



Town of Lake Santeetlah

Office of Zoning Administration

16 Marina Drive

Lake Santeetlah, NC 28771

(828) 479-8190

Certificate of Zoning Compliance (CZC) Permit Application

All new and modifying construction must be in compliance with the requirements of Lake Santeetlah's zoning ordinance. More specifically Article VIII, Section 801, of the Zoning Ordinance of the Town of Lake Santeetlah states: "No building or structure shall be erected, moved, added to or structurally altered, nor shall any change in the use of any building or land be made until a Certificate of Zoning Compliance has been issued by the Zoning Administrator."

The zoning permit process requires that landowners or their agents submit a plan and description of their proposed project that is reviewed for preliminary compliance with major zoning regulations such as the use of the property, the size and location of the structure, and adherence to setbacks. This occurs up front before the project is initiated. If the project is found to be in harmony with applicable ordinances and regulations, a "Certificate of Zoning Compliance (CZC)" is approved and issued, enabling the project to proceed. The zoning permit process is briefly discussed below.

Certificate of Zoning Compliance — Pre-Construction Requirements

The following is a short outline of the basic steps of the application process and should be utilized in moving forward with any construction project in which zoning compliance either, conforming or nonconforming, must be sought.

- ◆ The first step: variance, if necessary.
- ◆ Unless a variance is necessary, the next step of the process is to submit a completed Zoning Permit Application with any applicable fees. This form and any other relevant forms and/or information are available from Town Hall. This application for Certificate of Zoning Compliance (CZC) must be completed in its entirety. Incomplete forms will not be reviewed for compliance.
- ◆ The property owner should be available as necessary to schedule a Preliminary Zoning Inspection or at a minimum to discuss the pending project with the Zoning Administrator or Town Hall staff accepting the application. If a meeting is deemed necessary, a time convenient with all parties of fact will be scheduled either on the project site or the Town Hall offices as appropriate.

Application Supporting Documentation Checklist

Pursuant to Article VIII, Section 801.01 of the Zoning Ordinance of the Town of Lake Santeetlah, the following must be provided to process a zoning compliance application.

- . / Site Plan that shows direction, scale size, adjacent street(s) and the following features (Examples are Shown Later in this Application):
 - * Dimensions of the lot.
 - * Dimensions of the building, including height.
 - * Setback distance of building(s) from lot lines.
 - * Building(s) orientation on the lot.
 - * Ingress and Egress and parking. (*See* Section 1100(1)(a)).
 - * Septic/Sewer approval from Graham County or State. (*See* Section 1105).

- . / Floor plan drawings with front and side elevations are recommended.

The information above provides a summary of the zoning permit process and a list of the most common items that will be necessary during the application process. Although this list is provided for your convenience, it is not all-inclusive. It remains the applicant's duty to know all the ordinances and strictly adhere to them. In some situations, in addition to the above listed items, the Zoning Administrator may request additional documentation before reviewing the application for clarification purposes.

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

1. All construction work shall comply with the applicable State and local laws. Examples include land disturbing activities in accordance with the Sedimentation Pollution Control Act (N.C.G.S. 113-51 through 113-60) and Graham County Building Inspections and enforcement of State building codes. Substantial change from the plans submitted herewith must be approved in advance by the Zoning Administrator. Failure to obtain change approval will result in a Stop Work Order being issued until in compliance.
2. The construction site must be maintained in a safe and orderly condition at all times.
3. Prior to commencement of construction of any building, a building permit must be obtained from Graham County Building Inspections Department and delivered to the Zoning Administrator.
4. The Certificate of Zoning Compliance Permit shall expire 1 year after date of issuance if work has not substantially commenced.

The appropriate section of the following application should be used by those wishing to obtain a Certificate of Zoning Compliance (CZC) 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 ultimately approve or disapprove the application. Be aware that if your project does not meet certain requirements of the Town zoning ordinance, variance approval may be required prior to receipt of an approved CZC.

When returning this application please return all pages for inclusion in the zoning file.

