

**Town of Siler City Board of Adjustment
September 13, 2010 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, September 13, 2010 at 7:00 p.m. Vice Chair Mickey Pore called the meeting to order and Richard Caviness gave the invocation. Mr. Pore asked for a motion to approve the minutes of July 12, 2010. *Motion made by JP Joyner, Vicky Tobar seconded, followed by unanimous consent.*

MEMBERS PRESENT: Richard Caviness, Dacia Hayes, JP Joyner, Wallace Matthews, Dan McMasters, Mickey Pore (Vice Chair), and Vicky Tobar

MEMBERS ABSENT: Harold Hart (Chair) and Patty Poe

STAFF PRESENT: Charles J. Johnson (Mayor), Joel J. Brower (Town Manager), William C. Morgan (Town Attorney), Jack Meadows (Planning Director), and Dee Lee Thompkins (Administrative Support Specialist)

SPECIAL USE PERMIT – 623 EAST THIRD STREET – GREEN STORE: Mr. Pore explained to the members that all testimony given tonight will have to be sworn in. Mr. Meadows, Gustavo Ocoro (176 Rocky Hills Road, Pittsboro, NC), Ronnie Black (10630 Silk Hope Liberty Road, Liberty, NC), Carlos Cockman (800 Pine Forest South Drive, Siler City, NC), Mary Jackson (625 East Third Street, Siler City, NC), Jimmy Brower (7957 Old Siler City Road, Ramseur, NC) and Ruth Vojdani (903 Brookgreen, Cary, NC) were then sworn in. Mr. Pore declared the public hearing open.

Planning Director's Report

Mr. Meadows reported that Gustavo Ocoro of the Green Store requests a special use permit for a sustainable lumberyard and store in the Highway Commercial zoning district. The subject property is located at 623 East 3rd Street.

Mr. Meadows stated he had consulted with Town Attorney and wanted to explain why this proposal requires a special use permit. He added that the business proposal was unique, could have a negative impact on neighboring properties, and could cause a traffic situation because of the limited parking lot. Mr. Meadows referred to Section 138 of the ordinance which allows uses otherwise permitted by right to require special use permit approval.

Mr. Meadows reported that the subject property: 1) is owned by Ruth M. Vojdani; 2) is served by Town water and sewer; 3) is located within the Corporate Limits; 4) is surrounded by H-C and R-10 zoning; 5) is surrounded by the following land uses (single family residential, tractor supply, car wash, and automotive repair); and 6) includes an existing building that is 5,399 square feet - previously JD Powersports.

The proposed use: 1) primarily consist of the selling of reclaimed and refurbished materials from the construction and demolition industry; 2) will dedicate 70 percent of space to sales and 30 percent to processing of materials; 3) includes 4 off street parking spaces including one handicap parking space (14 required); 4) will operate from 12:00 PM until 7:30 PM; 5) will have 2 employees; 6) will have only one roll out cart for garbage disposal; 7) will store all materials inside of the building; 8) will not store any materials that are considered fire hazards; 9) will handle loading and unloading of materials primarily through the large door on the left side of the building; and 10) will address overflow parking off site (site has not been determined).

East 3rd Street has 5,400 average daily trips per NCDOT. The Land Development Plan recommends general commercial development for the subject property.

1. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
2. Improve vehicular access to commercial areas by requiring access from service drives, prevent multiple driveways on a single lot, and control spacing of driveways.
3. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas.

The application is complete. The proposal meets the development criteria of the Unified Development Ordinance. Based on the information received at this time, Staff recommends approval. The following conditions are recommended by Staff: 1) record the special use permit with the Chatham County Register

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of Deeds; 2) obtain zoning permit from the Siler City Planning Department; 3) obtain sign permits for any outdoor signage/advertising (if applicable) from the Siler City Planning Department; 4) no storage or processing activities may occur outside of any building; 5) the property at 304 Craven Street (currently under notice of violation, Complaint # 2010-86) must be free of all nuisances (including but not limited too trash, junk, and old building materials) prior to commencing operation at 623 East 3rd Street.

Discussion

Mr. Meadows was asked if the pictures in the agenda packet were of 304 Craven Street, he answered yes. Mr. Meadows was asked if 304 Craven Street was currently in violation of the Town's ordinances, he answered that Mr. Ocoro has been in violation since February 11, 2010. Mr. Meadows explained that the Town's ordinance does not allow storage of materials in residential zoning districts.

Mrs. Tobar added that Mr. Ocoro's materials need to be organized. Mrs. Hayes asked Mr. Ocoro if he lived at 304 Craven Street. Mr. Ocoro replied that he did not.

