



Staff Report 09/10/2015

Owner: Margaret & Robert Shearin

Applicant: Margaret & Robert Shearin

Parcel ID:
0615A02008

Location: 324 Greystone Road

Current Zoning:
(AR) Agricultural Residential

Public Hearing:
09/10/2015

Prepared by:
Jordan McMillen

Description of Variance Request:

The applicant is requesting a conditional use permit to allow an auto/truck repair facility to be located within the Agricultural Residential zoning district.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Justification
- Exhibit 3.** Property Survey
- Exhibit 4.** Adjoining owners map, surrounding zoning and 2013 Aerial
- Exhibit 5.** Site Plan drawing 1 & 2 with descriptions
- Exhibit 6.** Conditional Use Permit check sheet

DRAFT Findings of Fact

1. The request is for a conditional use permit to allow an auto/truck repair facility to be located within the Agricultural Residential zoning district.
2. The property is owned by Margaret & Robert Shearin and is identified as 324 Greystone Road or more specifically as tax parcel 0615A02008.
3. The property consists of 1.056 acres as per survey recorded in Plat Book Y487 and has previously been rezoned from R-30 to AR zoning which was approved by the Board of Commissioners on September 8, 2014.
4. The application requesting the variance was filed on August 13, 2015.
5. The adjoining property owners were notified on August 28, 2015.
6. The property was posted on August 28, 2015.

Staff Comments

The applicant is proposing to utilize an existing metal building as an automotive repair facility. Previously the applicant requested and the commissioners approved a rezoning from R-30 (low density residential) to AR (agricultural residential) which allows an automotive repair facility with a conditional use permit.

While this area is characterized as a mix of residential and agricultural property, it is located within an area that consists of single family homes fronting along Greystone road with agricultural land directly behind the homes. In the interest of safety to children and adjacent property owners, the zoning ordinance requires outdoor storage to maintain a buffer that conceals the materials from public view. It is not clear from the site plan where the motor vehicles will be stored and it is recommended that this be included on any final site plan approved. The applicants do propose to plant Leyland Cypress or Crypomeria which are fast growing evergreen trees to serve as a concealing buffer. It is reasonable to believe that the proposed plantings planted at 4-5 feet tall will provide the necessary screening on the front (western) and side (southern) sides of the property.

Additionally, the zoning ordinance and other county ordinances place a limit to the number of Junk (inoperable, dismantled, or abandoned) vehicles that are allowed on any one property. Currently the limit is 4 such vehicles with commercial garages over 2 acres allowed an additional 6 vehicles totaling 10 on any one property. Because of the size of this property being less than 2 acres, the repair facility would be limited to 4 such vehicles at any one time. It will be important that the applicants are aware of this and that they turn over their inventory within a reasonable timeframe to meet this requirement.



Vance COUNTY

NORTH CAROLINA

Conditional Use Permit Application

Vance County Planning & Development Department

156 Church Street, Suite 3
Henderson, NC 27536
Ph: (252) 738-2080
Fax: (252) 738-2089

For Administrative Use Only:

Case #	
Fee Paid	
BOA Date	

Property Owner Information

Property Owner: Margaret and Robert Shearin

Mailing Address: 346 Greystone Road

City: Henderson State: NC Zip Code: 27537

Phone #: (252) 492 - 2837 Fax #: (252) 492 - 0638

E-mail Address: hamiltonlawnc@gmail.com

Applicant Information

Applicant: Margaret and Robert Shearin

Mailing Address: 346 Greystone Road

City: Henderson State: N.C. Zip Code: 27537

Phone #: (252) 492 - 2837 Fax #: (252) 492 - 0638

E-mail Address: hamiltonlawnc@gmail.com

Property Information *For multiple properties please attach an additional sheet.*