Section #1: Application for Certificate of Zoning Compliance (CZC)

Contact Information:

Applicant:

Name: _____

Address: _____

Email: _____

Phone #: _____

Property Owner (if different):

Name: _____

Address: _____

Email: _____

Phone #: _____

Legal Relationship of Applicant to Property Owner (if different): _____

Property Information:

Physical Address: _____

Parcel Tax ID Number: _____

Total Parcel(s) Acreage: _____

Existing Land Use of Property: _____

If you are seeking to address a nonconforming situation on your property, either through use, maintenance, repair, reconstruction or alteration, please fill out Section # 2 of the Application. Failure to do so means that such section is not applicable.

Request:

If Project is New Construction:

Proposed Use of Property: _____

Proposed Cost of Project: _____

If Project is a Renovation, Modification, or Other Activity Related to Pre-Existing Improvements:

Current Value of Existing Structure: _____

Percentage of Proposed Project Cost to Structure: _____

Builder/Contractor Contact Information:

Name of Point of Contact: _____

Name of Company: _____

Address: _____

Phone Number: _____ Email: _____

Affirmation of Understanding

By signing below the undersigned hereby certifies that he/she is the owner, contractor, or authorized agent of the owner, and the above representations and information are true and accurate to the best of his/her knowledge and hereby makes application for a 'Certificate of Zoning Compliance'. You also understand that

the Town of Lake Santeetlah is relying on these representations to evaluate whether to issue the permit or certificate and that in evaluating this request the Town is not independently verifying or certifying any representations made by the applicant. Any information given herein that is incorrect will cause this certificate to become null and void. By signing below, you acknowledge understanding of all applicable Town zoning ordinances and the penalties incurred for violation of such. You also understand that in the event violations are discovered at the project site that stop work orders will be issued and enforced until such time violations are remedied.

I hereby authorize and grant permission for the Town of Lake Santeetlah Zoning Administrator or other proper personnel to enter my property for site visits for the purposes of determining zoning compliance during the work in progress of the project (North Carolina General Statute §160D - 403(e); 1113; 1117 & 1207 as applicable).

IF USING AN AUTHORIZED AGENT: If the property owner wishes to authorize someone to apply on their behalf, they must submit a letter attached to this application authorizing such. The authorization letter must be signed by all property owners and contain the following statement: *“(Name/Company/Contact Info) has authority to act on my behalf regarding the property and this application and is authorized to submit, amend, alter or supplement this application.”*

Applicants / Authorized Agent Signature: **Date:**

#1: _____

Printed Name: _____

#2: _____

Printed Name: _____

Thank You For Completing The Application!

Staff Use Only

Application # _____ Received by: _____ Date: _____

Section #2: Application for Certificate of Zoning Compliance (CZC) Non-Conforming

Due to the unique circumstances surrounding the formation of The Town of Lake Santeetlah from a pre-existing subdivision of 25 plus years to a state legislatively recognized incorporated municipality the local governing authorities have adhered to the concept of allowing equivalent replacement of structures built prior to the Town's incorporation and adoption of its initial zoning ordinances on April 14, 1990. This position was considered the most equitable stance and the least negatively impacting on its citizens as many of the pre-existing residential uses would not be permitted to be constructed as previously built, if at all, under the adopted zoning ordinances. As a result, all structures within the town limits built prior to the incorporation of the Town and council adoption of the initial zoning ordinances are effectively "Grandfathered" and allowed to be rebuilt in their original state even in situations where they are non-conforming nor in harmony with current ordinances.

The equivalent replacement grandfathered stance is applicable in situations where the improvements by necessity (such as destruction by fire or natural causes) or are to be renovated or upgraded are to be reconstructed exactly as they previously existed in size, shape, height, footprint and/or setbacks. In these situations, a formal public hearing and a ZBA variance is not required to rebuild. Should the improvements deviate in any way from the original footprint, size, scope and/or manner of use the new improvements will become subject to the current zoning ordinances and, if found not to be in harmony with such, shall require a variance from the ZBA in order for the project to commence.

Initial Non-Conforming Questions:

Was your home, appurtenances, and/or any applicable features that are subject to this request built prior to the adoption of the initial town zoning ordinances of April 14, 1990 or built after and granted a variance by a previous Town Zoning Board or the ZBA? _____

If so, will the project be equivalent replacement? That is will the improvements be reconstructed exactly as they previously existed in size, shape, height, footprint and/or setbacks prior to zoning implementation or variance granting? _____

If not equivalent replacement is this new construction or modification of existing improvements that are conforming to a use which will become a nonconforming use? _____

Please detail the nonconforming issues: _____

Thank You For Completing The Application!

