

SUP Hearing Process

Once the SUP application is complete and has been scheduled for a Board of Adjustment meeting date, then the public hearing process will include the following:

1. **Swearing in:** Town staff, the applicant, and any other party wishing to present before the Board must be sworn in, pledging to tell the truth during the respective presentations.
2. **Presentation of staff report:** The project planner will briefly present the staff report for the case. The presentation typically covers the application, concept plan, and staff's recommendations for draft conditions.
3. **Input from Applicant:** The Board will invite the applicant to answer questions and provide testimony to the Board. Remember, the hearing is quasi-judicial and only facts may be considered in the Board's decision. Hearsay and speculation is not allowed nor will they be considered in the decision-making process. Any information submitted to the Board is evidence and will be retained for the record.
4. **Public Input:** Since the Board of Adjustment is a public hearing, the hearing is open for comment from members of the public. As with all presentation to the Board of Adjustment, no hearsay or speculation is allowed. The Board will consider only factual information presented.
5. **Criteria for Approving an SUP:** After the public input section of the hearing is closed, the Board will then determine whether the application is complete. Subsequently, the Board then considers whether the application complies with all of the applicable requirements of the Unified Development Ordinance as presented.
6. **Findings of Fact:** Pursuant to UDO Chapter 360.030, the BOA must make the required considerations of public health safety, and welfare. The Board may approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed development will:
 - ⇒ Not materially endanger the public health or safety;
 - ⇒ Not substantially injure the value of adjoining or abutting property;
 - ⇒ Be in harmony with the area in which it is located; and
 - ⇒ Be in general conformity with the Town of Indian Trail Comprehensive Plan and other adopted plans.

If the Board concludes that all such requirements are met and agrees upon any required conditions, it will then issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Unified Development Ordinance. Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Board of Adjustment Do's and Don'ts

If you are an applicant for a Special Use Permit and are scheduled for the Board of Adjustment, please keep in mind that the Board only considers factual testimony, without hearsay. Be prepared to hand in any evidence you would like to present to the Board, as it kept for the record. Remember that the Board of Adjustment functions similarly to a court in its procedures. If you have any questions, please ask your planning staff contact, as we are always happy to help!



This brochure serves as a guide to the Special Use Permit process and provides a general outline of the application requirements and permit process.

For more information and copies of forms, visit www.indiantrail.org

Special Use Permits

Administrative
Services Building
130 Blythe Drive
Indian Trail, NC 28079

704-821-5401
www.lindiantrail.org

What is a Special Use Permit?

Special uses are uses that are only permitted through a permit granted through the Board of Adjustment in the Town of Indian Trail. A special use permit (SUP) may be granted for a proposed use after a quasi-judicial evidentiary hearing finds the specific conditions have been filled. The Unified Development Ordinance spells out the requirements for granting a special use permit. The burden is on the applicant to present sufficient evidence to allow the board to make finding that all specific standards will be met. Specific standards considered by the Board of Adjustment for a special use permit include:



- Completeness of Special Use Permit application;
- Whether the application complies with all of the applicable requirements of the ordinance; and
- Considerations for public health, safety and welfare

What is the Board of Adjustment?

The Indian Trail Board of Adjustment is a five member board (with, three alternates) comprised of Town residents, appointed by the Town Council. The Board conducts its meetings in a quasi-judicial manner. It's powers and duties are set forth by North Carolina General Statutes and the Indian Trail Unified Development Ordinance. A vote of at least four-fifths of the Board is required to pass upon any matter presented to the Board. The Board meets monthly in the Indian Trail Civic Building, located at 100 Navajo Trail.

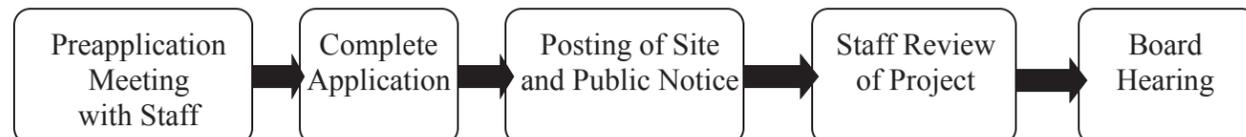
The Indian Trail Board of Adjustment meets the Fourth Thursday of every month.

Special Use Permit Process

The first step in the Special Use Permit process is to file a complete application with the Planning Department. It is highly recommended for the applicant to schedule a preapplication meeting with planning staff prior to submitting the special use permit application. The assigned planner will be your contact throughout the special use permit process. From beginning to end, the special use permit process typically spans 60 days. A complete application for a special use permit must be received 45 days prior to the scheduled Board meeting.

Components of a complete application:

- Completed application including notarized signatures of applicant and/or property owner;
- Letter of Intent;
- 8 copies of the Concept Plan (including a digital copy in PDF format);
- Statement of Justification;
- Statement of Appraisal; and
- \$300 non-refundable application fee plus \$2.50 per adjoining property owner



Your Responsibility

The following provides more information regarding the individual components of a special use permit application submittal.

- **Concept Plan**– The concept plan is the applicant’s opportunity to show the Board the overall concept for the site. If applicable, please include the following information on your plan: building footprint (height, setbacks, dimensions), parking area, open space area, signage, sidewalks, trails and bikeways, lighting, utilities, phasing plans, landscaping and other relevant information. Work closely with your project planner to determine the applicable information to present on your concept plan.
- **Letter of Intent**– The letter of intent provides the Board with a broad understanding of the nature of operations at the proposed site. Information important to include is hours of operation, size and scope of the proposed use, general outline of the concept plan, number of employees, and other useful information.
- **Statement of Justification**- The applicant is required to fill out the statement of justification worksheet in the special use permit application. The four questions are used by the Board to assist in the findings for consideration of public health, safety and welfare.
- **Statement of Appraisal**– As required by the Unified Development Ordinance, a written consulting report must be provided by a North Carolina State Certified Real Estate Appraiser that conforms to Standard 5 of the Uniform Standards of Professional Appraisal Practice. This report is not required for temporary event uses. Please note that if the Board questions any content of the appraisal report, only the Certified Appraiser is qualified to answer, therefore consider having your appraisal professional attend the hearing.

Staff Responsibility

In addition to serving as your project contact during the special use permit process, the project planner has the following responsibilities:

- Routing your project for outside agency (Union County Public Works, NCDOT, etc.)
- Drafting proposed conditions for the project. These conditions must be fair and reasonable and approved by the Board of Adjustment. Conditions may exceed the minimum requirements of the SUP ordinance.
- Keeping your project’s status updated on the Indian Trail website.
- Completing the required public notification process, as set for by NC State Statutes and the Unified Development Ordinance.
 - ⇒ Adjoining property owner notice sent via first class mail
 - ⇒ Posting of the site with the SUP case number and Town contact information.
 - ⇒ Posting public hearing information in the local newspaper prior to scheduled hearing.
- Providing staff report, outlining the staff’s findings concerning that application’s compliance with the ordinance as well as providing any recommendations for requirements to be imposed by the Board.



These steps will guide you through the Special Use Permit Process.