



VANCE COUNTY
PLANNING & DEVELOPMENT
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BOARD OF ADJUSTMENT

April 11, 2019

TO: Vance County Board of Adjustment
FROM: Angie Blount
SUBJECT: Conditional Use Permit, Case # CU20190411-01, Home Occupation
DATE: April 11, 2019

Board Members Present: Thomas Shaw III, Chair, Agnes T. Harvin, Phyllis Stainback, Ruth H. Jones, Vice-Chair, Ruxton Bobbitt, Alternate

Board Members Absent: Alvin Johnson, Jr., Blake Haley, Logan Darensburg

County Staff: Angie Blount, Planner, Jonathan Care, County Attorney

Chairperson Shaw called the meeting to order a little after 4:00 p.m. He announced the first order of business would be to approve the minutes from the last meeting held February 21, 2019. Chairperson Shaw asked if there were any corrections to the minutes, being none, he asked if there was a motion to approve. Board member Agnes Harvin made a motion to approve the minutes as submitted, to which board member and Vice-Chair Ruth Jones seconded. Chairperson Shaw asked for a vote to approve the minutes. The vote was unanimous to approve.

Chairperson Shaw announced the next item on the agenda, a request for a Conditional Use Permit to operate a Home Business/Occupation at 94 Oak Forest Dr., Henderson, NC, case number CU20190411-1. Chairperson Shaw asked if any board member needed to reveal any possible conflicts regarding the case that would result in their need to withdraw from the proceedings. Board member Ruxton Bobbitt stated that his parents have property adjacent to the applicant's property, but that he has no financial interest and felt it would not be a problem for him to be fair and impartial. Chairperson Shaw asked if there were any other board members who had any issues, being none, Chairperson Shaw stated that the board would hear from Planning Staff, the applicant and any witnesses for the case. Chairperson Shaw asked for the Findings of Fact be presented by Planning Staff, Angie Blount. Mrs. Blount explained that the request is for a Conditional Use Permit to conduct a home occupation/business within the R30 zoning district, a requirement per the zoning ordinance in section 3, 3.2.14. Mrs. Blount stated the property is owned by Turkesa L. Whittle who is also the applicant. She further stated the property consists of 1.23 acres and that the property is identified as tax parcel number 0465A01004. Mrs. Blount stated that the applicant, Mrs. Whittle, had submitted the appropriate fee of \$250 and that adjoining properties had been notified of the request, the property had been posted and that an ad for the BOA hearing had run in the Henderson Dispatch.

Mrs. Blount explained the request is for a Conditional Use Permit which would allow Mrs. Whittle to operate a business within her residence. She explained that Mrs. Whittle would be receiving telephone calls and internet requests for appointments for in home health care. Mrs. Blount explained that there would be no storage, retail sales or employees involved in the business and that Mrs. Whittle would only dedicate an area in her home large enough to accommodate a desk, computer and phone. Mrs. Blount explained that Mrs. Whittle would be required by the state of North Carolina to display a small sign in her yard identifying her affiliation with the home health agency, and that the sign would be less than 32 sq. ft. which would be exempt from zoning regulation due to the size. Mrs. Blount went on to state that the impact to her neighbors would be very little if any.

Chairperson Shaw asked if the applicant or any witnesses wished to speak, being none, Chairperson Shaw asked if there were any questions from board members. Board member Mr. Ruxton Bobbitt asked about

private covenants in the development that might restrict the home based business. County Attorney, Mr. Jonathan Care, replied that the county cannot enforce or advise applicants regarding private covenants.

Chairperson Shaw gave an opportunity for parties to ask questions of staff. Being no questions, Chairperson Shaw asked if there were any discussion from the Board, being none, Chairperson Shaw reviewed the checklist with the Board.

Chairperson Shaw asked if any board member would like to make a motion. Vice-Chair Mrs. Jones made a motion to approve the request. Board member Mrs. Harvin seconded the motion. Chairperson Shaw asked for a vote. The vote was unanimous to approve the request for a Conditional Use Permit for a home based business/occupation at 94 Oak Forest Drive, Henderson, NC.

Chairperson Shaw asked if there was any further business to come before the board. Being none, Chairperson Shaw declared the April 11, 2019 meeting of the Vance County Board of Adjustment closed.