



VANCE COUNTY
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BOARD OF ADJUSTMENT
MINUTES

October 8, 2020

TO: Vance County Board of Adjustment
FROM: Angie Blount
SUBJECT: Case# CUP100820-1, Brocklyn LLC, Office and Maintenance Garage within the WS-III Anderson Creek Watershed
DATE: October 8, 2020

Approved 12-10-2020

Board Members Present: J. Thomas Shaw, Chair, Phyllis Stainback, Alvin Johnson, Jr., Ruth Jones, Vice-Chair, Logan Darensburg, Agnes Harvin
Board Members Absent: Ruxton Bobbitt, Alternate
County Staff: Keith Callahan, Interim Planning Director, Angie Blount, Planner, Jonathan Care, County Attorney

Chairperson Shaw called the October 8, 2020 meeting of the Vance County Board of Adjustment to order at about 4:00 pm.

Chairperson Shaw stated that the first order of business would be to approve the minutes from the September 10, 2020 meeting and asked if there was a motion to approve. Board member Mrs. Phyllis Stainback made a motion to approve with corrections. The motion was seconded by board member Ms. Ruth Jones. A unanimous vote was taken to approve the minutes with corrections.

Chairperson Shaw announced the next order of business would be to hear case number CUP100820-1, and asked any party wishing to give testimony to step forward to be sworn. Angie Blount, Planner for the county and the applicant Anthony Shumaker, Brocklyn LLC came forward and were sworn in.

Chairperson Shaw then asked planning staff to present the case.

Angie Blount, Planner for Vance County stated that the request is for a Conditional use Permit in order to establish an office and mechanic shop on property within the WS-III Anderson Creek Water Supply Watershed Area. Mrs. Blount stated that all legal requirements for notice to adjoining properties and public notice had been accomplished within the required amount of time.

Mrs. Blount stated that the property was zoned Highway Commercial and that the reason for the Conditional Use Permit is that the proposed development is located within the WS-III Anderson Creek Water Supply Watershed. Mrs. Blount explained that the maximum amount of built upon area for the tract of land would be 12%. Mrs. Blount stated that this property was 5 acres or 217,809 sq. ft. and that the proposed structure and all other impervious surfaces would amount to 26,137 sq. ft. or 2.89% of the allowed 12%. Mrs. Blount stated that the parking area is non-compacted gravel and is not considered impervious and would not count in the 12%. Mrs. Blount stated that they would be required to have 4 parking spaces for every 1000 sq. ft. of construction, and that they applicant plans to employ 15 people. Mrs. Blount stated that a driveway permit has been issued by NCDOT and approve by planning.

Mrs. Blount explained that buffering requirements are only required where a non-residential property is adjacent to a residential property, but in this case, all the adjoining properties are commercially or industrially zoned. Mrs. Blount stated that any outdoor storage would have to comply with the Vance County Zoning Ordinance and be obscured from public view with 8' of opaque fencing or vegetation or a combination of both.

