



Franklin County Communique to the Board of Adjustment

REQUEST FOR CONDITIONAL USE PERMIT 15-CUP-02 4482 NC HWY 39 N.

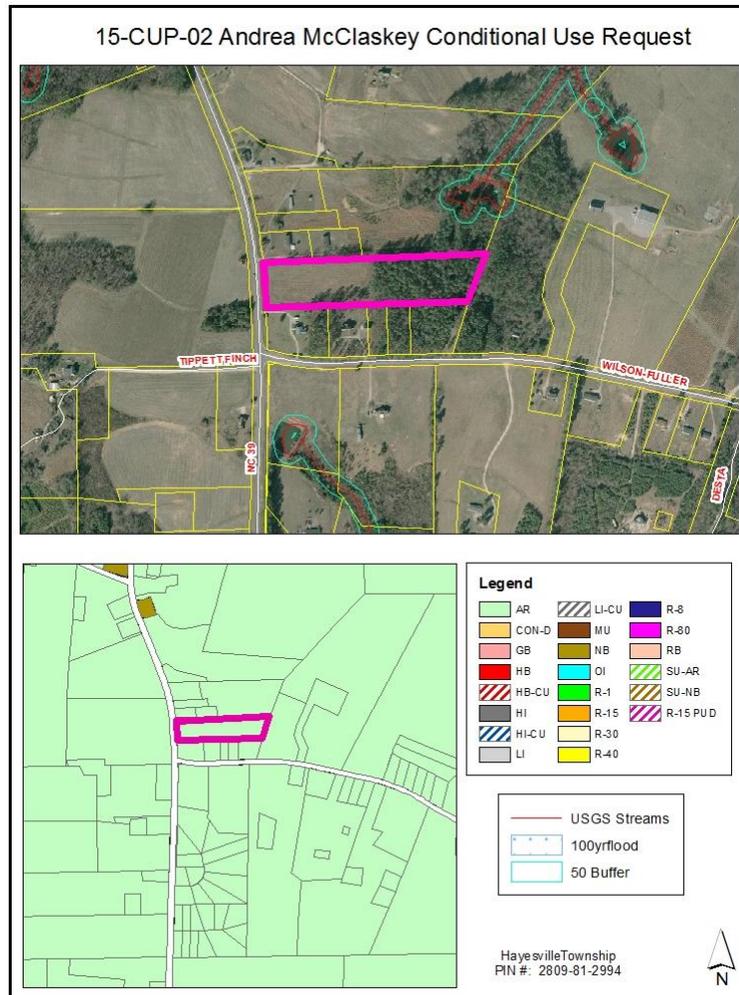
PETITIONER(S):

Name of Petitioner: Audrey R. McCaskey
Address: 8808 Neuse Town Dr.
CityStateZip: Raleigh, NC 27616

OWNER(S):

Name of Owner: SAME
Address:
CityStateZip:

LOCATION:



ATTACHMENTS:

Conditional Use Application
Site Plan

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Audrey R. McCaskey	2809-81-2994	AR	6.391
TOTAL			6.391 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	AR	Residential/Agricultural
North	AR	Residential/Agricultural
South	AR	Residential/Agricultural
East	AR	Residential/Agricultural
West	AR	Residential/Agricultural

Conditional Use Request

Conditional Use Permit Requested by Audrey R. McCaskey for a Plant Nursery/Lawn and Garden Stores on approximately 6.391 acres located at 4482 NC HWY 39 N. in Hayesville Township, Franklin County PIN 2809-81-2994.

UDO Requirements:

Section 7-3:

Use – Plant Nursery/Lawn and Garden Stores

Conditional Use Permit: AR and TND

Requirements:

- (A) *Minimum lot area.* Minimum lot area shall be the same as required for nonresidential uses in the AR district.
- (B) *Parking.* Shall conform to Article 16. Off-Street Parking and Loading Requirements. (One (1) parking space per 1000 square feet of sales area.)
- (C) *Screening.* Shall conform to Article 14. Landscape Requirements.
- (D) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.
- (E) *Outdoor storage.* Outdoor storage shall be enclosed by a six (6) foot high opaque fence

BACKGROUND INFORMATION

The applicant is petitioning the Board for a conditional use permit for a Plant Nursery/Lawn and Garden Stores on approximately 6.391 acres at 4482 NC HWY 39 N. in Hayesville Township.

