



Minor and Major Special Use Permit (SUP) Application

(A Pre-submittal conference must be held prior to submission)

City-County Development Services Center

101 City Hall Plaza, Durham, NC 27707 | <https://dsc.durhamnc.gov> | 919-560-4137

Planning

Submittal: Applications are accepted **by appointment only** and are available online at: <http://dsc.durhamnc.gov/174/Permits-and-forms>. Application submittals must be made in-person and fees are due at time of submittal. **ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED.**

Minor special use permits are heard by the Board of Adjustment as a quasi-judicial public hearing. **Major special use permits** are heard by the Governing Body (City Council if City, Board of Commissioners if County) as a quasi-judicial public hearing.

The application is a form of written testimony and is used to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Board of Adjustment. Any such additional material submitted will become part of the application, and as such cannot be returned.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied. **Decisions can be appealed to Superior Court within 30 days.**

TRACKING INFORMATION (STAFF ONLY)

Case Number:	Date/Time rec'd:	Rec'd by:
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APPLICATION REQUIREMENTS	Applicant Initial	Staff Initial
Record of the pre-submittal meeting (copies provided at the meeting)		
Fee		
Completed application and responses: ORIGINAL signatures required		
Submitted Site Plan (Digital and 11x17), if required, or Plot Plan		
Responses to general findings and review factors: Section 3.9.8A and B of the UDO		
Responses to Additional Findings and/or Review Factors, as applicable		
Responses to Limited Use Standards, as applicable		
Floorplan, as applicable		
Elevations, as applicable		
Note: Additional supporting documents may also be submitted		

PROPERTY INFORMATION

Site Address:	Site size (in acres):
Zoning District(s) :	PIN(s):
Zoning Overlay District(s):	PID(s):
Development Tier:	<input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both

PROPERTY OWNER

Name(s) (Print):	Phone:
Contact Person:	Email:
<hr/>	
Owner Signature	Date

APPLICANT INFORMATION

Name(s):	
Contact Person:	Phone:
Address:	Fax:
City/State/ZIP:	Email:
<i>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</i>	
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Applicant Signature	Date

AGENT (IF DIFFERENT THAN APPLICANT)

Name:	
Contact Person's Mailing Address:	Phone:
Address:	Fax:
City/State/ZIP:	Email:

COMPLETE AND RESPOND TO THE FOLLOWING WITH AN ATTACHMENT (SUGGESTED),

Burden of Proof: The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment or Governing Body to reach the conclusions set forth below, as well as the burden of persuasion on those issues.

Ordinance provision(s) from which a variance is requested:

This is what I want to do:

Ordinance provisions require:

I, _____, hereby petition the Durham Board of Adjustment/Governing Body (select one) for a Major/Minor (select one) Special Use Permit to allow use of the property as described on this form and in material submitted with this request.

Section 3.9.8 of the Unified Development Ordinance (UDO): Criteria for approval of Major and Minor Special Use Permits

General Findings: Applications for minor or major special use permits shall be approved only if the Board of Adjustment or Governing Body, as applicable, finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;

Applicant's Response:

2. In conformance with all special requirements applicable to the use;

Applicant's Response:

3. Will not adversely affect the health or safety of the public; and

Applicant's Response:

4. Will adequately address the review factors identified below.

Applicant's Response:

Review Factors: The applicant shall demonstrate that the review factors listed below have been adequately addressed:

1. Circulation

Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Applicant's Response:

2. Parking and Loading

Location of off-street parking and loading areas.

Applicant's Response:

3. Service Entrances and Areas

Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

Applicant's Response:

4. Lighting

Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area.

Applicant's Response:

5. Signs

Appropriateness of signs considering location, color, height, size, and design within the context of other property in the area.

Applicant's Response:

6. Utilities

Location and availability of utilities.

Applicant's Response:

7. Open Spaces

Location of required yards and other open spaces and preservation of existing trees and other natural features.

Applicant's Response:

8. Environmental Protection

Preservation of tree cover, Durham Inventory Sites, floodplain, stream buffers, wetlands, steep slopes, open space and other natural features, and protection of water quality.

Applicant's Response:

9. Screening, Buffering and Landscaping

Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property.

Applicant's Response:

10. Effect on Adjacent Property

Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.

Applicant's Response:

11. Compatibility

The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to the appropriateness of the scale, design, and use in relationship to other properties.

Applicant's Response:

12. Consistency with Policy

Consistency with the Comprehensive Plan and applicable development tier guidelines, overlay purposes, and zoning district intent statements in Article 4, Zoning Districts.

Applicant's Response:

13. Other Factors

Any other review factors which the approving authority considers to be appropriate to the property in question.

NOTE: Please address the requirements of any applicable "Limited Use Standards" or other special requirements of the use as an attachment to the application.

READ AND SIGN BELOW:

In granting a Minor or Major Use Permit, conditions may be placed to assure that adequate mitigation measures are associated with the use. The conditions shall become part of the special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of the Ordinance. Furthermore, Special Use Permits shall become null and void in any of the following cases (Section 3.9.14 of the UDO):

- A. If a site plan or architectural review, as applicable, is not approved within 12 months of the date of permit approval.
- B. If an approved site plan, architectural review application, or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a corresponding site plan or architectural review is not required.
- D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.

Applicant Signature

Date