

## Town of Siler City Board of Adjustment

The Siler City Board of Adjustment met on Monday, October 12, 2015 in the courtroom at City Hall.

**MEMBERS PRESENT:** Albert Alston, Steve Crotts, Mary Harris, Dacia Hayes, Butch Hudson (Chair), Linda Kolpack-Martindale and Ann C. Radcliffe

**MEMBERS ABSENT:** Darrell Andrews and Curtis Brown

**STAFF PRESENT:** Jack Meadows (Planning Director), William C. Morgan (Town Attorney), and Dee Lee Thompkins (Administrative Support Specialist).

**MEETING CALLED TO ORDER:** Hudson called the meeting to order at 7:00 pm. Harris gave the invocation and Hudson led the Pledge of Allegiance.

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA:** *Kolpack-Martindale made a motion to approve the agenda, Crotts seconded, and unanimously approved.*

**CONSENT AGENDA:** Meadows stated that the agenda has the approved January 12, 2015 minutes. The June 8, 2015 minutes have been handed out and those are the ones that need to be approved. *Hayes made a motion to approve the consent agenda including the minutes of June 8, 2015, Harris seconded, and unanimously approve.*

### **NEW BUSINESS**

**a. Opening Statement:** Hudson read the Opening Statement

**Special Use Permit – 1346 East 11<sup>th</sup> Street – Michael C McLaurin – Motor vehicle repair & maintenance business including vehicle storage, accessory use –** Hudson requested a motion to declare the public hearing open. *Motion made by Kolpack-Martindale, Hayes seconded, followed by unanimous consent.* Hudson noted that we have seven Board of Adjustment members present, therefore we have a quorum. Meadows read the legal notice of the case: Michael C. McLaurin requests a special use permit at 1346 E. 11<sup>th</sup> St. to operate a motor vehicle repair & maintenance business including temporary vehicle storage, accessory use. The subject property is further identified as parcel # 16855 & 78755. Hudson stated that the public was notified by ads in the Chatham News two weeks prior to the hearing, adjoining property owners received letters, and sign was posted. Hudson asked if there any exparte communication disclosures from Board members? Hudson asked if there any conflicts and do all Board members think they can rule fairly and impartially? Hudson stated if the Board of Adjustment is interrupted, disturbed, or disrupted, then the Board of Adjustment by majority vote can order the person to leave the room. Hudson stated all persons who have standing in the subject case and wish to testify please come to the front of the room. Hudson asked all persons to state their name and how they have standing in the subject case. Jack Meadows (Planning Director), Michael McLaurin, 2955 Silk Hope Road, Siler City, NC and Clinton McLaurin 3300 Silk Hope Road, Siler City, NC came to the front of the room. Hudson asked them to raise their right hand and answer the following question. Do you solemnly swear or affirm that the testimony and information you are about to give is true and accurate to the best of knowledge. All responded with I do.

Meadows reported that the subject property is: 1) owned by Howard C. Jr. & Shelby C. McLaurin; 2) zoned Highway-Commercial (H-C); 3) located inside the Corporate Limits; 4) located within Siler City fire district; 5) located within Duke Energy Progress electric service district; and 6) not located within a special flood hazard area. Meadows added that the subject tract: 1) 1.06 acres 2) 1 property owner and 3) 2 tax parcels. The average size of surrounding tracts = 6.6 acres

Meadows stated that the Land Development Plan recommends general commercial development for the subject property. The property is served by Town water and sewer. The nearest fire hydrant is located west of the subject driveway along E. Raleigh St. Property has approximately 100 feet of road frontage along E. Raleigh St. (60' right-of-way) and 100 feet of frontage along E. 11<sup>th</sup> St. (280' right-of-way). E. Raleigh St. is a 2-lane road maintained by the State with a speed limit of 35 mph. E. 11<sup>th</sup> St. is a 5-lane

street (including 2-lane access road) maintained by the State with a speed limit of 45 mph. Average daily trip for E. Raleigh St. is 6,500 and for E. 11<sup>th</sup> St. is 19,000 (2014). The Town's adopted Pedestrian Master Plan recommends a five (5) feet wide sidewalk along the south side of E. 11<sup>th</sup> St. and a paved multi-use side path along south side of E. Raleigh St.

