STATE OF NORTH CAROLINA BEFORE THE ZONING BOARD OF ADJUSTMENT

COUNTY OF HENDERSON FILE NUMBER: SUP-19-02

IN THE MATTER OF THE APPLICATION OF

turf mountain sod DBA MOUNTAIN STORAGE, Applicant,

to the

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,

Permit Authority,

Regarding

OUTDOOR STORAGE GREATER THAN 5000SQFT

The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing February 27, 2019 to consider the application SUP-19-02, seeking a special use permit to allow use of certain property for the use “Outdoor Storage >5000sqft” under the Chapter 42 of the Henderson County Code (“the Code”), and the related issue of a variance from one provision of Supplemental Requirement 2.10 of the Code for such use. The application was submitted by owners of the property in question. Having heard all of the evidence and arguments presented at the hearing, the Zoning Board of Adjustment makes the following findings of fact:

1. A quasi-judicial hearing was held by the Henderson County Zoning Board of Adjustment on the special use permit application SUP-19-02. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Ronald S. Kauffman, Chair

Louise St.Romain

Robert Pierce

Hilliard Staton

Jim Hysong

Alternate: Edward Marshall

1. All members of the Zoning Board of Adjustment affirmed their ability to make an impartial decision in this matter, and no party or member objected to any other member’s participation in this hearing.
2. Notice of the quasi-judicial hearing, pursuant to the Code was duly and timely given in accord with the provisions of §42-371. This included mailing to the applicants and all adjacent property owners to the boundary of the subject property and the posting of notice on the subject property.
3. This application was filed by Fred Pittillo (the “Applicant”), as applicant and property owner. The property to be included in the special use consists of Henderson County PIN 9680897215. This property is currently zoned Residential Two Rural (R2R). “Outdoor Storage” is a permitted use in this district with a special use permit.
4. At the commencement of this hearing, the Chair stated that the Board recognized the Applicants and Henderson County staff as parties to this hearing, and inquired whether any person or entity sought to become a party to this action. Adjoining owner Julie Williams was sworn in as a party.
5. In order to grant any special use, the Board must find that the proposed use will:
   1. Not materially endanger the public health, safety or welfare;
   2. Not substantially injure the value of property or improvements in the area; and
   3. Be in harmony with the surrounding area.
6. The information contained in the Request for Board Action and staff report was received by the Board without objection. The statements found therein are found to be fact by this Board.
7. The Board must find that the proposed use meets the specific standards for each specific special use set out in the Henderson County Land Development Code, Chapter 42 of the Henderson County Code. The use proposed here is “Outdoor Storage”. The specific standards for the proposed use are set out in Supplemental Regulation SR 2.10 of the Land Development Code, found at Section 42-63 thereof. The standards are as follows:
8. Julie Williams spoke on behalf of her mother Barbara Hora. Ms. Hora has property north of the subject property at a lower elevation and had been experiencing stormwater runoff from the project.
9. The Special Use, having met all conditions should be granted subject to the express condition that the Applicant meet the conditions of Supplemental Requirement 2.10.
10. From the foregoing, the Zoning Board of Adjustment concludes as follows:
11. All parties were properly before the Board, and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.
12. The Zoning Board of Adjustment has jurisdiction to hear this matter.
13. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
14. The application for the special use permit must be granted, thought the special use permit is subject to the express condition stated above.

**IT IS THEREFORE ORDERED** by the Henderson County Zoning Board of Adjustment that Henderson County special use permit amendment application number SUP-19-02 is hereby granted on the condition stated above.

Announced 27 February 2019, and approved in final form, this the 27th day of March 2019.

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RONALD S. KAUFFMAN, Acting as Chair

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TOBY LINVILLE, Secretary to the Zoning Board of Adjustment