Property Owner (if different)

Appellant name: _____ Name: _____

Appellant Address: _____ Address: _____

_____ Address: _____

_____ Address: _____

Phone: _____ Phone: _____

Email: _____ Email: _____

Legal Relationship to Property Owner (if different): _____

Property Information

Physical Address of Property: _____

Parcel ID Number: _____ Total Parcel(s) Acreage: _____

Existing Land Use of Property: _____

Describe the Nature of the Appeal:

I certify that the above information is accurate and true.

Signature of Applicant: _____

Signature of Property Owner: _____

OFFICE USE ONLY

Fee: \$50.00 Date Paid: _____ Check Cash Card

Town of Lake Santeetlah

Information to Applicants Requesting a Zoning Board of Adjustment Variance

An application to the Zoning Board of Adjustment for a variance consideration must be submitted to the Town Clerk, located at 16 Marina Drive, Lake Santeetlah, NC. 28771

An application must be accompanied by the following items; otherwise it will not be accepted:

1. A list of:
 - names of all adjacent property owners.
 - addresses of all adjacent properties

Adjacent properties are all properties abutting the site and properties immediately across the street from it.

2. A check made available to the Town of Lake Santeetlah in the amount of \$50.00 for a variance request. The application fee must be paid at the time an application is submitted for acceptance.
3. If the variance request is for dimensional variance, the application must contain a plot plan showing the nature of the variance request drawn to scale with a size not in excess of 11" x 17". Two larger site plans, 24" x 36", must also be submitted for presentation purposes.

Applications are to be reviewed by the Zoning Administrator prior to being officially accepted by the Town for review.

Checklists for each type of request are provided with each application package. If the application does not contain all required items on the checklist, it will be considered incomplete and shall not be accepted.

The following basis for a variance is contained in NCGS 160D-705 (d):

"When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved."

Upon determination by the Zoning Administrator that an application for a variance is complete, it will be officially accepted by the Zoning Board of Adjustment. The Zoning Administrator will complete an acceptance form and both the himself/herself and the applicant must sign named form. A copy of the signed form will be given to the applicant and a copy will be placed in Town Hall.

The Zoning Board of Adjustment will place the variance request on the agenda for a public hearing followed by Board hearing. Notice of the Hearing will be mailed to the applicant, and to other persons with standing.



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Application for Variance

Parcel ID: _____

Date: _____

Section A: Project Information

Property Address: _____

Existing Zoning District: _____

Project Description: _____

Section B: Applicant/ Owner

Name: _____

Address Local: _____

Address Non-Local: _____

Telephone Local: _____ Non-Local: _____

Email: _____

The undersigned applicant hereby certifies that, to the best of his/her knowledge and belief, all information supplied with this application is true and accurate.

Signature: _____ Date: _____

Variations may be granted by the Zoning Board of Adjustment for dimensional regulations along with other regulations including but not limited to parking and buffer strips. The following is a checklist of required submittals:

Application Fee \$50.00: Amount Paid: _____ Date: _____

Available Digital Files: Yes _____ No _____

Plot Plan Drawn to Scale: Yes _____ No _____

Type of Variance Request: Please Circle.

Dimensional Variance: Y/N If yes, show: Height: Y/N Setback: Y/N

Parking Variance: Y/N

Other: Please state: _____

Please answer the following:

1. Please cite the specific provision(s) of the Zoning from which a variance is requested and state the specific variance for which the application is submitted.

2. Describe the unnecessary hardship created for the applicant's property by the strict enforcement of the Zoning Ordinance. (Please include a list of the factual evidence that will be presented indicating the hardship.)

3. Please explain how hardship did not result from actions taken by the application or property owner.

4. Please explain how the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

5. Please list the names and address of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Graham County Tax Supervisor.

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

Signature of Applicant

Date

STATE of _____ County of _____

On this _____ day of _____, _____

Personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she is signed the same and being duly sworn by me, made oath that the statement in the foregoing instrument are true.

Signature of Notary Public _____

My Commission expires _____



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NOTICE OF VIOLATION AND WARNING CITATION

Date: _____

To: _____ (Property Owner)

Address: _____

Parcel ID Number: _____

Tenant/Violator's Name: _____

Tenant/Violator's Address: _____

Date of Complaint: _____

Nature of Violation: _____

A site visit to your property was made and the following was determined along with corrective action:

This notice constitutes a warning citation establishing an order to take action to abate the aforementioned violation(s) of Article XIV of the Town of Lake Santeetlah Zoning Ordinance. Unless the aforementioned corrective actions take place, civil citations of \$50.00 a day, per day, will begin accruing on _____ (date) pursuant to Schedule B, Violation of Local Ordinances.

If this violation building dimensional requirement, the Town, on _____ (date) intends to revoke the zoning permit issued to the property and issue a stop work order applicable to the entire property as North Carolina General Statutes dictate that permits shall be revoked for any substantial departure from approved applications, plans, specifications; or false statements or misrepresentations are make in securing such permit.

Please contact the Zoning Administrator at your earliest convenience to discuss a course of action for the property.

Zoning Administrator: (please print name) _____

Zoning Administrator Signature: _____

Phone: _____

Email: _____