Mr. Black (adjoining property owner) wanted to know how the board could approve the special use permit with Mr. Ocoro being in violation of the Town's ordinances. He also added how could Mr. Ocoro have a business with only three parking spaces. Mr. Ocoro stated he did not have a response to the three parking spaces.

Mr. Cockman (adjoining property owner) asked how many employees Mr. Ocoro would he be hiring. Mr. Ocoro responded that he would have two employees. Mr. Cockman stated that only leaves one parking space for customers.

Mr. Cockman asked did the building have any source of heat. Ms. Vojdani (owner of subject property) stated that the building does not have any type of heat. Mr. Ocoro replied that he plans to use a very efficient wood stove. Mr. Cockman responded that neighbors would have to smell a smoke stack everyday when the weather is cold. Mr. Cockman also added that if Mr. Ocoro were to use oil based paint around an open flame, then it would cause burning vapors. Mr. Ocoro stated that he would just be heating only part of the building. Mr. Cockman then wanted to know if the building would need a sprinkler system.

Mr. Jimmy Brower (adjoining property owner) stated that he does not see a big demand for Mr. Ocoro's product and asked him if there was a demand. Mr. Ocoro replied that there is a demand. Mr. Brower added that he could not see that there is enough of demand for him to break even much less make a profit. He suggested that Mr. Ocoro might want to look out in the county for a place and advertise on a website.

Mrs. Jackson (adjoining property owner) stated that her home, 625 East Third Street, was purchased in 1985. They were hoping for a nice place to retire. She stated that her and her husband opposed the business because: (1) it would worsen the air quality; (2) it is unhealthy for them; and (3) of safety issues with the parking.

Mr. Ocoro explained that his company reclaims materials from construction and demolition sites. He stated that 90% of the materials he reclaims can be recycled or reused. His company is offering an alternative to dumping this material into landfills. He has been working with builders at different construction sites for over two years and he needs a place for his business. He stated that Habitat for Humanity has a similar business in Pittsboro. Mr. Ocoro stated that he has been looking at several options and this is the best location for his business.

Mr. McMasters felt that the building at 623 East Third Street was too small and asked how would all the materials currently located at 304 Craven Street fit inside the building. Mrs. Hayes reported that the alley is very narrow and wanted to know what size truck Mr. Ocoro would be using to access the alley way. Mr. Ocoro explained that there was a back door to the building and an alley that runs along the side of the building. Mr. Ocoro stated that it is wide enough for a pickup truck to back up and unload at the back door. Mrs. Hayes stated that Third Street is a heavily traveled street and was concerned about a pickup truck with a trailer trying to back into the narrow alley way.

With no further discussion, Mr. Pore declared the public hearing closed and directed the board to their worksheets.

Worksheet

Application is complete. *Motion made by Dan McMasters, Dacia Hayes seconded followed by unanimous consent.*

The application complies with all applicable requirements of the Unified Development Ordinance. *Motion made by Dacia Hayes, JP Joyner seconded followed by unanimous consent.*

Mr. Morgan explained that the board could go ahead and vote on approving or denying the permit instead of voting on the conditions.

Mr. Pore asked for a motion to approve or deny the application. *Dan McMasters made a motion to deny the application.* Mr. Morgan asked Mr. McMasters to refer to his worksheet and state his reasons for his motion.

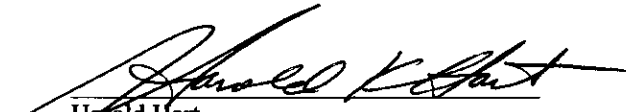
Mr. McMasters stated that his reasons were as follows: 1) application will endanger the public health or safety; 2) application will materially injure the value of adjoining or abutting property; 3) application will not be in harmony with the area in which it is located; and 4) application will not be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the Town Board.


Mr. McMasters stated that the building is too small. It shows from the pictures to much. It is definitely not in harmony with the area with a house next door. It is inappropriate with the land development plan and thoroughfare plan. Parking? Mr. McMasters added that he knows nothing about his business plan. It sounds like it is a right idea but it is at the wrong place.

Mrs. Hayes stated that she agreed with Mr. McMasters that the street is too busy for that type of business. Getting in and out of that location and the little alleyway would be hazardous. Mrs. Hayes added that maybe the board is not really comfortable with how he is going to heat the building with all the materials that would be stored at the business.

Mr. Pore asked if he had a second to deny the permit. *Richard Caviness seconded followed by unanimous consent.*

MEETING ADJOURNED: With no further business, Mr. Pore adjourned the meeting at 8:23pm.


Harold Hart
Chair

ATTEST:

Dee Lee Thompkins
Recording Secretary