



**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

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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:

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**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

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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

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# 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.



## SHEARIN ZONING REQUEST

### DRAWING 1

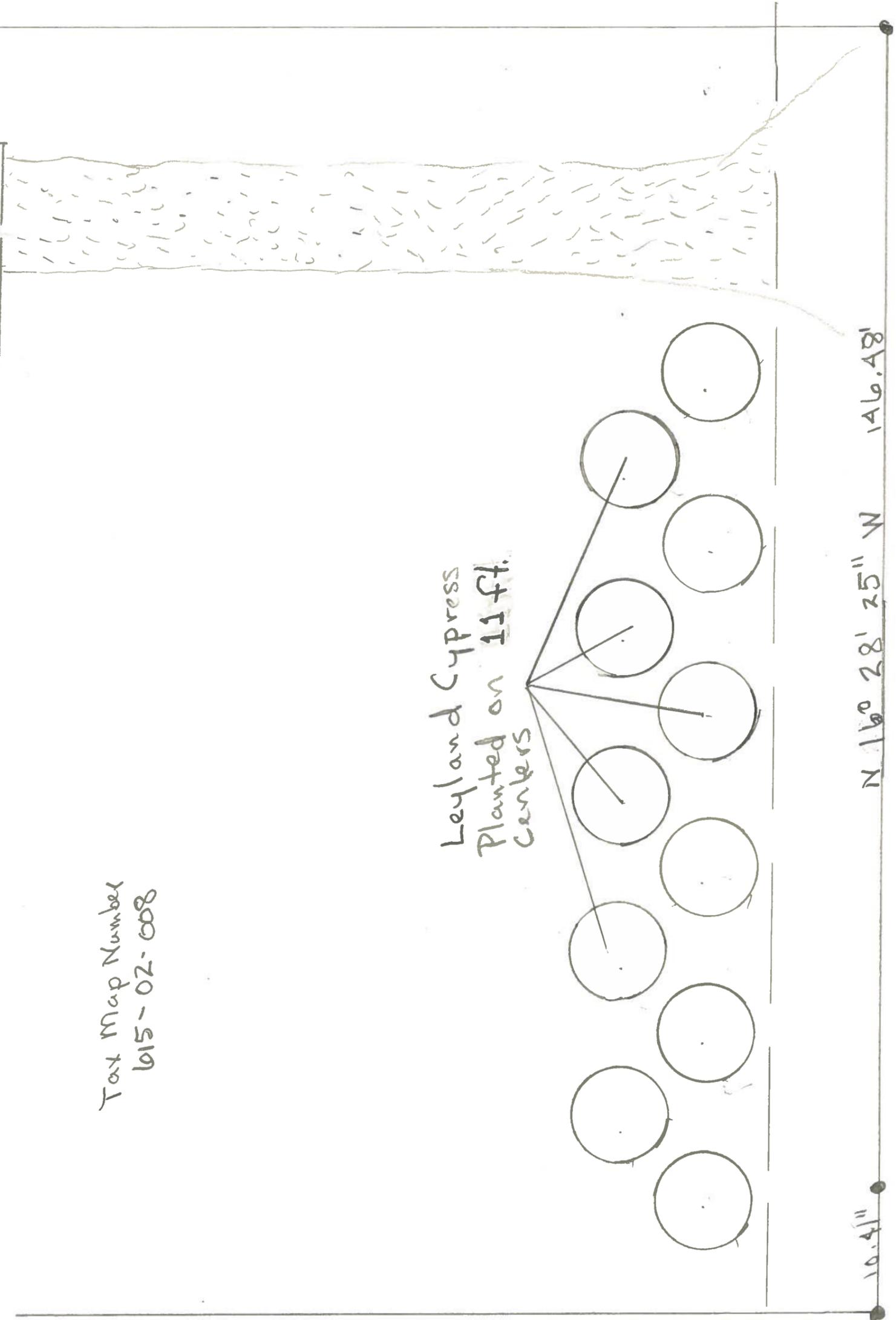
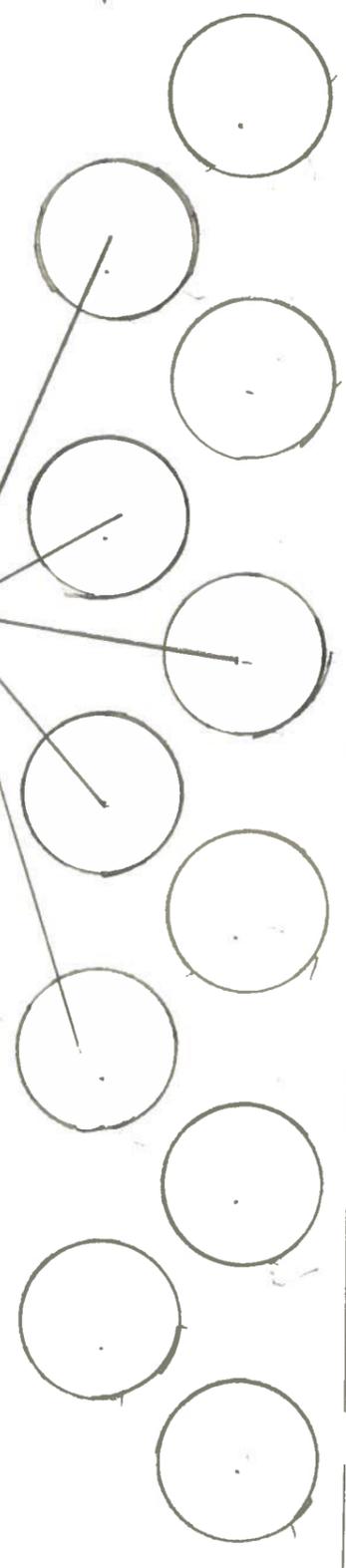
The Petitioner shall plant conifer trees as to the required buffer zone established by Vance County standards which shall grow to eight (8) feet height within three (3) years. The plants to be selected shall be Leyland Cypress or Cryptomeria "Yoshino". Both plant species grow approximately three (3) 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