Property Address: 324 Greystone Road

Tax Map Number: 0615A02008 PIN (parcel identification #): _____

Type of Petition: Conditional Use

Existing Zoning: Agriculture Proposed Zoning: Conditional

Acreage: 1.056 Acres Road Frontage: 146.58 feet

Existing Use: Residential/ Agriculture

Deed Reference

- Metes and bounds description attached
- Site plan/sketch of proposal attached



Vance COUNTY

NORTH CAROLINA

Conditional Use Permit Application

Vance County Planning & Development Department

Statement of Justification

1. Application is hereby made for the following use: *Please explain below:*

Petitioner is requesting a Conditional Use Permit to operate a vehicle repair garage on the existing site

2. The intent is to : *Check all that apply:*

- Construct a new structure for a conditional use;
- Repair the existing structure for the conditional use;
- Alter and/or expand the existing structure for the conditional use;
- Other

3. The following requirements have been provided: *Check all that apply:*

- Site plan;
- Property description;
- NC DOT entrance permit (if applicable);

4. Additional information:

In order to issue a Conditional Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented at the hearing(s) make findings in regards to each and must find that the issuance of the Conditional Use Permit is in the best interest of the county.

A. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located.

Yes No

B. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health or safety;

Yes No



Vance COUNTY

Conditional Use Permit Application

NORTH CAROLINA

Vance County Planning & Development Department

C. The use or development complies with all required regulations of the Zoning Ordinance and all applicable specific conditions and specifications;

Yes No

D. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of adjoining or abutting property, or that use or development is a public necessity;

Yes No

E. The use or development will be in harmony with the area in which it is located and will be in general conformity with the plan of development of the County.

Yes No

Property Owners Signature

Margaret Shearin
Please sign in blue or black ink

Date 08/13/2015

Applicants' Signature

Margaret Shearin
Please sign in blue or black ink

Date 08/13/2015

SHEARIN

Vehicle storage

The Petitioner does realize the need to abide by the Vance County Ordinances as it pertains to his request for a nonconforming use. In particular they shall adhere to the Ordinances dealing with junk or abandoned vehicles. The petitioner shall abide by Ordinance Seven (7) as stated:

7. VEHICLRE STORAGE and printed as Residential Open Space Overlay Zone “Only vehicles intended for residential use intended for personal use (not part of a commercial operation) shall be parked or stored on any property zoned Residential Use includes residential uses in O-S W-O-Catagories this provision of the Agricultural Residential zone), No storage of commercial inventory whatsoever shall be permitted to be parked or stored for more than (14) fourteen days unless said vehicles were being stored while undergoing repairs and are not part of a commercial operation prohibited in the residential zone. This Section shall further not be applicable to the restoration of antique vehicles. (Note four or more junk, inoperable or unlicensed vehicles constitute a junk yard.) Commercial trucks or vans customarily driven home by employees or owners shall not be affected by this regulation of the Section, this shall include the cab portion (also called a “semi”) of an (18) eighteen wheeler truck and trailer combination customarily used to transport a large multi-wheeled trailer (trailers of this type should be stored at an appropriate commercial or industrial facility. Storage of junk, inoperable or unlicensed vehicles shall be in compliance with the Vance County Abandoned Vehicle Ordinance #2.

SHEARIN

EPA REGULATIONS

The Petitioner desires a Conditional Use for a small auto/truck repair facility. The Property is approximately one acre and there is no room for expansion and the facility can only be operated on a small scale. The owner/operator, Donald Shearin, has been employed in the automotive/truck repair industry for more than fifteen years. He is well trained in the standards and requirements of the Environmental Protection Agency as to storage, containment and disposal of hazardous materials as it applies to the repair of vehicles. He is well knowledgeable in containment of fluids and other toxic materials that may be present in his day to day work as well as procedures for contacting the proper authorities if such an incident should arise. He will not store or dispose of any toxic materials other than by the industry standards as stated by the EPA.