Staff Use Only

Application # _____ Received by: _____ Date: _____

(This Section for Staff Use Only)

Zoning District: _____

Site Plan and Supporting Documentation Submitted and Received:

☐

Minimum Distance to:

Abutting Road(s) & Rights-of-Way and Front Yard: _____

Side Lot Line(s): _____

Rear Lot Line(s): _____

Maximum Building Height _____ (As Measured From):

Peak of Roof to Mean Between Lowest & Highest Footings:

☐

From Highest Base Elevation of Subject Property to Peak of the Roof:

☐

or From the Finish Yard Grade to the Peak of the Roof:

☐

Special Conditions and Notes: _____

Permit Status:

Conforming:

Approved

Denied

☐

Non-Conforming:

Pre-Existing Structure -

Equivalent Replacement

Approved

Denied

☐

New Construction or Modification of Existing Improvements -
Conditionally Approved - Pending Variance Approval

☐

(When a Variance is Sought Final Approval and Project Commencement can not begin Until the ZBA Approval is Obtained)

Reviewed By: _____

Date: _____

**This Section Only Used by Zoning Staff When a Proposed Project is Nonconforming
And a Variance Has Been Sought.**

Date of Public Hearing: _____ **Date of ZBA Hearing:** _____

Zoning Board of Adjustment Variance Request Recommendation:

Approved

☐

Denied

☐

Special Conditions and Notes: _____

Final Certificate of Zoning Compliance Non-Conforming Status Based on ZBA Decision:

Approved

☐

Denied

☐

Reviewed By: _____ **Date:** _____

GENERAL INFORMATION

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 streets (or roads) shall maintain minimum "front yard" setbacks on all roadsides. The location of the primary entrance of the structure shall be considered the front and shall also maintain minimum front yard setbacks.

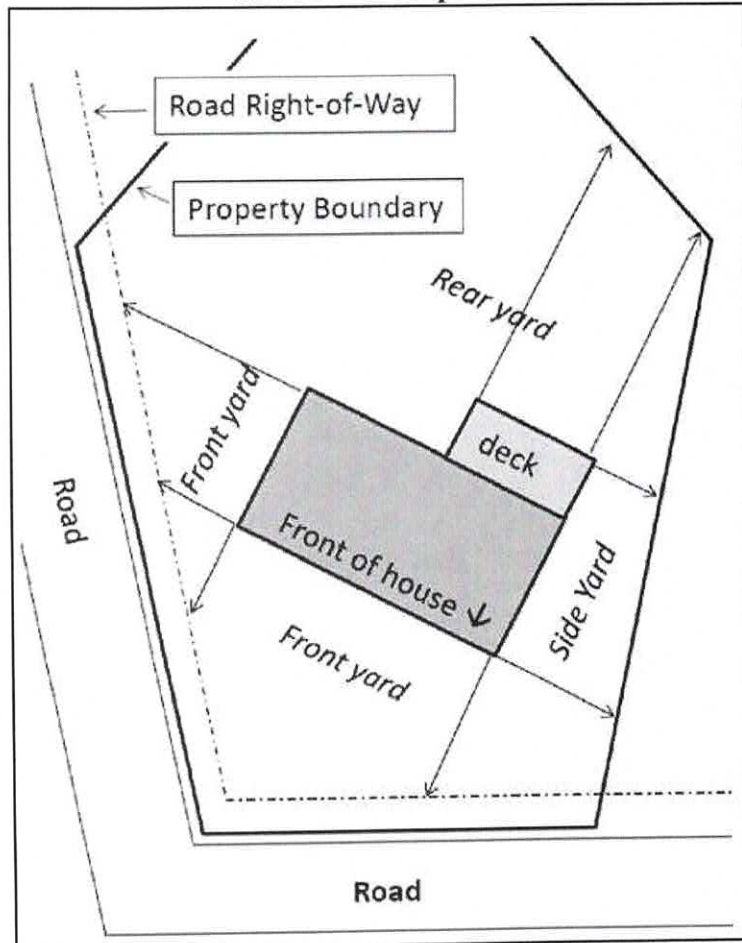
DEFINITIONS:

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.