Chairperson Shaw stated the board had heard from staff and would now here from the applicant. Mr. Anthony Shumaker, Brocklyn LLC, took the podium and stated his name. Board member Mrs. Phyllis Stainback asked Mr. Shumaker what type of trucks would be worked on at his maintenance garage. Mr. Shumaker replied that they specialized in construction hauling and aggregates and currently have 15 dump trucks. Mr. Shumaker stated that a lot of the work they do is in bulk and quarry and that their location across from the quarry is good for their business. Mrs. Stainback asked where they were located before. Mr. Shumaker replied that he lived in Wake Forest and that his trucking company currently is located in South Hill, VA where he shares an office with his father in law. Mr. Shumaker added that the new location would eliminate his commute and allow him to be closer to his family. Mrs. Stainback asked if Mr. Shumaker had ever worked out of the S.T. Wooten property, to which Mr. Shumaker replied that he had not. Mrs. Stainback asked if the property would be a mechanic facility, to which Mr. Shumaker replied that it would. Mrs. Stainback commented that the property was located in a very dangerous spot with the driveway located near the top of the hill. Mrs. Stainback commented that there were a lot of driveways located in that area, although S.T. Wooten had moved theirs, that there were probably 14 to 18 located in that area, and that speed continues to be a problem. Mrs. Stainback stated that she did not have a problem with the application for Conditional Use, but that she was afraid the accidents in the area would increase due to the added traffic and speed issues. Mrs. Stainback added that the 550 ft. of site distance had probably been met since Mr. Shumaker had been issued a driveway permit. Mr. Shumaker stated that most of his drivers take their trucks home and this this business is not one where trucks are coming in and out all the time, but that they will be working from the quarries across the street. Mrs. Stainback commented that Graystone Road is located in a blind spot but that hopefully Mr. Shumakers trucks sit higher than an automobile and on Mr. Shumakers side of the road there will not be the same situation. Mr. Shumaker stated that they had cleared the site distance on the S.T. Wooten side by clearing trees and that drivers in the big trucks can now see very well both ways. Mrs. Stainback commented that the 55 mph speed limit in that area was too high and could probably be addressed. Mr. Shumaker stated that he stresses safety to his drivers and that they take it very seriously. Mrs. Stainback commented that drivers get confused in that spot. Mrs. Stainback stated that she was more concerned with safety than with the watershed. Chairperson Shaw asked if S.T. Wooten had done away with their operation in that area, to which Mrs. Stainback replied that they had moved it. Board member Mr. Alvin Johnson, Jr. advised that they had moved a lot of their operation to the other side of Raleigh. Mr. Shumaker advised S.T. Wooten had moved their shop and it was now located off of I-40. Mr. Shumaker added that they continue to have storage in this area and one person on site that works dispatch at the brick location on Graystone Rd. Chairperson Shaw commented that there was not as much traffic in the area now. Mr. Shumaker stated that most of his drivers take their trucks home and would only be in the area if they needed to have repairs made at the garage.

Chairperson Shaw asked if the board had any further questions for Mr. Shumaker. Board member Mrs. Agnes Harvin asked if there would be any outside storage at the location. Mr. Shumaker replied that they might store sand, river rocks and mulch to be used in jobs, but that he did not plan to have anything else stored there. *Mrs. Harvin asked another question regarding outdoor storage that was not picked up on tape.* Mrs. Blount replied that outdoor storage would need to be obscured from view by use of an 8' opaque fence or vegetation or a combination of both which would be addressed at the time construction and building plans were submitted. County Attorney, Mr. Jonathan Care, stated that is a continued requirement, meaning if they do not store anything at this time, but start tomorrow, it would apply. Mr. Shumaker stated that he plans for this to be a very good looking operation, as the location is right off the highway. Mrs. Stainback commented that the work Mr. Shumaker has done looked good. Mrs. Stainback asked about the gravel on the lot, what was meant by non-compacted. Mrs. Blount replied that the gravel is not counted in the impervious calculations because it is not compacted, or crushed down like pavement. Chairperson Shaw added that it was not tamped down or rolled in with a roller, that it would just be dumped on site and spread.

Chairperson Shaw asked if the board or staff had any further questions or comments. Being none, Chairperson Shaw read to the board the checklist of conditions they would need to consider when making

their decision, and then asked if the board had further discussion or was the board ready to make a motion. Board member Mr. Alvin Johnson, Jr. made a motion that the Conditional Use Permit be approved. The motion was seconded by board member Mrs. Ruth Jones. A unanimous vote was taken to approve the Conditional Use Permit. Chairperson Shaw declared the October 8, 2020 hearing for Case number CUP100820-1, 3959 US 1/158 Hwy, closed.

Chairperson Shaw adjourned the October 8, 2020 meeting of the Vance County Board of Adjustment at about 4:30 pm.