



COUNTY COMMISSIONERS

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COUNTY MANAGER

Charlie Horne

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**A RESOLUTION APPROVING AN APPLICATION FOR A
CONDITIONAL USE PERMIT REQUEST
BY Brian Sawyer**

WHEREAS, Brian Sawyer has applied to Chatham County for a conditional use permit on Parcel No 82735, located at 525 Old Farrington Rd., on approximately 1.16 acres, Williams Township for a mixed use building that is limited to a contractor's office with related storage and residential on the second story 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 Neighborhood Business District lists this as a permitted use.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the applicant has had a successful landscaping and remodeling contractor business for the past 10 years, but has outgrown his current location and wants to remain in the county; His property value would be increased bringing in more revenue for the county; and there would be opportunity to employ an additional 1-2 full time positions.
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. Mr. Sawyer has agreed to have no outside storage of materials except for pickup trucks or larger and associated trailers. All other materials will be stored inside the structure. The drive has been designed for one way in and one way out in an effort to maintain safety onto the main road, screening and buffering have exceeded the requirements of the zoning ordinance, and he will maintain a "residential" appearance to the structure as well.

4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, locating in an area already supported by various “neighborhood business” uses as defined in the Zoning Ordinance, balanced growth is being obtained due to the next two adjoining tracks have also received conditional use rezoning for their respective businesses, and the entrance to the property is sited off of a side street instead of directly from the major corridor highway.

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 conditions placed on its approval as seen below. The property will abandon the existing well and will be served by county water and wastewater served by Aqua NC which also serves Governors Club and Governors Village located behind this property. The amount of impervious surface proposed is 18.3% of the 36% allowed by the ordinance.

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, Brian Sawyer, attached hereto and incorporated herein by reference with specific conditions as listed below:

Site Specific Conditions:

1. The uses permitted with this conditional use permit application are limited to those of mixed use building that is limited to a contractor’s office with related storage and residential on the second story. Storage of materials and/or equipment is limited to internal storage only, unless a revised site plan detailing a specified outside storage area and means of fencing and screening are provided and approved. This will require an amendment to the conditional use permit.
2. Outside storage of materials and/or equipment is prohibited except trucks (pickup or larger and associated trailers).
3. The structure shall maintain a “residential” appearance, as reviewed and approved by the Chatham County Appearance Commission, to the extent possible, allowing for the front entrance to the office of the business and the two roll up doors only.

Standard Site Conditions:

4. All parts of the application, notes, and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Division or other approving board before any such changes can take place.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health

Division, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of the first building permit.

6. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
7. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
8. A building permit on the primary structure shall be obtained; receive an approved passing inspection; and remain valid at all times within 12 months of this approval or the conditional use permit becomes void; or from the time of the expiration of an appeal period or any court decision, whichever is later.

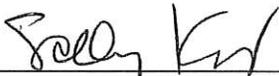
Standard Administrative Conditions:

9. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.
10. 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.
11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. 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.

(RE: Brian Sawyer CUP approval)

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 19th day of January 2010

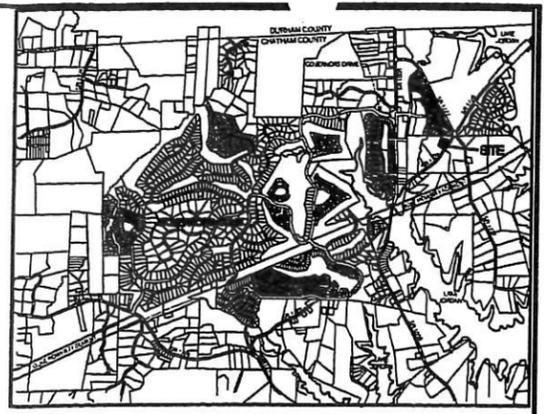
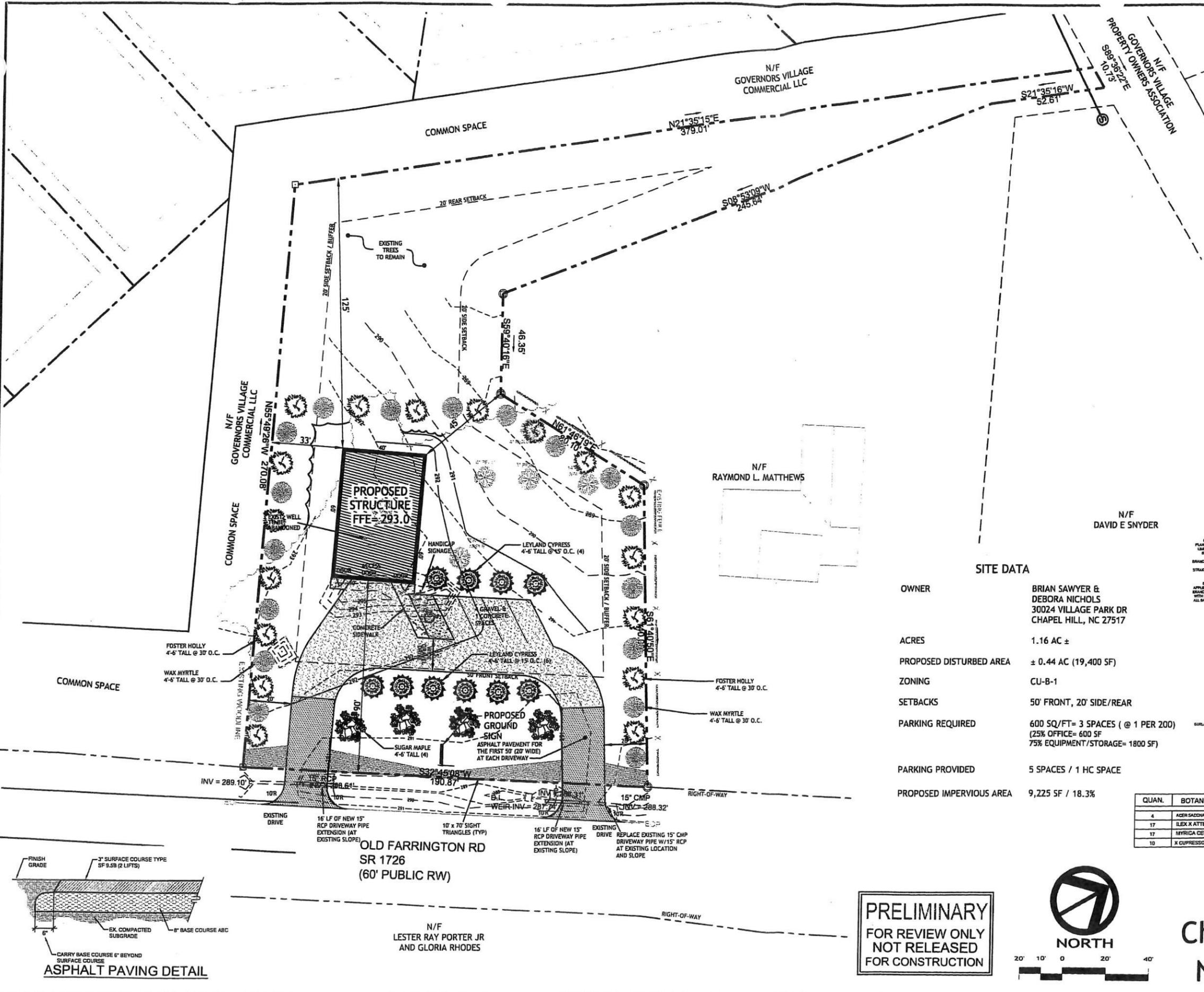
By: 