Meadows reported that an existing commercial building containing 4,000 square feet (50'x80') is located on the property. The commercial building includes 3 service bays. Hours of operation are Monday – Friday 7:30am-5:30pm and Saturday 7:30am-12:30pm. The vehicle storage area is ~15,000 square feet. The storage area will not be visible from any adjacent property or public right-of-way. Stored items shall not project above required screen. The screen shall be a complete visual barrier. The total cost of construction and investment is estimated at \$75,000. The business will employ 3 persons.

Meadows stated that type A screen will be installed along the eastern boundary adjoining the residential property. Type B screen will be installed along Raleigh St. No landscaping is proposed along the western property boundary adjoining Alvarado Jewelry. A minimum 6' tall opaque fence will be installed along the perimeter of the vehicle storage area. The fence will be located at least 10' from the southern and eastern property lines (outside of the bufferyard) but will be adjacent to the western property boundary. Garbage carts will be requested to collect garbage and will be kept inside the fenced area.

Ten parking spaces are required (1 space will be handicap van assessable) for the proposed business. The driveway aprons and vehicle accommodation areas are paved. Drive isle shall be a minimum of 24' in width. Gates into the storage area are 18' in width. Sight distance will be maintained at all driveways.

Relationship of Uses: 1) current use of subject property is vacant/commercial; 2) surrounding land uses include; single family residential, commercial, retail sales, NCDOT maintenance facility, and vacant; and 3) surrounded by H-C and L-I zoning.

Meadows reported that the application is complete. The proposal meets the development criteria of the Unified Development Ordinance. If the Board grants the application, then Staff recommends the following conditions:

1. Record the written decision with the Chatham County Register of Deeds;
2. Obtain NCDOT driveway permit from Asheboro District Office;
3. Prior to any work applicant must obtain site plan and zoning permit approval; and
4. If the requirement for the installation of a 11<sup>th</sup> St. sidewalk is no longer required per a future UDO amendment, then the subject project is not required to install a new sidewalk along 11<sup>th</sup> St.

Clinton McLaurin stated that Michael McLaurin wants to start a business and they think they will need a wrecker to be successful.

With no further discussion, Hudson requested a motion to declare the public hearing closed. *Motion was made by Hayes, Kolpack-Martindale seconded, followed by unanimous consent.* Hudson directed the board to their worksheets.

**Special Use Permit Worksheet:**

1. The Application is complete. *Motion by Harris seconded by Crofts, followed by unanimous consent.*
2. The application complies with all applicable requirement of the Unified Development Ordinance. *Motion by Crofts seconded by Harris, followed by unanimous consent.*
3. The application is granted, subject to the following conditions:
  - a. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall.
  - b. If any of the conditions affixed hereto any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
  - c. Record the written decision with the Chatham County Register of Deeds;
  - d. Obtain NCDOT driveway permit from Asheboro District Office;

*impact is more substantial (thereby requiring a special- or conditional –use permit). This ordinance chooses to do this according to the size of the development. Thus, for example, a small retail store or group of stores occupying less than one acre would require only a zoning permit, while a shopping center greater than one acre would require only a zoning permit.” The board decided that staff needs to review the permissible use table. Kolpack-Martindale made a motion for staff to review the permissible use table, seconded by Crotts, and unanimously approved.*

**E. Rural Home Occupation** – Meadows reviewed the following: *“An accessory use to customary farming operation or a nonfarm household located in a rural area assigned for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from accessory building located within 100 linear feet of the dwelling unit occupied by the family conducting home occupation.”* Meadows reported that he has a lot of people that would like to do the rural home occupation but do not want the accessory building located within 100 linear feet of the dwelling unit occupied by the family. *Crotts made a motion for staff to review the home occupation rural definition, seconded by Harris, and unanimously approved.*

**PLANNING DIRECTOR’S REPORT:** Meadows directed the Board to review the department report and code enforcement chart.

**ADJOURNMENT:** *Kolpack-Martindale made a motion to adjourn at 8:21pm, seconded by Hayes, and unanimously approved.*



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Butch Hudson, Chair

ATTEST:

  
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Dee Lee Thompkins, Recording Secretary