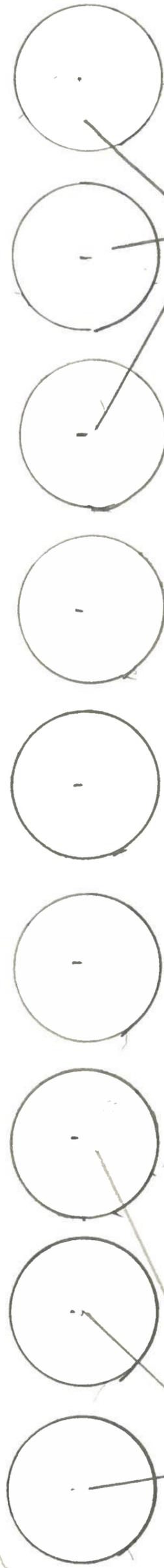
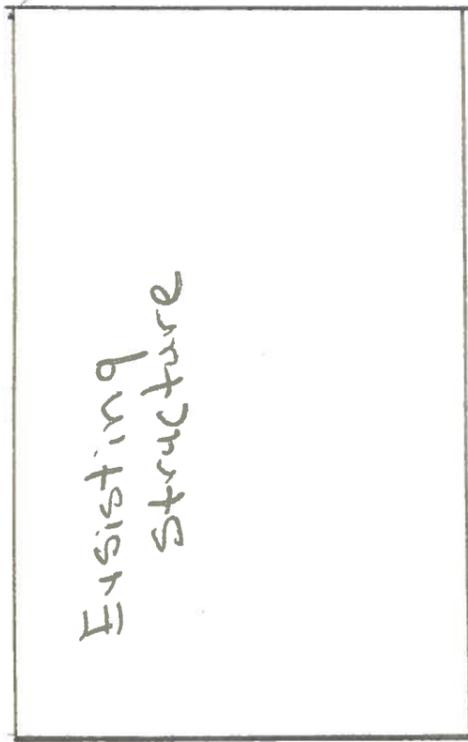
GREYSTONE ROAD

## **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 8ft.  
Centers

Leyland Cypress  
Planted on 7ft.  
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"/>	
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