Sally Kost, Chair
Chatham County Board of Commissioners

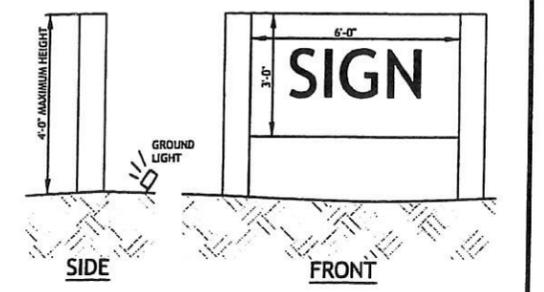
ATTEST:



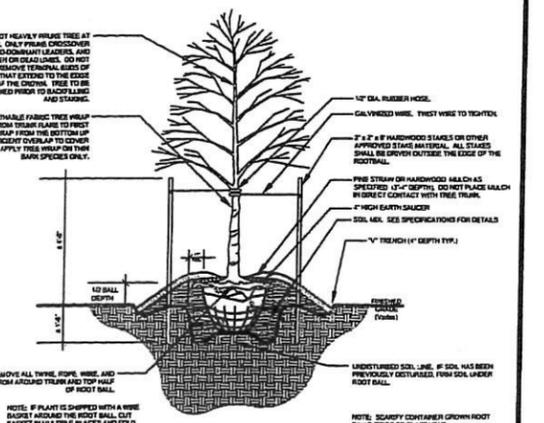
Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners



VICINITY MAP
NOT TO SCALE



SIGN DETAIL
NOT TO SCALE



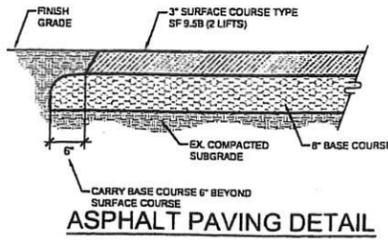
MEDIUM TREE PLANTING
NOT TO SCALE

SITE DATA

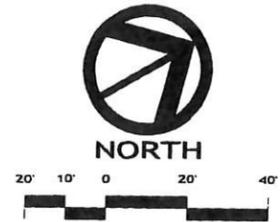
OWNER	BRIAN SAWYER & DEBORA NICHOLS 30024 VILLAGE PARK DR CHAPEL HILL, NC 27517
ACRES	1.16 AC ±
PROPOSED DISTURBED AREA	± 0.44 AC (19,400 SF)
ZONING	CU-B-1
SETBACKS	50' FRONT, 20' SIDE/REAR
PARKING REQUIRED	600 SQ/FT= 3 SPACES (@ 1 PER 200) (25% OFFICE= 600 SF 75% EQUIPMENT/STORAGE= 1800 SF)
PARKING PROVIDED	5 SPACES / 1 HC SPACE
PROPOSED IMPERVIOUS AREA	9,225 SF / 18.3%

PLANT LIST

QUAN.	BOTANICAL NAME	COMMON NAME	CAULPER	HT.	ROOT	REMARKS
4	ACER SACCARINUS GREEN MOUNTAIN	SUGAR MAPLE	-	4'-6"	B & B	Full
17	ILEX X ATTENUATA FOSTERII	FOSTER HOLLY	-	4'-6"	B & B	Full
17	MYRTICA CERIFERA	WAX MYRTLE	-	4'-6"	B & B	Full
10	X CUPRESSOCYPRUS LEYLANDII	LEYLAND CYPRESS	-	4'-6"	B & B	Full



PRELIMINARY
FOR REVIEW ONLY
NOT RELEASED
FOR CONSTRUCTION



SITE PLAN
Exhibit
Chatham County, NC
November 12, 2009