

VANCE COUNTY BOARD OF ADJUSTMENTS

The Vance County Board of Adjustments met at a regular and duly advertised meeting on August 13, 2015 at 4:00 p.m. in the Commissioners Meeting Room of the Vance County Administrative Building at 122 Young Street in Henderson, NC.

MEMBERS PRESENT

Thomas Shaw – Chairperson
Agnes Harvin
Phyllis Stainback – Vice Chairperson
Alvin Johnson, Jr.
Blake Haley

MEMBERS ABSENT

Ruth Brummitt

ALTERNATES PRESENT

Ruxton Bobbitt

STAFF PRESENT

Jordan McMillen, Planning Director
David Robinson, Planner

Chairperson Shaw called the meeting of the Board of Adjustment to order and asked for a moment of silence for the passing of Rev. Roosevelt Alston, a longtime member of the Planning Board and Board of Adjustment.

Chairperson Shaw asked for a review of the minutes from the June 11, 2015 meeting. Ms. Harvin made a motion to approve the minutes following a few minor changes. Mr. Bobbitt seconded the motion. All present were in favor. VOTES: 6-0.

Chairperson Shaw introduced the first case explaining the order of business and gave an opportunity for board members to express any conflicts. Mr. Shaw declared the hearing opened for the following case: ***BOA CASE NO. 20150813-1; Claude T. Jackson (property owner), Hoyle Tire & Axle, LLC. (applicant) – Conditional Use Permit to allow an axle and tire manufacturing business to be located within the G-C-1 zoning district at 175 Bearpond Road (Tax Parcel 0224 02020).***

Chairperson Shaw swore in witnesses. Witnesses sworn in include Mr. Jordan McMillen, Mr. David Robinson, and Mr. Donald Y. Hoyle, III (applicant). Mr. McMillen presented the staff report and reviewed the draft findings of facts as follows:

Description of Variance Request:

The applicant is requesting a conditional use permit to allow an Axle and Tire manufacturing business to be located within the G-C-1 Zoning District.

Findings of Fact

1. Claude T. Jackson is the property owner.
2. The request is for a conditional use permit to allow an axle and tire manufacturing business to be located within the (G-C-1) General Commercial Zoning District.
3. The property is located at 175 Bearpond Road, Henderson, NC; more specifically identified as tax parcel #0224 02020.
4. The lot consists of 25.47 acres and includes an existing manufacturing building consisting of 125,000 sq. feet.
5. The applicant proposes to carry out all manufacturing activities within the structure. Existing delivery bays will be used for delivery of materials by tractor trailers. Storage of tires and axles may occur outside of the structure.
6. The application requesting a conditional use permit was filed on 6/30/2015.
7. The adjoining property owners were notified on July 24, 2015.
8. The property was posted on July 31, 2015.

Staff Comments

Mr. McMillen stated that the applicant is proposing to use the existing structure for an Axle and Tire

manufacturing business. The business would be moving from their current location on NC Hwy 39 South. The structure has previously been used for a camper products business and other manufacturing businesses. As proposed, all manufacturing activities would be carried out within the structure with some storage of materials (tires and axles) on the outside of the structure. The property is currently zoned General Commercial and all manufacturing uses require a conditional use permit within the G-C-1 zoning district.

The structure was built prior to zoning regulations being in place and therefore it does not meet the current setbacks of 50 feet on the rear side. Additionally there is an existing residence located approximately 50 feet to the north (or rear) of the manufacturing building which would prevent the structure from meeting this requirement. Because both of these structures are existing it would be acceptable to allow this under the grandfather clause, but no additional expansions or alterations should be made to the buildings within this area. Other than this, the building and property meets all of the other lot dimensional requirements (lot width, street frontage, and maximum lot coverage) as per section 3.2.10 of the zoning ordinance.

The property is located in an area that is similar in character to a crossroad community with access to US 1. The surrounding area includes light industrial zoning to the east and other general commercial zoning in the vicinity. The property does have a mobile home park located to the north which is accessed using a separate driveway along the western boundary of the subject property. Also on the western side of the property are existing trees and a rail line that separate the property and any associated use from the residential property to the west. From the enclosed pictures it is apparent that the necessary buffers are already existing between the property and surrounding residential properties. In reviewing this proposed use, it is consistent with the current zoning of the property and of the surrounding area. Additionally the use is consistent with prior uses of the property and will not require an NCDOT driveway permit.

Mr. Bobbitt questioned whether the owner would be permitted to expand into the front of the property being that the existing structure does not meet the setbacks. Mr. McMillen mentioned that the structure cannot be moved and is grandfathered in terms of its location and therefore expansions in other parts of the property would be permitted in the future.

Mr. Johnson asked where the on-site storage would be contained. Mr. McMillen mentioned that this was not clarified within the site plan and would need answered by the applicant. Ms. Harvin questioned whether the storage would be permitted within the setback area. Mr. McMillen responded that any storage would need to be contained and meet the setback requirements of 75 feet on the rear side for Light Industrial zoning.

Ms. Stainback questioned whether the existing vegetation would be adequate. Mr. McMillen responded that the buffers do appear to be adequate with the greatest concern on the western property line. In this area existing trees, a fence, additional woodland and the rail line separate the property from the residential area to the west. Additionally, Mr. McMillen mentioned that the entire property is enclosed with a chainlink fence. Ms. Stainback questioned whether there would be any odors associated with the manufacturing operation. Mr. McMillen mentioned that he was not aware of any; however the applicant could provide additional information on the manufacturing process.

Mr. Haley questioned whether any additional impervious area would impact the property. Mr. McMillen mentioned that within the light industrial zoning district a total of 75% impervious surface is allowed and the property is not even near this at this time.

THOSE SPEAKING FOR THE REQUEST

Donald Y. Hoyle, III (applicant) – Mr. Hoyle addressed the board and clarified that they will not be manufacturing tires, but will be using existing new tires and will be putting these on axles for mobile home chassis and other uses. Additionally he mentioned that the goal is to have storage within the structure, but there would be a need to store bundled tires and axles on the exterior in certain

circumstances. At the current site they have 10,000 axles and 20,000 tires to match on hand and it is anticipated this would be similar at the new property. Additionally there would be 18 trailers and 8 tractor/truck portions which are used with the business. Pictures were provided and are included within the agenda packet showing how the tires would be bundled and stored.

Mr. Haley questioned whether additional impervious surface or gravel would be needed for storage. Mr. Hoyle mentioned that there are cement and hard surface parking and storage areas on both the eastern and southern side of the building which would be used for storage if needed.

Ms. Stainback questioned whether the driveway on the western side was within the property boundary. Mr. Hoyle mentioned that he does not believe this is on the property and is on the railroad property next door. Mr. Bobbitt questioned whether there was a written easement for this driveway. Mr. Hoyle mentioned that the existing driveway is not a part of this property, but the property owner does have other access points to the property should that be needed in the future.

THOSE SPEAKING AGAINST THE REQUEST

None

BOARD DISCUSSION

Mr. Shaw went through the conditional use permit check-list with the board and entertained a motion.

DECISION: Mr. Bobbitt made a motion to approve the conditional use permit including the staff comments and to approve the findings of facts as presented. Mr. Johnson seconded the motion. VOTES: 6-0.

Mr. McMillen informed the board the Mr. Robinson has taken another job opportunity and that this would be his last meeting with the board. Mr. McMillen commended and thanked Mr. Robinson for his time with the County.

ADJOURNMENT: There being no further business, Chair Shaw declared the meeting adjourned.