The site plan shows an existing 20' driveway for ingress and egress. Seven (7) off-street parking spaces, including one (1) handicap space are shown on the site plan. The existing storage shed is being proposed as an office, but must be permitted and meet the North Carolina commercial building code. Within the application the applicant has stated that a North Carolina Department of Transportation (NCDOT) driveway permit is pending. The applicant is proposing that the existing tree line and vegetation will meet Article 14 Landscape Requirements for screening. Planning staff has visited the site and the northern and southern property line will require additional vegetation to meet buffer requirements located in Section 8-1 Notes to the Table of Area, Yard, and Height Requirements Note. 6. Buffer Strips. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Agricultural/Residential. If the Board grants approval of this request, the applicant will be required to meet all other applicable local and state requirements.

BOARD OF ADJUSTMENT FINDINGS

NOTE: Board of Adjustment Members should use the following area to make notes on evidence presented related to each of the required Findings as it is presented during the public hearing.

Section 7-2 Procedure for Conditional Use Permit Granted by the County Board of Adjustment

Conditional use permits may be issued by the Administrator, after approval by the Board of Adjustment, for the uses as designated in the table of regulations for conditional uses. The petition for a conditional use permit and the accompanying plans shall be submitted to the Administrator at least three (3) weeks prior to the regular monthly Board of Adjustment meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it as specified in Article 7. On receiving the application, the County Board of Adjustment shall give notice of a public hearing at least five (5) days prior to the date of the public hearing. At the public hearing, all interested persons shall be permitted to testify. The County Board of Adjustment shall consider the application and may approve or deny the requested conditional use permit.

The conditional use permit, if approved, shall include approval of plans as may be required. In approving the permit, the County Board of Adjustment shall find as a specific finding of fact and reflect in their minutes that the permit will comply with the following four facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

Yes_____ No_____

- (2) That the use meets all required conditions and specifications;

Yes_____ No_____

- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
Yes_____ No_____

- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.
Yes_____ No_____

In granting any conditional use permit, the Board of Adjustment may impose reasonable conditions concerning the use or development of the subject property to:

- a. insure that the criteria for the granting of such approval will be complied with; and***
- b. reduce or minimize any potentially injurious effect of the conditional use permit of development standards on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community.***

BOARD OF ADJUSTMENT MOTION

Please note that 4/5 vote is required for approval of all motions.

Suggested Motion #1:

I move to affirm that the Findings of Fact located within Section 7-2 of the UDO, have/have not been satisfied for the conditional use requested for the property located at 4482 NC 39 HWY N., Franklin County PIN 2809-81-2994.

Suggested Motion #2:

Based upon the Board's Findings of Fact, I move to approve/deny Conditional Use requested by Audrey McCluskey to allow for a Plant Nursery/Lawn and Garden Stores on 6.931 acres at 4482 NC HWY39 N., Franklin County PIN 2809-81-2994 subject to requirements located in Section 7-3 (Audrey R. McCluskey) and all other local and state requirements.

- 1. Lighting must not spill over onto adjacent properties or right of ways.**
- 2. In accordance with 2012 North Carolina Fire Prevention Code, a twenty (20) foot fire apparatus and turnaround must be provided.**
- 3. Must secure all other local and state approvals.**
- 4. All outside storage must be screened by a six (6) foot high opaque fence.**
- 5. All buildings must meet the 2012 North Carolina Commercial Building Codes.**
- 6. Permanent bathroom facilities must be constructed on site.**
- 7. Additional vegetation must be installed along the northern and southern property line to meet Section 8-1 Notes to the Table of Area, Yard, and Height Requirements. Note 6.**