SHEARIN

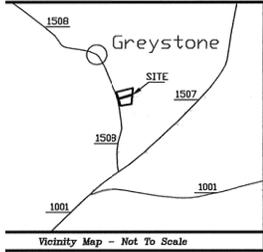
Watershed

The Petitioner is in the profession of operating an automobile/truck repair operation. They are restricted to the amount of vehicles that can be stored and kept on the property according the ordinances and zoning regulations of Vance County. It is the intent to not store any vehicles whether personal passenger vehicles or larger trucks on a permanent or long term period. The subject property is approximately one acre.

The Property is located in the Anderson Creek Watershed but is not located in any of the designated Anderson Creek Critical Area as shown on the 2006 map. It is the intent of the Petitioner to abide by all the regulations as so stated in the Watershed Protection Ordinance of Vance County. There will be no chemicals or toxic materials stored on the property other than what is contained in the vehicles and commercial trucks that are repaired on site. None of the vehicles that are to be repaired carry or transport hazardous materials as so defined under EPA standards

The Petitioner is aware and has reviewed the Watershed Protection Ordinance and does understand it is a property located inside of the Anderson Creek Watershed. The Petitioner believes that there would never be a sufficient quantity of a critical material that will be brought on the site but does realize and accept that any spill will be quickly dealt with and will contact the proper Vance County Authority if such a spill should occur.

Y-487



RECOMBINATION SURVEY FOR ROBERT W. SHEARIN GARET ELLEN SHEARIN OWNERS MIDDLEBURG TOWNSHIP NCE COUNTY, NORTH CAROLINA SCALE 1" = 40' JULY 3, 2014 FILE # 91-14-011-L X MAP # 615A-02-007 & 008

Charles E. Thompson, Jr. Professional Land Surveyor 405 Raintree Lane Kittrell, N.C. 27644 Phone # 252-433-9172

Charles E. Thompson, Jr. certifies that this plat was prepared under my supervision from an actual survey... I witness my original signature, registration and seal this 3rd day of July, 2015.

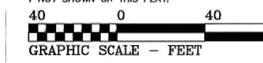
Charles E. Thompson, Jr. P.L.S. L - 4395



that this survey is of another category, such as combination of existing parcels, a court-ordered or other exception to the definition of a recombination survey.

- LEGEND: Existing Rebar Found, New Rebar Set, Existing Iron Pipe or Pin Found, New Iron Pipe or Pin Set, Existing Magnetic Nail Found, New Magnetic Nail Set, Existing PK Nail Found, Existing Cotton Spindle Spike Found, New Cotton Spindle Spike Found, Existing Railroad Spike Found, New Railroad Spike Found, Existing Concrete Monument Found, New Concrete Monument Set, Existing Nail Found, New Nail Set, Computed Point (Not on the Ground), Existing Stone Found, Existing Flat Bar Found, Existing Railroad Iron Found, Minimum Building Height, Catch Basin, Fire Hydrant, Hub & Tack, Manhole Cover, Right-of-Way, Telephone Pedestal, Utility Pole, Water Meter, Water Valve, Centerline, Property Line, Sanitary Sewer Line(s), Overhead Utility Line(s), Subsurface Electric Line(s), Subsurface Gas Line(s), Subsurface Telephone Line(s), Subsurface Television Line(s).

- NOTES: 1. THERE IS AN APPARENT 72.7 SQ. FT. OVERLAP IN SURVEYS AND OR DEEDS ALONG THE EASTERN PROPERTY LINE OF LOT # 1. 2. THERE IS AN APPARENT 7.7 SQ. FT. OVERLAP IN SURVEYS AND OR DEED ALONG THE EASTERN PROPERTY LINE OF LOT # 2. 3. THERE IS AN APPARENT 3.5 SQ. FT. OVERLAP IN SURVEYS AND OR DEED ALONG THE NORTHERN PART OF THE EASTERN PROPERTY LINE OF LOT # 3. 4. THERE IS AN APPARENT 239.9 SQ. FT. GAP IN SURVEYS AND OR DEED ALONG THE SOUTHERN PART OF THE EASTERN PROPERTY LINE OF LOT # 1, 2, & 3. 5. THERE IS A CHAIN LINK FENCE THAT MEANDERS ALONG BOTH SIDES OF THE EASTERN PROPERTY LINE OF LOTS # 1, 2, & 3. 6. THERE ARE NUMEROUS STRUCTURES LOCATED ON LOT # 1 NOT SHOWN ON THIS PLAT.