Equivalent Replacement: Equivalent replacement is an election option a landowner has when seeking a Certificate of Zoning Compliance (CZC) concerning pre-existing nonconforming improvements. For the purposes of this application equivalent will be translated and interpreted as, "that is virtually the same thing; having the same effect" and replacement as, "the action of replacing a thing; the fact of being replaced." More succinctly for the purposes of the landowner claiming equivalent replacement the zoning administration stance will be that a structure or any appurtenance, feature, or attachment must adhere to the exact same footprint, size, height, and setbacks with no deviation from such in order to qualify for this exemption.

Grandfathered: The grandfather clause is a provision in a new statute or zoning ordinance that exempts certain previously existing property uses from the new rules or regulations. The grandfather clause is

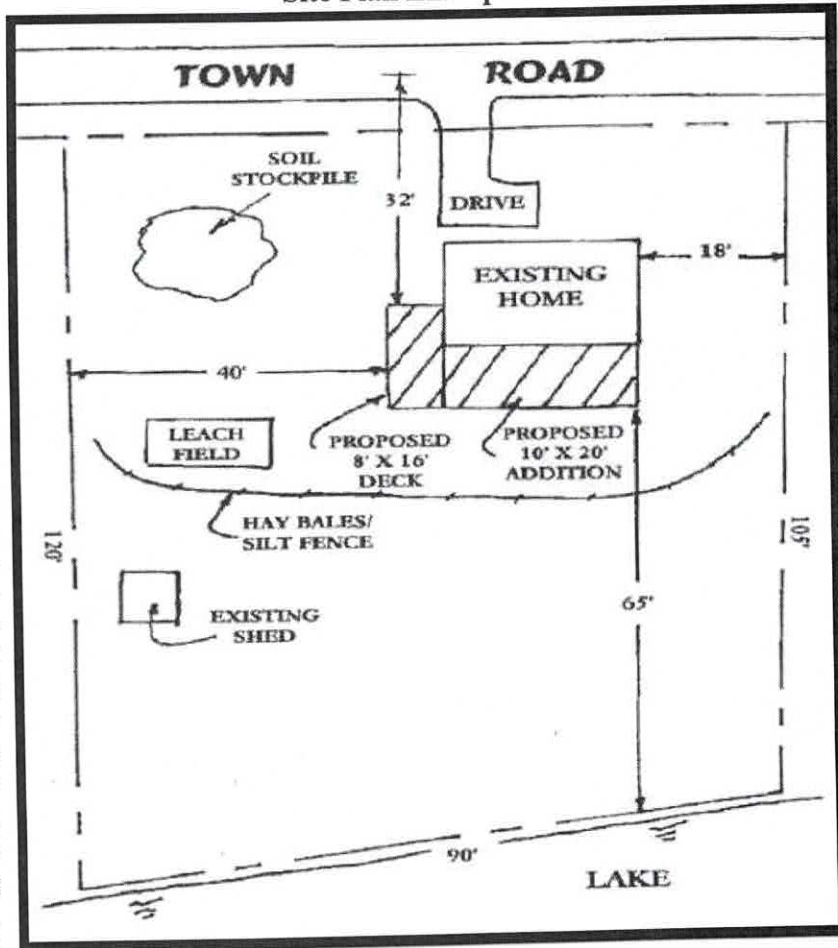
Site Plan Example #1



adopted during the enacting of the new zoning ordinances and regulations that affect land uses and certain related situations going forward, while factoring in logistical or cost problems that would arise if the old or pre-existing uses were to be required to be updated or upgraded to meet the initial or current standards.

The grandfather clause the Town of Lake Santeetlah adheres to specified the date of April 14, 1990 for the division of exempted land uses being from the adoption of new ordinances and regulations and making it clear that situations impacting land use planning that occur from that date forward are subject to the new regulations. In basic terms, the grandfather clause allows the current state of something to remain unchanged, regardless of the policy change so long as there is no material change in that use even after the date of the implementation of the new ordinances and regulations.

Site Plan Example #2



Structure: Anything constructed or erected, including but not limited to buildings, decks, stairs, walkways, patios, sheds, or any other attached or detached spaces not considered to be native soil or yards, which require location on the land or attachment to something having permanent location on the land.
4838-1696-6641, v. 2