

VANCE COUNTY BOARD OF ADJUSTMENTS

The Vance County Board of Adjustments met at a regular and duly advertised meeting on December 8, 2016 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
Phyllis Stainback – Vice Chairperson
Ruth Brummitt
Agnes Harvin

ALTERNATES PRESENT

STAFF PRESENT
Amy Sandidge, Planner

MEMBERS ABSENT

Blake Haley
Alvin Johnson

Chairperson Shaw called the meeting of the Board of Adjustment to order and asked for a review of the minutes from the November 10, 2016 meeting. Mrs. Stainback made a motion to approve the minutes, Mrs. Brummitt seconded the motion. All present were in favor. VOTES: 4-0.

Mr. Shaw introduced the first case on the agenda, 20161208-01 a CUP request for Adam Lancaster to allow an automobile repair shop to be located on property zoned AR located at 1150 Gun Club Road (parcel id 0407 01004B).

Mr. Shaw swore in Adam Lancaster, James Hamrich, and Amy Sandidge.

Ms. Sandidge introduced the project and stated the project was located at 1150 Gun Club Road and was zoned Agricultural-Residential. Ms. Sandidge reminded the Board that they had reviewed the rezoning request in October and had forwarded that request to the Board of County Commissioners with a recommendation of approval. On November 7, 2016 the Board of County Commissioners approved the rezoning to AR. Ms. Sandidge explained that the site had been in operation as a transmission repair shop for many years prior to zoning taking effect in the county. She went on to explain that the original property owner that had established the transmission shop had passed away a few years ago and his son had inherited the property. The son is the current applicant and was interested in starting the business again. Ms. Sandidge explained to the Board that auto repair was allowed in AR with the approval of a conditional use permit.

Mrs. Stainback asked about the wording that included sales and storage, Ms. Sandidge explained that the current zoning ordinance groups all those uses together and that by approving the CUP the property owner could do any of the uses in that category. Mrs. Stainback asked if there was a limit to the number of cars that could be on the property and Ms. Sandidge explained that if they had twenty customers needing work done they could have a car on the property for each. Ms. Sandidge stated that approving such a use in a residential area would require the owner to provide screening and buffering per the current zoning code. Mrs. Harvin asked about the cemetery that was identified on the site plan and Mr. Care explained that private property owners could fence in their private property and still provide access to the grave sites if needed.

Mr. Lancaster described his plans for the business and that his plans were to make use of the existing structures and not build anything new. He explained that storage was not his intent but he wanted to make use of the equipment on the site to repair vehicles. Mr. Lancaster stated that he would have a policy of charging a storage fee for vehicles left over ten days after final repairs.

James Hamrick of 1120 Gun Club Road spoke to the Board against the project. Mr. Hamrick stated he owns the adjoining lot and had issues with the drainage in the area, specifically with runoff from the subject property. He further explained that he was notified of the rezoning and that he initially thought rezoning to agricultural-residential was going to involve more of a farming use over auto repair. He also stated that if Adam Lancaster was going to operate the business he would have no problem but that was

an unknown at this point. Mrs. Harvin asked if fencing would help with the visual aspect and Mr. Hamrick stated he had long ago planted trees for a visual barrier between the two properties. Mr. Hamrick claimed that the ground work the Lancaster's did on their property the drainage appeared to cause issues to his pond and his fish died. He also indicated he had not had his pond water tested to determine the reason the fish died. Mr. Care instructed the Board that water quality was a state requirement and should not be taken into account for this request; he also mentioned that there was no formal evidence presented to take into consideration for this case.

Ms. Harvin asked about the sales option as part of the CUP; Ms. Sandidge indicated that the zoning ordinance groups all these uses together. Ms. Sandidge went onto describe the difference between tagged stored vehicles and junk cars and that repair was not normally used for junk cars. Mrs. Stainback expressed concern that the site could do sales in the future. Mr. Care explained that zoning is based on categories and types of uses allowed in each, he stated this particular use are similar enough to be allowed as a group.

Mr. Shaw asked to Board for discussion. The Board went through the CUP checklist. Mrs. Harvin recommended approval of the CUP with the findings of fact in the staff report. Mrs. Brummitt seconded the motion. Approved 4-0.

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