Area computed by Coordinate Method. The following property lines are control corners otherwise noted. NRB, ER, EP, EIP, EM, ESF. To the best of my knowledge, this survey is not within 2000' of a Grid monument. This plat is subject to all assessments, agreements, and right-of-ways of record prior to the date of this plat.



NOTE: LOTS # 2 & 3 ARE TO BE RECOMBINED. TOTAL ACREAGE = 1.056 ACRES. 46,001 SQ. FT.

JOSE J. DURAN TERESA A. DURAN DEED BOOK 877, PAGE 309 PLAT BOOK "W", PAGE 138 TAX MAP # 615A-02-005

SSH HOMES, LLC DEED BOOK 1182, PAGE 392 PLAT BOOK "T", PAGE 13 LOTS # 18 AND S. HALF 19 TAX MAP # 615A-02-006

0.093 ACRE 4,044 SQ. FT. DEED BOOK 531, PAGE 93 PLAT BOOK "T", PAGE 72 LOTS # 17 & N. HALF 16 TAX MAP # 615-02-007

0.972 ACRE 42,352 SQ. FT. DEED BOOK 531, PAGE 93 PLAT BOOK "T", PAGE 72 LOTS # 17 & N. HALF 16 TAX MAP # 615-02-007

0.963 ACRE 41,957 SQ. FT. DEED BOOK 863, PAGE 360 PLAT BOOK "T", PAGE 72 LOTS # 15 & S. HALF 16 TAX MAP # 615-02-008

State of North Carolina County of Vance Cynthia Lloyd Review Officer

Jordan McMillan Subdivision Administrator of Vance County, certify that this plat does not create a subdivision subject to the subdivision approval regulations of the Vance County Subdivision Ordinance, (and that it meets all statutory requirements for recording.) 1/9/2015 Jordan McMillan Subdivision Administrator

FILED Jan 21, 2015 11:25 am BOOK 0000Y PAGE 0487 INSTRUMENT # 00210 FILED FOR RECORD - VANCE COUNTY NC CAROLYN R. PECORA, REGISTER OF DEEDS

MATTHE W. BROOKS DEED BOOK 263, PAGE 105 LOTS # 17 & N. HALF 18 TAX MAP # 615-02-009

ARCHIE B. TAYLOR, JR. DEED BOOK 1204, PAGE 91 TRACT # UNRECORDED PLAT PREPARED BY ALAN'S SURVEYING COMPANY, P. A. ENTITLED "ARCHIE B. TAYLOR DATED 1/19/2008, REVISED 3/01/08 TAX MAP # 615-02-010

ARCHIE B. TAYLOR, JR. DEED BOOK 1062, PAGE 72 PLAT BOOK "T", PAGE 72 LOT # 14 TAX MAP # 615A-02-009

ARCHIE B. TAYLOR, JR. DEED BOOK 1204, PAGE 91 TRACT # 1 UNRECORDED PLAT PREPARED BY ALAN'S SURVEYING COMPANY, P. A. ENTITLED "ARCHIE B. TAYLOR, JR." DATED 1/19/2008, REVISED 2/13/08, REVISED 3/01/08 TAX MAP # 615-02-010

