

Resolution of the Chatham County Board of Commissioners

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST

BY Beth & Joseph Pendola

WHEREAS, Beth & Joseph Pendola dba Old Lystra Inn has applied to Chatham County for a conditional use permit on Parcel No. 18649, located at 1164 Old Lystra Road, Williams Township, for a Bed and Breakfast Inn, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The use being proposed is allowed in the R-1 zoning district as a conditional use permit. Adjacent and adjoining parcels are zoned R-1 Residential. There is no error in the ordinance.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, The inn was used for weddings and other events under different ownership, but the non-conforming status expired. The bed and breakfast component offered accommodations for wedding parties and guest attending the events. The location is convenient to a highly populated area of the county, as well as Orange County. Residential development is increasing in this area and more services such as this historical, outdoor, natural areas will be needed per the applicant.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. There will be no activities held in the front of the property. Peak traffic will occur on the weekends when most events are held. All parking will be accommodated on-site. Lighting and noise will meet the county's regulation and the appearance of the property will be virtually unchanged in order to maintain the rural character of the project.

Because the owners will live on site, they plan to operate on a limited basis with peak times on Saturdays during the months of March to June and September to October.

4. The requested permit is consistent with the objectives of the Land Development Plan by, Page 41 of Plan Chatham states under Goal 1 preserving the rural character and lifestyle of the county. The main house on this property will be used as the bed and breakfast. It also states to preserve and restore cultural and

historic resources that contribute to the identity of the county. The applicant has provided information on preserving the historic character and information from Pulitzer Prize winning author, Paul Green, who lived on this property. They wish to share the historic property with those who may be interested in remembering the iconic humanitarian and playwright. Photos of the historic marker and Mr. Green in front of one of the cabins has been provided in the application materials.

Page 48 of Plan Chatham encourages a mix of uses that include agriculture, large lot residential, supporting service uses, and home-based & small scale businesses as seen under the rural category. The owners of the property will continue to live on site and they will offer a rural setting for the business that promotes its preservation.

Page 68 of Plan Chatham, Strategy 7.4 encourages allowing for flexibility for rural businesses that have minimal impact on adjacent properties or rural character and this project appears to meet that strategy. There will be a slight change to the internal drive to allow for better traffic flow on the site but should not be impacted from the roadway.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. All required utilities are existing and adequate for the proposed use. The property is served by well water, septic, and private trash haulers. No additional infrastructure is needed at this time unless required by local, state, or federal regulations.

Out of the 10.034 acres, 3.61 is allowed to be covered with impervious surface which is 36% as allowed in the WSIV-PA watershed classification. Currently there is approximately 1 acre total built upon are with minimal increase proposed to accommodate the driveway reconfiguration.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant, Beth & Joseph Pendola, and incorporated herein by reference with specific conditions as listed and as shown in Attachment A below;

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission (CCAC) shall be followed. Planning staff and/or CCAC members may inspect said requirements at any time for compliance with the ordinance guidelines and standards.
2. The use as a bed and breakfast inn shall be operational within two (2) years of this approval or the permit becomes null and void.

Standard Site Conditions

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provide for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water

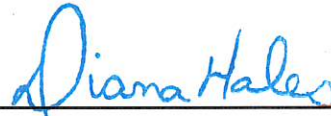
Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process and compliance with all stated regulations and standards of approval.

Standard Administrative Conditions

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 18 day of June 2018



Diana Hales, Chairman
Chatham County Board of Commissioners

ATTEST:



Lindsay K. Ray, NCCCC, Clerk to the Board
Chatham County Board of Commissioners