ARCHIE B. TAYLOR, JR. DEED BOOK 1204, PAGE 91 TRACT # UNRECORDED PLAT PREPARED BY ALAN'S SURVEYING COMPANY, ENTITLED "ARCHIE B. TAYLOR, JR." DATED 1/19/2008, REVISED 2/13/08, REVISED 3/01/08 TAX MAP # 615-02-010

SHEARIN ZONING REQUEST

DRAWING 1

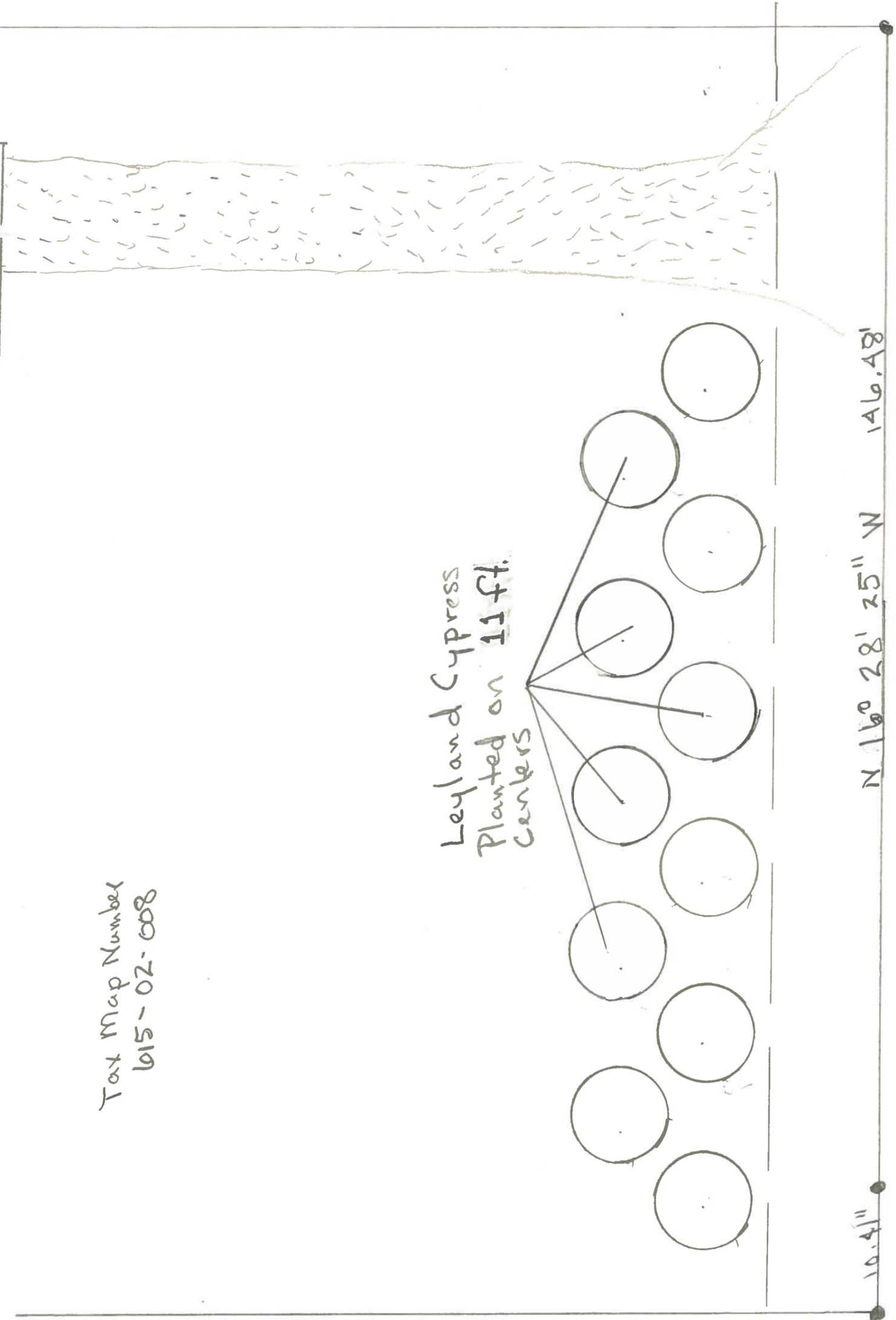
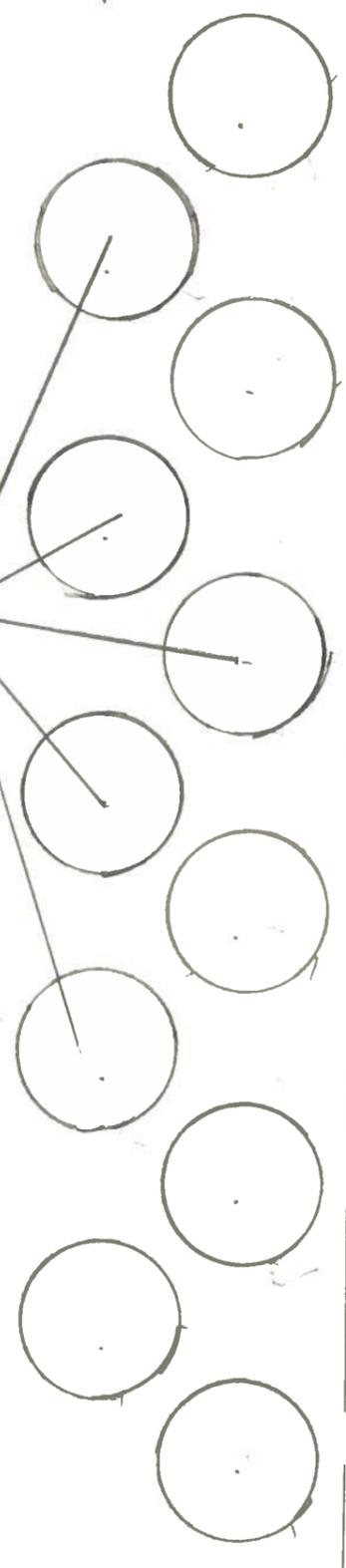
The Petitioner shall plant conifer trees as to the required buffer zone established by Vance County standards which shall grow to eight (8) feet height within three (3) years. The plants to be selected shall be Leyland Cypress or Cryptomeria "Yoshino". Both plant species grow approximately three (3) to four (4) feet each year. The plants selected shall be four (4) to five (5) feet in height. The soil for each measured hole shall be amenitized by cultivation as well as additional organic matter. The spacing as to the plants shall be as shown on the presented drawing. The Southwest boundary fronts on the Greystone Road (Drawing 1) and shall have the highest visual impact. The plants shall be planted on eleven (11) foot centers. They shall be planted in a triangular and/or stagger pattern. The stagger design will be implemented to first save the trees from being planted too close which leads to the loss of lower limbs. By the plants having proper distance between them it will take a longer period time for the screen to be fully developed. However the plants will be installed as shown in "Drawing 1" and the screening affect will be much faster.

Existing Structure

Tax Map Number
615-02-008

Tax Map Number
615-02-007

Leyland Cypress
Planted on 11 ft.
centers



SR 1508

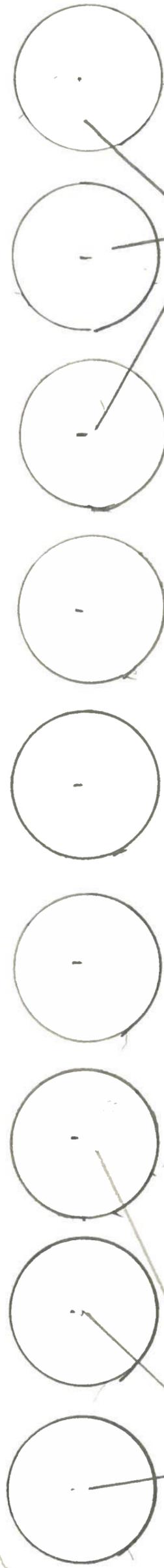
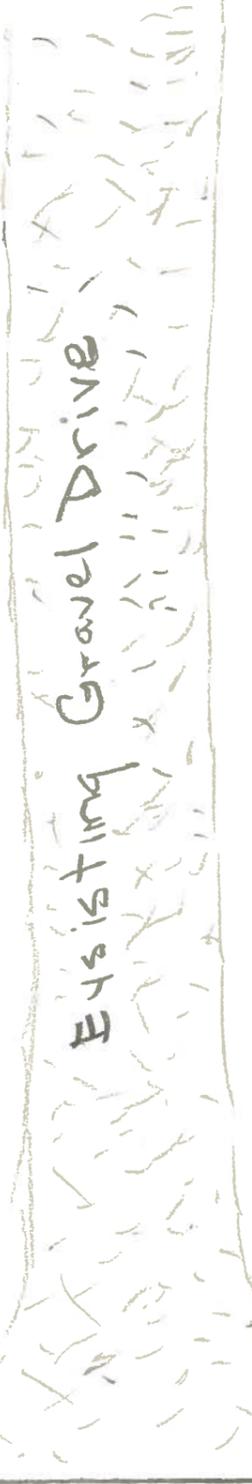
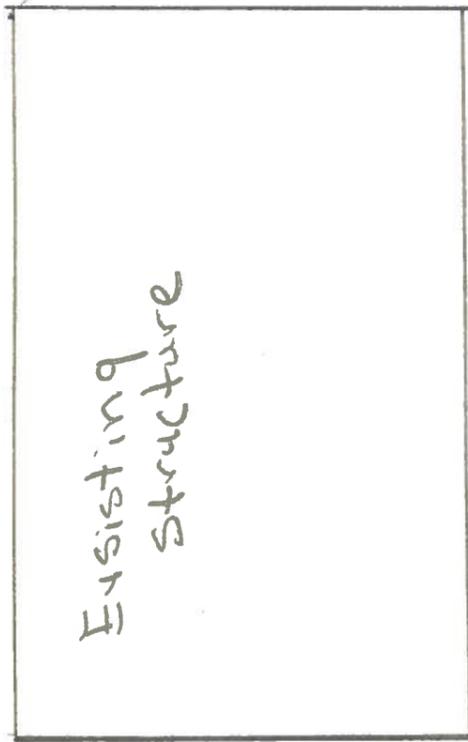
GREYSTONE ROAD

DRAWING 2

The plants planned for the southern boundary shall be set and planted in a single line with spacing being eight (8) feet on centers. The trees shall be purchased at a height of four (4) to five (5) feet. The plant type shall be the same for both screens either of the conifers of Leyland Cypress or the Cryptomeria "Yoshino". These two varieties of plants grow approximately three (3) to four (4) feet per year. At the initial planting the holes will be cultivated to loosen the soil and organic matter will be added to aide in increasing growth. The selected plants shall reach the established height of eight (8) within three (3) years as required by Vance county regulations. It is estimated based on the survey plan that there will be a need of approximately 20 to 25 trees. The amount may vary based on observed need and desired effect, however it will screen the adjoining property.



Greystone Road



S 80° A7' 01 W 207'.76"

Leyland Cypress
Planted on 8 ft.
Centers

Leyland Cypress
Planted on 7 ft.
Centers

Screen/Buffer Plan
Robert and Margaret

Conditional Use Permit Check Sheet

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

2. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health or safety.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

3. The use or development complies with all required regulations of the Zoning Ordinance and all applicable specific conditions and specifications.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

4. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of adjoining or abutting property, or that the use is a public necessity;

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

5. The use or development will be in harmony with the area in which it is to be located and will be in general conformity with the plan of development of the County.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				